

The BBNJ (Biodiversity Beyond National Jurisdiction) Agreement (aka The High Seas Treaty) – an Explainer

Peter Croker, The M Horizon (UK) Limited, August 2024

References

2023 Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (<https://www.un.org/Depts/los/bbnj.htm>)

Croker, P.F. (2025) Rockall Bank and Porcupine Bank MPAs and VMEs (<https://the-m-horizon.com/#case-studies>)

Croker, P.F. (2011) Extending Ireland's continental shelf jurisdiction to the outer limits in the Porcupine Abyssal Plain: progress, issues and experience to date. OPRF Seminar, February 2011, Tokyo (available on ResearchGate)

Croker, P.F. (2007) Scientific and technical aspects of an extended continental shelf submission: Part 2 – practical application. ITLOS Seminar, October 2007, Hamburg (available on ResearchGate)

The Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, also known as the “BBNJ Agreement”, was adopted on 19 June 2023. On 19 September 2025, the conditions for the entry into force of the above-mentioned Agreement were met. Accordingly, the Agreement will enter into force on 17 January 2026.

The BBNJ Agreement covers four main issues:

- Marine genetic resources, including the fair and equitable sharing of benefits;
- Measures such as area-based management tools, including marine protected areas;
- Environmental impact assessments; and
- Capacity-building and the transfer of marine technology.

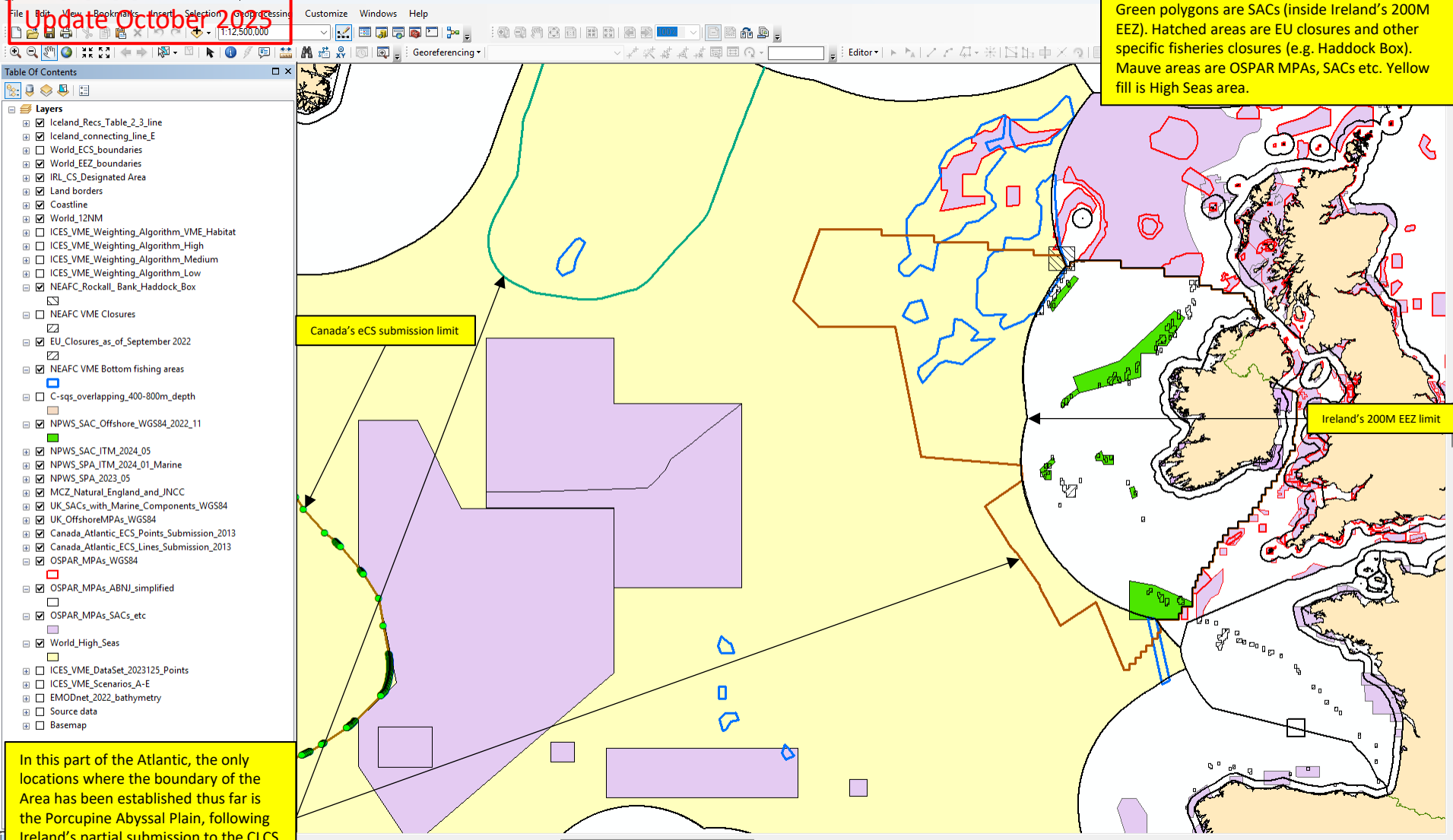
It also addresses so-called “cross-cutting issues”, which are transversal topics that support the implementation of the Agreement and are relevant to the four main issues.

“Areas beyond National Jurisdiction” means the High Seas and the Area.

Nothing in the Agreement will prejudice the rights, jurisdiction and duties of States under the (UNCLOS) Convention, including in respect of the Exclusive Economic Zone and the continental shelf within and beyond 200 nautical miles.

Update October 2025

Green polygons are SACs (inside Ireland's 200M EEZ). Hatched areas are EU closures and other specific fisheries closures (e.g. Haddock Box). Mauve areas are OSPAR MPAs, SACs etc. Yellow fill is High Seas area.



Canada's eCS submission limit

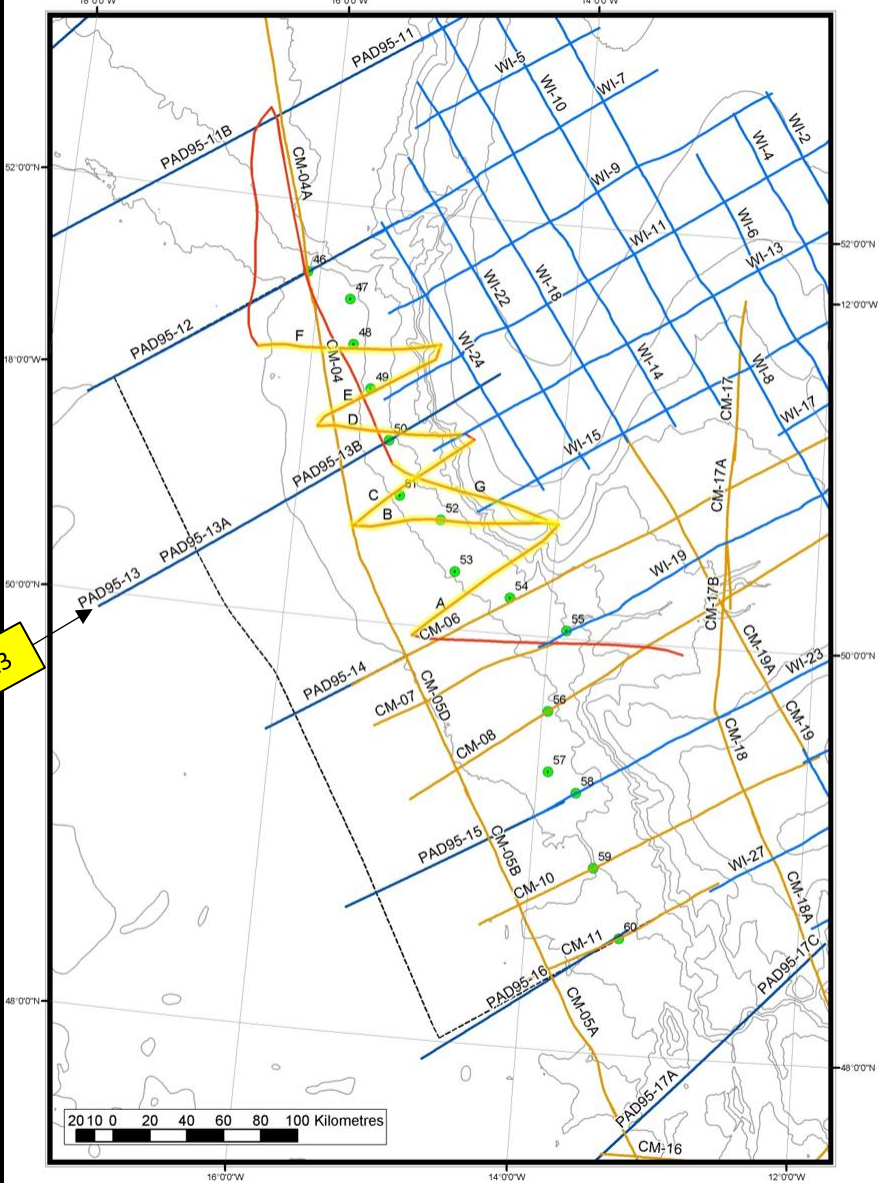
Ireland's 200M EEZ limit

In this part of the Atlantic, the only locations where the boundary of the Area has been established thus far is the Porcupine Abyssal Plain, following Ireland's partial submission to the CLCS in 2005, and more recently SW of Iceland, along the Reykjanes Ridge.

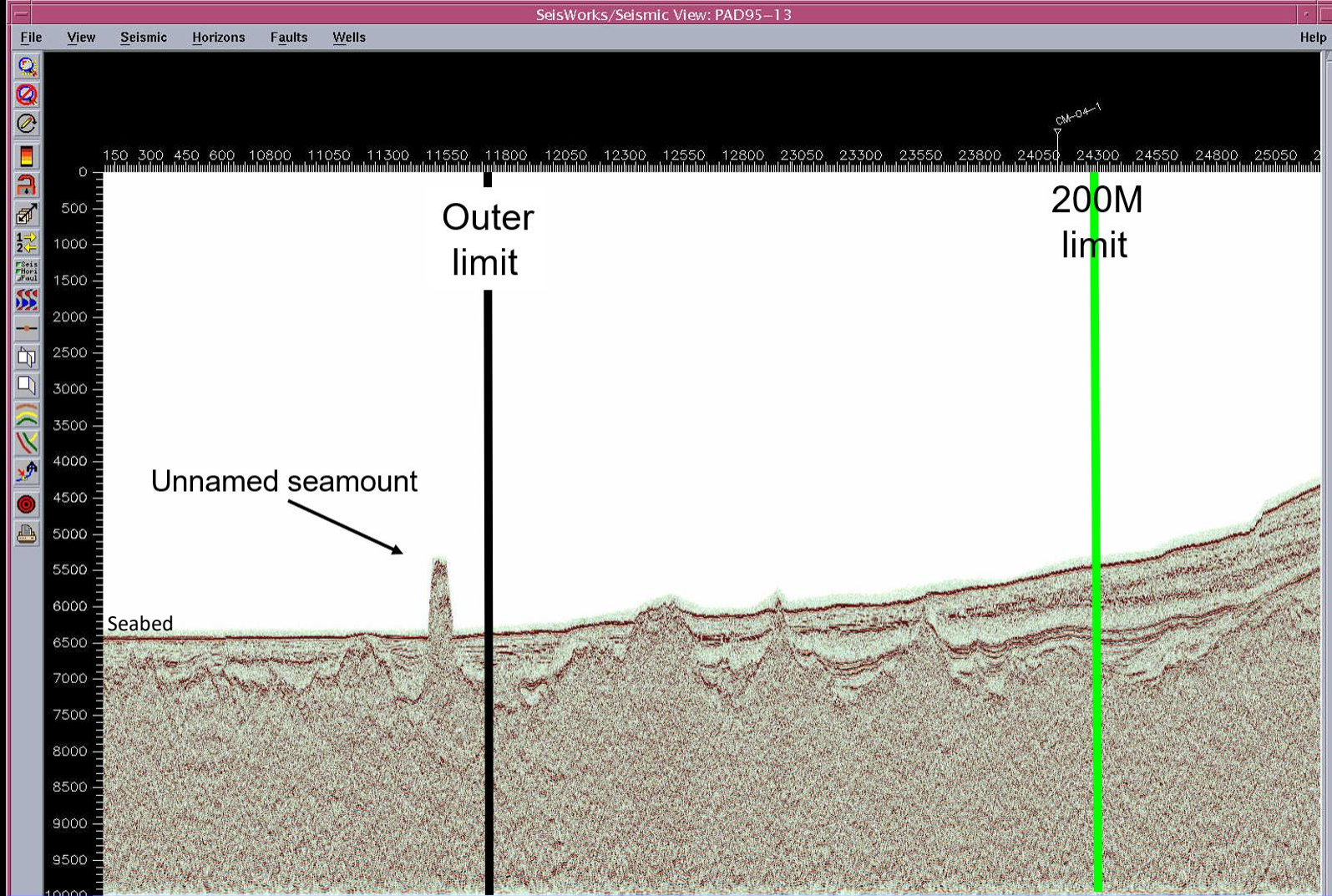
Overview map NE Atlantic

Location of seismic profiles across the Porcupine Abyssal Plain.

Seismic line PAD95-13



From Croker (2007)



From
Crocker
(2011)

EEZ (200M limit) and Outer Limit of Continental Shelf located on seismic profile PAD95-13 in the Porcupine Abyssal Plain.

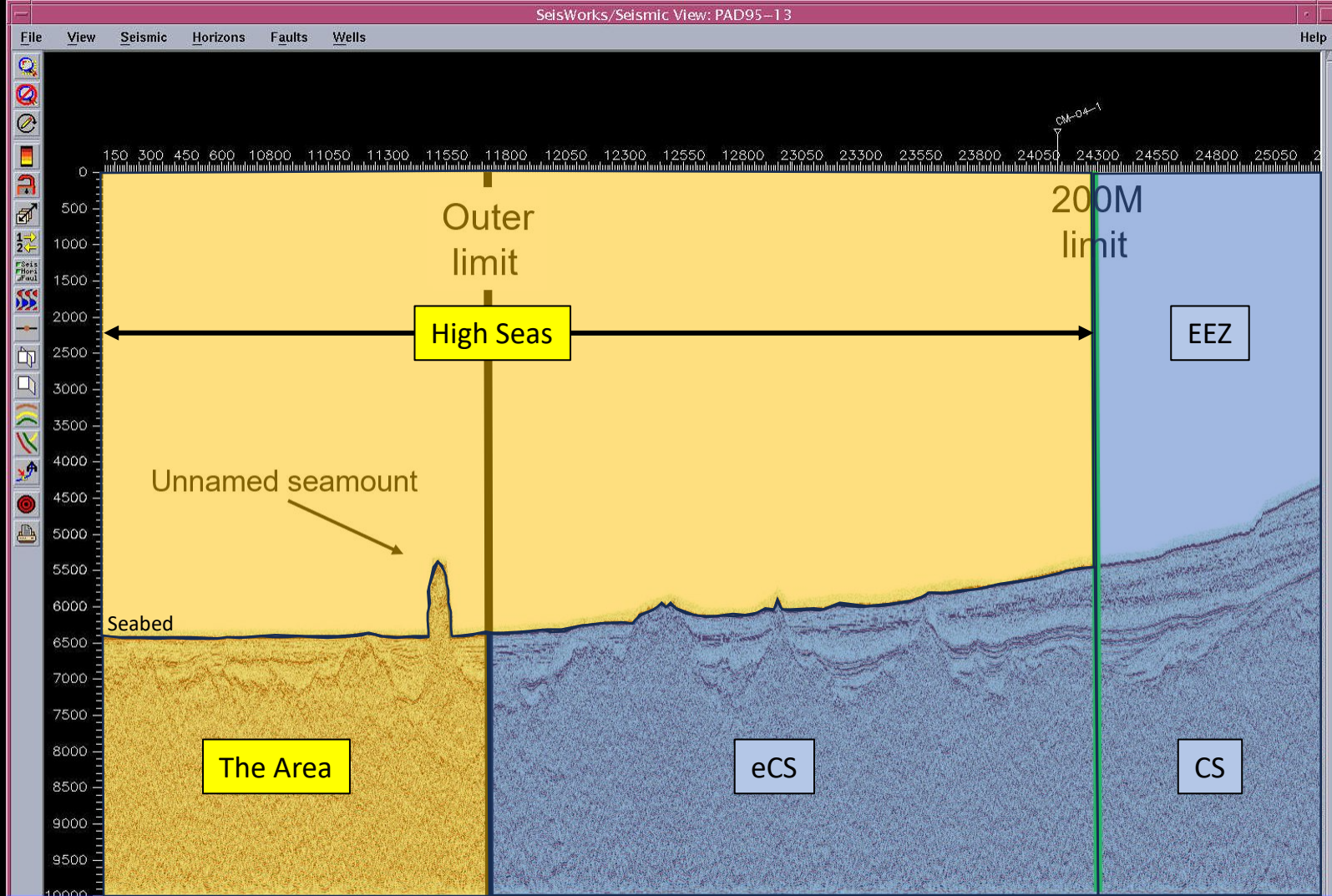


Illustration of areas under National Jurisdiction (Exclusive Economic Zone (EEZ), Continental Shelf (CS) and extended Continental Shelf (eCS)) and those Beyond National Jurisdiction (High Seas and the Area). Note that the terms 'Continental Shelf' and 'extended Continental Shelf' in this context are legal/administrative terms rather than being understood in a geological sense.

Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and the Convening of the First Meeting of the Conference of the Parties to the Agreement

Organizational meeting

New York, 24-26 June 2024

Janine Coye-Felson, Deputy Permanent Representative of Belize to the United Nations, and Adam McCarthy, Chief Counsel and First Assistant Secretary at the Department of Foreign Affairs and Trade of Australia were elected Co-Chairs of the Preparatory Commission at the organizational meeting of the Commission, held from 24 to 26 June 2024.

Progress and issues addressed by the Second Meeting of the Preparatory Commission for the Entry into Force of the Agreement

1. Governance issues (Informal Working Group I)

2. Issues pertaining to the operation of the Clearing-House Mechanism (Informal Working Group II)

Draft terms of reference for operationalization of the CHM were reviewed.

3. Financial rules, and financial resources and mechanism (Informal Working Group III)

Progress was made on draft financial rules governing the funding of the COP and the Secretariat. The operationalization of a special fund was prioritized, and preliminary views on a voluntary trust fund were exchanged.

Other matters discussed

Initial discussions on Subsidiary Bodies.

Secretariat Arrangements.

The Commission reviewed a draft memorandum of understanding with the Global Environment Facility (GEF), and the Commission also discussed possible provisional guidance to the GEF ninth replenishment process.

Schedule of meetings

First Session, 14-25 April 2025 (Prep Com I)

Second Session, 18-29 August 2025 (Prep Com II)

Third Session, 23 March to 2 April 2026 (Prep Com III)

First meeting of the Conference of Parties likely to follow in the second half of 2026