

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>)

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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)

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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 entered 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 July 2026

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.

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GO-SHIP sampling stations Jul-Aug 2026 under BBNJ regime

Canada's eCS submission limit

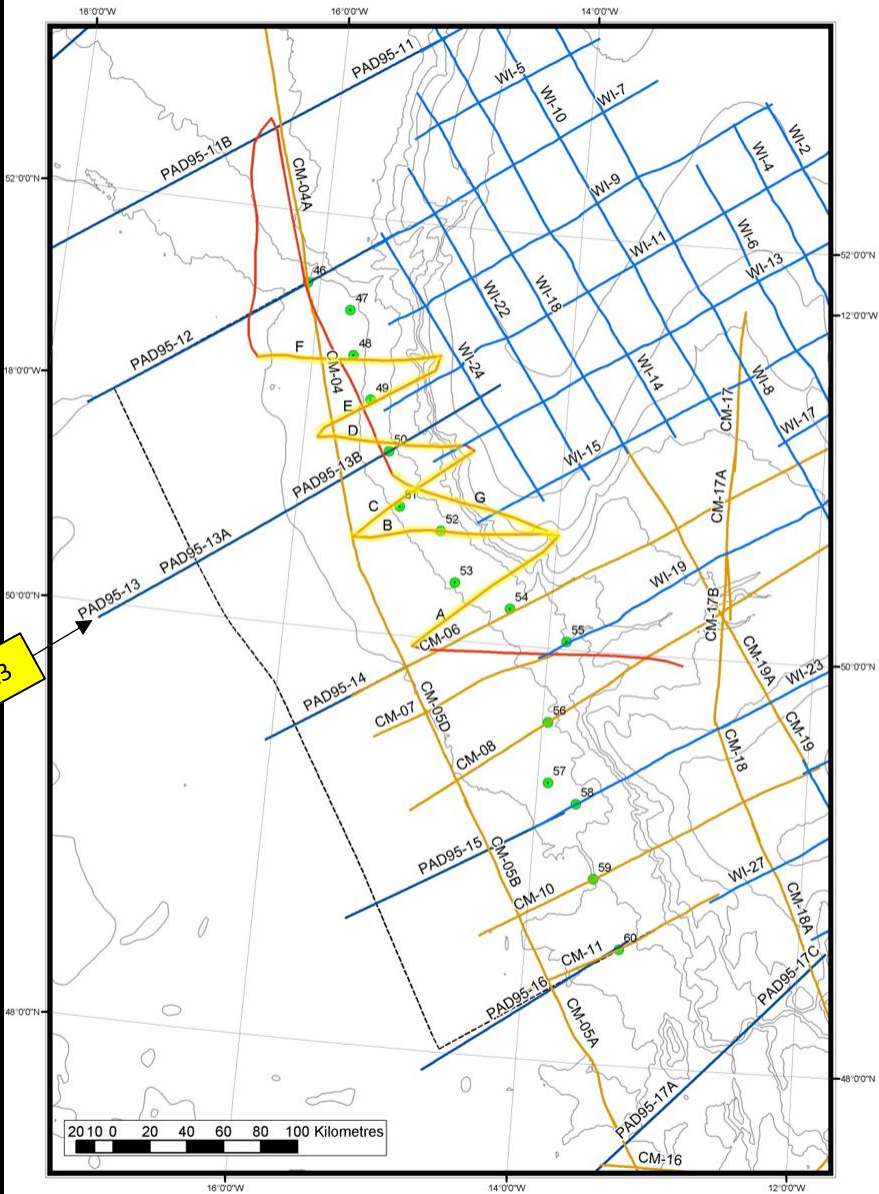
Ireland's 200M EEZ limit

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.

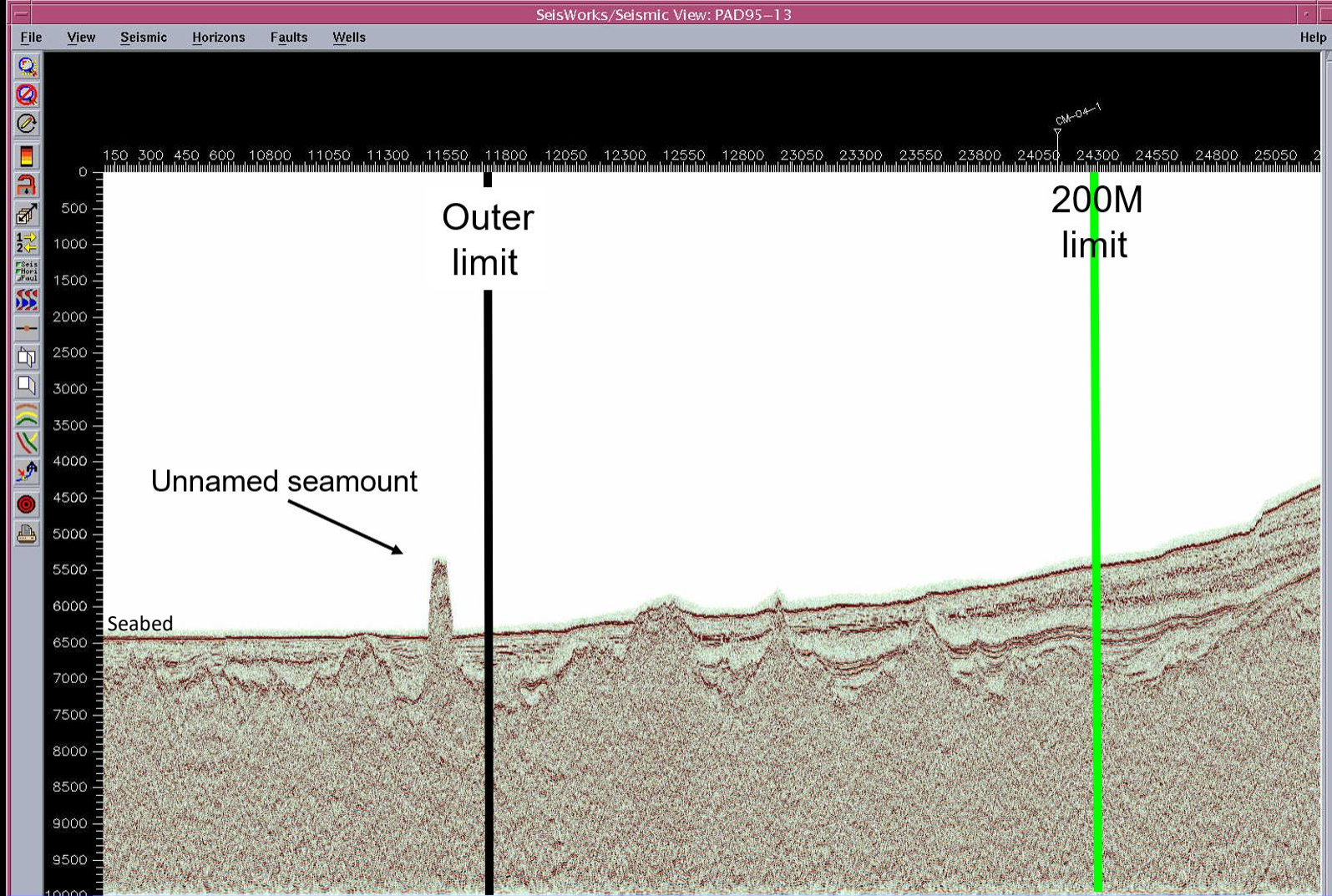
Overview map NE Atlantic

Location of seismic profiles across the Porcupine Abyssal Plain.

Seismic line PAD95-13

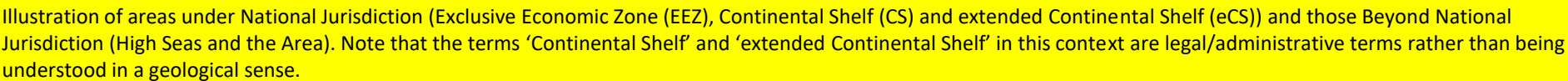


From Croker (2007)



From
Croker
(2011)

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



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 Session 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)

Progress and issues addressed by the Third Session of the Preparatory Commission for the Entry into Force of the Agreement

Regarding the dates of the first meeting of the Conference to the Parties to the Agreement, the Co-Chairs informed the Preparatory Commission that, pursuant to General Assembly resolution 80/107, and following consultations with the Bureau, they would recommend to the Secretary-General that the first meeting be convened from 11 to 22 January 2027 at United Nations Headquarters.

Concerning the modalities for the operation of the Clearing-House Mechanism, the Preparatory Commission considered a consolidated draft study on the technical aspects of the operationalization of the Clearing-House Mechanism, prepared through a consultancy under the supervision of the Division and circulated to delegations in advance of the session. A number of informal informals, co-facilitated by Palau and New Zealand, were held during the session to explore the way forward, including to identify possible work to be carried out during the intersessional period following the conclusion of the third session and in the lead-up to the first meeting of the Conference of the Parties.

Progress with regard to all the other issues is essentially captured by the 11 Annexes to the PrepCom Report issued after the Third Session. These are as follows:

Annex I: Draft Rules of Procedure for the COP

Annex II: Draft terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies
Numbers of members agreed as follows:

ABSC: 15 members ($V*2+5$)

CBTMTC: 22 members ($V*3+7$)

ICC: 14 members ($V*2+4$)

FC: x members (TBD)

S&TB: 35 members ($V*5+10$)

(V denotes the number of UN Regional Groups, i.e. 5)

Annex III: Draft decision on the relationship between the BBNJ Secretariat and the United Nations

Annex IV: Draft decision on modalities for the decision on the seat of the Secretariat

During the Session, the Commission heard presentations by the States offering to host the Secretariat, namely Belgium, Chile and China

Progress and issues addressed by the Third Session of the Preparatory Commission for the Entry into Force of the Agreement

Annex V: Draft Financial Rules

Annex VI: Draft MOU with the GEF Council

Annex VII: Arrangements to enhance cooperation with relevant frameworks and bodies

Annex VIII: Operationalization of the special fund established under the Agreement

Annex IX: Draft terms of reference for the voluntary trust fund

Annex X: Reporting requirements

Annex XI: List of documents

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First meeting of the Conference of Parties to be convened 11-22 January 2027 at UNHQ