



Presentation on High Seas Treaty or “BBNJ”

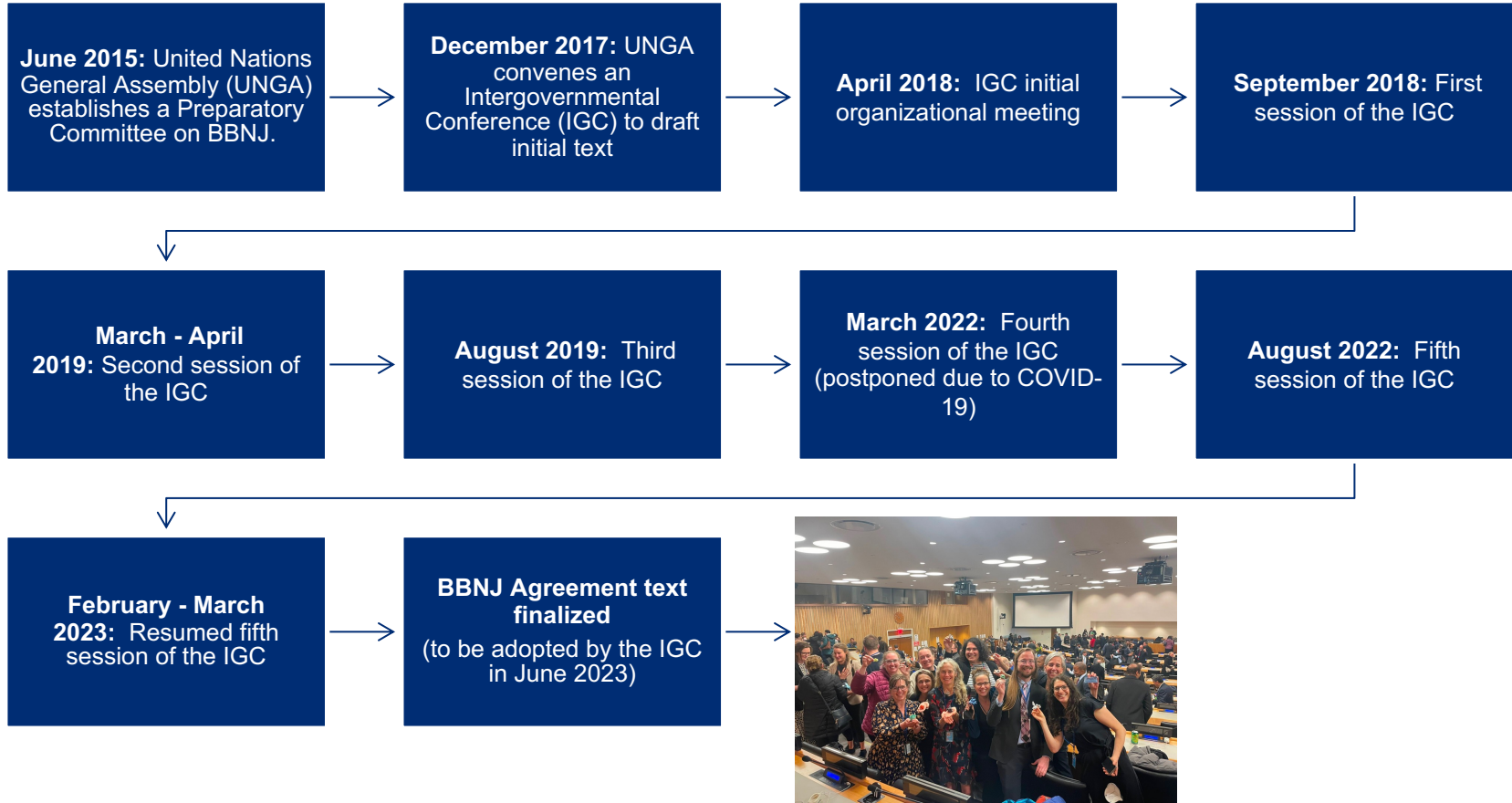
Also known as the international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

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May 17, 2023



Today's Focus

- **History and structure of BBNJ Agreement**
- **Key parts of the Agreement**
- **Closer look at the Marine Genetic Resources provisions**
- **Next steps**
- **Q & A**





Structure of BBNJ: Four Agreements in One



Marine Genetic Resources, Including the Fair and Equitable Sharing of Benefits (MGR)

Area-Based Management Tools, Including Marine Protected Areas (ABMT)

Environmental Impact Assessments (EIA)

Capacity Building and Transfer of Marine Technology (CBTMT)

General Provisions, Institutional Arrangements, Funding, Dispute Settlement, Final Provisions

Key Provisions: Area-Based Management Tools

BBNJ establishes a collaborative, cross-sectoral approach to setting up ABMTs, including marine protected areas (MPAs) in the high seas.

Provisions for proposals for ABMTs/MPAs	An inclusive system of consultation	Robust scientific assessment to inform decisions	Provisions to establish ABMTs , including MPAs	Ability to adopt measures where there is no existing body with competence to do so	Ability to make recommendations on measures where measures are within competence of existing body	Parties may opt-out of measures adopted by the COP on a limited number of bases
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Key Provisions: Environmental Impact Assessments

BBNJ establishes an EIA process for activities on the high seas that would bring other countries up to the standards of the United States.

Provisions for **comprehensive and rigorous** assessments of activities on the high seas

Provisions to **harmonize** BBNJ with EIAs conducted under other international bodies

State decision-making on activities on the high seas under their jurisdiction or control following an EIA

Key Provisions: Capacity Building & Transfer of Marine Technology

BBNJ outlines the process by which Parties (within their capabilities) must ensure capacity building and cooperate to achieve transfer of marine technology to developing States Parties to achieve BBNJ objectives.

A list of the types of capacity building that might be provided, ranging from research opportunities to technical training

Transfer of marine technology must be on **fair and most favorable terms** and on **mutually agreed terms**

Balance between the **needs for CBTMT** to implement the agreement and the **need to protect the IPR** of stakeholders

Key Provisions: Marine Genetic Resources

BBNJ creates a system for the fair and equitable sharing of benefits arising from activities related to MGR of ABNJ, such as collection, access to MGR stored in repositories, and utilization of MGR and digital sequence information (DSI).

A notification system for activities with respect to MGR and DSI

Non-monetary benefit sharing
Access to samples of MGR or access DSI generated from MGR

Monetary benefit sharing Paid by developed States: 50% of, and in addition to, assessed contributions; option for the COP to determine an alternate monetary benefit provision in the future

NO definition of DSI; **clarity** that MGR and DSI are distinct from one another

NO language stating that MGR are the common heritage of mankind

Intellectual property rights (IPR) protections in **three separate articles**

MGR Notification System

Pre-collection
Notification



Basic information is shared to the BBNJ Clearinghouse Mechanism before collection such as geographical areas, methods of collection, the dates of collection, opportunities for collaboration by other States, and a data management plan

Post-collection
Notification

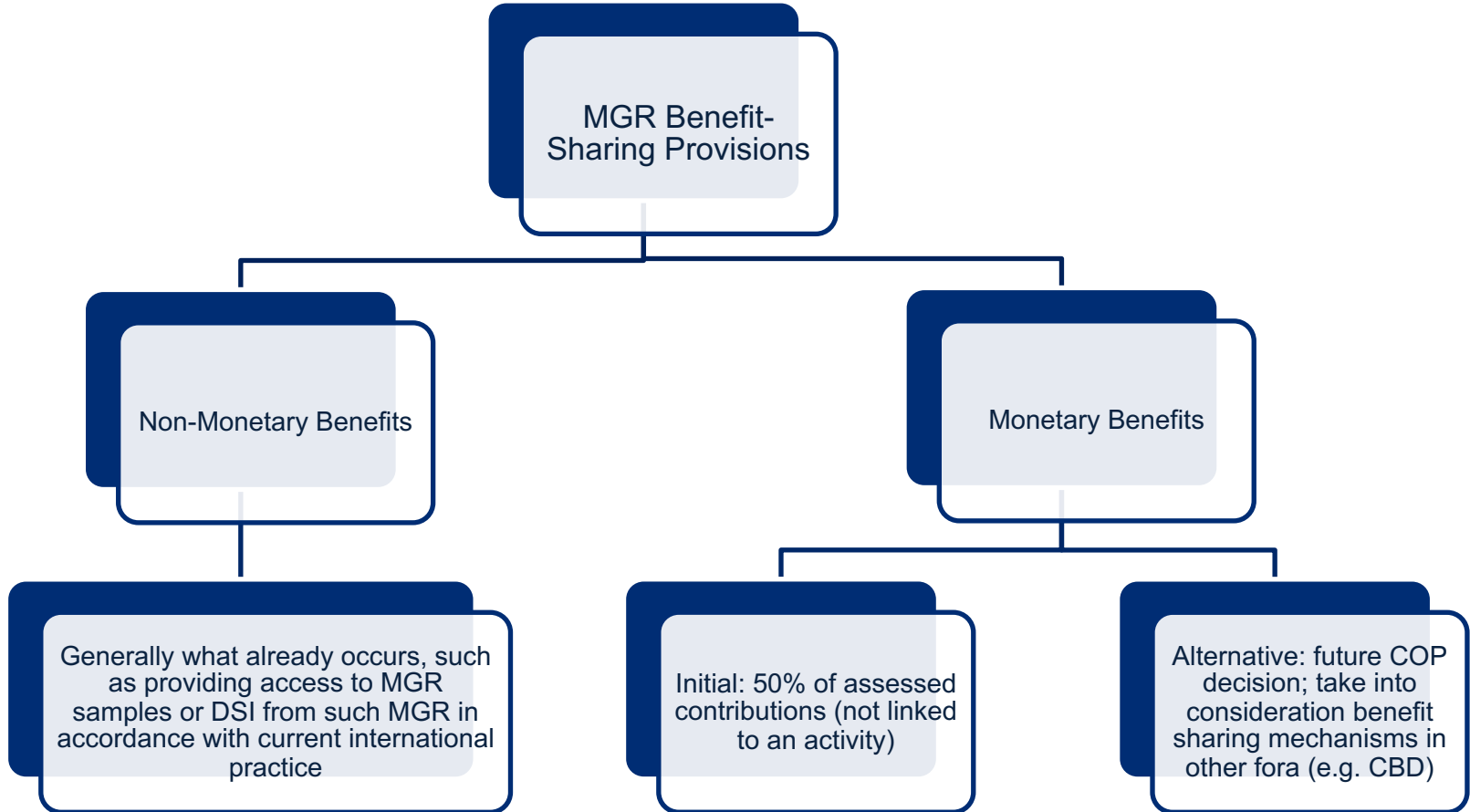


Post-collection information via a report that is shared to the Clearinghouse, along with information on where MGR samples and digital sequence information from such MGR will be held

Utilization
Results



Information regarding *where* results on utilization of MGR and DSI of MGR can be found, *if available*





Next Steps

- **Now:** Technical scrub of the final text and translations (at UN)
- **June 2023:** Adoption of the final text by IGC
- Analysis of domestic implementing authorities by the interagency
- Interagency process on determine next steps
- **September 2023 (tentative):** Agreement open for signature
- Entry into force after 60 ratifications



Questions?

