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

Allison Reed
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
June 2015: United Nations General Assembly (UNGA) establishes a Preparatory Committee on BBNJ.

December 2017: UNGA convenes an Intergovernmental Conference (IGC) to draft initial text.

April 2018: IGC initial organizational meeting.

September 2018: First session of the IGC.

March - April 2019: Second session of the IGC.

August 2019: Third session of the IGC.

March 2022: Fourth session of the IGC (postponed due to COVID-19).

August 2022: Fifth session of the IGC.

February - March 2023: Resumed fifth session of the IGC.

BBNJ Agreement text finalized (to be adopted by the IGC in June 2023).
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.

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

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<th>A list of the types of capacity building that might be provided, ranging from research opportunities to technical training</th>
<th>Transfer of marine technology must be on fair and most favorable terms and on mutually agreed terms</th>
<th>Balance between the needs for CBTMT to implement the agreement and the need to protect the IPR of stakeholders</th>
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# 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** |

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- **Non-monetary benefit sharing**: Access to samples of MGR or access DSI generated from MGR.
- **A notification system**: For activities with respect to MGR and DSI.
- **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.
MGR Benefit-Sharing Provisions

Non-Monetary Benefits
- Generally what already occurs, such as providing access to MGR samples or DSI from such MGR in accordance with current international practice

Monetary Benefits
- Initial: 50% of assessed contributions (not linked to an activity)
- Alternative: future COP decision; take into consideration benefit sharing mechanisms in other fora (e.g. CBD)
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?