

The High Seas Treaty (BBNJ)



By: Hellen Kuria
Africa Coordinator, High Seas Alliance



HIGH SEAS ALLIANCE



OUR MISSION IS

TO CONSERVE THE WORLD'S HIGH SEAS WHICH COVER HALF OF OUR PLANET



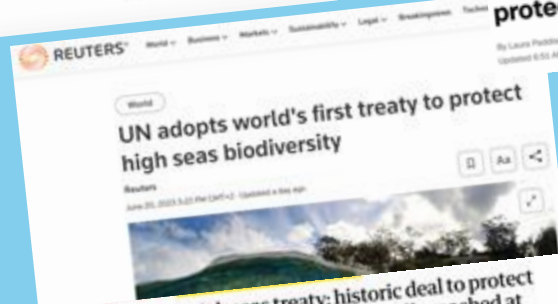
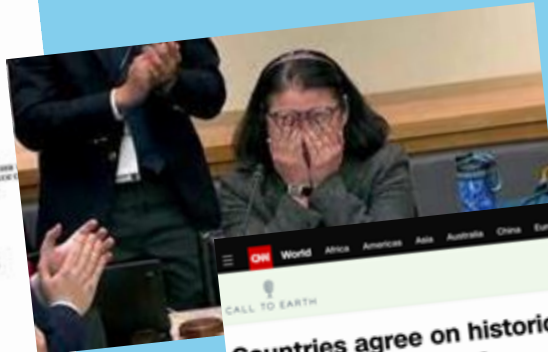
- Established in 2011 to build a strong common voice and constituency for the conservation of the High Seas
- Registered in 2023 in the Netherlands
- 60+ members



ON 4 MARCH 2023

A NEW TREATY WAS AGREED

THAT CHANGED THE COURSE OF OCEAN HISTORY

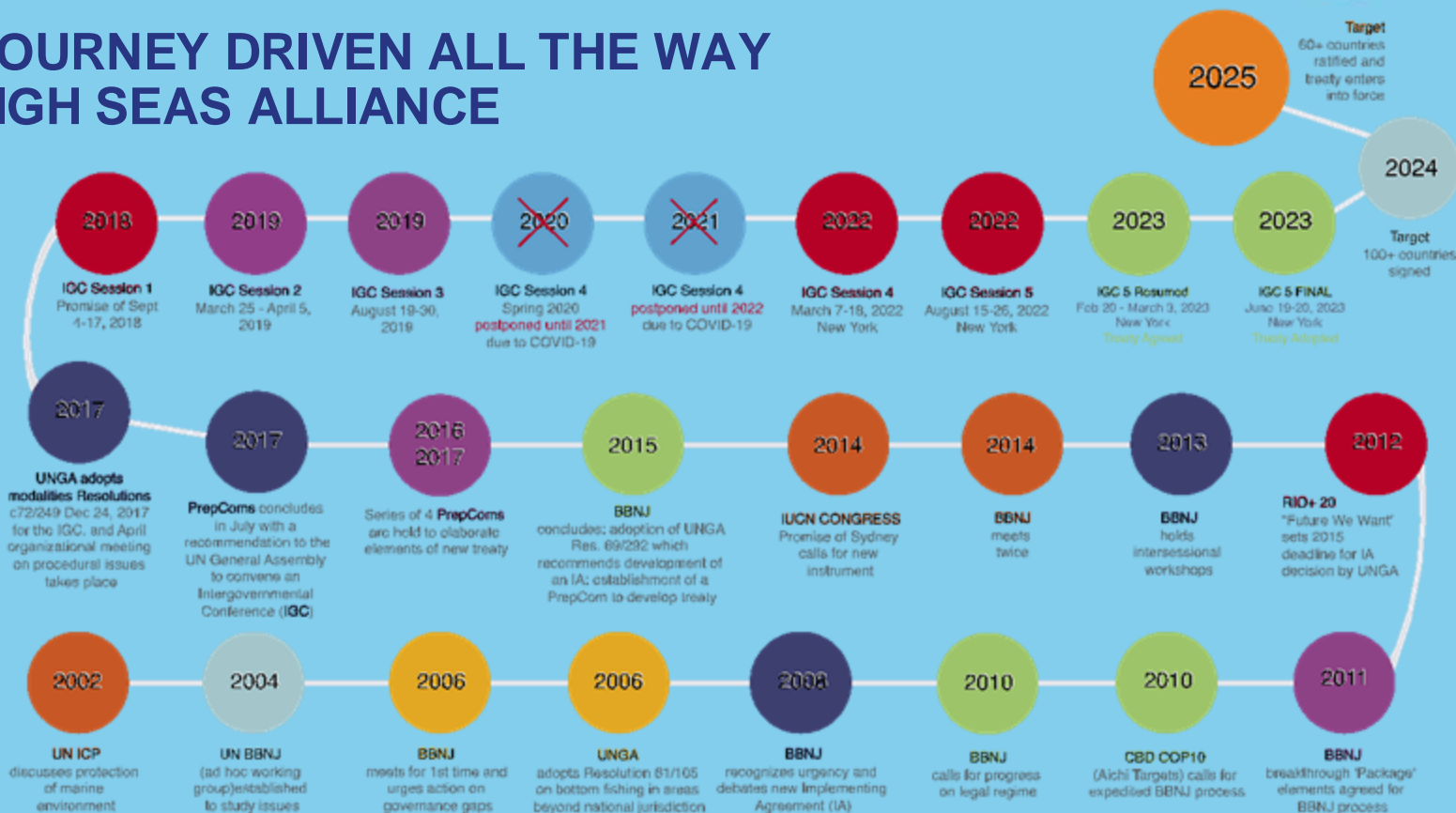


ROAD TO THE TREATY



A LONG JOURNEY DRIVEN ALL THE WAY BY THE HIGH SEAS ALLIANCE

Towards an international legally binding instrument on marine biodiversity in areas beyond national jurisdiction





WHY THE HIGH SEAS?

HALF of the planet's surface

Teeming with **LIFE**

REGULATES the **CLIMATE**

STORES **excess** **CARBON**

Provides **FOOD**

Supports **LIVELIHOODS**

Essential for **REACHING 30x30**

RICH OCEAN LIFE



Shutterstock

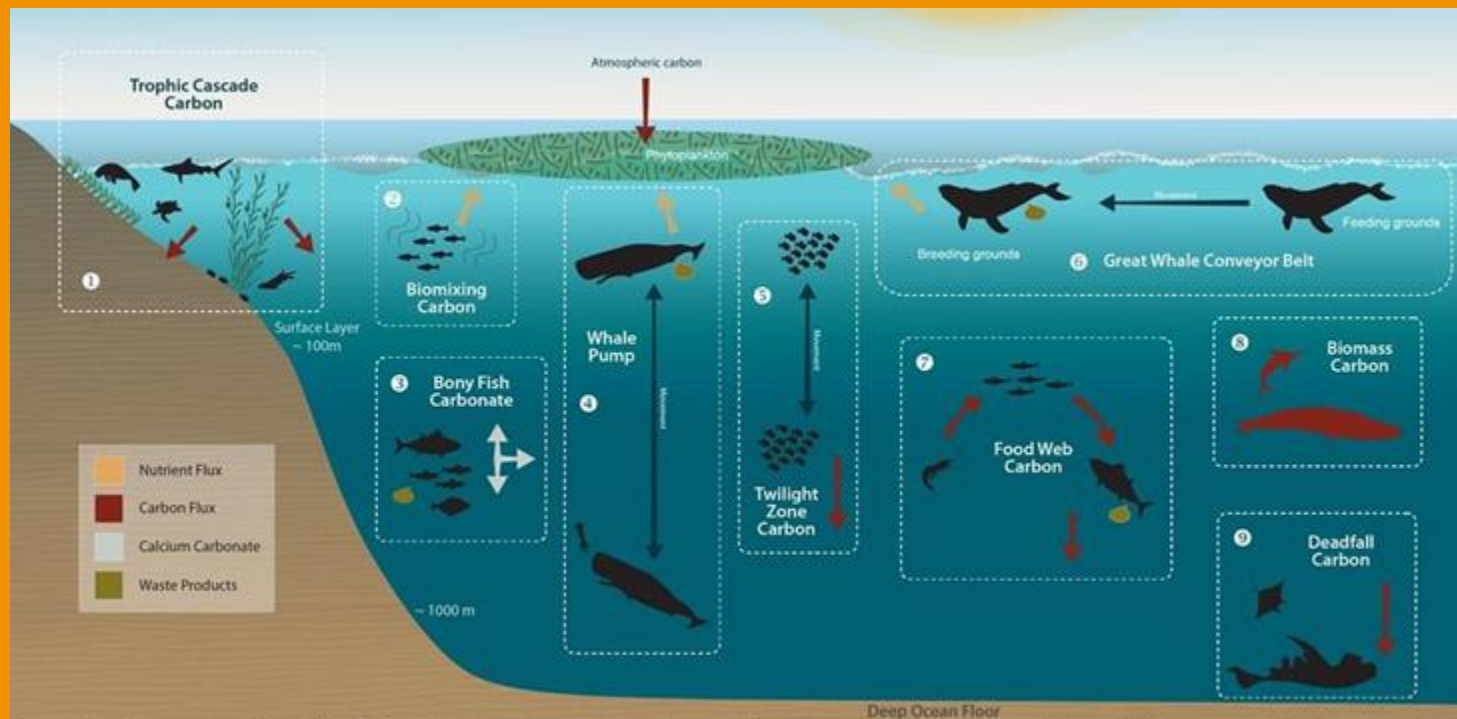
CLIMATE REGULATOR

Largest store of organic **CARBON**

Produces \pm half of our **OXYGEN**

Absorbs \pm 30% of **CO₂ EMISSIONS**

Absorbed > 90% of excess **HEAT**



FOOD AND LIVELIHOODS



Where are we now?



- **Open for Signature:** 20 September 2023 to 20 September 2025
- **#RaceforRatification campaign** – 60 countries need to ratify before entry into force: Campaign Target – UNOC3 in 2025 in Paris, France.
- **Strong Treaty Institutions:** Discussions on set up institutional arrangements - CoP, Scientific and Technical body, finance and compliance committees, and funds for finance.
- **PrepCom:**
 - Organizational Meeting of the Preparatory Commission in June 2024.
 - Will meet two times in 2025 and one time in 2026.
 - **Bureau:** Belize, Japan, Philippines, Singapore, Latvia, Poland, Romania, Antigua & Barbuda, Brazil, Chile, Australia, Belgium, Germany, South Africa, Mauritius and Sierra Leone.



#RaceForRatification in Africa

Signed: Botswana, Burkina Faso, Cabo Verde, Congo, Cote d' Ivoire, Egypt, Gabon, Gambia, Ghana, Kenya, Liberia, Madagascar, Malawi, Mauritania, Mauritius, Morrocco, Nigeria, Sao Tome/Principe, Sierra Leone, Togo, Tanzania & Zambia



- 22 signatures to date, 2 ratifications from WIO
- West Africa has the most signatures
- 17 ratifications from Africa to reach a critical m

WHAT IS IN THE TREATY?



1. High Seas Area Based Management Tools *incl. MPAs*
2. Marine Genetic Resources
3. Environmental Impact Assessments
4. Capacity Building And Transfer Of Marine Technology, Including Through A Finance Mechanism

*Besides Biodiversity, the treaty also mentions **climate change**, **ocean acidification** and **plastic pollution**, **indigenous knowledge**.*

30X30

FROM GLOBAL OCEAN TREATY
TO PROTECTION AT SEA



AREA-BASED MANAGEMENT TOOLS INCL. MPAs

- Helps deliver 30x30 by providing **CLEAR RULES AND PROCESS** on **MARINE PROTECTED AREAS (MPAs)** in the High Seas.
- Sets objective of ***creating connected networks of MPAs*** and outlines a robust process to create them.

AREA-BASED MANAGEMENT TOOLS *CONT.*

- Efficient decision-making by allowing MPAs to be established by **vote at the Conference of Parties (CoP)**.
- Build **capacity and technology transfer to support developing countries in developing, monitoring, and managing MPAs**.
- Allow CoP to adopt measures to respond to natural or human-caused emergencies.
- **Accountability and science** brought into decision making



PROCESS FOR CREATING MPAs



- 1. PROPOSAL:** State(s) submit MPA proposal to Secretariat (includes area, threats, draft management measures) based on best available science & collaborate and consult with stakeholders, including rights-holders, indigenous and local communities & civil society
- 2. PRELIMINARY REVIEW & SUBMISSION:** Secretariat makes proposal publicly available & transmits to Science & Technical body (STB) for preliminary review
- 3. CONSULTATION:** open to all relevant stakeholders
- 4. STB REVIEW:** Revised proposal based on input & submitted to STB which assesses and provides recommendation to BBNJ CoP
- 5. CoP DECISION** on establishing the MPA. If no consensus then $\frac{3}{4}$ majority and op—out
- 6. MONITORING & REVIEW:** Parties to report to the BBNJ CoP on implementation, STB to monitor and review ABMTs/MPAs. The BBNJ CoP may extend, amend, revoke ABMTs/MPAs as necessary

Proposed 1st Tier High Seas MPAS (HSA)



SALAS Y GÓMEZ
& NAZCA
RIDGES



THE THERMAL
DOME



EMPEROR
SEAMOUNTS



WAL VIS
RIDGE



SARGASSO
SEA



SOUTH TASMAN
SEA / LORD
HOWE RISE



THE LOST
CITY



SAYA
DE MALHA

GREATER EQUITY



MARINE GENETIC RESOURCES



- "Marine genetic resources" (MGRs) are defined in the BBNJ Agreement as: ***“any material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value.”***
- Capacities and technology to access and use MGRs & ***Digital Sequence Information (the digitalized information on an MGR)*** have been unequally distributed.
- The Treaty aims to redress this inequity.

MGRs: ACCESS & BENEFIT-SHARING

The BBNJ Treaty aims to balance the freedom of marine scientific research with fair and equitable sharing of benefits.

It establishes:

- **Notification system** established
- Obligations to **share non-monetary & monetary benefits** to improve the capacity of Parties, in particular developing States in implementation
- **Monitoring framework** and a dedicated committee to provide recommendations on further development of the benefit sharing system.

MARINE GENETIC RESOURCES



Notification to the Clearing-House Mechanism (CHM): States must ensure notification to the CHM at three stages: before, after collection of MGRs, and upon their use (including commercialization).

National Oversight Mechanisms: States will implement authorization or notification regimes for activities related to MGRs in ABNJ.

Information Requirements: Define the information to be submitted for authorization/notification, aligning with the Agreement's timelines.



PREVENT HARMFUL ACTIVITIES

ENVIRONMENTAL IMPACT ASSESSMENT

- Activities need to be **assessed and managed to avoid, mitigate and manage any significant adverse effects.**
- Planned activities subject to **detailed public notice, consultation and comment.**
- **Greater transparency** through information services provided by the Clearing House Mechanism (CHM)
- **Accountability and science** brought into decision making,
- **Formulation of standards and guidelines** - detailed provisions on different steps needed and content of EIA reports.
- **Support developing countries' participation** and broader stakeholder engagement.

ENVIRONMENTAL IMPACT ASSESSMENT



EIA Regime For ABNJ

Activities: Establish A Regime For EIAs Covering Activities Within National Jurisdiction Impacting ABNJ And Activities In ABNJ Under National Jurisdiction.



Authorization Process: EIAs Must Precede Approval For Planned Activities In ABNJ.



Content Of EIA Reports: Specify The Required Content Of EIA Reports According To Article 33 Of The Agreement.



Monitoring And Review: Ensure Effective Monitoring And Review Of EIAs.

EIA SCOPE

THE TREATY COVERS:

- Activities in areas **beyond** national jurisdiction
- If already regulated by other bodies, States need to determine if existing activities in ABNJ regulated by other IFBs would meet requirements to be exempted from EIA-obligation under BBNJ.
- Activities **within** national jurisdiction that may have significant impacts in ABNJ (unless national EIA regime meets requirements for exemption)
- States need to determine if their national EIA regimes meet requirements to be exempted from an EIA obligation under BBNJ for certain activities within national jurisdiction.

EIA THRESHOLDS

- **Thresholds ("tiered-approach")** to trigger screening
- The activity may cause **substantial pollution of or significant and harmful changes** to the marine environment in areas beyond national jurisdiction- requirement for EIA
- The activity may have **a minor or transitory effect on the marine environment**, or the effects of the activity are unknown or poorly understood- requirement for screening
- States need to incorporate the tiered approach in their EIA requirements for activities regulated by the BBNJ Agreement.

CAPACITY-BUILDING AND TECHNOLOGY TRANSFER



National Policy on CBTMT: Develop and adopt a national policy aligning with the principles outlined in Part V.



Institutional Framework: Identify key national institutions for implementing CBTMT and coordinating with the capacity-building and technology transfer committee.



Financial Commitments: Developed countries should ensure they can meet their financial obligations to the special fund.

FINANCE



How to fund the Treaty and its activities?

Assessed contributions by UN parties



VOLUNTARY TRUST FUND

Funded by voluntary contributions
To ensure participation from developing countries

SPECIAL FUND

funded through MGR (initially through annual flat fee; monetary benefit-sharing) + voluntary contributions from private enterprise, donors

GLOBAL ENVIRONMENT FACILITY

Finance committee on financial resources established

INTERACTION WITH EXISTING BODIES

CANNOT tell existing bodies governing fishing, shipping, seabed mining etc. what to do **BUT** does contain obligations & procedures for Parties once enters into force:

- Parties are required to promote Treaty objectives and relevant measures (e.g. MPAs & EIAs) when participating in other bodies.
- Provides a platform for different sectoral organizations to come together & ensure cross-sectoral, coordinated and coherent approach to conservation & sustainable use of marine life in areas beyond national jurisdiction.
- Establishes new norms to assess and manage human activities (through EIAs) that will influence practices in existing bodies over time.

OUR DEEP THANKS!



High Seas Alliance