

UPDATE FROM THE LATEST SESSION  
(ICG5 - AUGUST 2022 NEW YORK, US)

# BBNJ NEGOTIATIONS

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Market Advisory Council - 20 September 2022

# What is BBNJ?

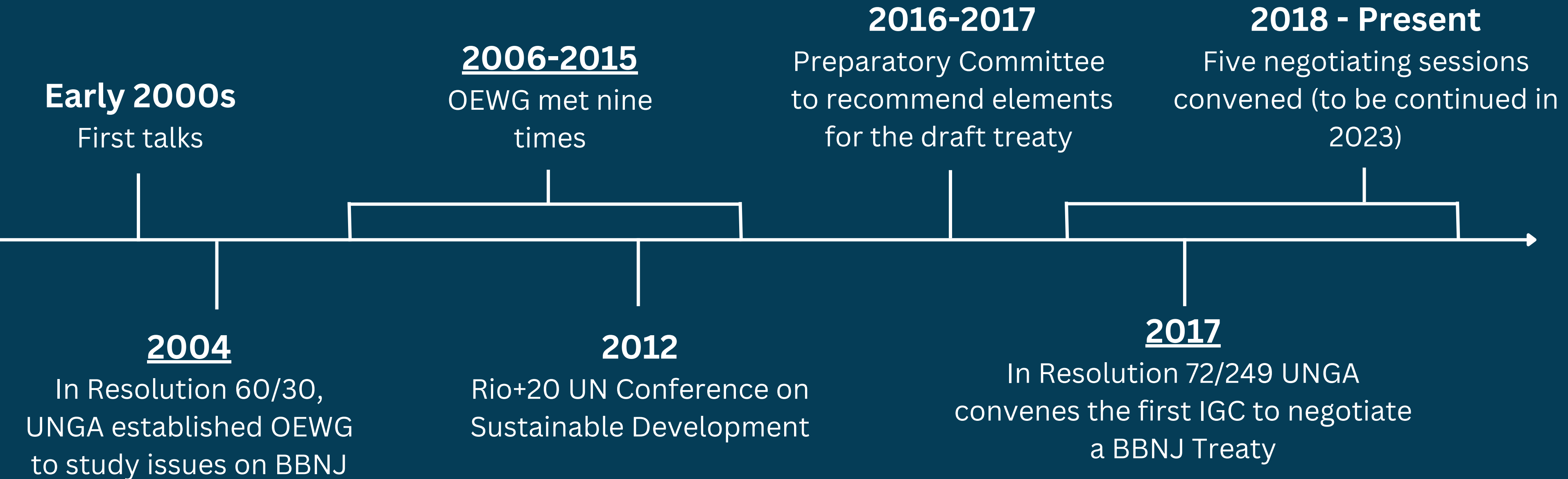
Biodiversity Beyond  
National Jurisdiction

A new treaty under UNCLOS for the conservation and sustainable use of resources in Areas Beyond National Jurisdiction

Four main components

- Area-Based Management Tools (ABMTs) including MPAs
- Environmental Impact Assessments (EIAs)
- Marine Genetic Resources (MGR)
- Capacity Building and Transfer of Marine Technologies

# A brief history



**Long process: 11 years to agree to have a new treaty**

# ICG1 to ICG4: Sticky Points

It has been a slow negotiating process:

- **"Not undermining"**: Interactions between the new agreement and existing IFBs (i.e. RFMOs) on ABMTs including MPAs
- **Powers given to the COP** (Conference of the Parties) and **STB** (Scientific and Technical Body)
- Procedures: Who decides and how? Expert involvement?
- Interaction with other agreements, including **Convention on Biological Diversity** (art. 4, 30x30) and UNFCCC

# ICG5 in New York

- 15-26 August 2022, New York, US
- Despina Symons as part of IUCN delegation
- Huge progress and very close to the end
- Good political will and a lot of flexibility and compromise
- Huge pressure for civil society to finalize it

No conclusion, to be resumed at a later date in March 2023

# ICG5: ABMTs including MPAs

- **Definitions:** separated definition for MPAs and ABMTs + with or without sustainable use
- **Areas:** who identifies them? Expert consultation? Expert-led process? Assessment of proposals?
- **Role of the COP** and interactions with RFMOs (recommendations, filling gaps)
- Recognition of **already-existing ABMTs and MPAs** as established by RFMOs?
- Link with other processes: Convention on Biological Diversity (CBD), 30x30 target
- How to deal with areas where there are no RFMOs?

# ICG5: Env. Impact Assessments

- **Binding or voluntary?**
- **Global standard** and guidelines to be developed? Thresholds, criteria and processes
- Relations with **other bodies**, e.g. International Fisheries Bodies (no EIA required if already conducted)
- **Monitoring**: to include environmental, economic, social and cultural elements
- **Definition**: to include or not cumulative impacts?

# ICG5: Marine Genetic Resources

- **Question remains open:** "The provisions of this Part shall not apply to [the use of fish and other biological resources as a commodity] [fishing and fishing activities regulated under relevant international law]."
- **Access and benefit sharing** - complex and North vs South conflicts
- Intellectual Property Rights
- Digital Sequence Information - connection with CBD



# ICG5: Capacity Building

- **Transfer of Marine Technologies - copyright issues**
- Finance and capacity building: the big battle North vs South, no agreement yet - same as other agreements (CBD, UNFCCC)

# ICG5: Cross-cutting issues

- Definitions and general principles: progress made but different options remain on the table (ecosystem-based principle, precautionary principle/ approach)
- “Common Heritage of mankind” in the principles - most developing states insisting on including it.
- Decision-making process (consensus, majority, opting out options etc..) and role of the COP, difficult to agree upon.
- The composition and role of the Scientific and Technical Body and role of experts (nominated by whom and how? what power?)
- BBNJ Secretariat: new body (EU proposed) or under UNDOALOS.

# ICG5: To be resumed in 2023

- Sticky points remain open (decision-making, non-undermining, COP, definitions etc...)
- Delegations wanted to build on the text already negotiated in New York
- However, Russia and China remarked the text negotiated in August is not the result of consensus among all delegations
- New draft text to be released

# Trade Implications

- Traceability: How to make sure vessels complied with measures agreed under BBNJ
- Consumer information: Are these measures interesting to consumers? How can they be communicated across the supply chain?
- Labels: Certifications from sustainable fishing in the High Seas?
- International trade and WTO Agreement: how to make sure vessels receiving subsidies respect rules in the high seas and therefore do not committ IUU fishing?
- Amount of supply (any species only fished in the high seas?)
- Prices will go up with BBNJ? due to bureaucracy, especially if under Marine Gentic Resources

# Stakeholder inputs: FAO

- [Available here](#)





# Stakeholder input: IUCN

- [Available here](#)





# Stakeholder input: SSA/GTA

- [Available here](#)



## **Global Tuna Alliance and Sustainable Seafood Coalition Joint Position on Biodiversity in areas Beyond National Jurisdiction (BBNJ)**

### **Context:**

- The UN has committed to develop an international legally binding instrument on marine biodiversity in areas beyond national jurisdiction (BBNJ), which encompass all forms of life in 46% of Earth's surface. Industry leadership in this area could improve the complementarity of this new instrument to the global RFMO framework and ensure the sustainable coexistence of fisheries with other High seas Industries (e.g. shipping, mining); leaving no species or ecosystem behind.
- The new treaty will lead to the implementation of area-based management tools, such as Marine Protected Areas, which is aligned with the growing number of Governments calling for at least 30% of the world's oceans to be protected from damaging activity by 2030<sup>1</sup>.

# Moving forward

- More dialogue
- More information
- More common positions

Especially on trade issues





# Thank you!