



# *The UN Agreement on Biodiversity Beyond National Jurisdiction (BBNJ)*

*Opportunities and Implications for  
Pacific Marine Research and Capacity*

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**NIWA**

Taihoru Nukurangi

# Who am I?



**PACIFIC ISLANDS FORUM SECRETARIAT**

## Biological Diversity Beyond National Jurisdiction Pacific Negotiators Meeting

26 - 28 February, 2020 at the Pacific Islands Forum Secretariat | Suva, Fiji

**OPOC**  
OFFICE OF THE PACIFIC OCEAN COMMISSIONER



nyc

of PSIDS negotiating on behalf of the Pacific 5. They have been working tirelessly at Our regions interests are included in the binding instrument for #BBNJ

hComm @sps\_cps @SprepChannel sionUN

• You and Others



**UNITED NATIONS OCEAN CONFERENCE**

LISBON 27 JUNE - 1 JULY 2022

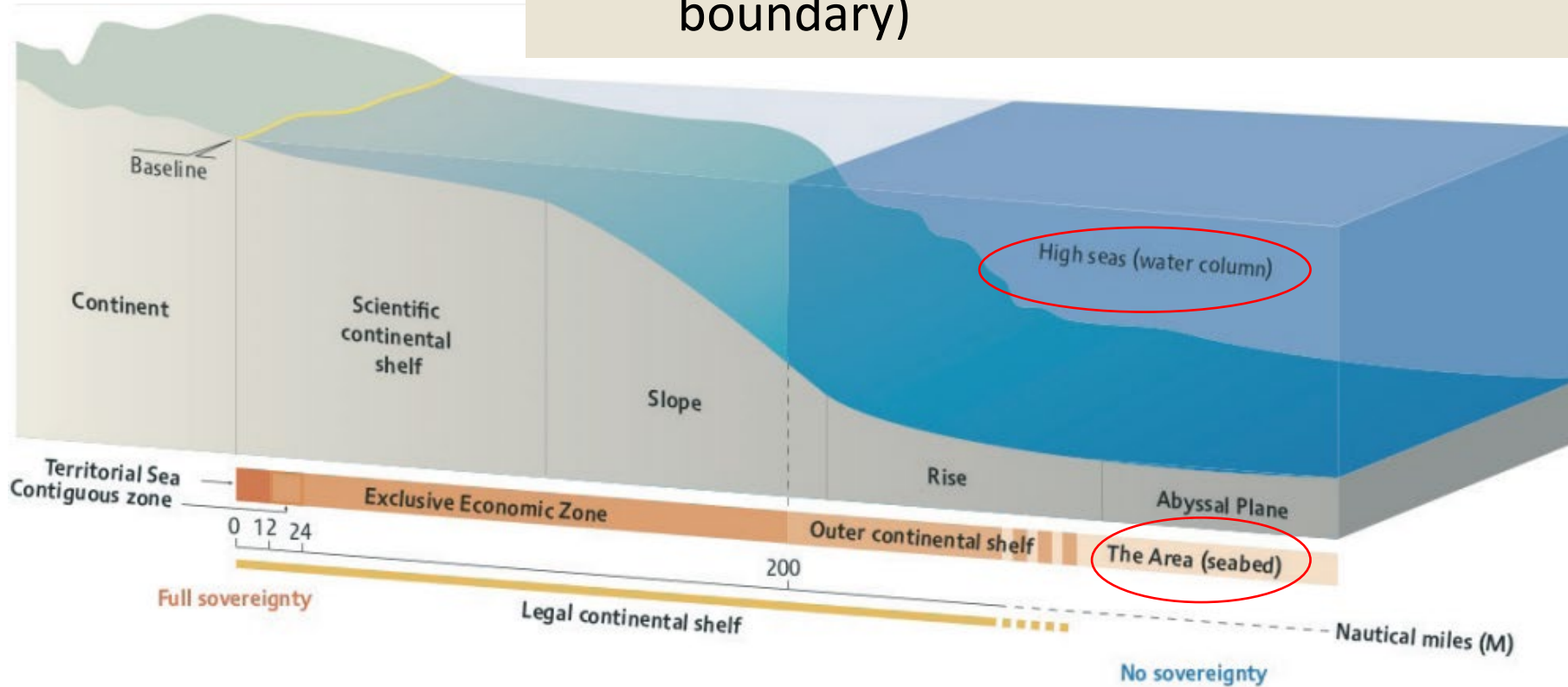
#GLOBALGOALS

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# What is BBNJ?

- Area Beyond National Jurisdiction (ABNJ)
- Marine Biodiversity in areas Beyond National Jurisdiction (BBNJ)
- The BBNJ Agreement Applies to:
  - The **High Seas** (waters beyond EEZ)
  - The **Area** (deep seabed beyond any nation's continental shelf boundary)



# What is the BBNJ Agreement?



**United  
Nations**

**Agreement on Marine Biodiversity of Areas beyond National  
Jurisdiction**  
BBNJ Agreement

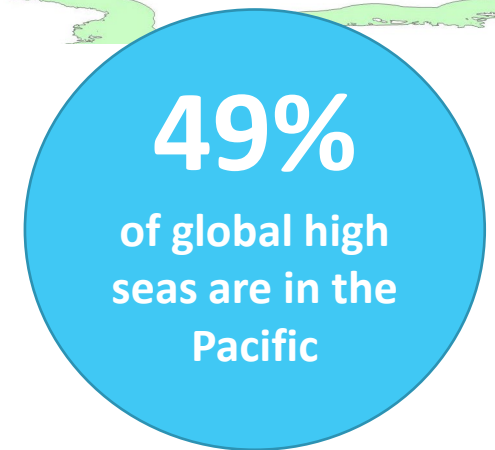
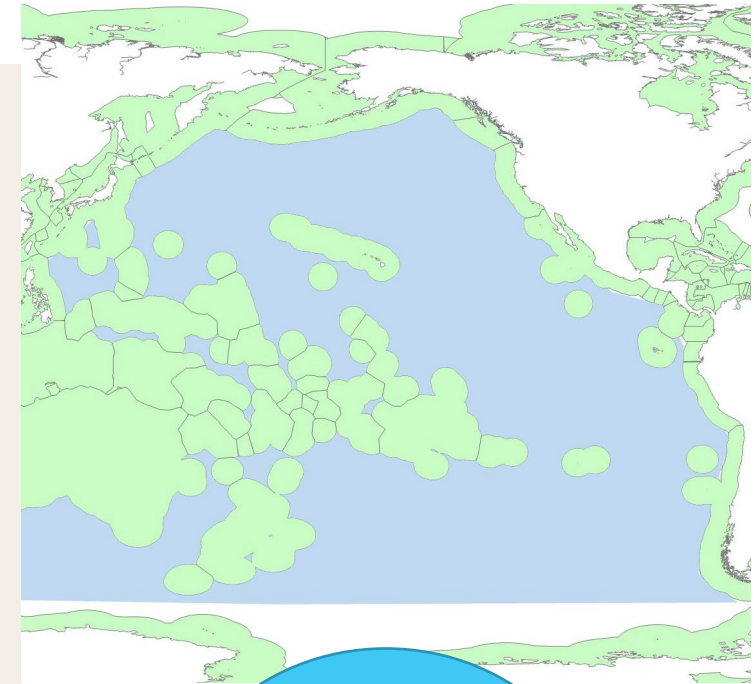
The **Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction** (BBNJ Agreement) was adopted on 19 June 2023 by the [Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction](#) convened under the auspices of the United Nations. The BBNJ Agreement becomes the third implementing agreement to the [United Nations Convention on the Law of the Sea](#).

**Overall objective:** ensure the **conservation** and **sustainable use** of marine biological diversity in the high seas, now and into the future

- Intended to address gaps and link to relevant provisions in the UN Convention of the Law of the Sea (UNCLOS) and the Convention on Biological Diversity (CBD)

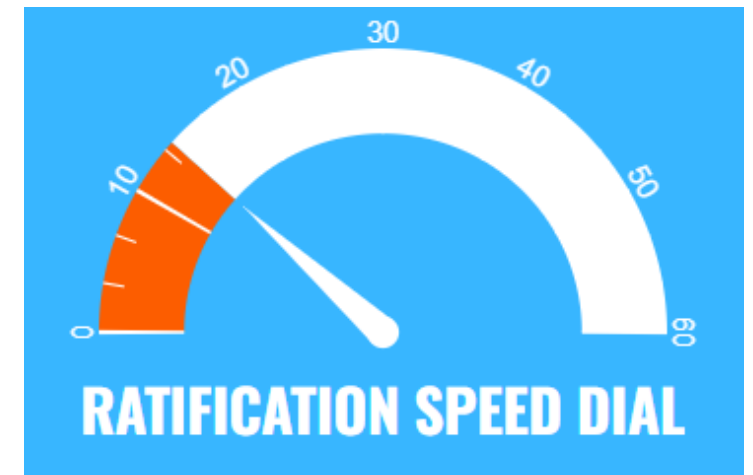
# Why should I care about BBNJ?

- **49% of High Seas are in the Pacific Ocean**
- A legally binding instrument- it **will impact** high seas research processes, institutional landscape, protected areas
- Opportunities for ocean science **capacity building** for Pacific Islands
- Opportunities to strengthen **regional collaboration**
- Potential opportunities for **funding**
- Furthers global discussion on **TK and rights of IPLCs\***



# A brief timeline of the BBNJ Agreement

- **2002** **Informal Consultative Process** on conservation and sustainable use of BBNJ.
- **2004-2014** **Working group** established to review issues and determine BBNJ “package.”
- **2015** UNGA Resolution 29/292 establishes **Preparatory Committee** (PrepCom) to develop draft treaty.
- **2016-2017** Series of 4 **PrepComs** conclude- recommend to convene **Intergovernmental Conference** (IGC).
- **2018- 2023** **IGCs 1-5** convened in NY to negotiate treaty text.
- **19 June 2023** BBNJ Agreement text formally **adopted**.
- **20 Sept 2023** BBNJ open for **signature** at UNGA.
- **22 Jan 2024** Palau is the first State to **ratify** BBNJ.
- **As of Nov 2024...** 14 States have ratified BBNJ (2 PICs).
- **BBNJ will come into force when 60 states have ratified.**



# What does the BBNJ Agreement cover?

The four key areas of the Agreement at a glance:



## MARINE GENETIC RESOURCES

It sets out a new legal framework for activities with respect to marine genetic resources (MGRs) and digital sequence information (DSI) on MGRs of ABNJ.



## AREA-BASED MANAGEMENT TOOLS

It provides for the creation of new area-based management tools (ABMTs) including Marine Protected Areas (MPAs) in ABNJ.



## ENVIRONMENTAL IMPACT ASSESSMENTS

It clarifies thresholds and requirements for assessing the environmental impacts of activities in ABNJ.



## CAPACITY BUILDING AND TRANSFER OF MARINE TECHNOLOGY

It aims to develop Parties' marine scientific and technological capacity, including with respect to research, through capacity-building and transfer of marine technology (CBTMT).

# What are the implications for researchers?



## **MARINE GENETIC RESOURCES**

Researchers would be required to comply with new notification and reporting requirements.



## **AREA-BASED MANAGEMENT TOOLS**

Researchers may be required to comply with any new ABMTs established under the Agreement.



## **ENVIRONMENTAL IMPACT ASSESSMENTS**

Researchers may be required to comply with additional EIA requirements established under the Agreement.



## **CAPACITY BUILDING AND TRANSFER OF MARINE TECHNOLOGY**

CBTMT provisions would not introduce new requirements for researchers. Research collaborations, particularly with developing States, could support the objectives of the Agreement.

# Traditional Knowledge in the BBNJ Treaty

## Extension of Nagoya Protocol Principles

Topic	Nagoya Protocol (2014)	BBNJ
<b>Recognition of Traditional Knowledge (TK)</b>	<ul style="list-style-type: none"> <li>Establishes rights of Indigenous People over their TK</li> <li>Use of TK associated with genetic resources requires prior informed consent and mutually agreed terms</li> </ul>	<ul style="list-style-type: none"> <li>Extends TK protections into ABNJ</li> <li>Important advancement as many traditional marine stewardship practices apply across vast oceanic spaces</li> </ul>
<b>Access and Benefit Sharing (ABS)</b>	<ul style="list-style-type: none"> <li>Establishes a legal framework for ABS for genetic resources within national borders</li> <li>Clear requirements for equitable benefit-sharing when TK is used</li> </ul>	<ul style="list-style-type: none"> <li>Applies Nagoya principles to areas previously unregulated for TK</li> <li>Opportunity for IPLCs to benefit from research and commercial use of high seas resources</li> </ul>
<b>Involvement in Decision-Making</b>	<ul style="list-style-type: none"> <li>Provides for IPLCs to participate in decisions about their TK</li> </ul>	<ul style="list-style-type: none"> <li>Participation of IPLCs built into BBNJ decision-making mechanisms</li> </ul>
<b>Protection of TK from Misappropriation</b>	<ul style="list-style-type: none"> <li>Strong focus on preventing unauthorized use of TK</li> </ul>	<ul style="list-style-type: none"> <li>Addresses risks of TK exploitation in marine environments</li> </ul>
<b>Capacity Building and Technology Transfer</b>	<ul style="list-style-type: none"> <li>Focus is more on ABS than capacity building or technology transfer</li> </ul>	<ul style="list-style-type: none"> <li>Emphasizes capacity building and tech transfer, including for IPLCs</li> </ul>

# Opportunities for the Pacific



## 1. Capacity Building Initiatives

Access to new funding, training, and equipment, supported by BBNJ's focus on building research capacity in developing regions.

## 2. Research Collaboration

New opportunities for collaboration with international research teams on large-scale ocean projects, focused on Pacific ecosystems.=

## 3. Influence in Governance

Pacific Island nations and researchers can shape policies, contribute traditional ecological knowledge, and highlight unique regional priorities.

## 4. Access to Marine Genetic Resources

Increased capacity to study and benefit from MGR, potentially driving innovations in biotechnology, medicine, and environmental science that are regionally relevant.

## 5. Financial Support

Compliance, enforcement, and engagement funding for Small Island Developing States.

# Challenges and Considerations



## 1. Ratification Delays

Divergent national interests, implementation and enforcement challenges, economic implications, political will to ratify and implement domestically

## 2. Intellectual Property

Balancing intellectual property rights with the treaty's requirements for data sharing

## 3. Reporting and Regulatory Compliance

Managing potential resource strain due to new reporting requirements and regulatory compliance

## 4. Long-term Sustainability

Aligning with BBNJ's conservation goals while supporting local development, ensuring that seabed research respects ecological balance and fosters sustainable practices

# Next steps for BBNJ...



Climate, Freshwater & Ocean Science

1. **Signing and Ratification**– by 2025 UN Ocean Conference
2. **Strengthening Regional Collaboration & Cooperation to prepare for implementation**
  - Regional coordination mechanism/committee/WG
  - Regional capacity building program
  - Regional funding mechanism or trust
  - Regional MGR ABS framework and EIA Approach
  - Regional monitoring & review
3. **Develop Robust Legal and Regulatory Frameworks**
  - Domesticate BBNJ in national law & regional practice (2050 Strategy)
4. **Engage IPLCs and Traditional Knowledge Holders**
5. **Actively Participate in Global Governance- COPs**
6. **Strengthen Public Awareness and Advocacy**

# Vinaka vakalevu. Ngā mihi nui.

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## To Learn More:

### Read the Treaty

<https://documents-dds-ny.un.org/doc/UNDOC/LTD/N23/177/28/PDF/N2317728.pdf?OpenElement>

### Summary of the BBNJ Treaty

<https://bbnj-mgr.fas.harvard.edu/bbnj-treaty>

### Pacific Reflections on BBNJ

<https://www.spc.int/updates/blog/interactive-story/2023/03/the-ship-has-reached-the-shore-pacific-reflections-on-the>

