



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

2024/Factsheet 1

Overview

Introduction

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](#), also known as the “BBNJ Agreement”, was adopted on 19 June 2023. This followed nearly twenty years of negotiations and marked a historic achievement in efforts to ensure the health and resilience of ocean ecosystems and to level the playing field in the capacity to participate in and benefit from ocean activities.

The Agreement becomes the third implementing agreement to the [United Nations Convention on the Law](#)

[of the Sea](#), in addition to the [Part XI Agreement](#), which addresses the exploitation for and exploration of mineral resources in the international seabed area, and the [United Nations Fish Stocks Agreement](#), which addresses the conservation and management of straddling fish stocks and highly migratory fish stocks.

Areas beyond national jurisdiction are affected by anthropogenic pressures such as destructive fishing practices, pollution and climate change which, cumulatively, put the health and resilience of the ocean at risk. The Agreement addresses a package of issues under the overall objective of ensuring the conservation

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What are “areas beyond national jurisdiction”?

The Agreement applies to marine biodiversity of “areas beyond national jurisdiction”. This refers to the high seas and the international seabed area (the “Area”). Together, these areas amount to over two-thirds of the ocean and over 90 per cent of the habitat on Earth that is occupied by life.

The high seas are parts of the ocean that are not included in the internal waters, the territorial sea, or the exclusive economic zone of coastal States (the exclusive economic zone may extend up to 200 nautical miles from the coast), or in the archipelagic waters of archipelagic States. The Area refers to the seabed and ocean floor beyond the limits of national jurisdiction, that is beyond the continental shelves of coastal States (which extend to 200 nautical miles from the coast and, in some cases specified in the United Nations Convention on the Law of the Sea, even further). These different areas (also called maritime zones) are set out under the United Nations Convention on the Law of the Sea.

and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the United Nations Convention on the Law of the Sea and further international cooperation and coordination. The Agreement sets out specific measures in respect of these issues and modalities to implement and monitor those measures, as well as institutional arrangements to support the implementation of the Agreement.

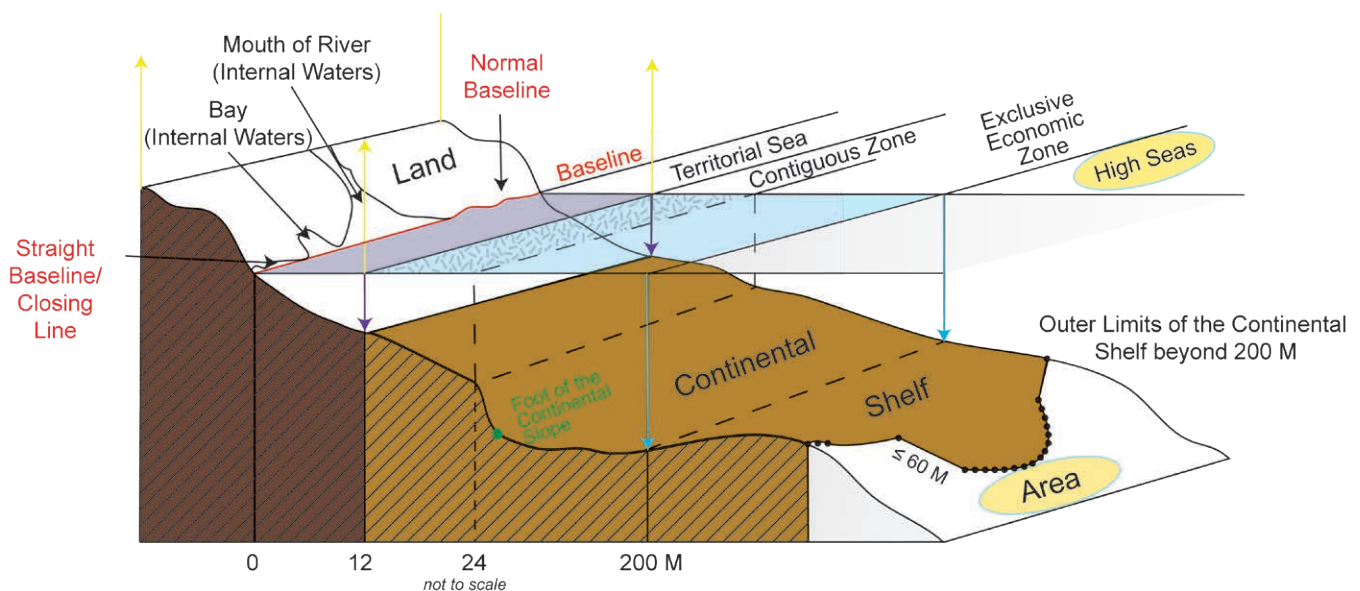
Civil society and various intergovernmental organizations within and outside the United Nations system were instrumental in informing the process that led to the adoption of the Agreement.

The main issues covered by the Agreement

The BBNJ Agreement covers four main issues:

- I marine genetic resources, including the fair and equitable sharing of benefits;
- II measures such as area-based management tools, including marine protected areas;
- III environmental impact assessments; and
- IV capacity-building and the transfer of marine technology.

It also addresses so called “cross-cutting issues”, which are transversal topics that support the implementation of the Agreement and are relevant to the four main issues.



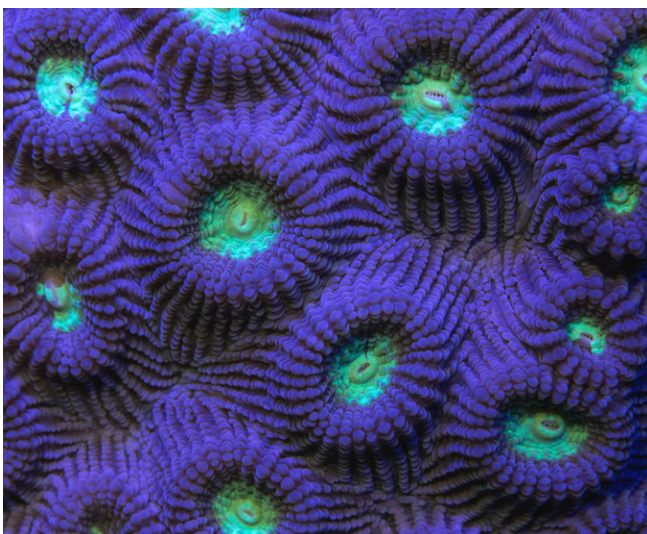
I. Marine genetic resources, including the fair and equitable sharing of benefits

Marine genetic resources are any material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value. Such resources have several potential uses, from bioremediation to medicine, and are therefore of environmental, social and economic value. However, the capacity of States to access and carry out research and development on such resources is uneven.

The Agreement requires its Parties to share both monetary and non-monetary benefits arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction in a fair and equitable manner. It also requires Parties to ensure that information is notified to a Clearing-House Mechanism established under the Agreement both before and after collection or sampling of marine genetic resources in areas beyond national jurisdiction, including, among others, information on opportunities to become involved in relevant projects. Parties are further required to ensure that information is notified to the Clearing-House Mechanism at the stage of utilization, including commercialization, of those resources and digital sequence information on such resources.

The Agreement addresses access to traditional knowledge of Indigenous Peoples and local communities associated with marine genetic resources in areas beyond national jurisdiction.

An access and benefit-sharing committee is also established.



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Marine genetic resources and benefit-sharing

Non-monetary benefits arising from activities with respect to marine genetic resources are to be shared in the form of access to samples and digital sequence information, open access to scientific data, and capacity-building and transfer of marine technology, among others.

Monetary benefits will be shared through payments to a special fund to, among others, fund capacity-building projects under the Agreement, and to assist developing States Parties in implementing the Agreement. Those payments will initially be made through annual contributions by developed States Parties until the Conference of the Parties to the Agreement decides on the modalities for the sharing of monetary benefits.

II. Measures such as area-based management tools, including marine protected areas

Area-based management tools, including marine protected areas, are used to manage sectors or activities in geographically defined areas with the aim of achieving particular conservation and sustainable use objectives. Such tools are used to protect habitats and species and can help to restore resilience and productivity in these areas. They may be sectoral in nature, for example to address the impacts of fishing in the case of fisheries closures. Marine protected areas are designated and managed to achieve specific long-term biological diversity conservation objectives, and may be more holistic, for example to provide protection from cumulative impacts.

In some parts of the world, area-based management tools have already been established to address the impacts of certain activities in areas beyond national jurisdiction, such as those established by regional fisheries management organizations and by the International Seabed Authority.

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Fisheries

The Agreement is not a fisheries management treaty. However, the Agreement has the potential to improve the health and productivity of fish stocks through several of its provisions, particularly those on the establishment of area-based management tools, including marine protected areas.

Under the Agreement, in taking decisions on area-based management tools, including marine protected areas, the Conference of the Parties shall respect the competences of, and not undermine, relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies. This includes regional and species-specific fisheries management bodies and arrangements. Mechanisms for cooperation to that end are foreseen in the Agreement.

The Agreement provides for procedures for the establishment and implementation of area-based management tools, including marine protected areas, in areas beyond national jurisdiction, including on an emergency basis in certain cases.

It includes processes for the making and review of proposals, public consultations, including to garner scientific input, decision-making by the Conference of the Parties to the Agreement, and monitoring and periodic review by the Scientific and Technical Body established under the Agreement.

The Agreement also foresees cooperation and coordination with relevant instruments, frameworks and bodies, including those that have already established area-based management tools in accordance with their respective mandates.



III. Environmental impact assessments

An environmental impact assessment is a process which aims to identify and evaluate the potential impacts of an activity with a view to informing decision-making. Such assessments are used to prevent, mitigate and manage the impacts of planned activities on the environment. The Agreement elaborates on the provisions of the United Nations Convention on the Law of the Sea on impact assessments by establishing detailed processes, thresholds and other requirements for conducting and reporting assessments in areas beyond national jurisdiction.

Parties are required to conduct a screening of a planned activity under their jurisdiction or control that takes place in areas beyond national jurisdiction when that activity may have more than a minor or transitory effect on the marine environment, or when the effects of the activity are unknown or poorly understood. If there are reasonable grounds for believing that the activity may cause substantial pollution of or significant and harmful changes to the marine environment, an environmental impact assessment must be conducted in accordance with the process set out in the Agreement, which includes obligations related to public notification and consultation.

Decisions on whether an activity may proceed or not following an environmental impact assessment will be made by the State with jurisdiction or control over the activity rather than by an international body. However, other States may register their concerns with the Party that authorized the activity and with the Scientific and Technical Body established under the Agreement. Monitoring, reporting and review of authorized activities are foreseen by the Agreement.

Parties are also to consider conducting strategic environmental assessments, which are broader assessments for plans and programmes to be conducted in areas beyond national jurisdiction.

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Mining in the international seabed area

Mining in the international seabed area (the Area) is governed by a specific regime set out in the United Nations Convention on the Law of the Sea under which the [International Seabed Authority](#) is mandated to organize and control activities in the Area, particularly with a view to administering its resources. It acts on behalf of humankind and work is ongoing under its auspices to develop regulations for exploitation of minerals in the Area, including measures to protect the marine environment from harmful effects which may arise from activities in the Area.

Some of the provisions of the Agreement may impact how seabed mining is conducted, including the provisions on environmental impact assessments. The Agreement includes specific provisions and foresees additional mechanisms to ensure coordination with the measures taken by relevant instruments, frameworks and bodies, such as the International Seabed Authority.



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Types of capacity-building and of the transfer of marine technology

The Agreement sets out an indicative and non-exhaustive list of types of capacity-building and of the transfer of marine technology, which includes, among others:

- The sharing and use of data and information;
- Information dissemination and awareness-raising;
- The development and strengthening of relevant infrastructure, institutional capacity, national regulatory frameworks, human and financial management resource capabilities, and technical expertise;
- The development and sharing of manuals, guidelines and standards;
- The development of technical, scientific and research and development programmes;
- The development and strengthening of capacities and technological tools for effective monitoring, control and surveillance of activities within the scope of the Agreement.

The list is further elaborated in Annex II of the Agreement.

The Conference of the Parties will periodically, as necessary, review, assess and further develop and provide guidance on the list to reflect technological progress and innovation and to respond and adapt to evolving needs.

IV. Capacity-building and the transfer of marine technology

The objectives of the Agreement can most effectively be achieved if all States are able to implement its provisions and participate in the activities undertaken under it.

The Agreement makes important strides towards strengthening the capacity of States by requiring cooperation to assist Parties, particularly developing States Parties, through capacity-building and the development and transfer of marine technology.

Capacity-building and the transfer of marine technology are to be based on and responsive to the needs and priorities of developing States Parties and be, among others, country-driven. The Agreement sets out specific modalities for how the transfer of marine technology shall be undertaken.

The Agreement requires Parties to provide resources for capacity-building and the development and transfer of marine technology within their capabilities, and also sets out a funding mechanism to ensure financial support for such activities. It also provides modalities for the monitoring and review of capacity-building and the transfer of marine technology to, among others, assess needs, review gaps in meeting those needs, measure performance, and make recommendations for enhancing activities. In particular, a capacity-building and transfer of marine technology committee is established.

Cross-cutting issues

The Agreement addresses several “cross-cutting” issues. These include:

- **General provisions**, covering topics such as:
 - Definitions of terms used in the Agreement;
 - The general objective and scope of application of the Agreement;
 - Relationship of the Agreement with the United Nations Convention on the Law of the Sea and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies;

- General principles and approaches to guide Parties in the implementation of the Agreement; and
- International cooperation in the achievement of the objectives of the Agreement.
- **Institutional arrangements**, including the establishment of:
 - A Conference of the Parties, which serves as the governing body of the Agreement;
 - A Scientific and Technical Body;
 - Other subsidiary bodies of the Conference of the Parties;
 - A secretariat; and
 - A Clearing-House Mechanism as the main platform for exchange of information under the Agreement.
- **Funding**, including:
 - Establishing a funding mechanism composed of 1) a voluntary trust fund to facilitate the participation of representatives of developing States Parties in the meetings of the bodies established under the Agreement; 2) a special fund; and 3) the Global Environment Facility trust fund;
 - Providing that the special fund and the Global Environment Facility trust fund will, among others, be utilized to fund capacity-building projects, assist developing States Parties in implementing the Agreement, support conservation and sustainable use programmes by Indigenous Peoples and local communities, and support public consultations; and
 - Requiring the Conference of the Parties to determine an initial resources mobilization goal through 2030 for the special fund.
- **Implementation and compliance**, including:
 - Requiring Parties to take the necessary measures to ensure the implementation of the Agreement; and
 - Establishing an Implementation and Compliance Committee to facilitate and consider implementation and promote compliance, which will function in a manner that is transparent, non-adversarial and non-punitive.

- **Dispute settlement**, providing for:
 - A system for the peaceful settlement of disputes regarding the interpretation or application of the Agreement; and
 - The possibility for the Conference of the Parties to request the International Tribunal for the Law of the Sea to give advisory opinions in certain circumstances.

Why is the Agreement important?

The ocean's importance cannot be overemphasized.

It is an essential reserve of biodiversity, constituting over 90 per cent of the habitable space on Earth. Such biodiversity provides critical ecosystem services, supporting livelihoods of billions and food security, among others.

It provides important goods and services, such as means of transport, energy production, tourism potential, and a host of minerals and organisms of relevance to various sectors in the context of a sustainable ocean-based economy.

It produces oxygen that we breathe and is a significant carbon sink, drawing in a quarter of global greenhouse gas emissions and over 90 per cent of the excess heat in the climate system, aiding in limiting rises in air temperature and the effects of climate change.

But the ocean is under increasing cumulative pressures:

- It is heavily impacted by pollution. Garbage, including plastic and other marine debris, oil spills and harmful algal blooms resulting from nutrient run-off are just some examples.
- Marine species are being lost at significant rates due to various cumulative pressures, including overexploitation, habitat destruction, the effects of climate change, and pollution.
- It is impacted by warming waters and acidification, affecting marine species and disrupting weather systems, and contributing to sea-level rise.

The BBNJ Agreement marks a vital step towards reversing destructive trends facing the ocean and restoring ocean health. This is critical for addressing the triple planetary crisis of climate change, biodiversity loss

and pollution, and to meet various ocean-related global goals, including Sustainable Development Goal 14.

As the first comprehensive, cross-sectoral ocean treaty in decades, its focus on **enhancing and promoting international cooperation** has the potential to lead to more integrated, holistic approaches to the management of ocean activities.

Several of its provisions will support **inclusive ocean management**, including those related to the traditional knowledge and participation of Indigenous Peoples and local communities, on gender responsiveness of capacity-building and on gender balance and equitable geographic representation in the composition of the bodies established under the Agreement.

It will promote **marine scientific research** and facilitate the generation and dissemination of data and information to help improve our knowledge of marine biodiversity of areas hitherto largely underexplored and to support science-based conservation and management measures.

It will contribute to addressing the uneven capacity to carry out and benefit from activities with respect to **marine genetic resources of areas beyond national jurisdiction and digital sequence information on such resources**, ensuring that such activities are in the interests of all States and for the benefit of all humanity.

It will enable **area-based management tools, including marine protected areas**, to be established in areas beyond national jurisdiction, which will contribute to protecting and restoring ecosystems and strengthening resilience to stressors, including climate change, ocean acidification and marine pollution.

It will assist in preventing and minimizing **impacts on the marine environment**, including through its provisions on environmental impact assessments and area-based management tools, including marine protected areas.

It will address uneven capacity and assist States in strengthening cooperation and coordination and in undertaking activities in areas beyond national jurisdiction through **capacity-building and the transfer of marine technology**.



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What are the benefits to becoming party to the Agreement?

Given the importance of the Agreement to improving the health and resilience of the ocean, everyone stands to benefit from its implementation. The objective of the Agreement will most effectively be achieved with universal participation.

All Parties to the Agreement, whether coastal or landlocked, stand to benefit individually from the Agreement. They will benefit from the sharing of benefits from activities with respect to marine genetic resources and digital sequence information. They will also be able to contribute to decision-making on, and benefit from, the establishment and implementation of measures such as area-based management tools, including marine protected areas, and participate in the environmental impact assessment processes under the Agreement. They will also benefit from access to capacity-building and the transfer of marine technology.

Becoming party to the Agreement also comes with obligations, including to exercise the necessary jurisdiction or control to ensure that its provisions are implemented and enforced, and to contribute to the budget to be decided upon by the Conference of the Parties and to the functioning of the institutions under the Agreement. However, assistance will be available for those States with limited capacity.

When will the Agreement begin operating?

The adoption of the Agreement was the first of several steps to bring it into being as a legally binding instrument. States or regional economic integration organizations wishing to become parties to the Agreement must express their consent to be bound by it, either through the two-step process of signature, followed by ratification, approval or acceptance, or through the single-step process of accession.

The Agreement is open for signature for two years, from 20 September 2023 until 20 September 2025. It may be signed during this time by making an appointment with the [Treaty Section](#) of the Office of Legal Affairs of the United Nations. The signatories to the Agreement are

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How will the Agreement be enforced?

Enforcement remains the responsibility of States with jurisdiction or control over the activities the Agreement covers, including flag States as the States in which ships are registered.

Parties are obliged to take the necessary legislative, administrative or policy measures to ensure the implementation of the Agreement.

An Implementation and Compliance Committee is also created under the Agreement, which will be facilitative in nature, and will, among others, assist Parties in implementing their obligations and promote compliance with the Agreement.

under an obligation to refrain from acts which would defeat the object and purpose of the Agreement.

To become parties, signatories must then ratify, accept or approve the Agreement in accordance with their national procedures.

After the period for signature has closed, a State or regional economic integration organization may become party to the Agreement through accession in accordance with its internal procedures.

The Agreement will take effect (known under treaty law as “entering into force”) 120 days after the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession. At that point the Agreement will become binding on all those who have become parties, meaning all of the rights and obligations thereunder take effect.

The Secretary-General has pledged the assistance of the United Nations in supporting States to become parties to the Agreement.

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Signature, ratification, acceptance, approval and accession

When a treaty is subject to ratification, acceptance or approval, signature by a State alone does not make the treaty binding on that State.

Rather, a second step is required in the form of ratification, acceptance or approval. These are processes by which a State establishes its consent to be bound by a treaty. At the international level, the consent to be bound must be expressed through the deposit of an instrument of ratification, approval, or acceptance with the depositary of the treaty. Often, a State may be required, under its own domestic law, to complete a ratification process in accordance with its own constitutional provisions before it does so internationally.

The [Treaty Handbook](#) prepared by the Treaty Section of the Office of Legal Affairs of the United Nations has further information on many aspects of treaty law and practice, including how to sign and ratify, accept, approve or accede to a treaty.

Contact

For further information on the BBNJ Agreement, including with respect to [capacity-building and technical assistance](#) available to States in becoming parties to the Agreement and in relation to its implementation, contact the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations:

By email: doalos@un.org

Instagram: [UNDOALOS](#)

LinkedIn: [UNDOALOS](#)

X (formerly Twitter): [UNDOALOS](#)

Disclaimer

The present factsheet is intended to promote a better understanding of the BBNJ Agreement and does not purport to be exhaustive. It should be read in conjunction with the full text of the Agreement, the certified true copy of which is available on the website of the United Nations Treaty Collection (<https://treaties.un.org/>)



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