

# Biodiversity Beyond National Jurisdiction

## Emergence of a new legally binding international instrument for the conservation of biodiversity in the high seas

### Key messages

Biodiversity Beyond National Jurisdiction (BBNJ) encompasses marine biodiversity occurring in areas that fall outside of national jurisdiction (Areas Beyond National Jurisdiction). These areas include the 'High Seas' and the deep seabed. Pressures on BBNJ are increasing due to increased human activity and the growing impacts of climate change and ocean acidification.

In 2015, the United Nations General Assembly launched the development of a new, international and legally binding instrument seeking to ensure the conservation and sustainable use of Biodiversity Beyond National Jurisdiction [1].

The initiative is widely recognized as a key opportunity for strengthening global ocean conservation, potentially resulting in the first global treaty dedicated to conservation and sustainable use of species, ecosystems and habitats in Areas Beyond National Jurisdiction.

*"With the Ocean being the lifeblood of our planet, and serving as a vital and complex ecosystem that billions of people across the world depend upon each day, the BBNJ process assumes great importance in the future of our careful stewardship of Ocean's resources".<sup>1</sup>*

Although the instrument is still under development, discussions held to date have identified five key themes, which provide insight into the emerging risks and opportunities for businesses operating in the High Seas such as offshore oil and gas producers (see summary table below).

Before the end of its 72<sup>nd</sup> session in December 2017, the United Nations General Assembly will decide whether and how to progress the drafting of the international legally binding instrument.

Institutional Arrangement	Cross-sectoral Coordination	Environmental Impact Assessments	Technology Transfer	Jurisdictional Complexity
<ul style="list-style-type: none"> <li>Increased clarity of management authorities responsible in Areas Beyond National Jurisdiction</li> <li>Potential costs and risks associated with increased regulation</li> <li>Potential requirements to comply with new area-based management tools</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced cross-sectoral collaboration through the existence of a new management organisation with cross-sectoral coordination responsibilities</li> <li>Requirements for cross-sectoral collaboration and familiarity with other sector mandates to reduce risk to BBNJ</li> </ul>	<ul style="list-style-type: none"> <li>Opportunities related to clarity of operating environment</li> <li>Costs and risk associated with introduction of Environmental Impact Assessment</li> <li>Capacity building required related to additional requirements</li> </ul>	<ul style="list-style-type: none"> <li>Access to information through a clearing-house mechanism</li> <li>Publication of environmental impact assessment documents may be mandatory</li> <li>Central repository of information on area-based management tools</li> </ul>	<ul style="list-style-type: none"> <li>Clarification of requirements in Areas Beyond National Jurisdiction</li> <li>Need to respond to potential additional requirements</li> <li>Requirement for increased collaboration and cooperation</li> </ul>

<sup>1</sup> H.E. Peter Thompson, President of the 71<sup>st</sup> Session of the UN General Assembly, speaking at the 3<sup>rd</sup> Preparatory Committee [2].

# Biodiversity Beyond National Jurisdiction

## What is Biodiversity Beyond National Jurisdiction?

Biodiversity Beyond National Jurisdiction (BBNJ) is the biodiversity that exists within Areas Beyond National Jurisdiction (ABNJ).

The United Nations Convention on the Law of the Sea (UNCLOS) [3] states that Areas Beyond National Jurisdiction include:

- i) The water column beyond the Exclusive Economic Zone (EEZ), or beyond the Territorial Sea where no Exclusive Economic Zone has been declared, called the High Seas (Article 86); and
- ii) The seabed which lies beyond the limits of the continental shelf, established in conformity with the Convention and designated as "the Area" (Article 1).

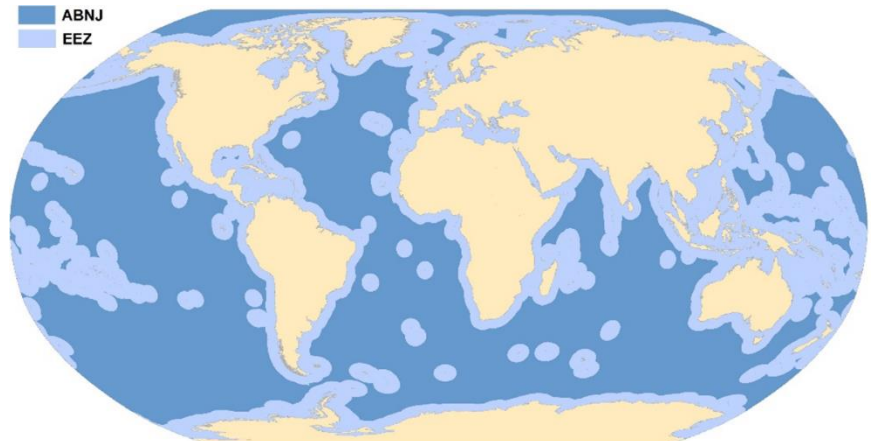
Marine ecosystems cover around 70% of the Earth's surface, 64% of which are within Areas Beyond National Jurisdiction [4] (Figure 1).

## Why is Biodiversity Beyond National Jurisdiction important?

Areas Beyond National Jurisdiction host a wide range of unique and diverse ecosystems of conservation importance, including deep sea hydrothermal and cold seep vent habitats [6]. ABNJs also provide habitat for marine migratory species and a wide range of ecosystem services.

Many businesses operate in, or rely upon, Areas Beyond National Jurisdiction. Coastal activities such as whale watching and

Figure 1: Illustrative map of Areas Beyond National Jurisdiction. The ABNJ encompasses both the water column and seabed



Data source: Flanders Marine Institute [5]. Boundaries shown on maps do not imply official endorsement or acceptance by UN Environment or contributory organisations.

recreational fisheries are dependent on ecosystems within the ABNJ, where whale migratory routes occur and feeding grounds for fish exist. Other benefits derived from ABNJs include direct revenues from commercial fisheries within the high seas [7].

## Threats to Biodiversity Beyond National Jurisdiction

BBNJ is threatened by increased human activity and the growing impacts of climate change and ocean acidification.

Human activity in Areas Beyond National Jurisdiction has intensified in recent years due to increased demand for marine living resources and expansion of human activities into previously inaccessible locations [8]. Current activities include commercial fishing, scientific research, bioprospecting (seeking genetic materials e.g. for medicines), shipping, telecommunications

cable installation and exploration for deep sea mineral deposits.

Such activities have resulted in concerns about pressures such as overfishing and pollution due to seabed activities (e.g. bottom trawling) or the release of waste materials (e.g. plastics).

Increased pressures on BBNJ are coupled with insufficient protected area coverage. Marine Protected Areas currently make up 0.3% of Areas Beyond National Jurisdiction (ABNJ) [9]. This compares to a coverage of 16% of coastal and marine areas within Economic Exclusion Zones (EEZ), and 6% for the entire marine realm.

## Conserving Biodiversity Beyond National Jurisdiction

For over a decade, issues surrounding the conservation of Biodiversity Beyond National Jurisdiction have been a topic of

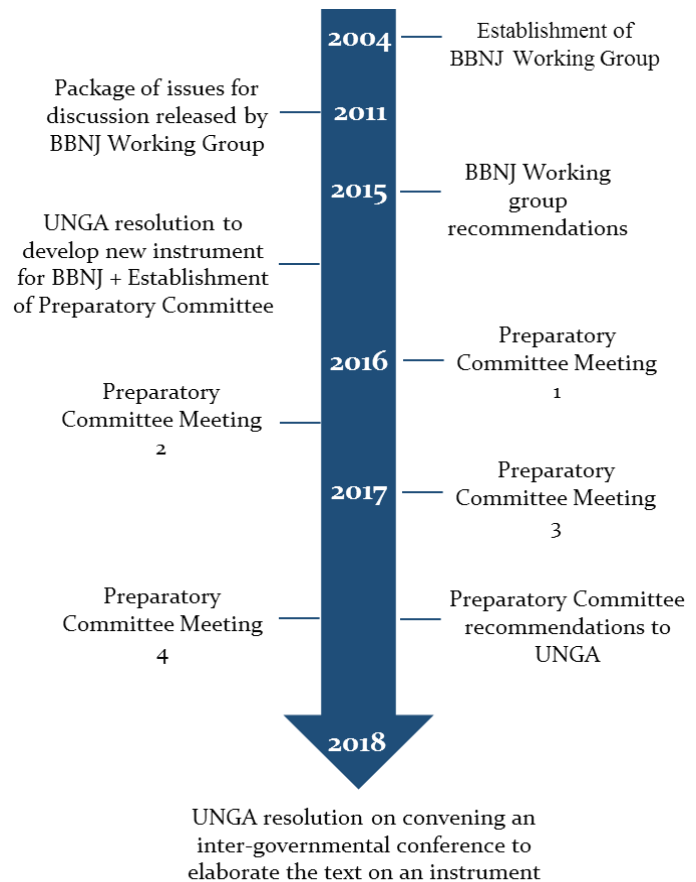
considerable discussion at the highest political levels (Figure 2).

The conservation and sustainable use of BBNJ has been discussed by the Assembly of the United Nations (UNGA) since 2004, following the establishment of the “BBNJ working group”.

In 2015, the UNGA adopted the BBNJ working group recommendation to develop a new legally-binding instrument for the conservation and sustainable use of Biodiversity Beyond National Jurisdiction, under the United Nations Convention on the Law of the Sea.

This instrument will focus on four overarching issues (Box 1), typically referred to as the ‘Package deal’ because it is assumed that an agreement needs to be reached on all issues as a whole, in order for the negotiations to be successful. Further detail on the Biodiversity Beyond National Jurisdiction process and framework can be found in Annex A.

Figure 2: Timeline of events in the Biodiversity Beyond National Jurisdiction Process. At its seventy-second session in 2018, the General Assembly of the United Nations (UNGA) will take forward the elaboration of the text of an international legally binding instrument for conservation of BBNJ.



## Implications for Business

The process to create a legally-binding instrument is ongoing, and therefore the exact implications for businesses, and other marine users is not yet known.

The information provided here provides a summary of discussion topics that may have relevance to marine extractive industries.

However, it is yet to be determined exactly how these industries will be affected.

### Institutional arrangements

Several institutions and agreements are mandated to

regulate sectoral issues within ABNJ. These for instance include the International Maritime Organisation (IMO - shipping), the global network of Regional Fisheries Management Organisations (RFMO - fisheries) and the International Seabed Authority (ISA - seabed mining).

The existing management framework in ABNJ is however fragmented, and the need for a more holistic approach has been recognized by UNGA.

The aim of the new instrument is to promote greater coherence with, and complement, existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies [10]. The intention to develop a new instrument that does not undermine the work of existing regional and sectoral organisations was identified as an integral consideration.

A key part of the more holistic approach will be to address the thematic and geographic gaps in governance. In some cases this

may result in the expansion of mandates of some institutions from national jurisdiction to include Areas Beyond National Jurisdiction. In addition where there are coverage gaps in the existing institutional space, this could be covered by new or expanded organisations.

In addition, the use of Area Based Management Tools could increase in Areas Beyond National Jurisdiction, including the designation of new protected areas and more transboundary management. A standard set of criteria will be agreed for the designation of Marine Protected Areas, and the process for designation will be set out by the implementation of a new marine instrument [10].

**Summary of potential implications for business:**

*Increased clarity of management authorities and processes for undertaking activities in ABNJ*

*Potential costs and risks associated with increased regulation*

*Requirement for compliance with Area Based Management Tools*

*Potential requirement for transboundary Environmental Impact Assessments*

### Cross-sectoral coordination

Existing institutional bodies have mandates pertaining to specific activities within Areas Beyond National Jurisdiction. Therefore, ongoing discussions have highlighted cross-sectoral collaboration and coordination as necessary to balance the needs and priorities of each sector, and to ensure the sustainable and responsible use of the marine

resources in Areas Beyond National Jurisdiction.

An example demonstrating the current fragmented approach to management in ABNJ and the importance of cross-sectoral coordination, information sharing and activity planning is provided in Box 2.

**Summary of potential implications for business:**

*Enhanced cross-sectoral collaboration through the existence of a new management organisation with the responsibility for cross-sectoral coordination*

*Requirement for cross-sectoral collaboration and need to develop familiarity with other sector mandates to reduce risk to BBNJ*

### Environmental Impact Assessments

A new agreement may influence the minimum standards, scope, and content of Environmental Impact Assessments (EIA), including the requirement for cross-sectoral activity assessments, Strategic Environmental Assessments, and consideration of transboundary impacts.

Under UNCLOS, and customary international law, the text of the new instrument would set out the obligation for States to assess the potential effects of planned activities under their jurisdiction or control in Areas Beyond National Jurisdiction [10].

Assessment of transboundary impacts within EIAs could include activities occurring in Areas Beyond National Jurisdiction that may have adverse transboundary impacts on coastal State Exclusive Economic Zones, and

vice versa. Liability for transboundary impacts on Areas Beyond National Jurisdiction may change, even if businesses are operating solely within Exclusive Economic Zones.

The development of EIA criteria and thresholds in Areas Beyond National Jurisdiction may also lead to changes in monitoring, evaluation and reporting procedures. A new agreement may allow private entities to publish EIA reports anonymously so as to encourage reporting and prevent industry competition. The new agreement may build upon existing EIA procedures, such as those set out by the International Seabed Authority and Regional Fisheries Management Organisations.

**Summary of potential implications for business:**

*Opportunities related to clarity of operating environment*

*Costs and risks associated with changes to EIA requirements (e.g. cross-sectoral activity assessments)*

*Capacity building required related to additional requirements*

### Technology transfer

The new instrument will aim to support the achievement of conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction by developing and strengthening the capacity of States which may need and request it. The likely types of capacity building required are:

- Scientific and technical assistance, e.g. through joint research cooperation programmes

- Education and training of human resources; and
- Data and specialised knowledge [10]

Marine sectors may be involved in capacity building and technology transfer opportunities. The capacity building will likely be country driven and related to needs assessments. The new instrument would make provision for a clearing-house mechanism to perform functions with regard to capacity-building and technology transfer. The possible functions of a clearing-house mechanisms may include:

- Sharing data, knowledge and expertise on marine genetic resources
- Dissemination of information on Area Based Management Tools
- Providing a centralised repository for EIAs
- Sharing of best practise and information on cumulative impacts [10]

***Summary of potential implications for business:***

*Access to centralised information through a clearing-house mechanism*

*Publication of Environmental Impact Assessments documents may be made mandatory*

*Potential for improved access to Area Based Management Tool information through the central repository*

### **Jurisdictional complexity**

The move towards the protection and sustainable use of Biodiversity Beyond National Jurisdiction may lead to increased jurisdictional complexity for businesses, although it has the potential to considerably clarify the situation.

An example of this is when considering extended continental shelf claims. States have jurisdiction up to 200 nautical miles. Where the continental shelf extends beyond this, they may request extended jurisdiction from the Commission on the Limits of the Continental Shelf [3]. If the request is granted, the extended continental shelf becomes part of the jurisdictional area of the coastal State, and the State can explore and exploit the natural resources of the seabed to this outer limit. A State can also designate areas of its extended continental shelf as a Marine Protected Area. However, coastal State jurisdiction does not apply to the water column above the extended continental shelf, which is considered to be within Areas Beyond National Jurisdiction.

The extended continental shelf provides an opportunity for businesses as it increases the area that can be explored. There is an associated challenge to businesses operating on an extended continental shelf, where national legislation may permit or prohibit activities related to the seabed and subsoil, but not the water column. There currently exists 3D jurisdictional complexity in these areas of overlapping jurisdiction. The development of a new instrument on Biodiversity Beyond National Jurisdiction may improve transparency of what actions are required with regards to the water column. The new agreement will state the rights and jurisdiction of coastal States over their continental shelf, including the extended shelf claims.

Box 3 illustrates an example of overcoming the management

challenges of overlapping jurisdiction, and therefore providing clarity for those operating within the marine environment.

***Summary of potential implications for business:***

*Clarification of requirements in Areas Beyond National Jurisdiction*

*Need to respond to potential additional requirements*

*Requirement for increased collaboration and cooperation*

## **Conclusion and next steps**

A new legally binding international instrument is emerging to enhance conservation of biodiversity in the high seas.

Although the drafting of the legal instrument is in its early stages, business operating in the marine realm can expect reduced regulatory risks in the long term, due to enhanced clarity of governance within Areas Beyond National Jurisdiction. There will however be a need to respond to more onerous safeguards over biodiversity in these regions.

The next milestone in the Biodiversity Beyond National Jurisdiction process is the UN General Assembly in December 2017, which will decide on the convening of an inter-governmental Conference to elaborate on the text of the agreement.

Elements of a draft text of the agreement have been published within reports of the Preparatory Committee and can be consulted in all official UN languages:

<http://www.un.org/depts/los/biodiversity/prepcom.htm#69/292>

### Box 1: The “Package deal” - Overarching discussion points in the Biodiversity Beyond National Jurisdiction process

The Biodiversity Beyond National Jurisdiction working group identified four areas related to conservation and sustainable use of marine biological diversity in Areas Beyond National Jurisdiction:

- **Marine Genetic Resources (including issues of benefit sharing)** - Refers to biological resources and genetic materials derived from marine ecosystems and organisms [11].
- **Area Based Management Tools (including Marine Protected Areas)** - Involves the implementation of ecosystem-based and integrated management measures for a range of human activities occurring in large spatially defined areas [12].
- **Environmental Impact Assessments** - The process of evaluating the potential environmental impacts associated with a proposed activity.
- **Capacity building and the transfer of marine technology** - A process supporting the attainment, or creation of capacity to implement measures set out in the agreement; and the transfer of new technologies to secondary users, i.e. from developed to developing countries to support emerging economies, respectively.

### Box 2: Example – Conflicting marine planning in the Northwest Atlantic, and opportunities for enhanced cross-sectoral collaboration

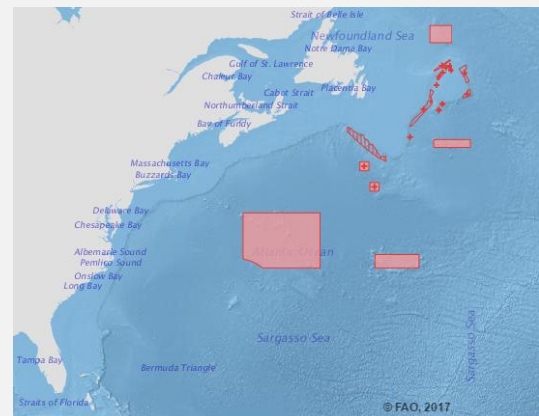
The Northwest Atlantic Fisheries Organisation (NAFO) has twelve contracting parties, and is responsible for regulating fishing activities for straddling stocks within coastal States' Exclusive Economic Zones, and straddling and high seas stocks in ABNJs.

NAFO has identified 20 Vulnerable Marine Ecosystems (VME) (see figure), closing these areas to fishing activities and regulating nearby bottom fishing activities to minimise adverse impacts [13].

Poor cross-sectoral communication resulted in an instance of deep water exploratory drilling plans occurring within a Vulnerable Marine Ecosystem off the coast of Canada [14].

Vulnerable Marine Ecosystems are areas recognized to be easily damaged because of their physical and functional fragility. While the management response established by NAFO addresses pressures derived from fisheries, VMEs are a single sector tool for fisheries. Therefore other sectors are not required to take account of them.

Limited cross-sectoral governance has been recognized as the main impediment for the comprehensive protection of VMEs, and is sought to be addressed by the new instrument.



**Vulnerable Marine Ecosystems in Areas Beyond National Jurisdiction of the Northwest Atlantic Ocean.** Twenty areas identified, including one transboundary area that is both in Canadian waters and ABNJ.

(Source: Image from FAO online Vulnerable Marine Ecosystems Database) [15].

### Box 3: Example – Overcoming jurisdictional complexity through clarification of the ecosystem protection status

In 2010, Portugal nominated the seabed and subsoil of four seamount ecosystems, located on the extended continental shelf, to the OSPAR Network of Marine Protected Areas.

Seamount ecosystems include features pertaining to both the seabed and subsoil, and the water column. Therefore seamount ecosystems require protection of both the continental shelf (composed only of seabed and subsoil) and the High Seas water column above it.

In 2010, an international collaboration between the OSPAR Commission and Portugal, led to the establishment of four high seas (water column) Marine Protected Areas complementary to the four continental shelf (seabed) Marine Protected Areas [16] to provide protection to the entire ecosystem of the seamounts.

## References

- [1] UN General Assembly. 2015. Resolution adopted by the General Assembly on 19 June 2015: Development of an 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. Sixty-ninth session. Agenda item 74(a). A/RES/69/292
- [2] Thompson H.E. (2017) Development of an 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. Statement to the Preparatory Committee at the 71<sup>st</sup> Session of the UN General Assembly. Available at: <http://www.un.org/pga/71/2017/04/04/development-of-an-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-bey/> [Accessed: 27/10/2017]
- [3] UNCLOS. 1982. United Nations Convention on the Law of the Sea.
- [4] Global Environment Facility (GEF). 2016. Areas Beyond National Jurisdiction. [Online]. Available at: <http://www.thegef.org/topics/areas-beyond-national-jurisdiction> [Accessed: 14/12/16]
- [5] Flanders Marine Institute. 2016. Maritime Boundaries Geodatabase: Maritime Boundaries and Exclusive Economic Zones (200NM), version 9. Available online at: [www.marineregions.org/](http://www.marineregions.org/).
- [6] Le Bris, N., Arnaud-Haond, S., Beaulieu, S., Cordes, E., Hilario, A., Rogers, A., van de Gaever, S. and Watanabe, H. 2016. Hydrothermal Vents and Cold Seeps. World Oceans Assessment
- [7] Dunn D.C., Crespo G.O., Bulger F., Christian C., Gjerde K.M., Jimenez J.A., Muraki Gottlieb H., Rodriguez H., Ross E., Spalding M., Freestone D., Halpin P.N. 2017. Deep, distant and dynamic: Critical considerations for incorporating the open-ocean into a new BBNJ treaty. Available online at: <http://www.nereusprogram.org/policy-brief-deep-distant-and-dynamic-critical-considerations-for-incorporating-the-open-ocean-into-a-new-bbnj-treaty/> [Accessed: 20/10/2017]
- [8] Merrie, A., Dunn, D., Metian, M., Boustany, A., Takei, Y., Elferink, A., Ota, Y., Christensen, V., Halpin, P. and Österblom, H. 2014. An ocean of surprises – Trends in human use, unexpected dynamics and governance challenges in areas beyond national jurisdiction. *Global Environmental Change*. 27. 19–31
- [9] UNEP-WCMC and IUCN. 2016. Protected Planet Report 2016. UNEP-WCMC and IUCN: Cambridge UK and Gland, Switzerland. Available at: <https://www.protectedplanet.net/c/protected-planet-report-2016>
- [10] UN General Assembly 2017 Report of the Preparatory Committee established by General Assembly Resolution 69/292: Development of an 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.
- [11] CBD. 1992. United Nations Convention on Biological Diversity. 5 June 1992. Rio de Janeiro, Brazil.
- [12] The Nature Conservancy (TNC). 2015. Area-based management. Conservation Gateway. [Online]. Available at: <https://www.conservationgateway.org/ConservationPractices/Marine/Area-basedManagement/Pages/area-based-management.aspx> [Accessed on: 12/1/17]
- [13] NAFO. 2017. Vulnerable Marine Ecosystems (VME) Closures. [Online]. Available at: <https://www.nafo.int/Fisheries/VME> [Accessed: 12/1/17]
- [14] Northwest Atlantic Fisheries Organisation (NAFO). 2016. Report of the Scientific Council Meeting 03 - 16 June 2016 Halifax, Nova Scotia. NAFO SCS Doc. 16-14 Rev. [Online] Available at: <https://www.nafo.int/Portals/0/PDFs/sc/2016/scs16-14.pdf?ver=2016-08-18-070559-883> [Accessed October 2017]
- [15] FAO. 2017. Vulnerable Marine Ecosystems Database. [Online]. Available at: <http://www.fao.org/in-action/vulnerable-marine-ecosystems/vme-database/en/> [Accessed October 2017]
- [16] Ribeiro, M.C. 2014. Marine Protected Areas: the case of the extended continental shelf. Conference Paper: '30 years after the signature of the United Nations Convention on the Law of the Sea: the protection of the environment and the future of the Law of the Sea', Coimbra Editora. [Online] Available: [https://www.researchgate.net/publication/263008039\\_Marine\\_Protected\\_Areas\\_the\\_case\\_of\\_the\\_extended\\_continental\\_shelf](https://www.researchgate.net/publication/263008039_Marine_Protected_Areas_the_case_of_the_extended_continental_shelf) [Accessed October 2017]

## Annex A - Background to Biodiversity Beyond National Jurisdiction (BBNJ)

### The BBNJ Process

In 2004, UNGA established a 'Biodiversity Beyond National Jurisdiction working group'<sup>1</sup> to research issues relating to the conservation and sustainable use of Biodiversity Beyond National Jurisdiction ([A/RES/59/24](#) - UNGA, 2004).

Following recommendations of the Biodiversity Beyond National Jurisdiction working group ([A/69/780/i](#) - UNGA, 2015a), the General Assembly of the United Nations (UNGA) in 2015 resolved to develop a legally-binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) for the conservation and sustainable use of marine Biodiversity Beyond National Jurisdiction ([A/RES/69/292](#) - UNGA, 2015b). This instrument will focus on four overarching issues, typically referred to as the 'Package deal', because it is assumed that an agreement needs to be reached on all issues in order for the negotiations to be successful (Box 1).

The negotiations opened by the UNGA are formally undertaken by the Preparatory Committee (PrepCom). Before the end of its seventy-second session in 2018, the UNGA will render a decision on whether and, if so when, to convene an intergovernmental conference to consider the Preparatory Committee's recommendations and elaborate the text of an international legally binding instrument. The PrepCom has now held all four sessions. The Chair's Reports are available for PrepCom 1 to 4 on the DOALOS website <http://www.un.org/depts/los/biodiversity/prepcom.htm>

### Mandates in Areas Beyond National Jurisdiction

UNCLOS Parties have a duty of care for the conservation of living resources in the High Seas, and are encouraged to cooperate with other States to implement necessary measures (UNCLOS, 1982, Article 117).

In addition, a number of international organisations have a mandate to regulate or guide specific activities within Areas Beyond National Jurisdiction. These include:

- the International Seabed Authority (ISA), which oversees the exploration and exploitation of mineral resources;
- the International Maritime Organisation (IMO), which maintains the regulatory framework for safe and environmentally sound shipping and waste dumping;
- the UN Food and Agriculture Organisation (FAO), which provides guidance on fishing activities in Areas Beyond National Jurisdiction; and
- Regional Fisheries Management Organisations (RFMOs), which guide and regulate fishing activities via quotas, codes of conduct and the implementation of conservation measures such as the designation of Vulnerable Marine Ecosystems (VMEs).

UN Environment's Regional Seas Programmes (RSPs) also have a direct biodiversity mandate to address marine and coastal degradation and encourage inter-state collaboration to achieve environmental and development targets (UN Environment Regional Seas, 2017).

Of the eighteen programmes, only five currently have a mandate in Areas Beyond National Jurisdiction: the Mediterranean (Barcelona Convention), the North-East Atlantic (OSPAR Convention), the South Pacific (Noumea Convention), the Southern Ocean (CCAMLR Convention), and the Southeast Pacific (Lima Convention) (UN Environment Regional Seas, 2016). The objective of the Lima Convention includes the High

<sup>1</sup> The full name of the Biodiversity Beyond National Jurisdiction working group is 'The Ad-Hoc Open-ended Informal Working Group' (UNGA/A/RES/59/24).

Seas up to a certain distance within which pollution of the High Seas may affect the Convention Area within national jurisdiction.

A 2016 UN Environment Assembly (UNEA) resolution encouraged member states to consider a geographical extension to RSP regulatory areas (UNEP/EA.2/Res.10 - UNEA, 2016). Depending on their mandate, Regional Seas Programmes can address a range of direct and indirect issues in Areas Beyond National Jurisdiction in their geographical area of coverage. These may include, inter alia, pollution control, ABMTs (including MPAs) and EIAs.

## Relevant International Conventions

In addition, various international conventions such as the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Convention on Biological Diversity (CBD), are also of relevance for Areas Beyond National Jurisdiction through their advisory and technical roles. For example, Ecologically and Biologically Significant Areas (EBSAs) have been described in Areas Beyond National Jurisdiction by States at regional workshops using scientific [criteria](#) adopted by the CBD (CBD Secretariat, 2008). Whilst these do not have any direct management implications, these areas can be used to inform planning processes in Areas Beyond National Jurisdiction (Bax et al. 2016).

## References

- CBD Secretariat. 2008. Conference of the Parties 09 Decision IX/20 Marine and Coastal Biodiversity. UNEP/CBD/COP/DEC/IX/20. Annex 1. Scientific criteria for identifying Ecologically or Biologically Sensitive Marine Areas in need of protection in open ocean waters and deep habitats. [Online] Available at: <https://www.cbd.int/doc/decisions/cop-09/cop-09-dec-20-en.pdf> [Accessed October 2017]
- Bax, NJ, Cleary J, Donnelly B, Dunn DC, Dunstan PK, Fuller M and Halpin PN. 2016. Results of efforts by the Convention on Biological Diversity to describe ecologically or biologically significant marine areas. *Conservation Biology*.
- UNCLOS. 1982. United Nations Convention on the Law of the Sea.
- UN Environment Regional Seas. 2016. Conservation of Biodiversity in Areas Beyond National Jurisdiction (BBNJ). [Online]. Available at: <http://drustage.unep.org/regionalseas/what-we-do/conservation-biodiversity-areas-beyond-national-jurisdiction-bbnj> [Accessed 12/1/17]
- UN Environment Regional Seas. 2017. Regional Seas Programmes. [Online]. Available at: <http://web.unep.org/regionalseas/who-we-are/regional-seas-programmes> [Accessed 12/1/17]
- UN Environment Assembly (UNEA) 2016. 2/10. Oceans and seas. Second session, Nairobi, 23–27 May 2016. UNEP/EA.2/Res.10. [Online] Available at: [http://www.unep.org/about/sgb/cpr\\_portal/Portals/50152/2-10/K1607222\\_UNEPEA2\\_RES10E.pdf](http://www.unep.org/about/sgb/cpr_portal/Portals/50152/2-10/K1607222_UNEPEA2_RES10E.pdf) [Accessed October 2017]
- UN Environment Regional Seas. 2016. Conservation of Biodiversity in Areas Beyond National Jurisdiction (BBNJ). [Online]. Available at: <http://drustage.unep.org/regionalseas/what-we-do/conservation-biodiversity-areas-beyond-national-jurisdiction-bbnj> [Accessed 12/1/17]
- UN Environment Regional Seas. 2017. Regional Seas Programmes. [Online]. Available at: <http://web.unep.org/regionalseas/who-we-are/regional-seas-programmes> [Accessed 12/1/17]
- UN General Assembly (UNGA). 2004. Resolution adopted by the General Assembly on 17 November 2004: 59/24 Oceans and the law of the sea. Fifty-ninth session, Agenda item 49(a). A/RES/59/24
- UN General Assembly (UNGA). 2015a. Letter dated 13 February 2015 from the Co-Chairs of the Ad Hoc Open-ended Informal Working Group to the President of the General Assembly. Sixty-ninth session, Agenda item 74(a), Oceans and the law of the sea. Annex 1. A/69/780/i
- UN General Assembly (UNGA). 2015b. Resolution adopted by the General Assembly on 19 June 2015: Development of an 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. Sixty-ninth session. Agenda item 74(a). A/RES/69/292

**Citation:** UNEP-WCMC (2017). Introduction to Biodiversity Beyond National Jurisdiction, UNEP-WCMC, Cambridge, UK.

**Authors:** Scrimgeour, R., Fletcher, R., Dawkins K., Brauner K., Fletcher, S.

**Available online at:** [www.proteuspartners.org/](http://www.proteuspartners.org/)

**Contact:** marine@unep-wcmc.org



**Copyright:** 2017 United Nations Environment

The United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) is the specialist biodiversity assessment centre of the United Nations Environment Programme (UNEP), the world's foremost intergovernmental environmental organization. The Centre has been in operation for over 30 years, combining scientific research with practical policy advice.

**Copyright release:** This publication may be reproduced for educational or non-profit purposes without special permission, provided acknowledgement to the source is made. Reuse of any figures is subject to permission from the original rights holders. No use of this publication may be made for resale or any other commercial purpose without permission in writing from UNEP. Applications for permission, with a statement of purpose and extent of reproduction, should be sent to the Director, UNEP-WCMC, 219 Huntingdon Road, Cambridge, CB3 0DL, UK.

**Disclaimer:** The contents of this report do not necessarily reflect the views or policies of UNEP, contributory organizations or editors. The designations employed and the presentations of material in this report do not imply the expression of any opinion whatsoever on the part of UNEP or contributory organizations, editors or publishers concerning the legal status of any country, territory, city area or its authorities, or concerning the delimitation of its frontiers or boundaries or the designation of its name, frontiers or boundaries. The mention of a commercial entity or product in this publication does not imply endorsement by UNEP.