



proteus

Proteus Horizon Scan  
Webinar

Biodiversity Beyond National  
Jurisdiction (BBNJ)

27<sup>TH</sup> OCTOBER 2021

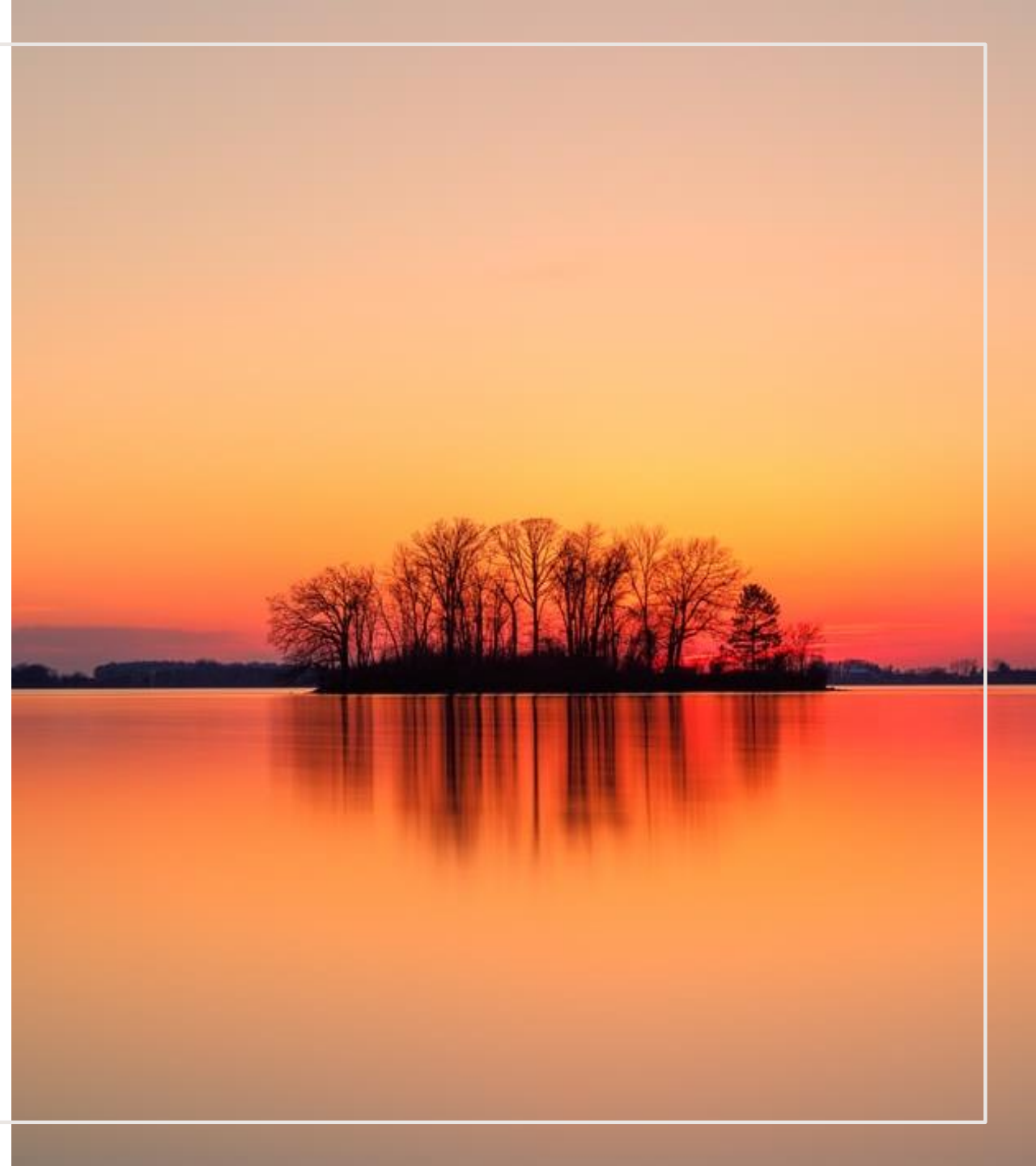
# PROTEUS HORIZON SCAN WEBINARS

A series of webinars for Proteus Partners sharing information and insights into the latest trends and developments in biodiversity and ecosystem services policy, initiatives, data and tools.



# LOGISTICS

- **Scheduling:** AM & PM sessions
- **Rules:** Chatham House rule for discussion, but presentation is recorded
- **Topics:** Your suggestions are welcome!



# OVERVIEW

- Introduction to Areas Beyond National Jurisdiction (ABNJ) and Biodiversity Beyond National Jurisdiction (BBNJ)
- What are the BBNJ negotiations?
- Implications for and reference to Proteus Partners
- Feedback and Discussion

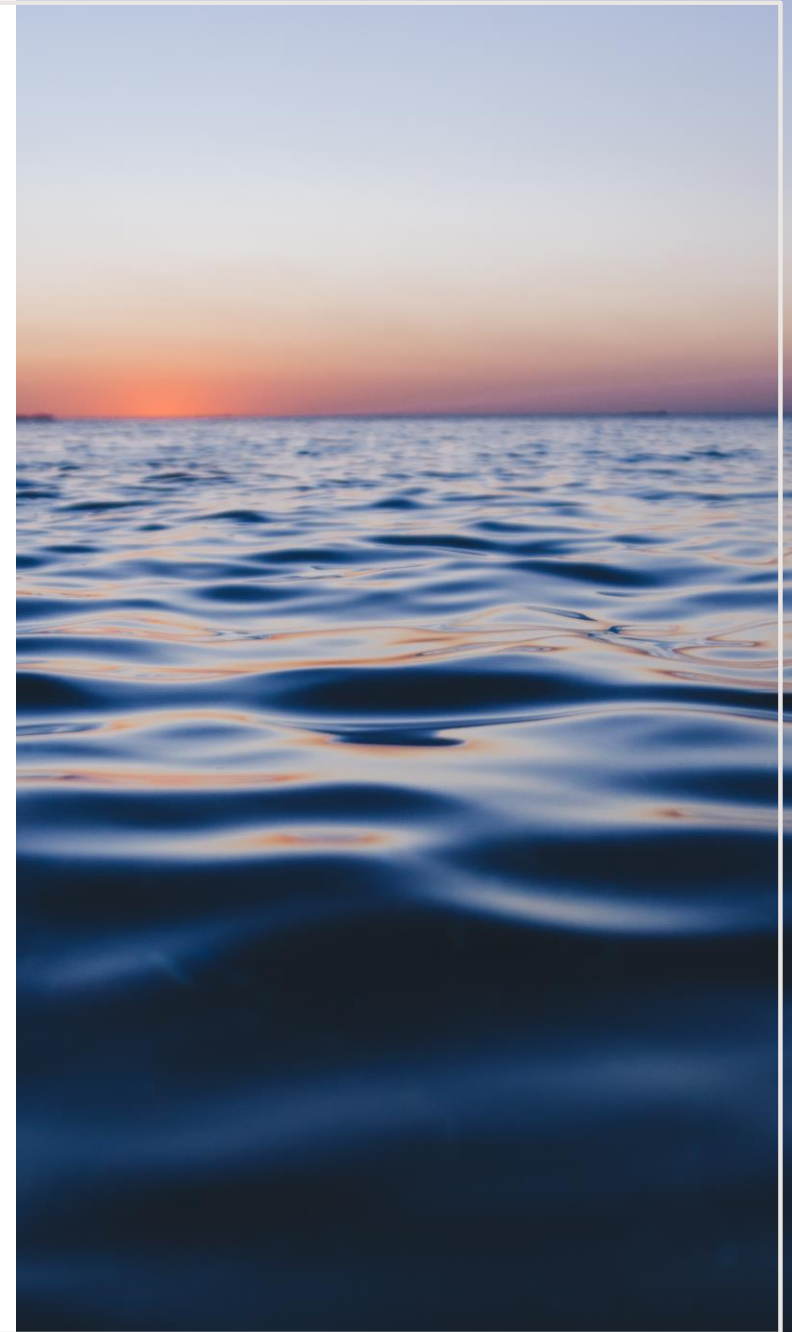


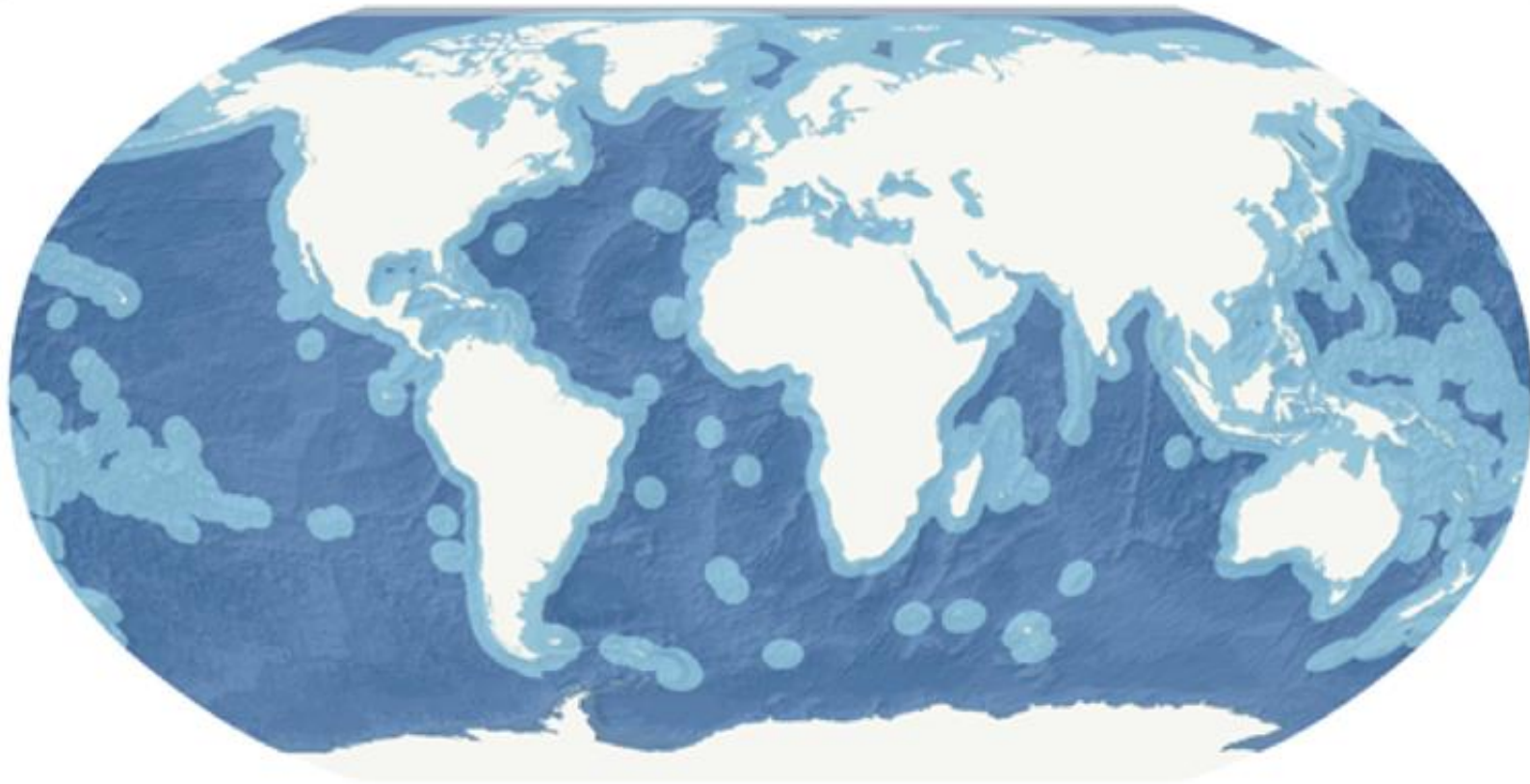
# Introduction to ABNJ and BBNJ

Rachael Scrimgeour, Programme Officer, UNEP-WCMC

# WHAT ARE ABNJ?

- ABNJ = Areas Beyond National Jurisdiction
- Areas of the open ocean that lie beyond the boundaries of any country's marine territory
- Belong to no single state
- Subject to various principles that allow different uses
- Characterised by deep ocean areas, with slow-growing species and delicate seabed ecosystems





**71%** of the planet is ocean

**61%** of the ocean lies in ABNJ

ABNJ cover

**43%** of the planet

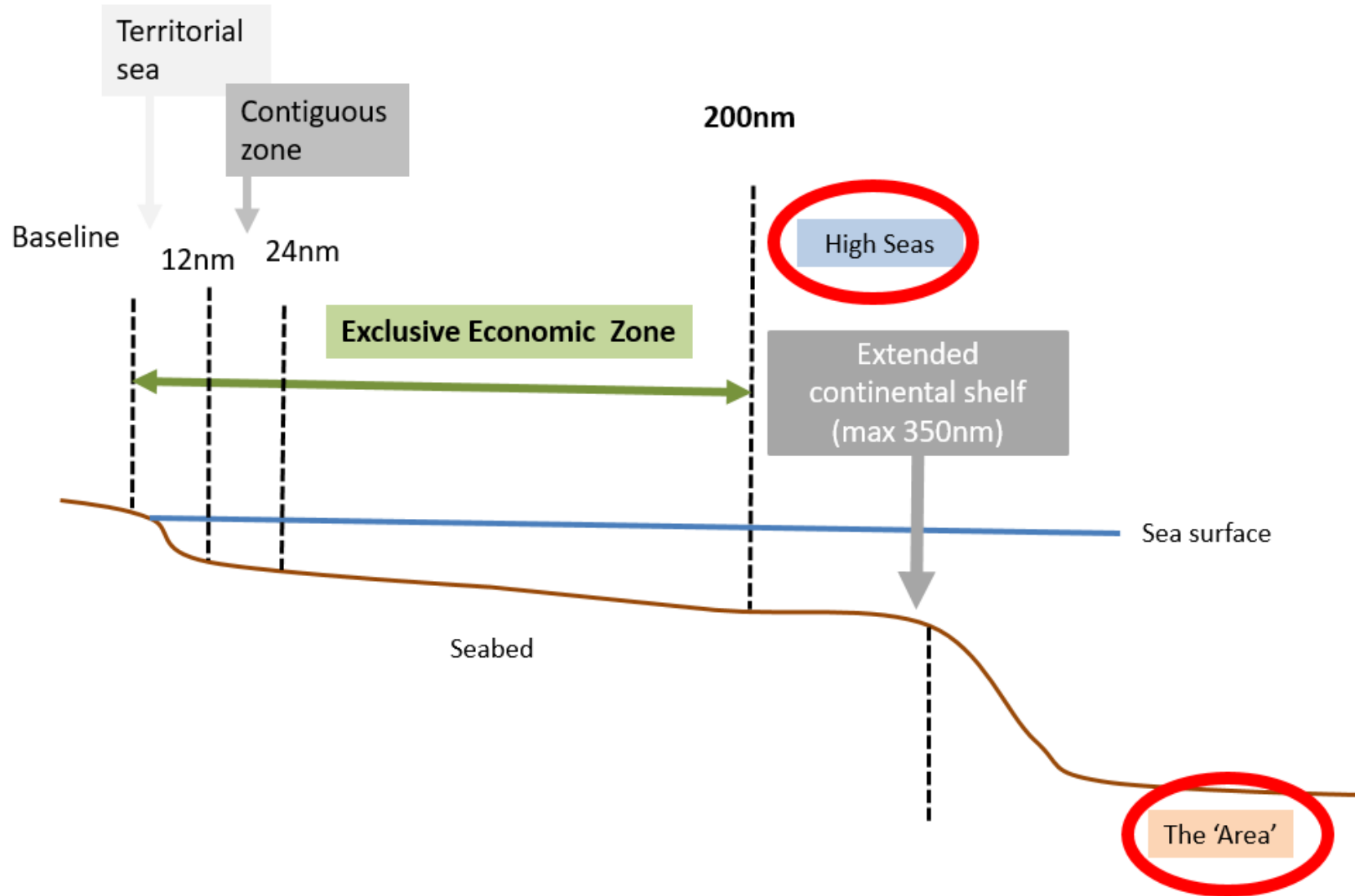




## HOW ARE ABNJ GOVERNED?

- United Nations Convention on the Law of the Sea (UNCLOS) (1982) provides:  
*“a comprehensive legal framework to regulate all ocean space, its uses and resources”* (European Commission)
- Establishes maritime zones and boundaries to guide countries in the governance of their marine resources
- Sets out regulations and establishes competent authorities to regulate specific activities

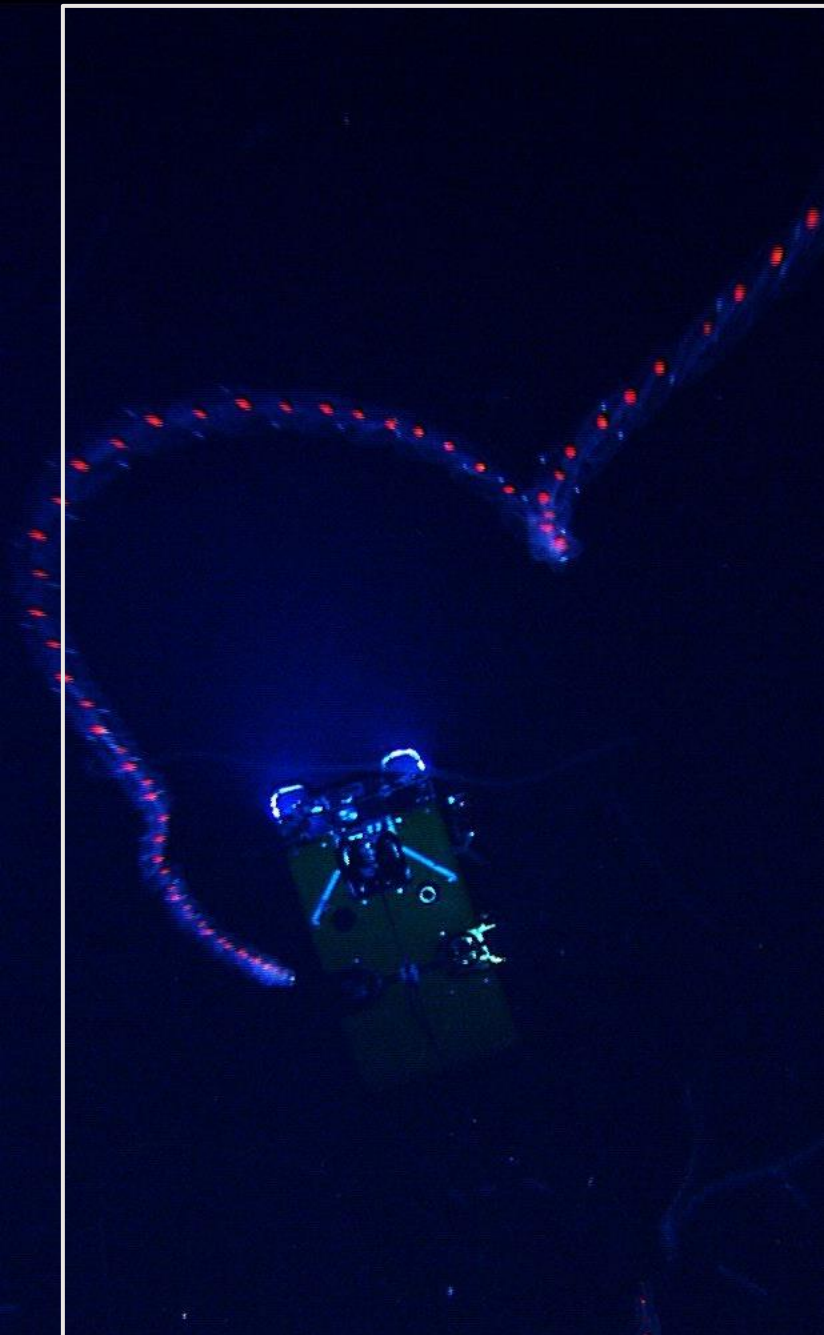
# Maritime boundaries under UNCLOS



# WHAT ACTIVITIES OCCUR IN ABNJ AND WHO GOVERNS THEM?

- Activities governed by States, grouped under the umbrella of Competent Intergovernmental Organisations.

Fisheries	Regional Fisheries Management Organisations ( <i>supported by FAO</i> )
Shipping and navigation	International Maritime Organization
Deep-sea mining	International Seabed Authority
Cable laying	No competent authority ( <i>International Cable Protection Committee</i> )
Marine scientific research	Individual states ( <i>guided by UNCLOS and scientific bodies</i> )
Environmental conservation	Sectoral competent authorities (as above) ( <i>Regional Seas Conventions and Action Plans</i> ) ( <i>Convention on Biological Diversity</i> )



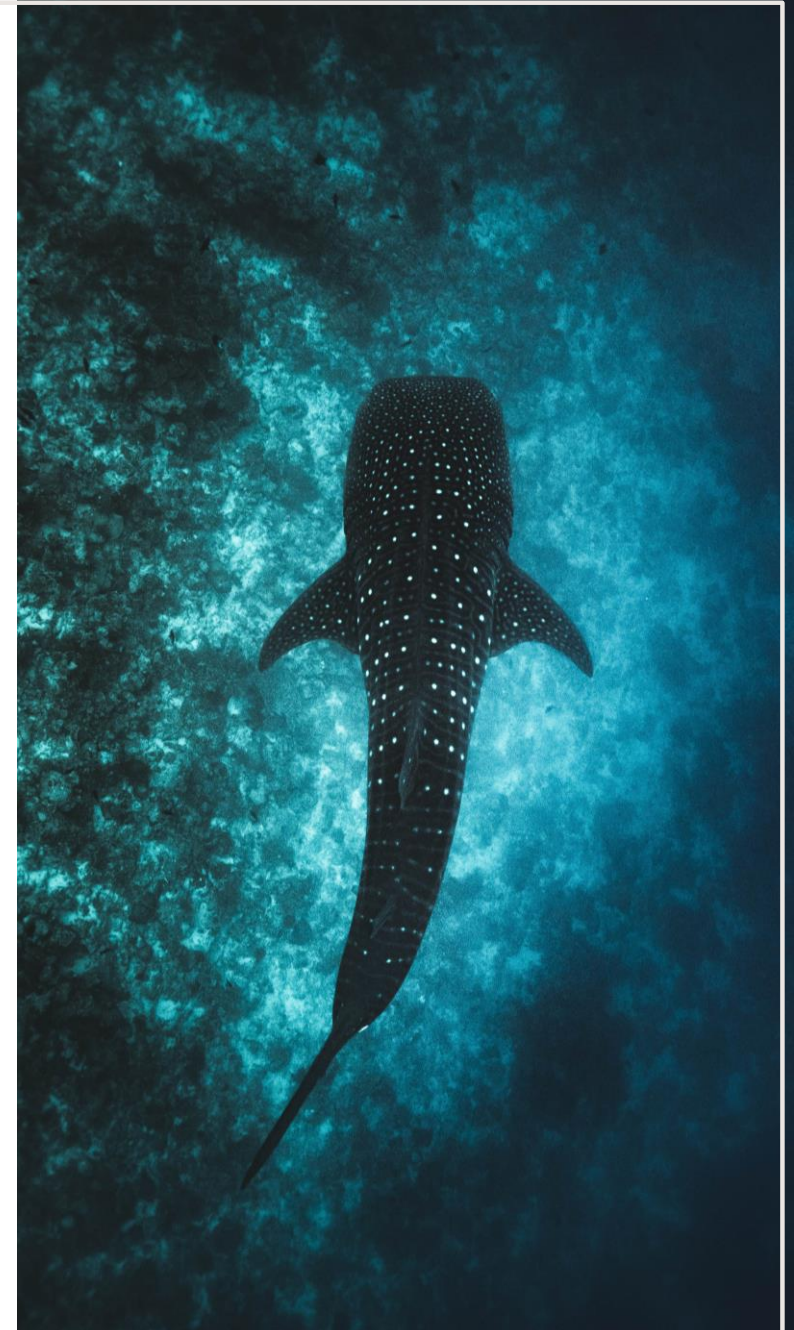


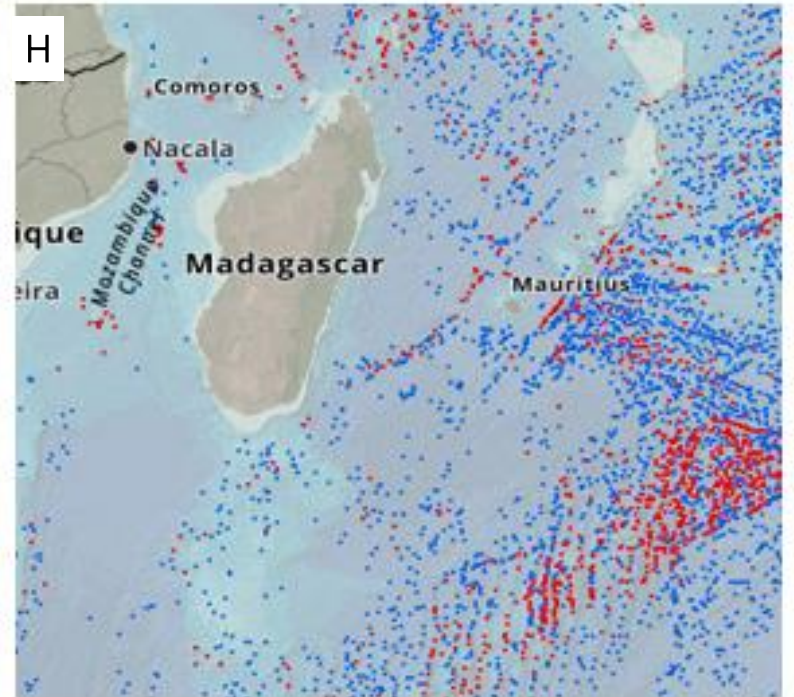
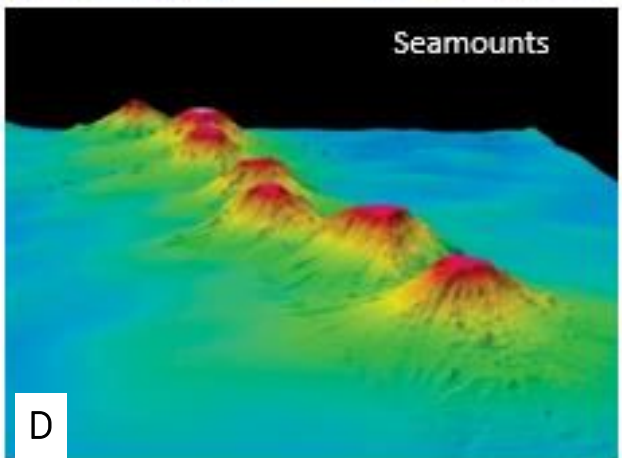
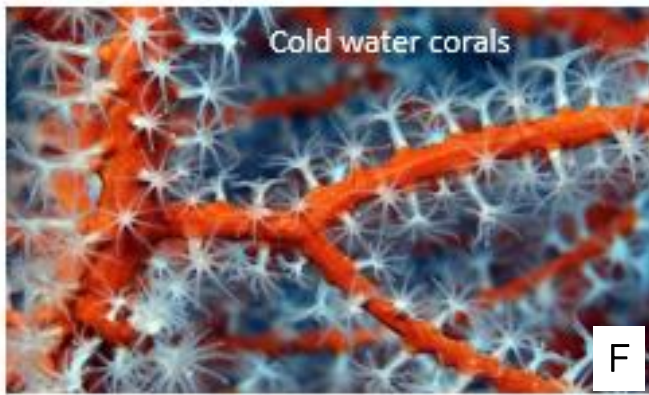
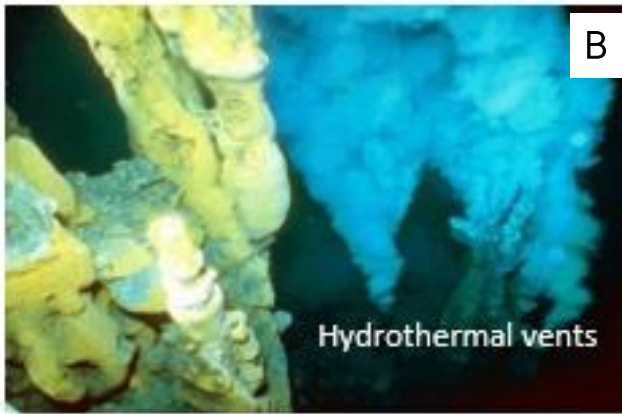
# CURRENT ABNJ GOVERNANCE FRAMEWORK

- ABNJ governance occurs in silos
- Geographical gaps in regional organisation coverage in ABNJ
- No sufficient legal mandate for ecosystem-based management and biodiversity conservation in ABNJ.
- No mechanism to enable coordination across sectors, regions and institutions for the conservation and sustainable use of biodiversity in ABNJ.

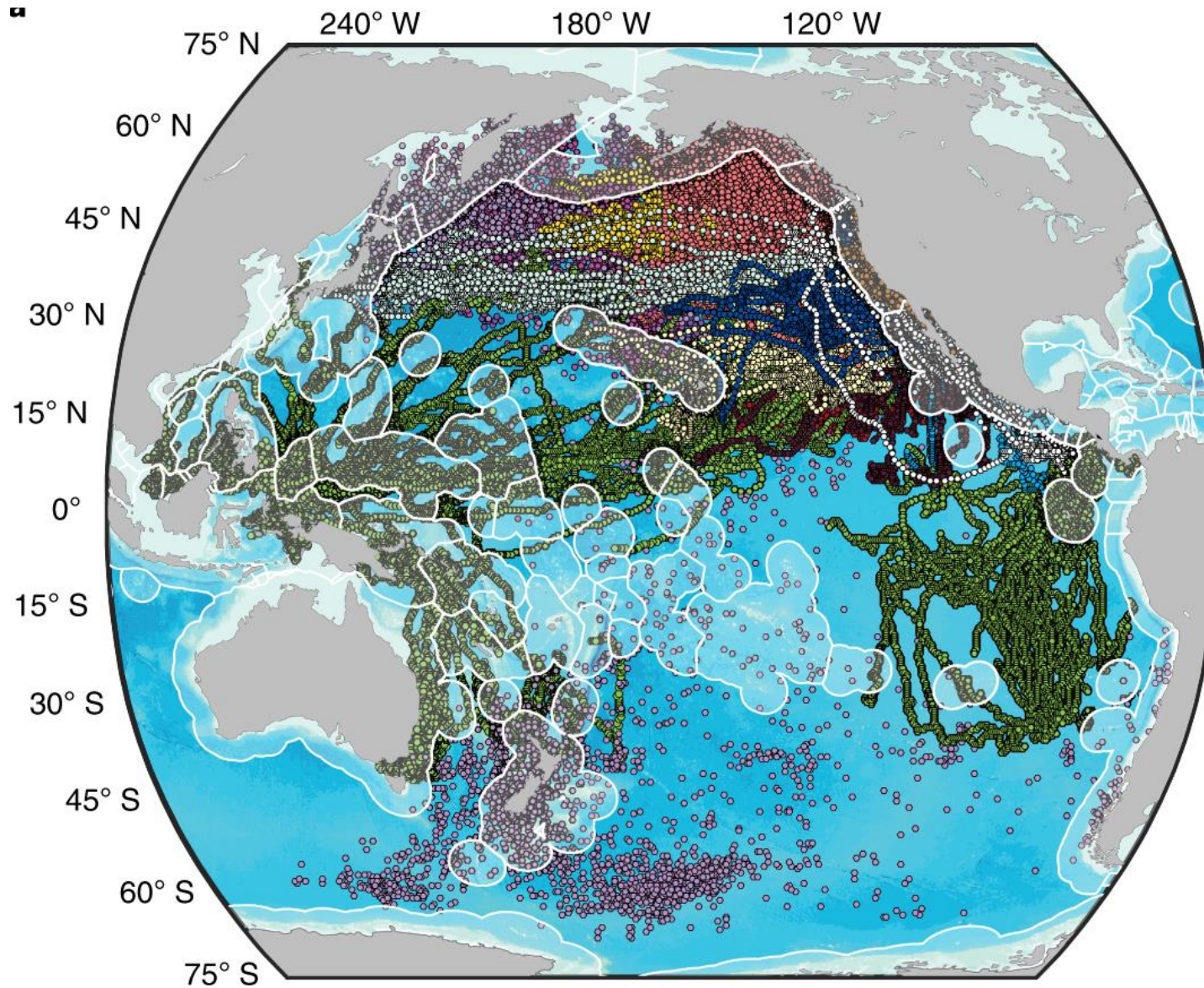
# WHAT IS BBNJ?

- Marine biological diversity (habitats and species) that inhabit, traverse or use ocean areas that lie beyond the boundaries of national jurisdictions
  - Deep-sea fish, cephalopod and crustaceans
  - Migratory species (e.g. whales, turtles, tuna)
  - Seabirds (e.g. albatrosses, petrels)
  - Microscopic marine organisms
  - Deep-sea habitats (corals, sponges, seamounts)





Autumn-Lynn  
Harrison, *Et al.* (2018)  
The political  
biogeography of  
migratory marine  
predators  
*Nature Ecology &  
Evolution* Vol.2, pp1571–  
1578



- Albacore tuna   ● Pacific bluefin tuna   ● Yellowfin tuna   ● Blue shark   ● Shortfin mako shark   ● Salmon shark   ● White shark   ● Leatherback sea turtle
- California sea lion   ● Northern elephant seal   ● Black-footed albatross   ● Laysan albatross   ● Sooty shearwater   ○ Blue whale

## Connectivity:

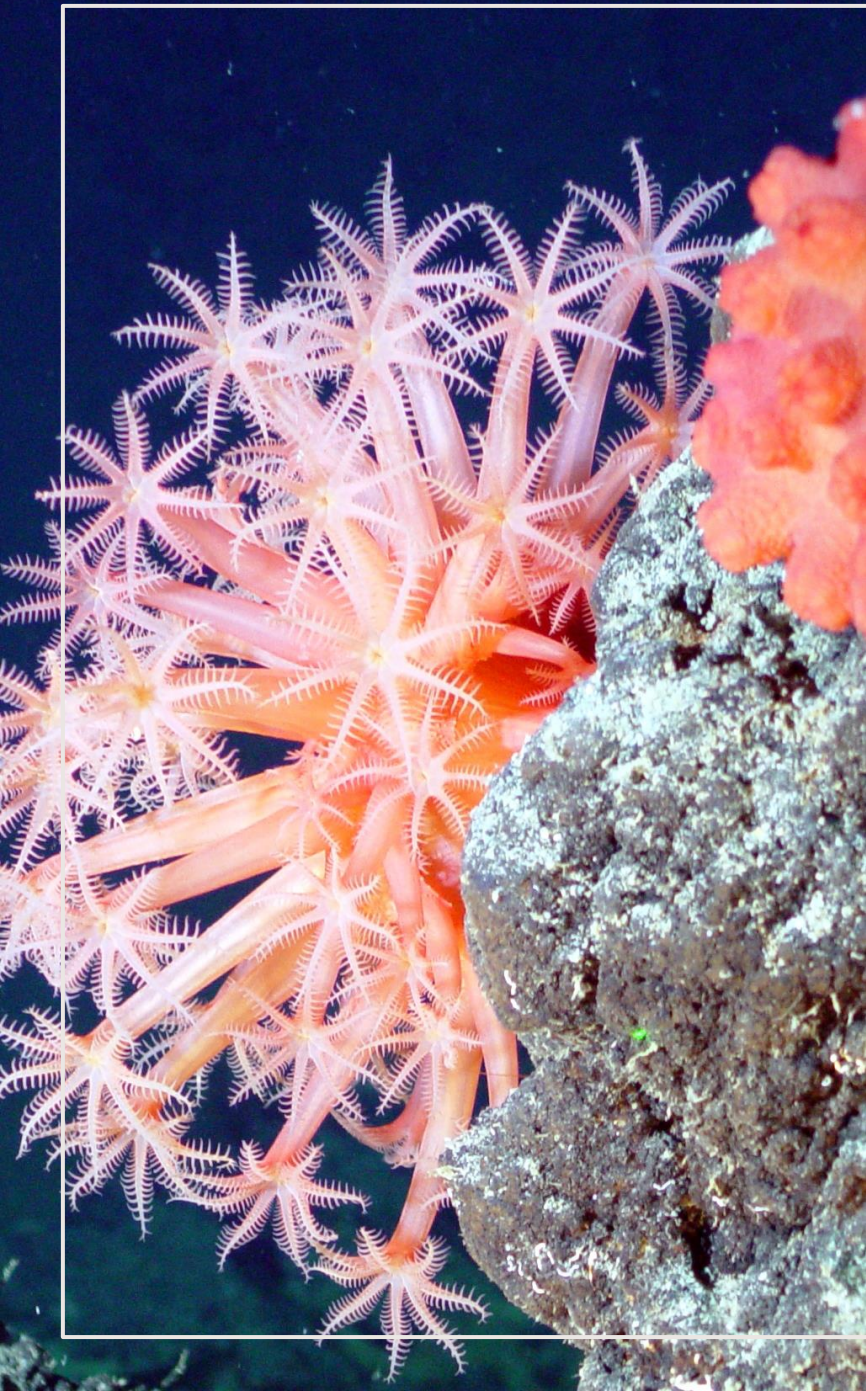
A critical biodiversity consideration  
in global ocean sustainability

The relevance of connectivity for marine biodiversity has been recognised in the negotiations for a new international legally binding instrument for the conservation and sustainable use of biodiversity of areas beyond national jurisdiction. This technical brief provides evidence to support future negotiations. It explains how connectivity can be considered in negotiations on three of the four 'package elements' of the instrument: area-based tools, environmental impact assessments and technology transfer and capacity building. This technical brief provides an opportunity to consider appropriate ways to include ecological connectivity in order to support the delivery of the ecosystem approach.

### Key messages

Movements of currents and migratory animals connect all parts of the ocean, making conservation and sustainable use of biodiversity beyond national jurisdiction complex and dependent on interconnectivity. Therefore, under the new instrument, the following provide potential starting points:

- Movements of biodiversity, including migratory species, can be integrated in planning and implementation of area-based management tools.
- Potential impacts from distant and localised activities are mobile and can be considered, given the highly connected nature of the marine environment.
- Environmental impact assessments can account for transboundary ecosystems and the connectivity generated by migratory species.
- Technology transfer and capacity building can have a role in strengthening monitoring of connectivity and making connectivity information available and accessible for decision-making.

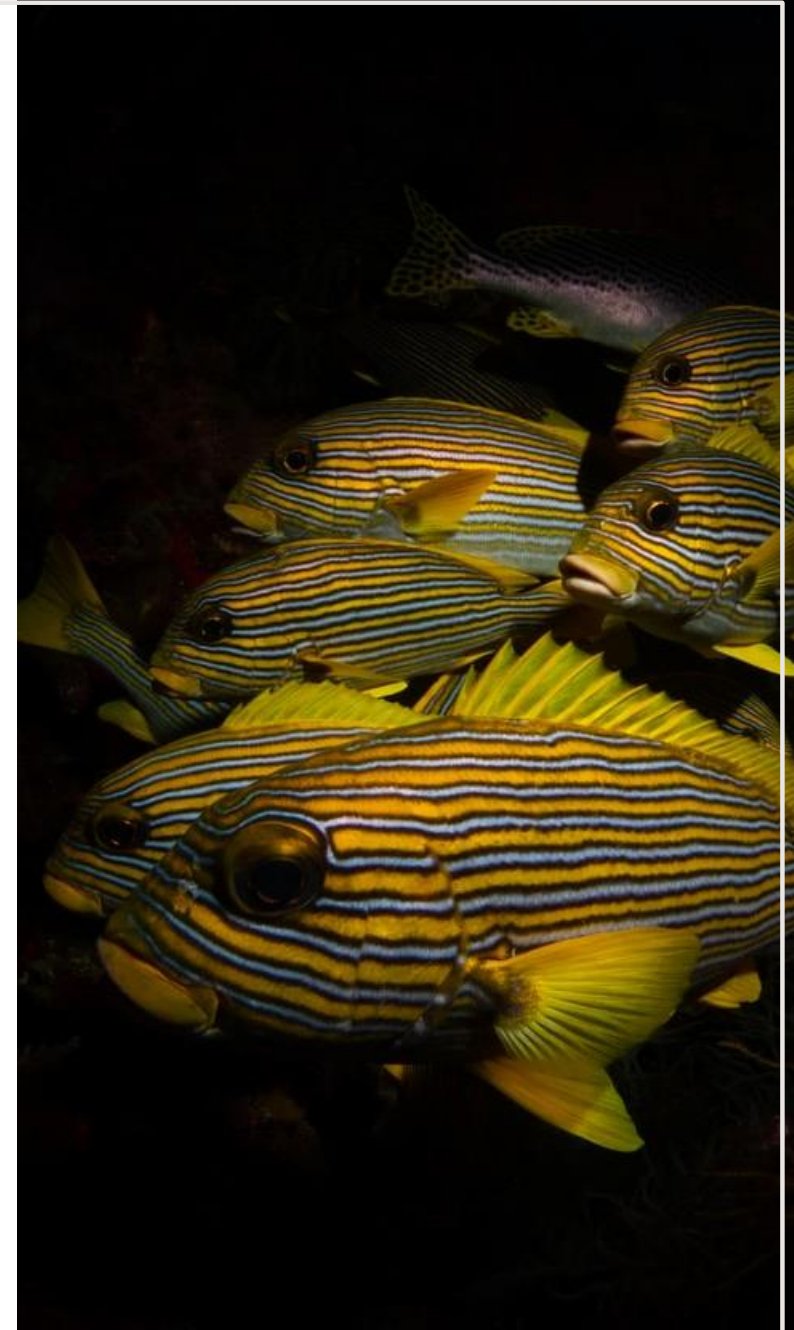


## ECOLOGICALLY AND BIOLOGICALLY SIGNIFICANT AREAS (EBSAS)

- Descriptions of important marine areas in need of protection
- Not management measures
- CBD initiative that is state-led
- Based on scientifically-robust criteria
- Described in both EEZs and ABNJ

# WHY ARE ABNJ AND BBNJ IMPORTANT?

- Essential ecosystem goods and services
- Climate regulation
- Cultural and social services
- 70% of global trade by value occurs by sea
- More than 1 million kilometers of submarine telecommunications cables



# THREATS TO ABNJ AND BBNJ

- Overfishing and bycatch
- Seabed disturbance
- Marine and land-based pollution
- Ocean deoxygenation
- Ocean warming and acidification
- Noise and ship-strike (marine mammals)





What are the BBNJ negotiations?

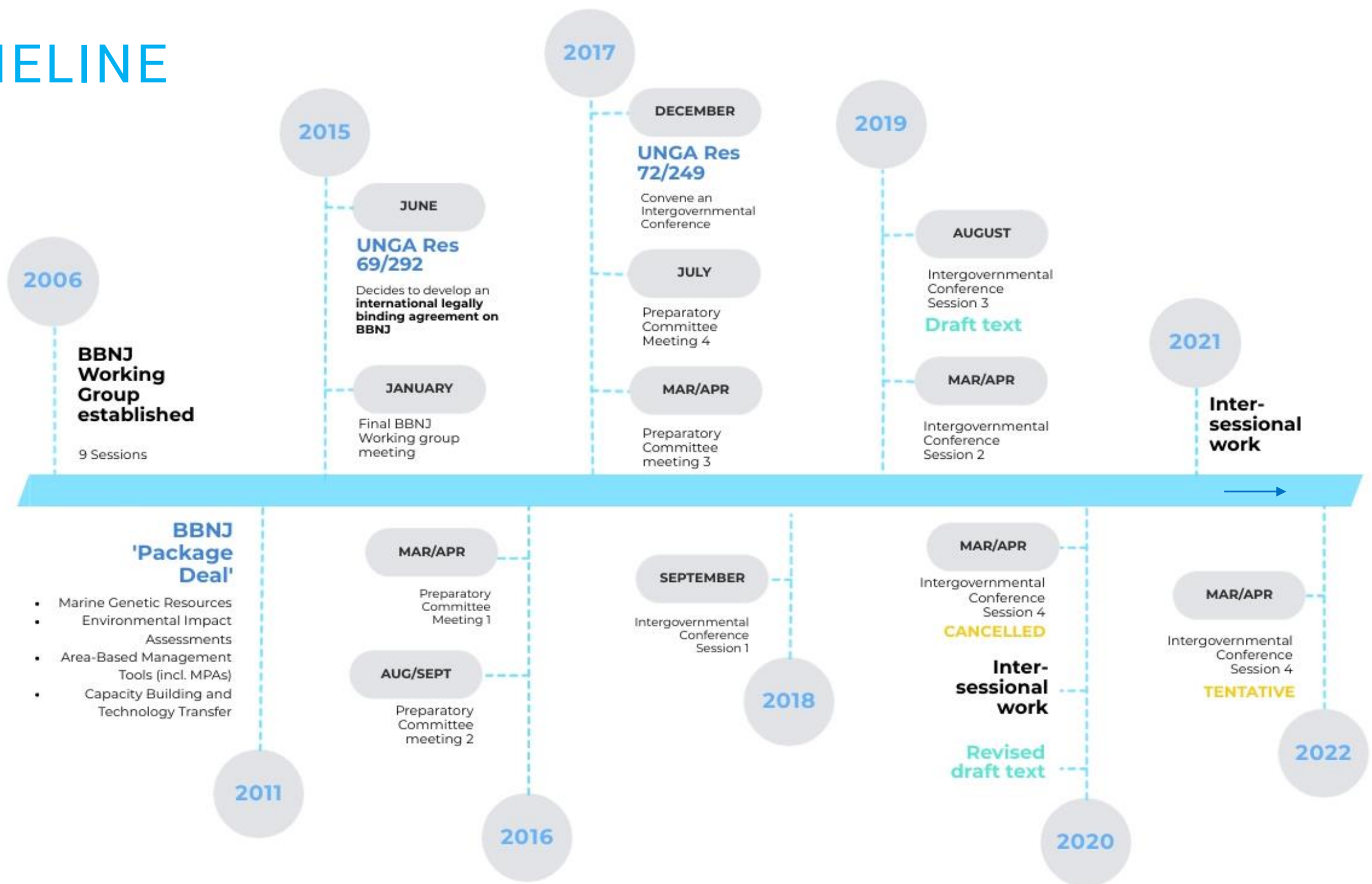
Ruth Fletcher, Senior Programme Officer, UNEP-WCMC

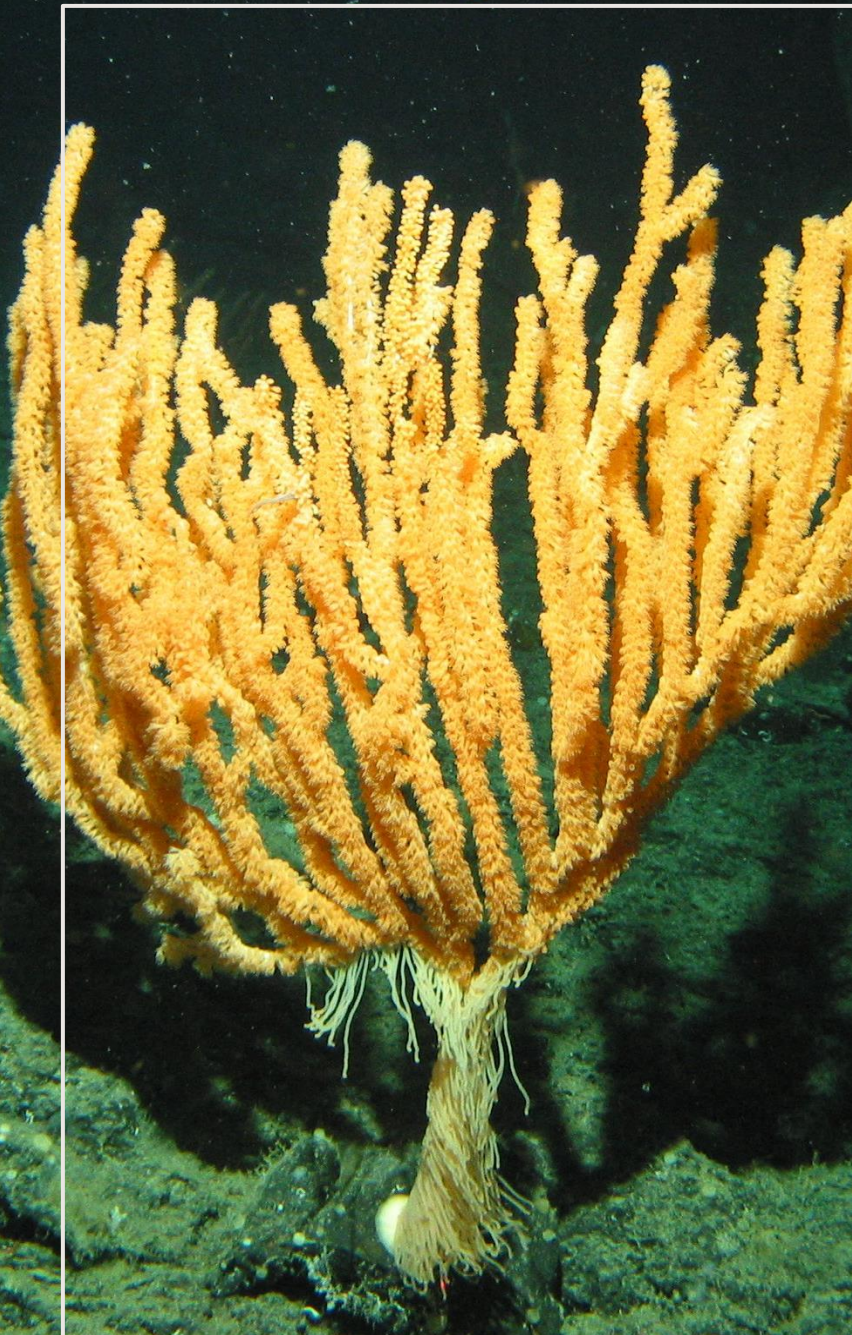
# WHAT IS THE NEW BBNJ AGREEMENT?

- Under umbrella of UNCLOS and use modern conservation principles
- Provides a common platform for biodiversity
- Legally binding framework under which sectors can cooperate and coordinate
- Aims to “not undermine”
- Utilise and build upon existing institutional frameworks
- Package deal and cross-cutting issues



# TIMELINE



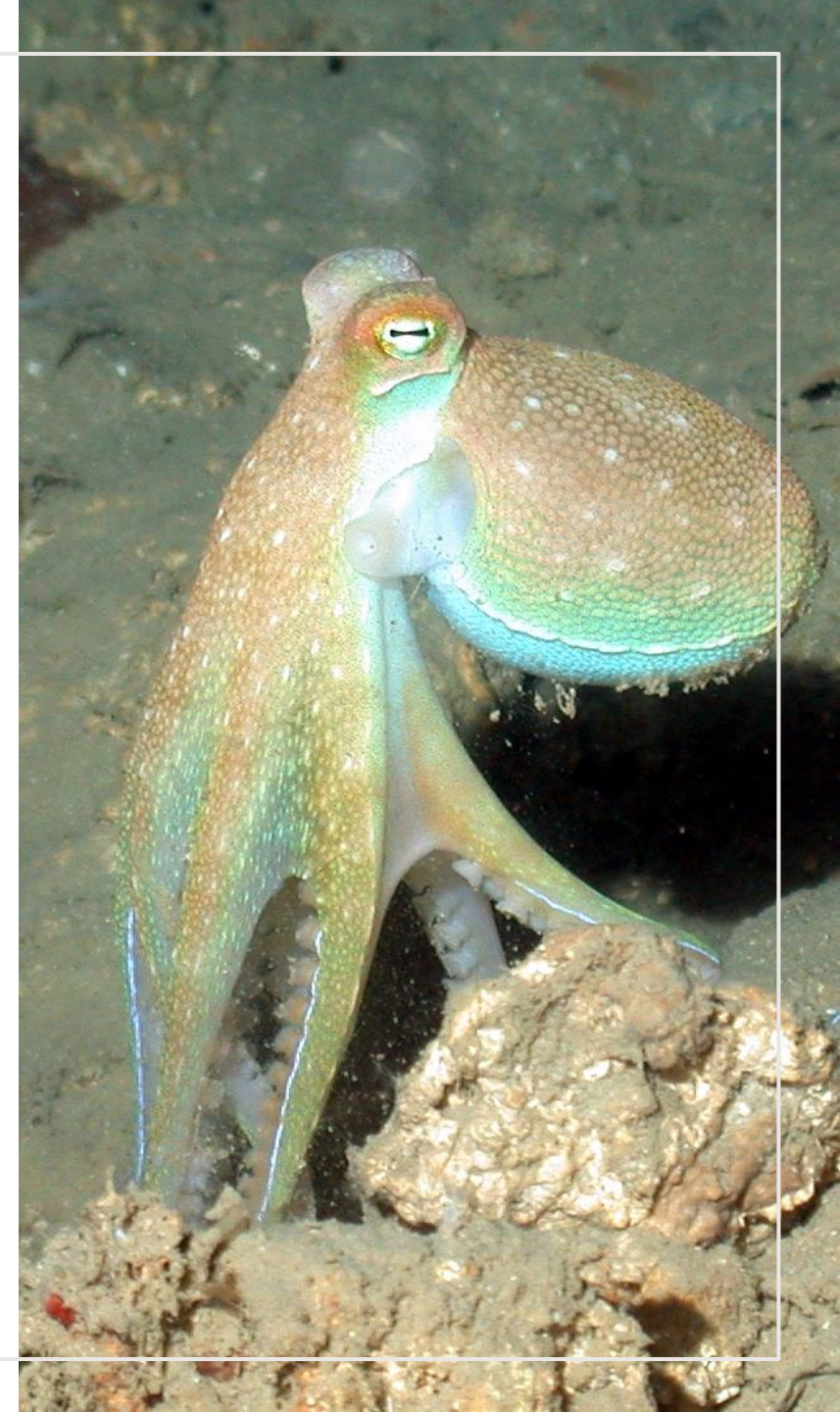


## CURRENT PROGRESS

- Revised draft text April 2020 ([A/CONF.232/2020/3](#))
- Intersessional work to continue dialogue on areas of divergence, for instance:
  - Definition of “not undermine”
  - Institutional arrangements
  - Clearing House Mechanism
  - Futureproofing
  - List of activities requiring EIAs
  - How to balance environmental and socio-economic needs

# WIDER SIGNIFICANCE

- Progress towards sustainable operations
- Raise awareness of BBNJ and threats
- Supporting ecosystem and species conservation and recovery
- Support international environment targets
- Wider business opportunities and partnerships





# Implications for and relevance to Proteus Partners

Ruth Fletcher, Senior Programme Officer, UNEP-WCMC



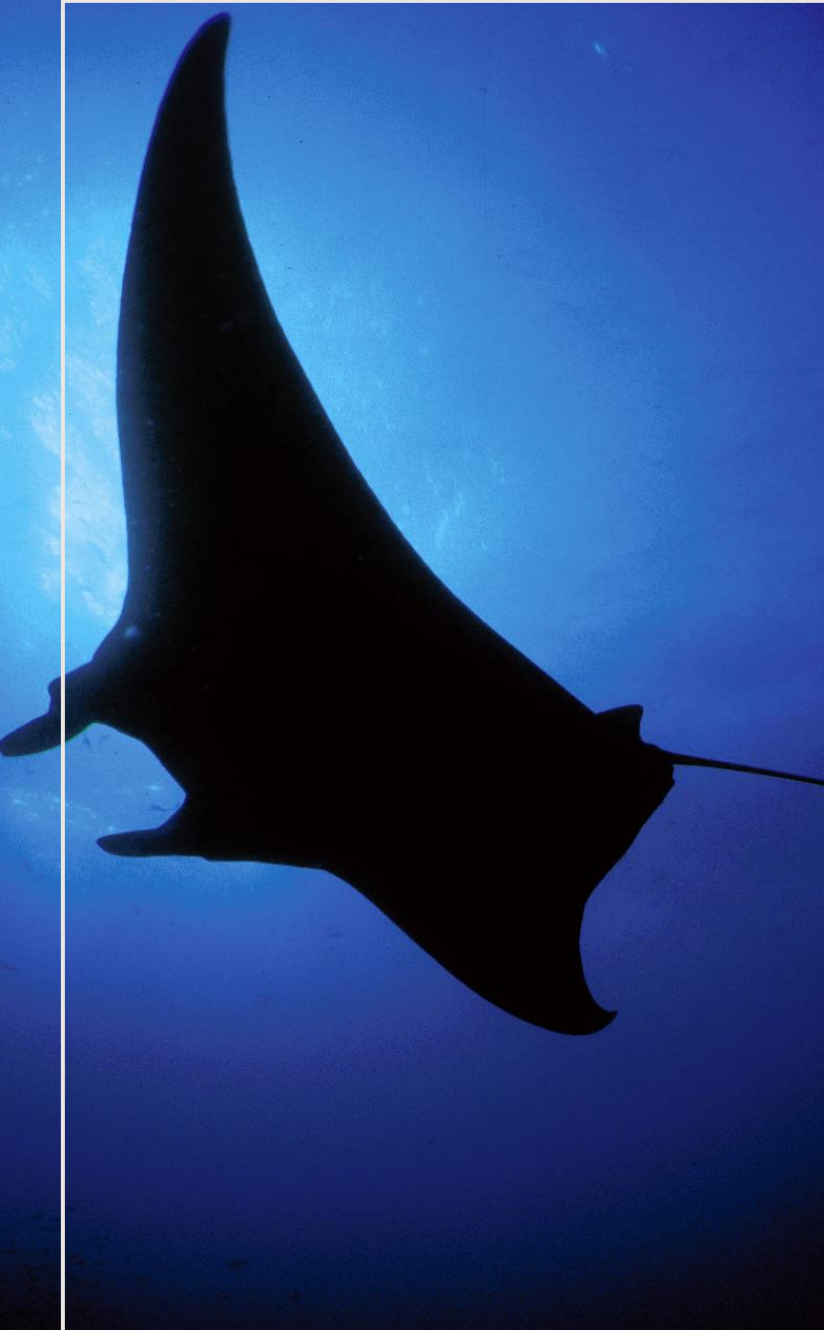
# OPERATIONAL IMPLICATIONS

- Treaty text still being negotiated
  - Speculative implications for ocean industry
- Builds on existing institutional framework
  - Not undermining
  - Regional, global or hybrid approach
  - Sectoral bodies still govern respective activities
    - e.g. International Maritime Organization for shipping
- Data sharing and accessibility
  - Clearinghouse
  - Shared research
- Mechanisms for further cooperation
  - Streamline operations and maximise efficiencies.

# FURTHER IMPLICATIONS AND OPPORTUNITIES

- New Area-Based Management Tools (ABMTs) in ABNJ
  - Changed geographical scope for activities
  - Consultation on proposals
  - Representation on scientific and technical bodies
  - Opportunity to showcase good industry practice
- Environmental Impact Assessments (EIAs) for ABNJ
  - Broader suite of activities requiring EIA
  - Strategic Environmental Assessments
  - Consistency across applications



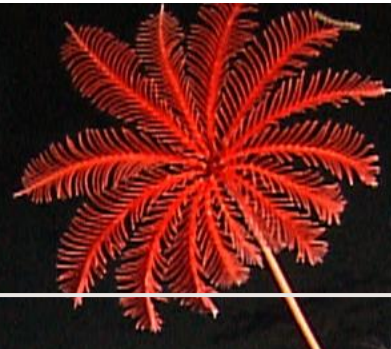


# OCEAN INDUSTRY CONSIDERATIONS

- Identify what existing or new activities occur in ABNJ and industry dependencies
- Assess current and future risks to biodiversity
- Consider transboundary risks
  - National waters ↔ ABNJ
  - Extended continental shelf
  - Specific species
- Support improved visibility of activities in ABNJ

# WAYS TO ENGAGE

- Engagement with national ministries
- Encourage coordination across sector industries to develop common understanding and approaches
- Collaborate with IGOs, NGOs and academia to increase awareness of priorities
- World Ocean Council - registered NGO to the BBNJ process





Feedback and Discussion

# Biodiversity Beyond National Jurisdiction

[RACHAEL.SCRIMGEOUR@UNEP-WCMC.ORG](mailto:RACHAEL.SCRIMGEOUR@UNEP-WCMC.ORG)

[RUTH.FLETCHER@UNEP-WCMC.ORG](mailto:RUTH.FLETCHER@UNEP-WCMC.ORG)



**WCMC**

**proteus**



**UN**   
**environment  
programme**

**WCMC**