



BBNJ Negotiations State of play

Glen Wright, IDDRI

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1. Informal discussions: highlights
2. State positions to date
3. Key issues



1. Informal discussions: highlights

Timeline



- **2004** – Formation of the BBNJ Working Group
 - ('Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction')
- **2011** – Agreement of the 'Package Deal'
- **2012** – Rio+20 commitment
- **2014-2015** – Working Group meetings
- **2016-2017** – Preparatory Committee
- **September 2018** – Start of formal negotiations
- **2018-2020** – Intergovernmental Conference (4 x 2-week sessions)

Informal discussions



Creation of the BBNJ Working Group in 2004; meetings from 2006

Emergence of key differences in interests of States:

- New treaty vs improved implementation
- Common Heritage of Mankind vs high seas freedoms
- Conservation vs MGRs & capacity building

The 2011 'Package Deal'



1. Marine genetic resources, including questions on the sharing of benefits
2. Measures such as area-based management tools, including marine protected areas
3. Environmental impact assessments
4. Capacity building and the transfer of marine technology.

Rio+20 (2012)



“To address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, **including by taking a decision on the development of an international instrument under the Convention on the Law of the Sea before the end of the 69th session of the General Assembly**”



The BBNJ Working Group post-Rio



States to decide by September 2015 whether or not to open negotiations for a new international agreement

3 meetings of the BBNJ Working Group, specifically convened to discuss “the scope, parameters and feasibility of an international instrument under UNCLOS”



BBNJ Working Group meeting, June 2014



- A strong 'coalition of the willing' developing
 - But a number of States impeding consensus
- Progressive involvement of developing states
 - Pacific nations
 - CARICOM
 - African Union
- Inclusion of civil society



- First session: Unpacking the package
 - “Breakthrough” on MGRs
- Sessions 2 & 3: Delving into details
 - “specific language proposals” -> “treaty language”
 - “parking”
 - streamlined Chair’s non-paper
- Session 4: Toward formal negotiations
- Resolution 72/249
 - Co-sponsored by 141 States



2. State positions to date

State positions to date



- **Advocates**

Advancing the negotiations for a new instrument

- EU; G77/China and Mexico; African, Caribbean, Pacific States

- **Facilitators**

Seeking the middle ground and mediating compromise

- Australia & New Zealand; Canada; Norway

- **Reluctant** to negotiate a new agreement

Active and influential participants

- US; Japan; Iceland; South Korea; Russia



3. Key issues

Key issues – Package Deal elements



MGRs

- Legal status
- The complexity of biodiscovery
- The form of benefit sharing

Capacity building

- Coordinating and catalysing capacity building efforts
- Voluntary or compulsory
- Modalities for sharing of data and technology

Key issues – Package Deal elements



ABMTs

- Establishing an effective mechanism
- Types, objectives and duration
- Relationship with existing instruments and bodies

EIA

- The scope of an EIA process
- Responsibility for assessments
- The effect of an EIA

Key issues - overarching elements



- Institutional structure
- Monitoring and review
- "Not undermining"
- Fisheries
- Monitoring, control and surveillance (MCS)
- Adjacency and compatibility
- Funding

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STUDY

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The long and winding road: negotiating a treaty for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction

Glen Wright, Julien Rochette (IDDRI), Kristina Gjerde (IUCN),
Isabel Seeger (IDDRI)

Forewords by Laurence Tubiana and Eden Charles

Report available to download here: <http://bit.ly/2LQR2B6>



Thank you!

glen.wright@iddri.org
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IKI STRONG High Seas project
prog-ocean.org/our-work/strong-high-seas/