



International ocean governance: Unfolding the relation between the new High Seas Treaty (BBNJ) & the UN Convention on Biological Diversity (CBD)



Wednesday 5 July 2023, 9:45 – 11:30 CEST

Hybrid Event (Brussels, Belgium & Online)

Hosted by MEP Catherine Chabaud

Co-Chair of the 'Ocean Governance WG' of the European Parliament Intergroup on 'Climate Change, Biodiversity and Sustainable Development'

The event has been moderated by **Minna Epps**, Head of Ocean Team, IUCN

Speakers:

MEP Ms. Catherine Chabaud, Co-Chair of the 'Ocean Governance WG' of the European Parliament Intergroup on 'Climate Change, Biodiversity and Sustainable Development'

Aurore Maillet, EU Negotiator for the BBNJ treaty, DG MARE, European Commission

Mery Ciacci, International Relations Officer, DG ENV, European Commission

Jihyun Lee, Director of Science, Society and Sustainable Futures Division, Secretariat of the Convention on Biological Diversity / UNEP

Manuel Barange, Director, Fisheries and Aquaculture Division, Food and Agriculture Organization of the United Nations (FAO)

Darius Campbell, North East Atlantic Fisheries Commission

Dominic Pattinson, OSPAR

Welcome Remarks

MEP Ms. Catherine Chabaud

“The BBNJ treaty has been widely acclaimed as a fair and equitable agreement enabling the sharing of knowledge and benefits with developing countries.”

MEP Ms. Chabaud acknowledged the several current events and actions concerning biodiversity and the ocean, notably the recent adoption of the Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (**BBNJ**) in New York and the on-going parliamentary debates and votes on the **Nature Restoration Law**. She also looked forward to hearing the speakers’ content with the BBNJ treaty and the **creation of marine protected areas in the high seas**, and how in practical terms can they be implemented. **MEP Ms. Chabaud** also sparked interest in knowing whether the ocean now plays a more crucial role in the **internal and external policies** of states, including landlock countries. She highlighted the moral notion of considering and **including the ocean as a global common good** within the BBNJ pre-amble as well as in the International Maritime Organisation (**IMO**) negotiations.

Panel discussion

Aurore Maillet, EU Negotiator for the BBNJ treaty, DG MARE, European Commission

“The two agreements have the potential to be game changers for ocean governance. Antonio Guterres described it as a ‘win for multilateralism’, and for it to be efficient, everyone needs to be on board. ”

Ms. Maillet started off by praising the recent major events on oceans such as the adoption of the BBNJ and the conclusion of the Global Biodiversity Framework in Canada, in particular its **target 3** on protecting and preserving 30% of land and sea by 2030. She mentioned how the reserves of the BBNJ treaty were welcomed by **NGOs unanimously**, by the fisheries organisations, which shows a wide sense of **consensus**. She explained how the treaty operates in **four major areas**, with the **designation of marine protected areas** in the high seas being

the first and crucial one, prioritized by the EU also. **Ms. Maillet** explained the **importance of consulting** NGOs, communities, indigenous people, and others, which promotes **consensus-building** on designating the areas. She highlighted that the BBNJ also deals with other international frameworks and bodies that each have tasks and competences, where the BBNJ can thus **make recommendations**. Ms. Maillet discussed also another area of focus which is **marine genetic research**, and how the BBNJ ensures **recognition in profits** towards the countries that invested in the its budget, thus promoting **equity**. Ms. Maillet underlined the BBNJ's focus on **environmental impact assessment** and **screening of activities** in the high seas, setting standards and guidelines. The treaty currently needs to be ratified, and the EU is working on its own ratification while engaging with other parties to support BBNJ implementation.

Mery Ciacci, International Relations Officer, DG ENV, European Commission

“The adoption and implementation of BBNJ can potentially contribute to the achievement of several Goals and targets of the GBF. At the same time, full and effective implementation of the GBF will also deploy positive effects for the BBNJ.”

Ms. Ciacci laid out the outcome of the **COP15 CBD** which adopted the Kunming-Montreal Global Biodiversity Framework (**KMGBF**), including important decisions on **monitoring framework, planning, reporting and review of implementation, resource mobilization, sharing benefits** from Digital Sequence Information on genetic resources, and **capacity building**. She explained the 2050 Vision with its **4 outcome-oriented Goals** of conservation & restoration, sustainable use, benefit sharing and means of implementation. She also explained the 2030 Mission and its **23 action-oriented targets**. **Ms. Ciacci** also discussed the **challenges** of the KMGBF, which included the **implementation of existing policies**, the **alignment** of EU/national targets with KMGBF, and the CBD follow-up processes. She highlighted the connections between the KMGBF and the BBNJ, focusing on the goals and targets that the BBNJ can contribute to achieve, and those that can also contribute to the objectives of the BBNJ.

*Jihuyn Lee, Director of Science, Society and Sustainable Futures Division,
Secretariat of the Convention on Biological Diversity / UNEP*

“What has been achieved is more than an agreement; this sub-network of knowledge will allow for the co-designing and co-creation the practical and effective way of cooperation, collaboration and coordination of BBNJ implementation.”

Ms. Lee re-instated BBNJ’s remarkable win in **multilateralism** and its role in ambitiously achieving the 2050 vision of **living in harmony with nature**. She stated how nearly all 23 action-oriented targets of GBF are **highly relevant** concerning the drivers of biodiversity loss which the BBNJ is addressing, as well as the **policy measures and tools** discussed in the agreement. **Ms. Lee** explained how BBNJ provides clear opportunities for synergies with work conducted under CBD, and how BBNJ will **boost the implementation** of GBF in areas such as: marine genetic resources and equitable sharing of benefits, area-based management tools, Environmental Impact Assessments (EIAs), capacity-building and transfer of marine technology, and Clearing-House Mechanisms (CHMs). She talked about areas of future relation area between the two, which is focused in the CBD process on **Ecologically or Biologically Significant Marine Areas** (EBSAS) through regional workshops. Ms. Lee brought up the **Sustainable Ocean Initiative Global Dialogue**, which assists countries with implementation.

Dr. Manuel Barange, Director, Fisheries and Aquaculture Division, FAO

“FAO is a very trusted partner for BBNJ implementation. It was deeply involved since the inception of the discussion of the treaty in 2007; it is thus very well-placed in helping the members implement.”

Dr. Barange started off by stating that **sustainable utilization** and **marine biodiversity conservation** go hand in hand. He underlined that **excluding human activities** won’t yield lasting solutions, and encouraged critical **sustainable and effective fisheries management**. Dr. Barange talked about the core elements of **BBNJ**, which **fosters** collaboration and a robust legal and institutional framework, **strengthens** capacities, **facilitates** establishing area-based management measures, **promotes** technology transfers, and **supports** progress towards the 2030 Agenda. He explained how **FAO supports BBNJ** through **ocean governance** and **data**

collection and analysis, and that the present **large network of regional fisheries bodies** aids in collaboration, cooperation and coordination. Additionally, **FAO supports** through capacity building, offering management tools and through hands on work such as **EA-F-Nansen** (Ecosystem Approach to Fisheries). Dr. Barange concluded by stating that FAO will support BBNJ also by **'translating' the treaty for the fisheries sector**, and mentioned some of FAO's publications on fisheries and high seas as examples of making that happen.

Darius Campbell, North East Atlantic Fisheries Commission (NEAFC)

"Regional fisheries management organisations (RFMOs) can really play a really important party in developing effective marine protected areas (MPAs)."

Mr. Campbell started off by acknowledging **existing global frameworks** prior to BBNJ. He then mentioned the existence of different member state views throughout the negotiations, specifically concerning understanding **complementary competences and expertise** in the implementation of BBNJ. He discussed NEAFC's role & tools, notably the **binding NEAFC regulation** on area management measures for the protection of **Vulnerable Marine Ecosystems**, which are informed by **independent wholistic scientific advice**. Mr. Campbell discussed **NEAFC and OSPAR** collaboratively meeting under their **Collective Agreement** to discuss monitoring and assessment, Bycatch, ecosystem approach and the overlap of area-based designations. He explained how the **Environmental Impact Assessments** provisions on **exploratory bottom fishing** may need widening, with a lot of other additional details to be resolved in the implementation of BBNJ. Mr. Campbell talked about NEAFC focusing on **balancing pillars of sustainable development** positively through a broader ecosystem consideration approach, while balancing **environment, society and economics**.

Dominic Pattinson, OSPAR

"The OSPAR-NEAFC is a good example of cooperation and collaboration on area-based management tools."

Mr. Pattinson supported Mr. Campbell's points, and introduced **OSPAR** as another regional fisheries management organisation. He mentioned how **contracting parties** are still discussing the implementation of BBNJ in regards to OSPAR, and he was very pleased by the other speakers' emphasis on **collaboration**. He underlined **consensus building** in all BBNJ and other

RFMOs' efforts, including OPSAR, which indicates how **contracting parties are key** to the outcomes of the BBNJ. Mr. Pattinson also reminded everyone of the **limited mandate**, and thus encouraged **cooperation** with other **competent bodies** such as the IMO. He overall demonstrated that OSPAR welcomes the BBNJ and thinks it aligns with the organisation's efforts.

Q&A

MEP Ms. Chabaud addressed a question to the Commission (Ms. Maillet) concerning China's position within the BBNJ negotiation, and the EU position in the voting procedure while considering the member states.

Ms. Maillet said that China was relatively dissatisfied in the previous negotiation rounds, but nonetheless came to the table and expressed interest in being a party. Concerning the voting procedure for EU member states, Ms. Maillet encouraged further negotiations to be able to address the voting matter, but nonetheless ensured an ambitious united front from the EU.

A representative from The Pew Charitable Trusts addressed a question to Ms. Maillet concerning the timetable and schedule in the EU for the ratification process of the BBNJ.

Ms. Maillet explained that the treaty will be open for signature on the 20th of September, and the signature decision has been proposed to the Council of the EU through a speedy process, with hopefully a similar speedy process for ratification. The timing is outside the Commission's control, but the intentions are for the EU to be on board as soon as possible.

A representative from European Association of Fish Producers Organisations (EAPO) addressed a question concerning which of the BBNJ and GBF holds greater legislative power.

Ms. Lee answered that the GBF relies on national level implementation while the BBNJ focuses on the role of intergovernmental competent organisations and regional fisheries bodies. She reinstated that the COP15 decision invites relevant competent organisations to endorse GBF for the same targets, thus making cooperation and synergies a focus in both GBF and BBNJ.

A question was addressed concerning the definition around sustainable use in oceans.

Dr. Barange pointed that when it comes to fisheries targeted resources, sustainability is very well defined in the 2030 Agenda and in many other instruments, as meaning 'exploring

populations to levels that can produce maximum sustainable yield'. He also said that in the BBNJ, sustainable use is defined in Article 1 (13) 'ensuring that biodiversity has not declined'.

Closing Remarks by MEP Ms. Chabaud

"The ocean will save multilateralism."

MEP Ms. Chabaud concluded by applauding the BBNJ for bringing together the UN and regional fisheries bodies as well as relevant competent organisations. MEP Ms. Chabaud appreciated the willingness to cooperate, and encouraged investing in the SDGs as a universal tool that will bring all actors on board. She mentioned the International Seabed Authority (ISA) & BBNJ negotiation as crucial matter in international ocean governance, encouraging closer acknowledgement and multilateralism to relevant actors.