

Concept Note: AALCO Side Event

“Beyond the adoption : Practical Ways towards the Implementation of BBNJ Agreement”

Objective :

This side event aims to facilitate an exchange of views among legal experts, policymakers, and stakeholders on the challenges and opportunities in implementing the BBNJ Agreement into domestic legal frameworks. By bringing together perspectives from Asia, Africa, and international organizations, the event seeks to enhance understanding and cooperation on how states can regulate activities and create effective national monitoring mechanisms in the ABNJ.

Background :

Following two decades of negotiations in various formats, States adopted 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” (BBNJ Agreement) in June 2023. The adoption was greeted with much celebration as a successful example of multilateralism and the Agreement was opened for signature in September 2023. So far 90 States have signed the Agreement, which is poised to close crucial legal gaps and enable new opportunities for collective action to govern areas beyond national jurisdiction (ABNJ).

Yet, signature only represents an intention to ratify, and a commitment to not undermine the objectives of the treaty. States must still also go through domestic ratification processes as a formal ‘consent to be bound’ by the treaty. And the BBNJ treaty only enters into force 120 days following ratifications by 60 States.

The entry into force of the BBNJ treaty, if and when it happens, will make its provisions binding on states parties. Non-parties and non-state actors will not be bound. Yet the purpose of the BBNJ treaty is to regulate all activities conducted in ABNJ, and most maritime activities are conducted nowadays by companies, and not by states. Therefore, States parties will need to incorporate the treaty obligations into their domestic laws to ensure that persons and companies under their jurisdiction comply with BBNJ obligations while undertaking maritime activities. Some international bodies like the International Maritime Organization may also revisit their regulations to account for the new BBNJ treaty.

Date : 11 September 2024

Duration : 60 minutes

Key points to be discussed

- Core principles and obligations of the BBNJ Agreement
- Options on how States can use various jurisdictional bases to implement the BBNJ Agreement
- Relationship with other international legal instruments and frameworks

Panelists :

- **Brief overview of BBNJ Agreement, what is new? (10 min)**
presented by Mr. Bingzhuo Li, Legal Officer, DOALOS.
- **Experience and challenges in incorporating BBNJ Agreement into domestic law (10 min)**
presented by Dr. Naporn Popattanachai, Lecturer in Environmental and Marine Law, School of Law, University of Galway, Ireland
- **Role of Regional Seas Conventions and Action Plans in building capacity for BBNJ Agreement (5 min)** *presented by Mr. Mahesh PRADHAN, Coordinator of COBSEA, UNEP.*
- **Sharing best practices towards effective implementation of international legal instruments and frameworks: Case study of African countries (10 min)**
presented by Ms. Nancy SOI, UNEP Regional Seas Unit

Expected Outcomes:

- Increased awareness of the BBNJ Agreement and its implications for domestic legal systems
- Sharing of best practices and challenges in implementing the Agreement
- Enhanced cooperation and collaboration among countries and stakeholders in the implementation process.

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