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# Horizon scan of possible linkages between the BBNJ Agreement and biodiversity-related MEAs

On June 19, 2023, 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 (also known as the 'BBNJ Agreement')[1] was agreed. This new international legally binding instrument is aimed at conserving and sustainably using the marine biological diversity of areas beyond national jurisdiction. Once in force,[2] the effective and timely implementation of the BBNJ Agreement will make crucial contributions toward addressing the triple planetary crisis of nature and biodiversity loss, pollution and climate change.

The BBNJ Agreement complements the existing global ocean governance landscape with a mandate to advance the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (ABNJ). Its successful implementation will rely on the establishment of cooperative relationships with other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, while respecting their respective mandates.

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**Cover photo:** Strawberry squid © Woods Hole Oceanographic Institution

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## About this technical paper

UNEP, in collaboration with UNEP-WCMC, prepared a technical paper exploring possible linkages between the BBNJ Agreement[3] and several biodiversity-related multilateral environmental agreements (MEAs) administered by UNEP (CBD, CITES and CMS). It identifies areas in which lessons from the implementation of these MEAs can be useful in informing the future implementing arrangements of the BBNJ Agreement. The summary table provided in Annex 1 may also guide Parties to thematic areas where discussions could take place to explore cooperation, enhance coherence and coordination between implementation of the BBNJ Agreement and the MEAs reviewed in this paper (to which they are also Parties).

The information contained in this document is illustrative rather than exhaustive. It should be considered in the context of the broader international biodiversity governance landscape. It does not seek to preempt any future decisions or recommendations that may be taken by the Parties to the BBNJ Agreement or by the Parties to the MEAs considered in the present technical paper. Furthermore, variations in party membership across different treaties present considerations in fostering coherence and coordination among relevant instruments.

## An introduction to the BBNJ Agreement

Conserving and ensuring the sustainable use of biodiversity of areas beyond national jurisdiction (BBNJ) requires integrated governance approaches capable of addressing cross-sectoral challenges. However, ocean governance has historically evolved into a fragmented landscape, shaped by specialization, institutional silos, and persistent coordination challenges.[4] The BBNJ Agreement responds to these challenges by seeking to "ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the United Nations Convention on the Law of the Sea and further international cooperation and coordination" (Article 2).

To achieve the Agreement's overarching objective of ensuring the conservation and sustainable use of marine biodiversity in ABNJ, Parties will be required to take legislative, administrative or policy measures in line with the general and specific objectives of the Agreement. This includes the fair and equitable sharing of benefits arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of ABNJ (Part II); the conservation and sustainable use of areas requiring protection, such as by establishing a comprehensive system of area-based management tools including marine protected areas (Part III); the operationalization of UNCLOS provisions on environmental impact assessments for ABNJ (Part IV); and assisting Parties in implementing the Agreement including through capacity-building, increased knowledge and information sharing, and development and transfer of marine technology (Part V).

The Agreement sets out a range of general principles and approaches to guide its implementation (Article 7). This includes the polluter-pays principle, the principle of the common heritage of humankind, the precautionary principle or precautionary approach, an ecosystem approach and the use of relevant traditional knowledge of Indigenous Peoples and local communities, among others. Institutional arrangements include a Conference of the Parties (COP), a secretariat,[5] Scientific and Technical Body and other advisory bodies and a Clearing-House Mechanism (Part VI). Gender balance shall be given due consideration in the membership of each of the advisory bodies established (Articles 15(2), 46(2), 49(2), 52(14), 55(2).

The BBNJ Agreement also has provisions relating to facilitating and furthering international cooperation and coordination (Articles 2, 5 and 8) which is the basis for this assessment. This includes language which ensures that interpretation and application of the Agreement promotes coherence and coordination with relevant "legal instruments and frameworks, as well as relevant global, regional, subregional, and sectoral bodies" (see Articles 5(2), 8(1)), hereinafter collectively termed 'IFBs'. In particular, the Agreement provides that it "[…] shall be interpreted and applied in a manner that does not undermine relevant [IFBs] and that promotes coherence and coordination with those [IFBs]" (Article 5(2)) and "Parties shall cooperate under [the] Agreement for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction" (Article 8(1)). Parties to the Agreement shall also "endeavour to promote, as appropriate, the objectives of this agreement when participating in decision-making" under relevant IFBs (Article 8(2)). These provisions are to be further operationalized, including through decisions to be taken by the COP on the establishment of "appropriate processes, cooperation and coordination with and among relevant [IFBs] with a view to promoting coherence among efforts towards the conservation and sustainable use of marine biodiversity beyond national jurisdiction" (Article 47(6)(c)). The work of the Scientific and Technical Body, established under the Agreement to provide advice to the COP and operating under its "authority and guidance" (Article 49(4)), might be such a mechanism through which Parties discuss approaches for cooperation and coordination with relevant IFBs on matters of scientific or technical nature.

It is this cooperative aspect of the Agreement that this technical paper explores in more depth as related to the four existing legal instruments and frameworks described below, with the aim to explore opportunities for promoting coherence and coordination once the Agreement enters into force.

# Overview of selected biodiversity-related conventions

The four UNEP-administered instruments selected for review were chosen based on their likely relevance to the provisions set out in the BBNJ Agreement.

## Convention on Biological Diversity

The Convention on Biological Diversity (CBD) provides a global legal framework for action on biodiversity. It focuses on three objectives: the conservation of biodiversity, sustainable use of its components and the fair and equitable sharing of benefits that arise from the utilization of genetic resources.[6] With 196 Parties as of 2025,[7] the Convention has near universal participation. Through its implementation, Parties to the CBD seek to address the loss of biodiversity, including its direct and indirect drivers. The application of the whole-of-government and whole-of-society approaches are essential for the effective implementation of the CBD. Since 1998, the CBD has implemented a programme of work on marine and coastal biological diversity,[8] comprising a range of elements such as marine and coastal protected areas, the identification of ecologically or biologically significant areas, and the impact of human activities on marine and coastal biodiversity. There is also highly relevant work conducted under other workstreams of the CBD and its Protocols, including the programme of work on protected areas and capacity-building and development, among others.

The Kunming-Montreal Global Biodiversity Framework,[9] adopted under the auspices of the CBD in 2022, provides a strategic framework to guide urgent action to halt and reverse biodiversity loss, and achieve the Vision for Biodiversity of "living in harmony with nature by 2050". The framework includes four outcome-oriented goals by 2050 and twenty-three action-oriented global targets by 2030, addressing the three objectives of the Convention.

## Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) is a supplementary agreement to the CBD. In force since 2014, as of 2025 it has 142 Parties.[10] The Protocol is a legal framework for the fair and equitable sharing of benefits arising from the utilization of genetic resources. It provides a basis for legal certainty and transparency for providers and users of genetic resources and the traditional knowledge associated with them.

The implementation of the Nagoya Protocol involves establishing legislative, administrative, or policy measures to ensure access to genetic resources is subject to prior informed consent and based on mutually agreed terms (unless a Party decides not to require prior informed consent). Parties shall also take measures with the aim of ensuring that traditional knowledge associated with genetic resources that is held by Indigenous Peoples and local communities is accessed with their prior informed consent and that mutually agreed terms have been established. The Protocol also sets out provisions for compliance with domestic legislation and with mutually agreed terms. It also requires Parties to take measures to monitor the utilization of genetic resources. Capacity-building efforts help countries develop the necessary infrastructure, including access and benefit-sharing frameworks and monitoring checkpoints. The Nagoya Protocol established an Access and Benefit Sharing Clearing-House as a platform for information exchange to support implementation of the Protocol.

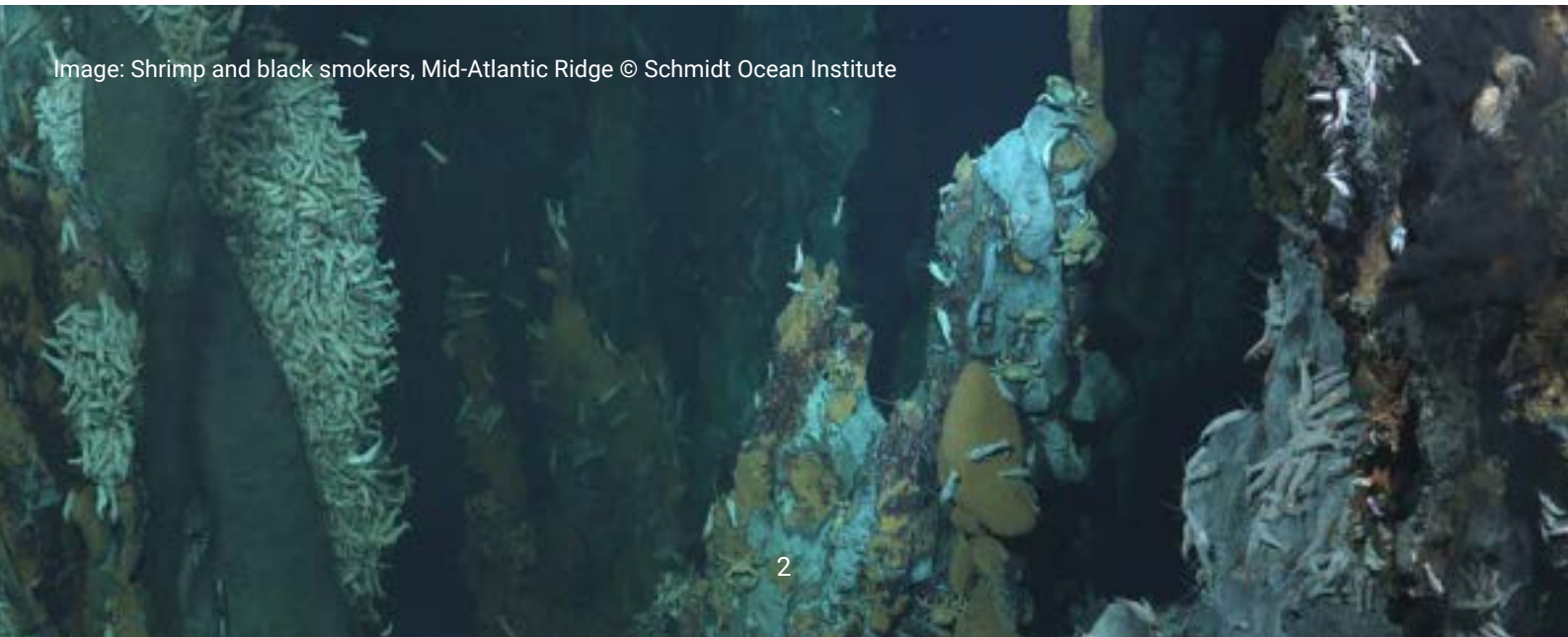

Image: Shrimp and black smokers, Mid-Atlantic Ridge © Schmidt Ocean Institute

## Convention on International Trade in Endangered Species of Wild Fauna and Flora

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) aims to ensure that international trade in specimens of wild animals and plants is sustainable, legal and traceable so that it does not threaten the survival of the species in the wild. Given the frequent cross-border nature of trade, international cooperation among the 185 Parties[11] to CITES is vital.

CITES operates by including taxa in one of three Appendices, each of which provides a different level of protection. The Convention requires Parties to regulate all international trade (i.e. import, export, re-export and introduction from the sea) through a permitting system. "Introduction from the sea" refers to the transportation of specimens into a State that were taken from the marine environment outside the jurisdiction of any State.

Any trade in specimens of species listed in Appendix I and II of the Convention requires CITES Parties to conduct a non-detriment finding (NDF): An assessment of the species' status and management to ensure that the intended trade level is sustainable and that the species will continue to be maintained throughout its range at a level consistent with its role in the ecosystem. All threats must be considered when conducting an NDF. These include those relating to illegal trade, habitat loss and degradation, pollution and climate change. Furthermore, under CITES, trade can only be authorized in specimens that have been legally acquired, i.e. not in contravention with national laws and the Convention, as determined by the authorities of the State of export through a legal acquisition finding (LAF).

In relation to the trade of marine species, the CITES Secretariat and the Parties to the Convention collaborate with the UN Food and Agriculture Organization (FAO), Regional Fisheries Management Organizations and other relevant bodies, to exchange information and promote the implementation of the Convention through sustainable fisheries management practices and to advance enforcement activities. It should be noted that trade for commercial purposes in species included in Appendix I is not allowed under the Convention.

Currently, approximately 6,500 animal species are included in the CITES Appendices, of which ~2,400 are marine taxa (e.g. all cetaceans, all marine turtles, many shark and coral species).[12] These include many migratory species that rely on habitats located in ABNJ. For example, species such as the leatherback turtle (Appendix I) and the great white shark (Appendix II) have been estimated to spend over 60% of their time in ABNJ.[13] Furthermore, the Sargasso Sea, which lies primarily outside national jurisdiction (i.e. within ABNJ), is believed to be the sole spawning ground for the European eel[14] (Appendix II) and an important birthing area for the porbeagle shark[15] (Appendix II).

CITES Parties continue to work towards strengthening the implementation of the Convention, acknowledging that these efforts can both benefit from and support initiatives in other fora. The CITES Strategic Vision: 2021-2030[16] seeks to deliver on this commitment in its vision statement: "By 2030, all international trade in wild fauna and flora is legal and sustainable, consistent with the long-term conservation of species, and thereby contributing to halting biodiversity loss, to ensuring its sustainable use, and to achieving the 2030 Agenda for Sustainable Development". In this context, the CITES Strategic Vision recognizes the importance of collaboration and partnerships in achieving CITES objectives, as outlined in its Goal 5.

Image: Loggerhead turtle swimming in open ocean / stock.adobe.com - #879723430

## Convention on the Conservation of Migratory Species of Wild Animals

The Convention on the Conservation of Migratory Species of Wild Animals (CMS), which as of 2025 has 133 Parties,[17] focuses on the conservation of migratory species, emphasizing the importance of international cooperation to protect species that cross national borders. The Convention has two Appendices listing the migratory species that it covers. Appendix I lists migratory species that have been assessed as being in danger of extinction throughout all or a significant portion of their range. Appendix II lists migratory species whose conservation status requires international cooperation or would significantly benefit from it. All sea turtles and many cetaceans, sharks, seabirds and other migratory marine species listed in CMS also occupy areas beyond national jurisdiction for at least part of their life cycles. Marine migratory species face multiple, cumulative and often synergistic threats, such as by-catch, overfishing, pollution, habitat destruction and climate change.

Several agreements and Memoranda of Understanding (MOUs) developed under the Convention are directly relevant to the conservation and sustainable use of migratory species that occur (entirely or partly) in ABNJ.[18]

These include: the Agreement on the Conservation of Albatrosses and Petrels; the Agreement on the Conservation of Small Cetaceans of the Baltic, Northeast Atlantic, Irish and North Seas; the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area; and MOUs concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa, the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia, the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, and on the Conservation of Migratory Sharks. The Samarkand Strategic Plan for Migratory Species 2024-2032[19] sets out strategic goals and targets to ensure that migratory species worldwide are protected and that their habitats are conserved through collaborative efforts. CMS Parties continue to work towards strengthening the implementation of the Convention through working to implement the Samarkand Strategic Plan, promoting transboundary cooperation and, where relevant, aligning strategic aims with other biodiversity-related MEAs, including CBD and the Kunming-Montreal Global Biodiversity Framework (with a particular focus on the needs of migratory species).

Image: Sooty Shearwater flock / stock.adobe.com - #573602130

# Potential interlinkages between the BBNJ "package measures" and the work under these biodiversity-related conventions (CBD and its Nagoya Protocol, CITES and CMS)

Substantive work is underway and planned in preparation for the entry into force of the BBNJ Agreement. The Agreement contains a range of provisions aimed at ensuring that its implementation is mutually supportive of, and consistent with, relevant IFBs.

This section highlights some of the key areas of work under selected biodiversity-related conventions that may offer relevant lessons and experience as the BBNJ Agreement becomes fully operational.

The information is organized around the four elements of the "package" or clusters under the BBNJ Agreement, namely: marine genetic resources, including the fair and equitable sharing of benefits; area-based management tools, including marine protected areas; environmental impact assessments; and capacity-building and the transfer of marine technology.

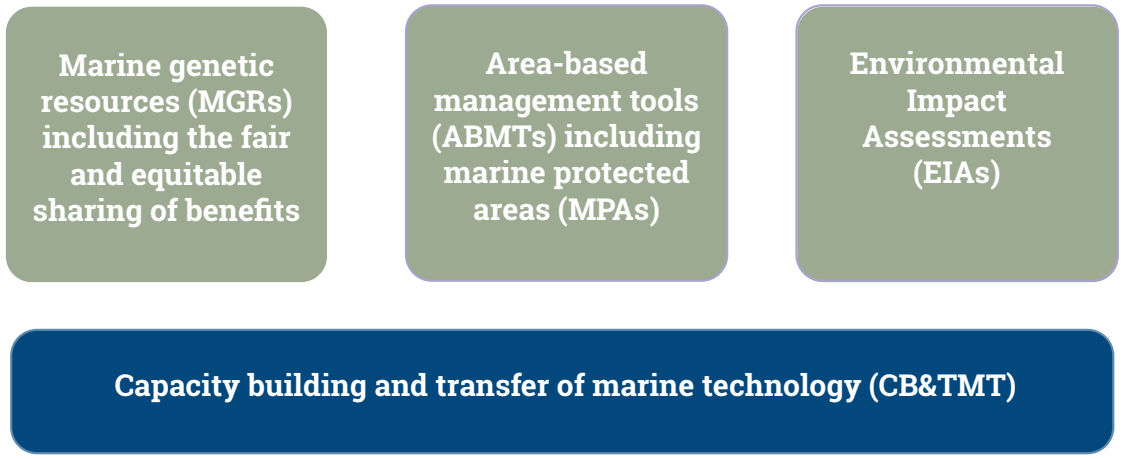


Figure 1 - The BBNJ Package Measures

Image: Cluster of giant devil rays / stock.adobe.com - #517234439

# Marine genetic resources, including the fair and equitable sharing of benefits

The BBNJ Agreement establishes a legal framework for the fair and equitable sharing of benefits arising from activities relating to marine genetic resources (MGRs) and digital sequence information on marine genetic resources (DSI on MGRs) of ABNJ. The experience of the CBD and its Nagoya Protocol played a significant role in informing the development of the BBNJ Agreement's provisions on MGRs and can continue to offer valuable lessons as these provisions move toward operationalization. Parties to the Agreement will need to take legislative, administrative or policy measures at the national level to ensure any activities involving MGRs and DSI on MGRs comply with the Agreement. The Agreement established a notification system (Article 12) that will issue a "BBNJ" standardized batch identifier prior to the in-situ collection of MGRs. Specific information must be notified through the Agreement's Clearing-House Mechanism, which serves as the centralized platform for Parties to access, provide and disseminate information. This system is intended to support the achievement of the Agreement's objectives related to the fair and equitable benefit-sharing of non-monetary and monetary benefits, capacity building and the transfer of marine technology (Articles 9 and 14). Parties to the Agreement will also need to take legislative, administrative or policy measures to ensure that "traditional knowledge associated with [MGRs] in [ABNJ] is only accessible with the free, prior and informed consent, or approval and involvement of […] Indigenous Peoples and local communities" (Article 13).

The Agreement further establishes an access and benefit-sharing committee (Article 15) to advise the COP on matters pertaining to the implementation of the Agreement´s provisions on MGRs. This includes consulting and facilitating the exchange of information with relevant IFBs on matters such as "best practices, tools and methodologies, data governance and lessons learned" (Article 15(5)). In addition, the Agreement states that modalities for the sharing of monetary benefits are to be determined by the COP (Article 14(7)), with a key role envisaged for the access and benefit-sharing committee. These modalities shall "take into account the recommendations of the access and benefit-sharing committee, recognising that such modalities should be mutually supportive of and adaptable to other access and benefit-sharing mechanisms" (Article 14(9)). The Agreement also establishes a financial mechanism consisting of a voluntary trust fund, a special fund, and the Global Environment Facility trust fund. Monetary benefits arising from the use of MGRs and DSIs on MGRs will be paid into the special fund (Article 52(4)(b)), which will be used to support activities towards the implementation of the Agreement (Article 52(6)).

The MGRs and DSI on MGR provisions of the BBNJ Agreement were developed within the broader governance landscape concerning the fair and equitable sharing of benefits arising from the use of genetic resources and associated traditional knowledge including MGRs originating from areas within national jurisdiction. In the marine environment, the same genetic resources can often be found both within and beyond national jurisdiction. The Agreement acknowledges this wider context.

**The following key areas of work under the CBD and the Nagoya Protocol may be relevant for consideration:**

- **Access and Benefit-sharing Clearing-House** established under the Nagoya Protocol,[20] which serves as a centralized platform for sharing information, thereby enhancing legal certainty and transparency on procedures for access and benefit-sharing. It also facilitates monitoring of the utilization of genetic resources along the value chain, including through the internationally recognized certificate of compliance.

- **Work by the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House**[21] under the Nagoya Protocol to provide technical guidance with respect to the resolution of technical and practical issues arising from the use of the Access and Benefit-sharing Clearing-House by Parties, and advice on capacity-building and development needs. [22,23]

- **Work on capacity building and development under the Nagoya Protocol,** including with respect to:
  - » An Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol;
  - » Capacity-building and development of an action plan for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.[24]

- Establishment under the CBD of a **multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources** and an associated **global fund**[25] (Cali Fund for the Fair and Equitable Sharing of Benefits from the Use of Digital Sequence Information on Genetic Resources). Modalities for operationalizing the multilateral mechanism including the Cali Fund have recently been adopted by the COP and additional work is envisaged in preparation for the next CBD COP.[26]

- **Work on DSI under the CBD, including with respect to:**
  - » Work of the Steering Committee that will support the CBD COP in its role as

the governing body of the multilateral mechanism;

» Exploring possible new tools and models, such as databases, for making DSI on genetic resources publicly available and accessible in a transparent and accountable manner;

» A formula for the allocation of funding from the Cali Fund taking into account the overall level of funding available in the Fund and an indicative list of criteria for such purpose, including work to be carried out by the Ad Hoc Technical Expert Group on Allocation Methodology.[27]

**The following key area of work under CITES can be considered:**

- **Guidance to Parties regarding the implementation of relevant provisions**[28] of the Convention might be of relevance, given CITES obligations pertaining to the collection and landing in the territory of a State Party of specimens of CITES-listed species from areas beyond national jurisdiction i.e. "introduction from the sea"[29]. This includes consideration of whether the specimen was legally acquired. It is to be noted that CITES applies to any "specimen" of a CITES-listed species which, pursuant to Article I of the Convention, includes any part or derivative of the specimen. DNA samples of CITES species, for instance, are therefore covered by the Convention. It is also important to note that the provisions of the Convention also apply to bycatch.

### BBNJ Agreement Part II Marine genetic resources (MGRs), including the fair and equitable sharing of benefits

#### Objectives at a glance

- "The fair and equitable sharing of benefits arising from activities with respect to [MGRs] and digital sequence information on [MGRs] of [ABNJ] for the conservation and sustainable use of marine biological diversity of [ABNJ]" (Article 9(a));
- "The building and development of the capacity of Parties, particularly developing States Parties, in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, coastal African States, archipelagic States and developing middle-income countries, to carry out activities with respect to [MGRs] and digital sequence information on [MGRs] of [ABNJ]" (Article 9(b));
- "The generation of knowledge, scientific understanding and technological innovation, including through the development and conduct of marine scientific research, as fundamental contributions to the implementation of [the] Agreement" (Article 9(c));
- "The development and transfer of marine technology in accordance with [the] Agreement" (Article 9(d)).

The Agreement defines "marine genetic resources" as "any material of marine plant, animal or microbial or other origin containing functional units of heredity of actual or potential value" (Article 1), building on the definition included in the CBD.

Image: Anemone field at Diamond Head © NIWA, NZ

# Area-based management tools including marine protected areas

The BBNJ Agreement provides a legal framework to establish a comprehensive system of area-based management tools (ABMTs) inclusive of ecologically representative and well-connected networks of marine protected areas (MPAs) for the conservation and sustainable use of areas in ABNJ requiring protection (Article 17(a)). In addition to supporting conservation and sustainable use, ABMTs including MPAs are intended to strengthen the resilience of marine ecosystems to stressors, support food security and other socioeconomic objectives such as the protection of cultural values (Article 17(c)). When formulating proposals for ABMTs including MPAs under the BBNJ Agreement (Article 19), the proponent Party (or Parties) is required to include information on any of the 'Indicative criteria for identification of areas' specified in Annex I. The development of proposals by Parties and their subsequent consideration by the COP must follow a transparent engagement approach (Articles 19, 20 and 21). Decisions on the establishment of ABMTs including MPAs and related measures are to be taken by the COP (Article 22(1)(a)). The COP "may also take decisions on measures compatible with those adopted by relevant IFBs in cooperation and coordination with [them]" (Article 22(1)(b)), or "where proposed measures are within the competence of other global, regional, subregional or sectoral bodies, make recommendations to Parties to this Agreement and to global, regional, subregional and sectoral bodies to promote the adoption of relevant measures […] within their respective mandates" (Article 22(1)(c)).

The use of best available science and scientific information, along with relevant traditional knowledge of Indigenous Peoples and local communities, where available, is central to the development of ABMTs including MPAs under the BBNJ Agreement (Articles 19(3) and 19(4)). The Scientific and Technical Body, established under the Agreement to provide advice to the COP on scientific and technical matters pertaining to its implementation, will play a prominent role throughout planning, establishment and review of ABMTs including MPAs.

The experience of the CBD, CITES and CMS offer valuable considerations in the lead up to the operationalization of the BBNJ Agreement's provisions on ABMTs including MPAs.

**The following key areas of work under the CBD may be relevant for consideration:**

- The CBD **definitions of "protected area"** and of **"sustainable use"** under Article 2 of the Convention have been instrumental in identifying the definitions under the BBNJ Agreement.

- The scientific **criteria for the identification of ecologically and biologically significant areas (EBSAs)**,[30] adopted by the CBD in 2008, are largely reflected in the indicative criteria for identification of candidate areas for ABMTs including MPAs in Annex 1 of the BBNJ Agreement. Many of the 338[31] EBSAs identified to date are adjacent to, cross into or are fully contained within ABNJ. The CBD COP has recently adopted a decision[32] adopting the modalities for the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas, including in ABNJ. Although EBSAs are not management tools themselves, and do not prescribe specific management measures, nor what activities should or should not take place in these areas, they provide a valuable source of knowledge to inform the designation and management of ABMTs.

- While the BBNJ Agreement does not provide a definition of what constitutes a network of MPAs,[33] **site selection criteria for developing a representative network of MPAs** issued in 2008 by the CBD[34] provides best practice scientific criteria drawn from MPA planning processes within and beyond national jurisdiction (e.g. OSPAR MPA network[35]).

- The **programme of work on marine and coastal biodiversity** adopted in 1998,[36] updated in 2004,[37] and

Image: Humpback whale mother and calf/ stock.adobe.com - #237658226

reviewed in-depth in 2010.[38] Relevant elements of the programme relate to marine and coastal protected areas, the aforementioned work towards the identification of EBSAs, technical aspects relevant to environmental impact assessment in marine areas. It further includes work relating to the impacts of unsustainable fishing, ocean acidification, ocean fertilization and human activities on marine and coastal biodiversity, among others.

- The **adopted definition for "other effective conservation measures" (OECMs)** as "geographically defined areas other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values" might be of further relevance.[39] The CBD has also adopted **scientific and technical advice on OECMs**, containing guiding principles and common characteristics and criteria for their identification.[40]

- The **programme of work on protected areas** adopted by the CBD COP in 2004[41] towards the establishment and maintenance of "comprehensive, effectively managed, and ecologically representative national and regional systems of protected areas that collectively, inter alia through a global network, contribute to achieving the three objectives of the Convention". At the last CBD COP in 2024, Parties agreed that some programmes of work may need to be updated in light of the Kunming-Montreal Global Biodiversity Framework.[42] Work on protected areas and OECMs also extends to the monitoring of progress on these globally, which is captured in the World Database on Protected Areas and the World Database on OECMs. It further includes work supporting the **mainstreaming of biodiversity into economic sectors,** in particular fisheries.[43]

- Work by the CBD towards placing protected areas into broader sustainability considerations within the ecosystem approach through its **Voluntary guidance on the integration of protected areas and other effective area-based conservation measures into wider land-and seascapes and mainstreaming across sectors to contribute, inter alia, to the sustainable development goals**.[44] Further, the **considerations in achieving Aichi Biodiversity Target 11 in marine and coastal areas**[45] provide additional aspects of area-based conservation/management that reflect the inherently uniqueness of marine environments such as its three-dimensional and dynamic nature.

**The following key areas of work under CITES may be relevant for consideration:**

- The indicative criteria for identification of candidate areas for ABMTs including MPAs in Annex 1 of the BBNJ Agreement provide for the consideration of areas that are of "importance for threatened, endangered or declining species or habitats" (criterion (e)). **CITES Appendix I and II listed species** are therefore directly relevant within this context.

- Scientific information collated through CITES processes, such as **non-detriment findings** that are undertaken by CITES Parties for trade in specimens of marine species taken from ABNJ, including "introduction from the sea" and the **Review of Significant Trade**[46] in the wider framework of the **CITES compliance procedures**[47], have the potential to contribute relevant information to the development of area-based proposals by highlighting the importance of specific areas for individual species in trade. This includes species-specific information, such as breeding grounds, connectivity to nursery grounds, foraging areas and aggregation areas (in line with criteria (c) and (m)). Further information can relate to threats to the identified area, such as pollution or climate change which may impact the traded species and biodiversity more generally (Article 19(4)(d)). On the other side, the legal and scientific assessments required to authorize trade in CITES-listed species may be informed by the studies for ABMT and MPA proposals and their management plans.

- The effectiveness of ABMTs, including MPAs and associated measures implemented under the Agreement, shall be monitored and periodically reviewed by the Scientific and Technical Body to provide advice to the COP (Article 26). In this context, **mechanisms for the implementation of CITES (such as legal acquisition findings (LAFs) and non-detriment findings (NDFs))** and for **monitoring compliance,** could support control and surveillance of ABMTs including MPAs established under the Agreement. Ongoing work towards adding the approximate catch locations of CITES listed species to fisheries reporting[48] might be of further relevance with regard to ABMT and MPA monitoring.

**The following key areas of work under CMS may be relevant for consideration:**

- When formulating the content of ABMT including MPA proposals under the BBNJ Agreement (Article 19), the proponent Party (or Parties) must include information on any of the 'Indicative criteria for identification of areas' specified in Annex I. These criteria, inter alia, provide for the consideration of areas that are of "importance for threatened, endangered or declining species or habitats" (criterion (e)). **CMS-listed species** are of direct relevance in this context. In addition, any scientific information collated through CMS processes has the potential to contribute scientific knowledge relevant to the development of proposals such as a "description of the state of the marine environment and biological diversity in the identified area"

(Article 19(4)(d)).

- The BBNJ Agreement Annex I criteria further provides for candidate areas to encompass areas of "special importance for the life history stages of species" (criterion (c)) or relevant in the context of "ecological connectivity" (criterion (m)). These criteria are of relevance to the Parties to the CMS that have recognized the value of "comprehensive and coherent ecological networks of protected and other adequately managed sites of international [...] importance for migratory animals",[49] reinforced through Goal 2 of the Samarkand Strategic Plan for Migratory Species (2024-2032).[50] Work in line with improving the scientific knowledge on the role of ecological networks in the conservation of migratory species and the identification of key sites for migratory species[51] is ongoing. Relevant examples include efforts to identify **Important Marine Mammal Areas (IMMAs)**,[52] **Important Shark and Ray Areas (ISRAs)**,[53] and the development of the **Atlas on Animal Migration**,[54] in particular **TurtleNet** the Marine Turtle Breeding and Migration Atlas.

- Work towards reducing the risk of **wildlife collisions in the maritime shipping sector** calls for Parties to "propose core aggregation zone and known migration corridors of vulnerable marine megafauna, where there is a significant risk of vessel strikes for the implementation of appropriate IMO measures to avoid that risk".[55] This single-sector, spatially-explicit management approach broadly aligns with the definition for ABMTs under the BBNJ Agreement.

- **Advice to CMS Parties and other stakeholders on priority actions to address the issues facing migratory species as a result of climate change**,[56] including considerations on expanding protected area networks to, inter alia, "ensure the effective protection and appropriate management of sites to maintain or to increase the resilience of vulnerable populations [...]."

**BBNJ Agreement Part III Measures such as area-based management tools (ABMTs), including marine protected areas (MPAs)**

**Objectives at a glance**

- "Conserve and sustainably use areas requiring protection, including through the establishment of a comprehensive system of area-based management tools, with ecologically representative and well-connected networks of marine protected areas" (Article 17(a));
- "Strengthen cooperation and coordination in the use of ABMTs, including MPAs, among States, relevant [IFBs]" (Article 17(b));
- "Protect, preserve, restore and maintain biological diversity and ecosystems, including with a view to enhancing their productivity and health, and strengthen resilience to stressors, including those related to climate change, ocean acidification and marine pollution" (Article 17(c));
- "Support food security and other socioeconomic objectives, including the protection of cultural values" ((Article 17(d));
- "Support developing States Parties, in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, coastal African States, archipelagic States and developing middle-income countries, taking into account the special circumstances of small island developing States, through capacity-building and the development and transfer of marine technology in developing, implementing, monitoring, managing and enforcing [ABMTs], including [MPAs]" (Article 17(e)).

The Agreement defines "area-based management tool" (ABMT) as a "tool, including a marine protected area, for a geographically defined area through which one or several sectors or activities are managed with the aim of achieving particular conservation and sustainable use objectives in accordance with this Agreement" (Article 1). It further defines a "marine protected area" (MPA) as a "geographically defined marine area that is designated and managed to achieve specific long-term biological diversity conservation objectives and may allow, where appropriate, sustainable use provided it is consistent with the conservation objectives" (Article 1). A definition for "network of marine protected areas" is not provided.

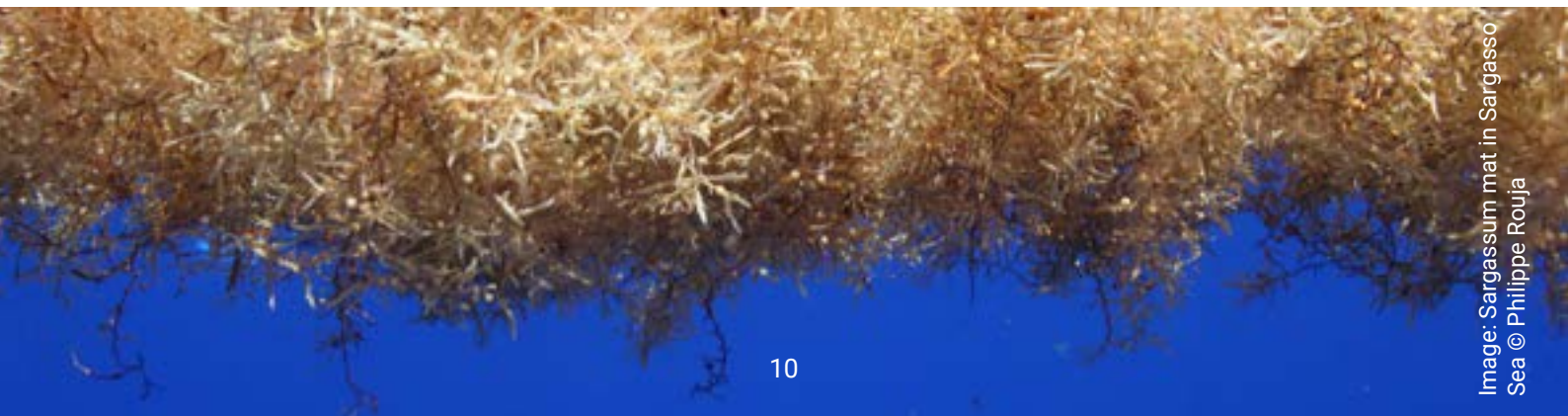

Image: Sargassum mat in Sargasso Sea © Philippe Rouja

# Environmental impact assessments

The Agreement establishes a sequential Environmental Impact Assessment (EIA) process for activities in ABNJ that are under a Party´s jurisdiction or control. This process includes the screening, scoping, impact assessment and evaluation, and establishment of measures to prevent, mitigate and manage potential adverse effects (Article 31). Public notification and consultation with inter alia adjacent coastal States and stakeholders are to take place throughout the EIA process, as appropriate (Article 32). The Agreement further requires Parties to monitor (Article 35), report on (Article 36) and review authorized activities and their impacts (Article 37). The Scientific and Technical Body will develop standards and/or guidelines on various elements of the EIA process, such as screening thresholds, for consideration and adoption by the COP (Article 38). Parties are not required to conduct EIAs in accordance with the process set out in the Agreement if an equivalent assessment has already been undertaken under other relevant IFBs (Article 29(4)). The COP shall develop mechanisms for the Scientific and Technical Body to collaborate with relevant IFBs that regulate activities in ABNJ or are responsible for the protection of the marine environment (Article 29(2)).

For activities within national jurisdiction that may affect biodiversity in ABNJ, the EIA requirements under the BBNJ Agreement apply, unless the Party's national EIA process is equivalent to the standards of the Agreement (Articles 28 and 29). In such cases, the national EIA process may be used, and the corresponding reports submitted to and shared by the Clearing-House Mechanism. Additionally, the Agreement provides for the development of strategic environmental assessments (SEAs) (Article 39).

The experience of the CBD, CITES and CMS offer valuable lessons and potential entry points for consideration in advance of the future implementation of the BBNJ Agreement's provisions on EIAs and SEAs.

**The following key areas of work under the CBD may be relevant for consideration:**

- The revised **Voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas** that specifically address ABNJ.[57] The EIA-specific section of the guidance is structured in a similar sequential manner to the EIA process under the BBNJ Agreement. It supports addressing cumulative impacts and details the need for the inclusion of biodiversity considerations during the screening, scoping, and assessment stages. As such, recommendations on the development of screening criteria contained within the revised voluntary guidance, inter alia consideration of ecologically or biologically significant marine areas (EBSAs), are of potential relevance to the development of standards and guidelines under the BBNJ Agreement (Article 38(1)).

- The **draft guidance on SEA**, included in the 2012 revised voluntary guidelines, may provide useful reference in the context of the SEA provisions under the BBNJ Agreement (Article 39).

- Technical work related to the **integration of biodiversity within and across economic sectors (mainstreaming)**. The CBD has produced targeted **guidance on addressing pressures such as underwater noise**,[58] **marine debris**,[59] **and ocean acidification**.[60]

**The following key areas of work under CITES may be relevant for consideration:**

- The **NDFs** undertaken by the Parties in order to authorize trade in CITES-listed species (briefly outlined on page 4) and the **trade quotas established by Parties for each species**, including for introduction from the sea, as well as the **assessments prepared by Parties to propose amendments to CITES Appendices**, provide valuable information that may be considered when developing EIA under the BBNJ Agreement.

**The following key areas of work under CMS may be relevant for consideration:**

- Sector-specific guidance issued by the CMS to minimize and mitigate impacts on migratory species. This includes the **CMS Family Guidelines on EIA for Marine Noise-generating Activities**[61] on, inter alia, shipping, seismic surveys and renewable energy

Image: Bubblegum coral with brittle stars © Schmidt Ocean Institute

installations to manage impacts on cetaceans and other migratory species. The **CMS International Light Pollution Guidelines for Migratory Species**[62] relating to impacts on a range of migratory species including marine turtles and seabirds are of further relevance.

- The **Energy Task Force**[63] is a multi-stakeholder platform that provides guidance and tools on the mitigation of the impacts of energy infrastructure on migratory species. This includes guidance on the importance of robust EIAs and SEAs as part of the process of siting and mitigating impacts of energy development. A recent meeting of the Energy Task Force established a number of new working groups, including one on marine species that focuses on cetaceans.

**BBNJ Agreement Part IV Environmental Impact Assessments (EIAs)**

**Objectives at a glance**

- "Operationalize the provisions of [UNCLOS] on environmental impact assessments for [ABNJ] by establishing processes, thresholds and other requirements for conducting and reporting assessments by Parties" (Article 27(a));
- "Ensure that activities covered by this Part are assessed and conducted to prevent, mitigate and manage significant adverse impacts for the purpose of protecting and preserving the marine environment" (Article 27(b));
- "Support the consideration of cumulative impacts and impacts in areas within national jurisdiction" (Article 27(c));
- "Provide for strategic environmental assessments" (Article 27(d));
- "Achieve a coherent environmental impact assessment framework for activities in [ABNJ]" (Article 27(e));
- "Build and strengthen the capacity of Parties, particularly developing States Parties, in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, coastal African States, archipelagic States and developing middle-income countries, to prepare, conduct and evaluate environmental impact assessments and strategic environmental assessments in support of the objectives of this Agreement" (Article 27(f)).

The Agreement defines "environmental impact assessment" (EIA) as a "process to identify and evaluate the potential impacts of an activity to inform decision-making" (Article 1). It defines "cumulative impacts" as "the combined and incremental impacts resulting from different activities, or from the repetition of similar activities over time, and the consequences of climate change, ocean acidification and related impacts" (Article 1). A definition for "strategic environmental assessment" is not provided however the Agreement states that Parties shall consider conducting these for "plans and programmes relating to activities under their jurisdiction or control" (Article 39(1)) and the COP may choose to conduct one of an "area or region to collate and synthesize the best available information […], assess current and potential future impacts and identify data gaps and research priorities" (Article 39(2)).

Image: Arctic Tern / stock.adobe.com - # 392915963

# Capacity-building and transfer of marine technology

Capacity-building and the development and transfer of marine technology (CB&TMT) aims to support Parties, in particular developing States Parties, have the necessary resources, expertise and technology to implement the provisions of the BBNJ Agreement (Article 40). The Agreement establishes an obligation for Parties to cooperate in providing such assistance, either directly or through relevant legal instruments, frameworks and bodies (Article 41). It also sets out an indicative and non-exhaustive list of activities within the scope of CB&TMT (Article 44, in Annex II). These include data and knowledge sharing, awareness-raising and the development and strengthening of relevant infrastructure and institutional capacity. A capacity-building and transfer of marine technology committee is to be established to support the COP (Article 46).

**The following key areas of work under the CBD may be relevant for consideration:**

- The **Long-term Strategic Framework for Capacity-building and Development**[64] outlines the expected long-term, high-level capacity results, inter alia the "strengthened access to and transfer of technology and effective participation in scientific and technical cooperation, particularly for developing countries". Further, it provides a menu of guiding principles, key strategies and approaches for improving the design, implementation, monitoring and evaluation of capacity-building and development initiatives and programmes. It also established a technical and scientific cooperation mechanism comprising a network of regional and/or subregional support centres to be coordinated by a global coordination entity.[64]

- Work of the **Informal Advisory Group on Technical and Scientific Cooperation**[65] to provide strategic advice on practical measures, tools and opportunities to promote and facilitate technical and scientific cooperation.

- Through its **Gender Plan of Action**,[66] the CBD further seeks to ensure that gender equality and inclusivity are mainstreamed across all biodiversity-related programs. This fosters equitable outcomes in the conservation and sustainable use of ecosystems, including in marine and coastal areas. CB&TMT to be established under the BBNJ Agreement is to, inter alia, reflect a "gender-responsive" process (Art 42(3)).

- **The Sustainable Ocean Initiative**[67] established in 2010 under the leadership of the COP Presidency at the time, supports capacity-building for the conservation and sustainable use of marine biodiversity. It has a particular focus on developing countries and small island developing states. It promotes a balanced approach towards conservation and sustainable use by identifying best practices, facilitating information exchange and building partnerships that deliver capacity-building, technical assistance and training. The Sustainable Ocean Initiative also strengthens communication among policymakers, scientists and local stakeholders. It helps States enhance their ability to implement effective conservation and sustainable use measures through workshops, regional dialogues and ecosystem-based management tools. In addition to capacity building activities, there is a specific stream of work under SOI, the SOI Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies, that provides a platform to facilitate cross-sectoral coordination and cooperation on fisheries, biodiversity and environment issues across various global and regional processes.

**The following key areas of work under CITES may be relevant for consideration:**

- Ongoing capacity building activities for CITES Parties with support from the Secretariat on the making of **non-detriment findings (NDFs)** and **legal acquisition findings (LAFs) for CITES-listed species** taken from areas beyond national jurisdiction, and the development of **NDF guidance related to aquatic species.**[68]

- The development of **guidance for CITES Parties on the implementation of "introduction from the sea" in the form of Frequently Asked Questions**[69] and the further consideration of this matter at the upcoming meeting of the CITES CoP[70].

- Ongoing work under CITES towards an **integrated capacity-development framework**[71] to support Parties to implement the Convention.

- **CITES cooperation with FAO to strengthen understanding of CITES implementation in the fisheries sector** through a range of regional workshops[72] and legal guidance material[73].

- Ongoing work under CITES to develop a **CITES Gender Action Plan.**[74]

**The following key areas of work under CMS may be relevant for consideration:**

- Activities under the **CMS Samarkand Strategic Plan for Migratory Species (2024-2032)**[75] Target 4.2 "Parties have the technical capacity needed to effectively implement the Convention, its Resolutions and Decisions", including through "Party-to-Party support or CMS Secretariat-led support, if possible, and should focus on the use of innovative and cost-effective methods that can be applied globally".

**BBNJ Agreement Part V Capacity-building and the transfer of marine technology (CB&TMT)**

**Objectives at a glance**

- "Assist Parties, in particular developing States Parties, in implementing the provisions of this Agreement, to achieve its objectives" (Article 40(a));
- "Enable inclusive, equitable and effective cooperation and participation in the activities under [the] Agreement" (Article 40(b));
- "Develop the marine scientific and technological capacity, including with respect to research, of Parties, in particular developing States Parties, with regard to the conservation and sustainable use of marine biological diversity of [ABNJ], including through access to marine technology by, and the transfer of marine technology to, developing States Parties" (Article 40(c));
- "Increase, disseminate and share knowledge on the conservation and sustainable use of marine biological diversity of [ABNJ]" (Article 40(d)).
- "More specifically, support developing States Parties, in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, coastal African States, archipelagic States and developing middle-income countries, through capacity-building and the development and transfer of marine technology under [the] Agreement, in achieving the objectives relating to:

  i. Marine genetic resources, including the sharing of benefits, [...];
  ii. Measures such as area-based management tools, including marine protected areas, [...];
  iii. Environmental impact assessments, [...]" (Article 40(e)).

The BBNJ Agreement defines "marine technology" as including, inter alia, "information and data, provided in a user-friendly format, on marine sciences and related marine operations and services; manuals, guidelines, criteria, standards and reference materials; sampling and methodology equipment; observation facilities and equipment for in situ and laboratory observations, analysis and experimentation; computer and computer software, including models and modelling techniques; related biotechnology; and expertise, knowledge, skills, technical, scientific and legal know-how and analytical methods related to the conservation and sustainable use of marine biological diversity" (Article 1). The Agreement does not provide a definition for "capacity-building".

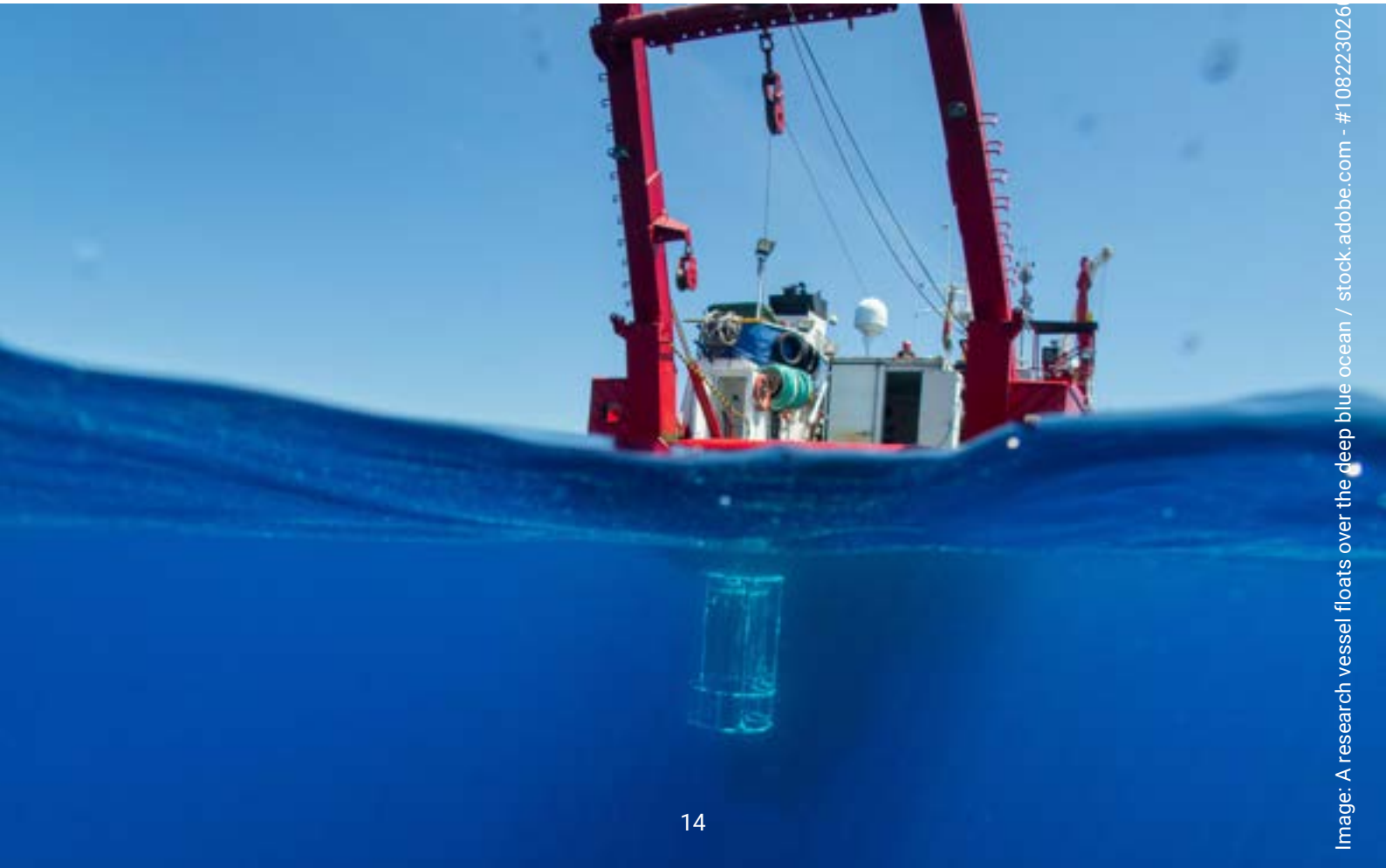

Image: A research vessel floats over the deep blue ocean / stock.adobe.com - #108223026

# Institutional arrangements and supporting mechanisms

In addition to the BBNJ package of measures, the Agreement establishes a range of institutional arrangements and supporting mechanisms to ensure that effective implementation takes place and that the COP receives the necessary advice to make decisions. These include a Clearing-House Mechanism (Article 51), Scientific and Technical Body (Article 49), capacity-building and transfer of marine technology committee (Article 46), and an Implementation and Compliance Committee (Article 55) established to "facilitate and consider the implementation of and promote compliance with the provisions of [the] Agreement". This section highlights areas of work under selected biodiversity-related conventions that may offer relevant lessons and experience as the BBNJ Agreement becomes fully operational.

**The following key areas of work under the CBD may be relevant for consideration:**

- **Clearing-House Mechanism**[76] (CHM) of the CBD was established further to Article 18.3 of the CBD to promote and facilitate technical and scientific cooperation, the exchange of information and development of a network of partners to support the implementation of the CBD. The direction and priorities of the CHM are set through programmes of work that are developed and adopted by the CBD COP.[77] Similarly, the Clearing-House Mechanism established under the BBNJ Agreement (Article 51) will be key to the implementation of the Agreement. The Clearing-House Mechanism is to, inter alia, facilitate the matching of capacity-building needs with the support available, foster enhanced transparency and facilitate international cooperation and coordination, among any other functions decided by the COP.

- **Subsidiary Body on Scientific, Technical and Technological Advice** established by Article 25 of the Convention as an open-ended intergovernmental scientific advisory body to provide the COP and, as appropriate, its other subsidiary bodies, with timely advice relating to the implementation of the Convention. The Subsidiary Body on Scientific, Technical and Technological Advice conducts its work under a consolidated *modus operandi*.[78]

- The **Subsidiary Body on Implementation**[79] undertakes work to identify strategic actions to enhance implementation of the CBD. This includes fostering synergies with other biodiversity-related conventions and partnerships with other intergovernmental and non-governmental organizations; as well as enhancing the role of relevant actors, (e.g. Indigenous Peoples and local communities, the private sector and subnational governments). The Subsidiary Body on Implementation conducts its work under a consolidated *modus operandi*.[80]

- The **Compliance Committees** under the two Protocols (Cartagena Protocol on Biosafety and Nagoya Protocol) to the Convention: Compliance Committees have been established under each of the Protocols to promote compliance and address cases of non-compliance. They work in the context of procedures and mechanisms on compliance and with their own rules of procedure and have experience in reviewing general issues of compliance and working with individual Parties to support them to come into compliance with their obligations.

**The following key areas of work under CITES may be relevant for consideration:**

- **Scientific advisory bodies** within CITES, namely the Animals Committee and Plants Committee.[81]

- **Standing Committee**[82] steers the work and monitors the implementation of the Convention in the periods between the meetings of the Conference of the Parties by, inter alia, providing policy guidance to the Secretariat concerning the implementation of the Convention and the handling of general and specific compliance matters.

- **CITES reporting mechanisms** including three types of reports that are mandatory for all Parties to the Convention:
  - » Annual trade reports: Each Party is required to provide an annual report of all permits authorizing international trade in CITES-listed animals and plants. These data are collected and made publicly available through the CITES Trade Database.[83] These trade data underpin key CITES processes and provide a transparent mechanism for monitoring the implementation of the Convention and the sustainability of international trade in wild plants and animals.
  - » Annual illegal trade reports: Each Party is required to submit an annual illegal trade report on all seizures for violations involving CITES-listed species, irrespective of whether the seizure was made at an international border or at domestic level.
  - » Implementation reports: Each Party is required to submit a triennial implementation report on legislative, regulatory and administrative measures taken to implement and enforce the Convention.

**The following key areas of work under CMS can be considered:**

- **Scientific Council** established under Article VIII of the Convention to provide advice on scientific

matters to other CMS bodies and CMS Parties. In 2014, the Council was restructured in response to the growing number of Parties and corresponding membership, including the establishment of a Sessional Committee of the Scientific Council.

- **Standing Committee**,[84] responsible for carrying out interim activities on behalf of the COP.

## The view ahead

Once in force, the BBNJ Agreement will mark a significant step towards the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, as outlined under relevant provisions of the United Nations Convention on the Law of the Sea. It establishes a comprehensive framework for the fair and equitable sharing of benefits arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of ABNJ; the conservation and sustainable use of areas requiring protection, such as by establishing a comprehensive system of area-based management tools including marine protected areas; the operationalization of UNCLOS provisions on environmental impact assessments for ABNJ; and assisting Parties in implementing the Agreement including through capacity-building, increased knowledge and information sharing, and development and transfer of marine technology. The Agreement underscores the importance of international cooperation and coordination with relevant global, regional, subregional and sectoral bodies, as well as other legal instruments and frameworks.

Work undertaken under multilateral environmental agreements provides valuable experience that can inform the effective implementation of the BBNJ Agreement. As illustrated in this technical paper, the Convention on Biological Diversity and its Nagoya Protocol, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on the Conservation of Migratory Species of Wild Animals each offer potential interlinkages with provisions across the BBNJ Agreement. The identification of these interlinkages is intended as an indicative, non-exhaustive starting point for future dialogue on cooperation and coordination. As the BBNJ Agreement is implemented, decisions taken by the Parties to the BBNJ Agreement and to the respective Conventions will ultimately guide how these interlinkages are realized in practice and evolve over time.

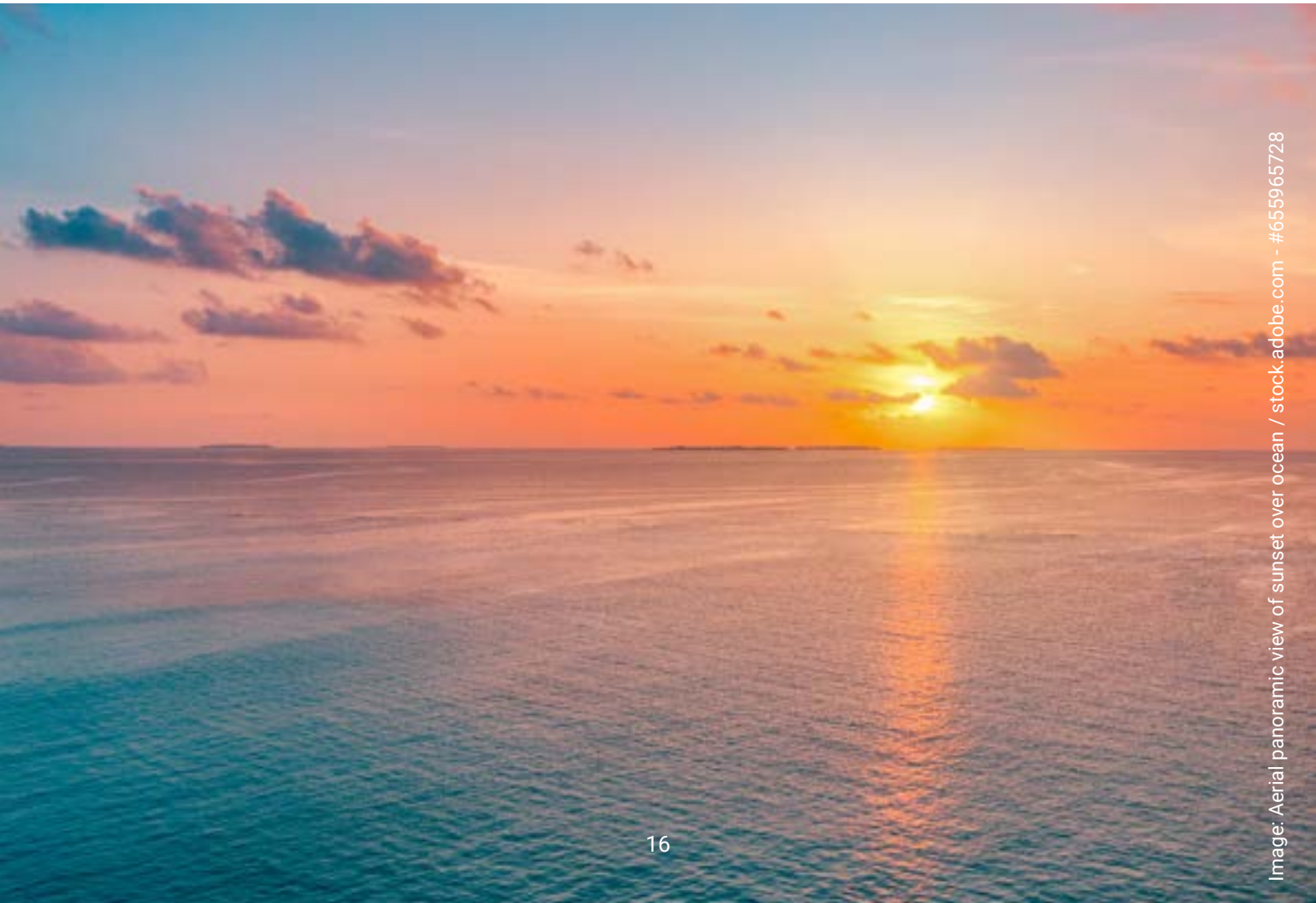

Image: Aerial panoramic view of sunset over ocean / stock.adobe.com - #655965728

# Annex I

## Overview of key areas of work under selected MEAs and the BBNJ package of measures

*NB: the different measures of the BBNJ Agreement (i.e. MGRs, ABMTs including MPAs, EIAs and CB&TMT) are to be interpreted in a mutually supportive manner. The indicative link between a particular BBNJ measure and work under the in-scope MEAs does not preclude that areas of work primarily associated with a particular package measure might not also be relevant to other measures under the BBNJ Agreement.*

| | CBD and Nagoya Protocol | CITES |
|---|---|---|
| **Marine genetic resources, including the fair and equitable sharing of benefits** | • Access and Benefit-sharing Clearing-House established under the Nagoya Protocol.<br>• Informal Advisory Committee to the Access and Benefit-sharing Clearing-House.<br>• Capacity building and development under the Nagoya Protocol, including:<br>» Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol;<br>» Capacity-building and development of an action plan for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.<br>• Multilateral mechanism under the CBD for benefit-sharing from the use of digital sequence information (DSI) on genetic resources established under the CBD, and associated global fund (i.e. Cali Fund for the Fair and Equitable Sharing of Benefits from the Use of Digital Sequence Information on Genetic Resources).<br>• Work on DSI under the CBD, including with respect to:<br>» Work of the Steering Committee that will support the CBD COP in its role as the governing body of the multilateral mechanism;<br>» Exploring possible new tools and models, such as databases, for making DSI on genetic resources publicly available and accessible in a transparent and accountable manner;<br>» A formula for the allocation of funding taking into account the overall level of funding available in the global fund and an indicative list of criteria for such purpose, including on the work to be carried out by the Ad Hoc Technical Expert Group on Allocation Methodology. | • Guidance to Parties regarding the implementation of CITES provisions regarding "introduction from the sea" |

| | CBD and Nagoya Protocol | CITES | CMS |
|---|---|---|---|
| **Area-based management tools, including marine protected areas** | • CBD definitions of "protected area" and "sustainable use"<br>• Scientific criteria for the identification of ecologically and biologically significant areas (EBSA), EBSAs identified to date, and process to renew existing EBSAs and reflect upon new scientific evidence.<br>• Site selection criteria for development of representative networks of MPAs<br>• Programme of work on marine and coastal biodiversity<br>• Adopted definition for "other effective conservation measures" (OECMs) and scientific and technical guidance on identification of OECMs.<br>• Programme of work on protected areas<br>• Integration of biodiversity within and across economic sectors (mainstreaming).<br>• Voluntary guidance on the integration of protected areas and OECMs into wider land-and seascapes and mainstreaming across sectors to contribute, inter alia, to the sustainable development goals. Also the considerations in achieving Aichi Biodiversity Target 11 in marine and coastal areas. | • CITES-listed species and associated scientific and technical information.<br>• Scientific information collated through CITES processes (e.g. non-detriment findings and the Review of Significant Trade in the context of CITES compliance procedures).<br>• Mechanisms for the implementation of CITES (e.g. legal acquisition findings and non-detriment findings) and for monitoring compliance. | • CMS-listed species and associated scientific and technical information.<br>• Work to improve scientific knowledge on role of ecological networks in the conservation of migratory species and identification of key sites for migratory specie (e.g. Important Marine Mammal Areas (IMMAs), Important Shark and Ray Areas (ISRAs), and the Atlas on Animal Migration and TurtleNet).<br>• Work towards reducing wildlife collisions in the maritime shipping sector.<br>• Advice to CMS Parties and other stakeholders on priority actions to address the issues facing migratory species as a result of climate change. |

| | CBD and Nagoya Protocol | CITES | CMS |
|---|---|---|---|
| **Environmental impact assessments** | • Revised voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas<br>• Integration of biodiversity within and across economic sectors (mainstreaming). Targeted guidance includes addressing pressures from underwater noise, marine debris and ocean acidification. | Scientific information included in:<br>• non-detriment findings undertaken by CITES Parties before authorizing trade;<br>• trade quotas for CITES-listed species established by Parties;<br>• proposals for amendments to the CITES Appendices submitted by Parties. | • CMS Family Guidelines on EIA for Marine Noise-generating Activities<br>• CMS International Light Pollution Guidelines for Migratory Species<br>• CMS Energy Task Force, a multi-stakeholder platform providing guidance and tools on the mitigation of impacts of energy infrastructure on migratory species. |
| **Capacity-building and transfer of marine technology** | • Long-term Strategic Framework for Capacity-building and Development.<br>• Informal Advisory Group on Technical and Scientific Cooperation.<br>• Gender Action Plan<br>• Sustainable Ocean Initiative | • Ongoing capacity building activities for CITES Parties on the non-detriment findings (NDFs) and legal acquisition findings (LAFs) for CITES-listed species taken from ABNJ, and development of NDF guidance related to aquatic species.<br>• Guidance on the implementation of "introduction from the sea" in the form of Frequently Asked Questions.<br>• Ongoing work towards an integrated capacity-development framework.<br>• CITES cooperation with FAO to strengthen understanding of CITES implementation in the fisheries sector.<br>• Ongoing work towards development of a CITES Gender Action Plan. | • Capacity-building activities under the CMS Samarkand Strategic Plan for Migratory Species (2024-2032) Target 4.2. |
| **Institutional arrangements and supporting mechanisms** | • Clearing-house mechanism established under CBD<br>• Subsidiary Body on Scientific, Technical and Technological Advice.<br>• Subsidiary Body on Implementation (SBI)<br>• Compliance Committees under the Cartagena Protocol on Biosafety and the Nagoya Protocol. | • Scientific advisory bodies (i.e. Animals Committee and Plants Committee).<br>• Standing Committee<br>• CITES reporting mechanisms (i.e. annual trade reports, annual illegal trade reports, implementation reports). | • Scientific Council<br>• Standing Committee |

# References


[1] The text of the BBNJ Agreement is accessible via https://tinyurl.com/3vhe6dtr

[2] The BBNJ Agreement was opened for signature on 19 June 2023. It requires sixty ratifications or instruments of accession to be deposited for entry into force. Status as of May 2025: twenty-one Parties. For current treaty status access https://tinyurl.com/3vhe6dtr.

[3] United Nations, 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, New York, 19 June 2023. Available at: https://tinyurl.com/3vhe6dtr (accessed 20 January 2025).

[4] A/RES/59/24

[5] Until such time as the secretariat commences its functions, the Secretary-General of the United Nations, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs (DOALOS) of the United Nations Secretariat, will perform the secretariat functions under the Agreement.

[6] Convention on Biological Diversity, Article 1.

[7] For the status of ratification of the CBD, see: United Nations, Convention on Biological Diversity, Rio de Janeiro, 5 June 1992. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-8&chapter=27 (accessed 12 March 2025).

[8] See CBD/COP/DEC/IV/5 and UNEP/CBD/COP/DEC /X/29

[9] CBD/COP/DEC/15/4

[10] For the status of ratification of the Nagoya Protocol, see: United Nations, Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, Nagoya, 29 October 2010. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-8-b&chapter=27 (accessed 12 March 2025).

[11] For the status of ratification of the CITES, see https://cites.org/eng/disc/parties/chronolo.php (accessed 12 March 2025).

[12] Pavitt, A., Malsch, K., King, E., Chevalier, A., Kachelriess, D., Vannuccini, S. & Friedman, K. (2021). CITES and the sea: Trade in commercially exploited CITES-listed marine species. FAO Fisheries and Aquaculture Technical Paper No. 666. Rome, FAO. https://doi.org/10.4060/cb2971en.

[13] Garzon, F., Barrientos, C., Anvene, R. E., Mba, F. E., Fallabrino, A., Formia, A., ... & Witt, M. J. (2023). Spatial ecology and conservation of leatherback turtles (Dermochelys coriacea) nesting in Bioko, Equatorial Guinea. *Plos one*, *18*(6), e0286545.

Harrison, A. L., Costa, D. P., Winship, A. J., Benson, S. R., Bograd, S. J., Antolos, M., ... & Block, B. A. (2018). The political biogeography of migratory marine predators. *Nature Ecology & Evolution*, *2*(10), 1571-1578.

[14] Wright, R. M., Piper, A. T., Aarestrup, K., Azevedo, J. M., Cowan, G., Don, A., ... & Righton, D. (2022). First direct evidence of adult European eels migrating to their breeding place in the Sargasso Sea. *Scientific Reports*, *12*(1), 15362.

[15] Dulvy, N.K., Baum, J.K., Clarke, S., Compagno, L.J.V., Cortés, E., Domingo, A', Fordham, S., Fowler, S., Francis, M.P., Gibson, C., J. Martínez, J., Musick, J.A., Soldo, A., Stevens J.D. and S. Valenti (2008). You can swim but you can't hide: the global status and conservation of oceanic pelagic sharks and rays. Aquatic Conservation: Marine and Freshwater Ecosystems. Located at doi: 10.1002/ aqc.975.

[16] CITES Resolution Conf. 18.3: CITES Strategic Vision: 2021-2030

[17] https://www.cms.int/en/parties-range-states

[18] CMS (2013) Migratory Marine Species in areas beyond the limits of natural jurisdiction (ABNJ). https://www.cms.int/dugong/sites/default/files/publication/CMS_ABNJ_21Aug2013.pdf

[19] UNEP/CMS/Resolution 14.1

[20] Article 14 Nagoya Protocol https://absch.cbd.int/en/

[21] UNEP/CBD/NP/COP-MOP/DEC/1/2

[22] CBD/NP/ABSCH-IAC/2024/1/4

[23] CBD/NP/MOP/DEC/5/4

[24] CBD/NP/MOP/DEC/5/3

[25] To be known as the Cali Fund for the Fair and Equitable Sharing of Benefits from the Use of Digital Sequence Information on Genetic Resources as per CBD/COP/DEC/16/2*.

[26] CBD/COP/DEC/16/2*

[27] CBD/COP/DEC/16/2*

[28] CITES Conf.14.6 (Rev.COP16)*

[29] See Introduction from the Sea | CITES

[30] CBD/COP/DEC/IX/20

[31] CBD/SBSTTA/26/INF/8

[32] CBD/COP/DEC/16/16

[33] NB: the most commonly definition in use stems from work by the International Union for the Conservation of Nature (IUCN): "a collection of individual MPAs or reserves operating cooperatively and synergistically, at various spatial scales, and with a range of protection levels designed to meet objectives that a single reserve cannot achieve" (IUCN-WCPA, 2008).

[34] UNEP/CBD/COP/DEC/IX/20

[35] https://www.ospar.org/work-areas/bdc/marine-protected-areas/guidance-for-the-development-and-management-of-the-ospar-network

[36] CBD/COP/DEC/IV/5

[37] UNEP/CBD/COP/DEC/VII/5

[38] UNEP/CBD/COP/DEC/X/29

[39] CBD/COP/DEC/14/8

[40] Annex III to CBD/COP/DEC/14/8

[41] UNEP/CBD/COP/DEC/VII/28

[42] CBD/COP/DEC/16/12

[43] CBD/COP/DEC/XIII/3

[44] Annex I to CBD/COP/DEC/14/8

[45] Annex IV to CBD/COP/DEC/14/8

[46] CITES Resolution Conf. 12.8 (Rev. CoP18)*

[47] CITES Resolution Conf. 14.3* (Rev. CoP19)

[48] See SC78 SR, page 181

[49] UNEP/CMS/Resolution 14.16

[50] Goal 2. The habitats and ranges of migratory species are maintained and restored, supporting their connectivity.

[51] UNEP/CMS/Resolution 14.16

[52] UNEP/CMS/Resolution 12.13

[53] UNEP/CMS/Resolution 14.7

[54] UNEP/CMS/COP14/Doc.20

[55] UNEP/CMS/Resolution 14.5

[56] UNEP/CMS/Resolution 12.21 (Rev.COP14)

[57] UNEP/CBD/COP/11/23

[58] Harding, S. and Cousins N. 2022. Review of the Impacts of Anthropogenic Underwater Noise on Marine Biodiversity and Approaches to Manage and Mitigate them. Technical Series No. 99. Secretariat of the Convention on Biological Diversity, Montreal, 145 pages. https://www.cbd.int/doc/publications/cbd-ts-99-en.pdf.

[59] Marine Debris: Understanding, Preventing and Mitigating the Significant Adverse Impacts on Marine and Coastal Biodiversity. Technical Series No.83. Secretariat of the Convention on Biological Diversity, Montreal, 78 pages. https://www.cbd.int/doc/publications/cbd-ts-83-en.pdf.

[60] Secretariat of the Convention on Biological Diversity (2014). An Updated Synthesis of the Impacts of Ocean Acidification on Marine Biodiversity (Eds: S. Hennige, J.M. Roberts & P. Williamson). Montreal, Technical Series No. 75, 99 pages https://www.cbd.int/doc/publications/cbd-ts-75-en.pdf.

[61] UNEP/CMS/Resolution 12.14

[62] UNEP/CMS/Resolution 13.5 (Rev.COP14)

[63] UNEP/CMS/Resolution 11.27 (Rev.COP13)

[64] CBD/COP/DEC/15/8

[65] CBD/COP/DEC/15/8

[66] CBD/COP/DEC/15/11*

[67] https://www.cbd.int/soi/, CBD/COP/DEC/15/24, UNEP/CBD/COP/DEC/XII/23

[68] SC78 Doc. 48, CITES Non-detriment Findings Guidance

[69] https://cites.org/sites/default/files/eng/prog/ifs/E-IFS-FAQ.pdf (also available in French and Spanish)

[70] See SC78 SR, pages 117-119

[71] https://cites.org/eng/dec/index.php/44290

[72] FAO & CITES. 2023. Technical report on the subregional workshop on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and fisheries with Caribbean countries – 30 May – 2 June 2022. Rome, FAO. https://doi.org/10.4060/cc5072en

FAO y Secretaría de la CITES. 2023. *Informe técnico del taller regional sobre la Convención sobre el Comercio Internacional de Especies Amenazadas de Fauna y Flora Silvestres (CITES), la pesca y los dictámenes de adquisición legal con los países de América Latina y el Caribe - 8 a 11 de mayo de 2023.* Roma. https://doi.org/10.4060/cc7657es

[73] Nakamura, J.N. and Kuemlangan, B., 2020 Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through national fisheries legal frameworks: a study and a guide. Legal Guide No. 4. Rome, FAO. https://doi.org/10.4060/cb1906en

[74] CITES/COP/RES 19.51 to 19.53

[75] UNEP/CMS/Resolution 14.1

[76] https://www.cbd.int/chm

[77] Current programme of work until 2030, see CBD/COP/DEC/16/9

[78] See Annex III of UNEP/CBD/COP/DEC/VIII/10

[79] UNEP/CBD/COP/DEC/XII/26

[80] CBD/COP/DEC/XIII/25

[81] CITES COP Res. 18.2

[82] CITES COP Res. 18.2

[83] trade.cites.org

[84] UNEP/CMS/Resolution 1.1

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