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Regional Seas Conventions and Action Plans (RSCAPs) and the BBNJ Agreement

**From Global Aspirations to Regional Implementation: Exploring the intersection between
Regional Seas and the BBNJ Agreement**

Executive Summary

UNEP & GRID-Arendal Policy Brief: From Global Aspirations to Regional Implementation: Exploring the Intersection between Regional Seas Conventions and the BBNJ Agreement

The Regional Seas Programme commissioned GRID-Arendal to take a first look at the possible legal, institutional and technical linkages between four Regional Seas Conventions and the BBNJ Agreement, building on a BBNJ rapid needs assessment conducted in 2024. The policy brief is aimed at informing representatives of RSCAP Member States and other decision makers about opportunities for cooperation and possible complementary benefits of ratification. The review focuses on the Abidjan Convention, Barcelona Convention, Cartagena Convention and Nairobi Convention which collectively constitute 48 of the 112 signatories to the Agreement and 10 out of the 21 who have already ratified it. Preliminary findings include:

1. **Area-based management tools** (ABMTs) and pollution prevention – there are areas of legal and regulatory convergence between the BBNJ Agreement and the Regional Seas Conventions in terms of ABMTs, and particularly in the context of emergency response.
2. **Environmental impact assessments** – there are areas of shared legal and regulatory space between the BBNJ Agreement and the Regional Seas Conventions, opening the door for Member States to implement their obligations holistically to protect biodiversity within and beyond national jurisdiction, with beneficial implications for economic activities, including fisheries.
3. **Marine genetic resources and digital sequencing**– there are intersections between the obligations of BBNJ Agreement State Parties and the Regional Seas Conventions in terms of MGRs, including ways in which State Parties will need to ensure legal and regulatory measures within their national jurisdictions. However, as expected, out of the Regional Seas conventions covered in this review, this element of the Agreement is the least well linked with existing Regional Seas Conventions protocols.

For a more comprehensive look into the existing and potential opportunities for integration and complementarity between Regional Seas Conventions and the BBNJ Agreement, it is recommended that this preliminary assessment be expanded upon to include other RSCAPs.

I. Introduction

On 23 June 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* (“BBNJ Agreement”) was adopted by the Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction convened under the auspices of the United Nations. This landmark agreement aims to enhance the conservation and sustainable use of marine biodiversity in Areas Beyond National Jurisdiction (ABNJ), which make up nearly two-thirds of the world’s ocean territory. This Policy Brief takes a first look at the possible linkages between the provisions of four selected Regional Seas regulatory frameworks and the three areas regulated under BBNJ Agreement with the aim to assist decision-makers within States that are Parties to the respective Regional Seas Conventions on how they may draw synergies for the implementation of those Regional Seas Conventions and the future implementation of the BBNJ Agreement.¹

As of [30 April 2025], 108 States have signed the BBNJ Agreement, with the Agreement counting [21] Parties.²

Purpose and scope of brief

In exploring the benefits and potential synergies for States to become Parties to the BBNJ Agreement, UNEP commissioned GRID-Arendal to conduct a rapid needs assessment across Regional Seas Conventions³ which revealed that several of the interviewed RSCAP Member States were unsure of how to coordinate the terms of the BBNJ Agreement with existing regional agreements or multilateral environmental agreements (MEAs).⁴ In response, UNEP requested GRID-Arendal to conduct a preliminary assessment of ways that the BBNJ Agreement might complement the existing framework of the Regional Seas Conventions. It is informed by the Needs Assessment, DOALOS Regional Needs Assessment, and existing publications and resources⁵ to set out the relationship between these RSCAPs and critical areas of the BBNJ Agreement, including existing and potential opportunities for integration and complementarity.

¹ For in-depth analysis of various forms of the BBNJ Agreement text and requirements, see <https://www.un.org/bbnjagreement/en/resources>.

² For Updated Reference, please go to:

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-10&chapter=21&clang=_en

³ A “Party” to a treaty refers to a state (or a regional economic integration organization) that has formally agreed to be bound by the terms of the treaty. This typically involves signing and ratifying the treaty, acceding to, accepting or approving the treaty. The text of the treaties may refer to “Parties”, “Contracting Parties” or “State Parties”. For simplicity, the Brief uses the term “Parties”, irrespective of how the texts of the regional seas conventions and the BBNJ Agreement refer to Parties.

⁴ UNEP commissioned GRID-Arendal in 2024 to conduct a rapid needs assessment to understand what priority needs or capacity gaps RSCAPs and RSCAP Member States were experiencing with respect to BBNJ Agreement Ratification.

⁵ See United Nations Division for Ocean Affairs and the Law of the Sea (UN DOALOS), <https://www.un.org/bbnjagreement/en/resources> and <https://www.un.org/depts/los/>; High Seas Alliance, Briefings: Deep dives into the provisions of the BBNJ Agreement, <https://highseasalliance.org/resources/briefings-deep-dives-into-the-provisions-of-the-bbnj-agreement/>; IUCN, Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ), <https://iucn.org/our-work/informing-policy/international-policy/marine-biodiversity-areas-beyond-national-jurisdiction-bbnj>. This paper also builds on: UN DOALOS regional needs assessments; UNEP member states’ surveys; and complements forthcoming technical note from UNEP-WCMC on MEA Linkages with BBNJ

Among the RSCAPs, this brief focuses on four UNEP-Administered Regional Seas Conventions, all of which were part of the original capacity needs assessment. Between them include a majority of States that have ratified the Agreement, and UNEP has made investments in information and awareness raising efforts or capacity building in all of them. They include: the Abidjan Convention, Barcelona Convention, Cartagena Convention and Nairobi Convention. The aim is to explore ways that the BBNJ Agreement can work closely with existing legal infrastructure of these Regional Seas Conventions without undermining or duplicating them as per Article 5 of the BBNJ Agreement. While the intended audience is primarily aimed at government representatives of RSCAP Member States, this brief will also be useful to UNEP leadership, UNEA representatives and other critical stakeholders working in related issues at the national, regional and international levels.

Focus of brief: Critical core elements of the BBNJ Agreement and the RSCAPs

There are many core elements of jurisdictional opportunities for integration and complementarity between the BBNJ Agreement and the four RSCAPs. These opportunities for complementarity can support State Parties in, amongst other areas, designating Area Based Management Tools, including Marine Protected Areas (MPAs), strengthening pollution control measures within and beyond Exclusive Economic Zones, aligning environmental impacts assessments, and enabling equitable access to shared benefits of Marine Genetic Resources. These connections also can be seen as avenues to strengthen cooperation between the BBNJ Agreement and the RSCAPs as well as between RSCAPs as they craft plans to ensure complementarity with the Agreement. It is therefore useful for State Parties to these agreements to understand the areas of possible legal and policy linkages. Here we focus on three of the four “Package Elements” of the BBNJ Agreement (Parts II, III and IV) with jurisdictional implications. This review does not cover Part V on Capacity Building and Transfer of Marine Technology, as the means of implementation of these terms are still evolving through the decision-making processes of the RSCAP Conferences of the Parties (COPs) with further details to be discussed at the first CoP of the BBNJ Agreement as well (Part V).

Key topics reviewed:

1. **Area-based management tools** (ABMTs) and pollution prevention – Addressing protected areas, pollution control, and environmental governance.
2. **Environmental impact assessments** – Clarifying requirements and aligning procedures for assessing human activities' effects on marine biodiversity.
3. **Marine genetic resources and digital sequencing** – Exploring access, benefit-sharing, and regulatory considerations.

While this brief focuses on these key areas, other thematic areas to review in future work include intersections on fisheries and food security, enforcement issues across the national, regional and international levels including in EEZs, capacity building and technology transfer as well as policies on deep-sea mining in adjacent areas. It would also be interesting to take a closer look at the gender related aspects of the BBNJ agreements and any crosscuts or complementarities with Regional Seas Conventions governing frameworks. For example, the BBNJ Agreement considers gender in the context of equitable distribution of access and benefit-sharing in Article 15, gender-responsive and transparent country-driven capacity building and

transfer of marine technology in Article 42, and gender balance and equitable geographic representation in Article 49 among others. It also requires a gender balanced compliance committee and overall takes the matter of gender equity very seriously.

RSCAPs responses to the BBNJ Agreement

Article 5 of the BBNJ Agreement makes it very clear that it is intended to complement and work alongside international, regional, subregional and sector-based legal regimes and implementing frameworks applicable to Member States, rather than acting in contradiction to them. This approach reinforces the provisions of the Abidjan Convention, the Nairobi Convention, the Cartagena Convention and the Barcelona Convention, under which State Parties are expressly allowed to enter into other regional, bilateral or multilateral agreements to protect their marine and coastal environments, unless these cause a conflict with the terms of the RSCAP.⁶

Since the adoption of the BBNJ Agreement, some of the RSCAPs addressed here have held Conferences of the Parties (COPs), while others are scheduled to do so in 2025 or 2026. In the RSCAP COPs held since the adoption of the BBNJ Agreement, new decisions and implementing policies have been adopted that are geared to assist in the implementation of the BBNJ Agreement within the particular region and at the global level.

For example, as part of the December 2023 Portorož Ministerial Declaration, the Contracting Parties to the Barcelona Convention welcomed the adoption of the BBNJ Agreement and recognized that “*action is needed from the Mediterranean Region as a contribution to its early entry into force and the pivotal role of the Barcelona Convention Contracting Parties in this process.*”⁷ To advance this objective, the Declaration went on to set out a number of points for future action, including encouraging the Barcelona Convention State Parties to rapidly ratify or otherwise become bound by the terms of the BBNJ Agreement.⁸

Under the Programme of Work and Budget for 2024-2025 adopted by the Barcelona Convention Conference of the Parties, one of the outcomes is “Enhanced partnership and multi-stakeholder engagement, including with the private sector and science policy interface,” which highlights the BBNJ Agreement as an area of focus.⁹

In 2024, the Conference of the Parties to the Nairobi Convention took note of the adoption of the BBNJ Agreement and, in response, adopted Decision CP11/13, calling on State Parties to rapidly ratify or otherwise endorse the BBNJ Agreement at the national level.¹⁰ This Decision also

⁶ See Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West and Central African Region (Abidjan Convention) (entered into force 1984) art 3; Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) (entered into force 1978) art 3; Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) (entered into force 11 October 1986) art 3; Nairobi Convention for the Protection, Management and Development of Coastal and Marine Environment of the Western Indian Ocean.

⁷ UNEP/MED IG.26/22

⁸ UNEP/MED IG.26/22 at art 12

⁹ Decision IG.26/14, Outcome 5.4.1

¹⁰ Decision CP11/13

directed the Secretariat to assist in these efforts and urged Contracting Parties to facilitate implementation of the BBNJ Agreement across the West Indian Ocean.¹¹

It is worth noting that some RSCAPs have COP decisions that pre-date the adoption of the BBNJ Agreement, but which support aspects of ABNJ incorporation, such as the Abidjan Convention Pointe Noire Declaration.

II. Topics of convergence: How to Implement the BBNJ Agreement and Regional Seas Conventions Together

As noted above, Article 5 of the BBNJ Agreement is clear that its terms are to be interpreted and applied in a manner that does not undermine relevant legal instruments and to promote coherence and coordination with those instruments. It is argued here that in the context of the four regional seas regimes examined, there are several points of convergence, as also set out in the infographic and textual review below. While the BBNJ Agreement is relatively new, the regional seas treaties covered in this review already address substantial elements of the Agreement Parts II, III and IV and can leverage their regional expertise to facilitate the entry into force of the Agreement and to harmonize efforts for its future implementation, in a manner that contributes to marine biodiversity conservation and sustainable use.

For example, all four regional seas include provisions, either in the main Convention or the Protocols, relating to the BBNJ Agreement Part IV on environmental impact assessment and Part III on area-based management tools. Meanwhile, Part II, on marine genetic resources and digital sequencing information, holds the weakest correlation with the four regional seas conventions. The textual review below sets out key elements of the BBNJ Agreement (Parts II-IV) and the areas of convergence for each of the Parts with the regional seas under review.

¹¹ Decision CP11/13

Correlations between BBNJ Agreement and Abidjan, Barcelona, Cartagena and Nairobi Conventions

Overview of existing regional seas conventions articles and protocols which correlate with the first 4 parts of the BBNJ Agreement in relation to the governance of marine biodiversity - status as of March 2025.

BBNJ Agreement	Part I	Part II					Part III					Part IV				
	General Provisions	Marine Genetic Resources and Digital Sequencing					Measures such as Area-Based Management Tools, Including Marine Protected Area					Environmental Impact Assessments				
	Article 5	Article 9	Article 10	Article 11	Article 13	Article 14	Article 17	Article 18	Article 19	Article 22	Article 24	Article 27	Article 28	Article 29	Article 30	Article 31
Abidjan Convention	3	-	-	-	-	-	11	11	11	11	4	13	13	-	13	13
Barcelona Convention	3	-	-	-	-	-	10	10	10	10	9	4	4	4	4	4
Cartagena Convention	3	-	-	-	-	-	10	10	10	10	11	12	12	-	12	12
Nairobi Convention	3	-	-	-	-	-	-	-	-	-	12	14	14	14	14	14

Barcelona Convention

- Integrated Coastal Zone Management (ICZM) Protocol for the Mediterranean
- Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean

Cartagena Convention

- Protocol Concerning Specially Protected Areas and Wildlife to the Cartagena Convention
- Protocol Concerning Pollution from Land-Based Sources and Activities to the Cartagena Convention

Nairobi Convention

- Protocol on Integrated Coastal Zone Management (ICZM) for the Western Indian Ocean
- Protocol on Protected Areas and Wild Fauna and Flora in the Eastern African Region
- Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities

Figure 1: Correlations between BBNJ Agreement and selected Regional Seas Conventions in relation to marine biodiversity governance

a. Area-Based Management Tools (ABMTs), including MPAs

Key elements to note: ABMTs in BBNJ Agreement

In Part III, the BBNJ Agreement provides for “measures such as area-based management tools, including marine protected areas” across international, regional and sub-regional legal and organizational systems” (art. 17). Among the objectives for such measures Part III aims to “protect, preserve, restore and maintain biological diversity and ecosystems, including with a goal of enhancing their productivity and health, and strengthen resilience to stressors, including those related to climate change, ocean acidification and marine pollution.” (art. 17(c)) The establishment of ABMTs is geographically limited as they should not include any areas within national jurisdiction and, as such, they cannot be used to extend the scope of any State Party’s national jurisdiction as relates to territorial control and access to resources (art. 18).

Further, the BBNJ Agreement (art. 19 *et seq.*) describes the process for the establishment of ABMTs by the COP, among others upon recommendation by the Scientific and Technical Body: proposals with draft management plans and various legal, governance, scientific, and technical

details, publicity and preliminary review, consultations and assessment. It is important to note that cooperation and coordination with other legal instruments, frameworks or bodies is a key element in establishing ABMTs, including MPAs (art. 19, paras. 2, 3, 4, 5 and 7). The COP in establishing ABMTs may recommend to Parties to the BBNJ Agreement that are also Parties to other global, regional, subregional or sectoral bodies, to promote the adoption of relevant measures through those platforms, where proposed ABMT measures are also within their competence (art. 22, para. 1(c)).

The BBNJ Agreement provides for the adoption by the COP of emergency measures (art. 24) if necessary, when a natural phenomenon or human-caused disaster has caused, or is likely to cause, serious or irreversible harm to marine biological diversity of areas beyond national jurisdiction, to ensure that the serious or irreversible harm is not exacerbated. Emergency measure are to be adopted upon consultation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs) (art. 24, para. 2) to determine whether they can address these issues

Areas of convergence between BBNJ Agreement and the four regional seas

The four regional seas examined here provide for emergency measures based on the principles of cooperation and disclosure, typically with a focus on prevention, reduction and control of marine pollution within national jurisdiction of the Parties with impacts on the larger Convention area as follows:

- Abidjan Convention: art. 4, para. 2, art. 12;
- Nairobi Convention, art. 12;
- Cartagena Convention, art. 11;
- Barcelona Convention, art. 9.

The Protocols under the four conventions also address emergency measures in more detail.

The four Conventions contain provisions for the protection of fragile ecosystems, biodiversity and habitats within their jurisdiction, including through the creation of protected areas. Specifically:

- The Nairobi Convention (art. 11) and its Protocol on Protected Areas and Wild Fauna and Flora in the Eastern African Region require State Parties to conserve biodiversity and habitats, including the option to establish frontier protected areas between national jurisdictions.
- The Protocol on Specially Protected Areas and Wildlife (SPA) to the Cartagena Convention (see also its art. 10) protects the region's unique biodiversity through designated SPAWs, regulating pollution, resource harvesting, invasive species, and enforcing legal protections. It includes procedures for listing SPAWs and requires consultation with the Scientific and Technical Advisory Committee and approval from the Meeting of the Parties.
- The Protocol on Specially Protected Areas and Biological Diversity to the Barcelona Convention (see also its art. 10) safeguards the Mediterranean's natural and cultural heritage by enabling the creation of Specially Protected Areas of Mediterranean Importance (SPAMIs). State Parties must consult neighbouring countries if proposed

SPAMIs border their territories. This Protocol also regulates activities to protect the Mediterranean from pollution related to seabed exploration and exploitation.

The Protocol on MPAs to the Abidjan Convention, which is not yet adopted by Parties and therefore not included in the overview of correlating Conventions and Protocols (see Figure 2), is expected to address Part III of the BBNJ Agreement once it enters into force.

b. Environmental Impact Assessments (EIAs)

Key elements to note: EIAs in BBNJ Agreement

In its Part IV (art. 27 et seq.), the BBNJ Agreement sets forth the terms that operationalize the obligations of the Parties to carry out EIAs, to achieve a coherent EIA framework for activities in ABNJ, and to ensure that activities carried out in the ABNJ are “assessed and conducted to prevent, mitigate and manage significant adverse impacts for the purposes of protecting and preserving the marine environment.” Parties have the obligation to conduct EIAs for activities planned to take place under their jurisdiction or control that “may cause substantial pollution of or significant and harmful changes to the marine environment in ABNJ” (art. 28, para. 2).

Parties are further required to share information through the Clearing-House Mechanism, ensure that there the activity is monitored, and ensure that EIA and any relevant monitoring reports are made available to the CHM (art. 28, para. 2).

Parties are not required to conduct an EIA or a screening under certain circumstances (art. 29, para. 4). The Agreement also includes thresholds and factors for conducting EIAs when a planned activity “may have more than a minor or transitory effect on the marine environment, or the effects of the activity are unknown or poorly understood” (art. 30, para. 1). The BBNJ Agreement sets out the steps for the process for an EIA (art. 31).

Further, to promote consistent environmental practices, the Agreement encourages Parties to apply EIA guidelines across other international, regional, and sectoral legal frameworks (art. 29, para. 1, and art. 38). It also requires the COP to establish mechanisms enabling the Scientific and Technical Body to collaborate with those IFBs (art. 29, para. 2). When an EIA has been conducted under another IFB, Parties must ensure that the EIA report is published through the Clearing-House Mechanism (art. 29, para. 5).

Areas of convergence between BBNJ Agreement and the four Regional Seas

The Abidjan Convention includes a provision dedicated to EIA (art. 13), which requires Parties as part of their environmental management policies to create technical and other guidelines to assist the planning of development projects in such a way as to minimize the harmful impact on the Convention area. Parties should also endeavour to conduct an assessment of the potential environmental effects of a planned activity within its territory, particularly in coastal areas, that may cause “substantial pollution of, or significant and harmful changes to, the Convention area”. In that regard, the Convention also requires Parties to develop procedures for the dissemination of information concerning the assessment of those planned

Similar are the requirements set in the Cartagena Convention (art.12) and the Nairobi Convention (art. 14). Some additional aspects regarding these two instruments include:

- Cartagena Convention: The Protocol Concerning Specially Protected Areas and Wildlife to the Cartagena Convention also provides for the conduct of an EIA in the context of “decisions about industrial or other projects and activities that would have a negative environmental impact and significantly affect areas or species that have been afforded special protection” (art. 13); while the Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention also calls for Parties to conduct EIAs for land-based activities where they have reasonable grounds to believe that such activities are likely to cause substantial pollution of, significant and harmful changes to, the Convention area (art. VII).
- Nairobi Convention: the Convention also calls for Parties as part of their environmental management policies, to develop technical and other guidelines in cooperation with competent international and regional organizations to assist in the planning of major activities so as to prevent or minimize harmful impacts on the Convention area (art. 14). The Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities to the Convention includes a separate EIA requirement for programmes, projects and activities “that are likely to pollute or degrade the marine or coastal environment of the Protocol area” (art. 13 in conjunctions with EIA, evaluation and audit guidelines in Annex IV to the Protocol).

Finally, the Barcelona Convention calls for Parties to undertake an EIA proposed activities that “are likely to cause a significant adverse impact on the marine environment and are subject to an authorization by competent national authorities” (art. 4, para.3(c)). Under its Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean, Parties are required to “evaluate and take into consideration the possible direct or indirect, immediate or long-term, impact, including the cumulative impact” in the decision-making for proposed activities or projects that could significantly affect protected areas (art.17).

c. Marine genetic resources and digital sequencing

Key elements to note: Marine Genetic Resources in BBNJ Agreement

Part II (art. 9 et seq.) of the BBNJ Agreement includes provisions for the fair and equitable sharing of benefits arising from activities with regard to marine genetic resources and digital sequence information; building of capacities in that area of 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”; generation of relating knowledge, and development and transfer of marine technology. The Agreement exempt its application in the case of military activities and fishing – that is fishing regulated under relevant international law or “fish or other living marine resources known to have been taken in fishing and fishing-related activities from ABNJ” (art. 10)

The Agreement further sets out how Parties can engage in activities relating to marine genetic resources and digital sequencing in the ABNJ (art. 11).

Parties have an obligation to take measures to ensure that traditional knowledge associated with MGRs in ABNJ that is held by Indigenous Peoples and local communities is accessed with their free, prior and informed consent or approval or involvement. The Clearing-House Mechanism, which is established to ensure transparency and information sharing, can facilitate access to traditional knowledge held by Indigenous Peoples and local communities (art. 13).

On benefit-sharing, the Agreement acknowledges both monetary and non-monetary benefits from activities related to marine genetic resources and digital sequencing in ABNJ. The benefits must be fairly and equitably distributed to support the conservation and sustainable use of marine biological diversity. Non-monetary benefits include access to samples and digital sequence information, information exchange and capacity-building or knowledge-sharing aligned with international standards; whereas monetary benefits would require that a portion of the revenue received by Parties be contributed to a dedicated fund under the BBNJ Agreement, under the oversight of the COP with guidance by the Access and Benefit-Sharing Committee, which also provides support and guidelines for implementing the Agreement (art. 14 and art. 15).

Areas of convergence between BBNJ Agreement and Regional Seas Conventions

One of the objectives of it's the 2023 Protocol on Integrated Coastal Zone Management (ICZM) to the Nairobi Convention to “promote sustainable use and equitable benefit sharing of coastal and marine resources” which aligns with the BBNJ Agreement.

Under the Cartagena Convention, the conservation, maintenance and restoration of, among other things, genetic diversity, is a critical element of the Environmental Impact Assessment requirements.¹² It further includes genetic diversity as one of the areas in which State Parties will conduct national inventories in promotion of scientific, technical and management research.¹³

III. Conclusions

It is clear from the BBNJ Agreement text and the Conventions and Protocols of the four Regional Seas Conventions reviewed that there are several opportunities for integration and complementarity in legal and policy terms. These include:

1. **Area-based management tools (ABMTs):** Ratification and implementation of the BBNJ Agreement would allow State Parties that are also Parties to the RSCAPs to fulfil their obligations under both sets of agreements, creating effective MPAs, mechanisms for pollution control, and more coherent environmental governance arrangements.
2. **Environmental impact assessments (EIAs):** State Parties to the BBNJ Agreement that are also Parties to the RSCAPs are already obliged to prepare EIAs for activities that may

¹² Cartagena Convention, *supra* note 4, at art 4.

¹³ *Ibid.* at art 17.

affect their respective Convention area. Given the transboundary nature of marine resources, strengthened and streamlined EIAs obligations would help strengthen protection of marine ecosystems within *and* beyond national jurisdiction.

3. **Marine genetic resources and digital sequencing:** This Part of the BBNJ Agreement currently holds the lowest number of correlating Articles in Regional Seas Conventions and Protocols, though ICZM Protocols of two out of the four RSCAPs reviewed cover relevant aspects of this Part (Part II) and a third will be included once the Abidjan Convention Protocol becomes fully operational, such as conservation of ecological integrity and benefit sharing. Areas of convergence tend to be legally and technically specific, allowing for alignment between BBNJ and RSCAPs on how State Parties ensure legal and regulatory measures within national jurisdictions for RSCAP Member States that are State Parties to the Agreement.

For Member States to truly benefit from the existing and potential opportunities for integration and complementarity between Regional Seas Conventions and the BBNJ Agreement, it is important that these opportunities are fully mapped and reviewed. Changes such as strengthened pollution control regulatory measures and protection of marine biodiversity in areas *beyond* national jurisdiction would for instance also benefit marine ecosystems – and the economic activities that depend on them – *within* national jurisdiction. Recent RSCAP COPs have encouraged their Contracting Parties to move forward with the effective implementation of the BBNJ Agreement.¹⁴ This approach opens the pathway for streamlining of treaty obligations from a legal and regulatory perspective, avoiding duplication of information and resource allocations, and ensuring that States are able to fully implement their international law obligations. Additionally, these connections can provide avenues to strengthen cooperation between the BBNJ Agreement and the RSCAPs as well as between RSCAPs as the craft plans to ensure complementarity with the Agreement.

Recognising this opportunity, it would be helpful to map any differences in priorities, needs and capacity gaps in relation to the BBNJ Agreement between RSCAPs. A better understanding of the connections between the BBNJ Agreement and existing obligation under Regional Seas Conventions will allow for more enhanced effectiveness of delivery of both, and efficiencies in reporting and impact, benefiting all RSCAPs Member States. Furthermore, topics of particular importance to RSCAPs require further examination, to build on complementarities in ways that best support Member States. Key topics include: interplays with reporting processes; governance mechanisms and systems with complementary jurisdiction; shared standards and guidelines for EIAs; capacity-building and technology transfer; gender equity considerations, and coherent financing mechanisms. Finally, it will be important to analyse the areas where UNEP support for ratification and future implementation of the BBNJ Agreement provides the greatest assistance in facilitating complementarity with RSCAPs.

¹⁴ Reference to NBC CoP11 Decision to be added