

Negotiating the international instrument on BBNJ: Long-term implications



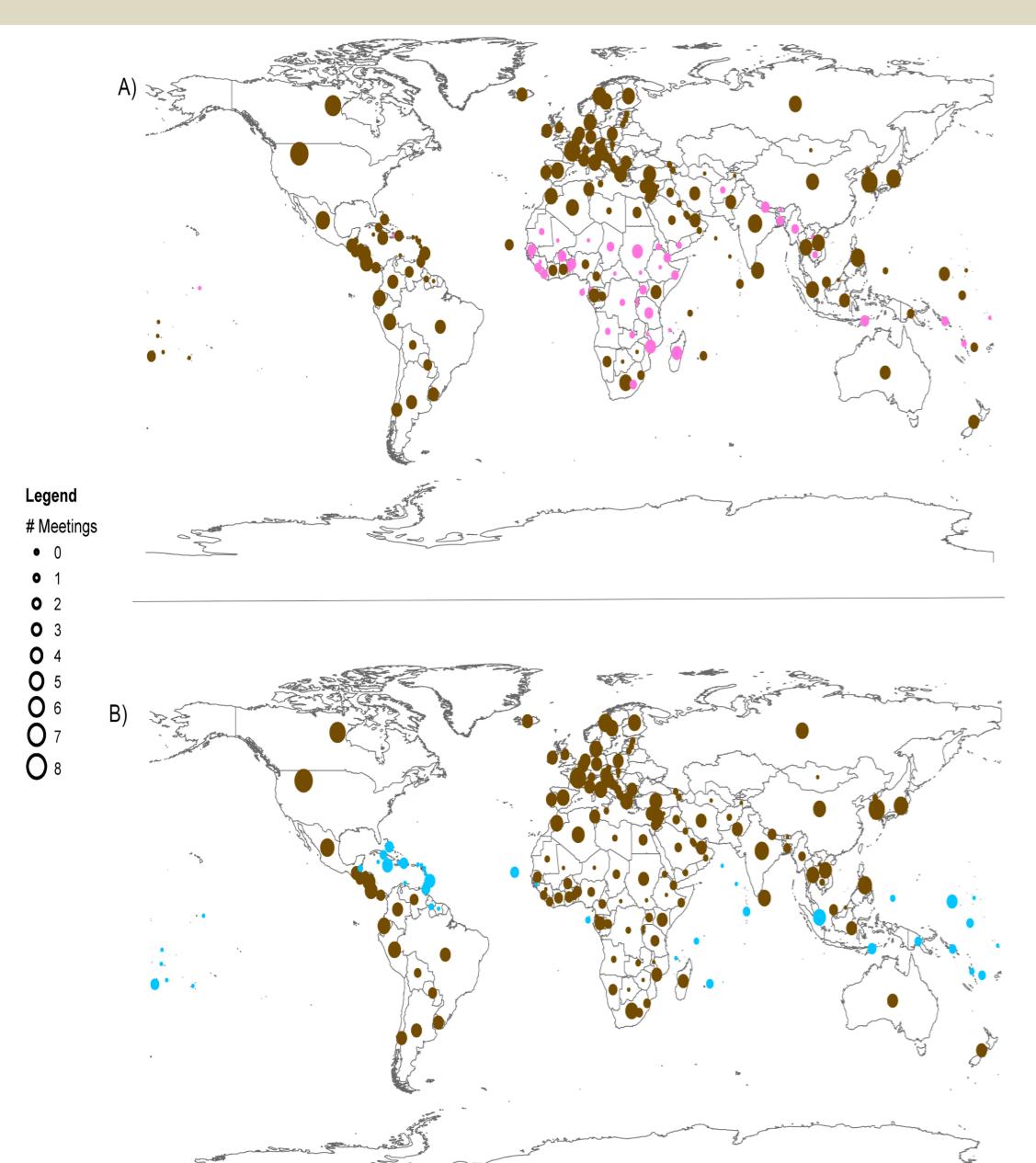
Robert Blasiak (The University of Tokyo)
Jeremy Pittman (University of Waterloo)
Nobuyuki Yagi (The University of Tokyo)

Photo: Akane Minohara

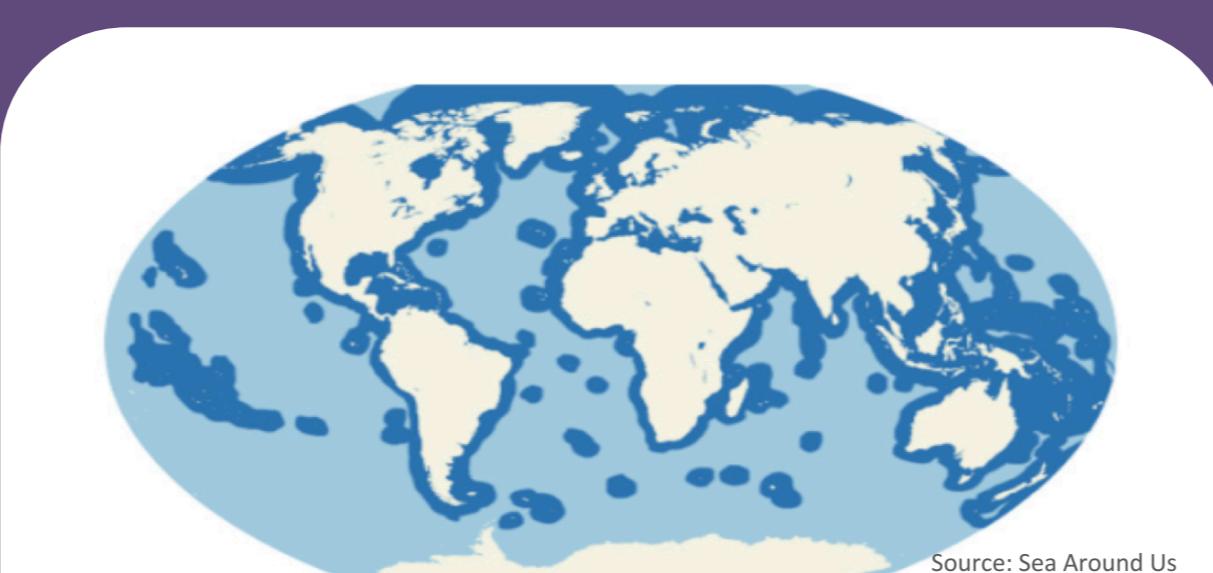
ABNJ? BBNJ?

National jurisdiction in marine areas generally extends 200 nautical miles from coastlines - an area known as a nation's Exclusive Economic Zone (EEZ). Marine Areas Beyond National Jurisdiction (ABNJ) are areas outside of EEZs and cover approximately 40% of the world's surface. Biodiversity in ABNJ (BBNJ) includes everything from the mysterious extremophile hydrothermal vent ecosystems to seamounts and a whole world of microbes still waiting to be discovered.

Imbalanced participation in BBNJ meetings

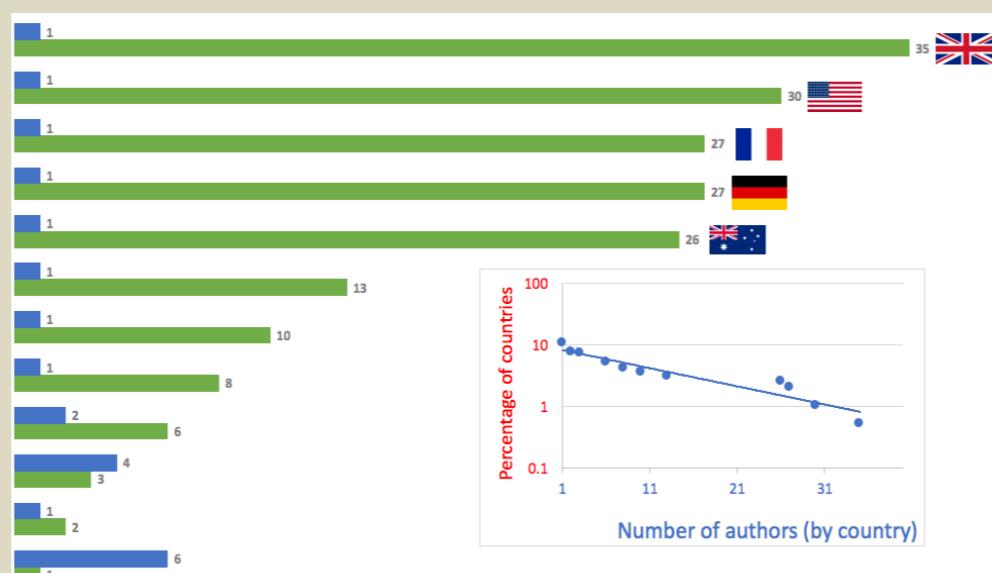


Mapping of countries' participation in BBNJ meetings. (A) Least developed countries (LDCs) highlighted in pink; (B) Small Island Developing States (SIDS) highlighted in blue. The size of the circle corresponds to the number of meetings in which each country participated.



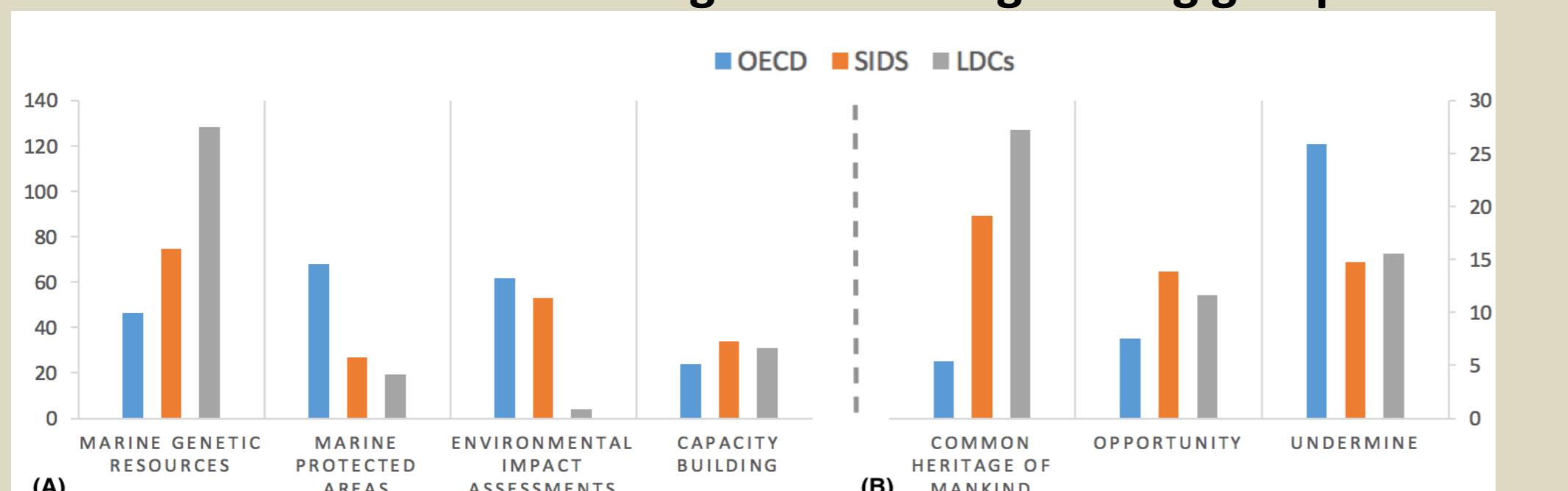
ABNJ (light blue) / EEZ (dark blue)

Unequal scientific and technical capacity across countries on BBNJ issues



Number of BBNJ article authors (green bars) with affiliations in corresponding number of countries (blue bars). 163 countries were not represented in the BBNJ literature.

Different interests among different negotiating groups



Weighted frequency with which States and Groups made reference to (A) the four elements of the BBNJ package; (B) other indicative keywords. (OECD = Organization for Economic Co-operation and Development / SIDS = Small Island Developing States / LDCs = Least Developed Countries)

Negotiating an international legally-binding agreement

UN General Assembly reached consensus in 2015 on resolution 69/292 to proceed with negotiations on the text of such an agreement, which must cover the following four “package” issues together and as a whole:

- Marine genetic resources and issues of access and benefit sharing
- Area-based management tools including marine protected areas
- Environmental impact assessments
- Capacity building and the transfer of marine technology

Long-term implications

- Participation in BBNJ meetings has been skewed towards the highly-industrialized countries currently most active in ABNJ
- LDCs and SIDS underrepresented
- Different groups of countries, however, are interested in different issues (e.g. focus of LDCs and SIDS on access and benefit sharing for marine genetic resources)
- Scientific and technical capacity available within countries to advise state delegations varies widely
- Unless delegations are in a position to negotiate the instrument on equal footing, there is a substantial risk of an inequitable outcome
- The vastness of ABNJ renders enforcement of any new instrument problematic, particularly if states do not feel a sense of ownership over the final outcome