



**Protecting deep seabed ecosystems under the
future BBNJ Agreement and by the ISA**
Perspectives of Government, Civil Society,
Stakeholders, and Law and Science

Online Workshop, 13-15 December 2021

Session 1 – The ISA and the future BBNJ Agreement

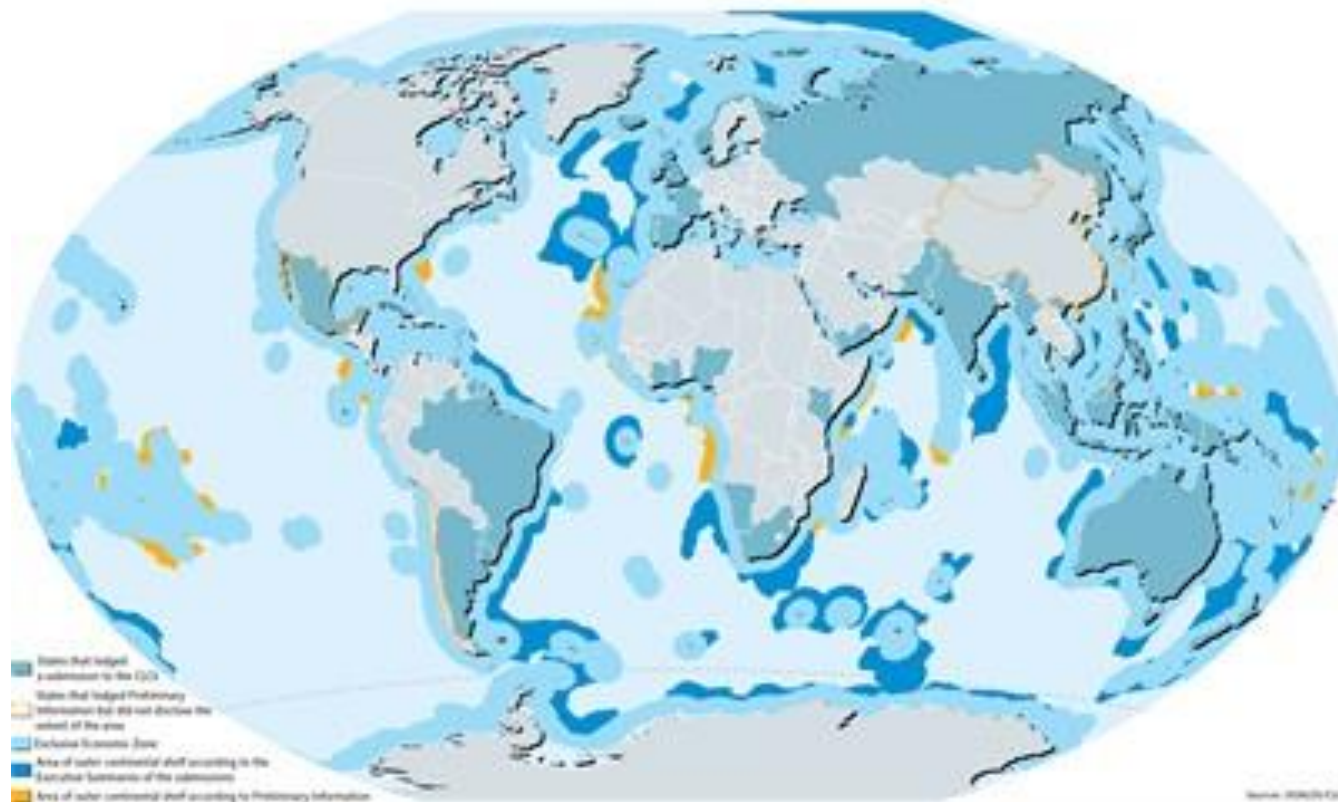
Introduction to the BBNJ Process and the ISA*

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Global distribution of outer continental shelf



- Areas in light blue: 200-nautical-mile zones
- Areas in dark blue/orange: continental shelf limits submitted to CLCS/high seas as per 2009
- Areas in pale blue: high seas/Area

Adjustments UNCLOS to the high seas regime

- Area and its mineral resources common heritage of mankind (Part XI)
 - Implies equity considerations
 - International Seabed Authority
 - Charged with developing a regulatory regime for mining of mineral resources
 - Mineral resources may only be recovered under this regulatory regime
 - Regime requires benefit sharing
 - Environmental mandate ISA only developed in general terms
- Part XII on Protection and Preservation of the marine environment





Scope of negotiations

- UNGA Resolution 72/249: 2. *Also decides* that **negotiations shall address** the topics identified in the package agreed in 2011, namely, the conservation and sustainable use of marine biological diversity of [ABNJ], in particular, **together and as a whole**, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology



State of play – 1

As a result of the COVID-19 pandemic

- Pause-button
- Multilateral work, in particular treaty-making, must be
 - Inclusive
 - Fully-fledged (formal and informal)
- Intersessional work: how to keep the momentum?



State of play – 2

Results of the first three sessions of the IGC

- Trust in Conference president has been consolidated
- Skeptical delegations participated in a constructive manner
- On substance, discussions headed in the direction of negotiations (delegations hinting at room for negotiation)
- Still no real progress on the big questions (and no clear options for a package deal)



Looking ahead (IGC IV and beyond)

- Text-based negotiations
 - Operationalize positions (from narrative to ‘treaty text’)
 - Study positions of other delegations to find areas of convergence (or the lack thereof)
 - Identify room for compromise as well as red lines
 - Balance between ensuring global participation (inclusiveness) and making progress



The ISA and a Future BBNJ Agreement

- Not undermine requirement
- How will the BBNJ Agreement impact on the work of the ISA?
 - Indirectly
 - Directly
 - Better coordination between sectoral and regional bodies?
 - But, in the end, who decides?
 - Or rather, which interests decide?



