



MINISTERIAL CONFERENCE ON FISHERIES COOPERATION AMONG  
AFRICAN STATES BORDERING THE ATLANTIC OCEAN  
(ATLAFCO)

# GENERAL OVERVIEW OF THE BBNJ AGREEMENT its rights and obligations provided, and its cross cutting elements.

CASABLANCA,  
18 May, 2026



**SICA**  
Sistema de la Integración  
Centroamericana

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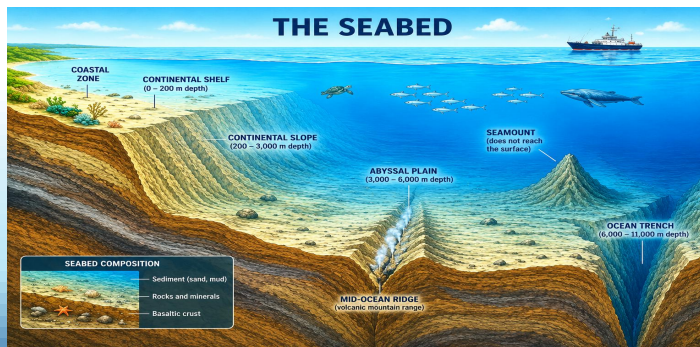
# THE UNCLOS SYSTEM



**SEA BED  
AUTHORITY  
(1994)**

**U.N. FISH STOCK  
AGREEMENT  
(1995)**

**BBNJ  
(2023)**



# THE UNCLOS SYSTEM

## BBNJ AGREEMENT

CONSERVATION AND SUSTAINABLE USE OF MARINE BIODIVERSITY BEYOND NATIONAL JURISDICTION

**DOES NOT UNDERMINE RELEVANT INSTRUMENTS, FRAMEWORKS AND BODIES**

The BBNJ Agreement is implemented in a way that complements and is consistent with existing legal instruments, frameworks and bodies.



**COORDINATION AND COHERENCE WITH RELEVANT INSTRUMENTS, FRAMEWORKS AND BODIES**

**COMPLEMENTARY COOPERATION CONSISTENCY**

<p><b>UNCLOS</b> The legal framework within which all activities in the ocean must be carried out</p>	<p><b>IMO</b> International Maritime Organization (maritime safety and environmental protection)</p>	<p><b>ISA</b> International Seabed Authority (seabed minerals beyond national jurisdiction)</p>	<p><b>RFMOS/As</b> Regional Fisheries Management Organizations/ Arrangements (fisheries management)</p>	<p><b>CBD</b> Convention on Biological Diversity (conservation and sustainable use of biodiversity)</p>	<p><b>UNDP</b> United Nations Development Programme (capacity building and support)</p>	<p><b>UN SYSTEM AND OTHER RELEVANT BODIES</b> Including scientific, technical and policy bodies and processes</p>
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**COHERENCE AVOIDING DUPLICATION**

# IS THE BBNJ JUST AN IMPLEMENTING AGREEMENT?

## UMBRELLA



It Does Not Create Sub-Agreements

It Fills Gaps, It Doesn't Govern Everything

UNCLOS is the True Umbrella

## IMPLEMENTING



provides operationalization to UNCLOS

fills regulatory gaps in UNCLOS on conservation and sustainable use of marine biodiversity in the high seas.

Support developing States through capacity-building and marine technology transfer

## FRAMEWORK



lays down broad, overarching principles and guidelines for ocean conservation rather than rigid, sector-specific rules

It directs states to cooperate and establish Area-Based Management Tools (ABMTs), such as Marine Protected Areas (MPAs).

## INSTITUTIONAL



Creates decision-making bodies: The Conference of the Parties

provides with its own financial mechanisms (funds)

establishes operational bodies such as the Scientific and Technical Body, the Clearing House Mechanism, The Committees for:  
a) Access and Benefit-Sharing,  
b) The Capacity-Building and Transfer of Marine Technology,  
c) Finance, and  
d) Implementation and Compliance

## PREAMBLE

- **Respect the balance of rights, obligations and interests set out in UNCLOS**
- **protect and preserve marine environment;**
- **Desiring to act as stewards of the Ocean in the ABNJ**

## GENERAL PROVISIONS

- **Conservation and sustainable use;**
- **Coordination and Cooperation;**
- **Effective implementation of the relevant provisions set out in UNCLOS**
- **The Non-undermining principle**
- **Other principles and approaches**
  - (a) **The polluter-pays;**
  - (b) **The common heritage of humankind;**
  - (c) **The freedom of marine scientific research,**
  - (d) **The equity and the fair and equitable sharing of benefits;**
  - (e) **The precautionary principle or approach;**
  - (f) **An ecosystem approach;**
  - (g) **An integrated approach to ocean management;**
  - (h) **An approach that builds ecosystem resilience**
  - (i) **The use of the best available science and scientific information;**
  - (j) **The full recognition of the special circumstances of small island, and least developed countries;**

**MARINE GENETIC RESOURCES + BENEFIT SHARING**

+

**AREA BASED MANAGEMENT TOOLS, eg. M.P.As**

+

**ENVIRONMENTAL IMPACT ASESMENTS**

+

**CAPACITY BUILDING / TRANSFER MARINE TECHNOLOGY**

**Objectives: (to)**

Ensure fair sharing of benefits from MGRs form ABNJ (monetary -fund- and non-monetary);

Strengthen the capacity of developing States to participate in related activities;

Advance knowledge, science, and innovation through marine research;

Promote the development and transfer of marine technology. (Clearing House Mechanism)

**Objectives: (to)**

Conserve and sustainably use through effective ABMTs and MPAs

Strengthen cooperation and coordination among States and relevant bodies;

Protect and restore marine biodiversity, ecosystem health, and resilience

Support food security, socioeconomic interests, and cultural values

Support developing States through capacity-building and marine technology transfer

**Objectives: (to)**

establish procedures and requirements for E I A ´s beyond national jurisdiction

Prevent, mitigate, and manage significant adverse impacts on the marine environment;

Address cumulative and cross-jurisdictional impacts

Provide for strategic environmental assessments;

Ensure a coherent framework for E I A ´s ;

Strengthen developing States’ capacity to conduct and evaluate E A ´s

**Objectives: (to)**

Support implementation of the Agreement, particularly by developing States

Promote inclusive, equitable, and effective cooperation and participation

Strengthen capacity and access to marine science and technology

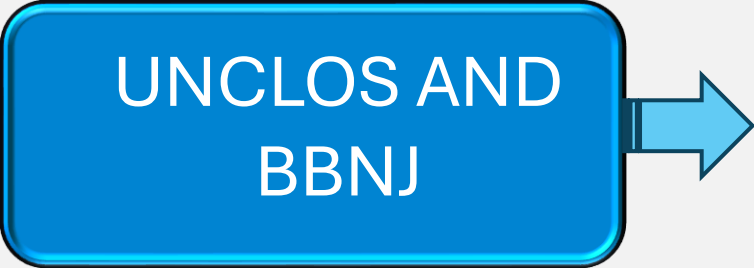
share knowledge on marine biodiversity beyond national jurisdiction;

Support developing States in achieving objectives related to MGR ´s. ABMT ´s, and E.I.As

## THE NON-UNDERMINING CLAUSE

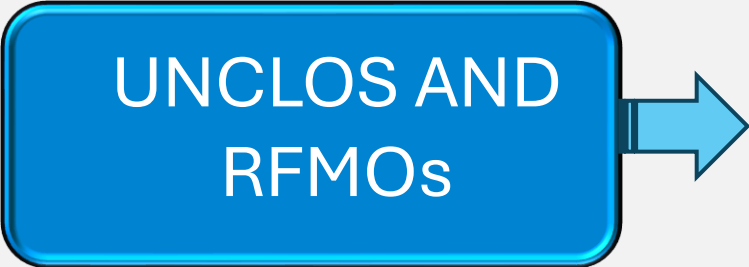
72/249. **International legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction** (December, 2017)

UNCLOS AND  
BBNJ



6. *Reaffirms* that the work and results of the conference should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea;

UNCLOS AND  
RFMOs



7. *Recognizes* that this process and its result should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;

AS IT WAS MANDATED

# THE BBNJ AND FISHERIES MANAGEMENT



**RFMOs.  
ARTS. 118, 119**

**SEA BED  
AUTHORITY**

**U.N. FISH STOCK  
AGREEMENT**

**B B N J**

**RFMOs.  
ARTS. 7.1.c, 8, 9, 10,  
11, 14, 17, 10...**

**RFMOs.  
ARTS. 5, ...**

## THE NON-UNDERMINING CLAUSE

ART. 5:

### Article 5

Relationship between this Agreement and the Convention and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies

1. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention. | .../...
2. This Agreement shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and that promotes coherence and coordination with those instruments, frameworks and bodies.

AS IT WAS DECIDED

# THE NON-UNDERMINING CLAUSE

ART. 10:

## PART II MARINE GENETIC RESOURCES, INCLUDING THE FAIR AND EQUITABLE SHARING OF BENEFITS

2. The provisions of this Part shall not apply to:
  - (a) Fishing regulated under relevant international law and fishing-related activities; or
  - (b) Fish or other living marine resources known to have been taken in fishing and fishing-related activities from areas beyond national jurisdiction, except where such fish or other living marine resources are regulated as utilization under this Part.

AS IT WAS DECIDED

# THE NON-UNDERMINING CLAUSE

ART. 23:

## Article 22

### Establishment of area-based management tools, including marine protected areas

1. The Conference of the Parties, on the basis of the final proposal and the draft management plan, taking into account the contributions and scientific input received during the consultation process established under this Part, and the scientific advice and recommendations of the Scientific and Technical Body:

(a) Shall take decisions on the establishment of area-based management tools, including marine protected areas, and related measures;

(b) May take decisions on measures compatible with those adopted by relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, in cooperation and coordination with those instruments, frameworks and bodies;

(c) May, where proposed measures are within the competences 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



AS IT WAS DECIDED

## THE NON-UNDERMINING CLAUSE

ART. 24:

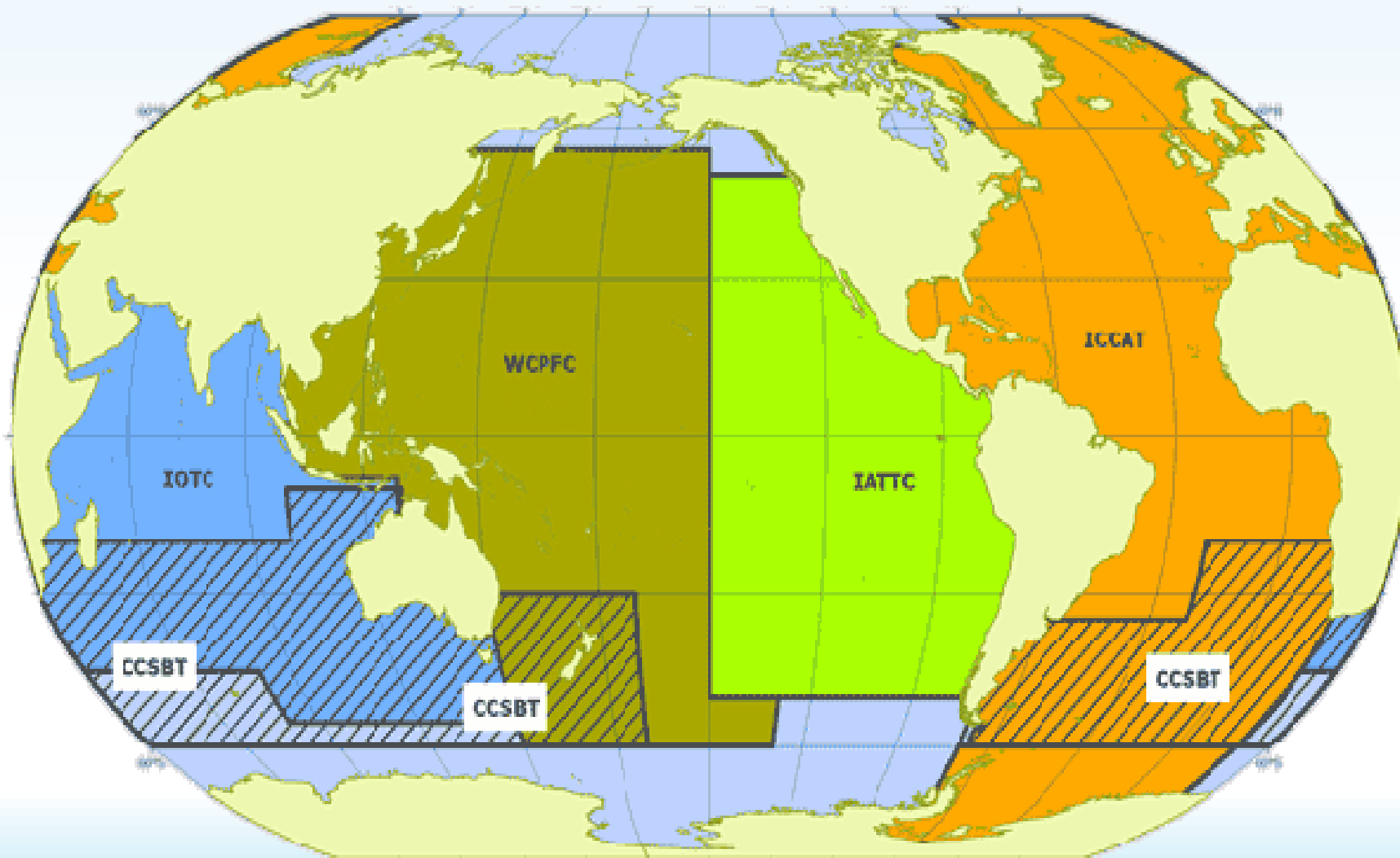
### Article 24 Emergency measures

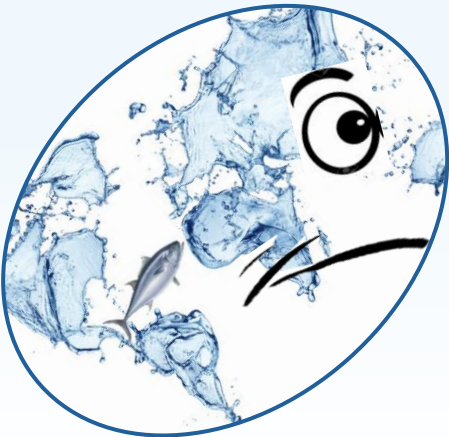
1. The Conference of the Parties shall take decisions to adopt measures in areas beyond national jurisdiction, to be applied on an emergency basis, if necessary, when a natural phenomenon or human-caused disaster has caused, or is likely to cause, serious or irreversible harm to marine biological diversity of areas beyond national jurisdiction, to ensure that the serious or irreversible harm is not exacerbated.

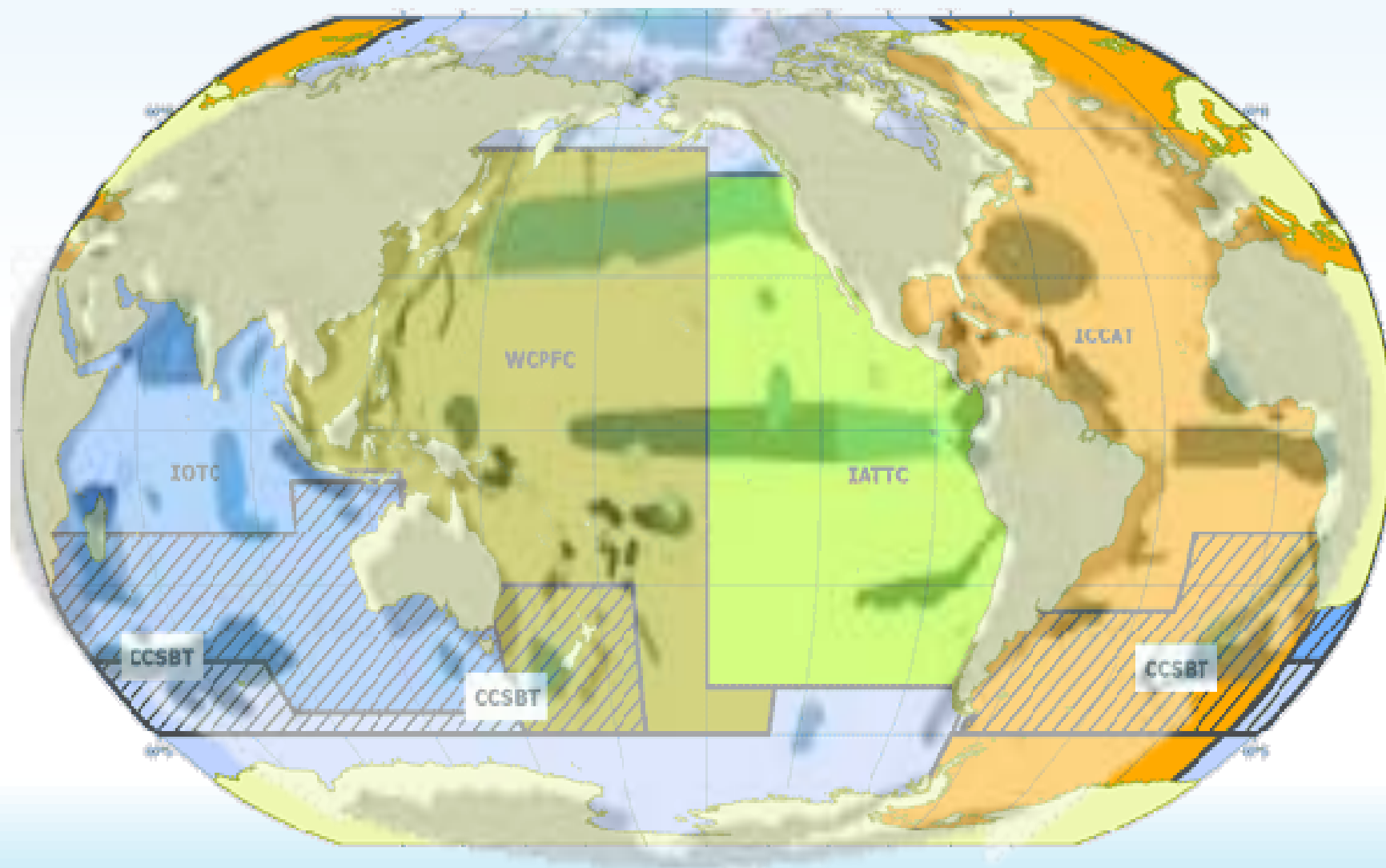
2. Measures adopted under this article shall be considered necessary only if, following consultation with relevant legal instruments or frameworks or relevant global, regional, subregional or sectoral bodies, the serious or irreversible harm cannot be managed in a timely manner through the application of the other articles of this Agreement or by a relevant legal instrument or framework or a relevant global, regional, subregional or sectoral body.

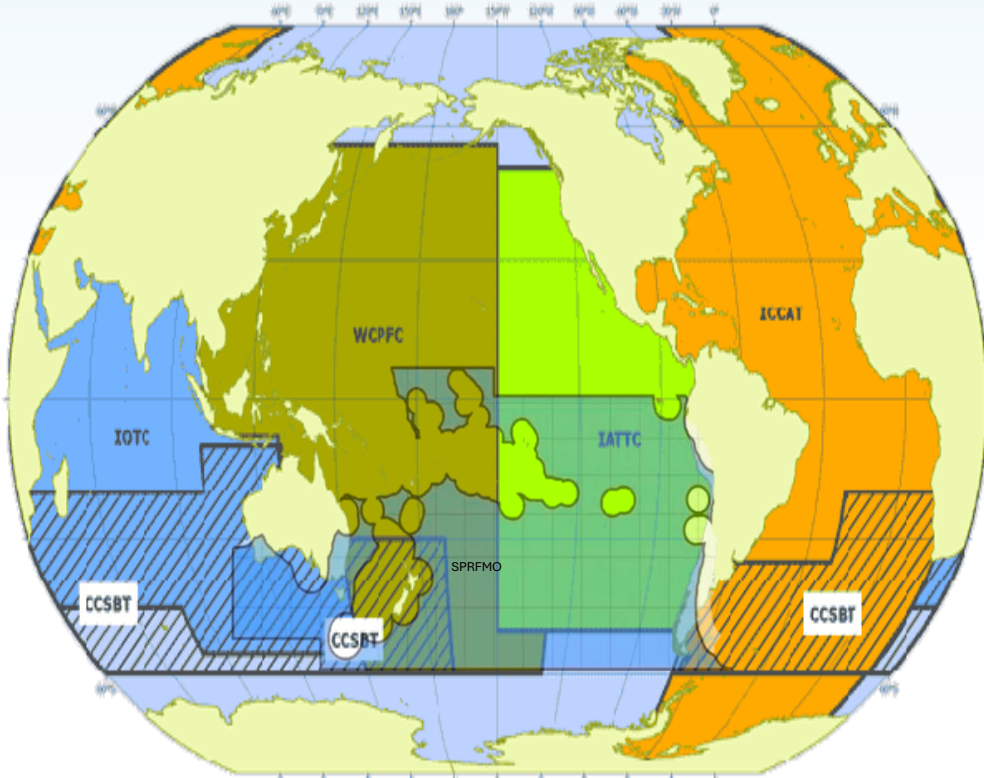


**AS IT WAS DECIDED**









# BBNJ



OSPESCA



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# OCEANS. OUR FUTURE. OUR RESPONSIBILITY.

Questions?



QUESTIONS?

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