



*For a better understanding of the place of fishing and marine protected areas in the BBNJ Agreement and its implementation in the ATLAFCO region*

## Morocco and the BBNJ Agreement: Challenges and Opportunities

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# SUMMARY OF THE PILLARS OF THE BBNJ AGREEMENT

## (HIGH SEAS TREATY)

### 1. MARINE GENETIC RESOURCES (MGRs)

INCLUDING THE FAIR AND EQUITABLE SHARING OF BENEFITS



- RULES FOR ACCESS to MGRs (e.g., deep-sea microbes, sponges)
- MECHANISM FOR SHARING BENEFITS (Monetary & Non-Monetary)
- SUPPORTING DEVELOPING STATES

### 2. AREA-BASED MANAGEMENT TOOLS (ABMTs)

INCLUDING MARINE PROTECTED AREAS (MPAs)

- LEGAL PATHWAY to designate MPAs in ABNJ
- SCIENCE-BASED DECISION-MAKING & INCLUSIVE CONSULTATION
- GLOBAL GOAL: e.g., 30% PROTECTION BY 2030

### 3. ENVIRONMENTAL IMPACT ASSESSMENTS (EIAs)

FOR PLANNED ACTIVITIES



- REQUIRED ASSESSMENTS for activities with potential effects
- PROMOTING TRANSPARENCY, ACCOUNTABILITY & PUBLIC PARTICIPATION
- CONSIDERATION OF CUMULATIVE & TRANSBOUNDARY IMPACTS

### 4. CAPACITY-BUILDING & TRANSFER OF MARINE TECHNOLOGY (CB&TMT)

TO ASSIST DEVELOPING STATES



- PROVIDING RESOURCES & TRAINING
- SCIENTIFIC COOPERATION & ACCESS to equipment/data
- CLEARING-HOUSE MECHANISM for information sharing

**OVERALL OBJECTIVE: CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (ABNJ)**

# The negotiation process

- Morocco played a foundational role throughout the 18-year multilateral negotiation process for the BBNJ Agreement, positioning itself as a central bridge between the African Group and the Global North.
- As an active coordinator for the African Group, Moroccan delegates were instrumental in ensuring that the principle of the "Common Heritage of Mankind" remained a core pillar of the treaty.
- There was deep disagreement over whether the treaty should cover physical biological samples only or include the Digital Sequence Information (DSI) derived from them. In this regard, Moroccan delegates successfully argued that excluding DSI would create a massive loophole, eventually ensuring its inclusion in the benefit-sharing framework.
- Beyond its diplomatic advocacy, Morocco's most significant contribution was serving as the catalyst for the treaty's legal activation. By becoming the 60th nation to ratify the agreement on September 19, 2025, Morocco provided the final required ratification to trigger the treaty's entry into force.
- This timely action directly led to the "High Seas Treaty" becoming binding international law 120 days later, on January 17, 2026.

## Some enabling programs

- In December 2024, Morocco hosted a major UN workshop organized by DOALOS in Rabat for over 120 participants from across Atlantic, Mediterranean, and landlocked African nations. The event served as a coordination hub to help African states understand their legal obligations and accelerate the ratification of the Agreement.
- Morocco has been involved in the DOALOS thematic briefing on the BBNJ Agreement's "Package Deal," moving beyond high-level concepts to address the practical implementation of its core pillars. By clarifying the standards for benefit-sharing and high-seas activity reporting, the session equipped participants to identify the specific national institutional frameworks needed to effectively engage with the treaty's future governance bodies, such as the Secretariat and the Scientific and Technical Body.
- Morocco is engaged in the GEF BBNJ Enabling Activities (EA-BBNJ) – Phase 1, aiming at evaluating existing national laws to see what needs to be accommodated to ensure the implementation of the Agreement.

## Main outcomes of the PrepCom meetings

<p>Governance &amp; COP</p>	<ul style="list-style-type: none"> <li>• Frequency: Agreement that the COP should meet annually in the early years to handle the initial workload.</li> <li>• Decision-Making: Strong preference for consensus; discussions continue on "fallback" voting mechanisms if consensus isn't reached.</li> </ul>
<p>Institutional Bodies</p>	<ul style="list-style-type: none"> <li>• Scientific &amp; Technical Body (STB): Drafted Terms of Reference focusing on regional balance, gender equality, and inclusion of traditional knowledge.</li> <li>• Secretariat: Developing a "linked" model with the UN. Bids to host the seat were received from Belgium (Brussels) and Chile (Valparaíso).</li> </ul>
<p>Clearing-House Mechanism (CHM)</p>	<ul style="list-style-type: none"> <li>• Interim Status: Agreement to establish an interim/pilot version of the digital platform to ensure it is operational by the treaty's COP meeting.</li> <li>• Technical Standards: Experts proposed "standardized batch identifiers" to track marine genetic resources from collection to laboratory.</li> </ul>
<p>Financial Arrangements</p>	<ul style="list-style-type: none"> <li>• Core Funding: Support for using the UN scale of assessments for predictable member contributions.</li> <li>• GEF Partnership: Significant progress on a Memorandum of Understanding with the Global Environment Facility, emphasizing streamlined access for SIDS and LDCs.</li> </ul>
<p>The Special Fund</p>	<ul style="list-style-type: none"> <li>• Revenue Trigger: Discussions advanced on the "Special Fund" (linked to marine genetic resource values), specifically defining the "trigger" for when mandatory payments must begin.</li> </ul>
<p>Participation &amp; Cooperation</p>	<ul style="list-style-type: none"> <li>• Observers: Debate remains over the "single-objection" rule that could block NGOs/Indigenous groups from meetings.</li> <li>• Regional Bodies: Ongoing work to ensure the BBNJ does not "undermine" the mandates of existing regional fisheries or maritime organizations.</li> </ul>

# Implementation capacity : The big picture\*

<p><b>Political</b></p>	<ul style="list-style-type: none"> <li>• <b>Ratification Leadership:</b> Morocco's status as the 60th nation to ratify gives it legal authority to lead early implementation committees .</li> <li>• <b>Sovereign Consistency:</b> Ensuring High Seas regulations are legally consistent with established maritime boundaries.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>African Group Coordination:</b> Legally aligning BBNJ implementation with the African Union's Agenda 2063 and regional maritime security pacts .</li> <li>• <b>Leadership:</b> Transitioning from a lead negotiator for the African continent to an operational leader.</li> </ul>
<p><b>Economic</b></p>	<ul style="list-style-type: none"> <li>• <b>Financial Compliance:</b> Domestic laws must meet international accountability standards to access GEF (Global Environment Facility) BBNJ funding .</li> <li>• <b>Blue Bond Standards:</b> Ensuring maritime investments meet "Green/Blue" legal criteria to attract international climate finance.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>MGR Royalty Frameworks:</b> Using the <b>Nagoya Protocol</b> as a legal template to create a domestic system for royalties from deep-sea genetic discoveries .</li> <li>• <b>Resource Access:</b> Leveraging GEF-International Waters funding specifically for BBNJ "early action".</li> </ul>
<p><b>Social</b></p>	<ul style="list-style-type: none"> <li>• <b>Public Accountability:</b> Domestication requires legal provisions for public participation.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Capacity Building:</b> Establishing a national pipeline to receive and share marine technology under the BBNJ framework .</li> <li>• <b>Food Security:</b> Protecting High Seas biodiversity to support migratory fish stocks essential to the Moroccan economy.</li> </ul>
<p><b>Technological</b></p>	<ul style="list-style-type: none"> <li>• <b>Data Sovereignty:</b> Legally defining ownership of data uploaded to the BBNJ Clearing-House Mechanism .</li> <li>• <b>VMS Enforcement:</b> Creating the legal "teeth" to penalize vessels based on satellite evidence in international waters.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Biotechnology Patents:</b> Harmonizing patent laws with BBNJ requirements for <b>Digital Sequence Information (DSI)</b> to ensure researchers access global innovations .</li> <li>• <b>Digitalization:</b> Aligning with "Smart Ports" and SIPOINTS initiatives for monitoring.</li> </ul>
<p><b>Legal</b></p>	<ul style="list-style-type: none"> <li>• <b>UNCLOS Harmonization:</b> Ensuring domestic BBNJ laws do not "undermine" existing UNCLOS rights or mandates of bodies like ICCAT .</li> <li>• <b>EIA Standards:</b> Legally mandating that Moroccan-led High Seas activities undergo EIAs meeting BBNJ Article 27 standards.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Administrative domestication:</b> expanding the mandate laws to cover ABNJ .</li> <li>• <b>Implementation Act:</b> Drafting BBNJ Implementation provisions explicitly linked to the national NBSAP.</li> </ul>
<p><b>Environmental</b></p>	<ul style="list-style-type: none"> <li>• <b>30x30 Target:</b> Legally linking BBNJ goals to the <b>Kunming-Montreal Global Biodiversity Framework (CBD)</b> to protect 30% of marine areas by 2030 .</li> <li>• <b>Cumulative Impacts:</b> Legislative language mirroring CBD definitions of combined impacts from fishing, climate change, and shipping.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>EBSA Recognition:</b> Formalizing CBD-identified <b>Ecologically or Biologically Significant Marine Areas (EBSAs)</b> as priority zones for High Seas MPAs .</li> <li>• <b>Blue Corridors:</b> Using CBD standards to ensure High Seas MPAs are ecologically linked to coastal protected areas.</li> </ul>

\* Based on a pestle analysis

## A diagnosis in brief: Cross-cutting issues

Category	Current status	Needs and Forseen actions
<b>Involvement in IFBs</b>	Morocco is an active member of several relevant global and regional IFBs and scientific committees, dealing with sustainable use of marine biodiversity: CBD, CITES, GFCM, ICCAT...	<ul style="list-style-type: none"> <li>▪ Morocco needs to continue prioritizing expert-level representation within the Subsidiary Bodies of the BBNJ building upon the experience gained within other frameworks, notably the CBD.</li> <li>▪ By engaging in the BBNJ's nascent subsidiary bodies, Morocco can contribute to shaping the Clearing-House Mechanism for data sharing and the rules for Area-Based Management Tools (ABMTs).</li> </ul>
<b>Institutional Expertise</b>	Access to legal, policy, and scientific expertise via the INRH and various Ministries.	<ul style="list-style-type: none"> <li>▪ There is a need for specialized expertise in clearing-house digital systems and advanced technology transfer governance.</li> </ul>
<b>Data &amp; Infrastructure</b>	Maintains monitoring systems for biodiversity and fishing (though not specifically labeled BBNJ).	<ul style="list-style-type: none"> <li>▪ The INRH's endeavor in maintaining databases and monitoring systems needs to be boosted through cutting-edge GIS mapping software, remote sensing tools, and digital platforms for inter-institutional reporting.</li> </ul>
<b>Qualified human resources</b>	Expertise is available in marine science and fisheries management.	<ul style="list-style-type: none"> <li>▪ A formal recruitment process for BBNJ-specific roles has not yet been established.</li> <li>▪ Further capacity development is required to support the BBNJ institutional architecture including the effective functioning of its subsidiary bodies.</li> </ul>
<b>Finance</b>	Political interest is high; has participated in regional consultations.	<ul style="list-style-type: none"> <li>▪ A dedicated budget has not yet been allocated due to competing priorities and pending inter-ministerial coordination</li> </ul>
<b>Implementation principles</b>	The national framework takes into consideration the precautionary principle and ecosystem-based approaches	<ul style="list-style-type: none"> <li>▪ The framework requires further development to ensure inclusive participation and integrated ocean management for stakeholders beyond state agencies</li> </ul>

## A diagnosis in brief: marine genetic resources

Category	Current status & Capabilities	Gaps & Constraints	Foreseen priorities and actions
<b>Research Experience</b>	Experience in marine scientific research within the territorial sea, EEZ, and continental shelf.	Absence of formal activities or strategic plans specifically dedicated to MGR/DSI research in Areas Beyond National Jurisdiction (ABNJ).	<ul style="list-style-type: none"> <li>▪ <b>Joint Research Expeditions and "Science Diplomacy":</b> Facilitate vessel-sharing and regional collaboration to enhance high-seas research capabilities.</li> <li>▪ <b>Access to Shared Data:</b> Utilize the Clearing-House Mechanism established by the BBNJ Agreement to access open-source high-seas data.</li> </ul>
<b>Technical expertise</b>	The expertise on the subject matters is built on a foundation of specialized research institutes, academic units, mainly INRH.	Lack of a formally designated Lead Agency (National Focal Point) to manage mandatory BBNJ notification requirements.	<b>Transversal coordination:</b> Assess a framework comprising the INRH (technical), Department of Sustainable Development (policy and Secretariat of State for Maritime Fisheries (regulatory).
<b>Human Resources &amp; Awareness</b>	Staff possess "moderate" awareness of BBNJ obligations regarding notifications and benefit-sharing.	Significant expertise gaps in MGR tracking, pre/post-collection notifications, and DSI repository standards.	<b>Targeted Capacity Building:</b> Urgent training in legal drafting, technical monitoring, and inter-agency coordination for the BBNJ implementation phase.
<b>Access and Benefit Sharing (ABS)</b>	Party to international frameworks related to MGR/DSI (Nagoya Protocol, ITPGRFA)	<ul style="list-style-type: none"> <li>▪ No prior experience in deriving monetary or non-monetary benefits from ABNJ MGRs.</li> <li>▪ <b>Law No. 56.17</b>, establishing the national Access and Benefit-Sharing (ABS) framework in alignment with the <b>Nagoya Protocol</b>, is currently under review by the General Secretariat of the Government (<b>SGG</b>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Legal Alignment:</b> Update national legislation to include specific provisions for MGRs (aligned with BBNJ Art. 12).</li> <li>▪ <b>Institutional Oversight:</b> Establish a National Focal Point to manage BBNJ notifications and benefit-sharing reports.</li> <li>▪ <b>Public-Private Partnerships:</b> Reinforce private sector involvement leveraging the provisions of Law 56.17.</li> </ul>

## A diagnosis in brief: Area-Based Management Tools (ABMTs)

Category	Current Status	Gaps and Needs
<b>Legal and Policy Framework</b>	<ul style="list-style-type: none"> <li>▪ <b>Continental Shelf:</b> Morocco has proclaimed the extension of its limits in accordance with international law.</li> <li>▪ <b>Global Engagement:</b> Party to UNCLOS, CBD, FAO instruments, and, the International Seabed Authority (ISA) and the Barcelona Convention and its protocols.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is a need for specific national legislation to bridge the gap between national jurisdiction and the implementation of ABMTs in Areas Beyond National Jurisdiction (ABNJ).</li> </ul>
<b>Participation in the process</b>	<ul style="list-style-type: none"> <li>▪ <b>Regional Conservation Frameworks:</b> Under the Barcelona Convention's SPA/BD Protocol, Morocco participates in the designation of Specially Protected Areas.</li> <li>▪ <b>Strategic Planning:</b> The country provides technical input on the geographical and ecological criteria in relation to MPAs</li> <li>▪ <b>Governance Advocacy:</b> Morocco engages in Mediterranean-level consultations regarding the governance and ecological representativity of ABMTs.</li> <li>▪ <b>Fisheries Management:</b> Through the GFCM, Morocco supports inter alia, spatial management and fisheries closures .</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is currently no single lead institution with a full mandate to manage the entire ABMT process (establishment, monitoring, and review) under the BBNJ framework.</li> <li>▪ Insufficient cross-sectoral expertise in international ocean governance, especially in negotiating and coordinating at multilateral levels</li> <li>▪ Lack of training in using advanced marine spatial tools and data systems to design proposals for ABMTs in ABNJ;</li> <li>▪ Experience gaps in assessing transboundary and cumulative impacts in high seas contexts</li> </ul>
<b>Main prerequisites</b>	<ul style="list-style-type: none"> <li>▪ <b>INRH (Technical):</b> mandated for oceanographic research, stock assessment, and environmental monitoring.</li> <li>▪ <b>Department of Sustainable Development (Strategy):</b> Defines the frameworks for conservation and ABMT/MPA implementation to meet global targets.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Legal, regulatory and policy frameworks</li> <li>▪ Institutional and administrative capacity</li> <li>▪ Technical and scientific expertise</li> <li>▪ Infrastructure and technological capacity</li> <li>▪ Financial resource</li> <li>▪ Partnerships and cooperation</li> <li>▪ Stakeholder engagement</li> <li>▪ Enforcement capacity</li> <li>▪ Monitoring and evaluation</li> </ul>

# A diagnosis in brief: Environmental impact assessment (EIA)

Category	Current status	Identified gaps & Challenges
<b>Alignment with BBNJ (Art.31)</b>	<ul style="list-style-type: none"> <li>▪ National processes incorporate foundational environmental assessments but are not yet fully aligned with the specific international standards established by the <b>BBNJ Agreement</b>.</li> <li>▪ Under the existing Moroccan legal framework specifically <b>Law No. 49-17</b>, all projects within the Moroccan <b>Exclusive Economic Zone (EEZ)</b> such as Offshore hydrocarbon exploration and drilling, are subject to a mandatory <b>Environmental Impact Assessment (EIA)</b>.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The <b>BBNJ Agreement</b> institutionalizes procedural safeguards for transboundary consultation and public access to documents in the high seas.</li> <li>▪ <b>Law 49-17</b> provides the domestic legal basis for Strategic Environmental Impact Assessment(SEIAs). The operational challenge lies in extending these protocols to activities in ABNJ, ensuring alignment with international standards for maritime governance.</li> </ul>
<b>Conformity with international standards</b>	<p>EIAs conducted in Morocco often incorporate World Bank requirements and IFC (International Finance Corporation) Performance Standards, particularly for major investment projects, covering both social and environmental aspects."</p>	<ul style="list-style-type: none"> <li>▪ <b>Multidisciplinary Expertise:</b> Conducting an <b>SEIA</b> requires evaluating cumulative and synergistic long-term impacts. This process demands advanced technical skills in <b>modeling</b> and <b>strategic forecasting</b> to accurately predict environmental and social outcomes.</li> <li>▪ <b>Interministerial Coordination:</b> SEIAs often address national strategies that involve multiple departments. Harmonizing the diverse visions and mandates of different administrations remains a complex and cumbersome administrative task.</li> </ul>
<b>International consultation</b>	<p>Morocco participated in EIA-related consultations within international frameworks, such as the ISA .</p>	<ul style="list-style-type: none"> <li>▪ Important gaps are to be dealt with, such as legal interpretation, procedural requirements, and inter-ministerial coordination.</li> </ul>
<b>Stakeholder Inclusion</b>	<p>EIA legislation includes general provisions for public involvement and inclusion.</p>	<ul style="list-style-type: none"> <li>▪ Stakeholders inclusion will need tailored consultation mechanisms, taking into consideration national features.</li> </ul>
<b>Human Resources &amp; Expertise</b>	<p>Qualified professionals are available in marine science, law, and regulation.</p>	<ul style="list-style-type: none"> <li>▪ Notable gaps in cumulative impact assessment, transboundary governance, and integrating traditional knowledge.</li> </ul>

# A diagnosis in brief: CB & TMT

Category	Current status & Constraints	Needs
<b>Recipient of TMT interventions</b>	Morocco occasionally benefits from technology transfer via relevant IFBs through project-based cooperation. The inherent constraints are mostly limited institutional coordination and the lack of sustained funding for follow-up.	<ul style="list-style-type: none"> <li>▪ Implementing <b>formal contractual frameworks</b> is a strategic way to address institutional coordination and funding stability. These frameworks provide the legal "teeth" needed to move from informal agreements to sustainable operational structures, such as those ensured by <b>Public-Private Partnerships (PPP) Agreements</b>.</li> </ul>
<b>Administrative management</b>	Lack of knowledge of the procedural frameworks; complexity of modalities of access and cumbersome procedural schemes.	<ul style="list-style-type: none"> <li>▪ streamlining of national procedures and the creation of a dedicated focal point for marine technology cooperation (2-3 years)</li> <li>▪ Targeted training programs to better access to funding mechanisms (3 years)</li> <li>▪ bilateral and multilateral engagement with clearer points of contact and use of multilingual platforms to reinforce communication</li> </ul>
<b>Level of cooperation in CB and TMT</b>	Moderate experience in cooperating at all levels and in all forms in matters relating to CB and TMT, including through partnerships interventions	<ul style="list-style-type: none"> <li>▪ Develop country-driven programs through the diversification and expand partnerships to include <b>North-South and South-South</b> regional networks</li> <li>▪ Fostering "<b>Train-the-Trainer</b>" models and digital platforms to standardize data processing and ensure long-term retention of technical skills</li> </ul>
<b>Transfer modalities</b>	Lack of transfer schemes under explicitly <b>concessional or preferential terms</b> .	<ul style="list-style-type: none"> <li>▪ Negotiate better terms with technology providers by <b>pooling demand</b> across regional maritime hubs to facilitate bulk purchasing or shared licensing.</li> <li>▪ Engaging actively within the newly established Capacity-Building and Transfer of Marine Technology (CBTMT) Committee.</li> </ul>
<b>Human capacity development</b>	Limited expertise in identifying what types of CB&TMT of those available under Article 44 and Annex II of the BBNJ Agreement would be more appropriate to support Morocco in view of the implementation of the Agreement.	<ul style="list-style-type: none"> <li>▪ A cross-sectoral prioritization strategy and alignment with BBNJ-specific categories, particularly over short, medium, and long-term horizons is highly needed.</li> </ul>

**THANK YOU FOR YOUR ATTENTION**

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