

WHISMUN 2026

The Next Frontier



27th & 28th June, 2026.



STUDY GUIDE

United Nations Ocean Conference

Agenda : Operationalizing the High Seas Treaty to Protect Global Marine Biodiversity

Contents:	2
Letter from the Executive Board	3
1. Introduction	5
2. Mandate of the Committee	6
3. Why the High Seas Matter	6
3.1 Ecological Importance	7
3.2 Economic Significance	7
3.3 Role in Climate Regulation	8
3.4 Growing Threats to the High Seas	8
4. Understanding Ocean Governance	9
4.1 The Architecture of Ocean Law	9
4.2 The Web of Existing Frameworks	10
4.2.1 Why This Matters for the Committee	11
5. The High Seas Treaty Explained	12
5.1 Legal Character and Relationship to UNCLOS	12
5.2 Cross-Cutting Principles Governing the Whole Agreement	12
5.3 Structure of the BBNJ Agreement	13
5.3.1 Pillar One - Marine Genetic Resources and Benefit-Sharing (Part II)	13
5.3.2 Pillar Two - Area-Based Management Tools and Marine Protected Areas (Part III)	14
5.3.3 Pillar Three - Environmental Impact Assessments (Part IV)	15
5.3.4 Pillar Four - Capacity Building and Technology Transfer (Part V)	16
5.3.5 Institutional Architecture	17
6. Key Challenges in Operationalizing the Treaty	18
6.1 The Enforcement Vacuum	18
6.2 Governance Fragmentation and Institutional Conflict	19
6.3 The Funding Gap and the Equity Problem	19
6.4 Scientific Knowledge Gaps	20
6.5 Conservation Against Development	20
7. Stakeholders and Bloc Positions	21
7.1 The High Ambition Coalition	21
7.2 The Sovereignty-First Bloc	21
7.3 The G77 and the Equity Bloc	21

7.4 Conservation and Development Leaders	22
7.5 Non-State Actors	22
8. Key Areas of Discussion & Questions a Resolution Must Answer (QARMAs)	22
8.1 Theme I - Strengthening Political Commitment and Global Participation	23
8.2 Theme II - Mobilising Finance, Capacity, and Technology	23
8.3 Theme III - Advancing Science, Knowledge, and Cooperation	23
8.4 Theme IV - Supporting Effective and Coordinated Implementation	24
9. References	24



Letter from the Executive Board

Dear Delegates,

We welcome you to the United Nations Oceans Conference for WHISMUN 2026.

Our aim as the executive board members is to provide the same learning and value we gained from experiencing MUNs and to improve your abilities above and beyond.

The agenda not only requires clear knowledge of the BBNJ treaty but also a good grasp on the workings of the conference and, most importantly, allows the committee to come to a consensus over its implementation in the two days of the conference. The dilemma here is not drafting the law, but making it effective and putting it into action.

This background guide will provide you with general context and an overview of the agenda. However, each delegate must research their own country, its uniqueness, while taking into consideration the larger scale of things. We urge each delegate to display professionalism, understand the weight of bearing the position of a diplomat in the UN, respect one another in and out of committee and most importantly, learn and enjoy yourselves!

We would like to highlight some key principles in our committee. The first is inclusivity, to include everyone in each discussion and be receptive to ideas. The second is diplomacy, to respect and understand everyone's opinion and place your arguments in a cordial and civil manner. The third is academic rigour, to be well researched and understand the issue at hand. Finally, to have complete belief and confidence in yourself and not underestimate your abilities as a delegate.

We look forward to two days of substantive, rigorous, and genuinely enjoyable committee. The high seas belong to all of us. So does this conversation.

Akshat K. Mardikar & Pankaj S. Mirchandani
Co-Chairpersons, UNOC.

1. Introduction

The entry into force of the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement) marks a historic milestone in international ocean governance. Adopted under the framework of the United Nations Convention on the Law of the Sea (UNCLOS), the Agreement is the first global treaty dedicated to protecting marine biodiversity in Areas Beyond National Jurisdiction (ABNJ), the vast regions of the ocean that lie outside the control of any single country and make up nearly two-thirds of the world's oceans.

These waters contain some of Earth's most diverse and least explored ecosystems. They support global fisheries, regulate the climate by absorbing carbon dioxide and heat, and contain marine genetic resources with enormous scientific and commercial potential. Yet, despite their importance, these areas have long remained poorly governed. Existing international institutions regulate individual sectors such as shipping, fishing, and deep-sea mining, but there has never been a single framework capable of protecting marine biodiversity across all activities. As human pressures on the ocean continue to grow through overfishing, pollution, climate change, and emerging industries such as deep-sea mining, this governance gap has become increasingly difficult to ignore.

The BBNJ Agreement was negotiated to address this gap. It introduces new mechanisms for establishing Marine Protected Areas (MPAs), conducting Environmental Impact Assessments (EIAs), ensuring the fair sharing of benefits from Marine Genetic Resources (MGRs), and supporting developing countries through capacity-building and technology transfer. Together, these pillars provide the legal foundation for conserving and sustainably using biodiversity in the global ocean.

However, adopting a treaty is only the beginning. The real challenge lies in ensuring that its provisions work in practice. The Agreement relies on cooperation between states, coordination with existing international organisations, adequate financing, scientific expertise, and political commitment. Questions surrounding implementation, enforcement, institutional coordination, and equitable participation remain unresolved. The answers to these questions will determine whether the Agreement succeeds in achieving its objectives.

This committee therefore focuses not on negotiating the treaty itself, but on operationalising it by transforming legal commitments into effective action. Delegates must examine how the international community can build the institutions, partnerships, financial mechanisms, and scientific cooperation necessary to implement the BBNJ Agreement while balancing two equally important objectives: protecting marine biodiversity and ensuring that the benefits of the global ocean are shared fairly among all nations.

Ultimately, this agenda asks delegates to address one of the defining governance challenges of the twenty-first century. How can the international community collectively protect a global commons that belongs to everyone, but has historically been the responsibility of no one?

2. Mandate of the Committee

The United Nations Ocean Conference (UNOC) serves as a global platform for promoting international cooperation on ocean-related issues and advancing the implementation of Sustainable Development Goal 14: Life Below Water. Unlike treaty bodies or Conferences of Parties (COPs), UNOC does not possess the authority to negotiate legally binding obligations, amend treaty provisions, or adopt formal implementation rules under international agreements.

In the context of this agenda, delegates should therefore recognise that the BBNJ Agreement has already been negotiated and adopted. Questions relating to the interpretation of treaty provisions, the adoption of procedural rules, the designation of specific Marine Protected Areas, or the development of binding compliance mechanisms fall primarily within the jurisdiction of the future Conference of Parties and subsidiary bodies established under the Agreement, and not UNOC.

The role of UNOC is instead to examine how the international community can facilitate and support the effective implementation of the High Seas Treaty. Delegates are encouraged to focus on the political, financial, scientific, and institutional conditions necessary for successful implementation.

Accordingly, debate should centre not on rewriting the Agreement, but on developing practical recommendations and cooperative approaches that can assist states and stakeholders in translating the treaty's objectives into meaningful action. The committee should therefore be viewed as a forum for building consensus, mobilising support, and strengthening the global partnerships required to ensure the long-term success of the BBNJ Agreement.

3. Why the High Seas Matter

The ocean covers 71 per cent of the Earth's surface, holds 97 per cent of its water, produces at least half of the oxygen we breathe, absorbs roughly 25 per cent of global carbon dioxide emissions, and supports the food security and livelihoods of billions of people worldwide. Understanding the importance of the High Seas therefore begins with understanding their place within this broader ocean system.

The High Seas refer to all parts of the ocean that lie beyond the jurisdiction of any single state. Under international law, these areas form part of what are known as Areas Beyond National Jurisdiction (ABNJ). Every coastal state exercises varying degrees of control over waters adjacent to its coastline. Beyond those limits lie vast stretches of ocean that are not owned by any country and are governed collectively through international law.

ABNJ covers approximately 64 per cent of the ocean's surface area and nearly 95 per cent of its total volume. The water column in these areas is known as the High Seas, while the seabed beneath is referred to as the Area. For centuries, the dominant principle governing these waters was the freedom of the seas, which allowed states to fish, navigate, conduct research, and exploit resources with relatively few restrictions. While this approach facilitated global commerce and exploration, it also created a classic tragedy of the commons. When a resource belongs to everyone, no single actor has sufficient incentive to protect it, increasing the risk of overexploitation and environmental degradation.

The BBNJ Agreement represents the international community's attempt to address this challenge by establishing a framework for the conservation and sustainable use of biodiversity in these shared waters.

3.1 Ecological Importance

The High Seas are far from empty. They contain some of the most biologically diverse, scientifically valuable, and least understood ecosystems on the planet.

Seamounts, underwater mountains rising from the ocean floor, function as biodiversity hotspots that support large populations of fish, corals, and migratory species. Hydrothermal vents host unique ecosystems powered not by sunlight, but by chemical energy released from the Earth's interior. Cold-water coral gardens, some thousands of years old, provide habitat for hundreds of marine species while recovering extremely slowly from disturbance. The deep ocean also supports the largest animal migration on Earth, with billions of organisms moving vertically through the water column each day, playing a critical role in nutrient cycling and carbon storage.

Despite their importance, much of the High Seas remains unexplored. Scientists estimate that hundreds of thousands of species have been identified in ABNJ, while millions more may remain undiscovered. Less than one per cent of these waters enjoyed any form of legal protection prior to the entry into force of the BBNJ Agreement in 2026.

Beyond their ecological value, these ecosystems perform essential functions that regulate climate, support fisheries, cycle nutrients, and sustain marine biodiversity on a global scale.

3.2 Economic Significance

The High Seas generate immense economic value and support a wide range of industries that are critical to the global economy.

Commercial fishing in ABNJ contributes significantly to international seafood markets and global food security. International shipping routes crossing the High Seas carry roughly 90 per cent of global trade by volume, making them indispensable to the functioning of the global economy. Submarine communication cables laid across the seabed facilitate the vast majority of international internet and telecommunications traffic.

The High Seas also contain valuable marine genetic resources. Organisms found in deep-sea environments have already contributed to advances in medicine, biotechnology, industrial manufacturing, and scientific research. Compounds derived from marine organisms have been used in anti-cancer drugs, antiviral treatments, industrial enzymes, and a variety of other commercial applications. As scientific capabilities continue to advance, these resources are expected to become increasingly valuable.

However, access to these benefits remains highly unequal. The technology, infrastructure, and financial resources required to explore and utilise deep-sea resources are concentrated in a relatively small number of developed states and private corporations. This raises important questions regarding fairness, benefit-sharing, and equitable access, all of which lie at the heart of the BBNJ Agreement.

3.3 Role in Climate Regulation

The ocean serves as one of the planet's most important climate regulators. It absorbs approximately one quarter of human-generated carbon dioxide emissions and more than 90 per cent of the excess heat trapped by greenhouse gases.

The High Seas play a particularly important role in this process. Deep ocean circulation systems transport heat, nutrients, and carbon across vast distances, helping to regulate global climate patterns. Marine ecosystems also act as significant carbon sinks, storing carbon for long periods and reducing the concentration of greenhouse gases in the atmosphere.

Damage to these ecosystems can weaken their ability to perform these functions. Ocean warming, acidification, deoxygenation, and biodiversity loss threaten the stability of marine ecosystems and may reduce the ocean's capacity to regulate the global climate. Protecting the High Seas is therefore not only an environmental concern but also a climate imperative.

3.4 Growing Threats to the High Seas

Despite their ecological and economic importance, the High Seas face increasing pressure from human activity.

Overfishing and Illegal, Unreported and Unregulated (IUU) fishing continue to deplete fish stocks and undermine efforts to manage marine resources sustainably. Deep-sea mining has emerged as a major area of concern as advances in technology make previously inaccessible mineral deposits commercially viable. While these resources may contribute to the global energy transition, the environmental consequences of extraction remain poorly understood.

Pollution presents another significant challenge. Plastic waste, chemical contaminants, and noise pollution from shipping have now reached even the most remote parts of the ocean. At the same time, climate change is altering ocean temperatures, increasing acidification, reducing oxygen levels, and disrupting ecosystems that have evolved over millions of years under relatively stable conditions.

Individually, each of these threats poses serious challenges. Collectively, they highlight a fundamental governance problem. Before the adoption of the BBNJ Agreement, no single international framework existed to address the cumulative impacts of these activities across the High Seas. The Agreement was negotiated to help fill this gap and provide a foundation for protecting marine biodiversity in areas beyond national jurisdiction.

4. Understanding Ocean Governance

4.1 The Architecture of Ocean Law

The ocean is not ungoverned. It is governed by a layered, fragmented, and often contradictory set of international agreements, institutional bodies, and customary legal principles that have accumulated over decades. Understanding this architecture is essential because the BBNJ Agreement does not replace it. The treaty sits on top of it, must operate consistently with it, and in several places is directly constrained by it.

The foundational document is the United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982 and now ratified by over 160 states. UNCLOS divides the ocean into jurisdictional zones radiating outward from coastlines. Internal waters and the territorial sea, extending 12 nautical miles, fall under full sovereign control. The contiguous zone extends to 24 nautical miles, where states can enforce customs and immigration law. The Exclusive Economic Zone reaches 200 nautical miles, giving coastal states sovereign rights over living and non-living resources. The continental shelf may extend further where the seabed geology warrants it. Beyond all of these zones lies the high seas and the Area, the deep seabed beyond national jurisdiction, which together constitute what the BBNJ Agreement governs.

UNCLOS established two foundational legal principles for these outer zones. The high seas are governed by the freedom of the seas, meaning any state may fish, navigate, research, and conduct activities there without permission. The Area and its mineral resources are the common heritage of mankind, meaning they belong to humanity collectively and their exploitation must benefit all states, not just those with the technology to access them. The tension between these two principles, freedom on one hand and collective ownership on the other, runs through every political argument in this committee.

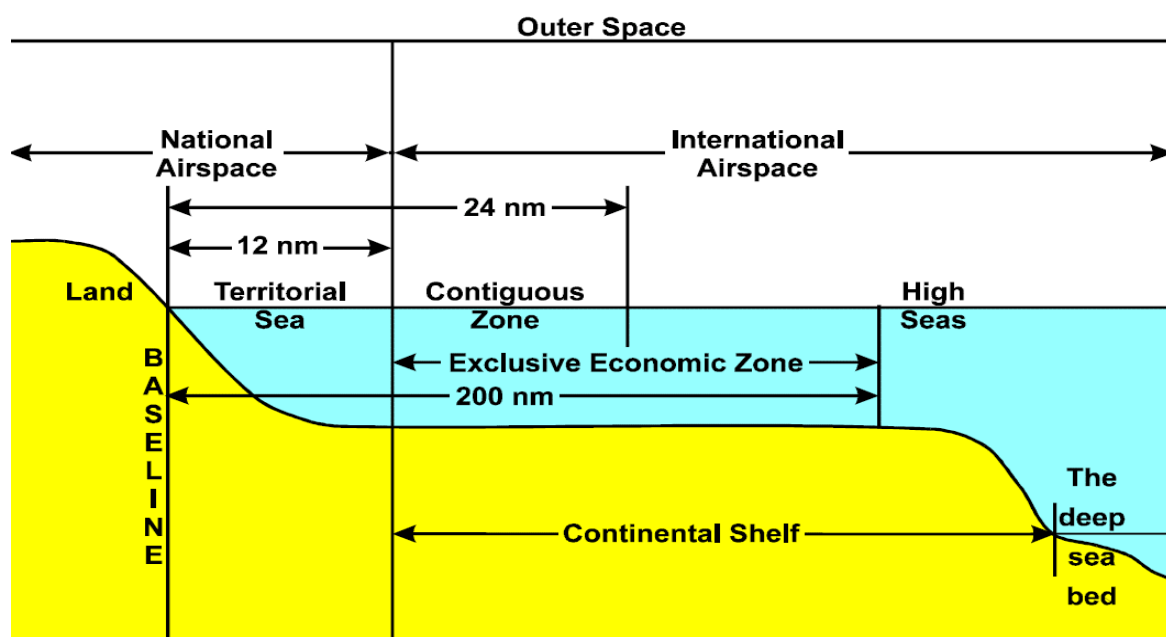


Fig. Maritime Zones under UNCLOS

4.2 The Web of Existing Frameworks

The BBNJ Agreement does not exist in isolation. It sits within a web of existing treaties and frameworks, all of which interact with its provisions.

The 1995 **UN Fish Stocks Agreement** filled gaps in UNCLOS regarding straddling fish stocks and highly migratory species. It introduced two principles that have since become the bedrock of ocean governance: the precautionary approach, where scientific uncertainty requires choosing the more conservative option to avoid irreversible harm, and the best available science requirement, where management decisions must be grounded in the best evidence available even where it is imperfect. It also mandated Regional Fisheries Management Organisations as the primary mechanism for high-seas fisheries governance. The relationship between these established RFMOs and the new BBNJ MPA framework is among the most contested implementation questions, since an MPA designation in an area actively managed by an RFMO creates overlapping and potentially conflicting authority.

MARPOL, the International Convention for the Prevention of Pollution from Ships, is the primary instrument governing vessel-source ocean pollution, administered by the IMO. It designates Special Areas with stricter discharge controls and enables Particularly Sensitive Sea Area designations for ecologically significant zones. Any BBNJ MPA in areas with significant shipping traffic must be coordinated with the IMO. The BBNJ COP cannot unilaterally impose shipping restrictions because Art 5 of the treaty requires it not to undermine existing frameworks. This is a direct constraint on what the committee's resolutions can demand.

The **Convention on Biological Diversity** governs biodiversity conservation within national jurisdiction and established the framework for access and benefit-sharing of genetic resources. Its Nagoya Protocol created a detailed system for national genetic resources, including requirements for prior informed consent and mutually agreed terms. The BBNJ Agreement's MGR pillar directly mirrors the Nagoya Protocol's architecture, adapted for ABNJ where there is no sovereign state to provide consent on behalf of the resource. The Kunming-Montreal Global Biodiversity Framework, adopted under the CBD in 2022, set the 30x30 target of protecting 30 percent of land and ocean by 2030. Without BBNJ, achieving 30x30 for the ocean is mathematically impossible, since most unprotected ocean lies in ABNJ.

The ISA is currently developing its exploitation regulations governing commercial deep-sea mining in the Area. This process has been contentious and slow. The trigger mechanism invoked by Nauru in 2021 under UNCLOS Article 153 required the ISA to complete the **ISA Mining Code** within two years or begin processing applications regardless, accelerating a timeline that many states and scientists believed was dangerously premature. UNOC3 in Nice saw states join calls for a moratorium or precautionary pause on commercial deep-sea mining. The BBNJ Agreement's EIA and MPA provisions directly interact with the ISA's work, and resolving the boundary between the two regimes is one of the most critical and most contested implementation challenges.

The **London Protocol** prohibits dumping of waste at sea and governs ocean fertilisation and other geoengineering proposals. It is relevant to BBNJ because proposed ocean-based climate interventions, including iron fertilisation to stimulate phytoplankton growth and carbon sequestration, could have significant impacts on ABNJ ecosystems and may require EIAs under the BBNJ Agreement.

4.2.1 Why This Matters for the Committee

The practical consequence of this web of frameworks is that nothing the BBNJ COP decides happens in a vacuum. An MPA designation affects RFMO fishing access, IMO shipping routing, and potentially ISA mining contracts simultaneously. An EIA authorisation decision may interact with MARPOL standards and London Protocol provisions. A benefit-sharing modality for MGRs must operate alongside Nagoya Protocol precedents and CBD data-sharing norms.

Delegates should approach every resolution clause with this layered architecture in mind. The question is never only whether a measure is desirable in isolation. The question is whether it is implementable within the existing system of ocean governance, how it interacts with the bodies and agreements already operating in the same space, and what coordination mechanisms are needed to prevent the BBNJ Agreement from becoming one more layer of fragmentation rather than the integrating framework it was designed to be.

5. The High Seas Treaty Explained

5.1 Legal Character and Relationship to UNCLOS

The BBNJ Agreement is the third implementing agreement to UNCLOS, following the 1994 Part XI Implementation Agreement and the 1995 UNFSA. As an implementing agreement, it sits within the UNCLOS legal framework and must be interpreted consistently with UNCLOS. It does not replace or override UNCLOS; it adds the procedural specificity, institutional architecture, and substantive rules that the UNCLOS framework provisions lacked. The Agreement consists of twelve parts and two annexes. It entered into force on 17 January 2026 and has 89 Parties as of mid-2026.

5.2 Cross-Cutting Principles Governing the Whole Agreement

Before examining the four pillars, four cross-cutting principles govern the entire Agreement and shape how every provision must be read.

The Not-Undermine Clause (Article 5(2))

The 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. This means the BBNJ Agreement cannot override the ISA's authority over deep-sea mining, the IMO's authority over shipping, or RFMOs' authority over fishing. These bodies retain their existing mandates. The new treaty must work cooperatively alongside them. This was the price of getting fishing states, shipping states, and mining-interested states on board. Its practical consequence is that MPA designations under BBNJ must be implemented in coordination with, not imposed over, existing sectoral regimes.

Common Concern of Humankind

The Agreement recognises the conservation and sustainable use of marine biological diversity as a common concern of humankind. This is a carefully chosen phrase. It is distinct from common heritage

(which implies shared ownership of resources, as in the Area) but more than a political aspiration. It provides a legal basis for all states, including landlocked states with no ocean coastline, to take an interest in and take action regarding the protection of ABNJ biodiversity. Every state is a stakeholder.

The Precautionary Approach and Ecosystem Approach

Both principles are expressly incorporated. The precautionary approach means that where scientific information is uncertain, incomplete, or unreliable, states shall not use the lack of full scientific certainty as a reason for postponing cost-effective measures to prevent environmental degradation. The ecosystem approach means that decisions must consider the ocean as an interconnected system, not as a collection of isolated species or habitats. Fishing, mining, and shipping activities must be managed with reference to their effects on the broader ecosystem, not just the targeted resource.

Best Available Science and Traditional Knowledge

All decisions under the Agreement must be based on the best available science. Crucially, the Agreement also recognises the value of Indigenous and local knowledge, traditional knowledge associated with marine biodiversity, and the importance of incorporating such knowledge into decision-making processes. This is a significant inclusion that reflects the role of Pacific Island peoples and other Indigenous communities as long-term stewards of ocean knowledge.

5.3 Structure of the BBNJ Agreement

The BBNJ Agreement is a comprehensive framework designed to conserve and sustainably use marine biodiversity in Areas Beyond National Jurisdiction (ABNJ). Rather than focusing on a single issue, the Agreement addresses a range of interconnected challenges relating to conservation, resource use, scientific cooperation, and equity.

At its core, the Agreement is built around four substantive pillars. These pillars emerged from years of negotiations and reflect the key areas in which existing ocean governance frameworks were considered insufficient. Together, they provide the legal and institutional foundation for implementing the Agreement's objectives.

The four pillars are:

5.3.1 Pillar One - Marine Genetic Resources and Benefit-Sharing (Part II)

What are MGRs?

Marine Genetic Resources are any material of marine plant, animal, microbial, or other origin found in ABNJ that contains functional units of hereditary information. This includes physical samples, chemical extracts, and the genetic sequence information encoded in DNA or RNA. MGRs from ABNJ have already yielded compounds used in chemotherapy drugs, Taq polymerase from a deep-sea hydrothermal vent bacterium that underpins PCR technology and made COVID-19 diagnostics possible, industrial enzymes that function in extreme conditions, and bioactive compounds being investigated for antibiotic and antiviral applications.

Notification and Transparency

Any Party whose researchers collect MGRs from ABNJ must notify the Clearing-House Mechanism, including the geographic location, type of material, research objectives, and collecting institution. This creates for the first time a global registry of MGR collection activity from ABNJ, which is the foundation of both transparency and accountability.

Non-Monetary Benefit-Sharing

Non-monetary benefits are required to be shared with all Parties and the broader international community. These include sharing of samples with scientists from developing states, open-access publication of research findings, deposit of genetic sequences in open-access databases, training of scientists from developing countries as part of research voyages, and joint research partnerships. These apply to all MGR activities regardless of whether commercialisation occurs.

Monetary Benefit-Sharing

If MGRs from ABNJ are commercialised, a portion of the resulting financial benefits must be contributed to the Special Fund. The exact percentage and modalities are to be developed by the COP. This was among the most contested issues in negotiations. Developed nations with bioprospecting capacity resisted mandatory monetary sharing, arguing it would deter investment in marine research. Developing nations insisted it was a matter of basic equity. The compromise is that the obligation exists in principle and the specifics will be determined by the COP.

Digital Sequence Information: The Defining Controversy

DSI is the most technically complex and politically charged issue in the MGR pillar. When a researcher collects a physical sample and sequences its genome, they produce a digital dataset that can be uploaded to public databases like GenBank and accessed freely by anyone worldwide. Once in digital form, nobody needs the original physical sample to access the genetic knowledge.

The defining question is whether DSI from ABNJ MGRs is subject to the same benefit-sharing obligations as the physical material. If it is not, the entire benefit-sharing framework is easily circumvented: collect physical samples, sequence them, upload the data, and discard the physical material. All the genetic knowledge is extracted from the global commons and none of the benefits are shared. The Agreement acknowledges DSI within the MGR framework but leaves detailed rules to the

COP, meaning this battle will continue with significant implications for the pharmaceutical and biotechnology industries.

5.3.2 Pillar Two - Area-Based Management Tools and Marine Protected Areas (Part III)

Definitions

An Area-Based Management Tool is a geographically defined area through which one or several sectors or activities are managed to achieve conservation and sustainable use objectives. ABMTs are the broad category. MPAs are the most protective subset, potentially prohibiting all extractive or harmful activities within their boundaries.

The Proposal and Consultation Process

Any Party or group of Parties may submit a proposal for an ABMT or MPA to the Scientific and Technical Body. Proposals must include scientific information on the area's biodiversity, a statement of conservation objectives, a proposed management plan, and provisions for monitoring and review. Before the STB can assess a proposal, consultations must be held with all states conducting activities in the area, relevant IGOs including the ISA and IMO, civil society, and Indigenous Peoples and local communities. This consultation requirement ensures broad legitimacy but also creates formal opportunities for states or industries with economic interests to delay or weaken proposals.

The STB's Role and COP Decision

The STB reviews proposals against scientific and technical criteria, considers consultation inputs, and makes a recommendation to the COP. STB recommendations are advisory, not binding. The COP makes the final decision. Ensuring the STB's independence from political pressure is a critical design priority that COP-1 must address.

Emergency Measures

The Agreement provides for emergency measures when a marine ecosystem faces a serious or irreversible threat requiring immediate action. Emergency measures may be adopted on an expedited basis, bypassing the full proposal and consultation cycle. Climate-driven events including coral bleaching, rapid acidification, and sudden ecosystem collapse are the most likely triggers.

The 30x30 Connection

Less than 1% of the high seas had legal protection before BBNJ entered into force. The Kunming-Montreal Global Biodiversity Framework's 30x30 target, protecting 30% of the ocean by 2030, is achievable only if high-seas MPAs are designated at scale and at speed. The BBNJ Agreement provides the only global mechanism for doing so. The gap between the legal architecture now in place and the practical designation of MPAs covering a meaningful fraction of ABNJ is the central operational challenge this committee must address.

5.3.3 Pillar Three - Environmental Impact Assessments (Part IV)

The Gap BBNJ Fills

Before the BBNJ Agreement, no global treaty required a comprehensive, procedurally specific environmental impact assessment before new activities began in ABNJ. UNCLOS Article 206 obligated states to assess potential effects on the marine environment but set no procedural standards, required no public consultation, mandated no independent review, and had no enforcement mechanism. In practice, activities in ABNJ routinely began without any meaningful environmental review.

When is an EIA Required?

A Party must conduct an EIA for any planned activity in ABNJ when that activity may cause substantial pollution of or significant and harmful changes to the marine environment. A screening stage determines whether a proposed activity meets this threshold. The COP will develop criteria and guidelines for screening, which is one of the concrete deliverables needed from COP-1.

The Process and Post-Authorisation Monitoring

The EIA process runs from screening and scoping through impact assessment, public consultation, and a final report that must be taken into account by the authorising state in its decision whether to permit the activity. Critically the process does not end at authorisation. The Party authorising the activity must ensure ongoing monitoring of its environmental effects and make monitoring data available through the CHM. If monitoring reveals greater harm than the EIA predicted, the Party must review the authorisation and if necessary modify or suspend the activity. This post-authorisation monitoring obligation is novel and important: EIAs under BBNJ are ongoing accountability mechanisms, not one-time compliance exercises.

Strategic Environmental Assessments

Beyond individual project EIAs, the Agreement addresses Strategic Environmental Assessments of entire policies, plans, or programmes. An SEA might evaluate the collective environmental effect of a regional industrial fishing strategy or a deep-sea mining exploration programme across a large area. The Agreement encourages Parties to conduct SEAs but does not make them mandatory, a compromise reflecting concerns about administrative costs and the risk of obstruction.

5.3.4 Pillar Four - Capacity Building and Technology Transfer (Part V)

Why This Pillar Exists

The Agreement's ambitions can only be realised if all Parties have the technical and institutional capacity to participate in its governance and benefit from its implementation. Conducting marine scientific research in ABNJ requires specialised vessels and equipment. Sequencing and analysing MGRs requires advanced bioinformatics infrastructure. Proposing and managing MPAs requires scientific monitoring capability. Most developing nations, particularly SIDS and LDCs, lack one or

more of these capacities. The CB/TMT pillar is the Agreement's mechanism for addressing this structural inequality.

Obligations and the Special Fund

Developed state Parties are obligated to provide financial resources for capacity-building, train scientists and legal experts from developing states, facilitate access to marine scientific data, transfer marine technology, and fund participation of developing state delegates in meetings. These obligations apply with particular emphasis to LDCs, SIDS, landlocked developing countries, and African states.

The Special Fund supports these activities and enables developing state participation in the Agreement's processes. It will also receive monetary benefits from MGR commercialisation. The critical unresolved question is capitalisation: developed states favour voluntary contributions while developing states demand assessed mandatory contributions calculated by formula. This remains for COP-1 to resolve and is one of the most politically charged institutional decisions the committee must engage with.

5.3.5 Institutional Architecture

The Conference of the Parties

The COP is the supreme governing body, consisting of all state Parties with equal standing. It reviews implementation, adopts decisions on ABMTs and MPAs, develops EIA standards, oversees MGR benefit-sharing, and manages the Special Fund. The rules of procedure, including majority thresholds for different types of decisions and the role of observers, were among the most contentious unresolved issues at the preparatory process and will be a primary focus of COP-1.

The Scientific and Technical Body

The STB provides scientific and technical advice to the COP across all matters under the Agreement, including assessment of ABMT and MPA proposals, review of EIA reports, and advice on criteria and standards. Key design questions still being resolved include whether STB members should be nominated government experts or independently selected scientists, and whether STB recommendations carry a presumption of adoption or are purely advisory.

The Clearing-House Mechanism

The CHM is the Agreement's central information platform, consolidating records of MGR collections, EIA reports and monitoring data, ABMT and MPA proposals and decisions, capacity-building opportunities, and scientific data relevant to ABNJ biodiversity. It is simultaneously a transparency tool, a benefit-sharing mechanism through making data accessible to all Parties, and the Agreement's primary accountability system. Its technical development including platform architecture, data standards, and access protocols is one of the most concrete early deliverables from the preparatory process.

The Secretariat

A Secretariat will service the COP, STB, and all subsidiary bodies. Chile has made a formal bid to host the Secretariat in Valparaíso, a symbolically significant proposal signalling that the Agreement's

institutions should not automatically be located in the traditional centres of international governance. The hosting arrangement, staffing, and budget are matters for COP-1.

Dispute Settlement

Disputes between Parties are resolved through the UNCLOS Part XV framework, meaning BBNJ disputes can be brought to the same forums as UNCLOS disputes, including ITLOS, the ICJ, and Annex VII arbitration.

6. Key Challenges in Operationalizing the Treaty

The BBNJ Agreement entering into force is a landmark achievement. But a treaty in force is not the same as a treaty that works. The history of international environmental law is full of agreements that existed on paper while the problems they were designed to solve continued unchecked.

Operationalising the BBNJ Agreement means confronting a set of deep structural challenges that the treaty text acknowledged but did not resolve. These are not technical problems waiting for technical solutions. They are political problems rooted in conflicting interests, unequal power, and genuine disagreement about what the high seas are for.

6.1 The Enforcement Vacuum

The most fundamental challenge is that the BBNJ Agreement has no enforcement body. This was a deliberate negotiating choice. No major power would have accepted a treaty giving an international institution coercive authority over their vessels and nationals in the high seas. The result is a treaty that creates obligations but relies almost entirely on voluntary compliance reinforced by transparency.

The Implementation and Compliance Committee under Art 55 is explicitly facilitative, non-adversarial, and non-punitive. It can review and recommend but cannot sanction. Dispute settlement refers back to UNCLOS Part XV mechanisms, which are slow, expensive, and rarely invoked even for serious violations.

The practical compliance architecture operates at two levels. Flag state responsibility requires the state whose flag a vessel flies to ensure that vessel complies with international law. This system is severely undermined by flags of convenience, where registries in Panama, Liberia, and the Marshall Islands register large portions of the global commercial fleet while conducting minimal oversight. Port state measures, denying port access to vessels that have violated international rules, are more effective because they impose real economic costs, but they are not explicitly established in BBNJ and would need to be developed through COP decisions.

Satellite monitoring has significantly changed what is technically possible. AIS transponders, vessel monitoring systems, and synthetic aperture radar that detects vessels with switched-off transponders can together create a picture of activity in the high seas. Integrating this data into the CHM and establishing protocols for using it in compliance proceedings is one of the most concrete things COP-1 can do within the existing framework. The honest assessment, however, is that the treaty's compliance system works well for states that intend to comply and provides limited recourse against states that do not.

6.2 Governance Fragmentation and Institutional Conflict

The high seas are already governed, partially and imperfectly, by multiple international bodies with overlapping mandates. The ISA governs deep-sea mining in the Area. The IMO governs shipping. Regional Fisheries Management Organisations govern fisheries in specific ocean regions. The BBNJ Agreement now sits on top of all of this, required by Art 5 to operate consistently with existing frameworks and not undermine them.

The ISA conflict is the sharpest expression of this problem. The ISA licenses deep-sea mining contracts in the same geographic space where BBNJ MPAs might be designated. An ISA-licensed mining operation in an area proposed for MPA protection creates a direct collision between two international bodies, neither of which has authority over the other. UNOC3 in Nice saw states join calls for a moratorium or precautionary pause on deep-sea mining precisely because this conflict has no clean legal resolution under existing frameworks.

Art 29(4) creates an EIA exemption for activities already assessed under other bodies' frameworks if that assessment is equivalent to BBNJ requirements. Mining companies and sponsoring states will argue that ISA EIAs satisfy this equivalence. Conservation states and SIDS will argue they do not. How COP-1 defines equivalence will determine whether the EIA regime has real reach or can be routinely bypassed by the most environmentally significant activities in ABNJ.

6.3 The Funding Gap and the Equity Problem

The BBNJ Agreement makes a fundamental equity promise. The high seas belong to all humanity, so their governance must serve all of humanity. Keeping that promise requires money, to fund developing state participation in treaty bodies, to build scientific and administrative capacity, to transfer technology, and to ensure the CHM is accessible to states with limited digital infrastructure.

The special fund under Art 52 depends primarily on assessed contributions from developed state parties and a percentage of monetary benefits from MGR commercialisation. The problem is that the MGR commercialisation modalities have not been decided, meaning the fund's largest potential revenue stream is speculative. The GEF, named as trustee under Art 52(4c), has a complex application process that has historically disadvantaged small states and SIDS who lack the administrative capacity to navigate it.

Conditionality is the political flashpoint. Donor states argue that fund recipients must demonstrate accountability through reporting requirements and measurable outcomes. Developing states argue that these requirements are themselves a capacity barrier that disproportionately excludes the smallest and most vulnerable states. Art 42(4) explicitly prohibits making capacity-building conditional on onerous reporting requirements, but the line between reasonable accountability and onerous reporting will be drawn by COP-1 decisions and will be fiercely contested.

6.4 Scientific Knowledge Gaps

Effective implementation depends on scientific knowledge the international community largely does not yet have. Designating MPAs under Annex I criteria requires baseline biodiversity data for areas that have never been systematically surveyed. Conducting EIAs requires understanding what

significant adverse impact means for ecosystems that are poorly understood. Estimates that 80% of deep-sea species remain unidentified are widely cited and probably conservative.

This creates a structural risk that the treaty's science-based mechanisms get captured by states with the most scientific capacity, which tend to be the states with the most economic interest in particular outcomes. A mining-interested state with advanced deep-sea research capacity can generate scientific assessments that support its preferred conclusions in ways that developing states with no independent research capability cannot challenge. Ensuring that the STB draws on genuinely independent science and invests in filling knowledge gaps through the CHM and capacity-building programmes is one of the less dramatically political but most practically important tasks facing COP-1.

6.5 Conservation Against Development

Every challenge described above is a symptom of a deeper structural tension. Two legitimate but conflicting claims sit at the heart of BBNJ operationalisation.

The first is that the high seas are a global commons under existential threat. Ocean warming, acidification, deoxygenation, and physical disruption from industrial activity are pushing ecosystems toward tipping points from which recovery may take centuries. Strong MPAs, rigorous EIAs, and robust enforcement are urgent necessities.

The second is that the pattern of global resource governance must not be repeated. Historically, wealthy states exploited global commons, extracted what they needed, and then declared conservation goals once their own development was secure. The high seas risk becoming another instance of this pattern, with wealthy states and corporations freely exploiting deep-sea resources and then supporting a conservation regime that locks developing states out of resources they have not yet had the chance to use.

The BBNJ Agreement attempts to hold both claims simultaneously through its dual mandate of conservation and sustainable use. But in every specific decision, where an MPA is drawn, what threshold triggers an EIA, how much commercialisation revenue goes to the fund, who controls the STB, there is no neutral position. Every choice reflects a weighting between conservation urgency and development equity. The political work of operationalisation is reaching those weightings through negotiation, and they will be contested at every step.

7. Stakeholders and Bloc Positions

7.1 The High Ambition Coalition

Composing the European Union, the United Kingdom, Australia, Canada, and the Pacific SIDS, this is the most cohesive pro-implementation bloc. Core positions are ambitious MPAs aligned with the 30x30 target, robust EIA independence, full DSI inclusion in benefit-sharing obligations, and adequate capitalisation of the special fund. The EU and UK bring financial weight and diplomatic infrastructure. Australia bridges the developed world and the Pacific. The SIDS bring moral authority and existential urgency that no other actor can replicate.

Within the SIDS sub-group, differentiation exists. Pacific SIDS led by Palau and Fiji focus on MPA ambition. Seychelles leads on innovative finance through debt-for-nature mechanisms. Barbados

anchors the Caribbean group's connection to the Bridgetown Initiative. Kiribati and Vanuatu carry the strongest existential framing as states facing territorial submersion within decades.

7.2 The Sovereignty-First Bloc

China, Russia, Saudi Arabia, and the UAE share a common instinct toward minimising external oversight, defending flag-state primacy, and resisting institutional architecture that could constrain their activities in the high seas. Their specific interests diverge significantly however.

China's position is shaped by its distant-water fishing fleet, growing deep-sea mining ambitions, and its dual identity as both a major power and a self-described developing state. This last point creates tension between its economic interests, which align with the sovereignty-first bloc, and its political positioning, which aligns it rhetorically with the G77 on equity and benefit-sharing.

Russia is the most consistently sovereignty-maximalist actor in the room. It resists any oversight mechanism that could apply to Arctic-adjacent ABNJ and opposes independent review of EIAs. Japan and South Korea occupy an uncomfortable middle ground, with strong conservation credentials domestically but massive distant-water fishing industries that push them toward this bloc on specific questions, particularly MPA designations in productive fishing grounds and DSI exclusion.

7.3 The G77 and the Equity Bloc

The G77's unified positions are full DSI sharing with meaningful monetary benefits flowing to the special fund, no conditionality on capacity-building access, technology transfer on genuinely concessional terms, and strong developing-state representation in all treaty bodies. Internal fractures exist on MPAs and EIAs, where the conservation interests of SIDS and coastal Latin American states diverge from states with extractive industries, such as Nigeria, whose oil sector creates resistance to strong EIA oversight.

India leads G77 coordination on DSI, arguing for the Nagoya Protocol model of full sharing including digital information. Brazil frames the MGR debate around the common heritage principle, positioning itself as a biodiversity-rich state demanding that common resources generate common benefits. The African Group, coordinated most visibly by South Africa and Kenya, consistently demands that coastal African states receive specific recognition in capacity-building provisions and strong representation in treaty governance bodies.

7.4 Conservation and Development Leaders

Costa Rica, Chile, Ecuador, Argentina, and the broader Latin American group occupy a distinctive position. They share the G77's equity demands on benefit-sharing and capacity-building but are simultaneously among the most ambitious states on MPA designation and EIA independence. Costa Rica, as co-host of UNOC3, has particular political investment in the treaty's success. Chile has formally bid to host the BBNJ Secretariat in Valparaíso. Ecuador's interest in protecting the Galapagos high-seas corridor gives it a specific MPA agenda. These states are natural bridge-builders between the high ambition coalition and the G77, and their positions on individual clauses will often determine which way a divided committee moves.

7.5 Non-State Actors

The European Union functions as a full Party under Art 1(12) with voting rights and assessed contributions. Its internal tensions between fishing member states like Spain and Poland and conservation-oriented members like Germany and the Netherlands mean EU common positions are products of internal negotiation and may shift during committee.

The International Seabed Authority's core interest is preserving ISA jurisdiction over the Area and resisting any BBNJ mechanism that could effectively veto ISA-licensed mining activities through MPA designation or EIA requirements. Its position will centre on the Art 29(4) equivalence argument and the not-undermine clause.

The International Chamber of Shipping has a continuous stake across all four pillars. On EIAs it will argue that IMO frameworks satisfy Art 29(4) equivalence for shipping activities. On MPAs it will raise shipping lane concerns. On the CHM it will defend commercial confidentiality provisions.

The IPLC Observer Coalition owns ground that no state delegation will prioritise. Art 13's free, prior, and informed consent requirement for traditional knowledge has no institutional champion among state actors. The IPLC can intervene across all four pillars on whose knowledge informs MPA designation, whose consent is required for MGR collection, whose perspective shapes EIA scoping, and who receives capacity-building on their own terms.

8. Key Areas of Discussion & Questions a Resolution Must Answer (QARMAs)

The BBNJ Agreement is in force. The machinery exists on paper. This committee's task is not to renegotiate the treaty or make the technical decisions belonging to COP-1. It is to build the political consensus, mobilise the resources, and coordinate the actors that make implementation actually happen. Four themes structure the committee's discussions, each containing open political questions that delegates must form positions on and resolution clauses must address.

8.1 Theme I - Strengthening Political Commitment and Global Participation

The treaty's effectiveness depends on the breadth of its participation. Several of the world's most significant ocean users remain outside it, and even among Parties, ratification has not automatically translated into domestic implementation.

What tools are available to bring major non-parties inside the treaty? Through what mechanisms can regional coalition-building, linkages to special fund access, or port state measures create meaningful incentives for participation? How should the voluntary trust fund be capitalised and administered to ensure developing states participate meaningfully in treaty governance rather than nominally? How are IPLC consultation rights operationalised in practice when communities are geographically distant from the high-seas areas the treaty governs?

8.2 Theme II - Mobilising Finance, Capacity, and Technology

The equity promise of the treaty lives or dies on this pillar. How should the special fund be capitalised: through voluntary contributions that donors control, or through assessed mandatory contributions calculated by formula? What level of conditionality is appropriate for fund access, and how is the line drawn between reasonable accountability and barriers that disproportionately exclude the smallest and most vulnerable states? How does technology transfer actually happen when the relevant technologies are proprietary, through incentive structures for private companies, publicly funded technology development, or mandatory licensing provisions?

Should SIDS and LDCs receive guaranteed floor allocations from the special fund independent of competitive application processes? How should the CHM be designed to serve states with limited connectivity and technical capacity rather than defaulting to the infrastructure assumptions of advanced research institutions?

8.3 Theme III - Advancing Science, Knowledge, and Cooperation

The treaty's science-based mechanisms can only function if the underlying knowledge base is adequate. Currently it is not. Less than 20% of deep-sea species have been formally identified and baseline biodiversity data for most ABNJ areas does not exist. How should this knowledge gap be addressed, who funds the effort, and who controls the resulting data?

Should open-access data requirements apply to all research conducted under BBNJ notification obligations? How should traditional and Indigenous knowledge be integrated into STB processes in ways that meet FPIC requirements rather than treating it as freely available input? How should the STB's terms of reference be designed to ensure scientific independence from the political and economic interests of states with the most research capacity?

8.4 Theme IV - Supporting Effective and Coordinated Implementation

The BBNJ Agreement operates within a dense web of existing institutions. How should the treaty interact with the ISA on the question of deep-sea mining, particularly where proposed MPAs overlap with existing ISA contracts or where mining operators argue their ISA EIA satisfies Art 29(4) equivalence? How should the relationship with the IMO be defined so that shipping activities regulated under MARPOL and SOLAS are appropriately accounted for without creating parallel and duplicative assessment obligations?

How should industry participation in science and monitoring be structured to capture the observational data that shipping companies and fishing fleets generate without allowing commercial interests to shape governance outcomes? How should monitoring frameworks and review mechanisms be built into the treaty's implementation from the outset so that the first five-year review under Art 47(8) produces a meaningful assessment rather than a political endorsement of whatever has been done?

9. References

1. <https://www.un.org/bbnj/>
2. <https://www.unep.org/resources/agreement-marine-biological-diversity-areas-beyond-national-jurisdiction-bbnj-agreement>
3. <https://www.unclos.org/>
4. <https://lpr.adb.org/resource/united-nations-convention-law-sea-montego-bay-10-december-1982-united-nations-treaty>
5. <https://arcticportal.org/arctic-governance/international-agreements-archive/3417-united-nations-convention-on-the-law-of-the-sea-unclos-montego-bay-jamaica-10-december-1982>
6. https://www.un.org/depts/los/convention_agreements/convention_20years/Montego%20Bay.htm
7. <https://www.un.org/en/delegate/un-fish-stocks-agreement-sustainable-fisheries-process>
8. <https://www.congress.gov/crs-product/IF12283>
9. <https://enb.iisd.org/marine-biodiversity-beyond-national-jurisdiction-bbnj-cop-prepcom-3-summary>
10. <https://highseasalliance.org/2026/04/16/bbnj-prepcom-3-inside-the-negotiations/>
11. <https://www.un.org/bbnjagreement/en>
12. <https://onu-vienne.delegfrance.org/Third-UN-Ocean-Conference-UNOC3-Nice-9-13-June-2025>
13. <https://www.un.org/sustainabledevelopment/blog/2025/06/closing-press-release-2025-unoc>
14. <https://www.cbd.int/convention/text/>
15. <https://www.cbd.int/abs/text/>
16. <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>
17. <https://www.unep.org/resources/kunming-montreal-global-biodiversity-framework>
18. [https://www.imo.org/en/about/conventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-\(marpol\).aspx](https://www.imo.org/en/about/conventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx)
19. <https://www.imo.org/en/OurWork/Environment/Pages/London-Convention-Protocol.aspx>
20. <https://www.fao.org/documents/card/en/c/cd0683en>
21. <https://www.isa.org.jm/mining-code>
22. <https://peacepalacelibrary.nl/publication/grotius-h-mare-liberum-1609>
23. <https://oll.libertyfund.org/collections/freedom-of-the-seas>
24. <https://www.itlos.org/en/main/the-tribunal/unclos/>
25. https://link.springer.com/chapter/10.1007/978-3-030-54161-3_32
26. <https://bbnj-mgr.fas.harvard.edu/bbnj-treaty>
27. <https://cil.nus.edu.sg/databasecil/2023-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>
28. <https://iucn.org/resources/policy-brief/iucns-messages-10-ocean-action-panels-unoc3>
29. <https://iucn.org/sites/default/files/2023-09/30x30-target-framework.pdf>
30. <https://fondationtaraocean.org/en/political-news/forty-years-law-of-the-sea-what-assessment/>