

Potential Impact of BBNJ Agreement on Tuna Fisheries

Panel Discussion on Tuna Fisheries in BOB Region: Emerging Challenges under Changing Climate and BBNJ Regime –

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Mandate of the IGC as defined through UNGA resolution

United Nations General Assembly Resolution 72/249 states that “[the negotiating] process and its result should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies

Interplay between the envisioned agreement on biodiversity beyond national jurisdiction (“the BBNJ Agreement”) and other instruments, frameworks and bodies (IFBs)

- Scope
- Consistency on Implementation
- Cooperation and coordination.
- Compliment and support (Capacity Building)
- Obligation of parties

Article 3 - Scope of Application

This Agreement applies to areas beyond national jurisdiction.

Scale of rights

Sovereign Territory (12 Miles)

Sovereign rights (188 Miles)

Sovereign rights to the ext. Continental shelf

No national rights

Freedom of high seas

Common heritage of mankind

BBNJ (Regulation of access MGR)

Article 8 Application

Paragraph 2.

The provisions of this Part shall not apply to:

- Fishing regulated under relevant international law and fishing-related activities;
- (or) 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.

Article 1 Use of terms

Paragraph 17. “Utilization of marine genetic resources” means to conduct research and development on the genetic and/or biochemical composition of marine genetic resources, including through the application of biotechnology, as defined in article 1, paragraph 5.

Consistency with other instruments and agreement


Article 4

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

Paragraph 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.

Obligation

Article 6 International cooperation



Paragraph 1: Parties **shall cooperate** under this Agreement for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including through strengthening and enhancing cooperation with and promoting cooperation among relevant **legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies** in the achievement of the objective of this Agreement.

Parties **shall endeavour to promote, as appropriate, the objectives of this Agreement when participating in decision-making** under other relevant legal instruments, frameworks, or global, regional, subregional or sectoral bodies

ANNEX II

Types of capacity-building and transfer of marine technology

- (ix) Increasing cooperative links between regional institutions, for example, North-South and South-South collaboration and collaboration among regional seas organizations and regional fisheries management organizations;

Environmental Impact Assessment

Article 23 Relationship between this Agreement and environmental impact assessment processes under other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies

4. It is not necessary to conduct a screening or an environmental impact assessment of a planned activity in areas beyond national jurisdiction provided that the Party with jurisdiction or control over the planned activity determines that:
 - (a) *The potential impacts of the planned activity or category of activity have been assessed in accordance with the requirements of other relevant legal instruments or frameworks or by relevant global, regional, subregional or sectoral bodies;*
 - (b) (i) *The assessment already undertaken for the planned activity is equivalent to the one required under this Part, and the results of the assessment are taken into account;*

Establishment of Marine Protected Areas

Scenario 1: If an MPA is proposed to be established under the BBNJ provision, what would happen to the existing measures adopted under the regional body and framework.

Scenario 2: What would be the role of regional body or agreement while framing any measure which is overlapping with the measures adopted already with BBNJ.

Article 18

Consultations on and assessment of proposals

1. Consultations on proposals submitted under article 17 shall be inclusive, transparent and open to all relevant stakeholders, including States and global, regional, subregional and sectoral bodies, as well as civil society, the scientific community, Indigenous Peoples and local communities.

Article 19

Establishment of area-based management tools

(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;

Article 21

Monitoring and review

2. The relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies shall be invited to provide information to the Conference of the Parties on the implementation of measures that they have adopted to achieve the objectives of the area-based management tool, including marine protected area, established under this Part

Thank you