

A vibrant underwater photograph featuring a variety of tropical fish, including a large blue and yellow striped fish on the left, several smaller striped fish, and a large orange and blue striped fish on the right. The background is a clear blue ocean, and the foreground is filled with lush, colorful coral reefs in shades of yellow, green, and red.

Innovations of ABMT and EIA Parts of the BBNJ Agreement

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BBNJ Symposium

18 February 2025

Ocean Governance

Neutral: The existence of a set of rules and institutions to manage human activities of the ocean?

OR

Normative: An approach that ‘reflects the need and desire to pursue a holistic, integrated, and/or cross-sectoral approach to the management of the oceans, its resources, and the human activities occurring within it or affecting it’?
(Molenaar, 2019)

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 of relevant measures through such instruments, frameworks and bodies, in accordance with their respective mandates.

2. In taking decisions under this article, the Conference of the Parties shall respect the competences of, and not undermine, relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

Coordination mechanisms for ABMT

Proposals: consult with stakeholders including IFBs (arts 19, 21)

Decision-making: COP must respect the competence of, and not undermine IFBs (art 22(2))

Coordination: COP will arrange regular consultations with IFBs (arts 22(3), 47(6)(c))

Parties to promote adoption of measures to support implementation in IFBs (Art 22(4))

Monitoring: IFBs invited to provide info to the COP on their measures to achieve objectives of ABMTs (art 26(2))



Environmental Impact Assessment



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Elements of internationalisation under Part IV

1

Consultation: Opportunities for potentially most affected States and other stakeholders to comment and views shall be considered and addressed (art 32).

2

Opportunities to express concern: Decision not to proceed past screening → CHM. Parties can register views on the decision, and this will be considered by the Proponent State (art 31(1)(a)). Parties can register concerns on effects of the activity (art 37(4)).

3

Role of SBT: comment on screening decisions (art 31(1)), draft EIA report (art 33), consider monitoring reports and make recommendations (art 37), establish standards or guidelines (art 38).

Article 29

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:

- (a) That 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) That:
 - (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; or
 - (ii) the regulations or standards of the relevant legal instruments or frameworks or relevant global, regional, subregional or sectoral bodies arising from the assessment were designed to prevent, mitigate or manage potential impacts below the threshold for environmental impact assessments under this Part, and they have been complied with.