



Area-based Management
Tools in Areas Beyond
National Jurisdiction

TIME FOR **EARLY,** **COORDINATED ACTION** **TOWARDS EFFECTIVE** **IMPLEMENTATION**

**IUCN High Seas Workshop on
Area-based Management Tools in
Areas Beyond National Jurisdiction**
(3 & 4 September 2024)



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Area Based Management Tools in Marine Areas Beyond National Jurisdiction:

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IUCN HIGH SEAS WORKSHOP ON AREA-BASED
MANAGEMENT TOOLS IN AREAS BEYOND
NATIONAL JURISDICTION
(3 & 4 SEPTEMBER 2024)



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Overview of workshop outcomes

The following is an overview of key action-oriented outcomes coming from the workshop discussions:

Pathway(s) to achieving ABMTs, including MPAs, in Areas Beyond National Jurisdiction

The workshop discussed the 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 (BBNJ Agreement) as both a platform for improving coordination and collaboration among existing instruments, frameworks and bodies with mandates to establish Area-based Management Tools (ABMTs) and as a new legal framework that can, by itself, enact ABMTs. As such, the BBNJ Agreement can build on existing processes, where available, in the identification, designation and management of ABMTs including Marine Protected Areas (MPAs), but can also create ABMTs that do not build on previous work and will develop its own stand-alone processes. Where there is flexibility in the interpretation of what the BBNJ Agreement can and cannot do, narratives that reflect a low level of ambition should be avoided. While the establishment of ABMTs through existing processes is vital, reliance solely on this route could lead to a path of dependency on non-BBNJ processes that would nullify the original intention of the BBNJ Agreement itself.

Partnerships were a key topic throughout the workshop, with a strong recognition that knowledge of the BBNJ Agreement is still limited to a very small community and there is a need to grow this community, but it was also stressed that being able to effectively engage in new fora can take a long time and that growing trust in organizations and individuals and interpersonal

relationships is key. That requires long-term, sustained, reliable engagement, as well as funding. On the stakeholder side, it was noted that especially with an influx of new organizations, coordination of messages and outreach within the community will be necessary to avoid working at cross-purposes or overwhelming key partners. On the government side, building understanding by in-country personnel beyond the BBNJ negotiators, notably within government's different line ministries, will be critical for support on ABMTs, but also to ensure coherence of governments engaging in different international fora. This effort needs to be designed in a structured, long-term way to overcome the difficulties associated with the rapid turnover of civil servants in charge, as well as for future diplomats, who will be less familiar with the agreement because they were not involved in its construction. It became clear from the discussions that the importance of finding government allies and mobilizing them is not limited to the proposal stage itself: such allies also are key in other stages such as producing the science to underpin ABMT proposals and during preliminary informal consultations. Government allies will also be vital for conducting Monitoring, Control, and Surveillance (MCS) of future MPAs, which can be very expensive and will often rely on in-kind contributions by governments and international cooperation.

The question of pace was also discussed in several sessions and breakout groups: on the one hand, there was a strong recognition of the urgency to act in response to the biodiversity and climate crisis, and of the role that BBNJ ABMTs can play in that regard. On the other hand, spending sufficient time on design, stakeholder

consultation and building partnerships and support would potentially help deliver better and cost-effective results. “As fast as possible, but as slowly as necessary” captures this discussion well.

Processes under the umbrella of the BBNJ Agreement

There was a general agreement that several elements of the BBNJ Agreement provisions on ABMTs would benefit from, or even require, additional guidance to flesh them out, while recognizing that this may have implications for the pace at which ABMT proposals could be adopted by the BBNJ Conference of the Parties (COP). Elements identified in particular were:

- ABMT proposals (Art.19, paragraph 6), e.g., a standard template;
- Criteria underpinning ABMT proposals (Art.19, paragraph 5 and Annex I); and
- Consultations for ABMTs (Art.19, paragraph 2).

For all of the elements above, the BBNJ Agreement foresees the possibility of the Scientific and Technical Body (STB) developing additional guidance to be adopted by the COP, which would be the BBNJ COP2 at the earliest, as BBNJ COP1 will first need to agree on key documents and modalities of the STB. Although there is not an explicit mandate for the STB, further work will be needed on recommendations and guidance for the content of the management plan required as part of ABMT proposals (Art. 19 paragraph 4 f), including provisions for MCS.

Based on the discussions at the organizational meeting of the Preparatory Commission (PrepCom) and the relatively narrow scope for the clusters of issues that States converged on, despite containing some flexibility¹, it is unlikely that the further development of guidance on any of these issues will be discussed at the PrepCom itself. Based on this conclusion, participants agreed that this work would need to be advanced through parallel processes, while acknowledging that bringing them into the official BBNJ process will likely be challenging and that such work-streams would need to find the best pathways to get messages where they are needed, to nourish and support discussions by States.

Some parallel fora or avenues mentioned in this context were:

- Third United Nations Ocean Conference (UNOC3);
- BBNJ Informal Dialogues;
- The Informal Consultative Process (ICP);
- The Singapore BBNJ Symposium;
- The High Seas MPA Accelerator;
- Through a network of MPA pilot sites; and
- Through projects or workshop series.

On the areas of work that did get included in the clusters of issues contained in the Annex to the statement by the co-chair of the PrepCom at the closing of the organizational meeting of the PrepCom and that will form the basis of the PrepCom Programme of Work, participants agreed on the importance of establishing the subsidiary bodies involved in the ABMT process, in particular a well-designed and functioning STB. There was further agreement that operationalizing the financial mechanism also required additional work and guidance.

¹ “The clusters of issues set out herein include matters to be addressed by the Conference of the Parties to the 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 at its first meeting, as expressly set out in the Agreement, which are indicated with an asterisk (*), and additional matters identified during the organizational meeting of the Preparatory Commission that may be addressed at an early stage by the Conference of the Parties to the Agreement.” - A/AC.296/2024/4

At the workshop, there was recognition that currently, the focus of many stakeholders and funders, as well as of other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs), was on the ABMT part of the Agreement and that interconnections between the ABMT chapter and other parts of the Agreement, such as Environmental Impact Assessments (EIAs) and capacity-building, could be worth exploring in future workshops.

The broader umbrella of integrated ocean governance - Processes in other fora

Throughout the workshop, it was recognized by participants that the BBNJ Agreement includes a strong focus on collaboration and coordination with other relevant IFBs and that its implementation will include frequent interactions with such IFBs. Participants therefore highlighted a strong need to help get relevant IFBs “BBNJ-ready”, which includes both the Secretariats but also their wider communities of practice and government decision-makers, which may often not be the same ministries that negotiated the BBNJ Agreement. Some participants expressed their view that consultation with IFBs on some of the ABMT proposals being considered “should have started yesterday”, given the recognition that building relationships that enable effective engagement takes sustained, reliable efforts over long periods of time. It was noted that informal possibilities to exchange, such as workshops or the Convention on Biological Diversity (CBD) Sustainable Ocean Initiative, could play an important role in building that trust. IFBs specifically mentioned included:

- The Convention on Biological Diversity (CBD);
- The FAO and Regional Fisheries Management Organizations (RFMOs)/ Regional Fishery Bodies (RFBs);
- The United Nations Environment Programme (UNEP) & Regional Seas Conventions, such as the Regional Seas Convention for the North-East Atlantic (OSPAR) and the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) for their experiences in setting MPAs in ABNJ; and
- The International Maritime Organization (IMO).

Participants also shared that there were important lessons for the BBNJ Agreement in the experience of some of the IFBs (with CBD Ecologically or Biologically Significant Marine Areas (EBSAs) being the most prominent), but that these should only inform and not form the basis of BBNJ approaches. In terms of messages that the BBNJ community of practice could bring to these other fora, some participants stressed that the BBNJ Agreement should bring more focus on the application of the precautionary principle and on quality of MPAs, compared to existing efforts. Given the large number of relevant fora and workstreams, participants agreed again that a strategic and coordinated approach would be most helpful.

Key considerations stemming from the discussions have been captured in this report (section Key considerations from the workshop).



Workshop report

Introduction

The 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 (BBNJ Agreement) was adopted on 19 June 2023. It is widely recognized as one of the most significant achievements of multilateralism in decades, and will give Parties new tools to advance, in an equitable manner, the conservation and sustainable use of the almost two-thirds of the ocean that fall outside of national jurisdiction², once it enters into force (which will happen “120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession” as expressed in the article 6(1) of the Agreement)³. In parallel with States going through their respective domestic processes to become parties the Agreement, there are a range of activities that States, and other stakeholders, can consider as they prepare for the early operationalization and implementation of the BBNJ Agreement⁴, including, but not limited to, those within the scope of the UN General Assembly mandated PrepCom⁵.

Identifying and fleshing out activities that could help prepare for the designation of Area-based Management Tools, including Marine Protected Areas (MPAs) under the BBNJ Agreement was the focus of a 2-day workshop organized by IUCN on

3-4 September 2024 at its headquarters in Gland, Switzerland, part of an annual workshop series⁶, with the support of the French Biodiversity Agency (OFB, Office français de la biodiversité).

This report provides a summary of the workshop, following the chronological order of the sessions, and provides a synthesis of common messages and issues that emerged throughout the sessions. Discussions during the workshop were held under Chatham House rules, so apart from information imparted during presentations, this report will not attribute statements.

Introductory session

The workshop was opened by IUCN Deputy Director General - Programme, **Stewart Maginnis**, who welcomed participants, recalled IUCN's important role throughout the BBNJ negotiations and its role as a convener. He also emphasized the many years of invaluable work by IUCN Senior High Seas Advisor Kristina Gjerde. He remarked on the growing prominence of ocean conservation in multiple international fora and, looking forward, stressed the importance of the forthcoming UNOC3 in Nice, France, June 2025, followed by the IUCN World Conservation Congress in Abu Dhabi, United Arab Emirates, in October 2025, for maintaining the momentum for the BBNJ Agreement.

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- 2 Areas beyond national jurisdiction include both the high seas (UNCLOS Part VII) and the international seabed area (“The Area”, UNCLOS Part XI and article 1(1) definition).
 - 3 Parties can express their consent to be bound by the Agreement through ratification, approval, acceptance or accession. (Treaty Section of the Office of Legal Affairs. Treaty Handbook. (United Nations)) & see article 66 of the BBNJ Agreement
 - 4 Gjerde et al., 2022, Getting beyond yes: fast-tracking implementation of the United Nations agreement for marine biodiversity beyond national jurisdiction, <https://doi.org/10.1038/s44183-022-00006-2>
 - 5 UN GA Resolution A/RES/78/272
 - 6 [Laying the foundation for rapid, effective, and equitable implementation of the new High Seas Biodiversity Treaty - Story | IUCN](#)

Next, **Ashok Adicéam**, Head of International Mobilization – Deputy Special Envoy of the President of the French Ministry of Foreign Affairs provided an overview of what is planned for UNOC3. He named the objectives that UNOC3 would try to advance: the successful conclusion of ongoing multilateral processes, including the entry into force of the BBNJ Agreement; mobilizing funding to support the implementation of SDG14; and strengthening and disseminating knowledge related to ocean science.

He further announced that there would be several special events immediately before UNOC3⁷, namely an ocean science congress, a summit on sea-level rise highlighting coastal cities' efforts, and a blue economy and finance forum co-organized by Costa Rica and Monaco.

He closed by presenting the ten actions that France will promote as host country of UNOC3, including head-of-state level attendance for the conference itself, nominating co-chairs for the ocean panels that will transform panel outcomes into concrete engagements, and working towards 60 ratifications of the BBNJ Agreement by UNOC3 to ensure its swift entry into force.

In the next presentation of the introductory session, **Phénia Marras**, Marine Adviser for multilateral relations - Directorate for European and International Relations, OFB, highlighted that the adoption of the BBNJ Agreement represented a historical achievement at a time when threats to ocean biodiversity continued to increase and urged keeping the momentum high, both in working towards 60 ratifications and in preparing for the Agreement's entry into force via the PrepCom.

With regards to ABMTs under the BBNJ Agreement, she shared that OFB is committed to

supporting the preparatory work for ABNJ MPA pilot sites and promoting the importance of having good technical backing and understandable common messages. For UNOC3, she shared that there may be an opportunity to focus on ABNJ during the conference, where ABNJ MPAs could be promoted. Other opportunities, such as IMPAC6, were mentioned.

Closing off the introductory session, **Aurélien Spadone**, Senior Programme Officer, IUCN, recalled the history of the workshop series, which has been running since 2017 with the support of OFB, to support the BBNJ negotiations with a focus on the ABMT part. She said that with attention shifting to ratification, entry into force, and early implementation following the adoption of the BBNJ Agreement, a new phase was starting and that the present workshop would focus on the ABMT part of the BBNJ Agreement and provide a platform for sharing information on efforts to prepare ABMT proposals for the consideration of future BBNJ COPs.

As a tangible outcome of this workshop, she asked participants, in their role as experts, to identify and craft overarching messages regarding the development of proposals for ABNJ ABMTs including MPAs that could be shared in relevant international fora.

1) Status of the BBNJ Agreement and on-going efforts towards its entry into force

This session aimed to bring participants up to date on the UN General Assembly-mandated PrepCom and other ongoing efforts to bring the BBNJ Agreement into force and prepare for its early implementation. It featured two

7 OOSC – One Ocean Science Congress, Nice, 4-6 June 2025
 ORR – Ocean Rise & Resilience, Summit of coastal cities and regions, Nice, 7 June 2025
 BEFF – Blue Economy and Finance Forum, Monaco, 7-8 June 2025

presentations, followed by questions and answers and then a third presentation.

The first presentation by **Athina Chanaki**, Legal Officer, Division of Oceans and Law of the Sea (DOALOS) of the Office of Legal Affairs of the United Nations, started by explaining that DOALOS served as the Secretariat for the BBNJ negotiating process that led to the adoption of the BBNJ Agreement and currently serves as its interim secretariat until the secretariat established by article 50 of the Agreement commences its functions. She explained the mandate of DOALOS, including in relation to the PrepCom established by UN General Assembly resolution A/RES/78/272⁸, to prepare for the entry into force of the Agreement and the convening of the first meeting of the Conference of the Parties (COP1) to the Agreement. She confirmed that the voluntary trust fund, established by UN GA resolution 69/292 to assist developing countries in attending the BBNJ negotiating process, had been expanded to fulfill the same function for PrepCom meetings and gave an overview of the outcomes of the organizational meeting of the PrepCom⁹ convened pursuant to resolution 78/272 on 24-26 June 2024. During that meeting, the PrepCom elected the co-chairs and a 15-member bureau of the Commission, decided that it would meet for at least two sessions in 2025 (14-25 April and 18-29 August), and for at least one session in 2026 on dates to be determined. She reported that the organizational meeting of the PrepCom also discussed three clusters of issues to be addressed by the PrepCom, containing both issues to be addressed by COP1 as expressly set out in the Agreement and additional issues identified by the PrepCom, and requested the co-chairs to prepare, in consultation with the bureau, the provisional programme of work of the Commission on that

basis. During the presentation, it was explained that the three clusters of issues were as follows: I. Governance issues, II. Issues pertaining to the operation of the Clearing-House Mechanism, and III. Financial rules, and financial resources and mechanism. Governance issues included among others: 1. Rule of procedure for COP, 2. Terms of reference and modalities for the operation of, and rules of procedure for the subsidiary bodies established under the BBNJ Agreement, 3. Selection process for members of the STB and the other subsidiary bodies, and 4. Arrangements for the functioning of the Secretariat, including its seat.

The second presentation was by **Daniel Kachelriess**, Cross-Cutting Coordinator of the High Seas Alliance and member of the Ocean Law Specialist Group of IUCN World Commission on Environmental Law, who outlined stakeholders' reflections on the PrepCom process and priorities towards the early implementation of the BBNJ Agreement, with a focus on ABMTs.

He regarded the organizational meeting as mostly a success, in particular with regard to the ambitious schedule of PrepCom meetings decided but pointed out that delegations had reduced the scope to "issues of relevance to the first COP"¹⁰. He noted that, of particular relevance to the workshop, the PrepCom would likely not discuss additional guidance or processes that may be needed to put the ABMT provisions of the Agreement into practice. Because the Clearing-House Mechanism (CHM) featured strongly in the clusters of issues, he posed the question to the group whether the CHM would also have a role to play for the ABMT part of the Agreement, where it is not explicitly mentioned. Finally, he noted that many modalities for the PrepCom discussions, including potential intersessional work and

8 [UN General Assembly Resolution A/RES/78/272](#)

9 Also see Report by the Co-Chairs on the organizational meeting of the PrepCom contained in [document A/AC.296/2024/4](#)

10 N.B. the PrepCom may exchange views and information on any other issues of relevance for consideration by the COP at its first meeting.

processes to consult experts on highly technical issues, remain to be decided.

In the discussion following the two presentations, it was noted that DOALOS administers the voluntary trust fund; that ABMTs are the broader category of measures with sustainable use and conservation objectives, whereas MPAs primary objective is conservation¹¹; and that African countries are represented in the bureau of the PrepCom by Sierra Leone, Mauritius, and South Africa. It was also clarified that while the PrepCom will remain open to all States Members of the United Nations, members of the specialized agencies and parties to UNCLOS, after 20 September 2025 or the date of entry into force of the Agreement, whichever comes earlier, decisions will only be taken by signatories and BBNJ Parties¹² and that decisions of the PrepCom on any recommendations to the COP would be taken at its final meeting¹³.

Aside from clarification questions, the thread of discussion revolved around where and when issues that were not explicitly included in the clusters of issues, in particular some additional guidance on the ABMT provisions, would be discussed and what other fora could be helpful in that regard. While noting that “issues of relevance to the first COP” allowed some flexibility, the group was overall pessimistic that the PrepCom would be able to devote significant time to additional issues.

Several participants emphasized the importance of continued expert and civil society input throughout the PrepCom process. Several fora were discussed as potential opportunities to

provide input into the PrepCom process, including the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP)¹⁴, that is foreseen to take place between the first and second meeting of the PrepCom. For expert input, it was noted that the IPCC had a highly authoritative role in the climate discussion, recently demonstrated again by strong references in the ITLOS Advisory Opinion on Climate Change, but that no equivalent currently existed in the marine biodiversity field. Participants noted that the World Ocean Assessments (WOA) produced by the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (Regular Process) were extensive but did not go into sufficient detail and that the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has not covered marine issues until recently and would need to be specifically instructed, e.g. by the future BBNJ COP. It was noted that the upcoming IPBES scoping report on connectivity could be relevant. The Intergovernmental Oceanographic Commission of the United Nations Educational Scientific and Cultural Organization (IOC/UNESCO) and the emerging International Panel of Ocean Sustainability initiative were two additional fora that were mentioned, but not discussed in detail.

The third and final presentation in this session was also delivered by **Athina Chanaki** of DOALOS, who gave an overview of DOALOS’s programme of activities to promote a better understanding of the BBNJ Agreement and prepare for its entry into force.¹⁵ She explained that, in implementing this programme, DOALOS was seeking to strengthen

11 See relevant definitions contained in article 1 of the BBNJ Agreement.

12 I.e. States or regional economic integration organizations that have ratified, approved, accepted or acceded to the Agreement

13 UN General Assembly Resolution A/RES/78/272, paragraphs 8 and 9.

14 https://www.un.org/depts/los/consultative_process/consultative_process.htm

15 Developed in response to the request in a UN General Assembly Resolution A/RES/77/321

interagency cooperation and coordination within the UN system including through its role as focal point for ¹⁶ and to build s¹⁷. She clarified that, in addition to activities supported by regular UN budget, DOALOS was receiving additional funding from the EU to implement a number of activities. She mentioned among others that DOALOS and UNEP had jointly developed an online introductory course on the BBNJ Agreement and that DOALOS in cooperation with the Global Environment Facility secretariat had conducted an initial survey on capacity building and technical needs to inform the development of further assistance in support of States' efforts to become parties to the BBNJ Agreement and prepare for its implementation¹⁸.

2) Avenues for cooperation in international arenas

The second session's objective was to discuss the potential role of other international frameworks and bodies in advancing the BBNJ Agreement's early operationalisation.

Joseph Appiott, the coordinator of the marine, coastal and islands biodiversity programmes of the CBD, made a presentation highlighting the interlinkages between the BBNJ Agreement and CBD Global Biodiversity Framework (GBF), in particular GBF Target 3 to reach 30% protected areas by 2030 (30x30), which has often been used to push for rapid ratification and entry into force of the BBNJ Agreement. He also mentioned interlinkages on benefit-sharing for digital sequence information (DSI); CBD's experience

of running three clearing house mechanisms; work and guidance under the CBD on spatial management tools, including MPAs; Other Effective Conservation Measures (OECMs); the identification of EBSAs; and a shared community of practice. He noted that there was a large overlap between the EBSA process and the indicative criteria for identifying ABMTs included in the Annex of the BBNJ Agreement (17 out of 22 criteria) and previewed that an update of the EBSA process was one of the key decisions up for discussion at the upcoming 16th meeting of the Conference of the Parties (COP16) of the CBD. He also introduced an information document prepared by the CBD Secretariat to highlight opportunities for synergies and collaboration with the BBNJ Agreement¹⁹ and indicated that operationalising this collaboration would also be discussed at COP16, while noting that some CBD Parties want to wait until the BBNJ Agreement is in force. In terms of fora in which collaboration was already taking place, he mentioned the biodiversity liaison group²⁰ which brings together Secretariats of Multilateral Environmental Agreements (MEAs) and the "Bern Conferences"²¹ focused more on decision makers of Parties of such MEAs. Another existing workstream of the CBD with particular relevance for future collaboration is the SOI Global Dialogue, which brings together RFMOs and Regional Seas Programs.

During the question-and-answer session following the presentation, the group discussed the link between EBSAs and potential future management measures, noting that some Parties see them as a purely scientific exercise, and the prospects of reaching agreement on

16 [UN Oceans: Home](#)

17 See <https://elearning.informea.org/course/info.php?id=46>

18 See <https://www.un.org/bbnjagreement/en/capacity-building-and-technical-assistance/global-environment-facility-gef-support>. A compilation of initial results is available here: https://www.un.org/Depts/los/reference_files/BBNJ/20240315ResultsCBNeedsSurvey.pdf

19 See document CBD/SBSTTA/26/INF/8

20 <https://www.cbd.int/blg>

21 <https://www.unep.org/events/conference/bern-iii-conference-cooperation-among-biodiversity-related-conventions>

the new EBSA process at CBD COP16. On the former, it was noted by several discussants that while EBSAs were a scientific exercise (a priori excluding socio-economic information), the intention is that EBSA information is meant to be used to inform planning and management decisions by States and competent intergovernmental authorities. On prospects of an updated process²², it was noted that while it will be up to Parties to decide, there was a better chance for a positive decision than at previous COPs and caution was expressed against bringing in any new ideas last minute²³. With regard to synergies between the CBD and the BBNJ Agreement, participants also proposed to look at what CBD can do that can complement work under the BBNJ Agreement (i.e. added value) as the basis for future cooperation, and recommended that Parties should include the BBNJ Agreement in their National Biodiversity Strategy and Action Plans (NBSAP) and the opportunity for COP16 to prioritize financing for issues that deliver benefits on both CBD and BBNJ objectives.

The session continued with a broader discussion moderated by **David Johnson**, Director of Seascope Consultants, and **Cymie Payne**, Professor for international and environmental law at Rutgers University and Chair of the Ocean Law Specialist Group of IUCN World Commission on Environmental Law (WCEL). In their introductions, they noted that understanding of the importance of the BBNJ Agreement was still limited to a small epistemic community²⁴ that included everyone present at the workshop and that

broadening that community and building new strategic coalitions would be critical to advance the objectives of the Agreement next to the DOALOS and state-led processes.

During the discussion several threads emerged:

- **Quality of MPAs:** It was noted that a recent analysis showed that two thirds of current MPAs within Exclusive Economic Zones did not have adequate levels of protection and that when talking about 30% of area protected in the context of the 30x30 Kunming Montreal Global Biodiversity Framework (KMGBF) target, the quality of protection and the effectiveness of sites should also be considered, i.e. these areas should be fully protected and well managed to deliver the greatest ecological benefits.
- **Building successful, trusted relationships in new fora:** Several participants emphasized the importance of building trust at individual and institutional levels to be able to effectively work in new fora, i.e., to build confidence and share expertise on the BBNJ Agreement. Participants emphasized that long-term engagement in relevant fora and understanding of their workings was needed to build such trust and that both informal working group meetings and formalization of cooperation, e.g. through MoUs, would be helpful in that regard. The CBD SOI Global Dialogue was mentioned positively

22 Between the time of the workshop and the publication of the present report, the CBD COP16 [adopted](#) the modalities for the modification of descriptions of ecologically or biologically significant marine areas and the description of new areas contained in the annex, and requests the Executive Secretary to facilitate the implementation of the modalities

23 As an update, Parties adopted, at CBD COP16, the decision ([CBD/COP/16/L.8](#)) which:

- extends the term of the Informal Advisory Group on EBSAs;
- adopts the modalities for the modification of descriptions of EBSAs and the description of new areas;
- acknowledges the potential synergies between the process to facilitate the description of areas meeting the criteria for EBSAs and the future implementation of the BBNJ Agreement; and
- requests the Secretariat to develop voluntary guidelines on peer-review processes for the description of areas meeting the criteria for EBSAs.

24 A network of professionals with recognized expertise and authoritative claims to policy relevant knowledge in a particular issue

as a venue where such trust-building could take place. The Regional Seas Conventions were also mentioned as relevant for a, as well as other regional (e.g. RFMOs) and international bodies (e.g. IMO, ISA). It was noted that improved collaboration and coordination within the NGO community would be helpful to ensure that messaging is aligned, and partners are not overwhelmed by too many messages.

- **Building a common understanding of the BBNJ Agreement:** It was noted that because the BBNJ Agreement contained many provisions with creative flexibility, it will be important to build common understanding. It was confirmed during the discussion that IUCN will prepare an IUCN explanatory guide to the BBNJ Agreement, complementary to material prepared by DOALOS, that will contribute to building a better understanding of the Agreement text.

It was also noted in the recap of the session that while there was considerable experience of working in the RFMO space among participants, they and their interactions with the BBNJ Agreement had not been discussed in detail during this workshop. The need to bridge with RFMOs was highlighted. Targeted action with RFMO community is important to ensure there is open dialogue to surface synergies that address existing gaps within RFMO structures. This could be facilitated by, for example, having BBNJ focal points within RFMOs.

3) Preparatory work for future ABMTs including MPAs in Area Beyond National Jurisdiction (ABNJ)

The aim of the third session, which was spread over both days, was to explore the processes of working towards ABMTs in ABNJ and included two presentations, a short update on planning for UNOC3 and a tour-de-table where participants had opportunities to speak about their respective site-based work. Participants were then asked to synthesize, via breakout groups, the information already presented and the experts' knowledge into common messages to consider across different site-based efforts.

The first presentation was given by **Klaudija Cremers**, Senior Research Fellow at the Institute for Sustainable Development and International Relations (IDDRI) who previewed the results of an ongoing IDDRI study entitled "Assessing the cost of future high seas MPAs: an initial methodological approach"²⁵ as well as a paper on monitoring, control and surveillance (MCS)²⁶. She explained that the study focusses strictly on the day-to-day operation of an MPA in ABNJ and does not include costs for preparing proposals, such as the science and consultations needed and the initial set-up of the MPA. The study is qualitative rather than quantitative, owing in part to the difficulty of obtaining data on the operational cost of existing, even domestic, MPAs. She outlined four main categories of costs that had been identified:

- **Administration and oversight:** Options ranging from cooperative governance, centralised governance (where one body would be responsible for all ABNJ MPAs) to decentralised governance (where one body would be created per ABNJ MPAs),

25 The study was subsequently published in October 2024 and is available here: <https://www.iddri.org/en/publications-and-events/issue-brief/assessing-management-costs-future-high-seas-marine-protected>

26 [Monitoring, control and surveillance of future high seas MPAs: what role for emerging technologies?](#)

with the latter options estimated to be more expensive.

- **Monitoring Control and Surveillance (MCS):** Important to avoid paper parks, but expensive. New technologies can only supplement and do not replace traditional MCS. Given the high costs of patrol vessels and aircraft this would likely have to rely on in-kind contributions by States. Also, initial outfitting of vessels with Vessel Monitoring systems should be part of States' normal fisheries management and not a cost for the MPA. Again, different types of management are associated with different costs.
- **Scientific activities:** Monitoring of effects to ensure an MPA fulfils its objectives, noting that partnerships with stakeholders can help in that regard.
- **Education and outreach:** Important to build public support and ensure longevity of processes. Estimated to be less extensive in ABNJ compared to coastal MPAs.

In the lively discussion following the presentation, workshop participants debated the difference between the scientific monitoring, which is more about the ecosystem, and MCS, which is about monitoring human activities, and noted that scientific monitoring would also be more expensive in ABNJ compared to coastal MPAs. Comments were made by several participants that the costs for the initial scientific research would likely be very high and should not be underestimated. It was also argued that investing in the proper design and set-up of MPAs could lower management costs later. There was an overall weighing of pros and cons of providing estimated figures,

with many worried that the likely high costs would scare off future proponents, but others arguing that it was critical to have quantitative estimates. Participants emphasized that partnerships and in-kind contributions were essential to keep down costs, and noted that fines could also be a funding source. A cost-benefit analysis was proposed as a tool that would help proponents estimate the financial implications of different MPA design choices, however noting that they often undervalue the value of healthy, thriving ecosystems or the inherent value of nature. It was also proposed to use the PrepCom process to gauge Parties' current thinking on some of these issues, in particular under the Administration and Oversight category.

The second presentation was given by **Torsten Thiele**²⁷, Global Ocean Trust and member of the IUCN World Commission on Protected Areas (WCPA), on "Perspectives on the financial resources and mechanisms of the BBNJ Agreement", in which he highlighted key elements of the BBNJ financial mechanism, and noted the important achievement represented by the Special Fund, which has benefitted from lessons from the past. He noted the steps still needed to operationalize the BBNJ financial mechanism and the list of uses for funding from the BBNJ Special Fund and the GEF, which include capacity building, but not the management of MPAs. He also reminded participants that a footnote was added to issue #10 ("Operationalization of other provisions on financial resources and mechanism") during the organizational meeting of the PrepCom while discussing about the clusters of issues because of the lack of consensus around financing – in particular the initial resource mobilization goal with the horizon of 2030. He emphasized the need to work on the resource mobilization goal in advance of UNOC3

27 Thiele, T. (Editor). 2022. [Innovative High Seas Finance Mechanisms for the future instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction \(BBNJ\)](#), Gland, Switzerland, IUCN Headquarters: IUCN. 8 pages

to avoid a similar dynamic. He encouraged participants to flip the narrative from costs to investment opportunities, via monetizing natural capital assets such as blue carbon and emphasizing the cost of degradation, rather than focusing on the cost of conservation.

In the ensuing discussion, participants picked up on the opportunity that restoration is mentioned as a potential new and additional element of the financial mechanism and agreed it was worth considering how to integrate and use this reference in the future. There was some discussion about whether there were alternative interpretations that would enable funding from the Special Fund to go towards management of ABMTs, including MPAs. It was also emphasised that further work was needed regarding operationalizing the Special Fund, including finding an institutional home for it. Last but not least, it was noted that going forward, it will be important to clearly message that the BBNJ financial mechanism will only exist after the Agreement enters into force and that funding needs to prepare for ratification and implementation prior to entry into force were separate but equally important.

Kicking off the second day, **Phénia Marras**, Marine Advisor for multilateral relations - Directorate for European and International Relations at OFB, gave a short update on the planning for UNOC3, including several special events²⁸ that will take place prior to the political conference. She also emphasized that the innovation of UNOC3, compared to previous UNOCs, was the focus on convergence and progress between different UN related processes.

Next, a roundtable allowed participants to share their respective work and insights into existing

efforts to prepare for MPAs in ABNJ, both on the scientific and technical case and the political momentum aspects. The following sites were discussed:

- **Salas y Gomez and Nazca ridges (speaker: Haydée Rodriguez):** This is a priority site as it connects with MPAs in Chile and Peru and has an important cultural component as pathway for Pacific Voyagers. She explained that threats to the sites are well documented. Chile champions the site. There are two parallel efforts: 1) to create a fishery closure working through the relevant RFMO, SPRFMO; and 2) to prepare a proposal for an ABMT to be considered by the BBNJ COP once it is up and running.
- **Saya de Malha Bank (speaker: François Simard):** This site is a very shallow area in the Indian Ocean and early in the process of being considered for an MPA. A 20-day expedition organized by Monaco in 2022 collected the first scientific information since the expedition conducted by the Russian Federation in the 1980s. The area is under a special governance regime between Mauritius and Seychelles. A workshop with all stakeholders is being planned.
- **Sargasso Sea (speaker: David Freestone):** Ten years after the 2014 Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea, it has now ten Parties, 33 collaborating partners and many MoUs, including one with Northwest Atlantic Fisheries Organization (NAFO) in 2023 to close all seamounts in the Sargasso Sea area

28 OOSC – One Ocean Science Congress, Nice, 4-6 June 2025
 ORR – Ocean Rise & Resilience, Summit of coastal cities and regions, Nice, 7 June 2025
 BEFF – Blue Economy and Finance Forum, Monaco, 7-8 June 2025

to fishing and a more recent MoU with the International Commission for the Conservation of Atlantic Tunas (ICCAT) in 2024. He noted that undertaking stakeholder engagement (on which ICCAT has a dedicated strategy) and gathering best available science, including socio-economic analyses, were expensive and time consuming.

- **Costa Rica Thermal Dome (speaker: Jorge Jiménez):** The project is currently developing a socio-ecosystem diagnostic analysis, promoting research to fill gaps, including an upcoming expedition of Argo floats to capture oceanographic information. The project is also building a bibliographic library. The governance is complex, with several regional bodies. Stakeholder engagement efforts with fisheries stakeholders failed. There are ongoing considerations to develop an MoU between coastal states and starting ABMT measures under the International Maritime Organization (IMO) through Particularly Sensitive Sea Area (PSSA), whilst also highlighting that the timeline to complete a PSSA designation could be about 2 years from the moment it is submitted.
- **Emperor Seamounts (speaker: Nichola Clark):** This pertains to an informal coalition of civil society organizations²⁹ with a focus on RFMO engagement. The United States tabled a proposal to close seamounts to trawling with the North Pacific Fisheries Commission (NPFC) (with Canada as a co-sponsor).
- **OSPAR area (speaker: Carole Durussel):** OSPAR is the Regional Seas Convention

for the North-East Atlantic, and the OSPAR Convention provides the mandate and competence to designate MPAs in ABNJ that are legally binding on its Contracting Parties. OSPAR has a process in place to designate MPAs in its Maritime Area, which includes *inter alia* the development of a nomination proforma collating scientific evidence and describing the conservation objectives and consultation with stakeholders. The designation of the MPA comes with a recommendation on management of the site, which includes national and collective actions and implementation reporting obligations. OSPAR also works with other competent bodies to agree on other management measures that are within their competence. To date, 12 MPAs have been designated in ABNJ, of which 8 have been collectively designated by OSPAR. The Collective Arrangement agreement adopted in 2014 between OSPAR and the North East Atlantic Fisheries Commission (NEAFC) aims to facilitate cooperation and coordination on area-based management between legally competent authorities and is proving helpful in coordination and alignment in this respect.

- **IKI proposal (speaker: Gunnar Finke):** A proposal entitled “Living High Seas initiative” submitted under the 2023 thematic call of the German International Climate Initiative (IKI) was also presented, with the target regions selected among existing EBSAs tentatively identified as the Salas y Gomez and Nazca Ridges EBSA, the Atlantic equatorial fracture zone and high productivity system EBSA, the Central Indian Ocean Basin EBSA, the South of Java Island EBSA and the Remetau group

EBSA, with partner countries tentatively in Ecuador, Brazil, Sierra Leone, Indonesia and Micronesia. The consortium of the project is Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ – project lead), IUCN and the Global Ocean Biodiversity Initiative (GOBI)³⁰.

In the ensuing discussion, many questions focused on how processes under existing international frameworks and bodies related to BBNJ ABMTs, including:

- Why were no Vulnerable Marine Ecosystems (VMEs) designated for the Emperor Seamounts? It was explained there were disagreements about methodology, lack of data, a different scale compared to a BBNJ ABMT (individual seamounts vs. chain of seamounts).
- On the added value of a BBNJ MPA: is it just added pressure on other existing processes or an opportunity to enhance coordination and possibly define measures not yet possible under existing processes? Participants discussed and mentioned that for the Sargasso Sea, the only tools available at the moment are those under NAFO as well as IMO PSSAs. For Salas Gomez y Nazca, it was mentioned that the aim is to use what already exists and make it stronger in the future. There were some diverging views as the powers of the BBNJ COP with regards to ABMTs remain to be clarified.
- What are the interlinkages between the UNESCO World Heritage sites and BBNJ? Participants mentioned there were some overlaps in champion countries, and that learning could be drawn regarding the

engagement of indigenous communities, including on cultural value as a reason for implementing area-based management tools.

There was also a question regarding how ABMTs that aren't MPAs could be considered, for example, looking at the indicative criteria in BBNJ Annex I compared to the EBSA criteria or considering other parts of the Agreement. Participants emphasized in particular the value of indigenous and traditional knowledge and that some proposals were being led or supported by indigenous peoples.

It was further noted that the adoption of the BBNJ Agreement had triggered pre-emptive thinking by participants in some relevant IFBs to highlight what ABMTs they have and to show that they work in order to avoid BBNJ superseding them.

One participant noted that using existing processes to lay the groundwork for BBNJ proposals had value, but cautioned against setting a precedent that this would always have to be the case.

It was also noted that for the BBNJ COP to be able to consider ABMT proposals, the Agreement first needs to enter into force, and it would therefore be helpful to link site-based work to the broader ratification campaign by sharing information.

Breakout Groups

After the discussion, the participants split up into **four breakout groups**, three on-site and one on-line. Each breakout group designated a note taker and a presenter. The full notes of each breakout group are attached in the Annex.

³⁰ Since the time of writing, the proposal has been pre-approved by the Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz (BMUV).

During the discussion, there was a strong sense in the room that, based on the organizational meeting of the PrepCom, there would be little time or appetite to detail the guidance on aspects of the ABMT process, but that the PrepCom would nevertheless be an important forum to distribute information. There was a lot of discussion that it would therefore be necessary to work in parallel with the official PrepCom process, and to make sure that parallel processes speak to each other and that progress can be taken up by the official workstreams. One of the activities that needed to be started in parallel was initiating a consultation with existing, relevant IFBs and building their understanding of the BBNJ Agreement. It was noted that a variety of ministries might be responsible for each.

Another cluster of discussions related to the coordination and role of civil society. It was recognized that civil society organizations play an important role in supporting ABMTs. Many participants noted the importance of long-term engagement and continuity in different fora, while recognizing that new colleagues and actors emerge regularly. There was a strong sense that more coordination among civil society actors was needed. One proposal was to formalize communication between the different pilot ABMT/MPA sites to improve coordination, while recognizing that this would require dedicated staffing. Another proposal was to draw up a list of civil society experts from the community to help internal communication and coordination.

The urgent need to advance ABMT proposals was invoked by many participants, both with regard to addressing climate change and meeting the 30x30 deadline. That said, participants also recognized that the BBNJ Agreement needs to enter into force and its institutions need to be up and running, which is why progress along parallel tracks would be needed. It was noted that the BBNJ text contained some areas where future

interpretation and State practice could make the BBNJ Agreement more ambitious, and that it was important to not close the door on these opportunities by socializing low-ambition interpretations. Some also cautioned that quality and proper consultation and design was as important as urgency, and that work needs to advance as quickly as possible, and as slowly as necessary.

There was also some discussion about how the ABMT section could be integrated with other parts of the Agreement, such as combining its implementation with Capacity Building and the Transfer of Marine Technology (CBTMT) measures or using Strategic Environmental Assessments (SEA) to gather data and information needed for ABMT proposals. It was also discussed whether designating an ABMT would trigger the Agreement's EIA provisions, which participants thought it would, but that they might not meet the threshold to require a screening.

4) Anticipating the BBNJ Agreement in a changing world

The purpose of the final session was to look at the broader context and future in which BBNJ ABMTs will be established, what new activities or considerations may need to be taken into account and how to future-proof ABNJ MPAs. It started with two short conversation-starter presentations. The first one was by **Anna Metaxas** from DOSI/Dalhousie University, who challenged participants to look 50-100 years into the future and think about building a larger representative network, rather than just individual ABNJ sites, and about the objectives for their designation, e.g. species or habitats, and how climate change, but also availability of new technology and knowledge, may impact them. The second was by **Guillermo Ortuño Crespo** of IUCN WCPA, who cautioned against the "MPA Tunnel vision" and invited to consider other tools in the ABMT toolkit,

making sure that these other tools are also fit for purpose and build resilience. He also highlighted the three-dimensionality of ocean space and that conservation efforts focussed on shallow waters, which needed to change.

During the discussion, several potential new considerations were introduced in the context of the recent International Tribunal for the Law of the Sea (ITLOS) Advisory Opinion on States obligations under UNCLOS with regard to climate change, namely that 1) UNCLOS also covers the air space above the surface of the ocean and that interactions between atmosphere and water column need to be taken into account; 2) Marine geoengineering would be contrary to article 195 if it has the consequence of transforming one type of pollution into another; and 3) the importance of mesopelagic communities for the global carbon pump (on which an IUCN motion is being prepared for the upcoming World Conservation Congress).

Another cluster of discussions revolved around the need for adaptive management, noting that there were currently no BBNJ ABMT management plans to look at for best practice, but lessons could be drawn from national MPA management plans or existing ABMT plans e.g. national PSSAs? It was noted further that there were not yet many examples of truly adaptive processes and that one challenge for adaptive responses (e.g., changing the shape or management of a site) would be the need to find political support again, unless this option was already built into a site's modalities. It was mentioned that an approach that has been used when identifying

EBSAs, is to describe sites with their maximum extent of occurrence. However, States often want to only designate the minimum extent. Stricter protection in the core area and more permissive measures for the rest of an area may be a way forward. Changing management rules would be much easier than changing the extent, remarked one participant. It was generally recognized that building periodic reviews into ABMTs with a role for the BBNJ STB and incorporation of scientific and traditional knowledge would be a good idea, with someone suggesting that normal policy cycles need to be 5-10 years to incorporate seasonal and multi-annual fluctuations like El Niño Southern Oscillation (ENSO).

Many participants emphasized the need to future-proof ABMTs against climate change and changes in ocean dynamics, recognizing that upscaled and well-supported data collection *in situ* was needed to do that. Some positive examples of climate change already being taken into account in conservation and management measures under RFMOs, e.g., NAFO, were mentioned.

Last but not least, it was emphasized that it is important to define clear conservation objectives, such as whether to focus on biodiversity as a whole, specific species, or a significant feature, and that it would be important to bring together information of important sites for different species and species groups, including Important Marine Mammal Areas (IMMAs) and Important Shark and Ray Areas (ISRAs). Some efforts towards this objective are already underway.



Closing

The workshop was closed with concluding remarks and a short summary by **David Johnson** of Seascope Consultants Ltd / Global Ocean Biodiversity Initiative, who thanked IUCN, OFB and the participants both in person and online. He recognized that while this workshop was part of a series of workshops since 2017, it was the first of a new phase with attention shifting to implementation, following the adoption of the BBNJ Agreement, which was reflected across the discussions.

With regards to the PrepCom, he noted that there was momentum by member states to prepare for COP1 within an official process and that it would be important to ensure that experts' opinions are heard so that the PrepCom can build on and learn from past efforts and institutional knowledge.

For preparing ABMT proposals under the BBNJ Agreement, he noted that States have multiple complementary obligations under different regimes and that there was a need for collaboration and cooperation between them, with pathways for cooperation already existing. He reflected on the tour-de-table of existing initiatives and thought they offered useful case studies with a blend of science, politics, stakeholder considerations, and threats.

For the multi-site messages identified through the breakout groups, Johnson summarized some of the potential entry points for messaging outside the official process, including IUCN Resolution 128 and the BBNJ Informal Dialogues. On the substance of messaging, he recalled the ongoing need for education and capacity building, emphasizing the objectives of the ABMT chapter of the BBNJ Agreement and highlighting future priorities, especially a well-designed and functioning BBNJ STB.

He also emphasized the importance of avoiding duplication and building trust with old and new actors; that not all of the important areas necessarily have to or can be tackled through the BBNJ Agreement; that there was a lot of urgency; and that it was important to achieve industry/sector buy-in. He also stressed that quality and coherence of proposals was very important, and that good management plans and consultation processes were critical.

On integrating climate change in ABMT proposal design, he re-emphasized the importance of future-proofing proposals and pursuing an "eyes wide open" approach which recognizes rates of change and potential tipping points.



Key considerations from the workshop

Disclaimer: The following is an attempt to capture the main outcomes of the workshop discussions. It does not imply endorsement by individual participants nor their institutions.

In their work to advance BBNJ ABMT proposals, stakeholders are advised to:

- Encourage growth and diversification of the community that understands and supports the BBNJ Agreement in their interactions with other stakeholders and governments;
- Consider that strong partnerships with governments and coalitions of governments are not only required to submit ABMT proposals, but are also key in other respects, such as collecting the data and science to underpin proposals and MCS of future ABNJ MPAs;
- Consider quality in the face of urgency: spending more time on design, stakeholder consultation, and building partnerships and support can potentially yield better and cost-effective results in the long run than rushing the process;
- Recognize that the BBNJ COP can build on existing processes, but also has its own authority and measures it can decide on; avoid employing narratives that reflect low-ambition interpretations;
- Avoid creating precedents where BBNJ ABMT processes would only be required to build on existing processes; and
- Coordinate and, where feasible, collaborate closely with other stakeholders, including on messages and outreach, to avoid working at cross-purposes or overwhelming key partners.

With regard to ongoing processes to prepare the BBNJ Agreement for entry into force and early implementation, including but not limited to the PrepCom, stakeholders are advised to:

- Continue championing the signature, ratification and early entry into force of the BBNJ Agreement, while working on parallel processes to lay the groundwork for its implementation;
- Work toward and support the setting up of well-designed and functioning subsidiary bodies, in particular the STB, and operationalizing the financial mechanism;
- Consider that several elements of the BBNJ Agreement provisions on ABMTs could benefit from additional guidance, notably ABMT proposals, criteria, consultations and management plans, including provisions for MCS;
- Advance work on the above-mentioned elements through processes parallel to the PrepCom, and find the best pathways to get messages and outputs to where they are needed to advance these discussions; and
- Consider organizing future work, including a workshop, on interlinkages between different parts of the Agreement, e.g., between the ABMT and EIA sections.

When engaging in other relevant IFBs to advance BBNJ ABMTs, stakeholders are advised to:

- Recognize the important role that interactions with some IFBs will play in the implementation of the BBNJ Agreement and the corresponding importance of helping get these IFBs “BBNJ-ready”;
- Prioritize long-term, sustained and reliable participation in key fora to build the knowledge and trust needed to effectively engage with the BBNJ Agreement in those fora where this relationship does not yet exist;
- Recognize, create, and make use of the value of informal possibilities to exchange, build trust and mutual understanding;
- Recognize that there are important lessons for the BBNJ Agreement in the experience of some of the IFBs;
- Promote the application of the precautionary principle and high-quality of standards for MPAs;
- Coordinate and where feasible collaborate closely with other stakeholders, including on messages and outreach, to avoid working at cross-purposes or overwhelm key partners;
- Embed the BBNJ Agreement in other fora’ processes where possible e.g., CBD Parties could include the BBNJ Agreement in their National Biodiversity Strategy and Action Plans (NBSAPs); and
- Avoid pursuing only MPAs and consider other tools in the ABMT toolkit.

On the finance aspects, stakeholders are advised to:

- Develop the steps still needed to operationalize BBNJ financial mechanism and the list of uses for funding from the BBNJ Special Fund and the GEF;

- Transition the narrative from the costs of MPAs to MPAs as investment opportunities, by monetizing natural capital assets such as blue carbon and emphasizing the cost of degradation, rather than focusing on the cost of conservation; and
- Formulate resource mobilization goals in advance of UNOC3 to avoid bottlenecks.

On future proofing the Agreement, stakeholders are advised to:

- Integrate equity as an important factor that needs to be considered now across the discussion, in particular on funding, composition of STB, inclusion of Traditional Knowledge (TK), and meaningful codesign of proposals to ensure successful implementation;
- Develop mechanisms to future-proof ABMTs, including MPAs in ABNJ that consider approaches to enhance climate resilience, new activities, climate-driven shifts in distribution, food availability or currents, or increasing cumulative effects;
- Support the creation of larger representative networks of ABMTs rather than only individual ABNJ sites, and diversify the objectives for their designation, e.g. species or habitats;
- Anticipate how climate change, but also the potential availability of new technology and knowledge, may impact the establishment and efficiency of such ABMTs;
- Articulate the three-dimensionality and connectivity of ocean space to be embraced by conservation efforts, moving away from traditional shallow water- or seabed-focused interventions; and
- Consider how to enhance the dynamic aspects of conservation measures to improve their suitability and effectiveness in a fast-changing environment.

Annex: Unedited Breakout group discussion Notes

Breakout Group 1:

- Political level message to UNOC3 – highlight the importance of the BBNJ Agreement in these 2 years, start committing funds, start considering championing in the BBNJ Agreement (and highlight opportunities).
- Political level at COP16 – opportunities specially in the high-level segment for governments to highlight their support to the BBNJ Agreement and its importance as countries are working to meet the GBF targets including on supporting ABMT and MPAs.
- 2025 IUCN World Conservation Congress – timeline October this year opportunity for preparing a motion to be voted and potentially passed as a resolution next year.
- Messaging: We are not starting from square one for ABMTS and MPAs. Assess if any of the IUCN criteria and other existing guidance for MPAs for marine protected areas should be applicable as is to MPAs in ABNJ or if other criteria should be included there.
- Messaging: Urgent to have draft zero templates for MPA proposals that comes from stakeholders (e.g., information paper), that could get buy-in from Parties.
- Messaging: We should not wait for the BBNJ Agreement to be in force to start preparatory work for the MPAs, there is xyz work that can already be undertaken to advance.
- Messaging to Prepcom: the BBNJ Agreement needs to be ambitious about precautionary principle. The lens should not be around concerns of risks, should instead focus on the opportunity it can bring on cumulative benefits.
- Messaging to PrepCom: STB to be multi-disciplinary (members, compositions, etc) consider BBNJ specificities. Should not replicate from others.
- Opportunity: BBNJ Dialogues for PrepCom process may be opportunity to introduce some of our ideas in one of the sessions. [what would be the messages conveyed? TBD]
- Opportunity: Maybe working on policy briefs in advance of UNOC and PrepCom, identify messaging, side events, etc. [what would be the messages conveyed? TBD]
- Other Opportunities/spaces:
 - UNOC informal preparatory work (thematic working group discussions as other potential avenue)
 - UNOC Scientific conference – potential for science papers to be submitted.
 - Blue Economic forum [what would be the messages conveyed? TBD]
- Cross cutting capacity building as a key issue: Ongoing educational process is needed for nontechnical and new people engaging in the BBNJ Agreement, including consultation with stakeholders, academic institutions, conferences in universities in developing countries =capacity building intersessionally.

- Messages for governments- beyond the negotiations:
 - Need to have a clear messaging around why the BBNJ Agreement needs to consider the given MPA proposed areas.
 - Governments need to facilitate the process for data collection - should be supporting the pilots (funding, etc.).

Breakout Group 2:

Context

- Urgency:
 - For climate change
 - For biodiversity agenda
 - Timeliness/urgency with climate change --> message on how to make it climate proof

PREPCOM RECOMMENDATIONS

- Precaution to be fully operationalized (precautionary principle or precautionary approach)
- Institutional
 - Modalities to be put in place ASAP
 - STB to be set up and running – composition, rules of procedures etc. This before any proposals can be considered!
 - How will the STB look like, composition:
 - how many members? Not defined
 - what are the skills and requirements – generic in the Agreement text

- geographical representation
- traditional knowledge
- Mandate of STB?
 - Could the STB identify areas to be designated, or recommend?
 - Could STB make recommendations on areas of research in need of further investigation?
 - Modalities for consultation and assessment of proposals to be looked into at First meeting of STB.
 - > Ideas on what processes could look like would be helpful.
- What structure would facilitate the adoption of such proposals: a sub-committee on ABMT?
- Define role the CHM could play? Neutral platform for consultation and data sharing aspects?
 - Art 51: mentions role of CHM -> would be good to clarify further, notably with regard to sharing of information related to ABMT establishment and implementation

- Consultation
 - Clarify the process to ensure quality of the proposal --> consultation required
 - Complexity of this issues:
 - Views differ between stakeholder groups
 - Context (e.g. landlock countries)
- Emergency measures:
 - Procedures for emergency measures need to be considered first
 - Using tools like IUCN red list to underpin the necessity of emergency measures?

- Partnership
 - Creation of coalition of like-minded actors on specific topics
 - To complement efforts by DOALOS
 - Coherence
 - Needs to be ensured across fora, including IFBs e.g. ISA
 - The BBNJ Agreement isn't in force, but States that have signed or ratified are obliged to refrain from acts that would defeat the object and purpose of the BBNJ Agreement - so a State that has ratified or even just signed cannot launch DSM activities that are destructive of marine biodiversity
 - Capacity building:
 - Assess the capacity
 - Conduct regional workshops
 - Complement DOALOS effort
 - ABMT proposals components:
 - Criteria under Annex I
 - Two possible avenues:
 - Expand the list? *May not be helpful at this stage*
 - Process and modalities of STB to further develop it? E.g. ensure gender balance, civil society representation, ...
 - Management plan, where precaution should sit
 - Intersessional between the prepcom?
 - Lots of pushback in plastics treaty due to burden for developing countries.
 - Everything TBD, but could be virtual to limit costs and burden
 - Format of those messages:
 - Submission to the meeting as Information document (to check if possible for observers ?)
 - Presentation at other fora / parallel processes e.g. UNOC, CBD...
- Topics:
- Not undermining: difficult conversation in early stage. It will be covered in positive manner through cooperation → preventing undermining.

Breakout Group 3:

Group 3 understood the question posed it to be:

- “What are multi-site messages to advance ABMTs in ABNJ under the BBNJ Agreement for sharing at different fora?”
- It then decided a two-step approach to the question:
 - 1) “What are obstacles & opportunities to advance ABMTs in ABNJ under the BBNJ Agreement?”; and
 - 2) “Which fora /processes would this best be approached under?”.

Draw from knowledge of existing processes like IPBES and fisheries science

- Finance (article 52 6) e, and in ABMT section article 17e)
 - How can GEF and special funds be used in support of PART III.
 - “other activities to be decided by the COP”: what could they be?

General messages

- Starting approach for designing ABMT Proposals: Opportunistic or systematic? The group discussed that existing processes provide good starting points, experiences and data. EBSAs and the Ocean Decade were specifically

mentioned, but many preferred referring to existing processes more broadly.

- Relationship of ABMT proposals with broader efforts: The group discussed that climate change and the 30x30 goal added urgency to advance ABMT proposals specifically, but the importance to at the same time put in place everything that would be required to design, propose and implement them, incl. entry into force of the BBNJ Agreement. Trade-offs between going the fastest way and taking more time were discussed, with worries expressed that prioritizing speed only would lead to paper parks. “As fast as possible, as slow as necessary” chimed with the group.
- Relationship with other bodies: The group discussed synergies and alignment with other relevant IFBs, CBD (EBSAs and resource mobilization experience) & IPBES (learning about engagement with TK groups) were specifically referred to.
- Building support for ABMT Proposals: The group discussed the complexities of building support within and across governments for ABMT proposals, as well as engaging critical stakeholders, including explicitly including traditional knowledge holders and indigenous people. The group stressed how important it is to improve coordination among ministries at the national level, despite being aware that it is time intensive. The importance of partnerships was emphasized across the board.
- Funding: The group discussed that including funding, including reliable, predictable long term funding, was key in discussions about ABMT proposals and that global mechanisms were needed, in addition

to ODA. Blue Carbon, BBNJ MGR benefit sharing and the DSI benefit sharing system under the CBD were mentioned. There was a discussion about including long-term monitoring considerations in the design and discussion up front and optimising resource use overall.

- Equity: The importance of equity was emphasized across the discussion, in particular on funding, composition of STB, inclusion of TK, and meaningful codesign of proposals. Considering how the transparency article would apply to different elements of the ABMT processes (open data, decision making) also has a strong equity component.

Outputs

- Preparing for ABMT proposals: There was broad recognition in the group that what is in the BBNJ Agreement text requires further fleshing out, e.g., steps of the process, consultation, management plans. There was a lively discussion about where and how to best process this work:
 - Experience from other processes (EBSA) suggests that ideally a mandate for a small technical advisory group would be secured from PrepCom to develop this.
 - There were strong views that it seems unlikely this would be possible to address this in official PrepCom discussions.
 - Alternatively, informal buy-in by some states, with the potential to bring this up in future discussions may cause other states to object to process but may still be very impactful (example IPBES climate assessment). As part of a broader ongoing science-policy dialogue.

- PrepCom Priorities: The group discussed that the set-up of the STB, modalities, membership, inclusion of TK would be critical

Breakout Group 4 (Virtual)

- As one of the key objectives of the ABMT provisions in the BBNJ Agreement, the establishment and management of ABMTs need to address resilience to threats including climate change, ocean acidification and marine pollution.
- In this sense, cooperation and engagement with regional organizations is important, including with regional seas conventions.
- The starting point in the ABMT proposal development should be identifying and considering the existing knowledge base including scientific knowledge contained in EBSA descriptions and other EBSA-like international approaches to describe identified areas, as well as traditional knowledge and urgency to envisage prioritisation
- Important to consider all the existing MPA platforms, including utilizing Regional Seas Conventions and Action Plan, as well as other relevant IFBs (e.g., IMO and LC/LP) and platforms with aim to enhance connectivity within EEZ and outside the EEZ.
- Another key step is the early engagement with stakeholders, including with private sector across the blue economy spectrum, including ocean finance and insurance. Analysis of socio-ecological and economic impacts and linkages to the BBNJ Agreement, under the banner of enabling more sustainable uses of the ocean economy, would also be important to inform the process and may enhance more effective implementation of the BBNJ Agreement in the future.

The background is a solid teal color with a subtle, repeating pattern of a wave crest, creating a textured, oceanic effect.

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