

Building a CHM for BBNJ

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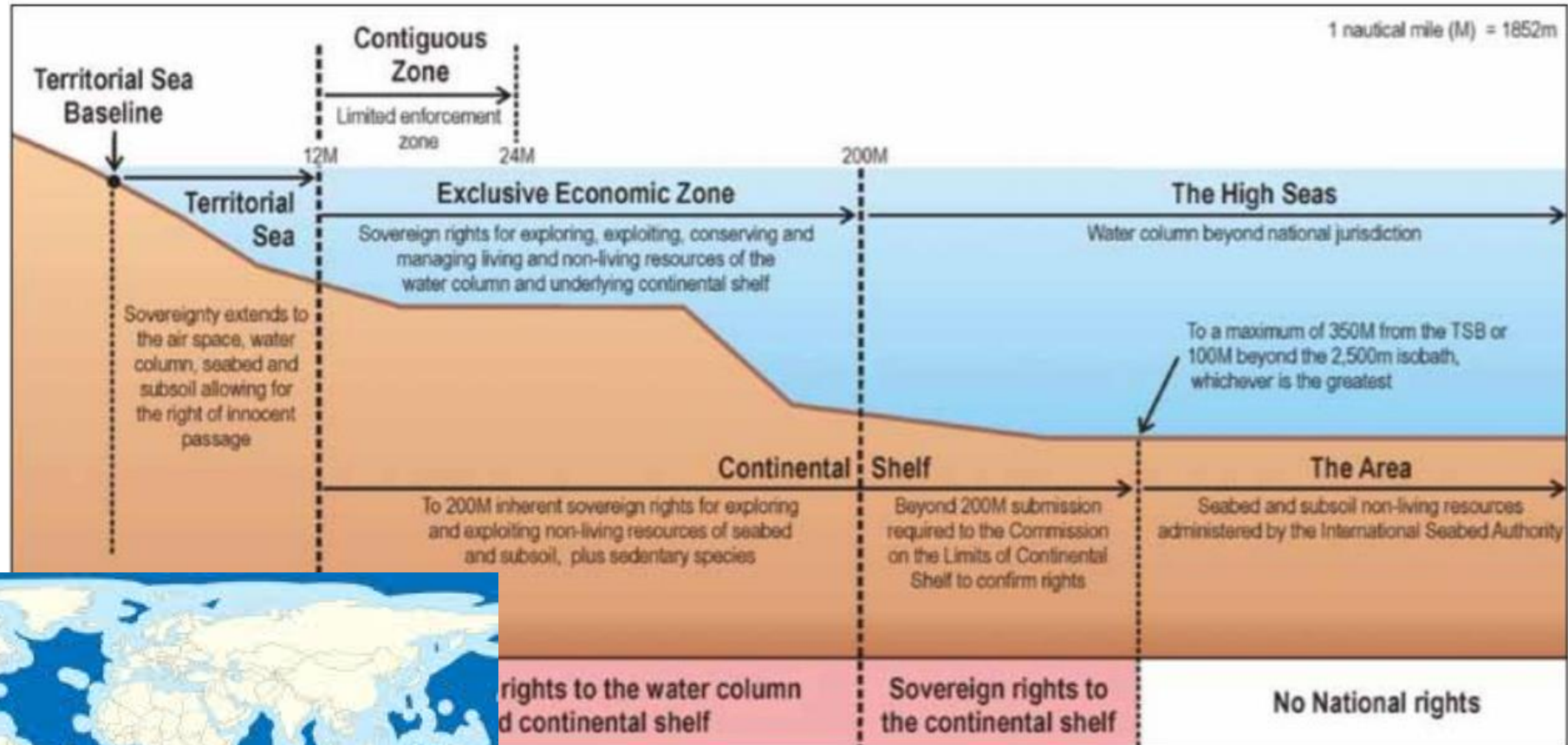


BBNJ in a nutshell

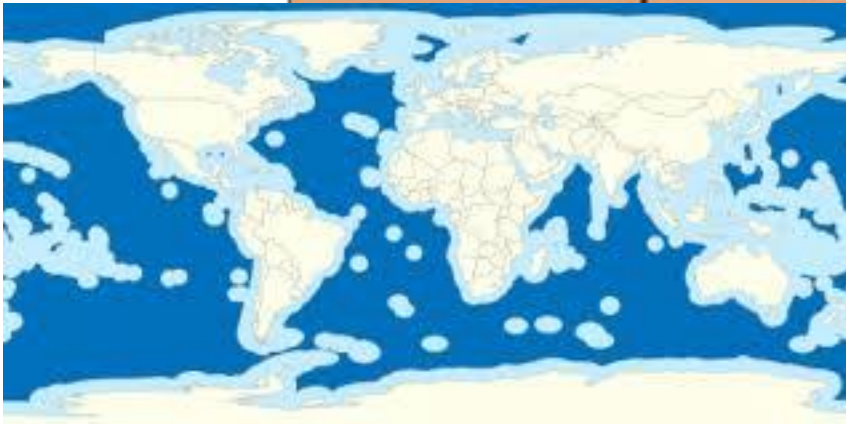
- The Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction is an agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction
- Adopted on 19 June 2023, 60 state ratifications by 19 September 2025, entry into force 17 January 2026
- Now 145 signatories, 61 Parties



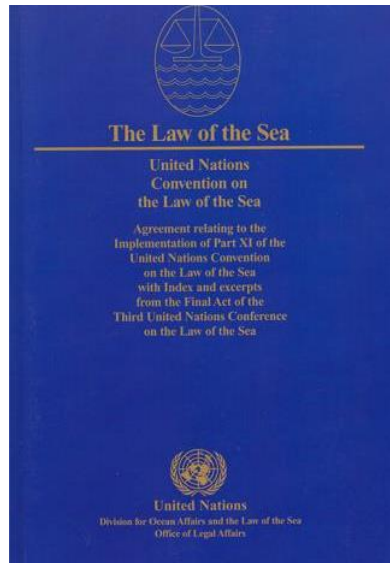
ABNJ



and jurisdictional boundaries. (Source: Geoscience Australia)



UNCLOS



Missing:
procedures for MPA, EIA; anything on
MGRs

PART XII PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

SECTION 1. GENERAL PROVISIONS

Article 192 General obligation

States have the obligation to protect and preserve the marine environment.

Article 193 Sovereign right of States to exploit their natural resources

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

Article 194 Measures to prevent, reduce and control pollution of the marine environment

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with

SECTION 2. GLOBAL AND REGIONAL COOPERATION

Article 197 Cooperation on a global or regional basis

States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

Article 198 Notification of imminent or actual damage

When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

SECTION 4. MONITORING AND ENVIRONMENTAL ASSESSMENT

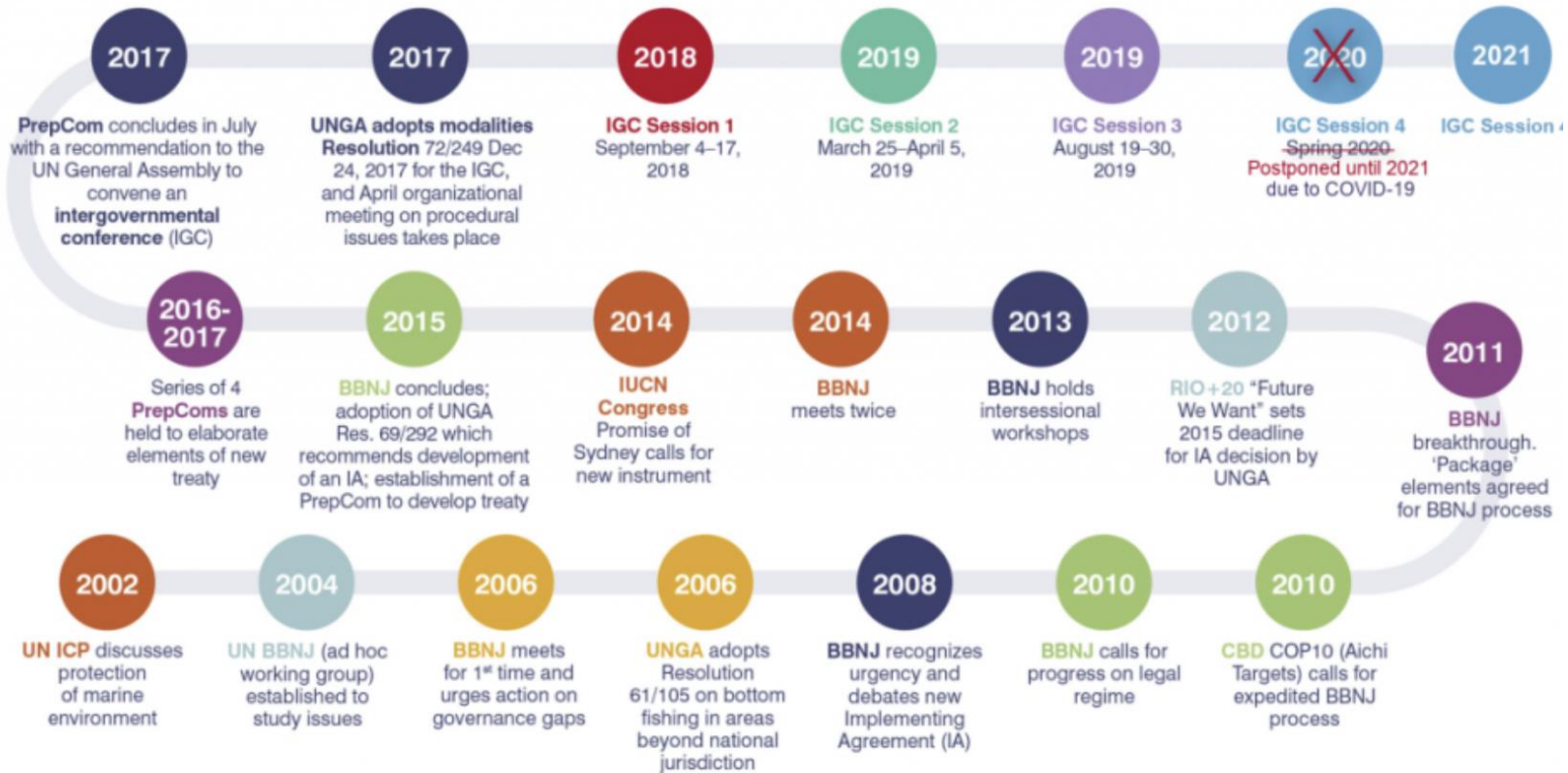
Article 204 Monitoring of the risks or effects of pollution

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment.
2. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

Article 205 Publication of reports

It took a while...

The journey towards an international legally binding instrument on marine biodiversity in areas beyond national jurisdiction



The package

Preamble

I. General provisions

II. MGRs incl FESB

III. ABMTs incl MPAs

IV. EIAs

V. CG&TMT

VI-XI. Arrangements, provisions, compliance...incl the CHM

BBNJ creates obligations to State Parties

CHM serves as a centralized platform for Parties to access, share and disseminate information with respect to activities taking place pursuant to the provisions of this Agreement (art.51(3)(a))

Information relating to marine genetic resources of ABNJ (art.51(3)(a)(i))

Information relating to the establishment and implementation of area-based management tools, including marine protected areas (art.51(3)(a)(ii))

Information relating to environmental impact assessments (art.51(3)(a)(iii))

Information relating to requests for CBTMT and opportunities with respect thereto (art.51(3)(a)(iv))

Clearing-House Mechanism

I. MGRs

MGRs

CHM receives notifications prior to and post collection in situ of marine genetic resources of ABNJ, as well as at the stage of utilization (art.12(2), (4), (5) and (8))

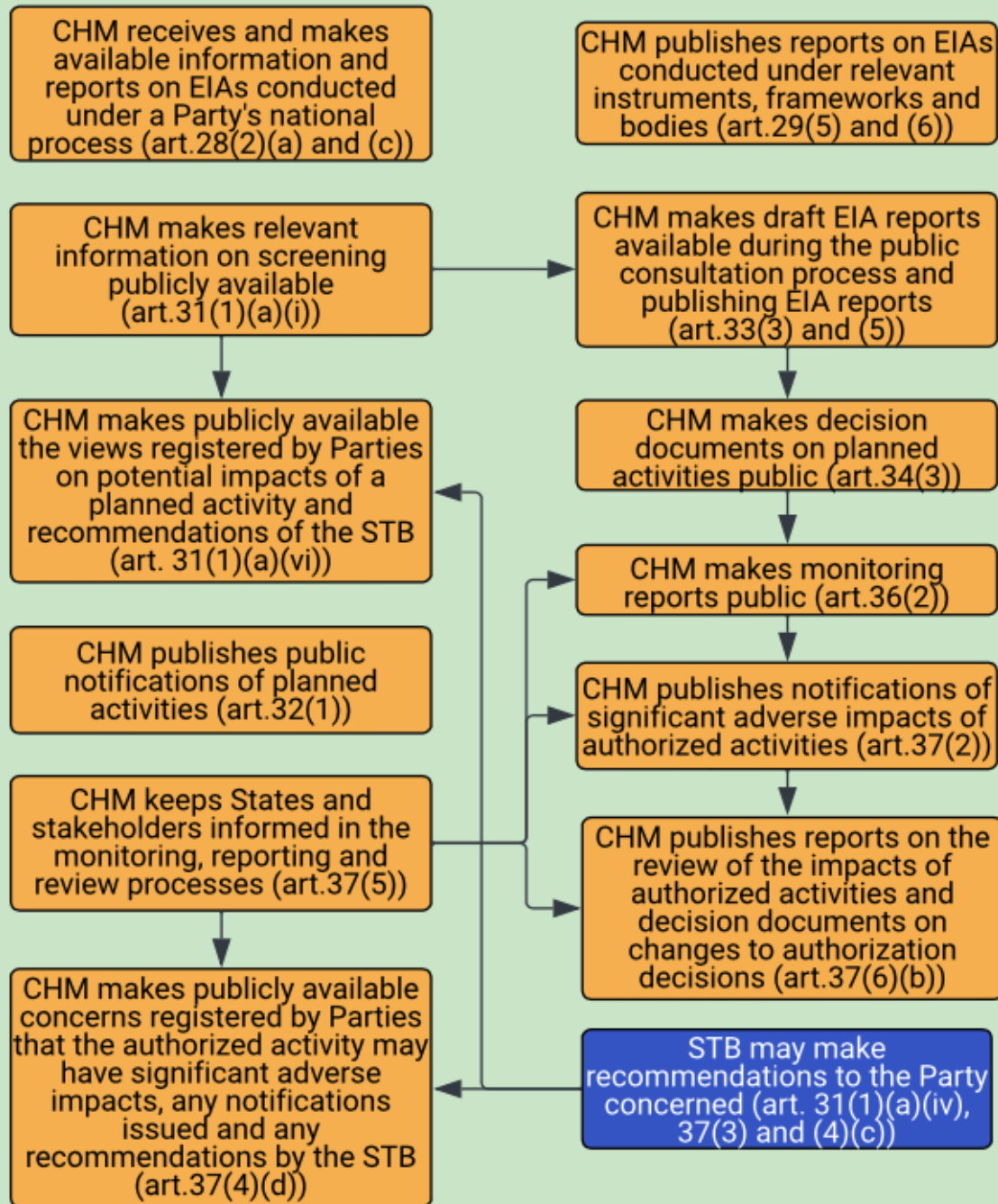
CHM automatically generates "BBNJ" standardized batch identifiers (art.12(3))

Parties make available to the ABS Committee, through CHM, information required, including measures taken and national focal points (art.15(4))

CHM may facilitate access to traditional knowledge of Indigenous Peoples and local communities associated with marine genetic resources in ABNJ (art. 13)

ABS Committee prepares a report based on information received from CHM (art.16(3))

EIAs



CB & TMT

CB&TMT

CHM facilitates assessments of needs and priorities of developing States Parties in relation to CBTMT (art.42(4))

CBTMT Committee assesses and reviews the needs and priorities of developing States Parties (art.45(2)(a))

CHM facilitates the matching of capacity-building needs with the support available and with providers of the transfer of marine technology (art.51(3)(b))

State of play

- Negotiations on modalities for the operation of the Clearing-House Mechanism (draft terms of reference for an informal group on the technical aspects of the operationalization of the Mechanism) during PrepCom 2 (August 2025) stalled
- Chairs' initiative: Comissioned study on the technical aspects of the operationalization of the Clearing-House Mechanism under the BBNJ Agreement, to be considered by PrepCom 3 (March-April 2026)

State of play: some thoughts

- Technical study commissioned but no view on modalities or structure of CHM
 - Components/services unclear (e.g., BBNJ batch identifier)
 - Web-based?
 - Centralized or network (national? Regional?)
- State Parties obligations kick in January 17, 2026...



Further reading

- BBNJ Treaty: <https://www.un.org/bbnjagreement/en/bbnj-agreement/text-bbnj-agreement>
- Gaebel et al (2025): The BBNJ clearing-house mechanism: considerations for its diverse functions, users, and sources. Frontiers on Ocean Sustainability 3, doi: 10.3389/focsu.2025.1584927 (<https://www.frontiersin.org/articles/10.3389/focsu.2025.1584927/full>)