

Relevance of science in the light of the synergies between the BBNJ Agreement and the London Convention and Protocol

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Scientific Groups
(LC/SG 48 & LP/SG 19)**

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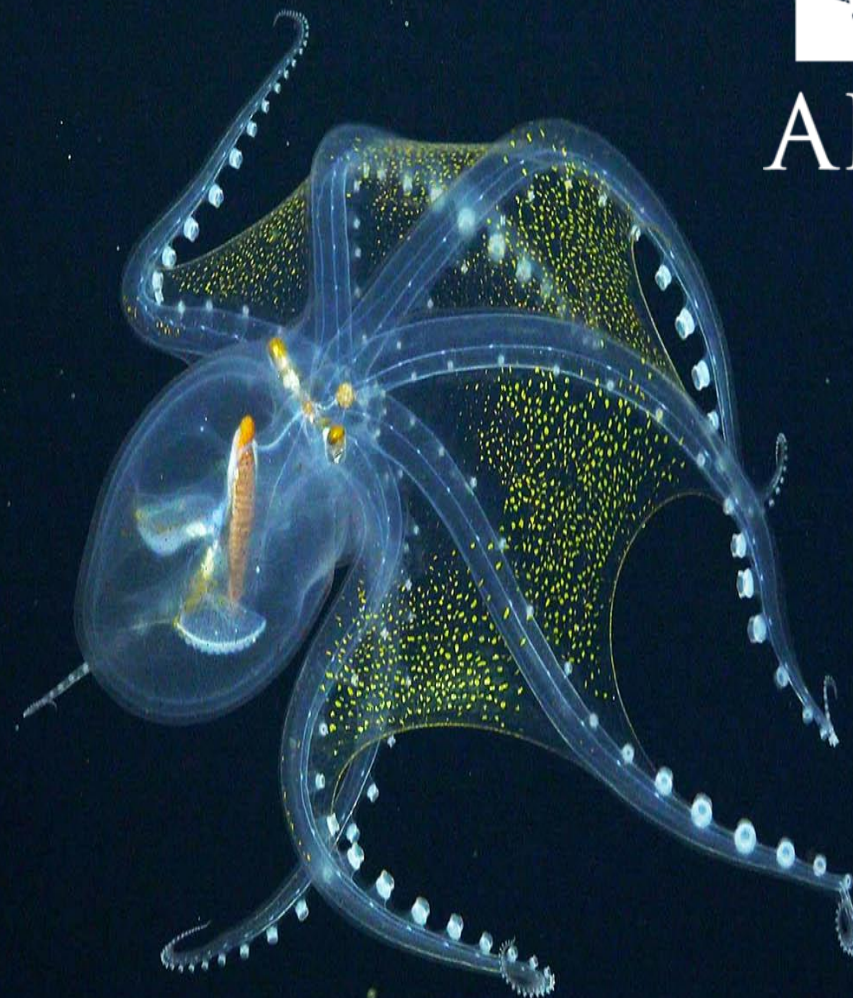
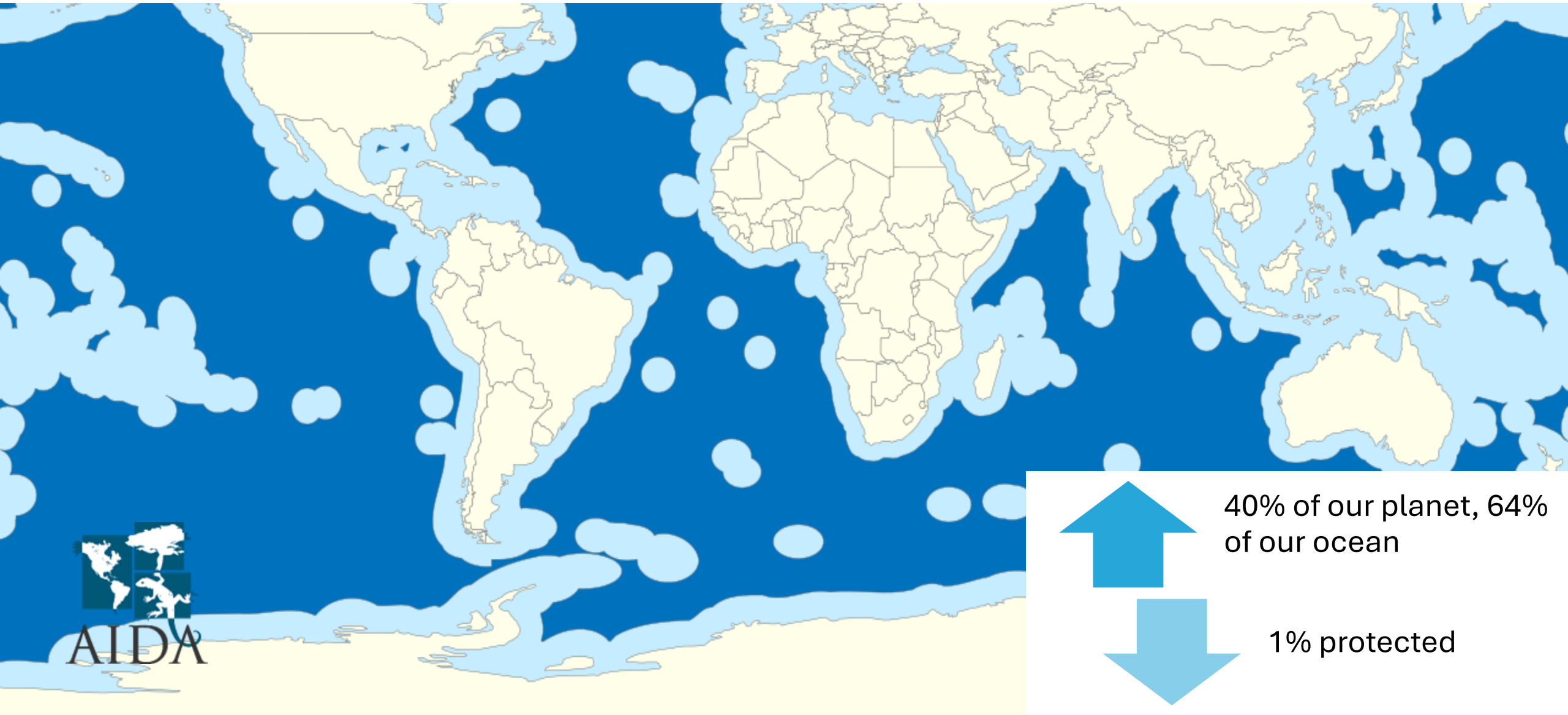
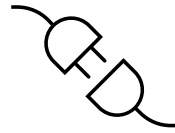


Foto: Schmidt Ocean Institute

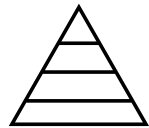
AGREEMENT UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION... ***Big name, even bigger scope of application and complexity.***



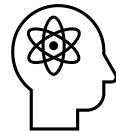
Relevant BBNJ Agreement general dispositions:



BBNJ 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.***

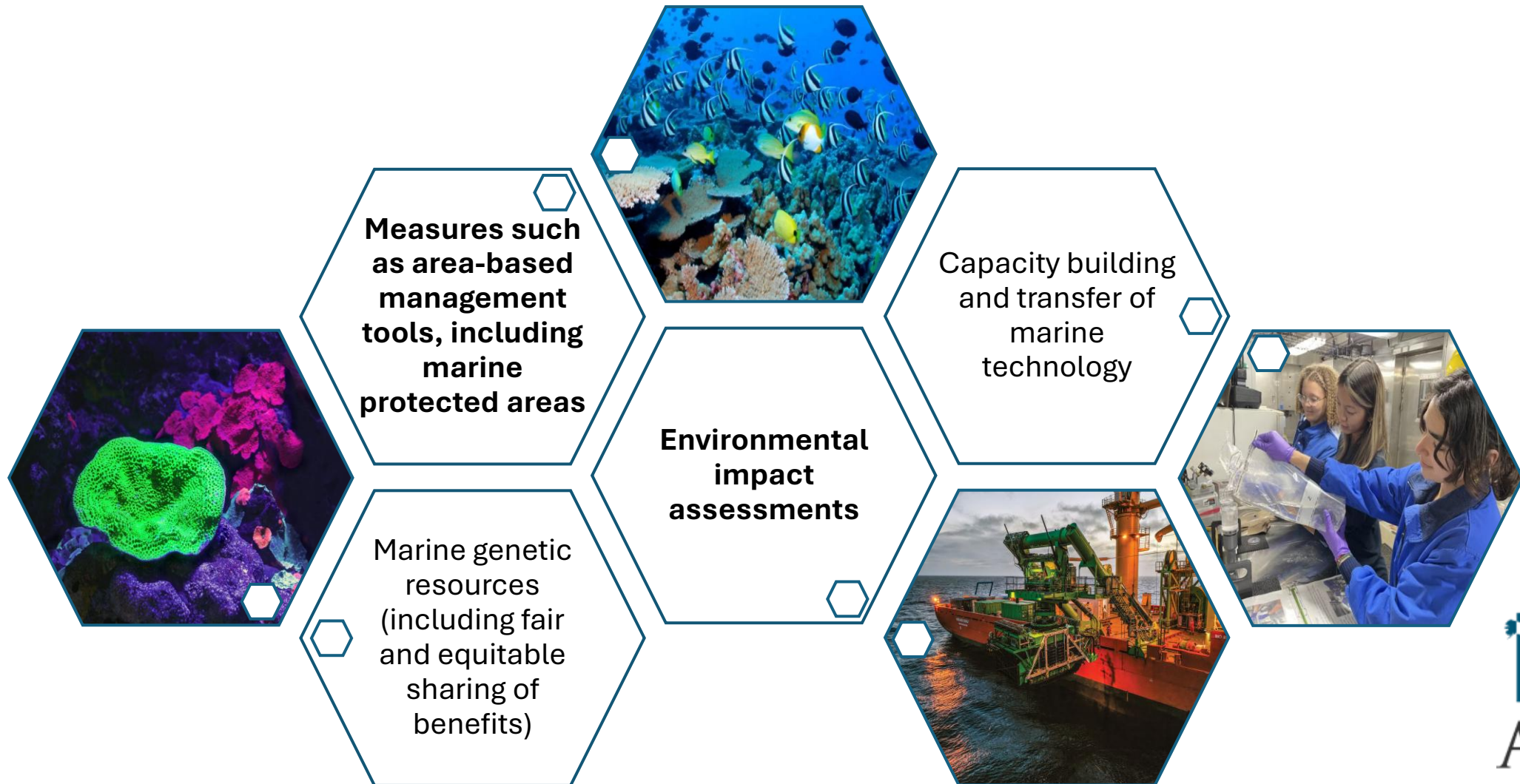


Principles and approaches: polluter-pays; precautionary; ecosystem approach; use of best available science; non-transfer, directly or indirectly, of damage or hazards from one area to another and the non-transformation of one type of pollution into another in taking measures to prevent, reduce and control pollution of the marine environment.



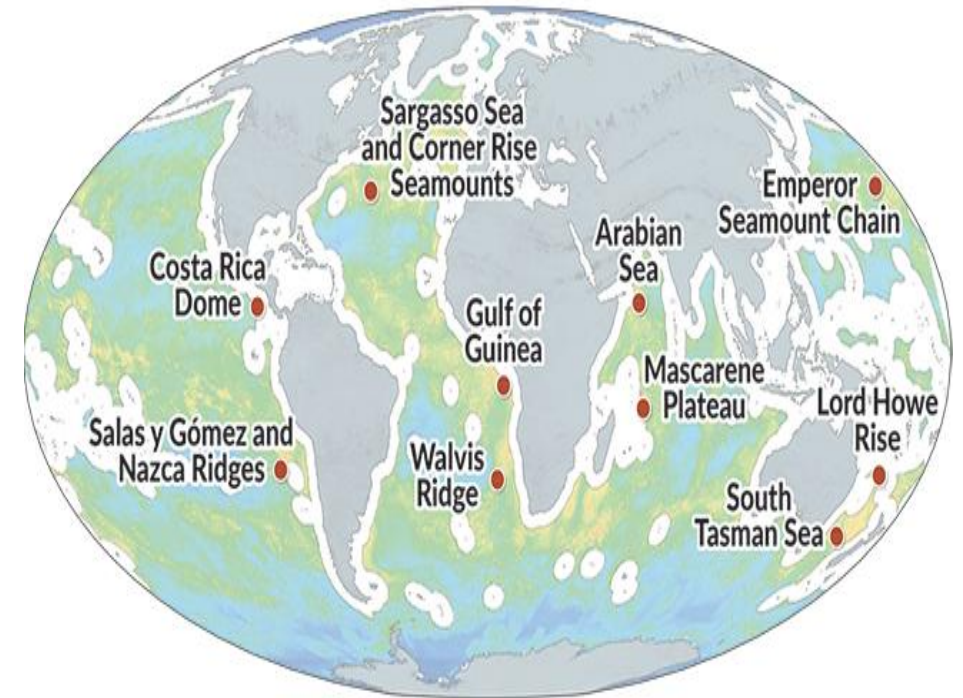
A ***Scientific and Technical Body*** it is established to provide scientific and technical advice for the COP.

The four components of the BBNJ package:



Measures such as area-based management tools, including marine protected areas (AMBTs/MPAs)

- ✓ Conservation and sustainable use of areas **requiring protection**.
- ✓ Individual or collective proposals.
- ✓ **Based on best available science and traditional knowledge (when applicable)**.
- ✓ Key elements of the proposals (**spatial description, human activities, state of the environment, conservation objectives, management plan – including measures, monitoring, research, review activities – and information on consultations**).
- ✓ Process: Publicity, preliminary review, consultations, establishment, decision-making process, **monitoring and review**.
- ✓ Emergency measures.
- ✓ Annex 1: criteria to identify areas.



Source: Pew Charitable Trusts, 2020

Environmental impact assessments (EIA)

- ✓ Operationalizes UNCLOS obligations.
- ✓ **Threshold for screening:** “more than a minor or transitory effect on the marine environment, or the effects of the activity are unknown or poorly understood”.
- ✓ **Threshold for EIA:** “substantial pollution of or significant and harmful changes to the marine environment (UNCLOS)”.
- ✓ **EIA process:** Scoping - prevention, mitigation and management of potential adverse effects (environmental management plan, publicity, consultation, report) – monitoring and review of the impacts.
- ✓ **Roster of experts, under the STB.**



Environmental impact assessments (EIA)



- ✓ Consideration of ***cumulative impacts and impacts in areas within national jurisdiction.***
- ✓ ***For activities to be conducted in marine areas within national jurisdiction*** if the country determines that the activity may cause substantial pollution of or significant and harmful changes to the marine environment in areas beyond national jurisdiction, that Party shall ***ensure that an environmental impact assessment of such activity is conducted in accordance with this Part or that an environmental impact assessment is conducted under the Party's national process.***

Highlights and talking points

- ❑ Coherence and coordination between BBNJ and other instruments shall be promoted by the State Parties of both sides.
- ❑ Dumping at sea is an activity with potential environmental risks and impacts within and beyond national jurisdiction so the coordination of standards for national EIAs – London Convention/Protocol and the BBNJ Agreement is strongly suggested and relevant to achieve its objectives and mandates.
- ❑ Proposals for ABMTs/MPAs will include zones that are adjacent to EEZs (high seas pockets) and, even, can be temporarily within them (thermal dome, i.e.)
- ❑ Scientific information is considered fundamental, along with traditional knowledge of IP&LC.
- ❑ The effective implementation of the BBNJ Agreement, as much as the London Convention/Protocol relies on the capacity of the State Parties to monitor and review the provisions.



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