

# Towards coherence and avoiding undermining: policy recommendations on implementation of the BBNJ Agreement regarding marine genetic resources

*This Policy Brief provides targeted recommendations for implementing the provisions of the BBNJ Agreement relating to instruments, frameworks, and bodies (IFBs) and marine genetic resources (MGR), with a particular focus on approaches consistent with the common heritage of humankind as set out in the Convention, and stewarding for future generations.*

*These recommendations may be of interest to government negotiators, international organisations, intergovernmental bodies, regional bodies, treaty secretariats, civil society, industry, Indigenous Peoples, local communities, and researchers.*

## Key messages

- The *not undermining*, *coherence* and *coordination* obligations under the BBNJ Agreement establish a basis for strengthening new forms of participation and cooperation across legal regimes, including fair and equitable approaches to MGR, safeguarding the rights and interests of present stakeholders, and enhancing intergenerational equity.
- Decentralised federated networks and multi-level governance arrangements can help mitigate potential regime conflicts, promote complementarity, and foster strategic linkages and collaboration.
- Immediate and long-term actions are recommended to guide implementation of the BBNJ Agreement in ways which can also influence evolving decision-making and practices elsewhere.
- The 14 recommendations pertain to:
  - General governance and cooperation
  - Harmonising work on benefit-sharing mechanisms
  - Inclusive participation
  - Monitoring and implementation activity and accountability
  - Practical next steps
- Priority actions include developing benefit-sharing and clear guidance regarding disclosure of origin for MGR and digital sequence information (DSI).

## Background

The [Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction \(BBNJ Agreement\)](#) was adopted in 2023 under the United Nations Convention on the Law of the Sea (UNCLOS) and will enter into force in January 2026. The objective of the Agreement is to “ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the Convention” and, importantly, “further international cooperation and coordination” (art 2).

Without effective inter-institutional cooperation, regimes governing the same geographical areas or activities may involve potentially conflicting rules and procedures. Such fragmentation can generate practical difficulties for states, policymakers, scientists, industry and civil society, and carries a risk of ‘forum shopping’ or a ‘race to the bottom’ in regulatory practice.

To address this, the BBNJ Agreement includes a **dual-ended obligation** of *coordination, coherence, and non undermining* of relevant legal **instruments, frameworks and bodies (IFBs)**, while also requiring States to promote the objectives of BBNJ when participating in IFBs (arts 5(2) and 8).

These provisions, while clear in intent, do not provide detailed steps towards implementation. They do, however, raise **important opportunities**. The BBNJ Agreement must be interpreted consistently with UNCLOS (art 5(1)), and recent Advisory Opinions of the International Court of Justice (2025), the International Tribunal on the Law of the Sea (2024), and the Seabed Disputes Chamber (2011) on the Responsibilities and Obligations of States in the (deep sea-bed) Area Beyond National Jurisdiction affirm the importance of coherence across regimes, including the global commons and intergenerational equity.

The BBNJ Agreement establishes a pioneering framework with innovative provisions on access and benefit-sharing (arts 9-15). Implementation of the BBNJ Agreement in the light of the *non undermining* and *coherence* provisions could create new connective tissues across institutions [fn1]. This could be particularly so for managing MGR and DSI of areas beyond national jurisdiction (ABNJ) within the diverse landscape of IFBs addressing benefit-sharing, science, commons governance and intellectual property, within which BBNJ sits (**Figure 1**); [artificial intelligence \(AI\) enabled mapping](#) of convergence and divergence may support this process.

The BBNJ Agreement envisages proactive engagement of its own Access and Benefit-Sharing Committee, Scientific and Technical Body, and the Clearing House Mechanism with IFBs through consultation, cooperation, and transparency measures (arts 15(5), 49(3), 51(3)(c)-(f), 51(4)). This could have the **double benefit** of ensuring that implementation of BBNJ strengthens, rather than duplicates, efforts across IFBs, while facilitating early dialogue and mutual learning.

This Policy Brief also complements developments at the time of writing in 2025 in the BBNJ Preparatory Commission regarding IFBs [fn 2]; reflections in other IFBs about their intersections with the BBNJ Agreement (notably by the CBD, ISA and UNFCCC) [fn3]; and about the impact of activities in other IFBs on BBNJ implementation (e.g., ISA Biobank) [fn4].

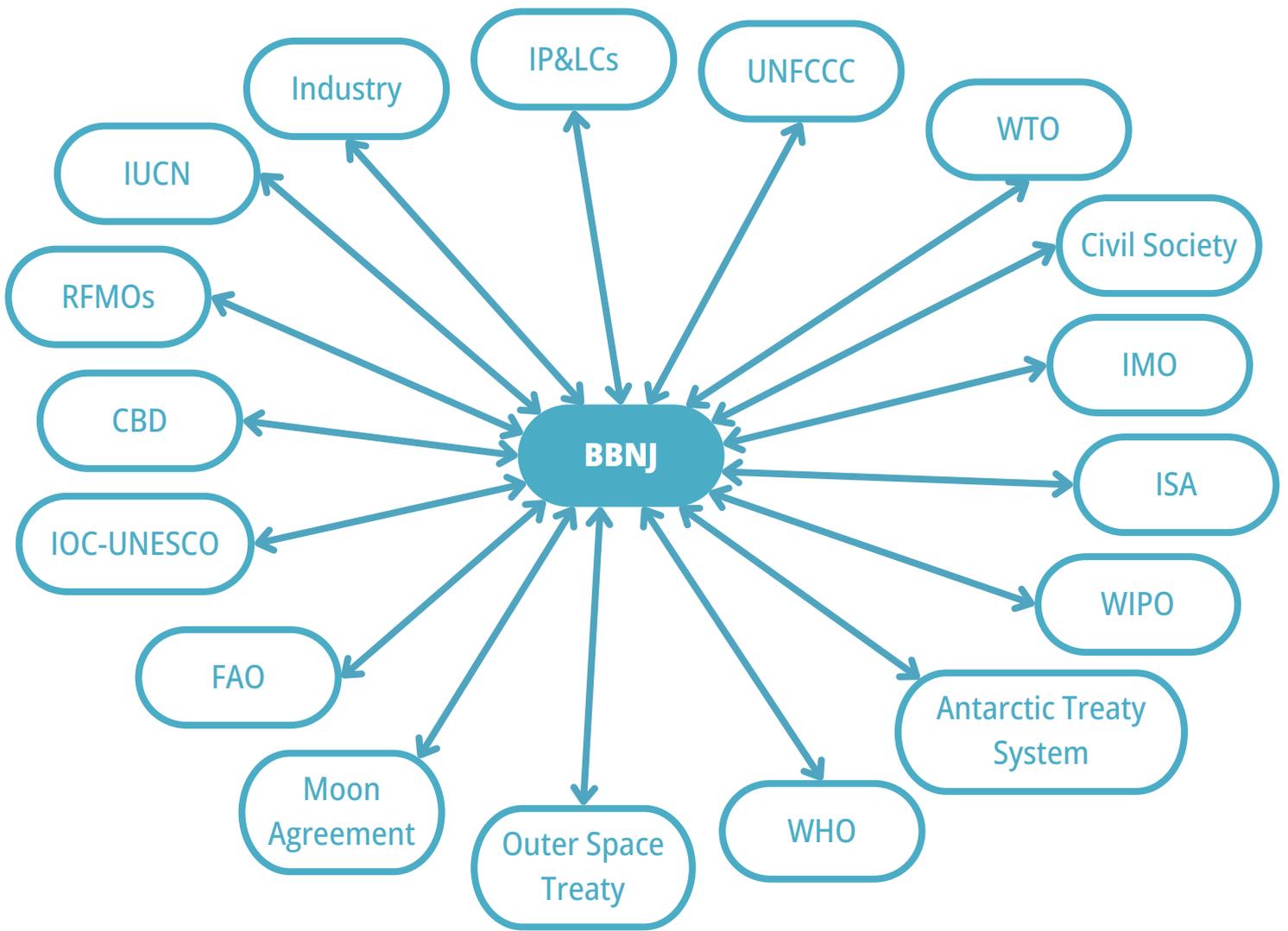
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**Fn1** Other BBNJ Agreement provisions relevant to intersections with other regimes, beyond scope of brief: art 10(2) (Fish); art 29 (Environmental Impact Assessments); art 41(1) and (2), 42(3) and Annex II d (ix) (Capacity Building and Transfer of Marine Technology)

**Fn2** IFBs Prepcom Journey: A/AC.296/2024/3 ((II 6(c)); A/AC.296/2024/3 (1(8) II(2)); A/AC.296/2025/16; draft Decision expected for consideration at PrepCom3

**Fn3** [Horizon scan of possible linkages between the BBNJ Agreement and biodiversity-related MEAs | UNEP - UN Environment Programme](#) (2025); “[A review of the contribution of the International Seabed Authority to the implementation of the objectives of the 2023 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](#)” (2024); CBD “[Work under the Convention on Biological Diversity \(CBD\) relevant to the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction \(BBNJ Agreement\)](#)” and [CBD Secretariat Expert workshop](#) (2025); UNFCCC “[Ocean and climate change dialogue 2025 Informal summary report by the co-facilitators of the Ocean and Climate Change Dialogue 2025](#)”

**Fn4** [The International Seabed Authority launches Deep-sea Biobank Initiative to boost global access to deep-sea biological samples and genetic data](#) (2025)



*Figure 1: The diverse constituents of the IFB MGR landscape: with BBNJ at its heart. See list of abbreviations on Page 5 for definitions.*

## Recommendations

### General governance and cooperation:

1. Continue to make open calls to any IFB wishing to engage in BBNJ implementation to participate, building on the cooperation arrangements initiated in PrepCom2.
2. Establish a 'Collective Group' with representatives of other IFBs to build new consolidated and mutually supportive norms, standards and practices, including a cooperative review mechanism and joint initiatives with BBNJ subsidiary bodies.
3. Develop tools within the Collective Group for and towards reciprocal participation in decision-making, practice, deliberation and/or monitoring of the BBNJ Agreement's implementation through subsidiary bodies and groups of other IFBs, with particular focus on equitable representation of leading voices from the Global South and Indigenous Peoples.
4. Establish Communities of Practice at local, national and regional levels, linking academia, non-governmental organisations (NGOs), industry, policymakers, scientists, local and Indigenous communities, to build shared understanding and capacity.

## General governance and cooperation: (continued)

5. Establish connections between Communities of Practice, the Collective Group, BBNJ COP, BBNJ subsidiary bodies, and analogous bodies of other IFBs.
6. Promote coordinated representation across IFBs, ensuring alignment among government officials and stakeholder groups, notably those representing the voices of marginalised groups attending parallel IFB institutional meetings.

## Harmonising work on benefit-sharing mechanisms to meet the ambition of BBNJ:

7. Develop guidance on interfaces between benefit-sharing and disclosure of origin for MGR and DSI as a priority, in light of ongoing developments at [WIPO](#), [WHO](#) and [CBD](#). Consider patent applications as a model for wider multilateral and equity-based integration, and providing an opportunity for regimes to strengthen each other.
8. Facilitate exchange of benefit-sharing experiences across IFBs (e.g., Antarctic Treaty System, Moon Agreement, Outer Space Treaty, ISA, CBD, WHO, WIPO, FAO) via Communities of Practice and the Collective Group to develop joint guidelines and timelines informed by principles of equity, commons governance, and traditional and local knowledge.

## Inclusive participation:

9. Bridge scientific and equity gaps across BBNJ implementation, RFMOs and blue economy initiatives by supporting equal and braided approaches that bring together diverse knowledge systems, including local and traditional knowledge.
10. Support voluntary databases and repositories, linked to the Communities of Practice and complementary to existing data repositories, for cross-integration and common funding of global repositories to bridge scientific implementation/readiness gaps between regional groupings, and develop cooperative spaces to work through possible areas of overlap and divergence between IFBs.

## Monitoring and implementation activity and accountability:

11. Use existing monitoring resources and regional groupings to close gaps between activities of scientific bodies across regimes to prevent expensive duplication of efforts. Feed data into metrics for implementation effectiveness, including public databases containing DSI, with an emphasis on building Global South capacity to ensure equitable participation.
12. Ensure that Clearing House Mechanisms across IFBs are interoperable, have standardised data/metadata and automated reporting to reduce burdens, such as regarding addressing legacy MGR and mixed DSI uses.

## Practical next steps:

13. Share proposals in dialogue with respective communities (such as MGR-focused policymakers) and reach out to other relevant MGR communities (such as industry and the private sector).
14. Seek out grant funding to pilot projects exploring intersections and possible new practices, including those suggested in this Policy Brief.

## Abbreviations

- **ABNJ** - Areas Beyond National Jurisdiction
- **BBNJ** - Marine Biodiversity beyond National Jurisdiction
- **CBD** - Convention on Biological Diversity
- **Communities of Practice** - Group sharing common interest, who collaborate to build knowledge and solve problems by shared learning through regular interaction
- **COP** - Conference of the Parties
- **DSI** - Digital Sequence Information
- **FAO** - Food and Agriculture Organization
- **IFBs** - Legal instruments and frameworks, and relevant global, regional, subregional and sectoral bodies
- **IMO** - International Maritime Organization
- **IOC-UNESCO** - Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization
- **IP&LCs** - Indigenous Peoples and Local Communities
- **ISA** - International Seabed Authority
- **IUCN** - International Union for the Conservation of Nature
- **MGR** - Marine Genetic Resources
- **RFMO** - Regional Fisheries Management Organizations
- **UNCLOS** - United Nations Convention on Law of the Sea
- **UNFCCC** - United Nations Framework Convention on Climate Change
- **WHO** - World Health Organization
- **WIPO** - World Intellectual Property Organization
- **WTO** - World Trade Organization

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### About DOSI

The Deep-Ocean Stewardship Initiative is a global network of experts that integrate science, technology, policy, law and economics to advise on ecosystem-based management of resource use in the deep ocean and strategies to maintain the integrity of deep-ocean ecosystems within and beyond national jurisdiction.

### Further reading

Branco de Almeida (2025) [The new regulatory framework under the BBNJ Agreement for marine genetic resources and the material exception to fishing and fishing-related activities](#)

Currie & Müller (2025) [The governance of marine biodiversity beyond national jurisdiction: The BBNJ agreement and the International Seabed Authority](#)

Humphries (ed) (2025) [Decoding marine genetic resource governance under the BBNJ Agreement](#)

Sett et al. (2024) [Harmonize rules for digital sequence information benefit-sharing across UN frameworks](#)

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<https://www.dosi-project.org/wp-content/uploads/BBNJ-Policy-Recommendations.pdf>

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