What the Agreement is (1/2)

The BBNJ Agreement, adopted under the United Nations Convention on the Law of the Sea on 19 June 2023, entered into force on 17 January 2026 and deals with the conservation and sustainable use of marine biological diversity in the high seas and the Area, that is, in areas beyond national jurisdiction. The examination asks about its dates, its four elements, its bodies and India's position.



Full name

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.

Short names: the BBNJ Agreement (Biodiversity Beyond National Jurisdiction); in the press, the High Seas Treaty.



Parent treaty

the United Nations Convention on the Law of the Sea (UNCLOS), opened for signature at Montego Bay, Jamaica, on 10 December 1982 and in force since 16 November 1994.



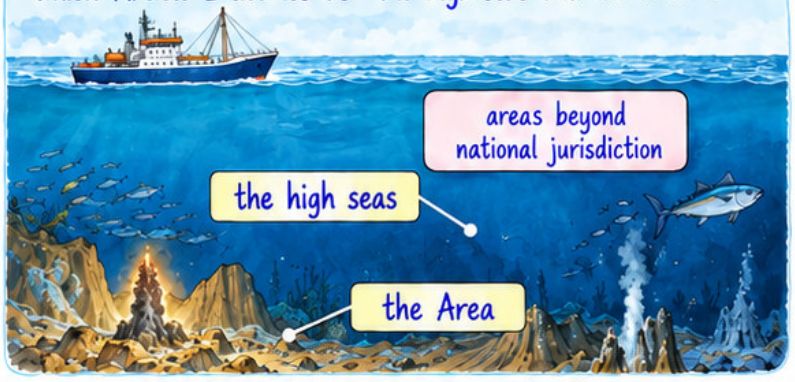
Objective (Article 2)

to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term.



Scope (Articles 1 and 3)

it applies to "areas beyond national jurisdiction", which Article 1 defines as "the high seas and the Area".



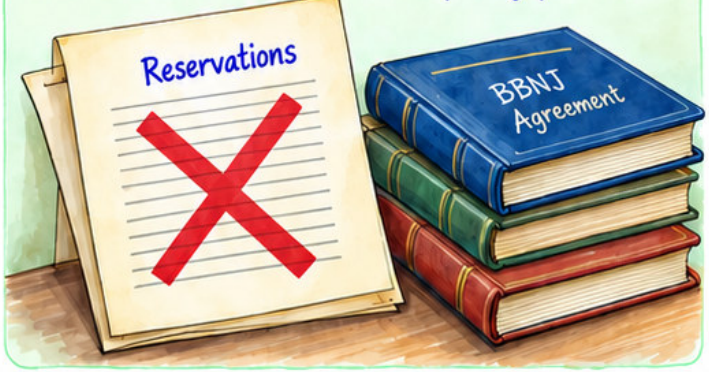
What it leaves out (Article 4)

it does not apply to any warship, military aircraft or naval auxiliary. Except for Part II, it also does not apply to other State-owned or State-operated ships or aircraft used only on government non-commercial service. Parties must ensure consistency with the Agreement so far as reasonable and practicable without impairing their operations or operational capabilities.



No reservations (Article 70)

no reservations or exceptions may be made, unless other articles of the Agreement expressly permit them.

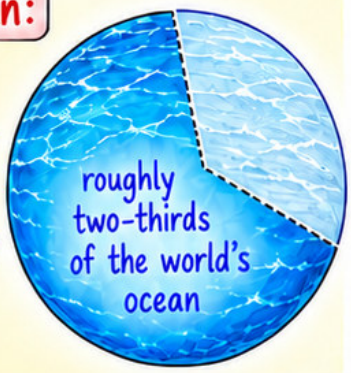


Sources: Day 16 Source Index | Topic 160 | Section 2.1

Why areas beyond national jurisdiction matter

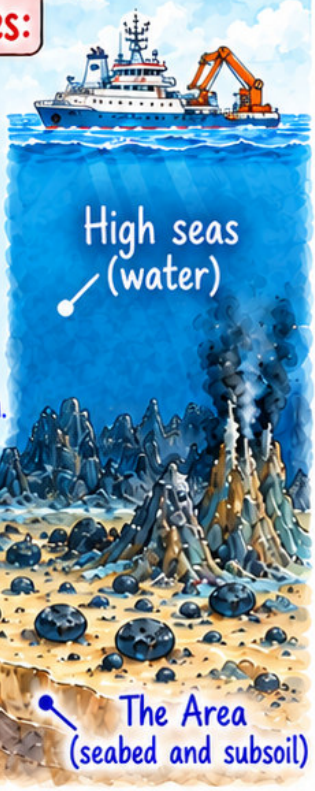
A vast shared ocean:

the BBNJ Agreement covers marine biodiversity in areas beyond national jurisdiction, across roughly two-thirds of the world's ocean.



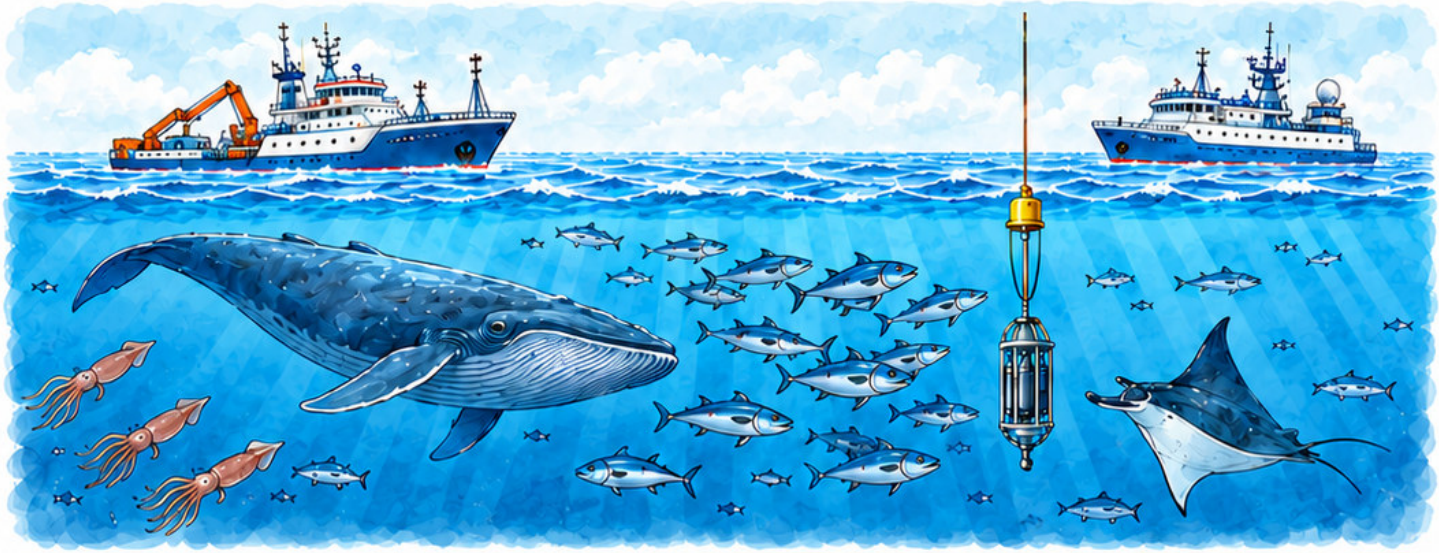
Two connected spaces:

- The high seas are waters outside the maritime areas excluded by UNCLOS Article 86.
- The Area is the seabed, ocean floor and subsoil beyond national jurisdiction.



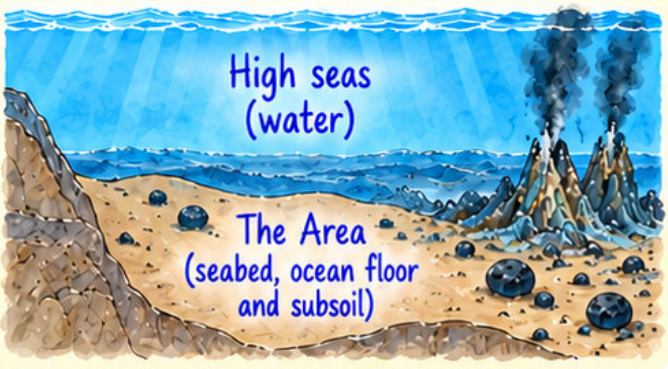
Why collective rules matter:

marine life and human activities cross national maritime boundaries. Conservation beyond national jurisdiction therefore requires international cooperation.



Do not merge water and seabed:

the legal status of the water above a place can differ from that of the seabed below it. The next panels explain the maritime zones.



Sources: Day 16 Source Index | Topic 160 | Section 2.1

Where it applies: the maritime zones of UNCLOS (1/2)

The zones are measured from the baselines from which the breadth of the territorial sea is measured.



Zone	Article of UNCLOS	Limit and meaning
Territorial sea	Article 3	Up to a limit not exceeding 12 nautical miles. The coastal State exercises sovereignty over it
Contiguous zone	Article 33	May not extend beyond 24 nautical miles
Exclusive economic zone (EEZ)	Article 57	Shall not extend beyond 200 nautical miles (about 370 km). The coastal State has sovereign rights over its natural resources
Continental shelf (legal)	Article 76	Seabed and subsoil extend to the outer edge of the continental margin, or to 200 nautical miles where the margin does not reach that distance. Beyond 200 nautical miles, Article 76's formulae and constraints apply: generally the outer points may reach 350 nautical miles from the baselines OR 100 nautical miles from the 2,500-metre isobath (a depth contour). On submarine ridges the limit is 350 nautical miles; this ridge restriction does not apply to submarine elevations that are natural components of the continental margin (such as plateaus, rises, caps, banks and spurs). Thus 350 nautical miles is not an unconditional cap on every continental shelf



Sources: Day 16 Source Index | Topic 160 | Section 2.2

Where it applies: the maritime zones of UNCLOS (2/2)

Zone	Article of UNCLOS	Limit and meaning
High seas	Articles 86 (scope) and 87 (freedoms)	All parts of the sea outside the EEZ, territorial sea, internal waters and archipelagic waters of an archipelagic State. All States enjoy high-seas freedoms under UNCLOS and other international law, with due regard for others' interests. Article 87 includes navigation, overflight, submarine cables and pipelines, permitted artificial islands and installations, fishing and scientific research; these are subject to the applicable legal conditions.
The Area	Article 1	The seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

High seas

All parts of the sea outside the EEZ, territorial sea, internal waters and archipelagic waters of an archipelagic State.



All States enjoy high-seas freedoms under UNCLOS and other international law, with due regard for others' interests.

Article 87 includes navigation, overflight, submarine cables and pipelines, permitted artificial islands and installations, fishing and scientific research; these are subject to the applicable legal conditions.

The Area

The seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.



1 Physical shelf versus legal shelf:

the physical continental shelf is a shallow seabed landform (Topic 144; average width about 80 km). The legal continental shelf is the seabed-and-subsoil entitlement defined by UNCLOS Article 76. It can extend beyond 200 nautical miles where the Convention's conditions are met.

2 Water and seabed may have different legal status:

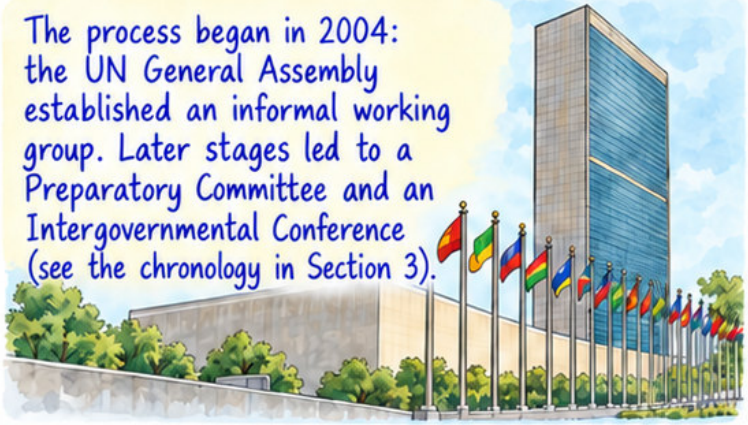
seabed beyond 200 nautical miles is not automatically the Area. Where it forms part of a coastal State's extended continental shelf, the overlying waters can still be high seas if they are outside every State's EEZ and the other Article 86 exclusions.



Sources: Day 16 Source Index | Topic 160 | Section 2.2

How it was negotiated and how it enters into force

The process began in 2004: the UN General Assembly established an informal working group. Later stages led to a Preparatory Committee and an Intergovernmental Conference (see the chronology in Section 3).



The text was agreed on 4 March 2023. The Intergovernmental Conference adopted the Agreement by consensus on 19 June 2023.



Signature (Article 65)

open at UN Headquarters, New York, from 20 September 2023 to 20 September 2025.



Ratification (Article 66)

States ratify, approve or accept it, and deposit the instrument with the Secretary-General of the United Nations.



Entry into force (Article 68)

120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession. For a State or regional economic integration organisation depositing after the sixtieth instrument, it enters into force on the thirtieth day after that deposit, subject to paragraph 1: it cannot precede the Agreement's general entry into force. A regional organisation's instrument is not counted in addition to its member States' instruments for the threshold.



The sixtieth

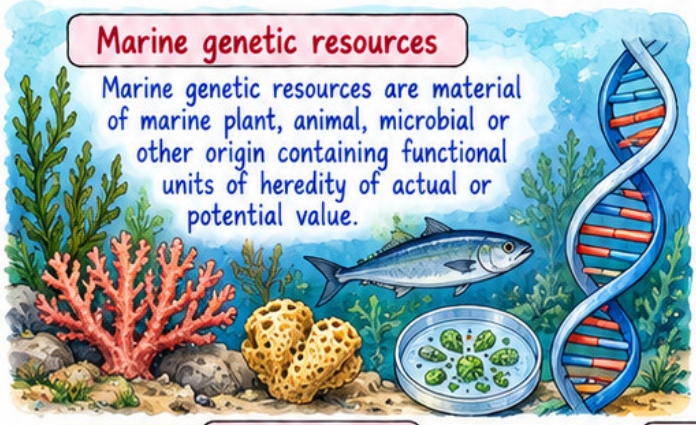
Morocco deposited the 60th qualifying instrument (acceptance) and Sierra Leone the 61st (ratification) on 19 September 2025. These deposits triggered commencement; the Agreement was not yet in force that day. The Agreement entered into force 120 days later, on 17 January 2026.



Sources: Day 16 Source Index | Topic 160 | Section 2.3

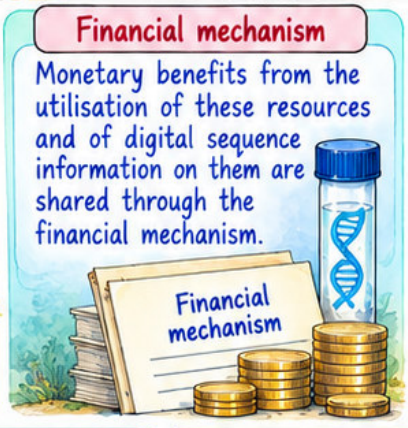
The four elements (1/3)

Element	Part	What the Agreement provides
Marine genetic resources, including the fair and equitable sharing of benefits	Part II	Marine genetic resources are material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value. No State shall claim or exercise sovereignty or sovereign rights over those of areas beyond national jurisdiction. Activities with respect to them are in the interests of all States and for the benefit of all humanity. Benefits are non-monetary (such as access to samples and capacity-building) and monetary. Monetary benefits from the utilisation of these resources and of digital sequence information on them are shared through the financial mechanism. Part II excludes fishing regulated under relevant international law and fishing-related activities. It also excludes fish or other living marine resources known to have been taken in fishing or fishing-related activities, except where regulated as utilization under Part II. This is a qualified Part II exclusion, not a blanket exclusion of fisheries from the entire Agreement.















Sources: Day 16 Source Index | Topic 160 | Section 2.4

The four elements (2/3)

Element	Part	What the Agreement provides
Area-based management tools, including marine protected areas	Part III	A marine protected area is a geographically defined marine area designated and managed to achieve specific long-term biological diversity conservation objectives. Parties, individually or collectively, submit proposals to the secretariat. The Conference of the Parties takes the decisions. It decides by consensus as a general rule; after a two-thirds majority of Parties present and voting determines that all efforts at consensus have been exhausted, it may decide by a three-fourths majority of Parties present and voting.

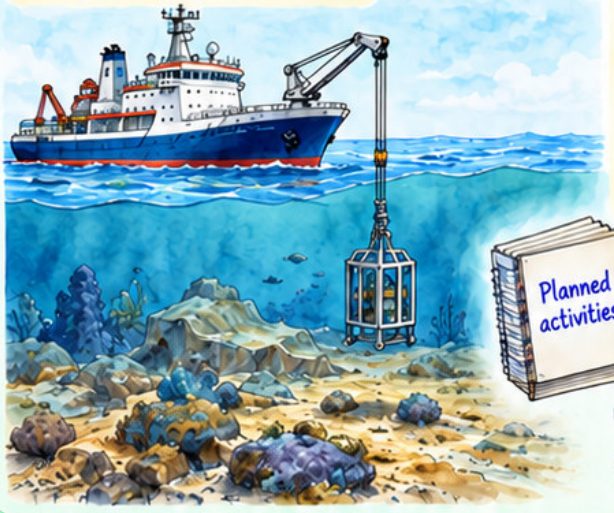




It decides by consensus as a general rule

after a two-thirds majority of Parties present and voting determines that all efforts at consensus have been exhausted, it may decide by a three-fourths majority of Parties present and voting

Element	Part	What the Agreement provides
Environmental impact assessments	Part IV	Parties ensure that the impacts of planned activities under their jurisdiction or control are assessed before authorisation. Article 30 requires screening when a planned activity may have more than a minor or transitory effect. OR its effects are unknown or poorly understood. A full EIA is required where there are reasonable grounds to believe that it may cause substantial pollution or significant and harmful changes to the marine environment. The Party with jurisdiction or control determines whether the activity may proceed.





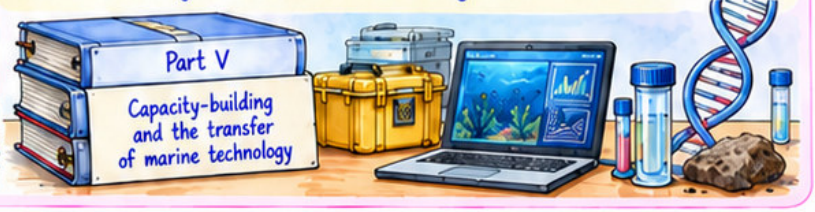
when a planned activity may have more than a minor or transitory effect, OR its effects are unknown or poorly understood.

where there are reasonable grounds to believe that it may cause substantial pollution or significant and harmful changes to the marine environment.

The Party with jurisdiction or control determines whether the activity may proceed.

Element	Part	What the Agreement provides
Capacity-building and the transfer of marine technology	Part V	This Part is the fourth element of the package. Capacity-building also appears in Part II as one of the non-monetary benefits of marine genetic resources.





Sources: Day 16 Source Index | Topic 160 | Section 2.4

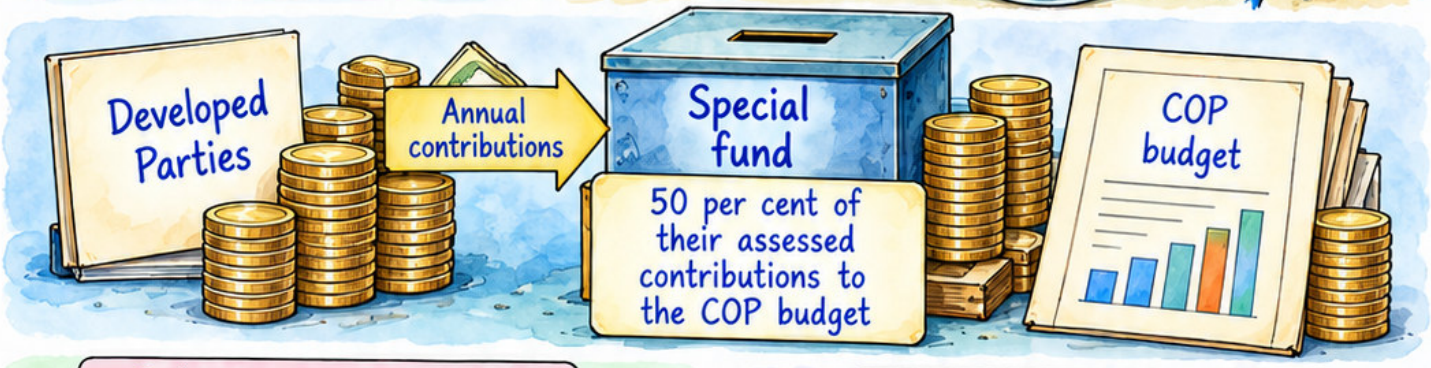
The four elements (3/3)

On money for genetic resources, Article 14(6) requires developed Parties to make annual contributions to the special fund at 50 per cent of their assessed contributions to the COP budget. This is an interim arrangement until the COP decides the monetary-benefit modalities under Article 14(7); it is not a permanent 50 per cent share of commercial revenue. Monetary and non-monetary benefit-sharing remain separate.

Article 14(6)

On money for genetic resources, Article 14(6) requires developed Parties to make annual contributions to the special fund at 50 per cent of their assessed contributions to the COP budget.





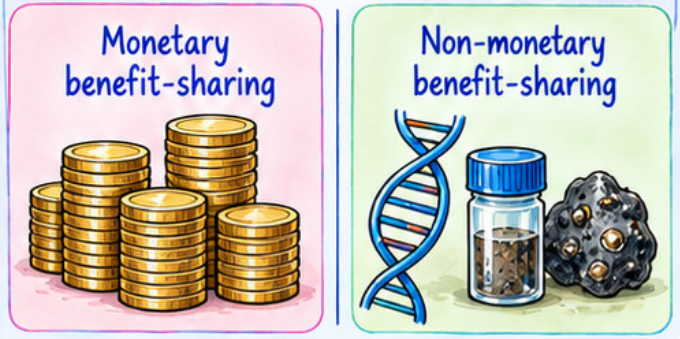
Interim arrangement

This is an interim arrangement until the COP decides the monetary-benefit modalities under Article 14(7); it is not a permanent 50 per cent share of commercial revenue.



Separate streams

Monetary and non-monetary benefit-sharing remain separate.



Sources: Day 16 Source Index | Topic 160 | Section 2.4

Bodies and money: the cross-cutting provisions

Body or mechanism	Article	Point to remember
Conference of the Parties (COP)	Article 47	Established by the Agreement. Its first meeting is to be convened by the Secretary-General of the United Nations no later than one year after the entry into force of the Agreement. The UN has announced the first meeting (COP1) for 11 to 22 January 2027 at UN Headquarters, New York.
Scientific and Technical Body	Article 49	Composed of members serving in their expert capacity, with multidisciplinary expertise, gender balance and equitable geographical representation.
Secretariat	Article 50	Established by the Agreement; receives proposals for area-based management tools.
Clearing-House Mechanism	Article 51	Consists primarily of an open-access platform; managed by the secretariat.
Funding	Article 52	Includes the Global Environment Facility trust fund, a special fund, and a voluntary trust fund set up by the COP to help participation.











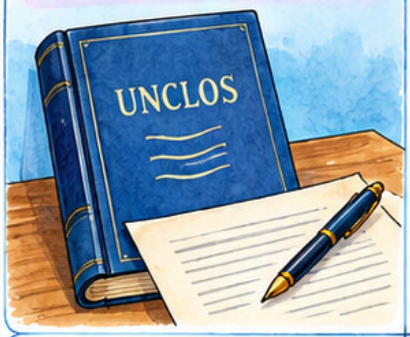
Preparatory Commission

General Assembly resolution 78/272 set up a Preparatory Commission to prepare for the entry into force of the Agreement and for the convening of the first meeting of the COP. Its work went on after entry into force: its third session ran from 23 March to 2 April 2026.



Sources: Day 16 Source Index | Topic 160 | Section 2.5

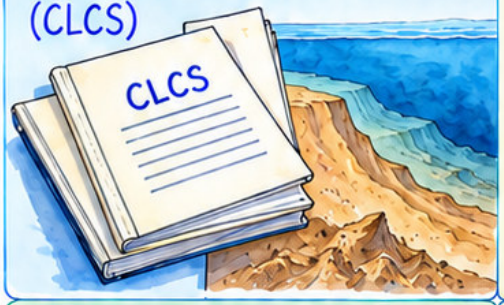
The agreements under UNCLOS (1/2)

Instrument	Adopted or opened for signature	Entered into force	What it deals with
UNCLOS 	Opened for signature on 10 December 1982 at Montego Bay 	16 November 1994 	The legal order of the oceans: the zones, navigation, the settlement of disputes 
Agreement relating to the implementation of Part XI 	Adopted on 28 July 1994 	28 July 1996 	Certain difficulties with the seabed mining provisions of Part XI 
United Nations Fish Stocks Agreement 	Adopted on 4 August 1995; opened for signature on 4 December 1995 	11 December 2001, 30 days after the thirtieth instrument 	Conservation and management of straddling fish stocks and highly migratory fish stocks 
BBNJ Agreement 	Adopted on 19 June 2023; opened for signature on 20 September 2023 	17 January 2026, 120 days after the sixtieth instrument 	Marine biological diversity of areas beyond national jurisdiction 

Sources: Day 16 Source Index | Topic 160 | Section 2.6

The agreements under UNCLOS (2/2)

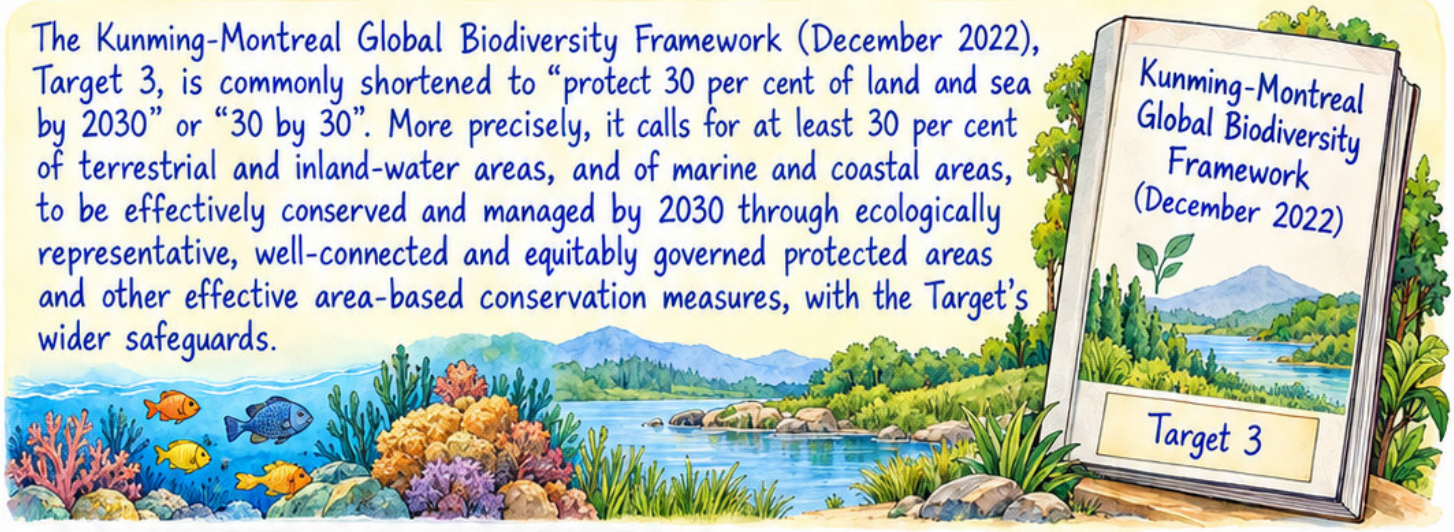
Four bodies to know:

Body	What it is	Seat or meeting place
International Tribunal for the Law of the Sea (ITLOS) 	An independent judicial body established by UNCLOS	Seat in Hamburg, Germany 
International Seabed Authority (ISA) 	The organisation through which the States Parties to UNCLOS organise and control mineral resources activities in the Area; came into existence on 16 November 1994, when UNCLOS entered into force	Headquarters in Kingston, Jamaica 
Commission on the Limits of the Continental Shelf (CLCS) 	Set up under UNCLOS; makes recommendations to coastal States on the outer limits of their continental shelf	Meets at UN Headquarters, New York 
International Court of Justice (ICJ) 	The principal judicial organ of the United Nations	Seat at the Peace Palace, The Hague, Netherlands 

Sources: Day 16 Source Index | Topic 160 | Section 2.6

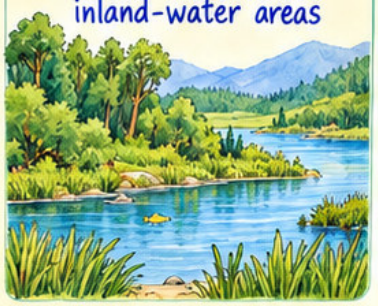
The link to "30 by 30"

The Kunming-Montreal Global Biodiversity Framework (December 2022), Target 3, is commonly shortened to "protect 30 per cent of land and sea by 2030" or "30 by 30". More precisely, it calls for at least 30 per cent of terrestrial and inland-water areas, and of marine and coastal areas, to be effectively conserved and managed by 2030 through ecologically representative, well-connected and equitably governed protected areas and other effective area-based conservation measures, with the Target's wider safeguards.



What does "30 by 30" call for?

at least 30 per cent of terrestrial and inland-water areas



and of marine and coastal areas



to be effectively conserved and managed by 2030



through

- ecologically representative
- well-connected
- and equitably governed
- protected areas
- and other effective area-based conservation measures
- with the Target's wider safeguards.

Link with the BBNJ Agreement

That pledge is not an article of the BBNJ Agreement. The Agreement supplies a legal means: under Part III the COP can establish marine protected areas in areas beyond national jurisdiction, which the UN puts at two-thirds of the ocean.

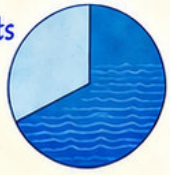


A legal means

under Part III the COP can establish marine protected areas in areas beyond national jurisdiction.

Extent as per the UN

which the UN puts at two-thirds of the ocean.



Marine protected areas

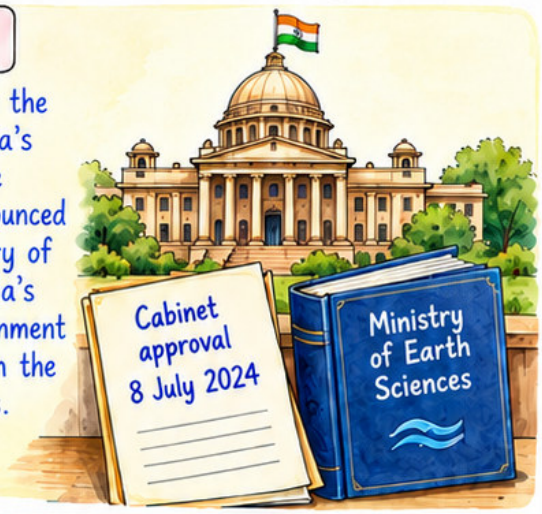


Sources: Day 16 Source Index | Topic 160 | Section 2.7

India's position

Cabinet approval

the Union Cabinet, chaired by the Prime Minister, approved India's signing of the Agreement; the Press Information Bureau announced it on 8 July 2024. The Ministry of Earth Sciences is to lead India's implementation, and the Government said India would ratify through the necessary legislative processes.



Signature

India signed the Agreement on 25 September 2024, at the UN General Assembly.



Ratification

in 2026 the Ministry of Earth Sciences put a draft BBNJ Bill, 2026 out for public consultation (comments by 2 June 2026). It described India as a signatory since September 2024 and stated India's objective to ratify. Status on 18 October 2026: the UN Treaty Collection records India's signature of 25 September 2024, with no ratification, approval, acceptance or accession. India is therefore a signatory, not yet a Party on that dated record.



Timeline of key dates

8 July 2024
the Union Cabinet approved India's signing; the Press Information Bureau announced it.

→

25 September 2024
India signed the Agreement at the UN General Assembly.

→

2 June 2026
draft BBNJ Bill, 2026 out for public consultation (comments by 2 June 2026).

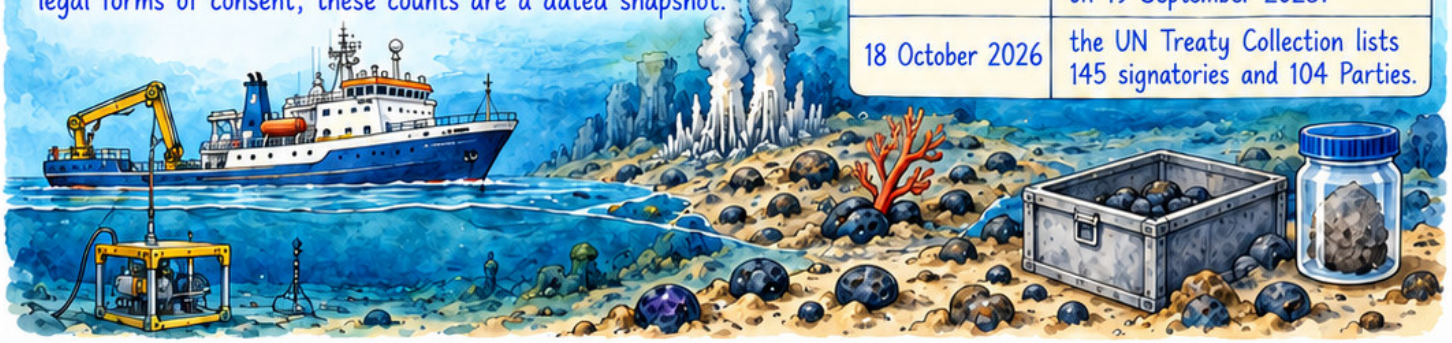
→

18 October 2026
Status on 18 October 2026: the UN Treaty Collection records India's signature of 25 September 2024, with no ratification, approval, acceptance or accession.

Counts on record

in June 2024, 91 countries had signed and eight had ratified (PIB). Palau was the first to deposit its instrument of ratification (UN press release of 23 January 2024). The 60th and 61st came on 19 September 2025. On 18 October 2026 the UN Treaty Collection lists 145 signatories and 104 Parties. Read the categories correctly: signatories and Parties are different totals. Participation can include regional organisations and different legal forms of consent; these counts are a dated snapshot.

Date / event	Counts / details
June 2024	91 countries had signed and eight had ratified (PIB).
First to ratify	Palau was the first to deposit its instrument of ratification (UN press release of 23 January 2024).
60th and 61st	The 60th and 61st came on 19 September 2025.
18 October 2026	the UN Treaty Collection lists 145 signatories and 104 Parties.



Sources: Day 16 Source Index | Topic 160 | Section 2.8

Extra section: chronology of the Agreement (1/2)

Date	Event
17 November 2004	General Assembly resolution 59/24 sets up the Ad Hoc Open-ended Informal Working Group (nine sessions, 2006 to 2015)
19 June 2015	Resolution 69/292: decision to develop an international legally binding instrument; Preparatory Committee set up (four sessions, 2016 to 2017)
24 December 2017	Resolution 72/249 convenes the Intergovernmental Conference (one organisational meeting and five substantive sessions, 2018 to 2023)
4 March 2023	Text of the Agreement agreed
19 June 2023	Agreement adopted by consensus
20 September 2023	Opened for signature
22 January 2024	Palau deposits the first instrument of ratification (UN announcement on 23 January)
8 July 2024	PIB announces the Union Cabinet's approval for India to sign
25 September 2024	India signs











Sources: Day 16 Source Index | Topic 160 | Section 3

Extra section: chronology of the Agreement (2/2)

Date	Event
19 September 2025	Morocco deposits the 60th qualifying instrument (acceptance); Sierra Leone the 61st (ratification)
20 September 2025	Signature period closes
17 January 2026	Agreement enters into force
23 March to 2 April 2026	Third session of the Preparatory Commission
2 June 2026	Last date for comments on India's draft BBNJ Bill, 2026
11 to 22 January 2027	First meeting of the COP, UN Headquarters, New York (as announced by the UN)



Morocco deposits the 60th qualifying instrument (acceptance); Sierra Leone the 61st (ratification)



Signature period closes



Agreement enters into force



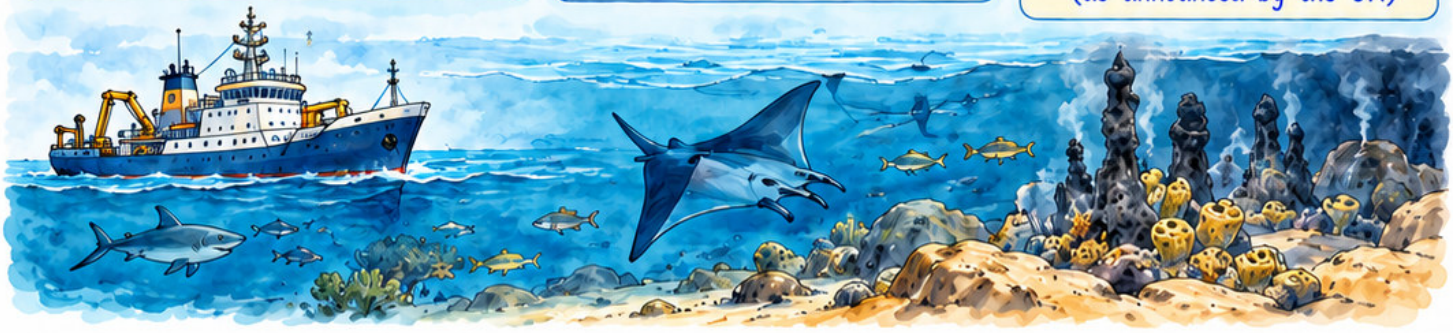
Third session of the Preparatory Commission



Last date for comments on India's draft BBNJ Bill, 2026



First meeting of the COP, UN Headquarters, New York (as announced by the UN)

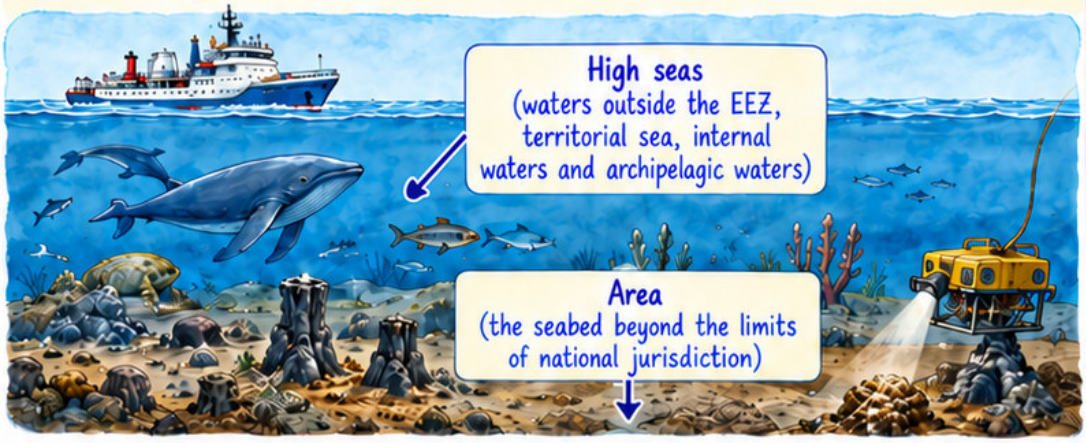


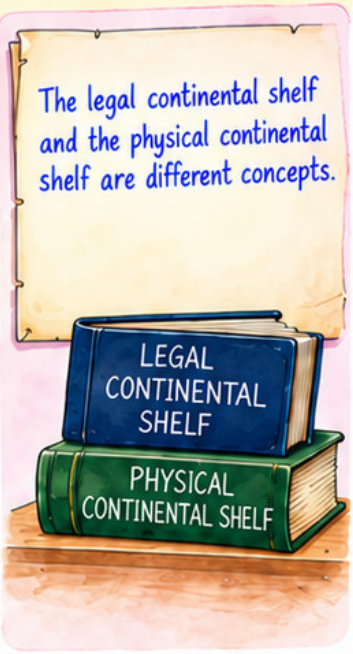
Sources: Day 16 Source Index | Topic 160 | Section 3

Three common exam traps

1 "Areas beyond national jurisdiction" are two things, not one.

They are the high seas (waters outside the EEZ, territorial sea, internal waters and archipelagic waters) and the Area (the seabed beyond the limits of national jurisdiction). Do not equate "the seabed beyond 200 nautical miles" with the Area: a coastal State's legal continental shelf can extend beyond 200 nautical miles. The legal continental shelf and the physical continental shelf are different concepts.





2 "30 by 30" is not a target written into the BBNJ Agreement.

It is the pledge of the Kunming-Montreal Global Biodiversity Framework. The Agreement provides tools, including marine protected areas, that can help meet the biodiversity framework's separate target.



3 Agreed, adopted, signed and ratified are four different steps.

The text was agreed on 4 March 2023, but the Agreement was adopted on 19 June 2023 and opened for signature on 20 September 2023. Signing does not make a country a Party: India signed on 25 September 2024, and the depositary record as of 18 October 2026 shows no ratification.



Sources: Day 16 Source Index | Topic 160 | Section 4