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Protecting marine biodiversity in the high seas

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The high seas represent over 60% of the ocean surface area and almost half of the surface area of the entire planet. The biodiversity there is still largely unknown but remains vital to humanity, meaning it is increasingly coveted and subjected to growing pressure from human activity.

In the early 2000s, at the UN General Assembly, member states raised the issue of the necessity to protect biodiversity in the high seas. However, it was not until 19 June 2023 that the Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (known as **BBNJ** - Biodiversity Beyond National Jurisdiction) was adopted by consensus.

As France was working to ensure that this agreement came into force before the United Nations Ocean Conference in Nice in 2025, the Parliamentary Office for Scientific and Technological Assessment organised a public hearing on 29 February 2024 on issues related to the protection of biodiversity in the high seas.

There were two goals to this public hearing:

- explain the reasons behind drawing up this agreement;
- recall the necessary conditions to ensure the success of BBNJ.

Mereana Reid Arbelot,
Member of the National Assembly

The aim of the BBNJ is to fill the gaps in international law concerning the conservation and sustainable use of marine biodiversity in the high seas

Deep-sea ecosystems are poorly understood, highly vulnerable and increasingly coveted

➢ Ecosystems that are still poorly understood and particularly vulnerable

In the high seas, **the abyssal zone below 3,500 metres represents around 70% of the marine environment**. It is therefore crucial to understand how these ecosystems function and the role they play in major biogeochemical cycles.

However, less than 10% of marine species observations take place in this area, while only 3,000 of the 200,000 publications on biodiversity listed in the *Web of Science* database concern biodiversity in the deep marine environment.

There are several reasons for this very limited knowledge of ecosystems: they are difficult to access; research, which is heavily dependent on technological advances in deep-sea exploration, is relatively recent; and finally, their biomass is often very low and their distribution irregular, making it impossible to predict the precise location that should be explored as a priority within this vast space.

Deep-sea ecosystems demonstrate exceptional adaptability in a hostile environment (absence of light, extreme temperatures, etc.). **Nevertheless, they are vulnerable due to their low dynamics, characterised by the presence of long-lived or slow-renewing species**.

➢ **Highly coveted ecosystems**

Marine areas beyond national jurisdiction are rich in highly coveted resources. **Deep-sea fishing** has been practised for many decades, mainly on an industrial scale. For example, since 2018, 5 million tonnes of tuna have been caught each year.

The discovery of **marine mineral deposits** also poses significant risks to biodiversity if they were to be exploited. To date, the International Seabed Authority (ISA) has only granted exploration licences, with mining being conditional on the introduction of a mining code, which the ISA has been working on for more than ten years. While France and 23 other countries support the idea of a moratorium on deep-sea mining, other countries are pressuring the ISA to authorise such mining activities.

Finally, the use of **marine genetic resources** in the high seas offers particularly promising opportunities in various fields such as pharmacology and cosmetics. **This holds enormous potential** as only 250,000 marine species have been identified to date, while between one and ten million new species remain to be discovered. This research remains highly concentrated for the time being, with just ten countries accounting for 90% of patent applications related to marine organism genes.

Legal loopholes prevent effective protection of marine areas beyond national jurisdiction

➢ **Fragmented governance at regional and sectoral levels**

Areas beyond national jurisdiction, namely the high seas and the 'Area', are governed by very different regimes.

The Area, which only takes into account mineral resources on the ocean floor, has the status of *'common heritage of mankind*'. No country may claim or exercise sovereignty or sovereign rights over any part of the Area, nor may it claim ownership of any part of it.

The high seas are, above all, an area of freedom: freedom of navigation, flyover, freedom to lay submarine cables, and of fishing and scientific research. Nevertheless, activities on the high seas are managed by a multitude of sectoral organisations and instruments (International Maritime Organisation, Food and Agriculture Organisation of the United Nations, Convention on Biological Diversity, International Whaling Commission, etc.) and regional bodies (regional fisheries management organisations, OSPAR, CAMLR, the UNEP Regional Seas Programme, etc.) without any actual consultation or harmonisation between these different bodies.

➢ **Inadequate governance**

Areas beyond national jurisdiction are subject to increasing pressure from human activities, pollution, overexploitation of resources, climate change and biodiversity loss. The United Nations Convention on the Law of the Sea requires countries to protect and preserve the marine environment, even in areas beyond their national jurisdiction. However, this obligation remains very general and is not sufficiently enforced, and monitoring proves difficult and costly in areas so far from the coast. **Yet, the oceans form a whole, despite the artificial boundaries created by the law of the sea**. Consequently, measures taken by states to safeguard biodiversity in areas under their national jurisdiction lose a degree of their effectiveness if areas beyond their national jurisdiction are not protected.

➢ **Four thematic areas overlooked by the law of the sea**

As early as 2011, United Nations member states identified **four areas where shortcomings in the law of the sea could be identified**: the creation of marine protected areas, the performance of environmental impact assessments, the use of marine genetic resources, and capacity-building in developing countries.

They also called for the adoption of a legally binding international instrument to strengthen the governance of areas beyond national jurisdiction, and establish the tools necessary for the effective protection of the ocean and the sustainable use of its resources.

The BBNJ is a real breakthrough for the conservation and sustainable use of marine biodiversity in the high seas

➢ **The tools implemented for biodiversity protection: the package deal**

- *The creation of area-based management tools, including marine protected areas*

The BBNJ sets out that, once the agreement has come into force, states may collectively or individually establish protected areas or any other area-based management tools. **Consensus is not the only means of decision-making** if we are to avoid deadlock situations such as those encountered under the Convention for the Conservation of Antarctic Marine Living Resources. In the absence of consensus, decisions and recommendations are made by a three-quarters majority of the parties present and voting, after the Conference of the Parties has decided, by a two-thirds majority, that all means of reaching consensus have been exhausted.

- *The performance of environmental impact assessments*

The BBNJ defines the procedures for conducting environmental impact assessments, which are based on stakeholder consultation (particularly with the states likely to be most affected) and transparency (notification of any activity undertaken, publication of the environmental impact assessment report).

The threshold for triggering an impact assessment is high, as the proposed activity must be *'likely to cause significant pollution or significant and harmful changes to the marine environment*'.

However, the BBNJ provides for an intermediate threshold above which the party must carry out a preliminary assessment to ensure that the impact of the proposed activity is below the threshold for triggering an impact assessment. This intermediate threshold is reached when '*the proposed activity is likely to have more than a minor or transient effect on the marine environment, or if its effects are unknown or poorly understood*'.

- *Regulation of activities related to marine genetic resources and sharing of benefits arising from their exploitation*

There are plans to create an exchange centre that will collect information related to activities involving marine genetic resources in areas beyond national jurisdiction, and automatically generate a BBNJ standardised batch identifier.

Furthermore, the monetary benefits arising from the use of marine genetic resources are shared according to two separate financial mechanisms.

Once the agreement enters into force, a special fund will be created to enable developing parties to boost their capabilities in analysing marine genetic resources.

It will be up to the Conference of the Parties to determine the terms and conditions for sharing monetary benefits in cases where activities using marine genetic resources generate profits.

- *Capacity-building and the transfer of marine technology*

The BBNJ provides for capacity-building in developing countries and the transfer of marine technology. The objective is twofold: on the one hand, to reduce inequalities between states in terms of scientific research, and on the other, to improve the ability of developing countries to meet the obligations of the agreement, particularly with regard to the creation and management of marine protected areas.

Article 44 lists the means to support '*the enhancement of the human, financial management, scientific, technological, organisational, institutional and other resource capabilities of the parties'*.

Article 46 sets out the establishment of a capacity-building and transfer of marine technology committee to monitor and review the measures taken.

➢ **The aim of the BBNJ is to pave the way for multilateral, inclusive governance that takes into account the interests of developing countries in order to ensure the conservation and sustainable use of biodiversity**

Despite the sovereign freedom of states on the high seas, the BBNJ establishes multilateral governance in this area with regard to biodiversity protection and allows, for example, the creation of marine protected areas to be imposed on parties, even without consensus.

This governance is inclusive in several respects. Firstly, it emphasises the need to boost the capabilities of developing countries so that they are able to fulfil their obligations in terms of technical, financial and human resources. Secondly, the BBNJ emphasises the importance of prior consultations and assessments of proposals submitted by the parties before taking a decision, whether they are concerned with the creation of marine protected areas or the performance of environmental impact assessments.

This governance is intended to defend the rights of the weakest states by sharing the benefits arising from activities relating to marine genetic resources, as well as capacity-building and the transfer of marine technologies. Similarly, indigenous peoples and local communities are protected by Article 13 of the BBNJ, which stipulates that the traditional knowledge of these peoples and communities associated with marine genetic resources in areas beyond national jurisdiction can only be accessed with their prior consent.

Science is at the heart of the BBNJ

➢ **Science as a decision-making tool**

The BBNJ proposes the establishment of a scientific and technical committee comprised of members serving in their expert capacity, with relevant scientific and technical expertise.

The scientific and technical body shall be involved in all stages of existence of marine protected areas, from their creation to their management and periodic review.

This body shall also recommend emergency measures to take in areas beyond national jurisdiction, in the event of particularly serious threats to biodiversity.

The scientific and technical body also has a key role to play in assessing environmental impacts. It is responsible for drawing up standards and guidelines for impact assessments. It shall determine the thresholds for conducting preliminary assessments. Where necessary, it can issue a non-exhaustive list of activities that may require an environmental impact assessment.

➢ **Science as a tool for collaboration**

Science plays a decisive role in capacity-building and the transfer of marine technology.

Capacity-building can take many forms, including the sharing and use of relevant data, information, knowledge and research results, as well as the development of technical, scientific, research and development programmes.

Science also plays a prominent role in the sharing of non-monetary benefits arising from activities related to marine genetic resources, whether through open access to scientific data that is Findable, Accessible, Interoperable and Reusable (known as FAIR), or through the strengthening of technical and scientific cooperation, particularly with scientists and scientific institutions in developing countries.

The BBNJ remains the result of a compromise, and certain obstacles need to be removed if this agreement is to be a success

The BBNJ is the result of a compromise

➢ **Compliance with existing agreements and the necessary coordination between the BBNJ and these agreements**

The BBNJ comes into force at a time when there are already numerous regulations governing navigation, exploration and exploitation of the seabed and fishery resources. As such, the application of the BBNJ will require coordination between the general obligation to biodiversity conservation and the existence of numerous treaty obligations, **without the provisions of the BBNJ taking precedence, as all treaties have the same legal value**.

- *Cooperation between the BBNJ and other instruments and frameworks for the establishment of marine protected areas*

Article 22 of the BBNJ states that proposals for the establishment of marine protected areas must be drafted in collaboration with the global and regional bodies concerned. They should also be submitted to these bodies for consultation. The BBNJ Conference of the Parties can take any measure that is compatible with those adopted under existing legal instruments and frameworks.

However, **when the proposed measures fall within the competence of other bodies, the Conference of the Parties can only issue recommendations to adopt appropriate measures**.

- *Cooperation in terms of environment impact assessment of activities*

Article 29 encourages the scientific and technical body to collaborate with any relevant legal instruments and frameworks, as well as with global and regional bodies that regulate high seas activities, particularly in the context of developing standards and guidelines. **This helps the BBNJ complement other existing legal instruments, since BBNJ parties are exempt from preliminary assessments or environmental impact assessments if these have already been performed under other legal instruments**.

- *Cooperation in terms of capacity-building and the transfer of marine technology*

This cooperation is set out in article 41 of the BBNJ. Article 42 confirms the necessity of making use of existing programmes to avoid duplications and be guided by lessons learned from capacity-building and transfer of marine technology activities carried out under current legal instruments.

➢ **An agreement with limited scope due to the exclusion of fishing and mineral resources in the scope of application**

- *The exclusion of fisheries resources*

Deep-sea fishing is one of the activities with the most significant negative impact on marine biodiversity due to the overfishing of target species, particularly juvenile fish. 17% of tuna stocks are considered to be overexploited. Bycatch is also a negative impact of fishing. A 2023 study conducted in the Pacific Ocean estimated that 1.8 million sharks were caught by longliners in 2019 and 100,000 sharks were caught by seiners.

The majority of marine fish stocks are managed by one or more Regional Fisheries Management Organisations (RFMOs). **Even so, these organisations are struggling to prevent the depletion of fish stocks in the high seas** in the absence of effective integrated management that takes into account all aspects of the ecosystem.

For example, the introduction in 2017 by the Indian Ocean Tuna Commission of a quota for seine fishing to rebuild stocks resulted in a 35% increase in silky shark catches by the French fleet.

Excluding fishing from the scope of the BBNJ agreement significantly undermines the effectiveness of efforts to conserve and sustainably use marine biodiversity in areas beyond national jurisdiction.

According to the scientists present at the hearing, establishing marine protected areas without strict regulation of industrial fishing could prove relatively useless.

- *The exclusion of mineral resources*

Activities related to the exploration and exploitation of mineral resources are also excluded from the scope of the BBNJ, as they are already governed by the United Nations Convention on the Law of the Sea. The ISA is therefore responsible for protecting the seabed and regulating its exploitation. However, there is strong opposition between, on the one hand, states wishing to impose a moratorium on seabed mining and, on the other hand, states that wish to take full advantage of these resources, particularly in order to ensure their climate transition.

The BBNJ sets out the procedures to follow for conducting environmental impact assessments of activities that may cause significant pollution or considerable and harmful changes to the marine environment in areas beyond national jurisdiction, but it has no jurisdiction over impact assessments of mining-related activities, which fall under the responsibility of the ISA. **The conservation of marine biodiversity in the Area will therefore depend on the ISA's ability to impose strict environmental rules on countries wishing to engage in mining activities**.

➢ **Compromises in the BBNJ that could weaken its effectiveness**

The BBNJ internationalises a number of procedures such as environmental impact assessments and the establishment of marine protected areas. However, since international agreements are only binding for the parties that ratify them, the BBNJ negotiators aimed to ensure that the final agreement was acceptable to as many states as possible, particularly to developed countries that are actively engaged in high seas activities. **A number of compromises were therefore made to strike a balance, especially regarding respect for the sovereignty and political independence of states**.

This is why it is up to each sovereign state to decide whether to authorise an activity that has been subject to a necessary impact assessment, even though some states argued during the negotiations that the Conference of the Parties should be responsible for this decision.

The agreement provides for the possibility of making decisions on the establishment of marine protected areas by a three-quarters majority in the event of deadlock. In return, it allows any party to raise an objection to such establishments so that the decision is not binding.

On the issue of fair and equitable sharing of benefits arising from activities involving marine genetic resources, there were deep divisions over the legal status to be assigned to these resources. Developing countries advocated for them to be accorded common heritage of humanity status, which would entail joint management of resources based on an international access regime. Developed countries did not want to see free access to marine genetic resources called into question.

The compromise reached avoids the question of the legal status of marine genetic resources. However, access to these resources will require the submission of a very comprehensive set of information to the Clearing-House Mechanism, to ensure full traceability of activities related to marine genetic resources. The BBNJ agreement also contains numerous measures aimed at capacity-building in developing countries and the transfer of marine technology.

Certain obstacles will need to be overcome to ensure the effectiveness of the BBNJ

➢ **The obstacles to its entry into force**

Article 68 sets out that the BBNJ agreement shall enter into force 120 days after the date of deposit of the 60th instrument of ratification. **At the end of March 2024, only the Republic of Palau and Chile had ratified the agreement**.

A specific procedure applies to the member states of the European Union, insofar as the agreement falls within the fields of competence of both the Union and the member states. Therefore, both the Union and the member states must ratify the agreement, through their own respective procedures. The practice known as 'by mutual agreement' requires the member states and the EU to submit the ratification formalities with the United Nations simultaneously. The EU and the 27 member states aimed to do this before the United Nations Ocean Conference in June 2025. While France planned to ratify the agreement before summer 2024, not all other member states made this a priority. It seemed unlikely that the European Parliament would ratify the agreement before the June 2024 elections due to the short time frame. Nor was it certain to be one of the priorities of the newly elected assembly.

Consequently, without strong political will on the part of the international community, the BBNJ agreement may take several years to come into force.

Furthermore, only 87 states have signed it so far, which is still far from enough for the agreement to have any real impact within the international community.

➢ **Obstacles to its rapid implementation: cumbersome and costly procedures**

There are cumbersome and costly procedures involved in the implementation of the tools provided for by the BBNJ to ensure the conservation and sustainable use of marine biodiversity.

The administrative formalities required in order to propose the establishment of marine protected areas include a large number of elements (geographical description of the proposed area, criteria for determining the areas to be protected, information on human activities carried out in the area, description of the state of the marine environment and biological diversity, management plan, etc.). **These requirements are therefore cumbersome and require advanced scientific and technical skills as well as significant financial support**.

The same applies to the environmental impact assessment of activities carried out in areas beyond national jurisdiction. This assessment involves obligations to consult, take into account the observations of the scientific and technical committee, publish the impact study and periodically draft reports on the impacts of the authorised activity.

Research activities relating to marine genetic resources are also subject to a relatively restrictive notification procedure that requires significant human and financial resources. Care must therefore be taken to ensure that the administrative burden on researchers remains reasonable.

Another point of concern is the Clearing-House Mechanism, which is responsible for centralising declarations prior to this information being collected. If it were to become a forum for assessing and, potentially, debating the appropriateness of the campaign, the very principle of freedom of research would be called into question.

Finally, the BBNJ creates no fewer than four committees, besides the scientific and technical body: the Access and Benefit-Sharing Committee, the Capacity-Building and Transfer of Marine Technology Committee, the Finance Committee and the Implementation and Compliance Committee.

These bodies will require human, technical and financial resources to carry out their tasks.

Furthermore, their establishment is likely to take time, as countries will have to agree on their composition. The appointment of their members will be a highly sensitive matter, given the tasks they will have to perform.

- **Specific obstacles that certain tools provided for by the BBNJ may encounter**

    - *Obstacles to the establishment of effective marine protected areas*

Marine protected areas must meet a number of conditions to truly guarantee the conservation of marine biodiversity in areas beyond national jurisdiction.

First of all, the effectiveness of marine protected areas depends on their level of protection. Several scientific studies have demonstrated that marine protected areas that prohibit almost all human activity are the most effective. Conversely, those with only minimal or light protection (particularly those that allow industrial fishing) have no practical impact.

However, states tend to prioritise quantity (in order to meet the target of 30% of seas and oceans covered by marine protected areas) at the expense of quality. The issue of the level of protection for marine protected areas on the high seas will become even more crucial given the burden of industrial fishing in these areas, and the fragmentation of biodiversity conservation governance between sectoral and regional organisations.

Furthermore, monitoring and surveillance of future marine protected areas are essential to ensure the effective implementation of the measures adopted. However, this control currently depends on the ability and political will of states to monitor the activities of vessels registered under their flag.

The establishment of marine protected areas requires prior scientific knowledge and on-site observation. For example, analysing variations in zooplankton biomass in a thermal dome has implications for determining the protected area. Similarly, collecting data on human activities and their intensity (fishing, maritime traffic) makes it possible to objectively assess the nature of human pressures and adopt the most appropriate measures. This data collection can be facilitated by access to satellite data, but also by establishing collaborations with global and regional bodies that already have extensive data, such as the International Maritime Organisation or regional fisheries management organisations.

Cooperation with coastal countries whose EEZs will border the new marine protected areas should also be prioritised, as biodiversity and pollution know no boundaries.

    - *Obstacles to the performance of environmental impact assessments*

The **scientific community currently has only a very fragmented understanding of marine diversity in the deep sea**. Even in the Clarion-Clipperton Zone, which is where most studies have been conducted to date, the baseline data needed to analyse and quantify the impact of certain activities on ecosystems remains very much incomplete. In particular, the current level of scientific knowledge about the ecosystems in this area does not allow for scientifically validated decisions to be made about the relevance and potential consequences of mining activities.

Therefore, despite the highly formalised procedure put in place by the BBNJ for conducting environmental impact assessments, these will prove ineffective in ensuring the sustainable use of resources until the scientific shortcomings in deep-sea mining are addressed.

The 8 recommendations

➢ **Work towards a swift entry into force of the BBNJ agreement**

The United Nation's Ocean Conference in June 2025, hosted by France, was the initial chosen occasion to announce the entry into force of the BBNJ agreement. Beyond the intense diplomatic efforts undertaken by the Government, Members of Parliament, particularly members of the Office and overseas delegations, as well as the presidents and members of parliamentary friendship groups, can also take action by raising awareness among foreign counterparts of the need to ratify the BBNJ.

➢ **Refuse retroactive applications of the BBNJ**

The French Parliament must adopt a position to ensure that the provisions concerning activities relating to marine genetic resources do not apply to resources collected before the agreement enters into force, as provided for in Article 10. Such an obligation could well create legal uncertainty for collections that have been established, in some cases, for several centuries by certain French research institutions. Article 70 allows states to derogate from the principle of retroactivity by entering a reservation at the time of ratification of the agreement. **It will therefore be necessary to verify that the Government does indeed intend to issue this reservation when the agreement is examined by Parliament**.

➢ **Impose a moratorium on seabed mining activities**

At the 28th council of the International Seabed Authority (ISA) held in spring 2023, France called for the formation of a broad coalition of states to oppose seabed mining activities.

Since then, 24 countries, including France, have decided to support the idea of a moratorium pending advances in scientific knowledge on deep-sea biodiversity and relevant studies on the impact of mining activities on these ecosystems.

The 29th ISA Council, held from 18 to 29 March 2024, provided another opportunity to address this issue. French diplomats are working hard to convince new countries to support the proposed moratorium. It is important that French Members of Parliament contribute to this persuasion effort.

➢ **Adopt a holistic approach to biodiversity conservation**

The protection of the high seas is hindered by governance that is incomplete and fragmented, both in geographic and sectoral terms. In response to this 'oceanic cacophony', the BBNJ reaffirms the obligation of all states parties to the United Nations Convention on the Law of the Sea to protect and preserve the marine environment and advocates consistency and cooperation between legal instruments and frameworks, as well as relevant global, regional, sub-regional and sectoral bodies.

It will therefore be necessary to ensure that the decisions taken by states in the various international organisations of which they are members are not contradictory, and take into account the need to protect biodiversity in the high seas.

➢ **Ramp up research efforts in exploring the seabed**

Scientific knowledge of deep-sea ecosystems remains very limited and does not allow for a fully accurate assessment of the impact of activities, particularly mining, on areas beyond national jurisdiction. Exploring the seabed requires investment in increasingly sophisticated and costly technologies such as drones, autonomous underwater robots and data analysis tools. In order to better understand biodiversity in the high seas, it is also essential to combine on-site observations with modelling.

When presenting the 'France 2030' investment plan for the future in October 2021, the Government committed to investing €300 million in the Deep Sea Project. It is essential that the announced investments are made, and even increased, so that France can maintain its status as a major oceanic nation.

➢ **Boost the level of protection and surveillance of activities in marine protected areas**

The implementation of a management plan that sets out the measures to be adopted and describes the monitoring, research and control activities to be carried out in order to achieve the objectives set is key in ensuring the effectiveness of marine protected areas.

It is crucial to guarantee a high level of protection for marine protected areas and effective monitoring of the activities carried out within them. As such, it is essential to ensure that countries have the technical capabilities and political will to control vessels flying their flag. Where appropriate, cooperation arrangements may be established with flag states to assist them in their control activities. Failing this, strengthening port controls could compensate for the difficulties encountered by some states in controlling vessels flying their flag.

The specific involvement of one or more states in the establishment and monitoring of a marine protected area is often a necessary condition for ensuring the conservation of biodiversity. Given the size of France's maritime domain, our country has a specific responsibility in providing leadership in the establishment and surveillance of marine protected areas.

As such, France must be exemplary.

Admittedly, as of 2022, 33% of French waters were covered by at least one marine protected area. However, the term 'marine protected area' covers a wide range of situations, and very few of them actually benefit from a high level of protection. We must therefore adapt our marine biodiversity conservation policy by prioritising quality over quantity.

➢ **Intensify educational initiatives to raise awareness among the population of biodiversity conservation in the high seas**

Several initiatives have already been rolled out, particularly in coastal areas and French overseas territories, to raise awareness among the population of protecting the marine environment in territorial waters and in the Exclusive Economic Zone. Educational marine areas have been established in Polynesia for example, including one in the Marquesas Islands. These educational initiatives to raise awareness among citizens, particularly targeting children and adolescents, must be extended to areas beyond national jurisdiction. There are already some initiatives, such as the 'Mon Lopin de Mer' educational programme, serious games, and participatory science projects. Support should be given to these initiatives and their scope broadened.

➢ **Encourage more involvement from the French overseas territories in the BBNJ agreement**

Island communities have a relationship with the ocean that contributes to its protection. They are also the first to benefit from effective protection of marine biodiversity.

France's overseas territories are geographically close to many countries that are heavily invested in the effective implementation of the BBNJ, such as the United States, Japan and Australia, not to mention all the other island nations.

It is therefore in the French government's best interests to involve its overseas territories in its policy of influencing the protection of marine biodiversity and the ratification of the BBNJ, but also to draw inspiration from certain traditional practices such as the *rāhui* for the implementation of measures that guarantee the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

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