



KINGDOM OF BELGIUM



Agenda & Guiding Questions

20 - 21 October 2021

14:00 CEST / 08:00 EDT/ 20:00 SGT

The High Seas Treaty Dialogue in October will focus on Perspectives on Data Information and Management; Marine Genetic Resources, including Sharing of Benefits; and Implementation, Compliance and Dispute Settlement.

Guiding Questions which could be considered for the dialogue are set out below:

I. October 20: Implementation, Compliance and Dispute Settlement

Session Moderated by Eden Charles

Session 1: Implementation & Compliance [2 hours]

What is the experience from other bodies of Implementation and Compliance, including with Compliance Mechanisms? Delegates will have the opportunity to hear from a few experts and engage in dialogue with Discussants and each other. At the beginning of the session, we will hear from a representative of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

Guiding Questions:

Q1: What type of assistance, and by whom, do you contemplate States Parties will need to assist them in the implementation of the agreement?

Q2: What kind of support should be provided for in the agreement to assist developing countries, including Small Island Developing States, to fulfill their obligations under the agreement? How do delegations view the role of differentiation and equity in relation to implementation?

Q3: Is there a role for the Conference of Parties to promote compliance and address cases of non-compliance with the agreement. What kind of measures can be envisaged in cases of non-compliance?

Session 2: Dispute Settlement [1 hour]

Q4: What could be the mechanisms for settling disputes under the agreement "by other peaceful means of their own choice"[Article 54]?

Q5: There has been some discussion about the possible inclusion of a dispute prevention mechanism in the agreement – how could such a mechanism work?

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II. October 21: Perspectives on Data Information and Management | Marine Genetic Resources, including Sharing of Benefits

Session Moderated by Dire Tladi

Session 1: Perspectives on Data and Information Management [2 hours]

What are the necessary functions and operations that need to go into the agreement? What is the experience from other bodies of Data and Information Management? Delegates will have the opportunity to hear from a few experts and engage in dialogue with Discussants and each other. At the beginning of the session, we will hear from representatives of the ABS Clearing-House and the ISA Deep Seabed and Ocean Database.

Q1: What will be the purpose and key characteristics of the BBNJ Clearing House Mechanism? What are the necessary functions and operations that need to go into the agreement? In terms of design, would it be a hub that connects with other databases; a database of its own right; or a hybrid of both? Would it be open to all, or need some restricted access areas? How would confidentiality and intellectual property issues be addressed? Who could post / link information and data to the clearing house mechanism? Would it be part of the Secretariat? Could it be outsourced to an existing body/database? Both? If a Clearing House Mechanism were outsourced - would it be “willing”/able to “take orders” from a BBNJ COP, as opposed to only from its own leadership structure?

Q2: With respect to existing databases, are there constraints in terms of accessibility and interoperability?

Q3: What would be the relationship between the Clearing House Mechanism under the agreement and existing databases?

Session 2: Marine Genetic Resources, including Questions on the Sharing of Benefits

Guiding Questions [1 hour]

Q4: How would transparency with respect to activities related to Marine Genetic Resources and associated data and information be ensured and operationalized at different stages? Who would be responsible for taking the action? What benefit-sharing would be triggered?

Q5: Should the future agreement address Intellectual Property Rights and, if so, how?