



KINGDOM OF BELGIUM



## Agenda & Guiding Questions

8 - 9 December 2021

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

*Day 1 of the December High Seas Treaty Dialogues will pick up on October discussions related to Implementation, Compliance and Dispute Settlement, it will also focus on the relationship between the Institutional Arrangements under the future BBNJ agreement and relevant legal instruments frameworks and relevant global, regional, subregional and sectoral bodies. Day 2 will focus on Marine Genetic Resources, including questions on the Sharing of Benefits and Transfer of Marine Technology.*

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

### **I. 8 December 2021: Implementation, compliance and dispute settlement and the Relationship between the institutional arrangements under the future BBNJ agreement and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies**

*Sessions Moderated by Gabriele Goettsche-Wanli*

#### **Session 1: Implementation & Compliance and Dispute Settlement**

##### **Guiding Questions:**

**Q.1:** What type of assistance, and by whom, do you contemplate States Parties will need to assist them in the implementation of the future agreement? What kind of support should be provided for in the agreement to assist developing countries, including Small Island Developing States, to implement the future agreement? How do delegations view the role of differentiation and equity in relation to implementation?

**Q.2:** What is the role for the Conference of Parties to promote compliance and address cases of non-compliance with the future agreement. Is there a role for an implementation and compliance mechanism? What kind of measures can be envisaged, including in cases of non-compliance?

**Q.3** What could be the relationship between a potential implementation and compliance role for the Conference of the Parties and a potential implementation and compliance mechanism and the mechanisms for settling disputes under the future agreement?



**Session 2: Relationship between the institutional arrangements under the future BBNJ agreement and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies**

**Q.4:** How can coherence among efforts towards, and the harmonization of relevant policies and measures for, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction be ensured?

**Q.5:** How should the agreement address situations where coherence and harmonization falls short?

Consider the following scenarios:

- a. One organization fails to take a decision to adopt protective measures, perhaps due to difficulties in achieving agreement?
- b. One organization wants to open an area for exploitation that another organization has described rare or fragile, or important for threatened or endangered species, or satisfies the other criteria for an EBSA, or
- c. An organization allows activities such as the exploitation of resources in a way that may affect the marine biodiversity of ABNJ?
- d. An organization allows an activity that may adversely affect the ecological integrity of an existing MPA.

**Q.6:** Who would be responsible for taking the action and ensuring that the objective is achieved?

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**II. 9 December: Marine Genetic Resources, including questions on the Sharing of Benefits and Transfer of Marine Technology.**

*Sessions Moderated by Nilufer Oral*

**Session 1: Marine Genetic Resources, including questions on the Sharing of Benefits**

*Participants will hear from an expert in new and emerging technologies and have an opportunity for Q&A with them.*

**Q.1:** 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 actions at the respective stages?

**Q.2:** What benefit-sharing would be triggered?

**Q.3:** How can the future agreement “future proof” the process for the reporting and benefit-sharing of marine genetic resources, especially in light of evolving technologies?

**Session 2: Transfer of Marine Technology**

*Participants will hear from an expert in the Transfer and Marine technology and have an opportunity for Q&A with them.*

**Q.4:** Should the future agreement provide for a transfer of marine technology mechanism? If so, what should the main functions of such a mechanism include?

**Q.5:** What are the essential elements of such a mechanism?

**Q.6:** Should the private sector be involved in marine technology transfer activities under the future agreement and, if so, how?