

# Navigating the Blue Frontier: Legal Challenges to Marine Biodiversity Protection in the Gulf of Guinea under the BBNJ Agreement Era

MBIATEM Franchette Ebot (PhD Student in Law)

University of Yaoundé II, Cameroon - Faculty of Laws and Political Science, Department of English Law.

DOI: <https://doi.org/10.47772/IJRISS.2026.10100457>

Received: 21 January 2026; Accepted: 27 January 2026; Published: 13 February 2026

## ABSTRACT

Following the BBNJ Agreement entry into force on January 17, 2026, the Gulf of Guinea (GoG) has emerged as a critical theatre for testing new global legal standards for marine biodiversity protection. This article analyzes the legal friction between the emergent BBNJ framework and existing regional instruments, specifically the Abidjan Convention. The study explores how the 2026 implementation era creates unprecedented challenges for the Monist and Dualism legal systems of the GoG states, such as cote d'Ivoire, Gabon, Ghana, Guinea-Bissau, Nigeria and Sierra Leone who are among the early ratifiers of the BBNJ Agreement, in harmonizing national legislation with high seas obligations regarding Marine Protected Areas (MPAs) and Environmental Impact Assessments (EIAs). It highlights three primary legal challenges of implementing the BBNJ Agreement within the GoG, focusing on Jurisdictional overlaps, implementation gaps and institutional fragmentation.

By evaluating the 2025 Yaoundé Declaration, in which eight GoG nations pledged to sustainably manage 100% of their ocean areas by 2030, the article argues that the GoG requires a "Blue Hybrid" legal model. This model must integrate the BBNJ's global standards with regional security protocols to ensure that marine biodiversity protection is not sidelined by immediate economic and security imperatives. The research concludes with a set of legislative recommendations for the GoG states to navigate in West Africa hinges on resolving the dualism-monist legal disparities that currently hinder treaty ratification and enforcement.

**Keywords:** BBNJ Agreement, Gulf of Guinea, Marine Biodiversity, Ocean Governance, Abidjan Convention, Yaoundé Declaration, Maritime Security, United Nations Convention on the Law of the Sea

## INTRODUCTION

### The 2026 High Seas Paradigm

The entry into force of the Agreement on Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ) on January 17, 2026 marks a historic pivot from negotiation to delivery. For the Gulf of Guinea, a region characterized by high ecological connectivity between coastal waters and the high seas, this new era demands a radical restructuring of maritime governance.<sup>1</sup> This milestone marks the end of a "wild west" epoch for the high seas, which cover nearly half the planet's surface but have long suffered from fragmented governance<sup>2</sup>. Nowhere is the weight of this new legal reality felt more acutely than the Gulf of Guinea (GoG).

As a vast maritime region stretching from Senegal to Angola, the Gulf of Guinea stands as one of the world's most ecologically diverse yet legally contested "blue frontiers". It is a rich nestling ground for fisheries, harbours enormous oil and gas reserves, and biodiversity. While it's waters are a primary artery for Global

<sup>1</sup> Anderson M. & Vrey, F. (2025). Exploring Communities of Practice for Maritime Security in the Gulf of Guinea: Opportunities and Constraints. *Scandinavian Journal of Military Studies*, 8 (1), 521-536. Doi.org

<sup>2</sup> Botero C.M., Suman . D.O., & Milanes C.M., (2025). The Multiple Challenges Faced by Coastal and Marine Governance. *Water*. <https://doi.org/10.3390/w1752322>

trade and a sanctuary for complex marine ecosystems, they are increasingly besieged by climate change,<sup>3</sup> illegal, unreported, and unregulated (IUU) fishing, maritime insecurity<sup>4</sup> and unregulated seabed exploitations. Five of the eight species of sea turtles in the world are present in the region, of which four are considered to be threatened,<sup>5</sup> The fifth species, the loggerhead turtle (*Caretta caretta*), is classified as vulnerable<sup>6</sup> and urgently in need of protection against extinction.

Historically, the protection of this biodiversity has been hampered by a fragmented legal architecture where regional mechanisms often stopped at the edge of the Exclusive Economic Zone (EEZ), leaving the high seas adjacent to west and Central Africa in a governance vacuum. Studies by the African Union Inter – African Bureau for Animal Resources (AU-IBAR) indicates that West African states have ratified only about 43% of relevant global environmental instruments, revealing a significant implementation gap compared to other regions.<sup>7</sup> Other Legal Scholars like Garcia Arevalo, in his Article on “*The Challenges in The Utilization of Marine Genetic Resources in National and International Jurisdiction from a Legal Perspective* “ (2024)<sup>8</sup> opines that the issue of state sovereignty over natural resources is responsible for the reluctance by this states to submit to international legal norms.

The adoption of the 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 (BBNJ Agreement) on June 19, 2023, heralds a new era. As a third implementing agreement to the United Nations Convention on the Law of the Sea (UNCLOS), the BBNJ Agreement introduces revolutionary tools for marine protection, including Area – Based Management Tools (ABMTs), Environmental Impact Assessments (EIAs), and equitable benefit sharing of Marine Genetic Resources (MGRs). However, for GoG littoral states, this new era is fraught with legal complexities. The transition from a regime of freedom of the high seas to one of collective stewardship requires a radical harmonization of existing regional laws with the Global BBNJ standards.

## Rationale for the Study

The impetus for this research lies in the urgent need to bridge the “implementation gap” between the Global BBNJ Framework and the regional legal landscape of the Gulf of Guinea. While the BBNJ Agreement offers a blueprint for protection, its efficacy in the GoG is threatened by three critical bottlenecks:

- 1. Jurisdictional Overlap:** The GoG is already governed by the Abidjan Convention (1981) and various Regional Fisheries Management Organizations (RFMOs) as well as the 2025 Yaoundé Declaration.<sup>9</sup> This study is rationalized by the need to resolve the “not undermining” clause in Article 4 of the BBNJ Agreement, which risks paralyzing new conservation measures if they are perceived to infringe upon existing regional competencies.
- 2. Capacity and Technological Disparities:** The GoG consists primarily of developing and least developed countries. The rational for this study includes a critical evaluation of the Part V (Capacity – Building and

<sup>3</sup> Tamaramibie E.T., Daubiri S.P., Orusengha P.E., & Kirikareye S.B., (2024). Climate Change and Maritime Security : Implications for Africa’s Regional Development. Research Gate. DOI: 10.6084/m9.figshare.27643308

<sup>4</sup> Ndibnu B.B., (2024). The Legal Framework and Challenges in Addressing Maritime Security in the Gulf of Guinea: A comparative Study. United Nations – The Nippon Foundation of Japan Fellowship Programme.. <https://www.un.org/oceancapacity/site>

<sup>5</sup> Namely; the green turtle (*Chelonia mydas*), the hawksbill turtle (*Eretmochelys imbricate*), the leatherback turtle (*Dermochelys coriacea*), and the olive ridley turtle (*Lepidochelys olivacea*).

<sup>6</sup> Castroviejo J., Juste J., Gil R., Del Val Perez J., (1994). Biodiversity and Conservation. 3 (9) : 828 – 836. <https://doi.org/10.1007/BF00129661> . Also see Chukwuone, N.A., Ukwe C.N., Onugu A., Ibe, C.A., (2009). Valuing the Guinea Current Large Marine Ecosystem: Estimates of Direct Output Impact of Relevant Marine Activities. Science Direct.. Ocean & Coastal Management, Volume 52, Issues 3-4, March – April 2009, pp. 189-196. <https://www.sciencedirect.com>. Lastly accessed 2, December 2025.

<sup>7</sup> Tambinyuo FM., (2023). Continental Report of Status of Implementation of Key Global Environmental Legal Instruments: The Case of West Africa. AU – IBAR Respository. <https://www.respository.au-ibar.org>

<sup>8</sup> Garcia Arevalo J., (2024). “The Challenges in The Utilization of Marine Genetic Resources in National and International Jurisdiction from a Legal Perspective “ *Journal of Infrastructure Policy and Development*. 8 (13):8496. <https://doi.org/10.24294/jipd8496>

<sup>9</sup> Malaquias, A. (2024). Yaoundé Code of Conduct Maritime Zones A & D Workshop: Advancing Maritime security in the Gulf of Guinea. Africa Center for Strategic Studies. (Retrieved 2026).

Transfer of Marine Technology) provisions to determine if they provide a binding legal path to ensure these states can realistically enforce BBNJ standards.

- 3. Legislative Harmonization:** There is currently no unified legal methodology for GoG states to integrate BBNJ obligations into their domestic maritime codes. This study provides the necessary legal scholarship to guide the ratification and transposition of BBNJ principles into the domestic laws of the region.

The Blue Frontier” of the GoG is no longer a peripheral concern but a central stage for the operationalization of global ocean equity. By analyzing the legal friction between universal treaty norms such as UNCLOS 1982

(Articles 192: obligation to protect the marine environment, and Articles 116 – 19: high seas fishing) and the BBNJ Agreement 2023 (Part III: ABMTs/MPAs and Part IV : EIAs) , versus the regional security realities(section 2), precisely the 1981 Abidjan Convention (including the 2011 Protocols on integrated Coastal Zone Management) and the Yaoundé Code of Conduct (with emphasis on the 2025 Yaoundé Declaration) the study reveals challenges in the regional implementation (Section 3) of the BBNJ Agreement. It proposes a path toward a cohesive “Blue Community” that secures both ecological integrity and the economic future of the West African coast (section 4).

## METHODOLOGY OF THE STUDY:

Legal and policy instruments are usually the pillars for protecting marine biodiversity. However for a more credible legal analysis theories and principles demonstrate the influences they have on each other. This study employs a multi-scalar legal integration framework to evaluate how the BBNJ Agreement interfaces with regional maritime Law in the protection of marine biodiversity. The methodology is structured across four distinct analytical layers:

- **Normative Coherence Mapping:** This layer uses a Doctrinal Legal Method to analyze the synergy between the BBNJ Agreement and existing UNCLOS provisions , specifically identifying where Area Based Management Tools (ABMTs) overlap with the Abidjan Convention mandates in West and Central Africa.
- **Regional Institutional Interplay Analysis:** By utilizing Regime Interaction Theory<sup>10</sup>, the study investigates the clash of competencies between the global BBNJ COP and regional bodies like the Inter – Regional Coordination Centre (ICC) in Yaoundé.
- **Gap – Centric Comparative Jurisprudence:** The methodology adopts a step-wise comparative Approach<sup>11</sup> to contrast the Environmental Impact Assessment (EIA) standards of the BBNJ with the domestic maritime Laws of key Gulf of Guinea Littoral states like Cameroon, Nigeria and Ghana.
- **Functional Capacity Assessment:** it evaluates the Special Circumstances of Small Island and Coastal Developing States through the lens of the BBNJ Article 7 on Capacity Building and Technology Transfer, testing the practical feasibility of implementing global Standards in resource – constrained regional environments.

<sup>10</sup> Cavalcante de Aimeida C.B., (2025). Legal Considerations for the Effective Implementation of the BBNJ Agreement on Marine Biological Diversity Beyond National Jurisdiction. Geneva Graduate Institute. <https://www.respository.graduateinstitute.ch> <sup>11</sup> Yu, Z., Zhou, Y., Zhang, Y., Wu., Q., (2025). Operationalizing Strategic Environmental Assessment under the BBNJ Agreement: Legal Frameworks, National Practices, and Implementation Pathways. *Frontiers. Mar. Sci.*, Volume 2025. <https://doi.org/10.3389/fmars.2025.1667924>

By combining these layers, the research transcends mere “black – letter law” to offer a predictive legal model for blue frontier governance in the Atlantic.

## **The Dual Global Pillars of Modern Ocean Governance: UNCLOS and the BBNJ Agreement**

The UNCLOS remains the grundnorm for the oceans, providing the overreaching legal structure for all maritime activities.<sup>11</sup> While Article 192 UNCLOS establishes a general obligation for states to protect and preserve the marine environment, it lacks specific mechanisms to address the modern biodiversity crisis in Areas Beyond National Jurisdiction. The BBNJ Agreement steps in not replace UNCLOS but strengthen specific UNCLOS provisions to move from principles to operational conservation. This Agreement serves as the third implementing agreement under UNCLOS. Key provisions impacting the Gulf of Guinea include:

### **Area- Based Management Tools (ABMTs)**

The BBNJ Agreement sets precedence in the establishment of a multilateral framework for ABMTs in the areas beyond national jurisdiction. Though (Part XII) UNCLOS contains general provisions for protecting the marine environment (e.g., Articles 194(5) and 145 (b)) it does not make provision of a specific, unified mechanism for establishing Area-Based Management tools or Marine Protected Areas (MPAs) in the high seas. Part III of the BBNJ Agreement was developed specifically to fill this gap. It introduces formal explicit rules, processes, and a definition for ABMTs and MPAs in ABNJ and sets up a scientific and technical Body and a Conference of Parties (COP) to designate them. ABMTs as defined by Article 1(1) BBNJ Agreement is a tool, including a marine protected area, for a geographically defined area through which one or several sectors or activities such as fishing, shipping or mining are prohibited or restricted with the aim of achieving particular conservation and sustainable use objective. Currently most MPAs are based within national jurisdictions regulated by the laws of the states with only a minority of this MPAs existing in the ABNJ. The newly adopted BBNJ Agreement now provides an elaborate process for the designation of new MPAs in the ABNJ which by virtue of Article 19 (1) the creation of MPAs must emanate from states. Nevertheless, Article 19 (2) emphasize on the consultation of all stakeholders, including not only other states but also global, regional, sub regional and sectoral bodies, civil societies, indigenous peoples and local communities, the scientific community and the private sector.<sup>12</sup>

A primary feature of this new mechanism is that all decisions on the establishment of area-based management tools, including marine protected areas, and related measures shall henceforth be adopted at the COP.<sup>13</sup> In cases where an area-based management tool, including a marine protected area, established under this Part subsequently falls, either wholly or in part, within the national jurisdiction of a coastal State, the part within national jurisdiction shall immediately cease to be in force. The part remaining in areas beyond national jurisdiction shall remain in force until the Conference of the Parties, at its following meeting, reviews and decides whether to amend or revoke the area-based management tool, including a marine protected area, as necessary.<sup>14</sup>

In summary, while the authority to protect the marine environment stems from UNCLOS, the specific global system of ABMT and MPA designation, management, and monitoring is a central, new component created by the BBNJ Agreement.

### **Environmental Impact Assessments (EIAs)**

One outstanding modification made to ocean governance under the BBNJ Agreement is undoubtedly the introduction of a tiered rigorous procedure for assessments of activities that may cause substantial pollution or

---

<sup>11</sup> Churchill, R., Lowe, V., & Sander, A. (2022). The Law of the Sea. Fourth Edition . Peace Palace Library.

<https://peacepalacelibrary.nl>

<sup>12</sup> Article 21 (1) BBNJ Agreement.

<sup>13</sup> Article 22 BBNJ Agreement

<sup>14</sup> Article 22 (6)

significant harm to the marine environment.<sup>15</sup> This provision functions as an implementing agreement to UNCLOS, modernizing and operationalizing the general environmental Impact Assessment (EIA) obligations established in 1982. Primarily, Articles 204 -206 UNCLOS extends the scope of EIA to cover all maritime zones including national jurisdiction whereas Article 27 BBNJ specifically targets Areas Beyond National Jurisdiction. However, the EIA under the Agreement can be conducted following the state's national process or in accordance with the processes under the Agreement. Also for any activities taking place in ABNJ, Article 28(1) BBNJ Agreement requires that an EIA be properly conducted before the granting of authorization in accordance with specified processes.

To further strengthen the threshold for conducting EIAs under UNCLOS, BBNJ provides a more refined approach that shifts from tender to stringent measures. EIAs under UNCLOS commences once there is any "reasonable grounds" for believing that an activity may cause "substantial pollution" or "significant changes" to the marine environment. On the other hand Article 30 BBNJ calls for instigation of EIAs when: 1) a planned activity may have "more than a minor or transitory effect" on the marine environment such as for example may cause pollution<sup>16</sup>, or the effects of the activity are unknown or poorly understood, 2) or such activities can have economic, social, cultural and human health impacts<sup>17</sup>. Article 31 BBNJ Agreement posits to lay down a comprehensive mandatory six (6) step processes for conducting the EIA which include: screening, scoping, assessment, mitigation, consultation, and reporting. From this provision lies a burden on parties to ensure that the impacts of planned activities, including cumulative impacts and impacts in areas within national jurisdiction, are assessed and evaluated using the best available science and scientific information and, where available, relevant traditional knowledge of Indigenous Peoples and Local Communities (IPLCs). The parties shall then proceed to prevent, mitigate and manage the identified potential adverse effects<sup>18</sup>.

### Strategic Assessments

The Agreement presents international oversight through the Scientific and Technical Body (STB) and a mandatory public reporting through a Clearing-House Mechanism (CHM). Originally, under UNCLOS the oversight was primarily, state-led with limited international supervision. But now, Article 39 (1) has introduced an innovative measure of Strategic Environmental Assessments (SEAs) for broader policies, plans and programs which was completely absent under UNCLOS. Explicitly the BBNJ now requires parties to individually or in cooperation with other Parties, extend their prerogative in conducting, strategic environmental assessments for plans and programs relating to activities under their jurisdiction or control, into the areas beyond national jurisdiction, in order to assess the potential effects of such plans or programs, as well as of alternatives, on the marine environment.

The core legal advancements of EIAs and strategic assessments under BBNJ can be summarized to include:

- a. *Operationalization*: The BBNJ Agreement brings coherence to the conduction of EIAs in ABNJ, filling the legislative gap left by UNCLOS's broad and often ambiguous framework.
- b. *Cumulative Impacts*: Unlike UNCLOS, BBNJ Agreement explicitly requires the evaluation of cumulative impacts, considering the combined effect of multiple activities over time.
- c. *Trans- boundary obligation*: The BBNJ Agreement reinforces UNCLOS Article 194 (2) by requiring states to conduct BBNJ-standard EIAs even for activities within national jurisdiction if they may cause significant harm in the ABNJ.
- d. *Global Integration*: While states retain final decision-making power, they must now seek for international guidance from the STB, thereby enhancing the scientific integrity of the process.

---

<sup>15</sup> Part IV of the BBNJ Agreement

<sup>16</sup> Article 30 (1) (a) BBNJ Agreement

<sup>17</sup> Article 31 (1) (b) BBNJ Agreement

<sup>18</sup> Article 31 (1) (c) and (d) BBNJ Agreement



## Marine Genetic Resources

Part II of the BBNJ introduces fair and equitable benefit-sharing mechanism obligations for resources found in the deep seabed. Before now, the resources and their uses were largely unregulated under international law. In recent years, as scientific and commercial interests in the high seas genetic resources jagged the urge to fill this gap became prominent.<sup>19</sup> Article 11 (4) – (5) BBNJ thus introduces prohibitory measures on states from claiming sovereignty over MGRs<sup>20</sup> in the Area.<sup>21</sup> Activities carried out in this area must be done in the interests of all states, promotion of conservation of marine biodiversity and for the benefit of humanity<sup>23</sup>. Furthermore, activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction shall be carried out exclusively for peaceful purposes.<sup>24</sup>

Another disparity between the UNCLOS and BBNJ lies in the controlling authority of these MGR resources found in the High Seas. The exploitation and exploration of mineral resources under UNCLOS in the deep seabed beyond national jurisdiction (the “Area”), are strictly regulated by the International Seabed Authority through the provisions of Part XI of the UNCLOS.<sup>22</sup> Conversely, the BBNJ takes a whole new approach with relation to MGRs. Article 12 (1) – (6) BBNJ Agreement requires parties to take the necessary legislative, administrative or policy measures to ensure that information about the activities and the genetic material, is notified to the Clearing-House Mechanism (CHM) within six months or as early as possible prior to the collection in situ of marine genetic resources of ABNJ.<sup>26</sup> Article 12 (1), (4), (5) and (8) BBNJ Agreement also imposes general obligations on states to notify the CHM of any modifications in the information deposited before it and ensure that MGRs are subjected to utilization including commercialization by natural or juridical persons under their jurisdiction. Benefits from the activities arising out of the use of MGRs within this area must equally be equitably shared. The innovative benefits introduced by the BBNJ include both monetary and non-monetary benefits such as: access to sample, transfer of technology and scientific cooperation by virtue of the provisions of Article 14 BBNJ Agreement.

The BBNJ Agreement further address the limitations of UNCLOS through the coverage of the use of traditional knowledge of indigenous people and local communities (IPLCs) associated with MGRs in areas beyond national jurisdiction<sup>27</sup>. Before now, UNCLOS focused heavily on mineral resources in the “Area” (Seabed Beyond National Jurisdiction) and treats “living resources” as commodities (fish). It does not define or cover MGRs or use of traditional knowledge. Under the BBNJ parties are required to ensure that traditional knowledge associated with MGRs in ABNJ is accessed only with the “free, prior and informed consent or approval and involvement” of the holders of such knowledge.

### Capacity – Building and Transfer of Marine Technology:

Part XIV UNCLOS 1982 and the 2023 BBNJ Agreement together form the legal framework for international cooperation, technology transfer, and capacity building in marine science. While UNCLOS Part XIV (Articles 266 -278) establishes the foundational obligations for the development and transfer of marine technology, the BBNJ Agreement (specifically Articles 44 and 46) strengthens, defines, and operationalizes these requirements for the 21st century. This provision is particularly beneficial to developing states, especially those of the Gulf of Guinea region. As per Article 44(1) BBNJ Agreement, the types of capacity-building and of the transfer of marine technology may include, but are not limited to, support for the creation or enhancement of the human, financial management, scientific, technological, organizational, institutional and other resource capabilities of

Parties. The types of capacity–building and transfer of marine technology that can be shared include sharing of; data and knowledge, manuals, guidelines and standards and the development and strengthening of

<sup>19</sup> NIH, What lies Underneath: Conserving the Oceans’ Genetic Resources, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC2972965> (accessed January 2 2026).

<sup>20</sup> Article 1(8) BBNJ defines MGRs as “any material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value”.

<sup>21</sup> Article 11 (4) BBNJ Agreement. However, this measures largely excludes fisheries

<sup>23</sup> Article 11(6) BBNJ Agreement.

<sup>24</sup> Article 11 (7) BBNJ Agreement

<sup>22</sup> Article 136 -137 UNCLOS as a common heritage of mankind. Also see articles 153(1), 157 and 145 UNCLOS

<sup>26</sup> Article 12 (2) BBNJ Agreement. <sup>27</sup> Article 13 BBNJ Agreement.

infrastructure and technical expertise.<sup>23</sup> To facilitate the tasks, Article 46 (1) effectively establishes a capacity-building and transfer of marine technology committee charged with reviewing and monitoring the state parties' compliance with the treaty provisions.<sup>29</sup> In this regards, the committee shall submit reports and recommendations that the Conference of the Parties shall consider and take action on as appropriate.

In this section we have reviewed the key features that distinguish UNCLOS from the BBNJ while highlighting areas of similarities and complementarity. For clarity and coherence, a tabular presentation of these core features analyzed between UNCLOS and the BBNJ Agreement is presented below.

**Table 1: Comparative Analysis between UNCLOS and the BBNJ Agreement**

MAIN FEATURES	UNCLOS	BBNJ AGREEMENT
<b>Scope of Applicability</b>	Applicable in all maritime zones including areas within national jurisdiction.	Scope of applicability is limited to Areas Beyond National Jurisdiction (ABNJ). (Article 3 BBNJ)
<b>Procedural Requirements</b>	Its procedures are very ambiguous. It makes use of words like “as far as practicable”. This gives room for misinterpretation.	Consists of a comprehensive 6 steps mandatory procedure including : <ul style="list-style-type: none"> <li>- Screening</li> <li>- Scoping</li> <li>- Assessment</li> <li>- Mitigation</li> <li>- Consulting - Reporting</li> </ul> (Article 31 BBNJ)
<b>Supervisory Authority</b>	Primarily state-led with limited international supervision.	Introduces an international supervisory authority through the Scientific and Technical Body (STB) as well as a mandatory public reporting through the Clearing House Mechanism. (Article 12 (1) – (6) BBNJ Agreement)
<b>Transparency</b>	Generally requires the publication of results.	Explicitly mandate the consultation of stakeholders, adjacent coastal states and the indigenous communities.
<b>Threshold for EIA</b>	Requires a “reasonable ground” for believing that an activity may cause “substantial pollution” or significant changes to the marine environment.	Modifies the UNCLOS threshold by introducing of a tiered approach making activities with more than a minor transitory effect or

<sup>23</sup> Article 44(1) (a) –(h) BBNJ Agreement <sup>29</sup>

Article 45(1) BBNJ Agreement

		unknown effects to trigger screening. (Article 30 BBNJ Agreement)
<b>Strategic Assessments</b>	UNCLOS does not address this issue.	Introduces Strategic Environmental Assessments (SEAs) for broader policies, plans and programs. (Articles Article 39 (1) BBNJ Agreement).

From this table we can decipher the major difference between the UNCLOS and BBNJ which must be understood in the process of regional adaptation of the BBNJ.

While the four global pillars of the BBNJ Agreement <sup>24</sup>provide a universal blueprint for high seas stewardship, their efficacy depends on the transition from abstract international standards to actionable regional frameworks. In the GoG transition is not merely localized application of global rules, but a strategic integration that aligns the treaty’s broad mandates with existing regional priorities such as maritime security, sustainable fishes, and the Abidjan Convention’s ecosystem-based management by localizing these global pillars, the region can transform the “not undermining” obligation of the treaty into a proactive mechanism for collective ocean governance that reflects the unique socio-economic and ecological realities of the West African maritime landscape as will be examined in the next section.

### **Regional Pillars: The Abidjan Convention And 2025 Yaoundé Declaration As Tools For Integrating The BBNJ Agreement In The Gulf of Guinea**

The transition from global treaty text to localized action is anchored by two reinforcing pillars: the Abidjan Convention and the 2025 Yaoundé Declaration.

#### **The Abidjan Convention (ABC)**

The Abidjan Convention serves as the primary regional vehicle for translating the BBNJ’s global mandates like the Sustainable Development Goal (SDG) 14 into localized action. With its mandate covering 22 countries and over 14,000km of coastline, the Convention’s Regional Coordinating Unit (RCU) is uniquely positioned to harmonize national policies with BBNJ’s four pillars and the Abidjan Convention remains the primary regional tool for coastal protection. In particular, the Abidjan Framework for Pollution Control (Articles 5 – 11) and the Environmental Impact Assessment (Article 13) provides a regional mechanism that aligns with and helps implement broader global mandates like those in the BBNJ Agreement for protecting marine life and ecosystems, even though BBNJ is global and the Abidjan Convention is regional. In 2025, regional consultations began on a new Additional Protocol on the Management of Marine Protected Areas, designed to align with 2026 global standards.

The Abidjan Convention is uniquely positioned to bridge the gap between national waters (Exclusive Economic Zones) and the vast High seas (Areas Beyond National Jurisdiction). Implementation in this region focuses on several critical human-centered pillars including:

#### **a. Regional Synergy and the 30 x 30 Targets:**

The Convention serves as the Primary regional platform for aligning national policies with the BBNJ’s goal of protecting 30 % of the world’s oceans by 2030<sup>25</sup>and expanding MPAs and other effective Conservation measures. By facilitating Area-Based Management Tools, the convention enables African countries to propose and manage new Marine Protected Areas (MPAs) that extend into international waters adjacent to their coastlines.

<sup>24</sup> MGRs, ABMTs, EIAs and CB &TMT

<sup>25</sup> See Target 3 of the Kunming – Montreal Global Biodiversity Framework (KMGBF)



Its role is anchored in several key legal provisions. Specifically, Article 11 ABC on Protected Areas establishes the direct legal link to the 30 x 30 goal. It mandates that Contracting Parties individually or jointly take measures to protect rare or fragile ecosystems and habitats of endangered species. It explicitly requires states to endeavor to establish protected areas, such as parks and reserves and prohibit activities with adverse effects, providing the regional legal basis for designating the Marine Protected Areas (MPAs) needed to reach the 30% threshold. Article 4 ABC lays down general obligations on parties to ensure the sound environmental management of natural resources. In this context it creates a broad legal duty to implement the Kunming – Montreal Global Biodiversity Framework (GBF) targets within their national jurisdictions.

Along parallel lines, the Convention under Articles 3 and 14 encourages parties to enter into sub-regional agreements and harmonize national legislations. This is vital for the 30 x 30 Target because it allows for the creation of well-connected and equitably governed systems of protected areas that crisscross national borders, which is a requirement of GBF Target 3.

The convention goes further in an unequivocal manner under Articles 5 -10 to submit parties to take measures toward combating pollution from ships, land-based sources, and the atmosphere. The Convention supports the effectiveness of protected areas, ensuring that the 30 % of habitats set aside is actually healthy and capable of supporting biodiversity.

### **b. Equitable Resource Sharing:**

A major priority for the Abidjan Convention region is fair and equitable sharing of benefits from Marine Genetic Resources. As research into pharmaceuticals and cosmetics derived from deep sea life accelerates in 2026, the Convention provides a collective voice for West and Central African nations to ensure they are not sidelined by technologically advanced states.

For Abidjan Convention Signatories, equitable sharing is no longer a moral aspiration but a binding obligation under Articles 7 (d), Article 9(a) and Article 14 of the BBNJ Agreement. The benefits include:

1. Monetary Benefit – Sharing through a special fund and a financial mechanism designed to share revenues from the commercialization of MGRs and Digital Sequence Information (DSI).<sup>26</sup> Article 14, Paragraph 6 obligates high-income parties to make an annual contribution to the Special Fund until additional form of alternative payments and modalities are agreed upon by the COP. By this precedence, the Agreement safeguards regular and readily available funds for capacity building and support to developing countries even in the absence of commercialization of MGRs which takes extensive time periods.<sup>27</sup>
2. The Clearing House Mechanism provides a bridge to mend the digital divide suffered by the GoG states. It provides West African scientists with unprecedented access to deep-sea samples, research data, and repositories that were previously siloed by wealthier nations.

### **Harmonized Environmental Impact Assessments (EIAs):**

Under the BBNJ Framework, the Abidjan Convention acts as a coordinator for rigorous EIAs. This ensures that activities like deep sea mining or industrial shipping in the High Seas do not Jeopardize the fragile coastal ecosystems that millions of the human population and aquatic species depends on for food security, livelihood, pharmaceutical, aesthetic, cultural and spiritual purposes.

The ABC supports the BBNJ Agreement's goal of harmonizing EIAs by providing a regional framework for assessing impacts in coastal areas, promoting environmental management, and encouraging technical guidelines, which align with the BBNJ's requirements for EIAs in ABNJ and for activities impacting ABNJ,

<sup>26</sup> Article 12 (Supra) BBNJ Agreement. Also see Sabine Durussel CC, Guilhon M, Singh P, and Unger S (2022). Towards an ecosystem approach to management in areas beyond national jurisdiction: REMPs for deep seabed mining and the proposed BBNJ instrument *Front. Mar. Sci.*, 1 (11) (2022)

<sup>27</sup> Lavelle, J. Wynberg, R. (2025). Benefit Sharing Under the BBNJ Agreement in Practice. In : Humphries, F., (eds) *Decoding Marine Genetic Resources Governance Under the BBNJ Agreement*. Sustainable Development Goals Series. Springer, Cham. [https://doi.org/10.1007/978-3-031-72100-7\\_13](https://doi.org/10.1007/978-3-031-72100-7_13)

especially through shared principles such as the precautionary approach and collaborative mechanisms. This creates a foundation for consistent application of assessment standards across jurisdictions.<sup>28</sup> Concisely, Article 4 of the ABC requires parties to develop guidelines to minimize harmful impacts from development projects, particularly in Coastal Zones, by including EIAs. Emanating from this requirement is the creation of a channel through which Abidjan area projects can feed their EIA data and guidelines into BBNJ's CHM, facilitating information exchange and consistent application of BBNJ standards enshrined in Articles 27 and 28 (2) BBNJ Agreement.

### **Capacity Building and Technology Transfer:**

The 2026 implementation strategy emphasizes closing the Ocean knowledge gaps through the BBNJ new Clearing- House Mechanism. The Abidjan Convention serves as the essential intermediary for implementing Part V of the BBNJ Agreement which mandates capacity building and the transfer of marine technology (CBTMT). Article 42 BBNJ Agreement specifies that the capacity building must be a country-driven and iterative process responsive to the specific needs of developing states. The Abidjan Convention, through its established regional framework, provides the institutional architecture to conduct these assessments at scale.

Simultaneously, by utilizing the Abidjan Convention's biennial Conference of the Parties and its specialized technical working groups, member states can aggregate national scientific gaps such as; lacks in deep sea monitoring equipment or taxonomic expertise into unified regional priority list for the BBNJ Clearing House Mechanism.<sup>29</sup>

An often present hurdle to marine technological transfer is the fragmented legal frameworks and intellectual property barriers. In this regards, Article 45 of the BBNJ Agreement calls for the transfer of technology on fair and most favourable terms. The Abidjan Convention facilitates this by acting as a technology hub. For example, joint workshops (like those held in collaboration with the OSPAR Commission) allow for the sharing of best practices in ecosystem-based management and the use of modern monitoring tools. In 2026, the Convention is expected to play a central role in coordinating the delivery of appropriate and reliable technology as required by BBNJ Article 45, to ensure it is adapted to the specific ecological conditions of the Guinea Current and Banguela Current Large Marine Ecosystems.

This regional implementation is not just a legal necessity but a much needed vital safeguard for Africa's "blue heart" ensuring that the preservation of the High Seas directly supports the resilience of its coastal communities. For this to happen, maritime security issues needs to be addressed through legal mechanisms like the Yaoundé Declaration.

### **The 2025 Yaoundé Declaration: Strengthening Regional Implementation of the BBNJ Agreement**

The adoption of the Yaoundé Declaration on 10 July, 2025 by eight African Countries<sup>30</sup> marks a transformative shift in the stewardship of the Gulf of Guinea. By committing to 100 % sustainable ocean management of their national waters by 2030, these states have created a strategic buffer zone that directly supports the implementation of the BBNJ Agreement. This commitment is based on four solid pillars, including:

#### **a. Integrated Ocean Management Plans (SOPs)**

The 2025 Yaoundé Declaration mandates the development of SOPs that bridge the gap between national coastal management and the high seas. These plans serves as a baseline for the EIAs required under the BBNJ Agreement, ensuring that activities carried out in ABNJ do not negatively impact sensitive coastal ecosystems.

---

<sup>28</sup> Currie, D., & Muller J. (2023). BBNJ and Activities within National Jurisdiction: How the BBNJ Agreement could help Protect the High Seas from Activities within National Waters. High Seas Alliance. <http://www.highseasalliance.org>

<sup>29</sup> Harvard University (2026). BBNJ Treaty. Marine Genetic Resources of Areas Beyond National Jurisdiction. <http://www.bbnj.mgr@fas.harvard.edu>

<sup>30</sup> Angola, Benin, Cameroon, Republic of Congo, Cote d'Ivoire, Equatorial Guinea, Liberia, and Nigeria

## regional Security and Monitoring

By pledging to combat Illegal, Unreported, and Unregulated (IUU) fishing and strengthening Maritime security, the Yaoundé Declaration signatories enhance the surveillance capacities necessary to enforce AreaBased Management Tools and Marine Protected Areas in neighbouring BBNJ.

Despite its enthusiasm of conserving 100 % of the parties' waters, the Yaoundé Declaration falls short of the practical reality of meeting the BBNJ 30 % Targets in ABNJ. While the Declaration focuses on waters under national jurisdiction, the BBNJ Agreement covers nearly two-thirds of the global ocean located in ABNJ. Managing this interconnected system requires a level of trans-boundary cooperation that currently lacks a centralized enforcement authority. Combined with this fall pit is the problem of disparities the capacity and resources of the state parties who are pledgees to the Declaration. Many of the signatories are classified as developing states or face economic fragility, limiting their ability to conduct the complex scientific research required for BBNJ compliance EIAs. Consequently, the next section analyzes the specific legal challenges that threaten to impede the effective implementation of the BBNJ Agreement within this ecologically vital and geopolitically complex maritime region.

### Legal Challenges In The Implementation Of The BBNJ Agreement In The Gulf Of Guinea

This section explores whether the BBNJ Agreement will serve as a cohesive bridge for sustainable blue economy or if it will merely add a layer of institutional crack to an already fragmented regional landscape. Core legal challenges in this region include:

#### Institutional Overlap

Article 4.2 of the BBNJ Agreement mandates that it shall not undermine existing regional bodies; however the Gulf of Guinea faces potential fragmentation between the BBNJ Conference of the Parties (COP) and regional fisheries management organizations (RFMOs) particularly regarding biodiversity conservation versus sustainable fishing. Recent analyses highlight that integrating fisheries into the broader conservation goals of the BBNJ Agreement remains a contentious issue, risking fragmented governance.<sup>31</sup>

Similarly, the International Seabed Authority (ISA), which regulates deep-sea mining under UNCLOS, may face overlapping mandates with the BBNJ Agreement, especially concerning environmental impact assessments under Article 30. Resolving these overlaps will require clear delineation of responsibilities and robust coordination mechanisms, as discussed in recent studies<sup>32</sup>.

#### Jurisdictional Ambiguities

The close proximity of the GoG states leads to overlapping claims in EEZs which creates a lacuna in the enforcement of the BBNJ Agreement in ABNJ. The connectivity between the Exclusive Economic Zone Zones (EEZs) and the ABNJ creates enforcement gaps, where illegal, unreported, and unregulated (IUU) fishing may shift across boundaries to evade new 2026 high seas regulations due to lack of jurisdictional clarity in the ABNJ. Unlike areas within national jurisdiction, where states exercise sovereignty over their exclusive economic zones (EEZs), ABNJ are governed by the UNCLOS principles of the common heritage of mankind and freedom of the high seas. Although the BBNJ Agreement seeks to regulate activities in these areas, it does not have a centralized enforcement mechanism. The non-existence of a global maritime authority means that enforcement relies on state cooperation and flag state jurisdiction, which can be inconsistent due to varying national priorities and capacities of states.<sup>33</sup>

Though Article 21 of the BBNJ Agreement obliges states to cooperate in the establishment and management of MPAs, Nevertheless, without binding enforcement powers, compliance may depend on voluntary

<sup>31</sup> Nature. (2025). Tensions in Integrating Fisheries into the BBNJ Agreement. Ocean Sustainability. <https://doi.org/10.1038/s44183-025-00142-5>

<sup>32</sup> Science Direct. (2025). Governance of Marine Biodiversity Beyond National Jurisdiction: The BBNJ Agreement and the ISA. Marine Policy. <https://doi.org/10.1016/j.marpol.2025.106046>

<sup>33</sup> Gjerde, K. M., et al. (2023). The BBNJ Agreement: Challenges and Opportunities for Ocean Governance. Marine Policy, 152, 105-112. <https://doi.org/10.1016/j.marpol.2023.105112>

commitments, that can cause potential non-adherence by states with economic interests in activities such as deep-sea mining or overfishing.<sup>34</sup> This challenge is compounded for developing states, which may lack the resources to monitor or regulate activities in ABNJ effectively, despite obligations under Articles 34 and 35 to build capacity.<sup>35</sup> This is argument if founded on the logic of financial constraints. Though the BBNJ Agreement establishes a mechanism providing financial assistance to state parties for its implementation<sup>36</sup> the effective implementation of the BBNJ Agreement is further hindered by disparities in state capacity. Developing countries, particularly small island developing states (SIDS) like Sao Tome and Principe, often lack the technological, financial, and scientific resources to participate meaningfully in activities such as EIAs or benefit-sharing from MGRs. Though Part V of the Agreement addresses capacity building, the mechanisms for funding and technology transfer remain under-defined, creating a high risk of inequitable outcomes.<sup>37</sup> Hence, ensuring compliance with obligations under Articles 34 to 39 for the GoG states will require sustained international support and innovative financing models.

### Domestic Legislative Transformation

The domestication of international treaties like the BBNJ Agreement into national legal systems of Gulf of Guinea states is plagued with significant legal challenges depending on whether the state adopts a monist or dualist approach to the international law. In a monist system like Cameroon by virtue of Article 45 of the 1996 Constitution, any duly signed and ratified international treaty law is automatically incorporated into domestic law upon requiring no further legislative action for enforceability in national courts. Contrarily, in a dualist system such as Ghana and Nigeria, treaties must be explicitly transformed into national law through legislative enactment before they can be applied domestically.<sup>38</sup> In particular, section 12(1) of the 1999 Nigerian Constitution, stipulates that international treaties do not automatically become part of its domestic law; they must be domesticated by the National Assembly (legislature) through specific legislation.

By application of this principle, therefore although Nigeria, Ghana and Sierra Leone have already duly ratified the BBNJ Agreement, it does not apply in these countries that operate under a dualist framework. This trait is a common approach among many common law jurisdictions. Hence ratification of the BBNJ Agreement by the executive would not suffice for its direct application within national courts. Accordingly, the government would need to introduce domestic legislation to give effect to the Agreement's provisions, such as establishing mechanisms for EIAs or enforcing ABMTs under national maritime laws. This process could slow implementation and create discrepancies between international obligations and national enforcement capacities. Legislative delays or political opposition could further obfuscate compliance with time-sensitive provisions, such as those under Article 30 regarding EIAs.<sup>46</sup>

Contrariwise, in most Civil Law states like Cameroon which adopts the monist approach, the BBNJ Agreement would become part of domestic law upon ratification, provided it aligns with constitutional norms.

This approach aids faster implementation but may raise issues if national courts interpret treaty provisions inconsistently with international intent, particularly on complex issues like benefit-sharing under Articles 7 to 16<sup>39</sup>.

Regardless of the system, ensuring alignment between national laws and the BBNJ Agreement's objectives requires robust legal and institutional frameworks, often necessitating capacity building as mandated under Part V.

---

<sup>34</sup> Wright, G., et al. (2024). Implementing the BBNJ Agreement: Legal and Policy Challenges. *American Journal of International Law*, 118(2), 201-220. <https://doi.org/10.1017/ajil.2024.9>

<sup>35</sup> *ibid*

<sup>36</sup> The mechanism will include a voluntary trust fund that will be funded through parties' annual contributions and benefit – sharing payments resulting from the use of MGRs, among other sources of funding. See Article 52 BBNJ

<sup>37</sup> IUCN. (2023). Policy Brief on the BBNJ Treaty. International Union for Conservation of Nature. <https://www.iucn.org/ourwork/oceans-and-coasts>

<sup>38</sup> Crawford, J. (2019) *Brownlie's Principles of Public International Law* (9<sup>th</sup> ed.). Oxford University Press.

<sup>46</sup> Cassese A., (2005). *International Law* (2<sup>nd</sup> Edition). Oxford University Press.

<sup>39</sup> *Ibid* Crawford Supra note 41



To better understand the above challenges, it will be worthwhile examining particular case studies and difficulties in domesticating the BBNJ Agreement as a result of the dualism – monist dilemma:

### a. Nigeria: The Dualist Dilemma

Nigeria faces a significant transformation hurdle because its legal system is strictly dualist.

- **National Law:** Under Section 12 of the 1999 Constitution, no treaty between the Federation and any other country shall have the force of law, except to the extent that such treaty has been enacted into law by the national Assembly
- **Case Challenge:** Even though Nigeria has ratified the BBNJ, the EIA Act (1992) and the National Environmental Standards and Regulations Enforcement agency (NESREA) Act (2007) do not currently empower regulators to oversee activities in Areas Beyond National Jurisdiction.<sup>40</sup> Without a new Act of Parliament specifically transposing BBNJ Articles 22 -39 (EIAs), Nigerian courts cannot enforce these standards against domestic companies operating in the high seas.
- **Key Conflict:** Overlap between the Deep Blue Project (maritime security) and the BBNJ's conservation mandates may create turf wars between the Nigerian Navy and environmental agencies over enforcement priority.

### b. Ghana: Institutional Fragmentation

Ghana's challenge lies in reconciling the BBNJ's ecosystem-based approach with a fragmented sectoral legal framework.

- **National Law:** The Environmental Protection Agency / EPA (Act 490) and the Fisheries Act (Act 625) govern distinct maritime activities.
- **Case Challenge:** Implementing ABMTs under the BBNJ Article 19 requires high – level coordination. In Ghana, the Ministry of Foreign Affairs leads BBNJ preparations, but the Fisheries Commission manages the actual resources. Domestic transformation requires amending Act 490 to allow the EPA to participate in global High Seas Marine Protected Area management, a power currently confined to territorial waters.
- **Resource Gap:** A lack of specialized legal expertise to draft regulations for Marine Genetic Resources (BBNJ Part II) remains a barrier to ensuring equitable benefit – sharing for Ghanaian researchers.

### c. Cameroon: Integration of Sustainable Principles

- **The Challenge:** Cameroon signed the BBNJ Agreement in late September 2023 but must now integrate its exceedingly technical provisions into a decentralized legal system where texts are often difficult for judicial actors to access.<sup>41</sup> Some areas of the law with difficulties are:
  - **Law No. 96/12 on Environmental Management:** While establishing principles like precaution and polluter pays, it does not define the ecosystem approach in the specific context of high seas governance
  - **Law No. 98/005 (Water Regime):** It covers pollution but is geographically limited to terrestrial and coastal waters, requiring amendment to cover the extraterritorial reach of BBNJ.

---

<sup>40</sup> Vahyala A.T., & Diah E.C. (2024) Challenges and Prospect of the Legal Frameworks for Combatting Climate Change in Nigeria. AKSU Journal of Administration and Corporate Governance, Volume 4 Number, April 2024. <https://doi.org/10.61090/aksujacog.2024.009>

---

<sup>41</sup> Ibid

- **Transformation Barrier:** The lack of operational guidelines for conducting trans-boundary EIAs remains a primary hurdle for Cameroonian Law.

While the preceding analysis of the GoG illustrates a complex landscape of jurisdictional ambiguities and enforcement gaps, these legal hurdles do not represent an impasse, but rather a blueprint for regional reform. The friction between the BBNJ Agreement's high environmental standards and existing mandates of regional bodies such as Regional Fisheries Management Organizations necessitates a transition from theoretical debate to pragmatic, unified action. To bridge the capacity and resource disparities identified, the subsequent section moves beyond the critique of legal frameworks to offer a structured roadmap for implementation. By focusing on strategic partnerships, financial mobilization, and the harmonization of domestic laws with global conservation goals, we can chart a course toward a resilient blue economy in West and Central Africa.

### **Conclusion: Towards A Standardized Regulatory Architecture For The Abidjan Convention**

The successful domestication of the Abidjan Convention hinges on moving beyond broad commitments toward the precise drafting of a blue model legislative clauses and inter-agency Memorandums of Understanding (MOUs). The following synthesized strategies offer a framework for standardizing national and regional legal instruments:

### **Crafting A Strategic Roadmap For Implementaion Of The BBNJ Agreement In The Gulf Of Guinea**

This section synthesizes a policy roadmap that reconceptualizes the Gulf of Guinea not as a passive recipient of global norms, but as a proactive laboratory for South-South cooperation, operationalizing the treaty's four pillars namely: MGRs, ABMTs, EIAs, and CBTT into the specific geopolitical and institutional architecture of the GoG. To transform the BBNJ Agreement from a legal instrument into a functional management regime, regional actors must transition from negotiation to operationalization through three priority tracks:

### **Modular Legislative Drafting for Domestication (0-12 Months)**

Rather than attempting a single - act overhaul, states should adopt modular clauses that can be embedded into existing environmental or maritime codes. Specifically, the following synthesized strategies offer a framework for standardizing national and regional legal instruments:

- **Legislative Audits:** States should conduct urgent reviews of existing maritime laws to ensure alignment with BBNJ obligations before accession. States should develop a model clause to align national maritime laws with the treaty's requirements. Key clauses must explicitly define geographic coverage (Article 1 BBNJ Agreement) and general obligations (Article 4 BBNJ Agreement) to ensure that national laws align with regional Protocols like the Bassam (Land-based Sources) 2012 , and Malabo (Offshore activities) Protocols.
- **Institutional Anchoring:** Each state party needs to designate BBNJ national Focal Points to oversee Environmental Impact Assessments (Article 13 BBNJ) and management of Marine Genetic Resource notifications to the Clearing House Mechanism.
- **Funding Utilization:** Access the GEF Trust Fund's \$34 million allocation for early action activities and ratification support.<sup>42</sup>

### **Regional Integration and “Not Undermining” Governance (12 – 24 Months)**

The BBNJ's Agreement legal mandate to “not undermine” existing bodies necessitates a regional integration strategy that must simultaneously empower fragmented maritime architectures without destabilizing the fragile sovereign governance equilibrium of West African coastal states. The key sheered strategy for integration pillar consists of:

<sup>42</sup> GEF (2025): Biodiversity Beyond National Jurisdiction.: International Waters. <https://www.thegef.org/what-wedo/topics/international-waters/bbnj>



**Abidjan Convention Alignment:** States must leverage the Abidjan Convention to harmonize Area – Based Management Tools (ABMTs) with existing regional fisheries and oil and gas regulations. To bridge the gap between policy and practice, a regional MOU template modelled after the Abuja MoU on Port State Control<sup>43,44</sup>, is essential. This template should include specific language on:

- a. **Shared Jurisdiction:** Ensuring multi-agency cooperation between environment ministries, maritime authorities and petroleum regulators.
- b. **Standardized Reporting:** Utilizing uniform reporting templates to fulfill the obligations of Article 22 BBNJ Agreement regarding national implementation status.
- c. **Cross – Border Data Sharing:** Leveraging the existing OSPAR – Abidjan Partnership model to share scientific and technological expertise.
- d. **Cross- Sectoral Synergy:** Establish formal coordination between the BBNJ Secretariat and regional bodies (e.g. FAO – supported RFMOs)<sup>52</sup> to satisfy the treaty’s requirement of “not undermining” existing frameworks. On this account, a “Yaoundé BBNJ Desk” can be formed to integrate a BBNJ coordination unit within the Inter-Regional Coordination Centre (ICC) to link maritime security with biodiversity monitoring.

### Scientific Capacity Building and Marine Technology Transfer (CBTMT) (24+ Months)

In the context of the BBNJ Agreement ensuring the GoG remains a vibrant ecological corridor requires more than just legal compliance; it demands a robust Scientific Capacity Building framework that bridges the gap between regional aspirations and technological reality. This can be operationalized through:

- **Regional Hubs:** State parties will need to develop a Gulf of Guinea Science-Policy Interface to support evidence – based decision-making for MPA designations in the High Seas.<sup>45</sup> This will need actors to formalize partnerships between the Nairobi Convention and West African research institutes to provide evidence – based data for the BBNJ Conference of Parties (COP). Parties can also leverage on the existing OSPAR – Abidjan Partnership Model<sup>46</sup> to share Scientific and technological expertise.
- **Digital Monitoring:** Prioritize technology transfer for deep-sea monitoring to ensure the region can actively participate in the fair and equitable sharing of MGR benefits.

For international legal scholars, policy and decision –makers, the Gulf of Guinea serves as a critical test case for adjacency. Success depends on whether coastal states can effectively project their conservation interests beyond their 200-nautical mile EEZs into the Areas Beyond National Jurisdiction.

### Draft Model Legislative Clauses For Bbnj Environmental Impact Assessments Transposition

To transpose the BBNJ Agreement’s EIAs requirements, domestic laws must establish clear procedures for activities under national jurisdiction or control that occurs in ABNJ. below is a draft model legislative clause table tailored for the GoG states with Cameroon, Ghana and Nigeria serving as inspiration for the regional model:

<sup>43</sup> The Memorandum of Understanding on Port State Control for West and Central African Region (Abuja MoU), 1999. <https://abujamou.org>

<sup>44</sup> FAO, (2025). Global Blue Transformation and Sustainable Governance (the African Blue Economy Week: the BBNJ Agreement: the WTO Agreement on Fisheries Subsidies). FAO. <https://openknowledge.fao.org>

<sup>45</sup> Shourya A., (2025). New Chapter for Ocean Governance. Charles Darwin Foundation. <http://www.darwinfoundation.org>.

<sup>46</sup> OSPAR (2013). “Memorandum of Understanding between the Secretariat of the OSPAR Convention and the Secretariat of the Abidjan Convention”. <https://www.ospar.org/documents?v=32958> lastly accessed 29 January 2026

**Table 2: Model for Transposition of BBNJ Environmental Impact Assessments into Domestic laws**

Clause Element	Model Legislative Draft	BBNJ Requirement
<b>1. Mandatory Assessment</b>	No person or entity under the jurisdiction or control of the state shall conduct activities in ABNJ without a prior environmental assessment where such activities have more than a minor transitory effect on the marine environment.	Articles 28 & 30: General obligation to assess activities in ABNJ with potential impacts.
<b>2. Threshold &amp; Screening</b>	The National Environmental Agency shall determine if a full EIA is required based on potential for significant pollution or harmful changes to the marine environment.	Articles 24 & 30: Threshold for EIA based on impact severity.
<b>3. Consultation &amp; Transparency</b>	The proponent shall ensure timely and effective public consultation, including Indigenous peoples and Local communities.	Article 32: Mandatory stakeholder consultation throughout the process.
<b>4. Content of Reports</b>	EIA reports must include a baseline assessment, description of Impact impacts (including cumulative) and reasonable alternatives	Article 33: Minimum information required in EIA reports
<b>5. Decision – making and oversight</b>	No authorization shall be granted if the assessment indicates the activity will cause significant adverse impacts that cannot be mitigated.	Article 34: state responsibility for authorization and monitoring activities
<b>6. Monitoring and Reporting</b>	Authorized activities must be continuously monitored. Monitoring reports shall be submitted annually to the National Authority/Focal point and the BBNJ Secretariat.	Articles 35 and 37: Mandatory post – authorization monitoring and information sharing.

Ultimately, the transformation of the Atlantic coast into a resilient economic and ecological corridor requires a move from general treaty language to actionable legal text. By adopting these standardized model clauses and MOU frameworks, the Abidjan Convention States can ensure that regional environmental protection is not just a diplomatic aspiration, but a national legal reality.

## REFERENCES

1. Anderson, M. & Vrey, F., (2025). Exploring Communities of Practice for Maritime Security in the Gulf of Guinea: Opportunities and Constraints. *Scandinavian Journal of Military Studies*, 8 (1), 521-536. Doi.org
2. Botero C.M., Suman . D.O., & Milanés C.M., (2025). The Multiple Challenges Faced by Coastal and Marine Governance. *Water*. <https://doi.org/10.3390/w1752322> (lastly accessed 2 January 2026)
3. Cavalcante de Aimeida, C.B., (2025). Legal Considerations for the Effective Implementation of the BBNJ Agreement on Marine Biological Diversity Beyond National Jurisdiction. Geneva Graduate Institute. <https://www.respository.graduateinstitute.ch>

4. Cassese A., (2005). *International Law* . (2nd Edition). Oxford University Press.
5. Chukwuone, N.A., Ukwe C.N., Onugu A., Ibe, C.A., (2009). Valuing the Guinea Current Large Marine Ecosystem: Estimates of Direct Output Impact of Relevant Marine Activities. *Science Direct.. Ocean & Coastal Management*, Volume 52, Issues 3-4, March – April 2009, pp. 189-196. <https://www.sciencedirect.com>. Lastly accessed 2, December 2025
6. Churchill, R., Lowe, V., & Sander, A. (2022). *The Law of the Sea*. Fouth Edition . Peace Palace Library. <https://peacepalacelibrary.nl>
7. Crawford, J. (2019) *Brownlie’s Principles of Public International Law* (9th ed.). Oxford University Press.
8. Currie, D., & Muller J. (2023). BBNJ and Activities within National Jurisdiction: How the BBNJ Agreement could help Protect the High Seas from Activities within National Waters. High Seas Alliance. <Http://www.highseasalliance.org>
9. FAO, (2025). *Global Blue Transformation and Sustainable Governance (the African Blue Economy Week: the BBNJ Agreement: the WTO Agreement on Fisheries Subsidies)*. FAO. <https://www.openknowledge.fao.org>
10. Fonds Francais Pour L’Environnement Mondial (FFEM), (2026). Entry into Force of the BBNJ Treaty: A Decisive Step for Biodiversity in the High seas, Long Supportrd by FFEM. <http://www.ffem.fr>
11. Garcia Arevalo J., (2024). “The Challenges in The Utilization of Marine Genetic Resources in National and International Jurisdiction from a Legal Perspective “ *Journal of Infrastructure Policy and Development*. 8 (13):8496. <https://doi10.24294/jipd8496>
12. GEF (2025): *Biodiversity Beyond National Jurisdiction.: International Waters*. <https://www.thegef.org/what-we-do/topics/international-waters/bbnj>
13. Gjerde, K. M., et al. (2023). The BBNJ Agreement: Challenges and Opportunities for Ocean Governance. *Marine Policy*, 152, 105-112. <https://doi.org/10.1016/j.marpol.2023.105112>
14. Harvard University (2026). *BBNJ Treaty. Marine Genetic Resources of Areas Beyond National Jurisdiction*. <http://ww.bbnj.mgr@fas.harvard.edu>
15. IUCN. (2023). *Policy Brief on the BBNJ Treaty*. International Union for Conservation of Nature. <https://www.iucn.org/our-work/oceans-and-coasts>
16. Lavelle, J. Wynberg, R. (2025). *Benefit Sharing Under the BBNJ Agreement in Practice*. In : Humphries, F., (eds) *Decoding Marine Genetic Resources Governance Under the BBNJ Agreement*. Sustainable Development Goals Series. Springer, Cham. [https://doi.org/10.1007/978-3-031-72100-7\\_13](https://doi.org/10.1007/978-3-031-72100-7_13)
17. Malaquias, A. (2024). *Yaounde Code of Conduct Maritime Zones A. & D Workshop: Advancing Maritime security in the Gulf of Guinea*. Africa Center for Strategic Studies. (Retrieved 2026).
18. Melo M, Jones PJ, Lima RF (2022) The avifauna of the Gulf of Guinea oceanic islands. In: Ceríaco LMP, Lima RF, Melo M, Bell R (eds) *Biodiversity of the Gulf of Guinea Oceanic Islands: science and conservation*. Springer, Cham, pp 555–592
19. Nature (2025). *Tensions in Integrating Fisheries into the BBNJ Agreement*. npj Ocean Sustainability. <https://doi.org/10.1038/s44183-025-00142-5>
20. Ndibnu B.B., (2024). *The Legal Framework and Challenges in Addressing Maritime Security in the Gulf of Guinea: Acomparative Study*. United Nations – The Nippon Foundation of Japan Fellowship Programme.. <https://www.un.org/oceancapacity/site>
21. NIH, (2026). *What lies Underneath: Conserving the Oceans’ Genetic Resources*, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC2972965> (accessed January 2 2026).
22. OSPAR (2013). *Memorandum of Understanding between the Secretariat of the OSPAR Convention and the Secretariat of the Abidjan Convention*. <https://www.ospar.org/documents?v=32958> . Lastly accessed 29 January 2026
23. Sabine Durussel CC, Guilhon M, Singh P, and Unger S (2022). Towards an ecosystem approach to management in areas beyond national jurisdiction: REMPs for deep seabed mining and the proposed BBNJ instrument *Front. Mar. Sci.*, 1 (11) (2022)
24. Science Direct (2025). *Governance of Marine Biodiversity Beyond National Jurisdiction: The BBNJ Agreement and the ISA*. *Marine Policy*. <https://doi.org/10.1016/j.marpol.2025.106046>
25. Shourya A., (2025). “New Chapter for Ocean Governance”. Charles Darwin Foundation. <http://www.darwinfoundation.org>
26. Vahyala A.T., & Diah E.C. (2024) *Challenges and Prospect of the Legal Frameworks for Combatting Climate Change in Nigeria*. *AKSU Journal of Administration and Corporate Governance*, Volume 4 Number, April 2024. <https://doi.org/10.61090/aksujacog.2024.009>

27. Wright, G., et al. (2024). Implementing the BBNJ Agreement: Legal and Policy Challenges. *American Journal of International Law*, 118(2), 201-220. <https://doi.org/10.1017/ajil.2024.9>
28. Tamaramibie E.T., Daubiri S.P., Orusengha P.E., & Kirikareye S.B., (2024). Climate Change and Maritime Security : Implications for Africa's Regional Development. Research Gate. DOI: 10.6084/m9.figshare.27643308
29. Tambinyuo FM., (2023). Continental Report of Status of Implementation of Key Global Environmental Legal Instruments: The Case of West Africa. AU – IBAR Respository. <https://www.respository.auibar.org>
30. Tessnow-von Wysocki, I., Bateh F., et al (2024). Next Step to implement the BBNJ Agreement through Capacity Building and Technology Transfer. <http://ww.Maripoldata.eu>
31. United Nations Institute for Training and Research (March 2025). Independent evaluation of the Enhancing the Maritime Safety and Security and the Fight Against Terrorism in the Gulf of Guinea project.
32. Yu Z., Zhou Y., Zhang Y., Wu Q., (2025). Operationalizing Strategic Environmental Assessment under the BBNJ Agreement: Legal Frameworks, National Practices, and Implementation Pathways. *Frontiers in Marine Science*, Volume 2025. <https://doi.org/10.3389/fmars.2025.1667924>

## Legal Texts

1. Additional Protocol to the Abidjan Convention Concerning Cooperation in the Protection and Development of the Marine and Coastal Environment from Land-Based Sources and Activities in the Western, Central and Southern African Region, June 202, UNEP. <https://apps.unep.org>
2. 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 (BBNJ Agreement 2023). <https://www.un.org/bbnjagreement/en/bbnj-agreement/text-bbnj-agreement>
3. Convention on Biological Diversity (CBD), (2022). Kunming-Montreal Global Biodiversity Framework: decision adopted by the Conference of Parties to the Convention on Biological Biodiversity (CBD/COP/DEC/15/4. UN Digital Library. <https://www.cbd.int>.
4. Convention for the Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of West and Central African Region (Abidjan Convention) 1981. <https://Abidjanconvention.org> UNEP
5. Law No. 96-6 of 18 January 1996 to amend the Constitution of 2 June 1972. English Version (National Assembly of Cameroon). <https://www.assnat.cm>
6. The Constitution of the Federal republic of Nigeria 1999. <https://nigerian-constitution.com>
7. The Memorandum of Understanding on Port State Control for West and Central African Region (Abuja MoU), 1999. <https://abujamou.org>
8. OSPAR (2013). “Memorandum of Understanding between the Secretariat of the OSPAR Convention and the Secretariat of the Abidjan Convention”. <https://www.ospar.org/documents?v=32958> lastly accessed 29 January 2026
9. United Nations Convention on the Law of the Sea (UNCLOS) 1982. [http://www.un.org/Depts/los/convention\\_agreement\\_overview\\_convention.htm](http://www.un.org/Depts/los/convention_agreement_overview_convention.htm)
10. Yaoundé Declaration on Sustainable Ocean Management (2025 Yaoundé Declaration).