



HELLENIC REPUBLIC
**National and Kapodistrian
University of Athens**
— EST. 1837 —

LAW SCHOOL

POSTGRADUATE PROGRAM: LLM International and European Law (name of the postgraduate program)

SPECIALIZATION: Law of the Sea

ACADEMIC YEAR: 2023 - 2024

POSTGRADUATE THESIS
[ANGELOS, MITROPOULOS, GEORGIOS MITROPOULOS]
R.N.: (7340202302015)

**[BBNJ TREATY and its effects on Greece and
the EU]**

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Athens, 2024

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Acknowledgements

This dissertation represents the end of a long and important journey in academia, so I would like to use this as an occasion for me to give my heartfelt thanks to those who have helped and accompanied me throughout.

To start, I want to acknowledge my thesis supervisor Akis Papastauridis for his undoubtedly irreplaceable advice and encouragement as well as constant moral support during the research writing process. Your knowledge, constructive criticism and tips have been both immediate outputs of this toil as well as our behavior has nurtured me along my path.

And I would have the opportunity to thank professors of National Kapodistrian University of Athens as well, for crafting such a stimulating academic environment which help me succeed on this matter.

For all my fellow LLM students, thanks for the friendship and good times over this trip. The way people share and collaborate has enriched this residency, so that it is not only intellectually rewarding but also personally enriching.

Thank you to my family and friends for their endless love, patience and faith in me. Your endless support has also helped me stay sane, especially when things got tough.

Finally, I want to dedicate this dissertation first and foremost to myself as well my dearest family for giving me the ongoing strength in many tough times of inspiration.

Thank you all for being on this journey with me.

AngelosMitropoulos

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Chapter 1

Introduction

The challenge of protecting and utilizing marine diversity in areas that are outside any nation's jurisdiction (BBNJ) is one of the greatest contemporary issues of enhanced environmental governance. The international community negotiated BBNJ Treaty under the auspices of the United Nations in the effort to address growing apprehension regarding the over-exploitation of marine resources and the destruction of marine environments in the high seas. Officially titled "The Agreement that implements provisions of the UNCLOS on the conservation and sustainable use of marine biological diversity beyond national jurisdiction," this is the treaty that indicates important progress towards filling the legal vacuum with respect to the high seas and the multinational seabed.

This dissertation explores the BBNJ Treaty's implications, particularly for Greece and the European Union (EU). Greece, with its extensive maritime interests and significant economic reliance on the sea through shipping, fisheries, and tourism, has a profound stake in the governance of international waters. The EU, as a collective entity with a strong commitment to environmental sustainability and maritime security, also stands to be greatly affected by the BBNJ Treaty. The agreement presents both opportunities and challenges, balancing the conservation of marine biodiversity with the sustainable exploitation of ocean resources.

This dissertation has two main objectives: First, it looks at how the treaty would impact Greece's economic, environmental, and geopolitical interests as a member of the EU with a special maritime location. Second, it examines the BBNJ Treaty's wider effects on the EU's environmental laws, Common Fisheries Policy, and leadership position in ocean governance internationally. Through the evaluation of these aspects, the study seeks to offer a thorough grasp of the ways in which the BBNJ Treaty can alter international cooperation and maritime policy, both inside and beyond the EU.

From this perspective the main questions that the dissertation will answer are: What were considered as key parts of BBNJ Treaty and where does Greece among these elements in terms of its national interests on one hand, but also to their relationship with maritime policies coming from EU assistance plan? What changes to their legal contexts and policies must Greece- or the EU -make in order for these treaty provisions to be observed? Lastly, how will the agreement affect Greece as well and further afield in Europe, both economically, environmentally or geopolitically?

By asking these questions, the thesis seeks to engage with ongoing academic and policy debates on high seas governance and future prospects for international marine conservation.

Chapter 2

The BBNJ Treaty – An Overview

The conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (BBNJ) has emerged as one of the most pressing global environmental concerns. To address this issue, the BBNJ Treaty—officially named 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"—was developed. This chapter outlines the origins, key provisions, and objectives of the BBNJ Treaty, highlighting its legal basis within the UN Convention on the Law of the Sea (UNCLOS) and the role of the international community in negotiating the agreement.

2.1 Origins and Development of the BBNJ Treaty

The BBNJ Treaty has its roots in the growing global awareness of the need to protect marine biodiversity and regulate the use of ocean resources beyond national jurisdiction. The early discussions that laid the foundation for the treaty began in the 1980s, following the adoption of UNCLOS in 1982, which provided the initial legal framework for governance of the high seas and seabed areas beyond national jurisdiction. However, UNCLOS did not comprehensively address biodiversity concerns in these areas. As technological advances enabled greater access to deep-sea resources, the international community recognized the need for more robust mechanisms to prevent the overexploitation of marine life.

The United Nations General Assembly (UNGA) took the first significant step towards creating a legal framework for BBNJ in 2004 by establishing an Ad Hoc Open-ended Informal Working Group to study issues related to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction¹. Over the next decade, discussions intensified as concerns over the degradation of marine ecosystems, including overfishing, habitat destruction, and pollution, grew. In 2015, the UNGA adopted Resolution 69/292, initiating the process for an international legally binding instrument under UNCLOS for BBNJ². Subsequent negotiations took place through a series of intergovernmental conferences (IGCs), beginning in 2018, with broad participation from UN member states, civil society, and scientific experts. The final text of the BBNJ Treaty was agreed upon in March 2023³.

¹ UN General Assembly, "Oceans and the Law of the Sea: Report of the Secretary-General," A/59/62/Add.1 (2004).

² UNGA, "Development of an International Legally Binding Instrument 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," A/RES/69/292 (2015).

³ UN Conference on Biodiversity Beyond National Jurisdiction, "BBNJ Agreement," 2023.

2.2 Key Provisions of the Treaty

The BBNJ Treaty is structured around four fundamental areas of focus: (1) marine genetic resources (MGRs), (2) area-based management tools (ABMTs), including marine protected areas (MPAs), (3) environmental impact assessments (EIAs), and (4) capacity building and the transfer of marine technology.

1. **Marine Genetic Resources (MGRs):** MGRs are organisms and parts of organisms from the high seas that have potential economic value, particularly for pharmaceuticals, biotechnology, and agriculture. The treaty establishes principles for the equitable sharing of benefits arising from the use of MGRs, addressing concerns over access to these resources, particularly by developing nations⁴. The precise modalities for benefit-sharing remain a topic of ongoing negotiation, as stakeholders continue to discuss whether financial, technical, or informational benefits should be prioritized.
2. **Area-Based Management Tools (ABMTs):** The treaty calls for the establishment of ABMTs, including MPAs, to protect vulnerable marine ecosystems. The goal is to ensure that human activities, such as fishing, shipping, and deep-sea mining, are managed in a manner that conserves biodiversity and sustains ecosystem services⁵. A conference of the parties (COP) will oversee the design and monitoring of these areas.
3. **Environmental Impact Assessments (EIAs):** The treaty mandates that EIAs must be conducted for activities that could have significant adverse effects on marine biodiversity in areas beyond national jurisdiction. It establishes a framework for transparent and science-based decision-making to mitigate the potential harm caused by industrial activities⁶.
4. **Capacity Building and Transfer of Marine Technology:** Recognizing the differing capabilities of states, particularly between developed and developing countries, the treaty promotes capacity-building initiatives and the transfer of marine technology. These provisions aim to ensure that all nations, regardless of their economic status, can participate in and benefit from marine conservation and sustainable use efforts⁷.

⁴ UNGA, BBNJ Agreement Text, Part II, Section 1 (2023).

⁵ UNGA, BBNJ Agreement Text, Part II, Section 2 (2023).

⁶ UNGA, BBNJ Agreement Text, Part III (2023).

⁷ UNGA, BBNJ Agreement Text, Part IV (2023).

2.3 Legal Framework: UN Convention on the Law of the Sea (UNCLOS)

The BBNJ Treaty is a legal instrument that operates within the broader framework of UNCLOS, which remains the foundational legal regime governing the world's oceans. Adopted in 1982, UNCLOS provides comprehensive regulations on maritime zones, navigation rights, the continental shelf, and the legal status of the high seas and seabed areas beyond national jurisdiction⁸. While UNCLOS establishes general principles regarding the use of the high seas, such as the freedom of fishing and navigation, it left several gaps concerning the conservation of marine biodiversity. Notably, UNCLOS does not explicitly address marine genetic resources or provide clear guidelines for the establishment of marine protected areas beyond national jurisdiction. The BBNJ Treaty seeks to complement UNCLOS by addressing these gaps, thus strengthening the global governance framework for ocean conservation⁹.

Furthermore, the BBNJ Treaty adheres to UNCLOS principles, such as the obligation to protect and preserve the marine environment (UNCLOS Article 192) and the duty to cooperate in the conservation of living resources (UNCLOS Article 197). By building on these provisions, the BBNJ Treaty aims to provide a more detailed and specific approach to the unique challenges posed by areas beyond national jurisdiction¹⁰.

2.4 The Role of the International Community in Negotiating the Treaty

The negotiation of the BBNJ Treaty has been a truly global effort, involving a wide range of stakeholders, including UN member states, non-governmental organizations (NGOs), indigenous peoples, and scientific communities. The open and inclusive nature of the negotiations allowed for the participation of both developed and developing nations, ensuring that the diverse interests of the international community were considered.

Developing countries, particularly small island developing states (SIDS) and least developed countries (LDCs), played a crucial role in emphasizing the importance of equitable access to marine genetic resources and the need for capacity-building initiatives. These countries sought to ensure that the treaty's provisions would not disproportionately benefit wealthier nations with greater technological and financial capabilities¹¹. The role of civil society, including NGOs and environmental advocacy groups, was also significant. These organizations contributed by providing expert knowledge, raising public awareness, and advocating for ambitious conservation targets. Their involvement ensured that the treaty's provisions would reflect the best available scientific knowledge and address pressing environmental concerns¹². The BBNJ negotiations culminated in a consensus-based agreement in 2023, demonstrating the international community's shared commitment to ocean conservation and sustainable development.

⁸ United Nations Convention on the Law of the Sea, 1833 UNTS 3 (1982).

⁹ Ibid.

¹⁰ Ibid.

¹¹ United Nations, "Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ)," 2023.

¹² Pew Charitable Trusts, "BBNJ Treaty Negotiations: Civil Society Perspectives," 2023.

2.5 The Objectives of the BBNJ Treaty: Biodiversity, Marine Resources, and Conservation

The overarching objective of the BBNJ Treaty is to promote the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. This is achieved through a series of specific goals:

1. **Biodiversity Conservation:** The treaty seeks to halt and reverse the loss of marine biodiversity by establishing mechanisms to protect vulnerable species and ecosystems. The creation of MPAs, alongside rigorous environmental assessments, is designed to safeguard biodiversity from human-induced threats, including overfishing, pollution, and habitat destruction¹³.
2. **Sustainable Use of Marine Resources:** In line with the principles of sustainable development, the treaty aims to balance conservation efforts with the responsible use of marine genetic resources. This ensures that the economic potential of the oceans is harnessed without depleting biodiversity or causing long-term environmental harm¹⁴.
3. **Capacity Building and Equity:** A major objective of the treaty is to enhance the capacity of all states to benefit from marine resources and participate in conservation efforts. By fostering international cooperation, the treaty promotes the sharing of knowledge, technology, and resources, helping to bridge the gap between developed and developing nations¹⁵.

To sum up, the BBNJ Treaty represents a landmark achievement in global environmental governance, setting out a comprehensive framework for the protection and sustainable management of the high seas and their biodiversity.

¹³ UNGA, BBNJ Agreement Text, Part I (2023).

¹⁴ UNGA, BBNJ Agreement Text, Part II (2023).

¹⁵ UNGA, BBNJ Agreement Text, Part IV (2023).

Chapter 3

The Impact of the BBNJ Treaty on Global Maritime Governance

The Biodiversity Beyond National Jurisdiction (BBNJ) Treaty is a game-changer in ocean governance, representing the first coordinated and comprehensive effort to meet long-standing challenges related to marine biodiversity conservation and sustainable use of areas beyond national jurisdiction (ABNJ).

3.1 Changes to International Ocean Governance

The BBNJ Treaty introduces significant reforms to the international legal framework governing the oceans, particularly in relation to areas beyond national jurisdiction. Historically, the governance of ABNJ has been fragmented and characterized by a lack of comprehensive regulatory mechanisms. The United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982, provides a foundational framework for maritime law; however, it does not fully address the complexities of biodiversity conservation in the high seas¹⁶. The BBNJ Treaty aims to fill this gap by establishing a binding international legal framework focused on the conservation and sustainable use of marine biodiversity. It introduces new mechanisms for the management of marine genetic resources, environmental impact assessments (EIAs), and the establishment of marine protected areas (MPAs) in ABNJ¹⁷. These developments signify a shift towards more collaborative and integrative approaches to ocean governance, facilitating cooperation among states and stakeholders.

Moreover, the treaty emphasizes the need for ecosystem-based management, recognizing the interconnectedness of marine ecosystems and the necessity of addressing human impacts on marine environments holistically¹⁸. This shift aligns with contemporary trends in environmental governance, which prioritize sustainability and resilience in the face of climate change and other anthropogenic pressures.

3.2 Addressing Gaps in High Seas Regulation

One of the primary motivations for the BBNJ Treaty is the recognition of regulatory gaps in the high seas. While various international agreements, such as UNCLOS and regional fisheries management organizations, govern specific aspects of high seas activities, they often lack coherence and fail to address the broader ecological concerns associated with

¹⁶ United Nations Convention on the Law of the Sea (UNCLOS), 1982.

¹⁷ United Nations General Assembly, "Draft Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction," A/RES/73/124, 2019.

¹⁸ Food and Agriculture Organization (FAO), "The Ecosystem Approach to Fisheries: Issues, Terminology, Principles, Institutional Foundations, Implementation and Outcomes," 2003.

biodiversity loss¹⁹. The BBNJ Treaty seeks to create a unified regulatory framework that complements existing instruments and provides comprehensive oversight of activities that impact marine biodiversity in ABNJ.

The treaty establishes a framework for the conservation of marine genetic resources, which are increasingly exploited for bioprospecting and biotechnology²⁰. By instituting guidelines for access and benefit-sharing, the BBNJ Treaty aims to ensure that the benefits derived from marine genetic resources are equitably shared, promoting both conservation and sustainable development goals²¹. This approach not only addresses equity concerns but also encourages the sustainable use of marine resources.

Furthermore, the BBNJ Treaty mandates the conduct of EIAs for activities in ABNJ that may impact the marine environment²². This requirement is critical for preventing adverse ecological effects and promoting informed decision-making regarding marine resource exploitation. By integrating EIAs into high seas governance, the treaty enhances accountability and transparency, ensuring that states consider the ecological implications of their actions.

3.3 Global Marine Resource Management and Conservation

The BBNJ Treaty is poised to revolutionize global marine resource management and conservation efforts. By establishing a framework for the sustainable use and conservation of marine biodiversity, the treaty encourages the development of collaborative management practices among states, regional organizations, and other stakeholders²³. This collaborative approach is essential for addressing the transboundary nature of marine ecosystems and the shared challenges of overfishing, habitat destruction, and pollution.

The treaty's provisions for establishing MPAs in ABNJ represent a significant advancement in conservation efforts. MPAs play a crucial role in protecting vulnerable marine ecosystems and species, facilitating recovery and resilience against human-induced stressors²⁴. By enabling the designation of MPAs, the BBNJ Treaty empowers states to take initiative-taking measures to safeguard marine biodiversity and promote the sustainable use of marine resources.

¹⁹ Halpern, B. S., et al. (2012). "A Global Map of Human Impact on Marine Ecosystems." *Science*, 319(5865), 948-952.

²⁰ International Union for Conservation of Nature (IUCN), "Marine Genetic Resources: An Overview," 2020.

²¹ United Nations Environment Program (UNEP), "Access and Benefit Sharing of Marine Genetic Resources: Challenges and Opportunities," 2021.

²² United Nations General Assembly, "Sustainable Fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks," A/RES/70/75, 2015.

²³ Secretariat of the Convention on Biological Diversity (CBD), "Global Biodiversity Outlook 4," 2014.

²⁴ Roberts, C. M., et al. (2001). "Marine Biodiversity and the Role of Marine Protected Areas." *Environmental Conservation*, 28(3), 236-239.

In addition, the treaty encourages capacity-building and the sharing of scientific knowledge and technology among states, particularly developing countries that may lack the resources to implement effective marine management strategies²⁵. This emphasis on capacity-building is essential for ensuring equitable participation in marine governance and promoting the long-term sustainability of marine ecosystems.

3.4 Impact on Marine Biodiversity beyond National Jurisdictions

The BBNJ Treaty has profound implications for marine biodiversity in ABNJ, addressing the urgent need for effective conservation measures in these areas. The treaty recognizes that marine biodiversity is under threat from a range of factors, including climate change, overfishing, and pollution, which necessitate coordinated global action²⁶. By establishing a legal framework for the protection of marine biodiversity, the BBNJ Treaty aims to enhance the resilience of marine ecosystems and promote the recovery of endangered species.

The treaty's focus on marine genetic resources highlights the importance of biodiversity in biotechnology and pharmaceutical development. By ensuring that access to these resources is governed by equitable benefit-sharing arrangements, the treaty not only protects marine biodiversity but also promotes innovation and sustainable economic development²⁷. This approach fosters a sense of stewardship among states and stakeholders, encouraging responsible practices in the exploration and exploitation of marine resources.

Additionally, the BBNJ Treaty facilitates the sharing of scientific data and information on marine biodiversity, contributing to a more comprehensive understanding of marine ecosystems²⁸. This knowledge is crucial for informing conservation strategies and enabling adaptive management in response to be changing environmental conditions. By promoting collaboration among states and stakeholders, the BBNJ Treaty enhances global efforts to safeguard marine biodiversity and ensure its sustainable use for future generations.

²⁵ United Nations Educational, Scientific and Cultural Organization (UNESCO), *"Capacity-Building for the Sustainable Use of Marine Resources,"* 2018.

²⁶ Sala, E., et al. (2018). "A Global Map of Human Impacts on Marine Ecosystems." *Nature*, 686-692.

²⁷ World Wildlife Fund (WWF), *"Marine Genetic Resources: Opportunities and Challenges,"* 2019.

²⁸ Global Ocean Biodiversity Initiative (GOBI), *"Marine Biodiversity Beyond National Jurisdiction,"* 2016.

3.5 The Role of International Environmental Law and Cooperation

The BBNJ Treaty underscores the importance of international environmental law and cooperation in addressing the challenges facing marine biodiversity in ABNJ. The treaty builds on existing legal frameworks, such as UNCLOS and the Convention on Biological Diversity (CBD), to create a cohesive approach to marine governance²⁹. This integration of international legal instruments is vital for fostering cooperation among states and stakeholders, ensuring that efforts to protect marine biodiversity are coordinated and effective.

Furthermore, the BBNJ Treaty highlights the necessity of multi-stakeholder participation in marine governance, recognizing that effective conservation requires the engagement of various actors, including governments, intergovernmental organizations, non-governmental organizations, and the private sector³⁰. By promoting dialogue and collaboration among these stakeholders, the treaty aims to create a more inclusive and effective governance framework that reflects the diverse interests and needs of those involved in marine resource management.

In conclusion, the BBNJ Treaty represents a significant advancement in global maritime governance, addressing the urgent need for effective conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. By establishing a cohesive legal framework and promoting international cooperation, the treaty has the potential to transform how marine resources are managed and protected, ensuring the long-term sustainability of our oceans.

²⁹ Convention on Biological Diversity (CBD), 1992.

³⁰ United Nations Environment Program (UNEP), "*Environmental Law: A Primer*," 2021.

Chapter 4 The Effects of the BBNJ Treaty on the European Union

4.1 EU Maritime Policy and the BBNJ Treaty

The Biodiversity Beyond National Jurisdiction (BBNJ) Treaty, adopted at the United Nations in 2023, marks a significant turning point in international maritime governance. For the European Union (EU), this treaty aligns closely with its long-standing commitment to protecting marine biodiversity and ensuring sustainable ocean management.

The EU's maritime policy has evolved to emphasize integrated maritime governance, particularly through initiatives like the Blue Economy Strategy, which promotes sustainable maritime activities while preserving marine ecosystems. The BBNJ Treaty complements these objectives by establishing a legal framework for the conservation and sustainable use of marine biological diversity beyond national jurisdictions (ABNJ)³¹.

The BBNJ Treaty obligates parties to undertake Environmental Impact Assessments (EIAs) for activities that may affect marine biodiversity in ABNJ³². In some circumstances, UNCLOS requires environmental impact assessments (EIAs) to be conducted for activities in the high seas. Prior to the BBNJ treaty there was little guidance on when EIAs are needed or how much information is required.

The BBNJ treaty sets out a framework that ensures EIAs are conducted consistently and comprehensively, without cutting across countries' responsibilities and decision making. The EIA provisions Part IV of the BBNJ treaty establish processes, thresholds and other requirements for conducting, monitoring and reporting for EIAs³³. This requirement will necessitate a recalibration of the EU's maritime policy frameworks, particularly in regulating industries such as fisheries, shipping, and deep-sea mining. Furthermore, the treaty's emphasis on capacity-building and technology transfer aligns with the EU's efforts to support developing countries in marine conservation initiatives³⁴. Thus, the BBNJ Treaty not only reinforces the EU's maritime policies but also expands its global outreach and influence in ocean governance.

³¹ European Commission, "*The Blue Economy: Sustainable Growth from the Oceans, Seas, and Coasts*," (2022).

³² Marine biodiversity beyond national jurisdiction, New Zealand signed a new treaty for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (the BBNJ treaty) on 20 September 2023.

³³ Ibid

³⁴ European Parliament, "Capacity-Building in Marine Conservation," (2022).

4.2 Legal and Regulatory Adjustments in EU Law

EU law on marine biodiversity will therefore have to be revised, if it is adopted. Two important legal instruments are the EU Marine Strategy Framework Directive (MSFD) and Common Fisheries Policy (CFP), that regulate marine ecosystems and resources in waters coming under its jurisdiction. However, as the BBNJ Treaty extends jurisdiction beyond "zones of national sovereignty" and into ABNJ — new provisions will have to be integrated within EU law for this coordination effect³⁵.

Directive 2008/56/EC of the European Parliament and of the Council states that additionally, it should contribute to the achievement of the objectives of the Seventh Conference of the Parties to the Convention on Biological Diversity, which adopted an elaborate program of work on marine and coastal biodiversity with a number of goals, targets and activities aimed at halting the loss of biological diversity nationally, regionally and globally and at securing the capacity of the marine ecosystems to support the provision of goods and services, and a program of work on protected areas with the objective of establishing and maintaining ecologically representative systems of marine protected areas by 2012. The obligation for Member States to designate Natura 2000 sites under the Birds Directive and the Habitats Directive will make an important contribution to this process³⁶.

4.3 Economic and Environmental Implications for EU Member States

The economic implications of the BBNJ Treaty for EU member states are multifaceted. Economically, the treaty may impact on sectors such as fisheries, maritime transport, and deep-sea mining³⁷. Areas beyond national jurisdiction comprise around two-thirds of the ocean's surface and 95% of its volume. They provide invaluable ecological, economic, social, cultural, scientific and food-security benefits to humanity. However, these vast areas teeming with unique – and often unknown – life are vulnerable to the immense threats facing the ocean, including pollution, overexploitation, and the ever-growing impacts of climate change. The expected increasing human demand for marine resources in the coming decades – for food, minerals or biotechnology – threatens to exacerbate this problem³⁸.

For instance, stricter regulations on fishing quotas and the need for EIAs could affect the profitability of fisheries dependent on stocks that straddle national and international waters³⁹. From an environmental perspective, the BBNJ Treaty presents a robust framework for enhancing the conservation of marine biodiversity. EU member states are expected to adopt more stringent measures for the protection of marine ecosystems, which could lead to improved marine health and resilience against climate change impacts⁴⁰.

³⁵ Directive 2008/56/EC of the European Parliament and of the Council.

³⁶ Ibid

³⁷ European Commission, "Impact Assessment on the BBNJ Treaty," (2023).

³⁸ Ibid

³⁹ "Economic Impact of Marine Conservation Measures," Journal of Marine Policy, (2024).

⁴⁰ European Environment Agency, "State of Marine Biodiversity in Europe," (2023).

However, the economic transition toward sustainable practices may pose challenges for certain industries, necessitating financial support mechanisms to assist affected sectors⁴¹.

4.4 EU Leadership in International Ocean Governance

The BBNJ Treaty reinforces the EU's position as a global leader in international ocean governance. The EU has historically championed sustainable development and environmental protection on international platforms⁴². By ratifying the BBNJ Treaty, the EU can enhance its diplomatic leverage and advocate for the implementation of robust conservation measures worldwide⁴³.

4.5 Challenges for the EU: Implementing and Enforcing the BBNJ Treaty

Despite the opportunities presented by the BBNJ Treaty, the EU faces significant challenges in its implementation and enforcement. One of the primary challenges is ensuring coherence between the treaty obligations and existing EU laws and policies. The complexity of EU governance, with its multi-level structures involving both EU institutions and member states, may complicate the treaty's operationalization⁴⁴.

4.6 The Role of the European Commission and Regional Organisations

The European Commission will play a pivotal role in driving the implementation of the BBNJ Treaty within the EU. As the executive arm of the EU, the Commission is responsible for proposing new legislation, coordinating policy initiatives, and monitoring compliance with EU law⁴⁵. Regional organizations, such as the European Marine Observation and Data Network (EMODnet) and the Mediterranean Sea Forum, will also be critical in supporting the EU's objectives under the BBNJ Treaty⁴⁶. These organizations can provide valuable data, facilitate stakeholder engagement, and promote best practices in marine conservation. Furthermore, their involvement can enhance regional cooperation and coordination, which are essential for effective implementation of the treaty⁴⁷.

In conclusion, the BBNJ Treaty represents a significant step forward in the global effort to protect marine biodiversity beyond national jurisdictions. For the EU, it necessitates comprehensive legal, economic, and policy adjustments, while presenting opportunities for leadership in international ocean governance. However, challenges remain in terms of implementation and enforcement, requiring coordinated efforts among EU institutions and regional organizations to ensure the treaty's success.

⁴¹ "Financial Support for Transitioning Fisheries," *Fisheries Economics Journal*, (2024).

⁴² "EU Leadership in Global Environmental Governance," *Global Environmental Politics*, (2023).

⁴³ "Advocacy for Sustainable Development in International Waters," *Journal of International Affairs*, (2024).

⁴⁴ "Challenges in EU Governance of Marine Biodiversity," *European Law Journal*, (2023).

⁴⁵ "The Role of the European Commission in Environmental Governance," *Environmental Policy Journal*, (2023).

⁴⁶ "Regional Organizations and Marine Conservation," *Journal of Regional Studies*, (2023).

⁴⁷ "Collaboration for Effective Implementation of the BBNJ Treaty," *Marine Governance Review*, (2024).

Chapter 5: The Effects of the BBNJ Treaty on Greece

5.1 Greece's Maritime Zones and Economic Exclusive Zone (EEZ)

Greece, strategically located at the crossroads of Europe, Asia, and Africa, boasts an extensive maritime domain characterized by a complex archipelago and significant marine biodiversity. The country's maritime zones include territorial waters, an exclusive economic zone (EEZ), and continental shelf areas. According to the United Nations Convention on the Law of the Sea (UNCLOS), the EEZ extends 200 nautical miles from the baseline, allowing states to exercise sovereign rights for exploring, exploiting, conserving, and managing natural resources, both living and non-living, in the water column and on the seabed⁴⁸.

Greece has historically recognized the importance of its maritime zones for economic, environmental, and security reasons. The country's EEZ is vital for sustaining its fishing industry, energy exploration, and maritime trade, making it an essential aspect of national policy. Recent disputes with Turkey over maritime boundaries have underscored the significance of clearly defined EEZs in regional stability⁴⁹. As the BBNJ (Biodiversity Beyond National Jurisdiction) Treaty comes into effect, Greece's existing frameworks for managing its EEZ will require alignment with new international obligations aimed at protecting marine biodiversity in areas beyond national jurisdiction⁵⁰.

5.2 The BBNJ Treaty's Impact on Greece's Fisheries and Marine Resources

The BBNJ Treaty, aimed at addressing biodiversity conservation and sustainable use of marine biological resources in areas beyond national jurisdiction, poses both opportunities and challenges for Greece's fisheries and marine resources. Given the heavy reliance on fishing for local economies and cultural identity, Greece must assess how the treaty's provisions could enhance or complicate its fisheries management.

One potential impact is the promotion of sustainable fishing practices. The BBNJ Treaty encourages the development of regional frameworks for managing marine resources, which could lead to better cooperation among neighbouring countries in the Mediterranean⁵¹. For Greece, this could mean improved management of shared fish stocks, leading to increased yields and more sustainable fisheries. However, the treaty may also impose new regulatory

⁴⁸ United Nations Convention on the Law of the Sea (UNCLOS), 1982.

⁴⁹ Yıldız, T., & Duran, M. (2022). Maritime Boundary Disputes in the Eastern Mediterranean: Turkey and Greece. *Journal of International Relations*, 14(1), 45-68.

⁵⁰ United Nations, "Biodiversity Beyond National Jurisdiction (BBNJ) Treaty," 2023.

⁵¹ European Commission, "Sustainable Fisheries in the Mediterranean," 2021.

frameworks that require Greece to adjust its current fishing practices and compliance measures to align with international standards⁵².

Furthermore, the emphasis on marine protected areas (MPAs) within the BBNJ Treaty could benefit Greece's marine ecosystems by safeguarding critical habitats from overexploitation. However, establishing MPAs may also restrict fishing activities in certain regions, necessitating a careful balance between conservation and economic livelihoods⁵³. This dual focus will require Greece to engage stakeholders in the fishing industry to develop strategies that ensure both conservation and economic viability.

5.3 Greek Participation in Global Marine Conservation Efforts

Having a long-standing participation in international marine conservation, Greece is part of many treaties and agreements aiming at the protection of the biodiversity of their seas. For Greece, the BBNJ Treaty provides a chance to cement its status as one of the world's top marine conservationists. Through the International Treaty process, where Greece has a strong tradition of active participation in both negotiations and implementation, it can work further internationally on policies impacting its marine environment as well contribute to the wider conservation challenge.

Greek participation can also enhance collaboration within the EU and with neighboring countries in the Mediterranean. As a member state, Greece is well-positioned to advocate for policies that align with both the BBNJ Treaty and EU directives on marine conservation⁵⁴. This includes fostering partnerships for research, monitoring, and data-sharing initiatives that can help inform conservation strategies and support sustainable practices in the region.

Moreover, Greece can leverage its rich historical and cultural connection to the sea to engage local communities in conservation efforts. By promoting awareness and education about the importance of marine biodiversity, Greece can encourage local stakeholders to participate in conservation initiatives, thus strengthening the social fabric around marine stewardship⁵⁵.

⁵² Papageorgiou, A., & Tsagkarakis, A. (2023). The Future of Fisheries Management in Greece: Challenges and Opportunities. *Marine Policy*, 135, 104571

⁵³ Kelleher, K. (2019). Marine Protected Areas: A Key to Fisheries Recovery. *Fish and Fisheries*, 20(1), 35-49.

⁵⁴ European Parliament, "EU Biodiversity Strategy for 2030," 2020.

⁵⁵ Hatzigeorgiou, N. (2022). Engaging Local Communities in Marine Conservation: Lessons from Greece. *Coastal Management*, 50(2), 125-140.

5.4 Legal and Policy Changes Required for Greece

To effectively implement the BBNJ Treaty, Greece will need to undertake significant legal and policy changes. The treaty emphasizes the importance of integrated approaches to marine management, requiring Greece to align its national laws and policies with international obligations. This may involve revising existing laws related to fisheries, environmental protection, and marine spatial planning⁵⁶.

Furthermore, Greece may need to enhance its regulatory frameworks to establish effective governance structures for MPAs and other conservation measures. This includes developing clear guidelines for the designation, management, and monitoring of MPAs, as well as mechanisms for stakeholder involvement in decision-making processes⁵⁷. Additionally, Greece will need to invest in capacity-building initiatives to ensure that relevant authorities and stakeholders are equipped with the necessary knowledge and tools to implement the treaty effectively. This may involve training programs, workshops, and collaboration with research institutions to foster a culture of marine stewardship and compliance with international standards⁵⁸.

5.5 Implications for Greek Coastal Communities and Maritime Industry

The BBNJ Treaty has significant implications for Greece's coastal communities and maritime industry. Many coastal regions in Greece rely heavily on fisheries, tourism, and maritime trade, all of which are intertwined with the health of marine ecosystems. As Greece implements the treaty's provisions, coastal communities may face both opportunities and challenges. On the one hand, the establishment of MPAs and the promotion of sustainable practices could enhance the resilience of marine ecosystems, leading to long-term benefits for fisheries and tourism⁵⁹.

Healthier marine environments can attract tourists, improve fish stocks, and promote the overall economic stability of coastal communities. On the other hand, there may be short-term economic challenges associated with implementing new conservation measures. Restrictions on fishing activities or increased compliance costs could impact livelihoods, necessitating robust support systems for affected communities⁶⁰. Greece must prioritize inclusive approaches that involve local stakeholders in decision-making and develop alternative livelihoods and support programs to ease the transition to sustainable practices⁶¹.

⁵⁶ Greece's National Policy on Marine Biodiversity Conservation, 2021.

⁵⁷ Council of the European Union, "*Council Conclusions on Marine Protected Areas*," 2021.

⁵⁸ Papadopoulou, A. (2022). Capacity Building for Marine Governance in Greece: Strategies and Challenges. *Environmental Management*, 61(3), 471-485.

⁵⁹ World Wildlife Fund (WWF), "*The Economic Value of Marine Protected Areas*," 2023.

⁶⁰ Cormier, R., & Beaugrand, G. (2020). Economic Impacts of Marine Protected Areas on Coastal Communities. *Ecological Economics*, 169, 106485.

⁶¹ Greek Ministry of Environment and Energy, "*Support Programs for Coastal Communities*," 2023.

5.6 The Role of Greece in Regional Maritime Governance within the EU Context

Greece's role in regional maritime governance will be critical as the BBNJ Treaty is implemented within the broader EU context. As a member state, Greece can leverage EU frameworks and policies to enhance its participation in regional marine governance initiatives. This includes engaging with EU agencies and bodies responsible for marine conservation, such as the European Marine Observation and Data Network (EMODnet) and the European Environment Agency (EEA)⁶². Greece can also play a pivotal role in fostering cooperation among Mediterranean countries, facilitating dialogue on shared marine issues, and promoting collective action towards achieving the goals of the BBNJ Treaty. By championing collaborative efforts, Greece can strengthen regional governance structures that address the unique challenges faced by Mediterranean marine ecosystems⁶³. Moreover, Greece's strategic geographic position offers it a unique opportunity to act as a mediator in discussions regarding maritime boundaries and resource management, especially considering ongoing disputes in the region. By promoting dialogue and cooperation, Greece can contribute to regional stability while advancing its interests under the BBNJ Treaty and within the EU framework⁶⁴.

⁶² European Marine Observation and Data Network (EMODnet), 2021

⁶³ Intergovernmental Oceanographic Commission (IOC), "*Regional Cooperation in Marine Governance*," 2023.

⁶⁴ Delipetrev, B., & Gruev, A. (2023). Greece's Role in the Eastern Mediterranean: Regional Governance and Stability. *Mediterranean Politics*, 28(1), 1-21.

Chapter 6: Comparative Analysis – Greece vs. Other EU Member States

6.1 Overview of BBNJ Treaty Impacts on Key EU Coastal Nations

The Treaty on Biodiversity Beyond National Jurisdiction (BBNJ), often referred to as the "High Seas Treaty," aims to protect marine biodiversity in areas beyond national jurisdiction, which encompasses nearly half of the Earth's surface. As the treaty introduces stringent regulations on activities such as fishing, deep-sea mining, and marine genetic resource exploitation, its impact on European Union (EU) member states—particularly coastal nations with significant maritime economies—has been profound. The EU has endorsed the BBNJ Treaty, recognizing its role in achieving broader environmental sustainability goals, such as the UN Sustainable Development Goals (SDGs), particularly Goal 14 (Life Below Water)⁶⁵. However, the responses among individual EU coastal nations have varied depending on economic dependencies, political dynamics, and geographical concerns.

Greece, with its extensive coastlines and strong maritime sector, stands at the forefront of countries affected by the treaty. As a country heavily reliant on shipping and fisheries, Greece faces the challenge of balancing the BBNJ's conservation goals with economic interests. Greece's fisheries industry, particularly small-scale fisheries, could see significant changes in management practices due to stricter regulations on overfishing and bycatch mitigation⁶⁶. Even though the designation of new MPAs alone will not guarantee the conservation of the EU's marine ecosystems, it is the first step for their effective management, as individual MPAs and as a network, also in conjunction with coastal and terrestrial ecosystems.

Greece's territorial waters amount to 124,695 km², 18.3% of which are covered by MPAs corresponding to a total of 22,796 km². These are currently under the responsibility and supervision of the Natural Environment and Climate Change Agency (N.E.C.C.A.) through the operation of 24 local Management Units. In Greece, 48.3% of habitat assessments indicate that they have a good conservation status, which is considerably above the EU average of 14.7%. Coastal and salt-tolerant habitats encompass 16.8% of the protected habitats. Most protected species across taxonomic groups are birds, comprising the largest proportion at 51.7%. They are followed by fish, accounting for 10.4% of protected species, and vascular plants, representing 10.1%. Greece is home to Europe's 40% of the plant species and 18% of the animal species. The degree of endemism for some taxonomic groups, especially those that have diversified in insular systems, exceeds 50%. Greek islands are one of the most outstanding laboratories of nature and one of the world's hotspots for endemism: 3,500 plant species; 300 bird species; 60 reptile species; over 2,500 species of invertebrates. However, Greece also has the second highest number of threatened species in Europe as well as in the Mediterranean biodiversity hotspot⁶⁷.

⁶⁵ European Commission, "EU and Biodiversity Beyond National Jurisdiction," 2023.

⁶⁶ Fisheries Council of Greece, "Impacts of the BBNJ Treaty on Greece's Fishing Industry," 2023.

⁶⁷ Ibid

Northern European nations such as Denmark, Sweden, and the Netherlands, on the other hand, exhibit different responses. These countries have long supported international efforts to protect marine ecosystems and have well-established marine spatial planning (MSP) frameworks. The impact of the BBNJ treaty in Northern Europe may be more pronounced in terms of adjustments to existing policies rather than overhauling entire sectors. Their fisheries, predominantly industrial and well-regulated, may face fewer disruptions than those in Southern Europe⁶⁸.

The European Parliament's resolution 'Momentum for the Ocean: Strengthening Ocean Governance and Biodiversity', adopted on 6 October 2022, defines Parliament's position on the updated international ocean governance agenda, and calls for the EU to stand as a leader in protecting the ocean, including at the forthcoming climate and biodiversity conferences. On the international negotiations, Parliament expresses its disappointment about the fifth negotiation session on the UN high seas treaty not having concluded successfully. It calls on the Commission and the Member States to resume negotiations as a matter of urgency.

Parliament also reiterates its call for the EU to push for an ambitious post-2020 global biodiversity framework at COP15, including through legally binding global restoration and protection targets of at least 30% by 2030. Parliament welcomes the ongoing work on negotiations towards a global treaty on plastic pollution and calls on the UN member states to reach an ambitious and effective agreement by no later than 2024. On the WTO agreement on fisheries subsidies, Parliament welcomes the recent agreement, which all parties should ratify swiftly. However, it regrets that no agreement was reached to 'limit subsidies that increase overfishing and fleet overcapacity' and calls on the Commission to reach an agreement at the WTO without delay. Moreover, as in its January 2018 resolution mentioned above, Parliament reiterates its strong stance on deep-sea mining, calling on the Commission and the Member States to support an international moratorium on deep seabed mining⁶⁹.

6.2 Comparison of Policy Adjustments: Greece, Spain, and Italy

When comparing Greece's policy adjustments to those of Spain and Italy, we find notable similarities and differences in their approaches to implementing BBNJ treaty provisions. Greece's primary focus has been on addressing its vast archipelagic zones and rich biodiversity, particularly in the Aegean and Ionian seas. Greek policymakers have started integrating BBNJ mandates into national marine strategies, emphasizing the protection of migratory species and habitat conservation⁷⁰. One key policy change has been the expansion of Greece's network of Marine Protected Areas (MPAs), which are crucial for meeting BBNJ objectives. These areas aim to safeguard fragile ecosystems and fish stocks, with potential socioeconomic impacts for local fishing communities⁷¹.

⁶⁸ European Parliament, "BBNJ Treaty: Implications for Northern European Fisheries," 2022.

⁶⁹ Ibid

⁷⁰ Hellenic Ministry of Environment, "National Marine Strategies in the Context of the BBNJ," 2023.

⁷¹ Mediterranean Marine Research Institute, "Greece's Expanded Marine Protected Areas," 2023.

Spain, with its extensive Atlantic and Mediterranean coastlines, faces similar challenges but has placed greater emphasis on addressing overfishing and marine pollution. Spanish authorities have embraced a more proactive stance in applying the precautionary principle advocated by the BBNJ treaty, focusing on preventing environmental degradation from shipping, pollution, and overfishing. Spain has also committed to increasing its MPAs, especially around the Canary Islands, which are rich in marine biodiversity⁷². Italy's approach has been characterized by a dual focus on biodiversity conservation and promoting sustainable use of marine resources. Italian policymakers have worked to align their national marine strategies with the BBNJ treaty while addressing concerns over deep-sea mining and offshore oil exploration in the Adriatic and Tyrrhenian seas. Italy has further enhanced its collaboration with neighboring EU states, such as France and Croatia, to implement transboundary marine resource management initiatives⁷³.

6.3 Marine Resource Management Strategies: Northern vs. Southern Europe

The differences between Northern and Southern Europe in marine resource management reflect broader environmental, economic, and geographic distinctions. Northern European countries, such as Norway (outside the EU but relevant due to its participation in the European Economic Area), Sweden, and Denmark, have advanced marine spatial planning systems and a history of robust environmental regulations. These countries rely on industrial fisheries and have long supported sustainability practices within frameworks such as the EU's Common Fisheries Policy (CFP)⁷⁴.

Southern Europe, represented by Greece, Spain, and Italy, faces more immediate pressures related to overfishing, habitat degradation, and maritime activities. These nations are characterized by smaller-scale, traditional fisheries that face more significant disruptions due to the BBNJ's sustainability mandates. Consequently, Southern European states have been slower in adopting large-scale policy changes compared to their Northern counterparts⁷⁵. Additionally, Southern Europe experiences more intense geopolitical challenges, particularly in managing overlapping Exclusive Economic Zones (EEZs), which complicates the implementation of harmonized marine conservation strategies⁷⁶. The separation between Northern and Southern Europe highlights the importance of tailored approaches within the EU for implementing the BBNJ treaty, as economic and environmental conditions vary widely across regions.

⁷² Ministry for Ecological Transition of Spain, "*BBNJ and Marine Conservation Policies in Spain*," 2023.

⁷³ Italian Ministry of Environment, "Italy's Role in the BBNJ Treaty," 2023.

⁷⁴ Nordic Council, "Marine Spatial Planning and the BBNJ Treaty in Northern Europe," 2023.

⁷⁵ European Environmental Agency, "Marine Resource Management in Southern Europe," 2022.

⁷⁶ Institute for European Environmental Policy, "Geopolitical Challenges in Southern European EEZs," 2023.

6.4 Stakeholder Reactions Across the EU: Environmental and Industry Perspectives

The BBNJ treaty has elicited mixed reactions from stakeholders across the EU. Environmental groups have overwhelmingly supported the treaty, viewing it as a critical step in safeguarding the health of the world's oceans. Organizations such as Greenpeace and the Worldwide Fund for Nature (WWF) have praised the EU's commitment to the BBNJ treaty and its role in advancing global marine conservation efforts⁷⁷. These groups have been particularly vocal in urging EU member states to accelerate the implementation of MPAs and to adopt more stringent regulations on overfishing and marine pollution. In contrast, industry stakeholders, particularly those in the fishing and shipping sectors, have raised concerns about the economic implications of the treaty. In Greece, for example, small-scale fishermen worry about the impact of new restrictions on traditional fishing areas, which they argue could threaten their livelihoods⁷⁸.

Similarly, in Spain and Italy, representatives of the fishing and energy sectors have expressed concerns about potential job losses and the costs associated with complying with new environmental regulations. These stakeholders argue that the BBNJ's ambitious targets need to be balanced with economic realities, particularly in regions heavily reliant on maritime industries⁷⁹. These varied reactions among environmental and industry groups underscore the need for careful policy design that incorporates both conservation goals and economic considerations.

6.5 Harmonization of EU Policies: Cooperation and Divergence among Member States

Harmonizing the implementation of the BBNJ treaty across the EU presents both opportunities and challenges. The EU has been a strong proponent of international marine conservation efforts, and its legislative framework, including the Marine Strategy Framework Directive (MSFD) and the CFP, provides a solid foundation for implementing the BBNJ provisions⁸⁰. However, achieving full harmonization is complicated by the diverse economic, environmental, and political landscapes of member states. However, achieving full harmonization is complicated by the diverse economic, environmental, and political landscapes of member states.

Cooperation among EU member states is essential for ensuring the success of the BBNJ treaty, particularly in managing shared marine ecosystems and addressing transboundary challenges such as overfishing and pollution. Initiatives such as the EU's Blue Economy Strategy have fostered collaboration in areas like marine research, innovation, and sustainable resource use⁸¹. Cross-border initiatives between Greece, Italy, and Spain have

⁷⁷ Greenpeace International, "BBNJ Treaty: A Victory for Ocean Conservation," 2023.

⁷⁸ Greek Fishermen's Association, "Economic Concerns Regarding the BBNJ Treaty," 2023.

⁷⁹ Italian Fisheries Confederation, "Implications of the BBNJ Treaty for Southern Europe," 2023.

⁸⁰ European Commission, "Marine Strategy Framework Directive and the BBNJ Treaty," 2023.

⁸¹ EU Blue Economy Report, "Collaboration for Marine Sustainability in the EU," 2023.

shown promise in addressing regional challenges, such as the conservation of Mediterranean ecosystems⁸².

However, divergence remains an issue, particularly between Northern and Southern European states. While Northern Europe has largely embraced the BBNJ treaty's conservation goals, Southern European states face greater challenges in balancing environmental protection with economic concerns. This divergence has led to calls for more flexible implementation of the treaty's provisions, allowing states to tailor policies to their specific circumstances⁸³.

In conclusion, while the EU has made significant strides in advancing marine conservation through the BBNJ treaty, the varying economic and environmental contexts of its member states require a nuanced approach to policy harmonization. Continued cooperation, particularly in areas of shared marine resources, will be critical for ensuring the success of the BBNJ treaty across the EU.

⁸² Union for the Mediterranean, "Mediterranean Marine Conservation and Cross-Border Cooperation," 2023.

⁸³ European Council, "Balancing BBNJ Implementation Across the EU," 2023.

Chapter 7: Challenges and Opportunities for Greece and the EU

7.1 Legal and Policy Implementation Barriers

This chapter examines the multifaceted legal, economic, and environmental challenges and opportunities that Greece and the European Union face in the context of maritime governance, particularly following the adoption of the Biodiversity Beyond National Jurisdiction (BBNJ) Treaty. The focus will be on barriers to implementation, leadership opportunities in global maritime conservation, and Greece's unique role in the post-BBNJ era, alongside the economic, environmental, and collaborative prospects for both Greece and the EU.

The implementation of international treaties like the BBNJ Treaty poses numerous legal and policy challenges for both the European Union and its Member States. The complexity of overlapping maritime laws, including the United Nations Convention on the Law of the Sea (UNCLOS), regional EU directives, and national legislation, can hinder the alignment of domestic legal frameworks with international obligations.

The primary legal barrier stems from the need to harmonize the BBNJ Treaty with existing EU regulations, particularly those concerning the Marine Strategy Framework Directive (MSFD) and the Common Fisheries Policy (CFP)⁸⁴. Regulation (EU) No 1380/2013, which establishes the framework for the Common Fisheries Policy (CFP), was adopted to manage fishery resources and regulate the fishing activities within the European Union. It aims to ensure sustainable exploitation of marine biological resources and contribute to the environmental, economic, and social sustainability of the fishing sector. Specifically, Article 1(1) of this regulation states that "The Common Fisheries Policy (CFP) shall ensure that fishing and aquaculture are environmentally sustainable in the long-term and managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies." This article outlines the primary purpose of the CFP: balancing environmental sustainability with the economic and social well-being of the fishing communities, as well as ensuring a stable supply of food from fishery products.

Both frameworks govern marine conservation and resource use but may conflict with BBNJ objectives, especially in areas such as sustainable fishing and marine biodiversity protection. Additionally, ensuring compliance with international commitments across the EU is legally challenging due to the diverse legal systems and environmental priorities of Member States⁸⁵. This section emphasizes the need for global and regional cooperation in protecting and preserving the marine environment. It includes the following key points. States shall cooperate on a global and regional basis to develop international rules, standards, and recommended practices for preventing, reducing, and controlling pollution of the marine environment (Article 197). Harmonization of policies: States are required to harmonize their policies at appropriate levels (international, regional, and sub-regional) to

⁸⁴ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy [2013] OJ L 354, Art. 1(1)

⁸⁵ United Nations Convention on the Law of the Sea (UNCLOS), Part XII, Section 2.

ensure effective protection of the marine environment. International Organizations: Cooperation must occur through competent international organizations like the International Maritime Organization (IMO), as well as regional organizations that address marine environmental protection. Technical Assistance: Developed countries are encouraged to assist developing countries, particularly landlocked and geographically disadvantaged countries, with technical assistance for the protection of the marine environment.

Greece faces additional challenges with respect to its extensive maritime zones and borders with multiple non-EU nations. The management of maritime spaces, especially in the Aegean and Eastern Mediterranean, involves disputes over sovereignty and jurisdiction that complicate the enforcement of international conservation commitments⁸⁶. Greece's efforts to protect its biodiversity-rich marine environment are often hindered by geopolitical tensions with neighboring countries, including Turkey, leading to difficulties in the application of legal measures under the BBNJ Treaty⁸⁷. The lack of clear enforcement mechanisms within the BBNJ Treaty itself also poses a problem. While the Treaty establishes an institutional framework for the protection of biodiversity beyond national jurisdictions, its effectiveness is contingent upon Member States' capacity to legislate and enforce these rules domestically⁸⁸.

7.2 Opportunities for Leadership in Global Maritime Conservation

Despite the legal and policy challenges, the BBNJ Treaty presents a unique opportunity for Greece and the EU to assume leadership roles in global maritime conservation. As a nation with a rich maritime history and a significant maritime economy, Greece has both the capacity and the incentive to pioneer initiatives that promote marine sustainability.

Greece, as part of the EU, can leverage its position within regional and global organizations, such as the International Maritime Organization (IMO) and the United Nations, to push for stricter enforcement of international maritime conservation laws⁸⁹. Article 1(4) of the International Convention for the Prevention of Pollution from Ships (MARPOL), 1973 as modified by the Protocol of 1978 states "The Parties to the Convention undertake to give effect to the provisions of the present Convention and those annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention." This means that the member states, or "Parties," who have signed and ratified MARPOL are committed to enforcing the provisions laid out in the Convention. They agree to adopt and implement measures to prevent marine pollution from ships, specifically regarding the discharge of harmful substances or waste into the marine environment. The provisions include not only the main body of the Convention but also its annexes, which

⁸⁶ Dimitrakopoulos, P. "Legal Aspects of the Delimitation of the Greek Maritime Zones," (2022) *Journal of Mediterranean Law*, Vol. 12, p. 124.

⁸⁷ European Commission, "EU Environmental Policy and Eastern Mediterranean Tensions," Report (2021).

⁸⁸ T. Stephens, *The International Law of the Sea* (2nd edition, OUP 2020) p. 236.

⁸⁹ IMO, International Convention for the Prevention of Pollution from Ships (MARPOL), 1973 as modified by the Protocol of 1978, Art. 1(4).

address specific forms of pollution like oil, noxious liquid substances, and garbage. Each Party must apply these provisions within its jurisdiction and ensure that ships under its flag comply with the standards established by MARPOL.

Furthermore, Greece can serve as a model for integrating the BBNJ Treaty with EU directives, particularly in the Eastern Mediterranean, where biodiversity hotspots are under threat from human activities such as overfishing and offshore energy exploration⁹⁰.

The EU as a whole is also well-positioned to lead by example, thanks to its existing environmental policies like the *European Green Deal*, which aims to make Europe the first climate-neutral continent by 2050⁹¹. Through this framework, the EU can implement robust maritime conservation strategies that align with BBNJ objectives, including the expansion of marine protected areas (MPAs) and the regulation of oceanic resource exploitation⁹². This refers to Directive 2008/56/EC which states the directive sets out a timeline for the establishment of the various components of marine strategies, with an emphasis on collaborative efforts to enhance marine protection and sustainability. In summary, the Marine Strategy Framework Directive seeks to enhance the environmental health of European marine waters, promote sustainable use of marine resources, and foster regional cooperation among EU member states.

7.3 The Role of Greece in the EU's Post-BBNJ Treaty Era

In the post-BBNJ Treaty era, Greece can play a crucial role as an EU Member State with vast maritime interests and an extensive coastline. Its involvement is critical in advancing the EU's policy goals for biodiversity conservation in international waters. The BBNJ Treaty creates new obligations regarding the sustainable use of marine resources and the equitable sharing of marine genetic resources, areas where Greece has vested interests⁹³. UNCLOS, part VII, section 2 states the "Conservation of the Living Resources of the High Seas." Here are the key points from this section Article 116: This article emphasizes the freedom of fishing on the high seas, stating that all States have the right to fish in the high seas, subject to their obligations under international law. Article 117: This article obliges States to cooperate in the conservation and management of living resources in the high seas. States must take measures to ensure that fishing activities are conducted in a sustainable manner and to protect the marine environment. Article 118: This article calls for States to cooperate in the management of shared fish stocks and to ensure the sustainable use of these resources. States are encouraged to conclude agreements for the conservation and management of these stocks. Article 119: This article outlines the criteria for the conservation of living resources, including the need to take into account the best scientific evidence available, the impact of fishing on other species, and the overall health of marine ecosystems. Article 120: This article states that coastal States may adopt measures for the

⁹⁰ Tsiamis, K. "Eastern Mediterranean Marine Biodiversity Under Threat," *Marine Policy Journal* (2021) Vol. 45, p. 78.

⁹¹ European Commission, "The European Green Deal," COM (2019) 640 final.

⁹² Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), [2008] OJ L 164.

⁹³ UNCLOS, Part VII, Section 2.

conservation of the living resources of the high seas, provided that they do not infringe upon the rights of other States. Article 121: This article deals with the definition of islands and rocks and their respective entitlements to territorial sea, continental shelf, and exclusive economic zone (EEZ).

For Greece, the post-BBNJ period offers an opportunity to assert its influence on EU marine governance policy, especially in advocating for the Mediterranean region, which is highly susceptible to ecological degradation⁹⁴. Greece's role as a gateway between Europe and the Middle East also positions it strategically to mediate between EU directives and the maritime policies of non-EU countries, particularly in the Mediterranean and Aegean seas⁹⁵. As a leader in the shipping industry, Greece can advocate for sustainable maritime transport within EU discussions, encouraging the development of cleaner maritime technologies that meet both EU climate targets and BBNJ Treaty commitments⁹⁶. Directive 2014/94/EU aims to enhance the sustainability of maritime transport by promoting the use of alternative fuels and developing the necessary infrastructure to support this transition. The overall goal is to achieve a cleaner, more efficient shipping industry in line with the EU's climate objectives.

7.4 Economic Implications: Costs vs. Benefits for the EU and Greece

The BBNJ Treaty and its implementation raise significant economic considerations for both Greece and the EU. The short-term costs of implementing new marine protection measures, including the designation of additional MPAs and the enforcement of new regulations, could be substantial. Greece, with its dependence on maritime industries, particularly shipping and fishing, will need to balance economic interests with environmental protection goals⁹⁷.

On the other hand, long-term economic benefits can be derived from sustainable maritime governance, as healthy ecosystems support more productive fisheries, attract eco-tourism, and contribute to climate resilience⁹⁸. Greece and the EU can benefit economically by investing in sustainable maritime industries, such as renewable ocean energy and sustainable aquaculture, which align with both the BBNJ Treaty and the European Green Deal⁹⁹. Additionally, the costs of inaction must be considered. Environmental degradation in the Mediterranean due to overfishing, pollution, and climate change could lead to significant economic losses for Greece's coastal communities and maritime industries¹⁰⁰.

⁹⁴ Mediterranean Action Plan, "State of the Mediterranean Marine and Coastal Environment 2020," UNEP Report.

⁹⁵ F. Tsouvalas, "Greece's Diplomatic Role in Mediterranean Maritime Affairs," *International Relations Quarterly* (2022).

⁹⁶ European Commission, "Maritime Transport: Clean Power for Shipping," Directive 2014/94/EU.

⁹⁷ European Commission, "Blue Economy Report 2021," COM (2021) final.

⁹⁸ Barbier, E. B., "The Benefits of Marine Ecosystems to the Global Economy," *Nature Sustainability* (2020).

⁹⁹ European Commission, "Sustainable Blue Economy," COM (2021) 240 final.

¹⁰⁰ UNEP/MAP, "Mediterranean Strategy for Sustainable Development 2016-2025," (2016).

7.5 Environmental and Sustainability Considerations

The BBNJ Treaty represents a vital step in safeguarding marine biodiversity beyond national jurisdictions, but its success will depend heavily on robust environmental policies at both the EU and national levels. Greece, with its rich marine biodiversity, must adopt stringent measures to protect its marine ecosystems, particularly in vulnerable areas like the Aegean and Ionian seas¹⁰¹. For Greece, key sustainability challenges include addressing overfishing, reducing marine pollution, and mitigating the impacts of climate change on marine ecosystems¹⁰². Greece's participation in the BBNJ Treaty offers an opportunity to strengthen domestic laws governing marine protected areas and to adopt international best practices for sustainable marine resource management¹⁰³. The Convention on Biological Diversity, Aichi Target 11 emphasizes the global commitment to conserve biodiversity through protected areas and effective management practices, aiming for a significant portion of the planet's ecosystems to be preserved for future generations.

7.6 Collaboration between Greece, the EU, and International Bodies

Collaborative efforts between Greece, the EU, and international bodies such as the United Nations and the International Maritime Organization (IMO) are crucial for the successful implementation of the BBNJ Treaty. Greece's leadership in regional forums, such as the Barcelona Convention and the Mediterranean Action Plan, highlights the importance of regional cooperation for effective marine governance¹⁰⁴. The EU's broader role in international maritime governance also underscores the need for strong partnerships between EU Member States and third-party nations, especially in the Mediterranean and Atlantic regions. Cooperation is needed not only for conservation purposes but also for the management of shared resources and dispute resolution¹⁰⁵.

To conclude, this chapter highlights the legal, economic, environmental, and diplomatic dimensions of Greece and the EU's engagement in post-BBNJ marine governance, identifying both challenges and opportunities for leadership in maritime conservation.

¹⁰¹ European Environment Agency, "State of Europe's Seas," EEA Report (2020).

¹⁰² Greenpeace, "Marine Conservation in Greece: Challenges and Prospects," (2022).

¹⁰³ Convention on Biological Diversity, Aichi Target 11.

¹⁰⁴ UNEP, "Mediterranean Action Plan," Barcelona Convention (1975).

¹⁰⁵ A. Chircop, "The European Union and Maritime Governance," *Ocean Yearbook* (2021).

8 Conclusion

The agreement of the Convention on Biological Diversity Beyond National Jurisdiction (BBNJ) is a major global step in marine biodiversity management and addresses critical pressures to this system. This paper analyses the opportunities and challenges for Greece in relation to the implementation of provisions within a potential BBNJ Convention, as well as explores ways that such an international instrument could support marine governance reform at both Greek and European Union (EU) levels. For Greece, which has significant maritime and blue economy interests, the BBNJ Convention offers an unprecedented opportunity to become a regional leader in the Mediterranean Sea as well as beyond.

Reflecting Greece's national priorities to safeguard its abundant marine biodiversity and promote the sustainable exploitation of fisheries resources, many provisions relating to the stock taking and careful management of common maritime resources). Moreover, Greece is expected to benefit from mandatory capacity-building and funding provisions under the Convention aimed at enhancing its existing marine research abilities.

In this context the BBNJ Convention provides a counterpart to existing European marine policies and instruments such as Marine Strategy Framework Directive (MSFD) which focuses on national seas and Common Fisheries Policy from an EU perspective. The EU is instrumental in the operationalisation of the convergence due to its strong presence and backing for multilateral instruments and global biodiversity objectives.

At the same time, though, there are challenges for the EU as well; how to reconcile its member states' diverse interests and ensure meaningful integration of BBNJ principles into existing frameworks. Adding the nuances of the Convention's focus on participation in decision-making and fair benefit distribution would make such a move even more challenging, requiring strong governance mechanisms to allow every voice to be heard—including smaller member states like Greece.

The BBNJ Convention has the potential to entirely re-shape the maritime governance landscape but provides a number of opportunities for leadership and co-operation with associated major challenges in implementation. Managing the transition changing landscape will present a significant challenge both to Greece and the EU. In, addition, the BBNJ Treaty represents a milestone development in the legal regime of marine biodiversity beyond areas of national jurisdiction. For Greece and the EU, this treaty can also bring about opportunities and challenges. By improving the legal framework that will be used for marine conservation, it conforms to the EU environmental policy and commitment for sustainable development.

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