



15 July 2024

Submission from the High Seas Alliance to the Joint Standing Committee on Treaties: 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.

The High Seas Alliance (HSA), would like to thank the Joint Standing Committee on Treaties for the opportunity to submit our views on this topic. [HSA](#) is a group of 60+ non-governmental members aimed at building a strong common voice and constituency for the conservation of the high seas. Since its inception in 2011, the High Seas Alliance has been at the forefront of advocating for a comprehensive Treaty to address the governance gaps in the high seas. Through collaborative efforts encompassing political advocacy, technical expertise, and public outreach, HSA has played a pivotal role in shaping the Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement).

Purpose of this submission

This submission aims to articulate the High Seas Alliance's support for the swift ratification of the BBNJ Agreement by Australia. It highlights the transformative potential of the Treaty in enhancing global ocean governance, protecting marine biodiversity, and ensuring sustainable use of high seas resources for present and future generations. Australia's [commitment](#), as demonstrated by becoming one of the first signatories to this historic Treaty, underscores its leadership in global ocean conservation efforts. As a founding member of the High Ambition Coalition (HAC), which actively encourages all nations to ratify the Agreement ahead of the UN Oceans Conference in June 2025, Australia's ratification will further bolster its leadership and commitment to [multilateralism](#). By ratifying the BBNJ Agreement, Australia can significantly contribute to achieving global targets such as protecting 30% of the world's coastal and marine areas by 2030, and meeting the Sustainable Development Goals (SDGs).

The Treaty's provisions, including mechanisms for establishing Marine Protected Areas (MPAs) on the high seas, align with Australia's national and international conservation objectives. Thus, we urge JSCOT to recommend the swift enactment of the necessary legislation to ensure the prompt ratification of the BBNJ Agreement. Early ratification will allow the Australian Government to dedicate its efforts to preparing for the implementation of the Agreement, thereby reinforcing Australia's leadership in global ocean governance and ensuring that the necessary frameworks are in place for the Agreement to take effect efficiently once it is ratified by [60 countries](#).

The significance of the BBNJ Agreement

Increasing impacts from human activity continue to negatively affect biodiversity on the high seas. For example, dwindling stocks nearer to shore drive boats further to sea for fish. Destructive fishing practices, such as [bottom trawling](#), and [illegal fishing](#) are threatening high seas marine life. Additional threats like noise, plastic and chemical pollution, shipping, and emerging activities such as [seabed mining](#), compounded by [acidifying and warming waters](#) due to the climate crisis, further endanger marine biodiversity.

Thus, [the High Seas Treaty](#), agreed in March 2023 and formally adopted on 19 June 2023 at the United Nations, marks a pivotal moment for global ocean governance. Covering nearly half of the Earth's surface, the high seas have long suffered from fragmented management and inadequate protection, leaving them vulnerable to exploitation and environmental degradation. This new Treaty establishes a robust international framework under the United Nations Convention on the Law of the Sea (UNCLOS) to address these governance gaps. It introduces mechanisms for creating MPAs, enhancing transparency through environmental impact assessments (EIAs), ensuring fair and equitable sharing of benefits from marine genetic resources (MGRs), and supporting capacity-building and technology transfer. By providing clear guidelines and promoting international cooperation, the Treaty aims to safeguard high seas biodiversity and contribute to global conservation targets. It presents a [critical opportunity to contribute to the Convention on Biological Diversity's \(CBD\) Global Biodiversity Framework \(GBF\)](#), specifically its targets like achieving 30% protection of the ocean by 2030. Recognizing that marine life transcends borders, it is essential to foster synergies between international bodies such as the CBD and the new High Seas Treaty. This collaboration is vital to securing comprehensive protection for all seas by 2030, encompassing areas within and beyond national jurisdictions.

For Australia, the BBNJ Agreement holds profound significance due to its rich marine biodiversity and extensive maritime interests. As a maritime nation surrounded by vast ocean territories, Australia relies heavily on marine resources for biodiversity, fisheries, and ecosystem services crucial to coastal communities and national interests. The Treaty's provisions, including the establishment of MPAs and enhanced environmental impact assessments (EIAs), will enhance Australia's efforts to safeguard the marine environment against numerous threats. Its implementation will strengthen ocean resilience and foster sustainable use of marine resources for present and future generations. Ratifying the BBNJ Agreement will enable Australia to advance its marine conservation initiatives, implement MPAs, and uphold stringent environmental standards in the high seas.

Treaty provisions

The High Seas Alliance has prepared a [detailed overview](#) of the critical provision within the High Seas Treaty. These provisions represent significant measures that will take effect upon ratification, establishing new global standards for marine conservation. Summarized below are these key provisions.

[*Part II of the BBNJ Agreement: Marine Genetic Resources including the fair & equitable sharing of benefits*](#)

Part II of the BBNJ Agreement focuses on balancing marine scientific research with the fair and equitable sharing of benefits from marine genetic resources (MGRs) and digital sequence information (DSI) from areas beyond national jurisdiction (ABNJ). This section of the Treaty introduces a legal framework for accessing and utilizing

MGRs and DSI, ensuring benefits are shared globally, particularly supporting developing states. Key provisions include a notification system for tracking MGRs and DSI through pre- and post-cruise reports and utilization notifications, ensuring transparency and accountability.

The ocean contains the highest functional biodiversity on earth, closely associated with and dependent upon underlying genetic diversity. Most of the ocean's biodiversity, including genetic diversity, remains unstudied but holds great opportunities for the economy, science, and conservation. For example, marine organisms are being collected and utilized to develop pharmaceutical and cosmetic products. The agreement mandates sharing both non-monetary benefits, such as research data and samples, and monetary benefits from MGRs commercialization, fostering global cooperation and scientific advancement. Australia, through initiatives like the [Minderoo Foundation's OceanOmics project](#), actively engages in using MGRs to advance marine conservation objectives. By ratifying the BBNJ Agreement, Australia can help ensure equitable access to marine resources, support international collaboration, and contribute to the sustainable use and conservation of marine biodiversity.

[Part III of the BBNJ Agreement: Area-based management tools](#)

Part III of the BBNJ Agreement establishes a robust framework for the creation of Area-Based Management Tools (ABMTs), including Marine Protected Areas (MPAs), in ABNJ. These tools are essential for protecting and restoring marine biodiversity and ecosystems in the high seas. Given Australia's extensive ocean territories, it is well-positioned to lead in proposing and implementing MPAs, starting with priority areas like [the South Tasman Sea and Lord Howe Rise](#), which is adjacent to Australia's World Heritage listed Lord Howe Island Group. These regions are globally renowned for their biodiversity and ecological importance, supporting diverse marine life and ecosystem services.

MPAs are recognized as [highly effective](#) in conserving marine biodiversity, safeguarding critical habitats, and enhancing ecosystem resilience to [climate change impacts](#). Australia has already demonstrated leadership in ocean protection with significant portions of its waters under marine protected area status. Aligning with Australia's national and international conservation goals, the BBNJ Agreement's provisions on MPAs reinforce Australia's commitment to extending conservation efforts into the high seas.

[Part IV of the BBNJ Agreement: Environmental Impact Assessment](#)

Part IV of the BBNJ Agreement introduces comprehensive guidelines for Environmental Impact Assessments (EIAs) aimed at evaluating and managing potential impacts of activities in ABNJ on marine biodiversity. These assessments encompass a systematic process that includes screening, scoping, assessment, and evaluation stages. They ensure rigorous consideration of cumulative impacts, alternatives, and the integration of best available science and traditional knowledge of Indigenous Peoples and Local Communities (IPLCs).

The BBNJ Agreement mandates transparent public consultation throughout the EIA process, facilitating inclusive decision-making and stakeholder engagement. This approach is crucial for ensuring that activities in ABNJ are conducted sustainably, minimizing adverse effects on marine ecosystems. Australia, as a Party to the Agreement, could leverage its significant expertise in ocean management to support Pacific, Southeast Asian,

and Indian Ocean States in achieving these objectives. This includes capacity-building on critical matters such as conducting EIAs thereby reinforcing regional implementation efforts and promoting responsible ocean stewardship.

[Part V of the BBNJ Agreement: Capacity building and the transfer of marine technologies](#)

Part V of the BBNJ Agreement focuses on capacity-building and technology transfer (CBTMT) to support effective implementation in ABNJ, including Australia's role in these efforts. The objectives of Part V emphasize assisting States, particularly developing ones, in implementing the BBNJ Agreement through cooperation and support for capacity-building initiatives and technology transfers (BBNJ Art. 40, 41). This includes ensuring fair access to marine technologies and fostering inclusive, needs-driven approaches that accommodate diverse stakeholders such as Indigenous Peoples, civil society, and the private sector (BBNJ Art. 41(2), 42(4)). By engaging in CBTMT activities, Australia can continue to support global initiatives to enhance marine biodiversity conservation and sustainable use in ABNJ. This framework supports collaborative efforts to address challenges such as [climate impacts on marine ecosystems](#), ensuring a resilient future for marine resources worldwide.

[Part VII of the BBNJ Agreement: Financial Resources and Mechanism](#)

Part VII focuses on establishing a robust financial mechanism to support the BBNJ Agreement's goals. Central to this is ensuring adequate and predictable funding through multiple pathways outlined in Article 52, including a Special Fund and collaboration with the Global Environment Facility (GEF). Operational details, such as the composition of a finance committee and modalities for resource mobilization, await determination at the first BBNJ Conference of the Parties (CoP1). The Special Fund, funded through contributions including monetary benefits from marine genetic resources (MGRs) and digital sequence information (DSI), will support developing States and conservation programs, ensuring equitable participation and sustainable use.

Australia's proactive engagement in shaping the financial mechanism is crucial as it prepares for the Agreement's entry into force. This involvement would underscore Australia's commitment to global ocean governance and ensure that the financial framework aligns with its priorities in marine biodiversity conservation and sustainable ocean governance. By participating in CoP1 discussions, Australia can influence the operationalization of the Special Fund and other funding mechanisms, ensuring they effectively support global efforts to conserve biodiversity and promote sustainable use of marine resources across international waters.

Australia's role in global ocean governance and international cooperation

Australia has a strong legacy in ocean protection, with nearly [half of its waters](#) designated as marine protected areas. It played a key role in establishing the two MPAs in the Southern Ocean: on the South Orkney Islands southern shelf (established 2009) and in the Ross Sea region (established 2016). As a leader in this field, Australia is well-positioned to support other nations in proposing [high seas MPAs worldwide](#). Such a network of highly protected marine areas is crucial for achieving global conservation goals, including the Kunming-Montreal Agreement under the Convention on Biological Diversity, which aims to safeguard 30% of the world's ocean by 2030. Australia's ratification of the BBNJ agreement would not only uphold its commitment to multilateralism and science-based marine management but also reinforce its [historical leadership in the Law of the Sea](#).

Furthermore, Australia's engagement in the Pacific region through initiatives like the [\\$3 million investment](#) via the Office of the Pacific Ocean Commissioner demonstrates its dedication to fostering regional cooperation. This support is integral to assisting Pacific countries in signing and ratifying the BBNJ agreement, enhancing ocean governance capabilities, and reinforcing Australia's role as a key partner in sustainable ocean management within the Pacific region and beyond.

The BBNJ Agreement is not only a strategic priority for Australia but also holds significant importance for fostering regional cooperation in the Indo-Pacific. It offers an opportunity for states in the region to collaborate on holistic ecosystem-based management of activities in the high seas, crucial for maintaining a secure, stable, and prosperous Indo-Pacific region. Moreover, the Treaty's alignment with international climate efforts undertaken by Australia, such as the Paris Agreement, underscores its role in comprehensively addressing global challenges.

Benefits of Ratification

Ratifying the High Seas Treaty offers significant benefits for Australia across environmental, economic, and social dimensions. From an environmental perspective, the Treaty will significantly enhance Australia's marine conservation efforts. By establishing MPAs and enforcing rigorous EIAs, the Treaty ensures the preservation of marine biodiversity and promotes the sustainable use of ocean resources. Protecting large areas of international waters will safeguard critical habitats and ecosystems, which are essential for maintaining biodiversity. The creation of MPAs will also help mitigate the adverse effects of human activities and climate change, thereby contributing to the resilience of marine environments.

Economically, the Treaty supports sustainable fisheries management, which is vital for the long-term viability of fish stocks that are crucial to Australia's fishing industry. Sustainable fishing practices ensure the continued livelihoods of coastal communities and contribute to food security. Additionally, the Treaty's provisions for the equitable sharing of benefits from MGRs open new opportunities for scientific research. Access to marine genetic materials can lead to innovations in biotechnology and pharmaceuticals, driving economic growth and positioning Australia as a leader in marine science and research.

Socially, the Treaty emphasizes capacity building and technology transfer, which enhances Australia's ability to support developing nations in marine conservation efforts. This fosters international cooperation and strengthens Australia's leadership in global ocean governance. The Treaty's inclusive decision-making process ensures that diverse stakeholders, including Indigenous communities and civil society, have a meaningful voice in ocean governance. This inclusive approach promotes equitable and sustainable ocean management, empowering communities and fostering a sense of stewardship over marine resources. Capacity-building initiatives will also improve the technical and scientific capabilities of developing nations, enabling them to better manage and protect their marine environments. Furthermore, by collaborating with regional partners such as Pacific Island Countries and Territories, Australia can help address shared challenges and support regional strategies like the [Blue Pacific Strategy 2050](#). This collaboration not only enhances regional marine conservation efforts but also contributes to the social and economic well-being of coastal communities, ensuring food security, supporting livelihoods, and preserving cultural heritage.

Additionally, the High Seas Treaty [addresses critical climate issues](#) by protecting biodiversity, which is essential in combating the climate crisis. The ocean plays a pivotal role in [regulating the global climate](#) by absorbing excess heat and carbon dioxide. Healthy marine ecosystems are crucial for [climate mitigation and adaptation](#). The Treaty's provisions on MPAs and EIAs help protect these ecosystems, ensuring they continue to provide vital climate regulation services. By safeguarding marine biodiversity, the Treaty contributes to global efforts to combat climate change and enhances the resilience of marine environments to its effects. The Treaty also tackles issues of equity and ocean justice, recognizing the disproportionate impacts of environmental and climate crises on coastal populations that depend on the ocean for their livelihoods and well-being. By promoting inclusive decision-making and supporting the traditional ways of life of Indigenous Peoples and local communities, the Treaty helps address historical inequalities and fosters a sustainable and equitable future for all.

Conclusion

In conclusion, ratifying the BBNJ Agreement offers a comprehensive approach to marine conservation that aligns with Australia's national interests and global commitments. It provides a pathway to safeguard marine biodiversity, promote sustainable use of ocean resources, and enhance international cooperation. The environmental, economic, and social benefits are substantial, ensuring a sustainable and prosperous future for Australia's waters and the global marine environment.

Additionally, the High Seas Alliance would like to point out that the recent organizational meeting held in June 2024 marks a significant step towards operationalizing the BBNJ Agreement. The meeting initiated preparations for the upcoming Preparatory Committee (PrepCom) sessions, which will pave the way for the entry into force and the first meeting of the Conference of the Parties (CoP) to the Agreement. We congratulate Australia for becoming the co-chair of the PrepCom and for its leadership in the BBNJ negotiations over the past years. Australia's support to developing countries in ratifying and preparing for early implementation will greatly contribute to successful PrepCom decisions. At the same time, the proactive engagement and leadership of Australia and Belize as co-chairs will be pivotal in ensuring that the goals of the High Seas Treaty are realized effectively and efficiently.

Australia's commitment to a secure, stable, and prosperous Indo-Pacific region, where a healthy and productive ocean plays a critical role, underscores the importance of ratifying the High Seas Treaty as an urgent priority. This Agreement is not only a priority for Australia but also provides an opportunity for enhanced cooperation on ocean management outside national jurisdiction among States in the region. Furthermore, it aligns with international efforts to address climate change under the Paris Agreement, further highlighting its strategic importance in global environmental governance.

Looking forward, the High Seas Alliance eagerly anticipates the swift ratification of the BBNJ Agreement by Australia. With the Agreement requiring ratification by 60 countries to enter into force, Australia's prompt ratification will be pivotal in leading the charge towards this crucial milestone. By joining its regional partners Federated States of Micronesia and Palau, Australia can demonstrate strong leadership in both regional and global ocean conservation efforts. [With 91 States and the European Union already signed on](#), and eight of these

having ratified it, Australia's swift action can greatly accelerate global progress. We urge the Joint Standing Committee on Treaties to support this decisive step, securing a healthier and more resilient ocean for present and future generations. We stand ready to provide any necessary support to facilitate this process and ensure that Australia continues to lead by example in global ocean governance.

* The HSA sometimes uses the term “High Seas Treaty” as a short-hand for the BBNJ Agreement. The HSA acknowledges that the scope of the BBNJ Agreement encompasses all Areas beyond national jurisdiction, including the seafloor and water column. This choice of wording is intended to ease understanding for broad audiences and does not convey a prioritization among the components or principles of the BBNJ Agreement.