



AUSTRALIA

**SUBMISSION**

JULY 2024

# CONSIDERATION OF THE BBNJ AGREEMENT BY THE JOINT STANDING COMMITTEE ON TREATIES

The World Wide Fund for Nature (WWF) is one of the world's largest and most experienced independent conservation organisations, with over 30 million supporters and a global network active in more than 100 countries. WWF-Australia is part of the WWF International Network and is one of Australia's most trusted conservation organisations. At WWF, we work to protect threatened species and habitats, meet the challenge of climate change, and build a world where people live in harmony with nature.

WWF-Australia has longstanding and deep commitment and experience in protection and restoration of ocean and coastal ecosystems in Australia and internationally. Our Saltwater team in Australia draws on substantial Indigenous and local knowledge and experience, as well as WWF's 550-strong community of experts in marine conservation and fisheries, spread across 60 offices worldwide.

WWF-Australia has helped to strengthen marine protection in Australia for many decades and has played a key role in informing negotiation and implementation of numerous multilateral environmental agreements, including the *Convention for the Conservation of Antarctic Marine Living Resources* (CCAMLR), the *Kunming-Montreal Global Biodiversity Framework* (GBF), the *Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction* (BBNJ), and the international legally binding instrument to end plastic pollution due to be agreed by the end of this year. WWF's contributions include development of critical research to address gaps in the international legal framework; collation of evidence and specific text proposals; and provision of technical experts to support and collaborate closely with Australian delegations to these agreements.

## WWF'S OVERARCHING VIEWS ON THE AGREEMENT

**WWF-Australia strongly supports the BBNJ Agreement and the Australian Government's decision to become a founding signatory in 2023.** We acknowledge the sustained efforts of Australian governments over the past 20 years to deliver a robust and comprehensive Agreement. We also acknowledge the recent election of Australia's Chief Counsel and First Assistant Secretary as Co-Chair of the Preparatory Committee (PrepCom).

We appreciate the opportunity to contribute to this inquiry by the Joint Standing Committee on Treaties (JSCOT) and urge JSCOT to **recommend that binding treaty action be taken, i.e. that requisite enabling legislation be**

## RECOMMENDATIONS

WWF-Australia recommends that JSCOT:

1. Encourages introduction and passage of the requisite ratification legislation as a matter of urgency in 2024, so that Australia can credibly and effectively champion ratification by other States prior to the UN Oceans Conference in Nice, France, in June 2025.
2. Urges the Government to allocate sufficient and sustained resources to relevant agencies to match Australia's role as co-chair of the BBNJ Preparatory Commission, given the work required to secure prompt entry into force and prepare for the first meeting of the Conference of the Parties.

**enacted with urgency so that the Agreement is ratified as soon as possible.** Expediting ratification will enable the Australian Government to focus on preparation for the Agreement to come into effect, including by building support for universal participation by encouraging other States to ratify; by collaboration and leadership both globally and regionally to build the scientific basis for effective high seas conservation, including by establishing marine protected areas (MPAs) and by subjecting activities to appropriate levels of environmental impact assessment (EIA); and by providing capacity building support to other States, especially developing States in Australia's neighbouring regions.

WWF has been deeply engaged in the process leading up to establishment of the United Nations Intergovernmental Conference (IGC) to negotiate the instrument, and throughout the period of negotiation and agreement. This has included deep and sustained engagement with many national delegations to the IGC through WWF's global network, including with the Australian delegation. We appreciate the collaborative and constructive nature of this ongoing engagement. We look forward to further substantive involvement as the Australian Government continues preparations for implementation that are already underway, and initiates new areas of work, for example, preparation of high seas marine protected area proposals for submission to the BBNJ Conference of the Parties when the Agreement comes into effect.

WWF regards the BBNJ Agreement as an **unparalleled opportunity to enhance collaborative, integrated ecosystem-based management of areas beyond national jurisdiction.** As ecosystems, these areas are most often understudied and lacking coherent governance, leaving many species and habitats vulnerable to irreparable damage and extinction. Protecting and responsibly managing areas beyond national jurisdiction is critical to both our ability to mitigate and manage climate change, and to protect and preserve marine biodiversity. While focused on areas beyond national jurisdictions – i.e. the high seas outside of States' Exclusive Economic Zones (EEZs) – the Agreement will have beneficial impacts closer to home, for example through driving enhanced cooperation across jurisdictional and sectoral boundaries and through improved protection of highly migratory species of conservation, cultural and economic importance to Australia.

Our submission provides commentary and analysis from WWF's perspective below, built on many decades of experience and expertise in species and marine ecosystem protection. This is structured to align with the National Interest Analysis (NIA) to assist in informing JSCOT's discussions and deliberations.

## NATURE AND TIMING OF PROPOSED TREATY ACTION

**Australia is a member of the BBNJ High Ambition Coalition (HAC) which has publicly called for all States to ratify the Agreement before the UN Oceans Conference (UNOC) in June 2025 in Nice, France.** The international community regards this as a critical milestone towards the September 2025 deadline for signatories, and securing the 60 ratifications required for the Agreement to enter into force 120 days after the 60<sup>th</sup> ratification. All members of the HAC – particularly Australia as a founding member of the Coalition – must lead by example in completing ratification as soon as possible and then assist other States in ratifying before the UNOC/June 2025 deadline they have collectively set themselves. **WWF-Australia urges ratification by the Australian Government by the end of 2024** and failing that, prior to UNOC.

**Early ratification represents a significant leadership opportunity for Australia.** Swift action by Australia and other High Ambition Coalition members will help to create the critical mass and momentum of State Parties that is required for the treaty to enter into force. The Agreement has already been signed by 91 States and the European Union, and eight of these signatory States have now gone on to ratify it.<sup>1</sup> WWF-Australia strongly welcomes the stated intention in the NIA (paragraph 2) to ratify the Agreement in accordance with Article 66 as soon as

---

<sup>1</sup> *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* status as at 29-05-2024 11:17:16 EDT  
<[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=XXI-10&chapter=21&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=XXI-10&chapter=21&clang=en)>

practicable following consideration by JSCOT, passage of legislation, and associated necessary processes. We strongly support the rationale outlined at paragraph 5 of the NIA, which states that conservation measures to be implemented via the Agreement will support the Australian Government's regional and international environmental leadership and nature positive agendas.

**The immediate and pressing objectives are for leading oceans nations to swiftly ratify the Agreement and to encourage near-universal ratification** in 2024-25, while also commencing preparations for implementation and support for preparation by countries that require it. Australia, as a developed country and leading oceans nation, must be at the forefront of these efforts, and we are pleased to acknowledge the Government's work and commitments to date.

## GENERAL COMMENTS ON OVERVIEW AND NATIONAL INTEREST ANALYSIS

Oceans beyond national jurisdiction are currently managed via a patchwork of agreements that typically cover individual sectors or regions. There is no comprehensive system for protecting the marine environment, its species and habitats, and some activities are entirely unregulated. Activities on the high seas have increased exponentially in recent decades, including associated social and environmental challenges such as species collapse, plastic pollution, and severe cumulative pressures on marine ecosystems.<sup>2</sup> Concurrent with the evolution of these challenges – some of which constitute urgent crises – our understanding of the need for comprehensive and effective management of marine ecosystems has also increased exponentially through decades of scientific research. We now understand more than ever about marine migratory and widely distributed species, from great whales to tiny microbes. Management of our ocean needs to reflect our increasing understanding of interconnectedness within and across marine ecosystems and our growing understanding of the problems they face for multiple reasons.

WWF-Australia supports the analysis contained in this section of the NIA, particularly recognition of the importance of marine protected areas (MPAs) and other effective area-based conservation measures (OECMs) to migratory megafauna and fish stocks, and the importance of Australia taking an active role in safeguarding ocean health both domestically and beyond our maritime boundaries (paragraph 5). In addition to the matters covered in this section, we would emphasise the leadership by and importance to Pacific Island Countries and Territories of the prompt and effective implementation of the Agreement and acknowledge the success of their strong and coherent contribution throughout negotiations to deliver the most robust and comprehensive agreement diplomatically possible. Two of the eight current signatures are from this region (Palau and the Federated States of Micronesia). Ratification by Australia will provide further tangible demonstration of our commitment to collaboration with, and support for, Indo-Pacific countries and the shared ambitions for ocean health contained in key regional strategies, including but not limited to the *Blue Pacific Strategy 2050*.

## REASONS FOR AUSTRALIA TO RATIFY THE BBNJ AGREEMENT

Historically, Australia has been a global leader in oceans conservation. Australia established one of the world's first marine protected areas (MPAs) in 1879;<sup>3</sup> was one of the original signatories to the *Convention for the Conservation of Antarctic Marine Living Resources* (CCAMLR); and was a pioneer in establishing marine park and World Heritage protection for the Great Barrier Reef. Successive Australian governments have made some significant commitments that have set us on a leadership path, including many with bipartisan support. These include

---

<sup>2</sup> *UNESCO State of the Ocean Report* (2024); *FAO (2024) The State of World Fisheries and Aquaculture*; *WWF (2015) Living Blue Planet*.

<sup>3</sup> In the marine area of Sydney's Royal National Park; see Fitzsimons, J. and Westcott, G. (2018) 'Large-scale expansion of marine protected area networks: Lessons from Australia' *Parks*, Vol. 24:2.

commitment to tackle major transboundary threats through international cooperation<sup>4</sup> and to sustainably manage 100% of our oceans as one of 18 country members of the High-Level Panel for a Sustainable Ocean Economy.

WWF-Australia regards swift ratification of the BBNJ Agreement – and concurrent planning for and investment in its implementation – as a pillar of Australia’s ongoing oceans leadership efforts on the global stage. We are pleased to note that many of the reasons for Australia’s ratification which we set out in the following paragraphs have been addressed in the NIA. WWF-Australia supports the analysis contained in this section and offers further complementary analysis drawing on our own expertise and experience from across our global network.

**The world’s oceans are under increasing pressure** as human activities and impacts in areas beyond national jurisdiction (ABNJ) – as well as land and in our own waters – become more widespread and more hazardous.<sup>5</sup> Shipping, for instance, is forecast to grow sharply as more trade facilitates efficient growth of the world economy;<sup>6</sup> wild-capture marine fisheries are largely fully exploited and often overexploited but under increasing pressure to feed an expanding population;<sup>7</sup> while seabed mining is poised to grow from the exploration phase to large-scale commercial mining as new ‘exploitation’ regulations are developed. Meanwhile, biodiversity conservation remains a neglected ocean use. Ocean space is becoming increasingly crowded such that cross-sectoral and cumulative impacts proliferate. New arrangements are needed to ensure that the international community’s existing commitments to conservation and sustainability can be met by ensuring the sectoral management of maritime activities is more coordinated, and polluting terrestrial activities are better controlled.

**The BBNJ Agreement will address significant high seas governance gaps.** The current oceans governance framework comprises a patchwork of regional and global instruments and bodies, many of which focus on a single sector. Awareness of this rather threadbare patchwork and critical governance gaps within it have been the key driver of development of the BBNJ Agreement over several decades, as noted in paragraph 4 of the NIA. ‘The status quo is not an option’ has been a guiding refrain for many throughout this period.

**Conservation measures will be a critical enabler of the global community’s commitment to effectively conserve and restore ocean health,** especially in establishing 30% of the world’s oceans as MPAs (or equivalent arrangements) in recognition of biodiversity conservation as a legitimate use of ocean space alongside fishing, shipping, mining, and other activities. The world’s oceans comprise around 60% high seas; waters under national jurisdiction comprise a smaller and minority proportion.<sup>8</sup> At the 15<sup>th</sup> meeting of the Conference of the Parties to the *Convention on Biological Diversity*, in December 2022, States adopted a landmark agreement to halt and reverse biodiversity loss – the *Kunming-Montreal Global Biodiversity Framework* – including four 2050 goals and 23 targets for 2030. Target 3 (known as 30x30), is to ‘Ensure and enable that by 2030 at least 30 per cent ...of coastal and marine areas ... are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, ... recognizing and respecting the rights of indigenous peoples and local communities.’<sup>9</sup>

Presently, around 3% of the world’s oceans are highly or fully protected and around 8% have any protection. Nowhere in ABNJ has a comprehensive network of protected areas been established although in some regions, e.g. CCAMLR in the Southern Ocean, the process has begun. The BBNJ Agreement is therefore widely regarded as critical to delivering 30x30 commitments, particularly considering the high seas comprise a greater proportion of the world’s oceans compared with that contained in EEZs. Specific features, ecosystems and species requiring protection are in many cases located under or migrate across the high seas. For example, just under half of

---

<sup>4</sup> Including the Leaders’ Pledge for Nature; negotiations towards a future multilateral environmental agreement to end plastic pollution; the BBNJ Agreement; the *Kunming-Montreal Global Biodiversity Framework*; and the *WTO Agreement on Fisheries Subsidies*; among others.

<sup>5</sup> UNESCO; WWF, op cit.

<sup>6</sup> Market Dynamics 360 (2024) *Global Shipping Market – Industry Trends and Forecast to 2032*.

<sup>7</sup> FAO, op cit.

<sup>8</sup> Peter Harris, ‘High seas and marine protected areas’ (2007) *AusGeo News* 86.

<sup>9</sup> *Decision adopted by the Conference of the Parties at the Convention on Biological Diversity 15/4 Kunming Montreal Global Biodiversity Framework*, 15<sup>th</sup> meeting, CBD/COP/DEC/15/4 (19 December 2022).



seamounts globally (47%) are within EEZs with the remaining seamounts on the high seas.<sup>10</sup> These underwater volcanoes and other geological structures support unique marine life and are highly vulnerable to destructive fishing practices such as bottom trawling. While the current legal framework can support limited protections through regional fisheries management organisations (RFMOs), many RFMOs do not consider marine protection to be part of their mandate.

**There is strong strategic alignment with Australia's existing commitments and geopolitical priorities.**

Ocean protection and marine resource management are high priorities for Pacific large ocean states.<sup>11</sup> These priorities stem from high reliance of Pacific States on ocean ecosystems, including specifically tourism, livelihoods/food security and commercial fisheries. Ocean health and equitable distribution of benefits from marine resource management is closely linked with domestic ocean health, and therefore also of importance to Pacific governments. In addition to strong alignment with geopolitical priorities, BBNJ ratification represents an opportunity for the Australian Government to reaffirm existing commitments to environmental diplomacy, multilateralism and principles of environmental law.<sup>12</sup>

## OBLIGATIONS

### Marine genetic resources

WWF's work on and engagement with the Agreement has focused primarily on pillars 2-4, namely area-based management tools; environmental impact assessments; and capacity building and transfer of marine technology. In relation to marine genetic resources (pillar 1), including the fair and equitable sharing of benefits arising from their use, we offer the following brief commentary highlighting matters of importance to WWF and in our view, to the Australian Government.

When in force, pillar 1 of the Agreement will establish a benefit sharing regime for the collection, scientific study and commercial use of marine genetic resources and derived digital genetic information. It was a hard-fought negotiation between developed and developing countries and WWF focused its efforts on appropriate contributions that could facilitate a congenial outcome. The BBNJ regime is largely a 'framework' regime such that delivery on the benefit sharing commitments is substantially left to future elaboration. WWF commends BBNJ ratification on this basis. In particular, we commend the establishment of an access and benefit-sharing committee charged with ensuring these framework commitments are given practical effect.

As a mega-biodiverse coastal state, Australia has significant national interests in the prompt and effective entry into force, universal application and implementation of the Agreement for a variety of reasons. Given the highly mobile nature of the marine environment and the species that inhabit it, much of the biodiversity of ABNJ is also found in Australian waters because it is either widespread or migratory, necessitating the need for enhanced cooperation to secure requisite conservation and sustainability outcomes. Marine genetic resources are likely to be found both within and beyond national jurisdiction. As such, it is important that Australia ratify the BBNJ Agreement to ensure that this innovative regime is complementary to Australia's national regime, and that one regime does not undercut the other. There will likely be a need for clarifying provisions to be included in Commonwealth ratification legislation to ensure Australian nationals, including vessels, are obliged to act appropriately.

---

<sup>10</sup> Peter Harris, 'High seas and marine protected areas', (2007) *AusGeo News* 86; Crow White and Christopher Costello 'Close the High Seas to Fishing?' (2014) *PLOS Biology*, 12:3.

<sup>11</sup> Pacific Islands Forum Secretariat (2022). *2050 Strategy for the Blue Pacific Continent and 2050 Implementation Plan for the 2050 Strategy*.

<sup>12</sup> Australian Mission to the United Nations *Submission to the Preparatory Committee on Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ)* (December 2016).

## Area-based management tools

The pillar relating to area-based management tools has been a top priority for WWF for several decades. Marine habitats and species are interconnected to a much greater degree than in terrestrial systems, and migratory species are distributed over great distances. Current systems move heat, nutrients, biological material and pollutants over great distances and depths. Area-based management tools are one critical measure for high-level species and ecosystem protection and have been extensively deployed and proven by States inside their territorial waters. In particular, we strongly support provisions for States to nominate, establish and manage marine protected areas (MPAs) in areas beyond national jurisdiction. MPAs are a proven and critical management tool for protecting uses and values. There is significant and growing evidence of the effectiveness of highly protected MPAs, including no-take zones, in safeguarding habitats, providing refuge for endangered species and allowing depleted fish populations to recover and thrive.<sup>13</sup> While primarily a conservation tool, MPAs can therefore help to provide long-term social and economic benefits.

The Agreement provides a framework for enhanced cooperation that will be essential to achieve a connected and science-based network of comprehensive, adequate and representative MPAs internationally. We commend the open-ended list of indicative criteria for identifying such areas that might be proposed as MPAs (see BBNJ Annex I). Effective protection of migratory great whales is a good case in point, requiring a coherent and coordinated mix of spatial and operational management controls of different activities to keep whales safe as they move between their feeding and breeding areas, often moving in and out of areas both within and beyond national jurisdiction. Connected networks of MPAs – along with other effective measures – are regarded as critical to protecting ‘blue superhighways’ for whales,<sup>14</sup> including whales that migrate through Australian waters; are culturally important to Traditional Custodians;<sup>15</sup> and deliver significant social and economic benefits to Australia. With four such migratory whale species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as threatened,<sup>16</sup> the Agreement provides opportunities for Australia to improve protection of species occurring not only in our waters, but throughout their long migratory journeys.

## Environmental impact assessments

WWF advocated throughout negotiations for an environmental impact assessment (EIA) regime as a cornerstone of the Agreement that had the flexibility to allow the selection of a level of assessment commensurate with likely risk, with our own EPBC Act as inspiration. We therefore strongly commend the approach and process set out in the Agreement for all activities that ‘may have more than a minor or transitory effect on the marine environment’ (Article 30.1) being subject to screening, and the establishment of a threshold triggering the requirement to conduct a full environmental impact assessment if it is deemed necessary. We note that there are likely to be challenges around further defining and specifying the threshold for conducting an EIA where it is deemed that a proposed ‘activity may cause **substantial pollution of or significant and harmful changes** to the marine environment in areas beyond national jurisdiction’ (Article 28.2).

WWF also advocated for the use of strategic environmental assessment (SEA) to complement and support this EIA regime and other parts of the Agreement (see Article 41 ter) and we are pleased to note that States are obliged to consider conducting SEAs and may do so if warranted. This is a critical consideration given that every oceangoing

---

<sup>13</sup> Enric Sala, Sylvaine Giakoumi, (2018) ‘No-take marine reserves are the most effective protected areas in the ocean’, *ICES Journal of Marine Science*, Volume 75, Issue 3, 1166–1168, <https://doi.org/10.1093/icesjms/fsx059>; Edgar, G., Stuart-Smith, R. & Willis, T. (2014) ‘Global Conservation outcomes depend on marine protected areas with five key features’, *Nature*, 506, 216-220.

<sup>14</sup> Chris Johnson et al (2022). *Protecting Blue Corridors, Challenges and Solutions for Migratory Whales Navigating International and National Seas*. WWF, Oregon State University, University of California, Santa Cruz.

<sup>15</sup> Jack Pascoe, Anthony McKnight and Teagan Goolmeier, (2023, 3 October) ‘Humpback whales hold lore for Traditional Custodians. But laws don’t protect species for their cultural significance’, *The Conversation*.

<sup>16</sup> The blue whale, southern right whale, sei whale and fin whale are all listed as endangered or vulnerable under the EPBC Act; additional species occurring in Australian waters are listed as vulnerable on the IUCN Red List.



fishing trip or ship voyage is a 'proposed activity' such that it is very important that BBNJ can provide effective oversight of the decision-making of sectoral bodies in to ensure adequacy of their assessment arrangements in facilitating activities covered by their mandates.

Because the BBNJ regime applies to activities in ABNJ, there is likely to be the need for Commonwealth implementing legislation to include provisions that clarify and ensure that these BBNJ commitments apply to vessels flying the Australian flag and operating in BBNJ.

## Capacity-building

WWF recognises the importance of the implementation of the BBNJ Agreement in substantially and effectively contributing to achieving relevant Sustainable Development Goal (SDG) targets, including but not limited to Ocean Goal 14 targets. In this regard, capacity building and technology transfer commitments by Australia are critical to fulfilling the promise and potential of the Agreement. As the NIA notes, 'cooperation must occur at all levels and in all forms' (Article 41.3), and Australia will be obliged to engage in capacity-building initiatives to this end, as well as to cooperate on marine technology transfer to developing States Parties. Australia already provides substantial levels of such support to a wide range of partners and BBNJ should serve to focus that effort on implementing provisions of the Agreement.

For Australia, such obligations could be fulfilled through extending cooperation on matters of relevance to the high seas with existing partners, for example Pacific Islands Forum members and Indian Ocean Rim Association (IORA) members. Collaboration involving capacity-building components would be particularly well suited to any high seas MPA proposals in the Indo-Pacific region, which may be jointly proposed or supported by Australia working in close collaboration with other Parties. WWF-Australia welcomes work that is already underway, namely the CSIRO-led, Australian Government-supported work to develop a bioregionalisation of the Indian Ocean through IORA.

## IMPLEMENTATION

WWF-Australia notes and supports development of a new Commonwealth Act related to the conservation and sustainable use of marine biodiversity of the high seas (para 53) and continuation of existing lead agency arrangements, with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) coordinating with the Department of Foreign Affairs (DFAT) and other relevant government departments and institutions (paragraph 54). DCCEEW has built substantial expertise and relevant relationships throughout negotiations that ensure it is well positioned to lead the next phase of work on the Agreement. As noted in the NIA, joint work by DCCEEW and DFAT is already supporting Pacific Island countries to sign and ratify the Agreement through the Office of the Pacific Ocean Commissioner (paragraph 55); a commitment which WWF-Australia has welcomed publicly and via correspondence to the relevant ministers.

## COSTS

Becoming party to any multilateral environmental agreement entails costs relating to participation, compliance, and implementation, especially in providing support to developing countries requiring assistance to fulfil their obligations under the new instrument. As noted in the NIA (paragraphs 56-59), these costs are known with regard to the method of calculation, though they are not specified in the NIA. As WWF-Australia regards the Agreement as being an essential step change in the international community's approach to management and conservation outside of national waters, our view is that these modest costs can and must be accommodated.

We also see a significant role for Australia to play in our immediate region, across the Indo-Pacific, in terms of direct investment and support. To this end, we have publicly welcomed funding commitments already announced to support bioregionalisation of the Indian Ocean, and to support Pacific Island Countries and Territories to ratify and

implement the Agreement. Furthermore, we note the commitment at the end of paragraph 55 in the NIA to look at additional support based on needs assessment and as financial circumstances may permit.

## ATTACHMENT ON CONSULTATION

WWF-Australia appreciates the time and effort taken by the Australian Government to consult a wide range of stakeholders over the full period of negotiating the Agreement. Inclusion of a non-government representative on the Australian delegation, as has been the case in this process, is regarded by us as best practice for an inclusive approach to negotiating multilateral environmental agreements. Ongoing, iterative consultation by the Australian delegation has, in our view, not only ensured an inclusive process from the perspective of stakeholder engagement, but has also led to a better outcome for Australia.

We note that during consultation the significant conservation benefits of the Agreement were highlighted by many respondents. As noted in paragraph 67, 'stakeholders most strongly supported the conservation benefits that the Agreement would deliver, particularly by enabling the establishment of marine protected areas beyond national jurisdiction. A positive connection was drawn between establishing high seas marine protected areas and the effectiveness of Australia's domestic marine parks network.' We also note that among concerns raised by some stakeholders, none were regarded as an impediment to Australia becoming a party to the Agreement.

## CONCLUDING COMMENTS

Historically, States' cooperation in areas beyond national jurisdiction have been grounded in an 'oceans belong to no-one' approach. This approach, as elaborated by 17th Century Dutch lawyer, Hugo Grotius, served the international community well when protection of maritime trade between ports was the key concern. In a contemporary context, with increasing in situ activity in these ocean areas, and with marine ecosystems under increasing pressure from multiple and cumulative stressors, this hands-off approach to cooperation is entirely unhelpful. Since the outset of negotiations on the BBNJ Agreement, WWF has advocated a new 'oceans belong to everyone' approach, building on the existing UNCLOS general duty to cooperate. In adopting the Agreement, the international community has recognised and committed to exercising a commendable sense of collective stewardship of the oceans beyond national jurisdiction and the biodiversity to be found there.

As one of the founding signatories of the Agreement, and a champion for a robust and comprehensive agreement over several decades, Australia has a responsibility accompanied by a clearly stated commitment to swiftly ratify the BBNJ Agreement. As outlined above, Australia can derive significant conservation and potentially economic benefits through the new treaty regime, as well as delivering on our commitments and shared interests within the Pacific and other neighbouring regions and internationally.

WWF-Australia warmly welcomes the opportunity to contribute to this inquiry and is poised to continue this engagement on request of the Committee. [REDACTED]