



IUCN Key messages

Resumed fifth Intergovernmental Conference (resumed IGC5) on 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 (BBNJ), UN HQ New York, 20 Feb – 3 March 2023

Considering the urgent need to rebuild global ocean health, productivity and resilience and safeguard marine life in Area Beyond National Jurisdiction (ABNJ), **IUCN urges Member States to conclude the negotiation of an ambitious and future proof international legally binding instrument, under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity in ABNJ at the resumed BBNJ IGC5 from 20th February to 3rd March 2023.**

General remarks

Over two decades in the making, the BBNJ Agreement is an historic and critical opportunity to ensure a healthy, productive and resilient ocean that supports the needs of humanity and marine life now and for future generations.

To meet the accelerating pressures of climate change and human use, the BBNJ Agreement needs to be **ambitious, climate-smart, and well-resourced**. For this reason, the BBNJ Agreement needs to come with binding legal commitments, an **empowered Conference of Parties** and **dedicated Committees to foster collaborative and precautionary action** to conserve marine biodiversity, safeguard ecosystem integrity from the seafloor to the airspace above, deliver capacity and access to relevant technologies, and ensure that human uses are sustainable and equitable.

The negotiations for a BBNJ Agreement cover four elements of a package agreed in 2011, namely:

1. **marine genetic resources (MGRs)**, including questions on the sharing of benefits;
2. measures such as **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 (CBTMT)**.

Cross-cutting issues complement the above package deal.

Prerequisite for a robust BBNJ Agreement

IUCN stresses the need for the BBNJ Agreement to provide for:

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- ✓ Full integration of the four elements into a robust package deal:
 - i. **Expeditious identification and establishment of an ecologically representative, well-connected, well-managed network of effective MPAs**, which are highly and fully protected, and other **Area-based management tools (ABMTs)**, through a transparent, science-based process in ABNJ;
 - ii. **Integrated, independent, science-based environmental impact assessment, management and monitoring** of the individual and cumulative effects of human activities and climate change (including ocean acidification, deoxygenation and marine heat waves), on marine biological diversity in ABNJ, as well as **strategic environmental assessments**;
 - iii. Effective **capacity building and transfer of marine technology**; and
 - iv. **Fair and equitable access to and sharing of benefits**, which may include monetary and non-monetary benefits, from **marine genetic resources** from ABNJ.

- ✓ Effective institutional mechanisms:
 - i. an **empowered Conference of the Parties (COPs)** with decision-making modalities that include a majority vote when consensus cannot be reached;
 - ii. a **Scientific and Technical Body** composed of experts with suitable qualifications including traditional knowledge holders. Allowing parties to consider adding language to the effect that experts act in their individual capacity, which has been identified as best practice from other fora;
 - iii. **adequate committees and the clearing house mechanism** for advancing compliance, capacity building and financial resources and mechanisms specifically established in BBNJ Agreement text; and
 - iv. The ability to **request advisory opinions** on any issue of interpretation or application of the agreement.

- ✓ Adequate financial resources and mechanism:
 - i. To enable all States to fulfill their responsibilities to safeguard ocean health, with **adequate funds for needed upfront investment and timely access to financial resources**;
 - ii. interim financial arrangements following signing of the BBNJ Agreement;
 - iii. Additional contributions from Parties, as well as private entities to unlock innovative financing for the implementation of the BBNJ Agreement.

- ✓ Cross-cutting issues and other considerations:
 - i. **Effective monitoring, compliance and enforcement**, and best environmental standards, including transparency best practices;
 - ii. **Effective collaboration with existing bodies**, including Regional Fisheries Management Organizations (RFMOs), for coordinated action on the conservation and sustainable use of marine resources in ABNJ;
 - iii. It will be equally critical to ensure that there is no broad opt out mechanism that would allow member states to not abide by the

- management measures established for an ABMT, including MPAs; and
- iv. The rights, and participation, of **Indigenous Peoples and local communities** as well as the role of traditional knowledge in implementing the Agreement.

Looking beyond adoption

Whilst the priority is on getting the BBNJ Agreement adopted, IUCN is calling for fast-tracking the ratification and implementation of the Agreement and invites Parties and stakeholders to consider the following vital next steps:

- ✓ Bringing the agreement into force;
- ✓ Awareness raising and capacity building for ratification
- ✓ Developing the institutional framework;
- ✓ Developing capacity, science and technology, whilst ensuring wide participation and effective implementation; and
- ✓ Ensuring adequate financial support through public-private partnerships.

IUCN stands ready to promote and support the actions described above, and looks forward to continuing to provide technical support and expertise across all elements of the BBNJ Agreement to facilitate international cooperation and accelerate effective and equitable implementation through capacity building for ratification.

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