

31st SPREP MEETING OF OFFICIALS

5, 6, and 7 September 2023, Apia, Samoa

Agenda Item 8.4: Update on the International Legally Binding Instrument on Biodiversity Beyond National Jurisdiction under the Law of the Sea

Purpose of paper:

1. To provide an update on the work of the Secretariat on the adoption of the new international legally binding instrument on marine biological diversity of areas beyond national jurisdiction (BBNJ) under the UN Convention on the Law of the Sea (UNCLOS); and

Introduction:

2. The “BBNJ Treaty”, also known as the “Treaty of the High Seas”, is an international agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction within the framework of the UNCLOS.
3. The BBNJ Treaty's objective is "to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the Convention and further international cooperation and coordination.
4. The key elements of the BBNJ Treaty are:
 - a) Marine Genetic Resources including the fair and equitable sharing of benefits
 - b) Area based management tools including marine protected areas
 - c) Environmental Impact Assessments
 - d) Capacity Building and transfer of marine technology
 - e) Cross Cutting Issues
5. The BBNJ instrument, under UNCLOS, to conserve and sustainably use biodiversity of areas beyond national jurisdiction was adopted at the resumed fifth session of the Intergovernmental Conference (IGC) in 19-20 June 2023 at the UN Headquarters in New York, U.S.A.

SPREPs Engagement in the BBNJ Negotiations.

6. SPREP's engaged in the BBNJ process because of the relevance of BBNJ to SPREP's mandate, Strategic Plan 2017-2026 strategic priorities, our role as Secretariat of the Noumea Convention and technical expertise within SPREP.
7. SPREP through the Islands and Oceans Ecosystem (IOE) Programme; the Environmental Monitoring and Governance (EMG) Programme; and the SPREP Legal Unit provided legal and technical advice to Pacific Small Island Developing States (PSIDS) throughout the negotiations process since the first IGC on BBNJ in 2018.
8. SPREP worked as a team with other CROP Agencies which including Pacific Islands Forum Secretariat (PIFS) Office of the Pacific Ocean Commissioner (OPOC), The Secretariat of the Pacific Community (SPC) and the Pacific Island Forum Fisheries Agency (FFA).
9. The final outcome of the negotiations resulted in a final draft agreement under UNCLOS which was later adopted by consensus in June 2023.

What does the Adopted BBNJ Treaty mean for SPREP and Members?

10. The instrument will contribute to the improvement of regional ocean governance and will provide an opportunity for SPREP to strengthen its oceans work programme under the SPREP Strategic Plan 2017-2026 to address the multiple pressures on coastal and marine resources that impact on the sustainable development and biodiversity. These include marine protected areas; protection of threatened and migratory species; marine pollution; marine debris; marine spatial planning and geo spatial planning; safeguarding marine genetic resources; environmental impact assessment and strategic environmental assessments, coastal engineering guidance due to loss and damage from development and natural disasters.
11. Opportunity for SPREP to strengthen its commitment to increasing its capacity to address ocean issues within the Exclusive Economic Zones (EEZ) in order to protect the health and resilience of our ocean for the benefit of the Region.
12. Opportunity for the SPREP Convention known as the Noumea Convention to strengthen and implement its purpose in the Pacific and also its relationship with the other Regional Seas Convention under the United National Environmental Programme.

Recommendation:

13. The Meeting is invited to:
 - 1) **Note** the update on the Legally Binding Instrument on biodiversity Beyond National Jurisdiction (BBNJ) under the Law of the Sea.

10 July 2023