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OFFICE OF LEGAL AFFAIRS

Inaugural Event: American Society of International Law,  
New York Chapter

“Agreement on Marine Biological Diversity of Areas Beyond National  
Jurisdiction: Achievements and Expectations”

Remarks

by

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The United Nations adopted a historic 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, known colloquially as the ‘BBNJ Agreement’, on 19 June this year. After nearly 20 years of discussions, this Agreement is the first comprehensive and cross-sectoral ocean treaty in decades. It provides tools to strengthen the management of these vast ocean areas. In turn, this assists us in addressing threats to the health and resilience of marine ecosystems.

As the Secretary General of the Intergovernmental Conference tasked with



The BBNJ Agreement is a fitting focus for this inaugural event of a new chapter of the American Society of International Law given ASIL's mission to foster the study of international law and to promote international relations on the basis of law and justice. On the one hand, the Agreement marks a highly significant development in the law of the sea. On the other hand, in an age in which we often hear of the demise of multilateralism, the adoption of this Agreement demonstrates that this mission remains very much worth pursuing.

In today's remarks, I will situate the Agreement in its broader context, provide a brief overview of key provisions, and offer some thoughts on its legal innovations.

The BBNJ Agreement becomes the third implementing agreement to the United Nations Convention on the Law of the Sea. The Convention, which was adopted over forty years ago, is often called the 'constitution' for the ocean and remains the legal framework for all ocean activities.

The Convention establishes various maritime zones under the sovereignty or jurisdiction of coastal States and beyond. The two areas beyond national jurisdiction, which are the focus of the BBNJ Agreement, are the high seas and the international seabed area. In the high seas, States have certain freedoms under the Convention, including of navigation, fishing and scientific research. For its part, the international seabed area and its resources are subject to the regime of the common heritage of humankind. Exploration and exploitation of the mineral resources of that area are to be carried out pursuant to rules and regulations developed by the International Seabed Authority.







are required to conduct a screening of a planned activity under their jurisdiction or control that takes place in areas beyond national jurisdiction when that activity may have more than a minor or transitory effect on the marine environment, or when the effects of the activity are unknown or poorly understood. If there are reasonable grounds for believing that the activity may cause substantial pollution of or significant and harmful changes to the marine environment, an EIA shall be conducted. The decision on whether planned activities are allowed to proceed, following an EIA, will be taken by the Party that has jurisdiction or control over the activity.

Finally, the Agreement contains significant provisions on capacity building and the development and transfer of marine technology. These aim to ensure that all States can effectively implement their obligations. ParBox [103( c)4(ont(a t)1.)1(t)1.(5nla0)3.4







enter into force as soon as possible. Our ocean, our planet and our livelihoods are under severe strain, including from the triple planetary crisis of climate change, pollution and biodiversity loss. The effective implementation of this Agreement will be key in tackling that three-pronged threat. It will also assist in reaching global ocean-related targets, including the '30 by 30' target under the Kunming-Montreal Global Biodiversity Framework. Rapid entry into force, on as universal a basis as possible, must be the aim. I trust that we can rely on your support in this endeavour.

Allow me to congratulate you on the founding of this new chapter of ASIL and wish you well as you begin your activities.

Thank you.

