

OCEAN DECADE AUSTRALIA SUBMISSION

Monday 15 July 2024

Dear Committee Members,

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 of beyond national jurisdiction

Ocean Decade Australia (ODA) is a leading Australian not-for-profit organisation dedicated to promoting the sustainable use and conservation of marine resources. Established in 2021, our mission is to connect Australia's Ocean Stakeholders through knowledge, networking and learning, towards achieving ocean health and wealth for generations to come. Ocean Decade Australia enables inclusive and cross-sectoral national dialogue for Australia's diverse ocean stakeholders, rights, and interest holders to consider and discuss what success looks like, and how it might be implemented and measured for a sustainable ocean future.

The centrality of the Ocean for a flourishing planet and human survival means that everyone is an ocean stakeholder, though most people do not realise this. Ocean Stakeholders are diverse and from every sector and industry including accounting, banking, energy, finance, fisheries, government at all levels, health, investment, philanthropy, recreation, research, sport, tourism, transport, and logistics.

This submission strongly supports Australia's ratification of the Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) concerning the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). Ratification of this Agreement is considered vital for the protection of marine biodiversity, sustainable development of marine resources, and equitable access to these resources.

This submission is supported by the results of a stakeholder survey conducted by ODA, which highlighted the importance and strong support for ratification across Australia's ocean stakeholders.

Recommendations

ODA recommends that the Joint Standing Committee on Treaties:

1. Urges the swift introduction for ratification of the necessary legislation in 2024, enabling Australia to appropriately and credibly advocate for other States to ratify the Treaty before the United Nations Ocean Conference in Nice, France in June 2025.

2. Encourages the Government to comprehensively and effectively engage Australia's diverse ocean community, providing opportunities for participation and collaboration with stakeholders to ensure the Agreement is effectively implemented and its benefits are understood and maximised.
3. Urges the Government to allocate appropriate and sustained resources to relevant agencies and programs, given the work required to secure prompt entry into force and prepare for the first meeting of the Conference of the Parties, and to support Australia's role as a co-chair of the BBNJ Preparatory Commission.

Introduction

The United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty that outlines the rights and responsibilities of nations regarding their use of the world's oceans. The new Agreement under UNCLOS focuses on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, addressing critical issues such as marine protected areas, environmental impact assessments, and the management of marine genetic resources. We acknowledge and welcome the recent announcement of Australia's Chief Counsel and First Assistant Secretary as Co-Chair (with Belize) of the BBNJ Preparatory Commission (PrepCom), and the significant investment and leadership Australia has contributed to deliver on the Agreement.

This submission aims to provide the Australian Government with an overview of the importance of ratifying the Agreement, supported by stakeholder feedback gathered via survey conducted by Ocean Decade Australia from 25 June – 4 July 2024. The survey collected 50 responses reflecting the views of stakeholders, including their priorities with respect to the four pillars of the agreement including:

- Establishing area-based management tools, including marine protected areas, on the High Seas
- Conducting environmental impact assessments for planned activities on or that may impact the High Seas
- Managing marine genetic resources from the High Seas
- Capacity building and the transfer of marine technology to help developing states

Importance of ratifying the Agreement

The survey results clearly indicate the high importance stakeholders place on various aspects of the Agreement:

- **Establishing area-based management tools, including marine protected areas, on the high seas:** 90% of respondents rated this as very important. Protecting high seas areas is crucial for preserving biodiversity and maintaining ecosystem services that benefit all nations.

- **Conducting environmental impact assessments for planned activities on the high seas:** This was rated as very important by 94% of respondents. Environmental impact assessments are essential to prevent harm to marine ecosystems from human activities and ensure sustainable use of ocean resources.
- **Managing marine genetic resources from the high seas:** 88% of respondents highlighted the importance of managing these resources. Proper management of marine genetic resources can lead to scientific and medical advancements while ensuring that benefits are shared equitably.
- **Capacity building and the transfer of marine technology to help developing states:** This was rated as very important by 90% of respondents. Building capacity and transferring technology to developing states is crucial for global equity and the effective implementation of the Agreement.

Potential benefits of ratification

Ratification of the Agreement promises multiple benefits, as highlighted by the survey respondents, including:

- **Conservation of marine life:** The Agreement will provide a framework for the protection of marine biodiversity, helping to prevent species extinction and preserve ecosystems.
- **Opportunities and sustainability of a Blue Economy:** By ensuring sustainable use of marine resources, the Agreement will support economic activities such as fishing, tourism, and biotechnology, contributing to a sustainable Blue Economy.
- **Equitable access to marine resources:** The Agreement promotes fair access to marine resources, ensuring that benefits are shared among all nations, including developing states.
- **Protection of cultural heritage:** Marine conservation efforts under the Agreement will help protect sites of cultural significance, preserving heritage for future generations.
- **Education of ocean stakeholders and the broader community:** The Agreement will foster greater awareness and understanding of marine conservation issues, promoting informed decision-making and community engagement.

Challenges and Concerns

While the majority of survey respondents saw minimal threats or challenges arising from the ratification of the Agreement, a few concerns were noted:

- **Bureaucratic difficulties for small organisations:** One respondent expressed concern that ratification could lead to increased bureaucratic burdens for smaller organisations, potentially hindering their operations.
- **Implementation and enforcement:** Most concerns centred around the successful implementation and enforcement of the Agreement. Without effective implementation and the appropriate and sustained resources the potential benefits of the Agreement may not be realised.

Risks and consequences of not ratifying

Failing to ratify the Agreement poses significant risks and consequences, including:

- **Biodiversity loss and ecosystem damage:** Without the protections offered by the Agreement, marine biodiversity is at greater risk of decline, and ecosystems may suffer irreversible damage.
- **Loss of economic opportunities:** A healthy and prosperous ocean is vital for economic ventures such as fishing, tourism, and biotechnology. Failure to ratify the Agreement could result in missed opportunities for sustainable economic development.
- **Potential exploitation of resources and inequality:** Without the Agreement, there is a risk of resource exploitation by a few, leading to inequality and deprivation of resources for many, particularly developing nations.
- **Lack of marine resources and biodiversity for future generations:** Non-ratification could lead to the depletion of marine resources, leaving future generations without the biodiversity and ecosystem services that are crucial for their well-being.

Additional comments and suggestions

Respondents emphasised the necessity of engaging the ocean community throughout the ratification and implementation process. Active participation and collaboration with stakeholders will ensure that the Agreement is effectively implemented and that its benefits are understood and maximised. Additionally, continuous education and awareness-raising efforts are essential to garner broad support and understanding of the Agreement's significance.

Conclusion

In conclusion, ratifying the Agreement under UNCLOS is of paramount importance for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The strong support from stakeholders, as evidenced by the survey results, underscores the critical need for Australia to ratify the Agreement. The potential benefits, including conservation of marine life, opportunities for a Blue Economy, and equitable access to resources, far outweigh the minimal challenges. The Australian Government is urged to take prompt action to ratify the Agreement, ensuring a sustainable and prosperous future for our oceans.

We appreciate the opportunity to contribute to this inquiry by the Joint Standing Committee on Treaties and welcome further occasion to contribute if requested.

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