

# Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement or Treaty)



## Background

Following more than a decade of discussions convened under the United Nations General Assembly, in 2017 the Assembly decided to convene an Intergovernmental Conference (IGC) to elaborate the text of an internationally legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of biodiversity beyond national jurisdiction (BBNJ), with a view to developing the instrument as soon as possible.

From 2018, an IGC on an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) worked on a new agreement to address these threats. The IGC's negotiations focused on four elements of a package agreed to in 2011, namely:

- marine genetic resources, including benefit sharing considerations;
- area-based management tools, including marine protected areas;
- environmental impact assessments; and
- capacity building and the transfer of marine technology (CB&TT).

The IGC also addressed cross-cutting issues, including the principles and approaches governing the new instrument, financial and technical considerations, institutional arrangements, and dispute-settlement measures. Negotiations on the Agreement concluded successfully in early March 2023 and was adopted in June 2023 after a technical edit. The BBNJ Agreement is the third implementing agreement under UNCLOS, after the 1994 Agreement establishing the International Seabed Authority, and the 1995 Fish Stocks Agreement.

## Principles in the Rio Declaration covered by the BBNJ Agreement include:

- The polluter pays principle (Principle 16)
- The principle of the common heritage of humankind (Principle 1)
- The precautionary principle or approach (Principle 15)
- The use of relevant traditional knowledge of Indigenous Peoples and local communities (Principle 12)

This factsheet on **Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement or Treaty)** is included in the comprehensive report: *Multilateral Environmental Agreements (MEAs)*, pp. 44–47