

**UN Agreement on Marine Biodiversity Beyond National Jurisdiction
(High Seas Treaty)**

On 4 March 2023, 193 United Nations members agreed to the 'High Seas Treaty', after nearly twenty years of discussions and negotiations. The treaty is a legally binding mechanism under the UN Convention on the Law of the Sea.

While the Law of the Sea covers much of the world's waters, some two-thirds of the world's oceans are considered international waters, only 1% of which have been protected. This has left many types of marine life and seabed at risk of exploitation and pollution.

The treaty covers these international waters, protecting the ecosystems and marine life within, including those which have yet to be discovered. Reports from the Quaker UN Office states that 'the treaty has a range of objectives including to create large-scale marine protected areas where damaging activities will be limited or prohibited; to make research carried out in international waters more inclusive and accessible; and to set global standards to assess the environmental impact of commercial activities.' It creates stricter regulations for ships when operating on the high seas.

The preamble to the treaty recognizes the 'need to address biodiversity loss and ecosystem degradation in the ocean in a coherent and cooperative manner'. Among the stated drivers of marine biodiversity loss are; impacts of climate change, ocean acidification, pollution and 'unsustainable' use.

It's likely that warships on the high seas will continue to have 'complete immunity from the jurisdiction of any State other than the flag State' (Article 95, Convention on the Law of the Sea).

Australia was involved in both the 2022 UN Ocean Conference and the 'high-ambition Global Biodiversity Framework which was signed in December 2022, during COP15 in Montreal. It was also active in the High Seas discussions.

The treaty will be formally adopted at another UN session once it has been translated into the UN's six official languages. It will then be open for countries to sign and ratify. The European Union has pledged €40m (\$AUD64 million) to facilitate the ratification of the treaty and its early implementation. The treaty will come into force when 60 countries have signed and ratified it.

Friends may wish to send an email or letter to Penny Wong, Minister for Foreign Affairs (senator.wong@aph.gov.au) and/or Tanya Plibersek, Minister for the Environment and Water (Minister.Plibersek@dcceew.gov.au or tanya.plibersek.mp@aph.gov.au), thanking them for leading Australia's work on this treaty and indicate that you look forward to it coming before the Australian Parliament in due course.

Resources

- QUNO: (<https://quno.org/timeline/2023/3/countries-adopt-landmark-treaty-protect-world%E2%80%99s-oceans>)
- BBC: <https://www.bbc.com/news/science-environment-64839763>
- CarbonBrief: <https://www.carbonbrief.org/qa-what-does-the-high-seas-treaty-mean-for-climate-change-and-biodiversity/>
- National Public Radio <https://www.npr.org/2023/03/07/1161196476/un-high-seas-treaty-international-waters>
- RNZ <https://www.rnz.co.nz/international/pacific-news/485879/high-seas-treaty-central-to-pacific-nations-says-campaigner>
- Joint Ministerial media release (6 March 2023) <https://www.foreignminister.gov.au/minister/penny-wong/media-release/historic-global-agreement-reached-high-seas>
- LSJ Media: <https://lsj.com.au/articles/high-seas-treaty-legal-pact-heralded-as-historic-win-to-protect-oceans/>
- The Guardian <https://www.theguardian.com/environment/2023/mar/05/high-seas-treaty-agreement-to-protect-international-waters-finally-reached-at-un>
- International Chamber of Shipping <https://www.ics-shipping.org/statement/ics-statement-on-the-high-seas-treaty/>
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