

*Ensuring Sustainable Use and Conservation of Marine Biodiversity beyond National  
Jurisdictions: An Appraisal of the BBNJ Agreement*

# **Ensuring Sustainable Use and Conservation of Marine Biodiversity beyond National Jurisdiction: An Appraisal of the BBNJ Agreement**

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**Kariuki Muigua**

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**Ensuring Sustainable Use and Conservation of Marine Biodiversity beyond National  
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**Kariuki Muigua\***

**Abstract**

*This paper discusses how marine biodiversity beyond national jurisdiction can be sustainably used and conserved towards Sustainable Development. The paper examines some of the key threats facing marine biodiversity in areas beyond national jurisdiction. In addition, it explores the efficacy of measures adopted towards protecting marine biodiversity beyond national jurisdiction. In particular, the paper critically appraises the 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 (BBNJ Agreement). The paper posits that effective implementation of the BBNJ Agreement is crucial towards ensuring sustainable use and conservation of marine biodiversity beyond national jurisdiction for Sustainable Development.*

**1.0 Introduction**

The ocean has been described as a major reservoir of biodiversity<sup>1</sup>. It is estimated that the ocean constitutes over 90 per cent of the habitable space on the planet and contains nearly 250,000 known species, with many more remaining to be discovered<sup>2</sup>. According to the United Nations Environment Programme (UNEP), oceans sustain life on Earth, offering vital ecosystem services like climate regulation, food security, and biodiversity<sup>3</sup>. Marine

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<sup>1</sup> United Nations., 'Marine Biodiversity and Ecosystems Underpin a Healthy Planet and Social Well-Being' Available at <https://www.un.org/en/chronicle/article/marine-biodiversity-and-ecosystems-underpin-healthy-planet-and-social-well-being> (Accessed on 16/05/2025)

<sup>2</sup> Ibid

<sup>3</sup> United Nations Environment Programme., 'Biodiversity and Ecosystems' Available at <https://www.unep.org/topics/ocean-seas-and-coasts/regional-seas-programme/biodiversity-and-ecosystems#:~:text=UNEP's%20Regional%20Seas%20Programme%20plays,global%20and%20regional%20marine%20ecosystems>. (Accessed on 16/05/2025)

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biodiversity refers to the variety of life in our oceans<sup>4</sup>. Marine biodiversity has also been defined as the variety of species and genetic structures present in marine ecosystems<sup>5</sup>. Marine biodiversity therefore refers to biological diversity found in marine/coastal ecosystems. These ecosystems include those near terrestrial environments such as coral reefs, mangrove forests, seagrass beds and estuaries, to those deep below the surface, such as open ocean, hydrothermal vents, seamounts and soft sediments on the ocean floor<sup>6</sup>.

Marine biodiversity has been described as a crucial component of all three pillars of Sustainable Development – economic, social and environmental – supporting the healthy functioning of the planet and providing services that underpin the health, well-being and prosperity of humanity<sup>7</sup>. Marine biodiversity provides a wide range of ecosystem services necessary for sustaining life on the planet including food, oxygen and climate regulation<sup>8</sup>. For instance, it has been observed that deep-sea life is essential to life on Earth because of its crucial role in global carbon and biogeochemical cycles, including nutrient regeneration<sup>9</sup>. Marine biodiversity provides numerous benefits and opportunities to coastal communities including poverty eradication, sustained economic growth, food security sustainable livelihoods and inclusive work<sup>10</sup>.

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<sup>4</sup> Marine Biodiversity., Available at <https://www.msc.org/en-au/what-we-are-doing/oceans-at-risk/marine-biodiversity#:~:text=What%20is%20marine%20biodiversity%3F,species%20living%20in%20an%20area>. (Accessed on 16/05/2025)

<sup>5</sup> Neeman. N., Servis. J.A., & Naro-Maciel. E., 'Conservation Issues: Oceanic Ecosystems' *Encyclopedia of the Anthropocene*., Volume 2, 2018, pp 193-201

<sup>6</sup> Secretariat of the Convention on Biological Diversity., 'Oceans Contain a Wealth of Biodiversity' Available at <https://www.cbd.int/article/biodiversityforwater-1#:~:text=Deep%2Dseabed%20habitats%20host%20between,sustainable%20fishery%20and%20mariculture%20management>. (Accessed on 16/05/2025)

<sup>7</sup> United Nations., 'Marine Biodiversity and Ecosystems Underpin a Healthy Planet and Social Well-Being' Op Cit

<sup>8</sup> Ibid

<sup>9</sup> Secretariat of the Convention on Biological Diversity., 'Oceans Contain a Wealth of Biodiversity' Op Cit

<sup>10</sup> United Nations., 'Marine Biodiversity and Ecosystems Underpin a Healthy Planet and Social Well-Being' Op Cit

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Despite its crucial role in the Sustainable Development agenda, human activities including excessive extraction of natural resources from the ocean through deep sea mining and drilling, marine pollution, destruction of marine/coastal ecosystems and habitats, rapid urbanization, and climate change are posing significant threats to marine biodiversity<sup>11</sup>. These factors are fueling the loss of marine biodiversity thus undermining the healthy functioning of the ocean and its ability to provide the services that we need to survive and thrive<sup>12</sup>. Consequently, it has been correctly observed that protecting marine biodiversity is crucial not only for maintaining ecological balance but also for supporting the economies and livelihoods of communities worldwide, particularly in regions dependent on marine resources<sup>13</sup>. In particular, it has been argued that ensuring sustainable use and conservation of marine biodiversity in areas beyond national jurisdiction is vital in harnessing the role of oceans in the Sustainable Development agenda<sup>14</sup>.

This paper discusses how marine biodiversity beyond national jurisdiction can be sustainably used and conserved towards Sustainable Development. The paper examines some of the key threats facing marine biodiversity in areas beyond national jurisdiction. In addition, it explores the efficacy of measures adopted towards protecting marine biodiversity beyond national jurisdiction. In particular, the paper critically appraises the *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 (BBNJ Agreement)*. The paper posits that effective implementation of the BBNJ Agreement is

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<sup>11</sup> United Nations Educational, Scientific and Cultural Organization., 'What is Ocean Biodiversity' Available at <https://oceanliteracy.unesco.org/ocean-biodiversity/> (Accessed on 16/05/2025)

<sup>12</sup> United Nations., 'Marine Biodiversity and Ecosystems Underpin a Healthy Planet and Social Well-Being' Op Cit

<sup>13</sup> United Nations Environment Programme., 'Biodiversity and Ecosystems' Op Cit

<sup>14</sup> World Economic Forum., 'Governing Marine Biodiversity Beyond National Jurisdiction: Roles and Opportunities for the Private Sector' Available at <https://www.weforum.org/publications/governing-marine-biodiversity-beyond-national-jurisdiction-roles-and-opportunities-for-the-private-sector/> (Accessed on 16/05/2025)

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crucial towards ensuring sustainable use and conservation of marine biodiversity beyond national jurisdiction for Sustainable Development.

## **2.0 Threats to Marine Biodiversity in areas beyond National Jurisdiction**

It has been observed that nearly two-thirds of the ocean is in Areas beyond National Jurisdiction (ABNJ) which are home to unique species and ecosystems, and key to marine biodiversity<sup>15</sup>. It is estimated that ABNJ reach depths of over 10 km and represent 95 per cent of the Earth's total habitat by volume<sup>16</sup>. ABNJ are commonly called the high seas and comprise areas of the ocean for which no one nation has sole responsibility for management<sup>17</sup>. They are usually far from coasts, making the sustainable management of the fisheries resources and biodiversity conservation in those areas extremely challenging<sup>18</sup>.

ABNJ are home to significant and rich biodiversity, including unique species that have evolved to survive extreme heat, cold, salinity, pressure and darkness associated with these areas<sup>19</sup>. It has been observed that ABNJ make up almost 90 per cent of the planet's occupied habitat and support rich and abundant biodiversity known as Biodiversity beyond National Jurisdictions (BBNJ), including millions of unidentified species<sup>20</sup>. In addition to supporting biodiversity, ABNJ also supports activities of global interest and

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<sup>15</sup> International Union for Conservation of Nature., 'Governing areas beyond national jurisdiction' Available at [https://iucn.org/resources/issues-brief/governing-areas-beyond-national-jurisdiction#:~:text=Nearly%20two%2Dthirds%20of%20the%20ocean%20is%20in,and%20ecosystems%2C%20and%20key%20to%20marine%20biodiversity.&text=Areas%20beyond%20national%20jurisdiction%20\(ABNJ\)%20are%20home,extreme%20heat%2C%20cold%2C%20salinity%2C%20pressure%20and%20darkness.](https://iucn.org/resources/issues-brief/governing-areas-beyond-national-jurisdiction#:~:text=Nearly%20two%2Dthirds%20of%20the%20ocean%20is%20in,and%20ecosystems%2C%20and%20key%20to%20marine%20biodiversity.&text=Areas%20beyond%20national%20jurisdiction%20(ABNJ)%20are%20home,extreme%20heat%2C%20cold%2C%20salinity%2C%20pressure%20and%20darkness.) (Accessed on 16/05/2025)

<sup>16</sup> Ibid

<sup>17</sup> Global Environment Facility., 'Areas Beyond National Jurisdiction' Available at <https://www.thegef.org/what-we-do/topics/areas-beyond-national-jurisdiction> (Accessed on 16/05/2025)

<sup>18</sup> Ibid

<sup>19</sup> International Union for Conservation of Nature., 'Governing areas beyond national jurisdiction' Op Cit

<sup>20</sup> World Economic Forum., 'Global Treaty to Protect Ocean Biodiversity: Why cross-sector collaboration is key' Available at <https://www.weforum.org/stories/2024/09/this-global-treaty-could-protect-biodiversity-in-ocean-territory-beyond-national-jurisdiction/> (Accessed on 16/05/2025)

import including global trade, global communications, and submarine cables that support international financial markets<sup>21</sup>.

Despite supporting biodiversity, it has been pointed out that ABNJ are affected by anthropogenic pressures such as destructive fishing practices, pollution and climate change which, cumulatively, put the health and resilience of the ocean at risk<sup>22</sup>. Biodiversity in ABNJ faces significant risks. Threats to biodiversity in ABNJ include the intensification and expansion of human activities into previously inaccessible locations as well as the growing impacts of climate change and ocean acidification<sup>23</sup>. ABNJ ecosystems and habitats are subject to negative impacts from human activities in many sectors including shipping, marine pollution, deep sea fishing and mining<sup>24</sup>.

In light of the foregoing challenges, protecting BBNJ is of vital importance. The destruction of ecosystems and degradation of biodiversity in ABNJ affects the ocean's resilience to climate change and its capacity to provide resources necessary for human survival<sup>25</sup>. Consequently, urgent and transformative action is needed to improve management of biodiversity and strengthen the protection of marine ecosystems in ABNJ<sup>26</sup>. It has been argued that in order to keep the oceans safe, healthy and resilient, it is imperative to manage the marine environment in ABNJ responsibly since overfishing, pollution and climate change among other factors are putting pressure on biodiversity

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<sup>21</sup> Ibid

<sup>22</sup> United Nations., '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' Available at [https://www.un.org/Depts/los/reference\\_files/BBNJ/bbnjagreementoverviewfactsheet.pdf](https://www.un.org/Depts/los/reference_files/BBNJ/bbnjagreementoverviewfactsheet.pdf) (Accessed on 16/05/2025)

<sup>23</sup> Rochette. J et al., 'Advancing governance of marine areas beyond national jurisdiction' Available at [https://sustainabledevelopment.un.org/content/documents/5774Brief%20ABNJ%20GSDR\\_rev.pdf](https://sustainabledevelopment.un.org/content/documents/5774Brief%20ABNJ%20GSDR_rev.pdf) (Accessed on 16/05/2025)

<sup>24</sup> Global Environment Facility., 'Areas Beyond National Jurisdiction' Op Cit

<sup>25</sup> International Union for Conservation of Nature., 'Governing areas beyond national jurisdiction' Op Cit

<sup>26</sup> Global Environment Facility., 'Areas Beyond National Jurisdiction' Op Cit

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and ecosystems in these areas<sup>27</sup>. Ensuring sustainable use and conservation of BBNJ is therefore crucial in fostering ocean health and resilience for Sustainable Development.

### **3.0 Examining the BBNJ Agreement**

*The 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 (BBNJ Agreement)*<sup>28</sup> was adopted for purposes of ensuring the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term<sup>29</sup>. The BBNJ Agreement applies to marine biodiversity in the high seas and the international seabed area which are ABNJ where no single state has no authority<sup>30</sup>. It recognises the urgent need to address, in a coherent and cooperative manner, the loss of biological diversity and degradation of ecosystems of the ocean as a result of climate change impacts on marine ecosystems, such as warming and ocean deoxygenation, as well as ocean acidification, pollution, including plastic pollution, and unsustainable use of marine resources<sup>31</sup>.

In order to ensure the sustainable use and conservation of marine biodiversity in ABNJ, the BBNJ Agreement is guided by several principles of Sustainable Development. These include the polluter-pays principle, principle of the common heritage of humankind, principle of equity and the fair and equitable sharing of benefits arising from marine biodiversity in ABNJ, precautionary principle, an ecosystem approach, an integrated approach to ocean management, and the use of relevant traditional knowledge of indigenous peoples and local communities, where available<sup>32</sup>. Applying these principles

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<sup>27</sup> Food and Agriculture Organization of the United Nations., 'Common Oceans Program' Available at <https://www.fao.org/in-action/commonoceans/en> (Accessed on 16/05/2025)

<sup>28</sup> 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., New York, 19 June 2023

<sup>29</sup> Ibid, article 2

<sup>30</sup> Ibid

<sup>31</sup> Ibid, Preamble

<sup>32</sup> Ibid, article 7



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is vital in implementing the BBNJ Agreement and ensuring sustainable use and conservation of marine biodiversity in ABNJ. The Agreement further urges states to strengthen and enhance international cooperation in order to realise its objectives<sup>33</sup>.

Another key theme under the BBNJ Agreement is fair and equitable sharing of benefits from marine genetic resources<sup>34</sup>. It urges states to ensure the fair and equitable sharing of benefits arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of ABNJ in order to ensure the conservation and sustainable use of marine biological diversity in these areas<sup>35</sup>. Further, it urges parties to take appropriate measures towards ensuring that traditional knowledge associated with marine genetic resources in ABNJ that is held by indigenous peoples and local communities is only accessed with the free, prior and informed consent or approval and involvement of the indigenous peoples and local communities<sup>36</sup>.

The BBNJ Agreement sets out several measures and tools towards ensuring the sustainable use and conservation of marine biodiversity in ABNJ<sup>37</sup>. These include establishment of area-based management tools such as marine protected areas; protecting, preserving, restoring and maintaining biological diversity and ecosystems in ABNJ; protection of cultural values; and supporting developing countries through capacity-building and the development and transfer of marine technology in order to enhance their ability in implementing the Agreement<sup>38</sup>. The BBNJ Agreement further urges state parties to utilise Environmental Impact Assessments in order to ensure that activities in the ABNJ are assessed and conducted to prevent, mitigate and manage significant adverse impacts for the purpose of protecting and preserving the marine

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<sup>33</sup> Ibid, article 8

<sup>34</sup> Ibid, Part II

<sup>35</sup> Ibid article 9 (a)

<sup>36</sup> Ibid, article 13

<sup>37</sup> Ibid, part III

<sup>38</sup> Ibid

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environment<sup>39</sup>. It has been argued that adoption of Environmental Impact Assessments in the BBNJ Agreement is a crucial tool in conserving marine biodiversity in ABNJ by preventing harmful practices such as mining in the international sea bed area<sup>40</sup>.

In order to realise its objectives, the BBNJ Agreement urges parties to take necessary legislative, administrative or policy measures, as appropriate, to ensure its implementation<sup>41</sup>. It establishes an Implementation and Compliance Committee for purposes of facilitating the implementation of and promoting compliance with the provisions of the Agreement<sup>42</sup>. The BBNJ Agreement further envisages peaceful settlement of disputes and urges parties to utilise negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice for purposes of managing disputes<sup>43</sup>.

Adoption of the BBNJ Agreement represents a huge milestone in the quest towards ensuring sustainable use and conservation of marine biodiversity in ABNJ. The Agreement establishes a comprehensive global legal regime under the *United Nations Convention on the Law of the Sea*<sup>44</sup> for purposes of fostering conservation and sustainable use of marine biological diversity of ABNJ. It provides a global framework through which states can act as stewards of the ocean in ABNJ on behalf of present and future generations by protecting, caring for and ensuring responsible use of the marine

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<sup>39</sup> Ibid, Part IV

<sup>40</sup> United Nations., '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' Op Cit

<sup>41</sup> 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., Op Cit

<sup>42</sup> Ibid, article 55

<sup>43</sup> Ibid, article 57

<sup>44</sup> United Nations General Assembly, *Convention on the Law of the Sea*, 10 December 1982

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environment, maintaining the integrity of ocean ecosystems and conserving the inherent value of biological diversity of ABNJ<sup>45</sup>.

The BBNJ Agreement has been hailed as an appropriate tool towards fostering sustainable use and conservation of marine biodiversity in ABNJ by establishing a coordinated and integrated framework<sup>46</sup>. It has been argued that a coordinated and integrated approach towards managing biodiversity in ABNJ has been elusive for many decades since these areas fall beyond the jurisdiction of any particular state<sup>47</sup>. Consequently, governing biodiversity in ABNJ has often involved fragmented and sectoral approaches<sup>48</sup>. It has been pointed out that these approaches cannot address multiple pressures on the ocean and marine biodiversity in ABNJ<sup>49</sup>. Further, regional approaches towards managing marine biodiversity in ABNJ have proved insufficient due to the connectivity of marine ecosystems, including long migratory pathways for species such as sharks, sea turtles, whales and salmon, as well as large-scale ocean currents<sup>50</sup>.

The BBNJ Agreement is therefore an effective legal framework towards ensuring sustainable use and conservation of marine biodiversity in ABNJ by establishing uniform and harmonised global standards for protecting marine areas and species, assessing impacts of human activities on marine biodiversity in ABNJ, capacity building and transfer of marine technologies, and the equitable sharing of benefits from marine genetic

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<sup>45</sup> 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., Op Cit

<sup>46</sup> World Economic Forum., 'Governing Marine Biodiversity Beyond National Jurisdiction: Roles and Opportunities for the Private Sector' Available at [https://www3.weforum.org/docs/WEF\\_Governing\\_Marine\\_Biodiversity\\_Beyond\\_National\\_Jurisdiction\\_2024.pdf](https://www3.weforum.org/docs/WEF_Governing_Marine_Biodiversity_Beyond_National_Jurisdiction_2024.pdf) (Accessed on 17/05/2025)

<sup>47</sup> Ibid

<sup>48</sup> Ibid

<sup>49</sup> International Union for Conservation of Nature., 'Governing areas beyond national jurisdiction' Op Cit

<sup>50</sup> Ibid

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resources<sup>51</sup>. It envisages an integrated, ecosystem-based management of ABNJ to protect marine ecosystems and biodiversity, and to sustainably utilise resources in these areas to unlock Sustainable Development while avoiding adverse environmental impacts<sup>52</sup>. According to the United Nations, the BBNJ Agreement marks a vital step towards reversing destructive trends facing the ocean and restoring ocean health and biodiversity<sup>53</sup>. This is key in addressing the triple planetary crisis of climate change, biodiversity loss and pollution, and meeting various ocean-related global goals, including Sustainable Development Goal 14 which seeks to conserve and sustainably use the oceans, seas and marine resources for Sustainable Development<sup>54</sup>. The BBNJ Agreement can also enhance and promote international cooperation towards more integrated, holistic approaches to the management of ocean activities<sup>55</sup>.

Despite its promise, the BBNJ Agreement raises several concerns. For instance, it has been argued that provisions on equitable sharing of benefits and transfer of marine technology may pose challenges to accession, cooperation and compliance with the Agreement<sup>56</sup>. Further, it has been observed that the Agreement regulates conservation and sustainable use of marine biological materials, meaning living organisms in ABNJ<sup>57</sup>. Therefore, it

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<sup>51</sup> 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., Op Cit

<sup>52</sup> Global Ocean Forum., 'Areas Beyond National Jurisdiction' Available at <https://globaloceanforum.com/areas-of-focus/areas-beyond-national-jurisdiction/> (Accessed on 17/05/2025)

<sup>53</sup> United Nations., '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' Op Cit

<sup>54</sup> United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 17/05/2025)

<sup>55</sup> United Nations., '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' Op Cit

<sup>56</sup> Friedman. S., 'The BBNJ Agreement - new treaty, old challenges' Available at <https://cil.nus.edu.sg/blogs/the-bbnj-agreement-new-treaty-old-challenges/> (Accessed on 17/05/2025)

<sup>57</sup> Ibid

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does not apply to non-living resources including viable natural resources such as oil and gas in the international seabed and water column, which constitutes an important economic interest of states<sup>58</sup>. The activities regulated in the BBNJ Agreement may therefore conflict with states activities with respect to utilisation of natural resources such as oil and gas or other resources not covered by the Agreement such as fisheries potentially fueling conflicts among states<sup>59</sup>. It is imperative to address these concerns among others for effective implementation of the BBNJ Agreement towards sustainable use and conservation of marine biodiversity in ABNJ.

#### **4.0 Conclusion**

Adoption of the BBNJ Agreement is a crucial moment for the global community in the quest towards ensuring sustainable use and conservation of marine biodiversity in ABNJ. However, in order to realise its objectives, it is imperative to fulfill its commitments including ensuring fair and equitable sharing of benefits arising from marine genetic resources, establishing marine protected areas for effective conservation of biodiversity in ABNJ, enhancing the use of Environmental Impact Assessments in the ABNJ, and strengthening capacity-building and transfer of marine technology<sup>60</sup>. It is also imperative to unlock biodiversity finance in order to effectively implement the BBNJ Agreement and ensure sustainable use and conservation of marine biodiversity in ABNJ<sup>61</sup>. There is also need for all parties to strengthen their monitoring and enforcement capacities for effective

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<sup>58</sup> Ibid

<sup>59</sup> Ibid

<sup>60</sup> United Nations., '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' Op Cit

<sup>61</sup> World Economic Forum., 'Governing Marine Biodiversity Beyond National Jurisdiction: Roles and Opportunities for the Private Sector' Op Cit

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implementation on the BBNJ Agreement<sup>62</sup>. International cooperation is also crucial in ensuring effective implementation of the BBNJ Agreement and realising its objectives<sup>63</sup>.

The BBNJ Agreement is well poised to strengthen the governance of marine biodiversity in ABNJ. It is therefore imperative for all countries to ratify and implement the Agreement towards ensuring sustainable use and conservation of marine biodiversity in ABNJ.

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<sup>62</sup> Ibid

<sup>63</sup> United Nations., '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' Op Cit

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