



Northern Ireland
Assembly

Committee for Agriculture, Environment and Rural Affairs

Report on Legislative Consent Memorandum – Biodiversity Beyond National Jurisdiction (BBNJ) Bill

Ordered by the Committee for Agriculture, Environment and Rural Affairs to be
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Report: NIA 136/22-27 Agriculture, Environment and Rural Affairs.



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Powers and Membership

Powers

The Committee for Agriculture, Environment and Rural Affairs is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Agriculture, Environment and Rural Affairs and has a role in the initiation of legislation. The Committee has power to:

- Consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- Approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on matters brought to the Committee by the Minister of Agriculture, Environment and Rural Affairs.

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Robbie Butler MLA (Chairperson)
- Declan McAleer MLA (Deputy Chairperson)
- John Blair MLA
- Tom Buchanan MLA
- Aoife Finnegan MLA
- William Irwin MLA
- Daniel McCrossan MLA
- Michelle McIlveen MLA
- Áine Murphy MLA

List of Abbreviations and Acronyms used in this Report

BBNJ: Biodiversity Beyond National Jurisdiction

DAERA: Department for Agriculture, Environment and Rural Affairs

DEFRA: Department for Environment, Food and Rural Affairs

EEZ: Exclusive Economic Zone

LCM: Legislative Consent Memorandum (or Motion)

MPA: Marine Protected Areas

UNCLOS: United Nations Convention on the Law of the Sea

Background

1. The Biodiversity Beyond National Jurisdiction (BBNJ) Bill was introduced to the House of Commons on 10 September 2025. The Bill facilitates the UK's implementation of the international BBNJ Agreement under United Nations Convention on the Law of the Sea (UNCLOS), covering marine genetic resources, area-based management tools, and environmental impact assessments in areas beyond national jurisdiction.
2. The objective of this UN Agreement is:

to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the Convention and further international cooperation and coordination.
3. This may be taken to mean the agreement is to ensure there are appropriate governance frameworks in place to balance and manage environmental protection, the exploitation of resources and other marine activities.
4. The Bill therefore relates to an International Treaty and the high seas: all parts of the sea that are not included in an Exclusive Economic Zone (EEZ), territorial sea, or internal or archipelagic waters of a state. All states have freedom of navigation, freedom of overflight for aircraft, and freedom to lay submarine cables. No part of the high seas can be subject to claims of sovereignty. (United Nations Convention on the Law of the Sea – UNCLOS).
5. The Minister of State for the United Nations at the Foreign, Commonwealth and Development Office, signed the agreement on behalf of the UK on 20 September 2023. Because the UK is a dualist state, domestic law is not automatically changed by the ratification of an international treaty.
6. On 16 October 2023, Hansard records the Minister of State as saying:

Primary legislation will be required before the UK can ratify the BBNJ agreement, to ensure compliance with obligations imposed by the agreement. In particular, obligations on notification of the collection and utilisation of marine genetic resources and associated digital sequence information, and for the conduct of environmental impact assessments for new activities in areas beyond national jurisdiction.

7. Areas beyond national jurisdiction are commonly known as ‘the high seas’. Marine Protected Areas (MPAs) within territorial waters are outside the scope of the agreement and UK bill.
8. The Bill provides provision for the designation of MPAs in areas beyond national jurisdiction to promote conservation and the sustainable use of marine biological diversity.
9. Secondly, the Bill aims to regulate the sharing and use of marine genetic resources including marine DNA for use in pharmaceutical and medicinal research.
10. Lastly, the Bill seeks to amend existing regulatory regimes; the Environmental Impact Assessment regulations to better manage significant impacts to the marine environment.
11. As the Bill covers devolved matters, the inclusion of provisions for Northern Ireland require approval of a Legislative Consent Memorandum (LCM) in the Northern Ireland Assembly.
12. The Bill has 26 clauses, of which two are Scotland specific. Of the remaining 24 clauses, clauses 2-9 (inclusive), 11 and 13 engage the LCM process in Northern Ireland.
13. An LCM was, consequently, laid before the Assembly by the Minister of Agriculture, Environment and Rural Affairs under Standing Order 42A (2) on 24 November 2025.

14. Whilst the Bill cleared all stages in the Commons, there were (failed) attempts to amend the Bill in order to increase parliamentary scrutiny of secondary powers.
15. The BBNJ Bill had its first reading in the House of Lords on 18 November 2025 and had a second reading on 2 December 2025. The Committee stage is scheduled for 16 and 18 December 2025 with the report due to follow early January 2026. Legislative consent must be obtained from the devolved parliaments at the report stage and before the third reading in the House of Lords.
16. The Department for Environment, Food and Rural Affairs and Department for Transport on 21 August 2025 noted:

Cross-Border Trade (GB–NI)

The BBNJ Bill is not expected to have any direct impact on the movement of goods or provision of services between Great Britain and Northern Ireland. The policy applies to activities in ABNJ and does not affect domestic regulatory regimes or trade flows within the UK internal market.

Committee Consideration of Legislative Consent Memorandum

Committee Meeting – 27 November 2025

17. At its meeting on 27 November 2025, the Committee had before it written correspondence from the Department, dated 26 November 2025, seeking the Committee's views on tabling a LCM concerning the Bill.
18. The Committee noted that following approval by the Executive on 20 November the LCM on the Biodiversity Beyond National Jurisdiction (BBNJ) Bill was laid before the Assembly on 24 November under Standing Order 42A (2).
19. As the provision would relate to a devolved matter, it would require an LCM to be agreed by the Assembly and the views of the Committee were sought, in principle, in the correspondence on the tabling of such a motion.
20. The Committee noted that under the Memorandum of Understanding between central government and the devolved administrations, where Parliament intends to legislate on a transferred matter, it is normal practice for the relevant GB Minister to seek the agreement of the devolved administration.
21. The Committee also had before it a copy of Biodiversity Beyond National Jurisdiction (BBNJ) Bill and a copy of the Explanatory Notes to the Bill provided by the Department for Environment, Food and Rural Affairs (Defra).
22. The Committee agreed that, in principle, it had no objection to the LCM moving forward.

Position in Other Jurisdictions

23. The Department's briefing paper also outlined the positions in other jurisdictions.
24. The Bill applies UK-wide (except clauses 17 and 18 which apply to Scotland only). The legislative consent process in the Scottish Parliament is at a similar

stage as the NI Assembly and the Welsh Government assessed that the Bill did not require legislative consent from the Welsh Parliament.

25. The Republic of Ireland (RoI) Government has ratified the BBNJ Agreement and is expected to bring forward its own implementing legislation.
26. The EU signed the BBNJ Agreement and is developing an implementation framework consistent with UNCLOS and the Kunming-Montreal Global Biodiversity Framework.

Committee Meeting – 4 December 2025

27. At its meeting on 4 December 2025, the Committee gave further consideration to the LCM and considered a Departmental written briefing dated 2 December.
28. The Committee also considered the House of Commons Library Research Briefing titled *Biodiversity Beyond National Jurisdiction Bill (2024-2025)*, dated 14 October 2025.
29. The Committee agreed to support the Minister in seeking the Assembly's endorsement of the Legislative Consent Motion and to submit a report to the Assembly.

Committee Meeting – 11 December 2025

30. At the meeting of 11 December the Committee considered and approved this LCM Report.

Conclusion

31. At its meeting on 11 December 2025, the Committee agreed to support the Minister in seeking the Assembly's endorsement of the Legislative Consent Motion

Links to Appendices

Appendix 1: Memoranda and Papers from the Department for Agriculture, Environment and Rural Affairs

[View Memoranda and Papers supplied to the Committee by the Department](#)

Appendix 2: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 3: Bill and Explanatory Notes

[View the Bill and Explanatory Notes](#)

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