

**03– 04 – 2024**

**News: BBNJ Treaty**

- The Blue Leaders High-Level Event on Biodiversity Beyond National Jurisdiction took place in Belgium, encouraging nations to ratify the Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) treaty aimed at protecting the high seas from pollution, climate change, and overfishing.

**BBNJ Treaty**

- The BBNJ Treaty, commonly referred to as the Treaty of the High Seas was agreed upon in March 2023 for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.
- It represents a crucial step towards conserving and sustainably managing marine biological diversity in areas beyond national jurisdiction.

**Ratification Progress**

- The treaty aims to address the challenges faced by the high seas, which constitute areas beyond 200 nautical miles from the exclusive economic zones of coastal countries.

- So far, 88 countries have signed the treaty, with Chile and Palau being the only two to have ratified it.
- However, at least 60 ratifications are necessary for it to come into force.

## Objectives

- The treaty seeks to increase the percentage of protected areas on the high seas, which currently stands at a mere 1.44%, despite covering more than two-thirds of the global ocean.
- Additionally, it aims to ensure fair and equitable sharing of profits from marine genetic resources (MGR) and establish rules for conducting Environmental Impact Assessments (EIA), which deal with identifying and evaluating the potential impacts an activity could have on the ocean.
- This aligns with the 30x30 target, it is a global commitment to protect at least 30% of the planet for nature by 2030. It was agreed upon at the Convention on Biological Diversity (CBD) at the Conference of Parties (COP15) to the UN Convention on Biological Diversity in 2022 and is included in the Kunming-Montreal Global Biodiversity Framework.

## Challenges

- Despite widespread support for the treaty, concerns persist regarding potential delays in ratification, echoing past challenges faced by similar international agreements like the United Nations Convention on the Law of the Seas.
- Additionally, operationalising the treaty poses logistical hurdles, including defining procedural frameworks and securing adequate funding.

## United Nations Convention on the Laws of the Seas (UNCLOS)

- The United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty which was adopted and signed in 1982 in Montego Bay (Jamaica).
- The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world's oceans.
- It establishes guidelines for businesses, the environment, and the management of marine natural resources.
- The Convention has become the legal framework for marine and maritime activities.

- UNCLOS came into **force in 1994**.
- The convention has been ratified by 168 parties, which includes 167 states (164 member states of the United Nations plus the UN Observer state Palestine, as well as the Cook Islands, Niue and the European Union).
- **India is a member. USA is the most important non-subscriber** to the UNCLOS.
- UNCLOS divides the marine areas into Internal Waters, Territorial Seas, Contiguous Zone, Exclusive Economic Zone and High Seas (Open Oceans).
- **Internal waters:** Waters on the landward side of the baseline. Each **state has full sovereignty** over the Internal Waters.
- **Territorial seas:** Extends from **12 nautical miles from the baseline**. (1 nm = 1.85km). States have sovereignty and jurisdiction over surface, seabed, subsoil and even airspace.
- **Contiguous Zone:** Extends from **24 nautical miles from baseline**. Jurisdiction of state over contiguous zone is limited to ocean surface and sea floor but not airspace.
- **Exclusive Economic Zone:** Extends from **200 nautical miles from baseline**. Rights to explore and exploit natural resources and rights to carry out activities like energy-production can be done by the state. However, it is not exclusive.

- **High-Seas:** Ocean Surface over the EEZ is termed as High-Seas. It is considered as common heritage of mankind. It is beyond any national jurisdiction.
- Protection of seas until 5 nautical miles is vested with coastal police and Coast guard and till 30 miles is vested with Coast Guard and rest is with Indian Navy.