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News: High Seas Treaty

- Recently, India has decided to endorse and approve the Biodiversity beyond National Jurisdiction (BBNJ) Agreement also called High Seas Treaty.

**Biodiversity beyond National Jurisdiction (BBNJ)
Treaty**

- The Biodiversity Beyond National Jurisdiction (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.
- This global agreement is designed to safeguard high seas marine biodiversity through collaboration at international level and it will operate within the framework of the United Nations Convention on the Law of the Sea (UNCLOS).

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.

Signing and Ratification

- Till June 2024, 91 countries have signed the treaty so far, with 8 of them having ratified it. It will become legally binding 120 days after 60 countries ratify it.
- Ratification is the process by which a country agrees to be legally bound to the provisions of an international law, while signing indicates agreement without legal obligation until ratification occurs. The process for ratification varies by country.
- India recently has ratified the agreement.

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 is the only international convention which stipulates a framework for state jurisdiction in maritime spaces. It provides a different legal status to different maritime zones.
- It not only zones coastal states' offshore areas but also provides specific guidance for states' rights and responsibilities in the five concentric zones.
- 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 170 parties**, which includes 168 states (**166 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

- Internal Waters are waters on the landward side of the baseline. Each **state has full sovereignty** over the Internal Waters.
- There is **no right of innocent passage through internal waters**.
- The **innocent passage** refers to the passing through the waters which are not **prejudicial to peace and security**. However, the nations have the right to suspend the same.

Territorial seas

- 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**.

- But the coastal states' rights are limited by the innocent passage through the territorial sea.

Contiguous Zone

- Contiguous Zone extends from 24 nautical miles from baseline.
- It is an intermediary zone between the territorial sea and the high seas.
- The coastal state has the right to both prevent and punish infringement of fiscal, immigration, sanitary, and customs laws within its territory and territorial sea.
- Jurisdiction of state over contiguous zone is limited to ocean surface and sea floor but not airspace.

Exclusive Economic Zone

- 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.
- No country is responsible for the management and protection of resources on the high seas.

Significance of High Seas

- The high seas cover over 64% of the world's oceans and 50% of the Earth's surface, making them vital for marine life.
- They are home to around 270,000 known species, with many yet to be discovered.
- The high seas regulate climate, absorb carbon, store solar radiation, and distribute heat, crucial for planetary stability and mitigating climate change.
- They are essential for human survival, providing resources like seafood, raw materials, genetic and medicinal resources.
- 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.