High Sea Treaty

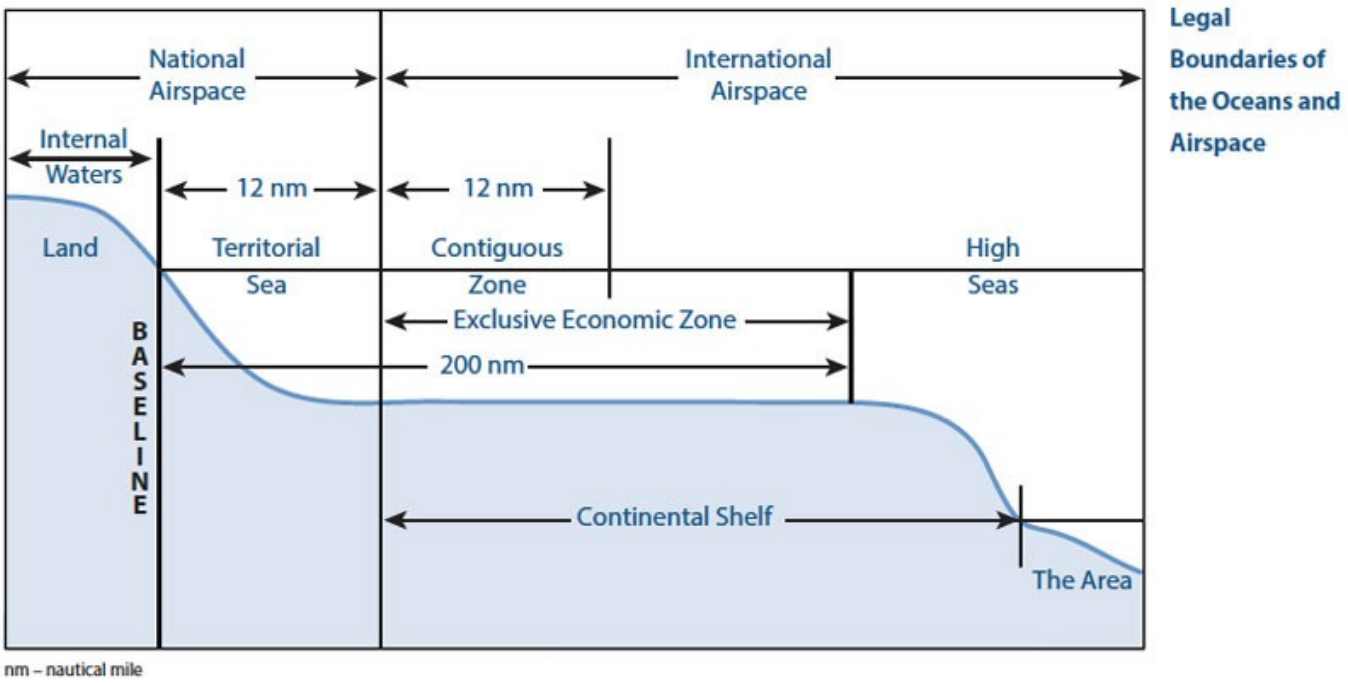
Why in the news?

India recently signed the Biodiversity beyond National Jurisdiction (BBNJ) Agreement or the High Seas Treaty at the United Nations General Assembly in New York on 2024.

What are high seas?

- **High seas** – It is the open ocean areas that are outside the jurisdiction of any country that is beyond territorial waters and exclusive economic zones.
- Territorial waters extend from the baseline to 12 nautical miles (1 nautical mile = 1.852 km).
- Beyond that up to 200 miles (370 km) lies the Exclusive Economic Zone.
- **International waters** – High seas are part of International waters and they belong to no one and it is the responsibility of everyone to protect it.

The high seas account for *65% of the ocean surface, and 43% of the Earth*.



- **Significance of high seas:**
- The ocean is the primary source of protein for *3 billion people and accounts for 90% of freight*s.
- Fishing, freight transport and communications through submarine cables.

- It can provide clean, renewable energy from waves and currents.
- The deep seabed is *home to minerals and rare earths* that are essential to emerging technologies.
- The IUCN estimates that there are between *500,000 and 100 million* species living in the oceans and only about 250,000 species have been recorded.
- The ocean produces more than *50% of the oxygen*.
- It stores more than *90% of the excess heat* caused by global warming due to human activities.
- *Phytoplankton contribute to CO2 absorption and 25% of carbon dioxide* from human activities is absorbed by the ocean.
- **Regulation** – The ***International Seabed Authority (ISA)*** regulates exploration and mining while maintaining environmental protection in high seas.

United Nations Convention on the Law of the Sea (UNCLOS)
• The United Nations Convention on the Law of the Sea (UNCLOS) is ***legally binding*** international treaty that establishes rules for using the world's oceans and their resources. • **Purpose** – UNCLOS sets out the legal framework for all marine and maritime activities. • It also provides a framework for further development of specific areas of the law of the sea. • **Dispute resolution** – UNCLOS sets rules for resolving disputes between state parties. • **Parties** – As of October 2024, 169 sovereign states and the European Union are parties to UNCLOS. • **India is a party** to the UNCLOS.

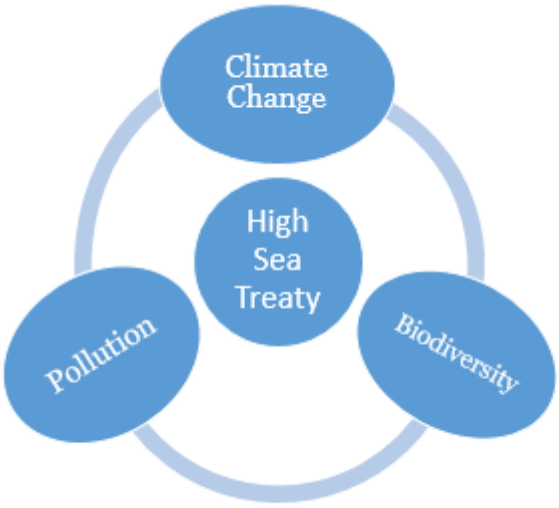
What is high sea treaty?

- **About** – It is adopted to regulate all human activities in the high seas to *ensure that ocean resources*, are utilized in a sustainable manner, and their benefits are *shared equitably among countries*.
- It is also known as the agreement on *biodiversity beyond national jurisdictions*.
- **Binding in nature** – It is a ***legally binding*** treaty.
- **Parties** – So far, ***105 countries have signed the treaty*** and it is ***ratified by 14 countries***.
- ***India has signed the treaty but yet to ratify it***.
- **Ratification** mandates the country to be ***legally bound*** to the provisions of an international law.
- **Signing** indicates that a country agrees with the provisions of the international law concerned and is ***not legally bound*** to follow that law.
- The High Seas treaty would come into force ***120 days after at least 60 countries*** submit their formal ratification documents.
- **Objectives of the treaty:**

  - Demarcation of marine protected areas (MPAs).
  - Sustainable use of marine genetic resources and equitable sharing of benefits arising from them.
  - Initiate the practice of environmental impact assessments for all major activities in the

oceans.
- Capacity building and technology transfer.

What is the need for high sea treaty?



- **Protection of biodiversity** – According to the International Union for Conservation of Nature (IUCN) only **1*.44% of high seas*** are currently protected,

  UN Biodiversity Conference, COP15, which concluded in Montreal, Canada last year agreed to protect 30% of the planet's lands, coastal areas and inland waters by the end of the decade.

- **Tackling global commons issues** – To address overexploitation, biodiversity loss and pollution including ***17 million tonnes*** of plastic dumped in 2021.
- It aims to protect *64% of the ocean* categorized as global commons.
- **Strengthening the UNCLOS framework** – The treaty provoides ***implementation guidelines*** to UNCLOS framework of equitable access, resource usage and biodiversity protection of high seas marine protected areas.
- **Enhanced global collaboration** – Establishes frameworks for international collaboration in issues like deep-sea mining, ocean acidification and plastic pollution.
- **Attain sustainable development goal** – Supports SDG 14 (Life below Water) for sustainable ocean conservation.
- **Relevance for India** – The treaty aligns with India's maritime policies with Environment Impact Assessment mandates and promotes the Blue Economy.
- Strengthens India's Indo-Pacific position under the SAGAR initiative.

  India's Security and Growth for All (SAGAR) policy, unveiled in 2015, proposed an integrated regional framework to meet the security objectives in the Indian Ocean.

What are the shortcomings of the treaty?

- **Challenges in marine-protected areas (MPAs)** – Weak enforcement mechanisms to regulate activities in MPAs.
    - Only 1.44% of high seas are currently protected.
    - Difficulty in achieving the 30% restoration target by 2030.
- **Issues with marine genetic resources (MGRs)** – Risk of *monopolizing the genetic resources* by technologically advanced nations.
    - Disputes over intellectual property rights and benefit-sharing.
- **Lack of clear mechanisms** – To ensure equitable access and open knowledge.
- **Barriers to implementation** – Lack of resources and expertise in Small Island and landlocked nations.
    - High costs of conducting environmental impact assessments (EIAs).
    - Limited global cooperation due to geopolitical tensions.

What lies ahead?

- The treaty must be ratified by a minimum number of countries to come into force.
- Establishment of institutional mechanisms bodies for monitoring, compliance, and enforcement of the treaty's provisions.
- Capacity building for developing nations and support for Small Island and landlocked nations to meet treaty obligations.
- Transfer of technology and financial assistance for conservation and impact assessment.

Reference

1. The Indian Express |High Seas Treaty Provisions and Challenges
2. The Indian Express |India sign of the High Seas Treaty agreement

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