

## High Sea Treaty

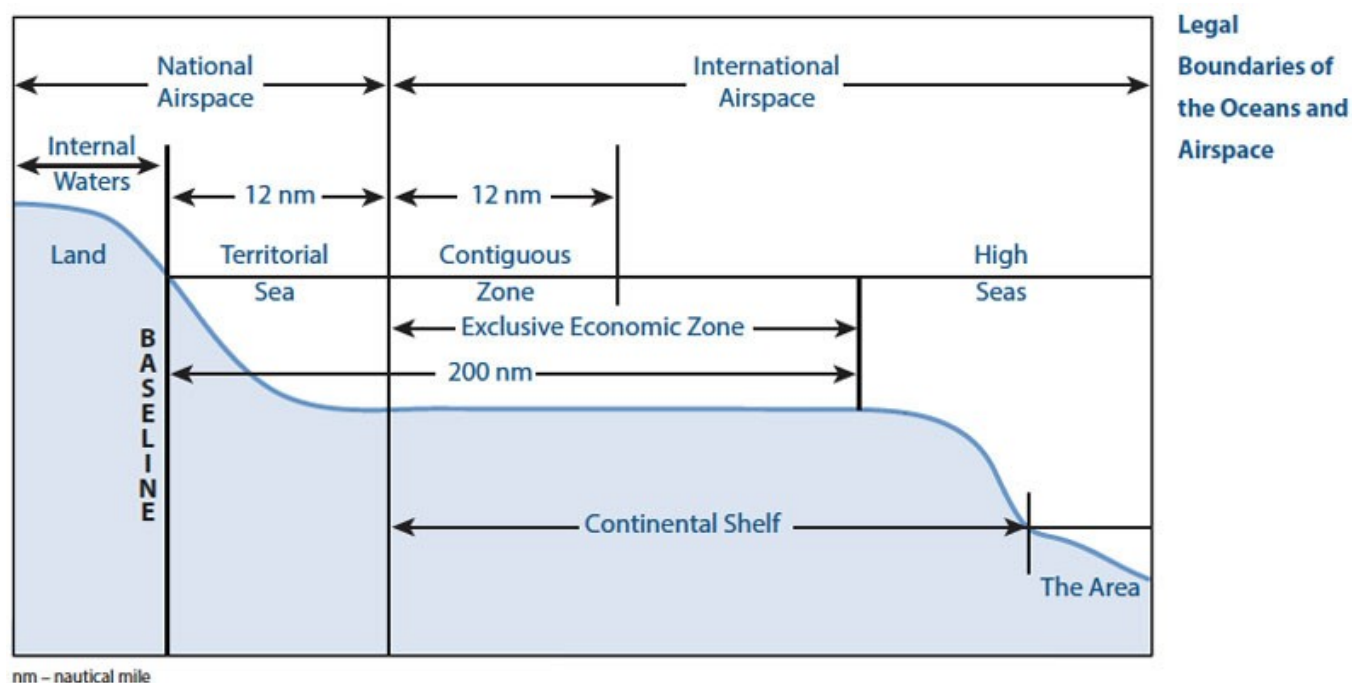
### Why in the news?

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 freights.
- 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.

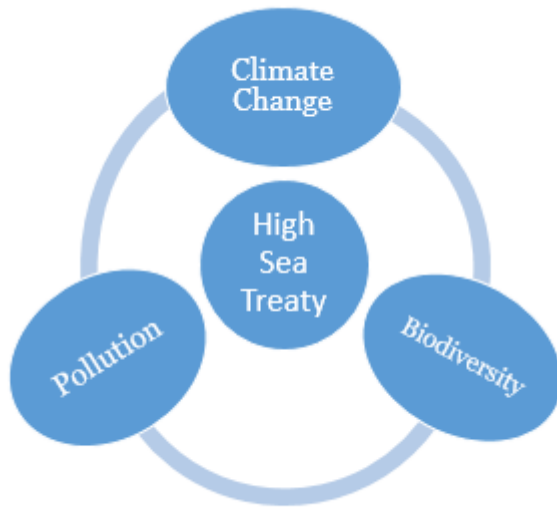
### What is high sea treaty?

- **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 provides **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](#)