



## UN Treaty on the High Seas

**Prelims:** BBNJ, UNCLOS, UNGA, Covid-19, 1958 Geneva Convention, EEZ.

**Mains:** Treaty on the High Seas.

### Why in News?

Recently, the [UN \(United Nations\)](#) members agreed on a [High Seas Treaty](#) to ensure the protection and sustainable use of marine biodiversity of areas beyond national jurisdiction.

- It was agreed during talks led by the UN during the **Intergovernmental Conference (IGC) on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ)** in New York, the US.
- The treaty is **yet to be formally adopted as members** are yet to ratify it. Once adopted, the treaty will be **legally binding**.

### What are High Seas?

- **About:**
  - According to the [1958 Geneva Convention on the High Seas](#), parts of the sea that are **not included in the territorial waters** or the internal waters of a country are known as the high seas.
  - It is the area beyond a **country's Exclusive Economic Zone** (that extends up to **200 nautical miles (370 km) from the coastline**) and till where a nation has jurisdiction over living and non-living resources.
  - No country is responsible **for the management and protection of resources on the high seas**.
- **Significance:**
  - The high seas **account for more than 60% of the world's ocean area** and cover about **half of the Earth's surface**, which makes them a hub of marine life.
  - They are home to **around 2.7 lakh known species**, many of which are yet to be discovered.
  - They regulate the climate by playing a **fundamental role in planetary stability** by **mitigating the effects of climate change** through its **absorption of carbon** and by **storing solar radiation** and distributing heat around the globe.
    - Therefore, they are fundamental to human survival and well-being.
  - Moreover, the ocean **provides a wealth of resources and services**, including seafood and raw materials, genetic and medicinal resources, air purification, climate regulation, and aesthetic, scientific and cultural services.
- **Threats:**
  - They absorb heat from the atmosphere, are affected by phenomena like the [El Nino](#), and are also undergoing [acidification](#) — all of which endanger **marine flora and fauna**.
    - Several thousand marine species are at risk of extinction by 2100 if current warming and acidification trends continue.
  - Anthropogenic pressures on the high seas include **seabed mining, noise pollution,**

- **chemical and oil spills and fires, disposal of untreated waste** (including antibiotics), overfishing, introduction of invasive species, and coastal pollution.
- Despite the alarming situation, **the high seas remain as one of the least-protected areas, with only about 1% of it under protection.**

## What is the High Seas Treaty?

### ▪ Background:

- In 1982, the [United Nations Convention on the Law of the Sea \(UNCLOS\)](#), was adopted, which delineated rules to govern the oceans and the use of its resources.
  - However, there was **no comprehensive legal framework that covered** the high seas.
- As climate change and global warming emerged as global concerns, a need was felt for **an international legal framework to protect oceans** and marine life.
- The [UNGA \(United Nations General Assembly\)](#) decided in 2015 to develop a legally binding instrument within the framework of UNCLOS.
  - Subsequently, the **IGC was convened to frame a legal instrument** on BBNJ.
- There were several hold-ups due to the [Covid-19 pandemic](#), hampering a timely global response. In 2022, the European Union launched the High Ambition Coalition on BBNJ to finalize the agreement at the earliest.

### ▪ Key Features:

- **Access and Benefit-sharing Committee:**
  - It will set up an access- and benefit-sharing committee to frame guidelines.
  - The activities concerning marine genetic resources of areas on high seas will be in the interests of **all States and for the benefit of humanity**.
  - They have to be **carried out exclusively for peaceful purposes**.
- **Environmental Impact Assessments:**
  - Signatories will have to conduct [environmental impact assessments](#) **before the exploitation** of marine resources.
  - Before carrying out a planned activity, the member will have to undertake processes of screening, scoping, carrying out an impact assessment of the marine environment likely to be affected, identifying prevention, and management of potential adverse effects.
- **Consent from Indigenous Community:**
  - Marine resources in areas beyond national jurisdiction that are held by indigenous people and local communities can only be accessed with their “free, prior and informed consent or approval and involvement”.
  - **No State can claim its right over marine genetic resources** of areas beyond national jurisdiction.
- **Clearing-House Mechanism:**
  - Members will have to provide the Clearing-House Mechanism (CHM), established as part of the treaty, with details like the objective of the research, geographical area of collection, names of sponsors, etc.
- **Funding:**
  - A special fund will be established as part of the pact which will be fixed by the conference of parties (COP). The COP will also oversee the functioning of the treaty.
- **Significance:**
  - The treaty is significant in achieving the 30x30 target set at [UN CBD \(Convention on Biological Diversity\) COP15](#) under which the countries agreed to protect 30% of oceans by 2030.

## What are the Other Conventions related to Seas?

### ▪ Convention on Continental Shelf 1964:

- It defines and **delimits the rights of States to explore and exploit** the natural resources of the continental shelf.

### ▪ Convention on Fishing and Conservation of Living Resources of the High Seas 1966:

- It was designed to solve the problems involved in the conservation of living resources of the high seas, considering that because of the development of modern technology some of

these resources are in danger of being overexploited.

- [London convention 1972:](#)
  - Its objective is to promote the effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matters.
- **MARPOL Convention (1973):**
  - It covers pollution of the **marine environment by ships** from operational or accidental causes.
  - It lists various forms of marine pollution caused by oil, noxious liquid substances, harmful substances in packaged form, sewage and garbage from ships, etc.

## Way Forward

- National governments still need to **formally adopt and ratify this agreement** to enable the treaty to enter into force.
  - **Everyone in the global community across all sectors must act together** – for our own sake, as much as for that of ocean life – to celebrate, implement and monitor the effectiveness of the new High Seas Treaty.
- Without a doubt, **better protecting the high seas and imposing careful management of marine resources** will in turn mitigate the cumulative impact of activities bearing a potentially heavy toll, such as shipping and industrial fishing, in the virtuous circle of a [sustainable blue economy](#) that benefits people and nature alike.
  - It is high time the **ocean gets the protection it is due.**

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