

Draft UN High Seas Treaty finalised

March 10, 2023

In news— Recently, a draft international agreement referred to as the UN High Seas Treaty was finalised to govern the conduct of governments in ‘open seas’.

Key highlights of the draft-

- Though this agreement is still in the draft stage, **when it is ratified by countries (requiring them to also pass it in their own Parliaments), it will become legally binding.**
- Also referred to as the **‘Paris Agreement for the Ocean’**, the treaty to **deal with Biodiversity Beyond National Jurisdiction** has been under discussion for several years.
- The agreement was earlier to be finalised by 2022, but pandemic-related delays and disagreements over some of the language pushed it further. Last year, negotiations failed in August, but **talks first began in 2004.**
- The 54-page draft (officially the **‘Draft agreement under the United Nations Convention on the Law of the Sea**) seeks **to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction”** through the Convention and to further international cooperation.
- **Some important aspects mentioned are:**
 - **The polluter-pays principle;** which is an important concept in environmental laws. It means those causing pollution in a particular region are responsible for its reduction, such as a factory owner having to compensate for air pollution.
 - **Building ecosystems’ resilience against adverse**

effects of climate change and ocean acidification, and also maintaining and restoring ecosystem integrity.

- **Parties should take legislative, administrative or policy measures** with the aim of ensuring that traditional knowledge associated with marine genetic resources in areas beyond national jurisdiction held by Indigenous Peoples and local communities shall only be accessed with their free, prior and informed consent.
- **Full recognition of the special circumstances of small island developing States** and of least developed countries; Acknowledgement of the special interests and needs of landlocked developing countries.
- **Parties are to promote international cooperation in marine scientific research** and in the development and transfer of marine technology.
- **Agreements on the actions of parties are to be taken based on consensus.**
- “Marine protected area” is a term used often here, to mean a geographically defined marine area that is designated and managed to achieve specific long-term biodiversity conservation. This would limit activities such as fishing, drilling, etc.
- **The draft often mentions a clearing-house mechanism** that will be **a centralised platform to enable parties to access, provide and give information on activities** taking place in relation to the agreement.
- It will also help in coordination between parties.
- **A Secretariat and a Global Environment Facility trust fund are other relevant bodies mentioned.**

Need for such a treaty-

- **The draft treaty was negotiated under the United Nations Convention on Laws of the Sea (UNCLOS) of 1982** which

governs the rights of countries regarding marine resources.

- **As there was no treaty for conserving the health of vast swathes of the earth's oceans, a UN resolution in 2017 set 2022 as the deadline for a new one.**
- **The proposed treaty concerns the ocean existing beyond the Exclusive Economic Zones (EEZ)** that lie from the coast of a country to about 200 nautical miles (or 370 km into the sea), till where it has special rights for exploration. Waters beyond that are known as open seas or high seas.
- Currently, it is estimated **high or open seas constitute two-thirds of the world's oceans**, and **only one per cent of them are legally protected.**
- **At present, every country has the right to access open seas, resulting in large-scale drilling and trawling operations** for catching fish and other animals for commercial purposes.
- A **High Ambition Coalition**, which now has more than 100 countries including India, the US, and the UK, came about and put the focus on **'30x30' goals – protecting 30 per cent of the ocean by 2030.**
- Additionally, the **UN Biodiversity Conference, COP15**, which concluded in Montreal, Canadian 2022, saw countries agreeing on the need for **protecting 30 per cent of the planet's lands, coastal areas and inland waters by the end of the decade.**
- The Kunming-Montreal Global Biodiversity Framework (GBF) was adopted following a four-year consultation process.