



UN to Sign treaty on Ocean Biological Diversity

For Prelims: Exclusive Economic Zone, UNCLOS

For Mains: Conservation of Marine in High Seas

Why in News?

Recently, the [United Nations](#) organised the Intergovernmental Conference to draft the first-ever treaty on the **Ocean's Biological Diversity** to conserve marine diversity in the High Seas.

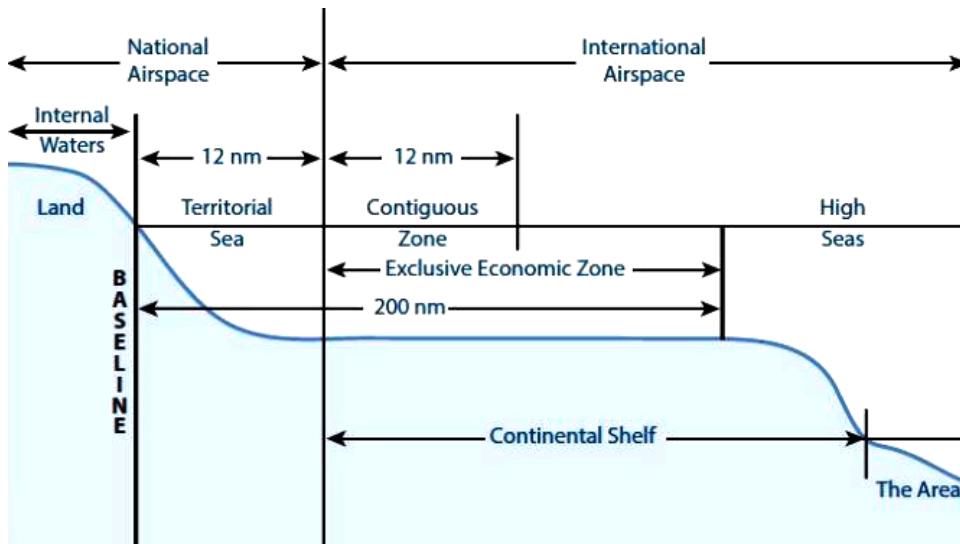
- The conference was held in New York, USA.
- A series of conferences was set in motion in 2018 to draft **international legislation under the 1982 UN Convention on the Law of the Sea (UNCLOS)** on the conservation and sustainable use of marine biological diversity in these areas.

What are the Objectives of the New Treaty?

- The treaty seeks to address the **conservation and sustainable use of marine biodiversity in areas of the ocean which are beyond the limits** of national maritime zones.
- It will also address marine genetic resources, including questions on benefit-sharing, measures such as area-based management tools, environmental impact assessments, and the **transfer of marine technology**.
- The agreement will be **deciding on the rights of companies that undertake exploration for biological resources in the high seas**.
 - With advances in biotechnology and genetic engineering, several companies see potential in exotic microbes and other organisms – several of them undiscovered – that abide in the deep ocean and could be used for drugs, vaccines and a variety of commercial applications.
- Since marine life is **already reeling from the impact of industrial fishing**, climate change and other extractive industries, the treaty seeks to protect our global oceans.

What are the High Seas?

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- Countries can protect or exploit waters under 200 nautical miles (370 kilometres) to their shorelines, but **everything outside these 'exclusive economic zones' is considered international waters: the high seas.**
- The high seas **make up two-thirds of Earth's oceans**, providing 90% of its available habitat for life and **accounting for up to USD 16 billion a year in fisheries catch.**
- They are also **prime territory for the discovery of valuable mineral deposits**, potent pharmaceuticals and oil and gas reserves.
- International law identifies **four global commons namely:**
 - the High Seas, the Atmosphere, Antarctica, Outer Space.
 - Global commons **refer to resource domains that lie outside the political reach** of any one nation.

How are the High Seas Regulated Currently?

- The **United Nations Convention on the Law of the Sea (UNCLOS)** regulates activities in international waters, including sea-bed mining and cable laying.
- It **lays down rules for the use of the ocean and its resources**, but does **not specify how states should conserve** and sustainably use high seas biodiversity.
- No overarching **treaty exists to protect biodiversity or conserve vulnerable ecosystems in the oceans.**

United Nations Convention on the Law of the Sea (UNCLOS)

- The 'Law of the Sea Treaty', formally known as the United Nations Convention on the Laws of the Sea (UNCLOS) **was adopted in 1982** to establish jurisdictional limits over ocean areas.
- The convention defines **a distance of 12 nautical miles from the baseline as Territorial Sea limit and a distance of 200 nautical miles distance as Exclusive Economic Zone limit.**
- It provides for technology and wealth transfer from developed to underdeveloped nations and requires parties to implement regulations and laws to control marine pollution.
- India became a signatory to the UNCLOS in 1982.
- **UNCLOS created three new institutions:**
 - **International Tribunal for the Law of the Sea:** It is an independent judicial body established by UNCLOS to adjudicate disputes arising out of the convention.
 - **International Seabed Authority:** It is a UN body set up to regulate the exploration and exploitation of marine non-living resources of oceans in international waters.
 - **Commission on the Limits of the Continental Shelf:** It facilitates the implementation of the United Nations Convention on the Law of the Sea (the Convention) in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. With reference to the United Nations Convention on the Law of Sea, consider the following statements:

1. A coastal state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baseline determined in accordance with the convention.
2. Ships of all states, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.
3. The Exclusive Economic Zone shall not extend beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Which of the statements given above are correct?

- (a) 1 and 2 only
(b) 2 and 3 only
(c) 1 and 3 only
(d) 1, 2 and 3

Ans: (d)

Exp:

- Under limits of the territorial sea every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention. **Hence, statement 1 is correct.**
- Under INNOCENT PASSAGE IN THE TERRITORIAL SEA, Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea. **Hence, statement 2 is correct.**
- The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention. Under this the exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. **Hence, statement 3 is correct.**

Mains

Q. With respect to the South China sea, maritime territorial disputes and rising tension affirm the need for safeguarding maritime security to ensure freedom of navigation and overflight throughout the region. In this context, discuss the bilateral issues between India and China. (2018)

Source: TH