



# Biodiversity Beyond National Jurisdiction

**Prelims:** UNCLOS, BBNJ, IUCN, Treaty of the High Seas.

**Mains:** BBNJ Treaty, Conservation.

## Why in News?

India has urged the member nations to **stay dedicated to the conservation and preservation of the oceans and its biodiversity** during the ongoing session (Feb-March 2023) Of Intergovernmental Conference (IGC) i.e., **IGC-5** of [Biodiversity Beyond National Jurisdiction \(BBNJ\)](#).

- India supported the high ambition coalition for the **early conclusion** of the International **Legally Binding Instrument of BBNJ** under [United Nations Convention on the Law of the Sea \(UNCLOS\)](#).

## What are the Key Developments?

- Several rounds of intergovernmental talks have been ongoing since 2014, with the **most recent one taking place in Feb-March 2023**.
- Despite significant progress on several major issues, negotiations are still ongoing, and **consensus not arrived at important issues like funding, intellectual property rights and institutional mechanisms**.
- India's approach** to biodiversity management is congruent with three globally accepted principles: **conservation, sustainable usage, and equitable benefit sharing**.

## What is the BBNJ Treaty?

- The "BBNJ Treaty", **also known as the "Treaty of the High Seas"**, is an international agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction **within the framework of the UNCLOS**.
- BBNJ **encompasses the high seas, beyond the exclusive economic zones or national waters of countries**.
  - According to the [International Union for Conservation of Nature \(IUCN\)](#), these areas account for **"almost half of the Earth's surface"**.
  - These areas are **hardly regulated and also least understood or explored** for its biodiversity - only 1% of these areas are under protection.
- Launched at the [One Ocean Summit](#) in February 2022, the **High Ambition Coalition on Biodiversity Beyond National Jurisdiction** brings together many delegations engaged in the BBNJ negotiations on a common and ambitious outcome at the highest political level.
- The negotiations are **centered around a package of elements** agreed upon in 2015, namely:
  - the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits
  - area-based management tools, including marine protected areas
  - environmental impact assessments

- capacity-building and the transfer of marine technology

## What is the Need of Legally Binding Instrument for BBNJ?

- Biodiversity in areas beyond national jurisdiction is **critical for the health of the ocean, the well-being of coastal people, and the overall sustainability of the planet.**
- **Areas beyond national jurisdiction comprise 95% of the ocean** and provide invaluable ecological, economic, social, cultural, scientific and food-security benefits to humanity.
  - However, these areas are now **vulnerable to growing threats**, including pollution, overexploitation, and the impacts already visible of climate change.
  - The **increasing demand for marine resources in the coming decades** - for food, minerals or biotechnology - threatens to exacerbate this problem.
- The **deep seafloors**, believed to be the harshest habitat, the **extinction process** is setting in there.
  - The 184 species (of Molluscs) assessed, 62% are listed as threatened: 39 are critically endangered, 32 are endangered and 43 are vulnerable. Yet, the International Seabed Authority, a Jamaica-based intergovernmental body, is allowing deep sea mining contracts.
- Biodiversity occurring in areas beyond national jurisdiction remains **a vital resource from the global seas**, with more than **60% of it still to be managed** and regulated with a legal frame work aimed at conservation.

## Conclusion

- Adoption of Legally binding instrument of BBNJ will signal the international community's strong commitment to the conservation and sustainable use of marine biodiversity in the areas beyond national jurisdiction, and will provide a clear mandate for the implementation of the agreement.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Q.1 With reference to the United Nations Convention on the Law of Sea, consider the following statements: (2022)

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:

- All statements are correct. 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.**

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