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High Seas Treaty

Challenges in Global Ocean Governance

Sourse : TH

The High Seas Treaty faces challenges in implementation as countries debate funding mechanisms, governance frameworks, and equitable benefit-sharing.

The High Seas Treaty, also known as the Biodiversity Beyond National Jurisdiction (BBNJ) Agreement, represents a landmark effort in global marine conservation.

Ratified by over 60 countries in September 2025, the treaty will enter into force in January 2026

Key Principles of High Seas Treaty

- **Polluter pays principle**, whereby responsibility is on polluters to manage and bear the costs of their pollution.
- **Fair and equitable benefit-sharing** from marine genetic resources and digital sequence information.
- **Precautionary principle**, by which states should not let the lack of scientific certainty hold them back from responding to threats of serious, irreversible damage to the high seas.
- An ecosystem and integrated approach to ocean management, together with the building of the resilience, maintenance and restoration of ecosystem integrity.
- **Use of knowledge from indigenous peoples** and local communities and the protection of their rights.

Key Features

- **Conserving Marine Biodiversity:** Protecting marine ecosystems beyond national jurisdictions.
- **Equitable Sharing of Benefits:** Mandating fair distribution of profits from marine genetic resources through a global fund.
- **Environmental Impact Assessments (EIAs):** Requiring assessments to regulate harmful activities in international waters.
- **Marine Protected Areas (MPAs):** Creation of protected zones in high seas to safeguard biodiversity.
- **Capacity-Building & Technology Transfers:** Equitable partnerships in maritime science & governance.
- **Third UNCLOS Implementing Agreement:** Complements treaties on deep-sea mining and fisheries.

Issues with High Seas Treaty

- Some of the world's biggest players — **the U.S., China, Russia and Japan** — are yet to ratify the treaty.
- **Lack of Strategic Clarity:** The treaty lacks a detailed roadmap for achieving its ambitious goals.
- **Territorial Disputes:** Overlapping maritime claims, e.g. in South China Sea, hinder consensus on MPAs.
- **Livelihood Concerns:** Coastal communities dependent on marine resources fear economic restrictions from MPAs.
- **Weak Accountability Mechanisms:** Wealthier nations may under-report profits from marine genetic resource exploitation.

Way Forward

- **Integrating High Seas & Coastal Regulations:** Develop cohesive frameworks linking high-seas governance with coastal policies.
- **Incentives for Compliance:** Encourage coastal states, especially in the Global South, to align domestic laws with international norms.
- **Foster Collective agreement** among nations for shared responsibility in ocean governance.
- **Global Cooperation:** Wealthier nations must provide technical and financial assistance to ensure equitable benefits.
- **Transparent Accountability Mechanisms:** Introduce robust checks to prevent underreporting by wealthier nations.
- **Strengthening EIAs:** Comprehensive reviews for planned activities, including oil & gas exploration.

United Nations Convention on Law of the Sea (UNCLOS)

- UNCLOS (Law of the Sea Treaty) is an international agreement that came into force in 1994.
- It establishes the legal framework for marine and maritime activities.
- UNCLOS establishes general obligations for safeguarding the marine environment and protecting the freedom of scientific research on the high seas.
- It can hold states liable for damage caused by the violation of their international obligations **through its three institutions:**
- **International Tribunal for the Law of the Sea,**
- **International Seabed Authority (ISA), and**
- **Commission on the Limits of the Continental Shelf.**
- The convention gives a clear definition of Internal Waters, Territorial Waters, Contiguous Zone, Exclusive Economic Zone and Continental Shelf.
- It provides rights to landlocked states for access to and from the sea without taxation of traffic through transit states.
- **Members:** It has 167 member states and the European Union. India is a member.