

5. Biodiversity Beyond National Jurisdiction (BBNJ) – International Realltion

Game-changing international ocean treaty comes into force The BBNJ Treaty has entered into force as the third UNCLOS implementing agreement, establishing the first binding framework to protect high seas biodiversity and regulate genetic resources, essential for the "30x30" global ocean target. However, challenges remain regarding the exclusion of deep-sea mining, non-universal ratification by major powers like the US, and the practical difficulties of enforcement in vast international waters.

1. Context

Status- An UN-backed treaty on biodiversity in international waters, officially titled the Biodiversity Beyond National Jurisdiction (BBNJ) Treaty, has formally entered into force.

Milestone- It creates the first legally binding global framework dedicated to the conservation and sustainable use of the high seas.

2. Understanding the High Seas

Definition- High seas refer to ocean areas that lie beyond national jurisdiction, specifically beyond the 200 nautical miles limit of Exclusive Economic Zones (EEZs).

Extent- They cover nearly two-thirds of the global ocean and approximately half of the Earth's surface.

Previous Governance- Historically governed mainly by general principles under the United Nations Convention on the Law of the Sea (UNCLOS). Suffered from limited regulations specifically targeting biodiversity conservation.

3. About the BBNJ Treaty

Adoption- The agreement was adopted in 2023 by an Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction, convened under the UN.

Legal Status- It serves as the third implementing agreement under UNCLOS.

Agreement	Focus Area
1994 Agreement	Part XI Implementation (Deep Seabed Mining)
1995 Agreement	UN Fish Stocks Agreement
BBNJ Treaty (2023)	Biodiversity Beyond National Jurisdiction

Objective- To ensure the conservation and sustainable use of marine biological diversity in Areas Beyond National Jurisdiction (ABNJ).

Institutional Framework

Conference of the Parties (COP)- Established as the primary decision-making body.

Clearing-House Mechanism- Created to facilitate data sharing, knowledge exchange, and cooperation.

Secretariat & Funding- A dedicated secretariat and funding mechanism will be set up to support implementation.

Membership Status

- 83 countries have ratified the treaty so far.
- India's Position- India has signed the agreement but has not yet ratified it.

4. Key Significance of the Treaty

Governance of the Global Commons- Provides the first comprehensive legal framework for ABNJ. Shifts from weak regulation (which enabled overfishing of migratory species like tuna) to ecosystem-based management.

Advancement of the "30×30" Target- It is a critical tool for achieving the global goal of protecting 30% of oceans by 2030. Facilitates the establishment of Marine Protected Areas (MPAs) in the high seas.

Mandatory Environmental Impact Assessments (EIAs)- Requires prior EIAs for any activities in the high seas that may cause significant harm to marine ecosystems.

Equity through Marine Genetic Resources (MGRs)- Addresses the "benefit-sharing" gap. Ensures fair and equitable sharing of benefits derived from Marine Genetic Resources used in pharmaceuticals, cosmetics, and biotechnology.

Capacity Building- Mandates support for developing countries through technology transfer, scientific cooperation, and funding.

Strengthening Multilateralism– Reinforces faith in a rules-based global order under the UN, vital during a time of fragmented global governance.

5. Concerns and Limitations

Deep-Sea Mining Excluded– The treaty explicitly does not regulate seabed mining. This sector remains under the jurisdiction of the International Seabed Authority (ISA), creating a potential regulatory gap.

Implementation Challenges

Logistics– Monitoring and enforcing rules across the vast high seas is technically and financially demanding.

Capacity– Developing nations may struggle to conduct complex EIAs or participate effectively in COP processes without significant aid.

Non-Universal Ratification– Major maritime powers like the United States have signed but not ratified the treaty, potentially limiting compliance and effectiveness.

Soft Compliance Mechanisms– The framework relies heavily on cooperation rather than coercive enforcement. There are fears that Illegal, Unreported, and Unregulated (IUU) fishing may persist despite the new norms.

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