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Ocean Treaty: Paris Agreement for the Ocean

Published On: 09-03-2023

Why is 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' – a majority of the world's oceans that lie beyond the jurisdiction of any one country.

Role of Ocean in Climate Change

Protecting the ocean is a key element of the global response to climate change.

It has long taken the brunt of the impact of human-made global heating, absorbing about one-quarter of all carbon dioxide emissions to date and 90% of the heat generated by greenhouse gas emissions trapped in the Earth's system.

This has caused significant changes, including ocean warming, acidification, deoxygenation and sea level rise, with severe impacts on ocean and coastal life and the lives and livelihoods of coastal communities.

Threats faced by Ocean

The ocean is facing threats on multiple fronts.

Commercial fishing operations span more than half the world's ocean and have been detrimental to species and their habitats. According to the World Wildlife Fund, more than a third of all sharks, rays and a shark-like fish called chimaera are at risk of extinction because of overfishing.

The organization also found that almost every species group in the ocean has encountered plastic pollution, often swallowing or being entangled by it.

Additionally, manmade climate change causes the ocean to get hotter, threatening marine life and coastal communities.

Background evolution of Treaty

Governments have meanwhile firmly anchored ocean protection and ocean climate action under the UNFCCC process.

At the UN Climate Change Conference COP26 in Glasgow in 2021, they mandated a series of new Ocean Dialogues.

Following the first Ocean Dialogue last year, the UN Climate Change Secretariat published a report highlighting the vital importance of the ocean for livelihoods and biodiversity and as a fundamental component of the climate system.

The report recognizes that people in coastal regions continue to be at the forefront of the fight against climate change and are disproportionately affected. At the same time, oceans have a vast potential to store carbon.

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And coastal waters are a prime location for renewable energy projects, along with ecosystem protection and restoration.

As a next step, governments meeting at the UN Climate Change Conference COP27 in Sharm el-Sheikh last year committed to look into how they can include ocean-based action in their national climate action plans and strategies under the Paris Agreement.

Governments also recognize that they need to better integrate ocean-based solutions into their National Adaptation Plans under the Paris Agreement.

Major features of the treaty

Draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction broadly covers the areas related to this.

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.

It states an objective “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.

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