



The New UNCLOS Agreement on the Consequences and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction

- Abha Dalal (IV B.A.LL.B.)

The text of a legally-binding instrument under the United Nations Convention on the Law of the Sea ("UNCLOS") on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (the "BBNJ Agreement" or "Treaty") was agreed upon by participants in an intergovernmental conference on March 4, 2023, at the United Nations headquarters in New York. The BBNJ Agreement, the third implementing agreement under UNCLOS, is the result of nearly two decades of planning.

Areas beyond national jurisdiction comprise 95% of the ocean and provide invaluable ecological, economic, social, cultural, scientific and food-security benefits to humanity. These areas are now vulnerable to pollution, overexploitation, and the impacts already visible of climate change. Thus a legally binding instrument is needed.

Through "effective implementation" of UNCLOS and "further international cooperation and coordination," the BBNJ Agreement seeks to "ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term." States or regional economic integration groups might be Parties to the Treaty.

Specific systems and procedures are established by the BBNJ Agreement for activities on the High Seas, as well as the seabed, ocean floor, and subsoil (the "Area"). The provisions of the Treaty address four key areas:

- marine genetic resources, including the equitable and fair distribution of benefits;
- measures like area-based management tools, such as marine protected areas;
- environmental impact assessments; and
- capacity-building and the transfer of marine technology.

The BBNJ Agreement also incorporates a number of "general principles and approaches" for activities in the High Seas and the Area – in particular, the polluter-

"effective

News at a Glance

The United Nations General Assembly (UNGA) adopted a resolution seeking an International Court of Justice (ICJ) advisory opinion on the obligations of States to combat climate change. For more information, see [here](#).

The EU released a draft of its proposed overhaul of drug manufacturing laws. The reforms fall within the greater EU health plan from 2021 to 2027, where one of the goals is the affordability of medicine for members. This revision looks to address the shortcomings of the industry as well by increasing the supply chain in Europe so there is more access to medicine. For more information, see [here](#).

The UN Office of the High Commissioner for Human Rights condemned audio recordings that emerged over the weekend, which appear to show figures connected to both sides of the war in Ukraine ordering combatants not to take prisoners of war or else to execute those captured. For more information, see [here](#).



pays principle, the precautionary principle/approach, an ecosystem approach, and an integrated approach to ocean management.

A number of institutions were established to operationalize the BBNJ Agreement, including:

- a Conference of the Parties (the "COP");
- a Scientific and Technical Body;
- a Secretariat;
- an Implementation and Compliance Committee; and
- (v) a Clearing-House Mechanism, which serves as a centralised platform enabling Parties to access, provide, and disseminate information regarding their activities.

If a "natural phenomenon or human-caused disaster" occurs, the COP "shall take decisions to adopt measures" on a "emergency basis, if necessary."

Unless a Party agrees to alternative method, the dispute resolution provisions of UNCLOS Part XV apply to the BBNJ Agreement. However, if a dispute "concerns a technical matter," the Parties may transfer the dispute to "an ad hoc tribunal."

The BBNJ Agreement will enter into force 120 days after the sixtieth instrument of ratification, approval, acceptance or accession.

News at a Glance

UN Deputy Secretary-General proposed a conference in Afghanistan to discuss recognition of the country's Taliban government. She said the Taliban "clearly" wants recognition, and she hopes to use international recognition as leverage to confront the group's human rights abuses. For more information, see [here](#).

EU governments agreed to implement reforms to the Emissions Trading System (ETS). The reforms aim to reduce industrial emissions and invest in more climate friendly technologies. For more information, see [here](#).

The UN Secretary-General called for increased digital accountability to combat hate speech on the internet. Guterres made a statement in remembrance of the International Day of Reflection on the 1994 Genocide Against the Tutsi in Rwanda, noting that there are currently few or no controls in place to stop the spread of hateful and violent messages online. For more information, see [here](#).

International Virtual Conference on Contemporary Trends in International Economic Law held on 14th and 15th March, 2023

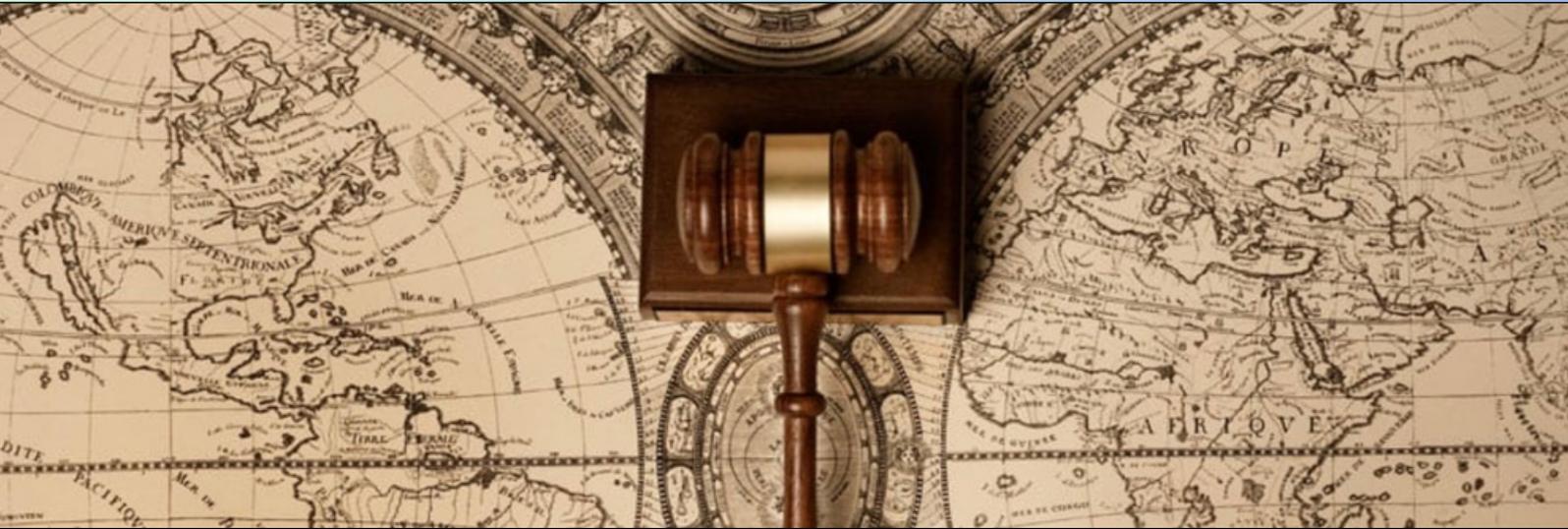


Inauguration of the Centre for International Law Newsletter by the Principal, Vice-Principal, and Faculty Coordinators at ILS on 22nd September, 2022

Intra-Batch MUN for IV B.A.LL.B on 16th November, 2022

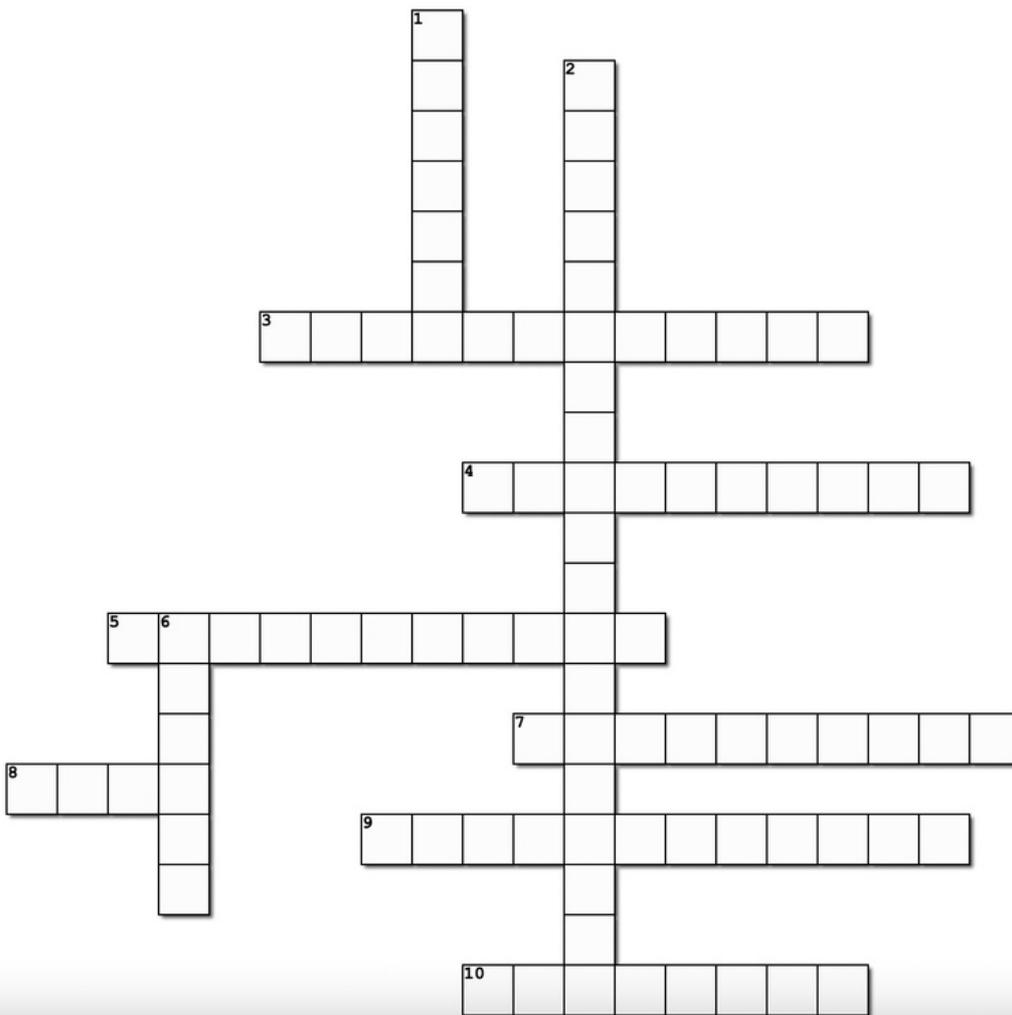


Session on International Criminal Law and the ICC on 12th September, 2022



FUNDAMENTALS OF INTERNATIONAL LAW

Complete the crossword puzzle below



Across

- 3. What is the psychological element in custom known as?
- 4. Which convention dealt with elements of a State?
- 5. Which case dealt with uniform and constant usage in the definition of a material element in custom?
- 7. What are obligations of a State towards the international community as a whole?
- 8. Which treaty governs the treaties between States?
- 9. What is the law of war also known as?
- 10. Where do we find principle of *ex aequo et bono* in Article 38 of ICJ Charter?

Down

- 1. How many members of the ICJ are there?
- 2. Which principle of international law is a treaty based on?
- 6. This is a major subject of international law.



Success Stories: Interview with Mr. Ashutosh Ghag (V B.A.LL.B. - Batch of 2023)

Q. How has CIL contributed in developing your interest in international law?

A. I think CIL was the first introduction I had to how to study and work in international law- from researching, it's sources, the different fields, everything. CIL was my first step into the field.

Q. How did you develop interest in international law?

A. I think my first interest in international relations and international law came from books about America's involvement in the Vietnam war. I read a lot when I was younger, and was absolutely fascinated by how different countries could invade or just seemingly do whatever they want in other countries. As my interest in law and arguing cases developed, I combined my two interests.

Q. What are your future plans and what according to you is the secret mantra to SUCCESS?

A. My future plans are to work in

the field, either as a consultant, or hopefully as a part of an international tribunal or court. First though, is my master's.

The secret to success is that there isn't one. Just figure out what you like, do it a whole bunch, and cross your fingers.

Success Stories: Interview with Ms. Tanya Khandelwal (III LL.B. - Batch of 2023)

Q. How did you develop an interest in international law?

A. My first brush with the sphere of international relations and foreign policy was during the years when I was preparing for certain competitive examinations. It is then that this journey began and with time, while working in the field of news and journalism, my interest in the WHATs, WHYs and HOWs of foreign affairs was piqued.

Q. How has CIL contributed in developing your interest in the subject?

A. The Centre for International Law works towards helping students know of, develop and further their

Upcoming Activities

6th Biennial Responsibility to Protect in Theory and Practice Conference

The conference is hosted by the Faculty of Law, University of Ljubljana, Slovenia. It is set up as an interdisciplinary debate between scientists, experts and practitioners offering a forum for discussions and innovative thinking on the principle of Responsibility to Protect (R2P). It will be held from 11th to 12th May, 2023. For more information, see [here](#).

Call for Papers: Utrecht University Workshop – How to Find the Brakes on A Slippery Slope?

This is organized by the Montaigne Centre for Rule of Law and Administration of Justice and the Netherlands Institute of Human Rights (SIM) of Utrecht University. The deadline for submissions is 15th May, 2023. For more information, see [here](#).



interest in international law as a subject. The team - students and faculty coordinators - works towards this goal in perfect harmony. Through this process, one not only works for the CIL, but in turn gains insight into newer aspects of the field of international law. The best part: you have an amazing set of professors to guide you through the journey, who give you the space and freedom to try new things but are always there when you need their support and help.

Q. What are your future plans?

A. As of now, I plan to kickstart my professional career. However, I do intend to return to academia (for the fourth time!) and enroll in an LLM program, hopefully in an allied field.

Q. What is the secret mantra to achieve success?

A. I believe there is no single answer to that. It depends on what one's definition of success is, and accordingly, the route one chooses to achieve it may vary from person to person.

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Upcoming Activities

Call for Papers: Inaugural Volume of the Arab Yearbook of Public & Private International Law

The Yearbook is dedicated to exploring questions of public international law and private international law throughout the Arab World. The deadline for submissions is 1st October, 2023. However, submissions will be considered on a rolling basis throughout the year. For more information, see [here](#).

Call for Papers: Journal of International Law of Peace and Armed Conflict/Humanitäres Völkerrecht

This issue focuses on "International Criminal Jurisdiction." Articles focusing on other topics are equally welcome. The deadline for submissions is 15th July, 2023. For more information, see [here](#) and [here](#).