

# The High Seas Treaty — what it is, what it does, and whether we should celebrate

On **17 January 2026** the long-awaited international agreement to protect marine life on the high seas — formally the [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](#) (commonly called the High Seas Treaty or the BBNJ Agreement) — entered into force. It's the first legally binding global instrument focused specifically on biodiversity beyond national jurisdiction.

## How the agreement came about

The treaty is the product of nearly two decades of diplomacy. After the UN General Assembly decided to convene an Intergovernmental Conference in 2017, states negotiated a package covering four linked issues: marine genetic resources (and benefit-sharing), area-based management tools including marine protected areas (MPAs), environmental impact assessments (EIAs), and capacity building & transfer of marine technology. The final text was agreed in March 2023 and opened for signature later that year; a threshold number of ratifications (60) was required for it to take effect.

## How it fits with existing ocean and conservation law

The new Agreement is explicitly **an instrument under UNCLOS** (the UN Convention on the Law of the Sea). That means it does not replace UNCLOS or other sectoral rules (fisheries agreements, shipping rules, regional fisheries management organisations, the International Seabed Authority, etc.), but it *fills governance gaps*: it provides a coherent process for creating high-seas MPAs, sets standards for EIAs in ABNJ, and establishes mechanisms for cooperation, benefit-sharing and capacity building where before there was no unified legal route. At the same time, much of the treaty's practical effect will depend on how it interacts with existing organisations and whether those bodies cooperate.

## Which areas are covered

Legally the treaty applies to "**areas beyond national jurisdiction**" (ABNJ) — i.e., oceanwaters beyond any country's 200-nautical-mile exclusive economic zone and the seabed beyond national jurisdiction (often called "the Area"). In short: roughly half the planet's surface ocean. That means the treaty can be used to propose and establish MPAs in places like the Sargasso Sea, high-seas seamount chains, abyssal plains and international mid-ocean ridges.

## Who has ratified it and when it took effect

After signatures opened in September 2023, countries moved to ratify. The entry-into-force trigger was reached when 60 states ratified; following that milestone, the agreement entered into force on 17 Jan 2026. By the time of entry into force several dozen — and now

many — states have completed ratification. (Trackers maintained by civil-society coalitions and the UN list signatories and parties and provide up-to-date maps.)

## **The significance of the United States' absence**

The United States **signed** the agreement but — like several other major players historically with treaty ratification — has not completed domestic ratification. Practically, that means the U.S. is not a Party and cannot vote in the treaty's decision-making bodies; it can attend as an observer and its vessels remain subject to sectoral regimes but not to new obligations the treaty places on Parties. Politically, the absence of the U.S. weakens universality and can complicate enforcement and coordination (given the reach of U.S. scientific, commercial and naval activities), but the Agreement was deliberately negotiated to be effective even without every major power on board. Still, some of the most important practical gains — shared enforcement, data networks, and multilateral capacity building — will be easier if the largest maritime actors participate.

## **Should we celebrate this in a world where global order feels shaky?**

Yes — but cautiously. The treaty is a **rare multilateral environmental success**: after nearly 20 years of diplomacy, nations agreed text that creates tools never before available for ABNJ conservation. That is worth celebrating because it changes the legal architecture and gives conservationists and scientists new levers (MPAs, agreed EIA rules, benefit-sharing frameworks). At the same time, it is not a silver bullet. The real test will be implementation: political will to designate and police MPAs, funding and capacity building for developing states, and cooperation across sectoral institutions. In uncertain geopolitical times, the treaty's value partly lies in preserving norms and mechanisms that can outlast short-term political shifts.

## **What positive effects can we expect — and what are the limits?**

### **Positive effects likely:**

- A clear legal pathway to establish MPAs on the high seas, which could accelerate protection beyond the current tiny fraction (roughly 1%) currently conserved.
- Standardised EIAs that increase transparency before potentially damaging activities (e.g., deep-sea mining, large-scale industrial fishing).
- Mechanisms for sharing benefits from marine genetic resources and investing in capacity building and technology transfer to developing states.

### **Realistic limits and compromises:**

- The Agreement is a compromise: its success hinges on cooperation with existing sectoral bodies (fisheries commissions, the International Seabed Authority, flag states) that retain important powers. Critics warn that ABMT and MPA processes could be slow or watered down in practice.

- Enforcement remains an open question. The treaty creates processes and obligations but does not itself create a global high-seas police force; monitoring and compliance will depend on surveillance, regional cooperation and political will.
- Political fragmentation (major powers delaying ratification, geopolitical tensions) can reduce reach and ambition; conversely, patchwork implementation may still produce local wins but fall short of systemic change.

### **Bottom line**

The High Seas Treaty is a **meaningful institutional victory**: it finally provides an agreed legal framework to protect and sustainably use the biodiversity of the vast international oceans. It should be celebrated as a step forward — but with clear eyes: the treaty creates tools and norms, not immediate panaceas. Its real value will be measured in the coming years by how Parties use those tools to designate MPAs, enforce rules, share benefits fairly, and scale up science and capacity. In short: cause for guarded optimism, and a reminder that advocacy, funding, scientific collaboration and diplomacy must now shift from treaty text to implementation.