The High Seas Treaty: From Agreement to Implementation

With the High Seas Treaty now in force and its first Conference of the Parties approaching, the international community faces a critical question: how can a landmark agreement become an effective, equitable, and workable system of ocean governance?

Paper by:
The Center for Ocean Policy and Economics (COPE°)

COPE°

Northeast Maritime Institute | Center for Ocean Policy and Economics
32 Washington St., Fairhaven, MA 02719
www.thecope.org

19 November 2026

A New Chapter in Ocean Governance

The world's oceans connect economies, support international commerce, regulate the climate, and sustain ecosystems essential to life on Earth. Yet much of this environment lies beyond the jurisdiction of any single nation, making its effective management a shared international responsibility.

The high seas, which cover approximately two-thirds of the ocean's surface, have long been governed through a combination of international agreements and specialized organizations. While these arrangements regulate activities such as shipping and fishing, gaps remain in how marine biodiversity is protected across national boundaries. The **High Seas Treaty**, formally known as the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement), seeks to address these gaps.

Adopted by the United Nations in June 2023, the treaty entered into force on January 17, 2026. As of November 2026, 105 parties have joined the agreement, marking a significant milestone in international ocean cooperation. (United Nations, 2023; United Nations Treaty Collection, n.d.) However, bringing a treaty into force is only the beginning. Its long-term significance will depend on whether participating nations can establish functioning institutions, coordinate existing regulations, and translate international commitments into meaningful improvements in ocean management.

With the first Conference of the Parties (COP1) approaching in January 2027, attention is shifting from what the treaty promises to how those promises will be delivered.

What Does the Treaty Actually Do?

The BBNJ Agreement builds upon the United Nations Convention on the Law of the Sea (UNCLOS), the principal international legal framework governing maritime activities and ocean resources. Rather than replacing existing maritime regulations, it introduces additional mechanisms to conserve and sustainably use marine biodiversity in areas beyond national jurisdiction.

The treaty addresses four principal areas:

1. **Marine genetic resources:** Establishing arrangements for sharing benefits associated with genetic material from marine organisms, including potential scientific and commercial applications.
2. **Marine protected areas:** Creating procedures to establish protected areas and other management measures in international waters to conserve vulnerable ecosystems.

3. **Environmental impact assessments:** Establishing requirements to assess certain activities that may significantly affect marine environments, helping countries make more informed decisions.
4. **Capacity-building and technology transfer:** Supporting developing nations through scientific cooperation, technical assistance, and access to marine technologies.

Together, these provisions create new opportunities for international cooperation. They also raise important questions about financing, administration, enforcement, and how new requirements will interact with existing maritime activities. (United Nations, 2023; International Maritime Organization, 2026.) The treaty provides a framework for addressing these issues, but many of the procedures needed to make that framework operational must still be established.

From International Agreement to Practical Action

Throughout 2026, countries have been preparing the institutional foundations necessary to implement the treaty. The third session of the United Nations Preparatory Commission, held from March 23 to April 2, 2026, addressed financial arrangements, decision-making procedures, scientific support, and the structure of the treaty's governing institutions. Although progress was made, several issues remain unresolved, including elements of the financial rules, procedures for decision-making, and the future Secretariat's institutional arrangements. These matters will require further consideration at COP1. (Tsioumanis & Calabretta, 2026; Burger & Northrop, 2026.)

International participation has also continued to expand. The United Kingdom ratified the agreement in July 2026, while Australia and Canada joined in September. Regional cooperation has intensified as well. In October, representatives of the Caribbean Community (CARICOM) met in The Bahamas to coordinate preparations for COP1, emphasizing the importance of meaningful participation by smaller and developing nations. (United Nations Treaty Collection, n.d.; Caribbean Community, 2026.)

These developments demonstrate growing international engagement. However, the most consequential work now concerns how the treaty will function. Who will be responsible for implementing its provisions? How will decisions be made? What financial resources will be available, and how will they be distributed? How will governments and international institutions determine whether the treaty is achieving its objectives? The answers will shape both the agreement's effectiveness and the confidence of those expected to participate in its implementation.

The Challenge of Governing a Shared Ocean

One of the most complex aspects of implementing the High Seas Treaty is the number of organizations already responsible for managing maritime activities. The International Maritime Organization (IMO) oversees international shipping standards. Regional fisheries management organizations regulate fisheries within their respective mandates. The International Seabed Authority governs mineral-related activities in the international seabed Area. These institutions possess established expertise and regulatory frameworks, but their responsibilities can intersect with broader environmental concerns.

Consider a proposed marine protected area that overlaps with an international shipping route. Scientists might identify the area as an important habitat for vulnerable marine species, while shipping operators may depend on the route to move goods efficiently between major ports. Protecting the area could involve changing vessel traffic patterns or introducing additional operational measures. However, those decisions would require cooperation among participating governments, the IMO, scientists, and affected maritime stakeholders.

A measure developed without considering existing shipping regulations might create overlapping requirements. Conversely, a proposal that fails to account for the area's ecological importance could miss an opportunity for meaningful conservation. The objective should be to identify measures that address the environmental concern while remaining workable within existing regulatory and operational systems.

The treaty recognizes these complexities and requires cooperation with relevant international organizations without undermining their existing responsibilities. In January 2026, the IMO welcomed the treaty's entry into force and affirmed its willingness to support implementation within its established mandate. (International Maritime Organization, 2026.) Effective ocean governance will depend not on creating more regulation for its own sake, but on ensuring that institutions work together, responsibilities are clear, and decisions achieve their intended results.

Protecting the Ocean While Supporting Sustainable Maritime Activity

The ocean supports international trade, commercial fishing, scientific research, tourism, and emerging marine industries. These activities depend on healthy ecosystems, but they also require predictable regulatory frameworks and economically viable operating conditions. Environmental protection and economic development should therefore not automatically be treated as opposing objectives.

Marine conservation can support the long-term sustainability of ocean-dependent industries, while maritime activity can contribute valuable expertise, resources, and technological capabilities to conservation efforts. The challenge lies in developing policies that recognize these relationships.

For example, a marine protected area should be established using credible scientific evidence, clearly defined conservation objectives, and consultation with affected stakeholders. Its effectiveness should then be evaluated through monitoring and periodic review. Similarly, environmental impact assessments should provide meaningful information about potential harm without introducing unnecessary duplication or administrative complexity.

These considerations do not diminish the importance of environmental protection. They recognize that even well-intentioned policies can fall short when implementation costs, institutional capacity, or operational realities are overlooked. Ultimately, success should be measured by the outcomes achieved: healthier marine ecosystems, more sustainable resource use, and improvements in how ocean activities are managed.

Ensuring All Nations Can Participate

The High Seas Treaty also raises important questions about fairness and institutional capacity. Countries differ considerably in their access to funding, scientific expertise, technology, and administrative resources.

For Small Island Developing States (SIDS), these differences are especially significant. Many depend heavily on fisheries, maritime trade, tourism, and healthy ocean ecosystems, yet may lack the resources needed to conduct extensive marine research or maintain a continuous presence in international negotiations. The treaty seeks to address these disparities through provisions supporting financial assistance, capacity-building, and marine technology transfer.

However, the effectiveness of these commitments will depend on their implementation. Financial mechanisms must be transparent and accessible. Scientific cooperation should respond to the needs of participating countries, while technical assistance should strengthen their long-term capabilities. The 2026 preparatory negotiations illustrated the difficulties involved in establishing these arrangements, particularly regarding the treaty's financial architecture. (Tsioumanis & Calabretta, 2026; Burger & Northrop, 2026.)

For developing nations, meaningful participation requires more than representation at international meetings. It requires the ability to contribute to decisions, implement agreed measures, and benefit from the scientific and economic opportunities associated with sustainable ocean management. Without adequate resources and institutional support, the gap between international commitments and national capabilities could become a significant obstacle to the treaty's success.

What Happens Next? COP1 and the Road Ahead

The next major milestone is the first **Conference of the Parties (COP1)**, scheduled for January 11–22, 2027, at United Nations Headquarters in New York. COP1 will mark the first formal meeting of the treaty's governing body and an important transition from preparatory negotiations to operational decision-making.

Participating countries will consider several foundational issues:

Institutional arrangements: Countries must determine how the treaty's governing bodies, Secretariat, and supporting committees will function. These decisions will shape how responsibilities are assigned and how efficiently the agreement can operate.

Decision-making procedures: The adoption of rules of procedure will help establish how countries participate in negotiations, reach decisions, and resolve outstanding disagreements.

Financial arrangements: Governments will need to address how the treaty's institutions are funded and how financial mechanisms can support implementation, particularly for developing countries.

Scientific and technical cooperation: Establishing the bodies and procedures necessary to provide scientific advice will help ensure future conservation and management decisions are informed by reliable evidence.

These are not simply administrative matters. They will influence how quickly the treaty becomes operational, how accessible its institutions are, and whether countries can implement its provisions effectively. (Tsioumanis & Calabretta, 2026; United Nations, n.d.)

Upcoming Milestones

Several important dates are approaching:

- **December 12, 2026:** Deadline for states seeking to participate as parties from the opening of COP1 to deposit their instruments of ratification, approval, acceptance, or accession.
- **December 18, 2026:** Registration deadline for eligible non-governmental observers seeking to attend COP1.
- **January 11–12, 2027:** COP1's High-Level Segment, providing an opportunity for senior government representatives to address the agreement's implementation.

- **January 11–22, 2027:** COP1 will consider the institutional, procedural, and financial arrangements needed to begin putting the treaty into operation. (United Nations, n.d.; United Nations, Division for Ocean Affairs and the Law of the Sea, n.d.)

Following COP1, attention will increasingly turn toward making the treaty's institutions operational, implementing its information-sharing mechanisms, supporting scientific cooperation, and developing processes through which future conservation measures can be considered. The pace of this work will depend on the decisions reached by participating countries and the resources available to carry them out.

What Should We Be Watching?

For governments, maritime industries, researchers, and the wider public, four questions will be particularly relevant as implementation progresses.

Will the treaty strengthen cooperation among existing maritime institutions? Clear responsibilities and coordination will be necessary to prevent overlapping requirements and ensure that conservation measures complement established regulatory systems.

Will environmental measures be scientifically credible and operationally feasible? Decisions must account for environmental priorities, available evidence, and the practical implications for affected activities.

Will developing nations have the resources to participate meaningfully? Financing, technology transfer, and capacity-building will influence whether countries can fulfill their obligations and help shape future decisions.

How will success be measured? Transparent reporting, scientific monitoring, and periodic evaluation will be essential to determining whether the treaty produces lasting improvements.

These questions extend well beyond diplomatic negotiations. The decisions made under the treaty may influence how marine resources are managed, how scientific research is conducted, and how maritime industries operate for years to come.

Beyond the Agreement: Building an Effective System of Ocean Governance

The High Seas Treaty represents a significant achievement in international cooperation. Its adoption and entry into force demonstrate that countries can reach agreement on complex issues involving environmental protection, economic interests, and shared resources. But the next phase requires a different kind of cooperation. Negotiating common principles is not the same as

establishing institutions that function effectively, allocating resources fairly, or ensuring that policies achieve measurable results.

As governments prepare for COP1, the challenge is to create a system that can respond to environmental concerns while recognizing the realities of maritime activity and the differing capabilities of participating nations. That means making use of existing institutional expertise, grounding decisions in credible science, engaging affected stakeholders, and ensuring that obligations are matched by the capacity to fulfill them.

It also means accepting that successful ocean governance will require continuous evaluation and adaptation. Marine ecosystems, scientific understanding, technologies, and maritime industries will continue to evolve, and the institutions established under the treaty must be capable of responding. The decisions made at COP1 will not resolve every challenge facing international ocean governance, but they will establish important foundations for how those challenges are addressed.

The lasting significance of the High Seas Treaty will ultimately depend on whether it helps countries move beyond shared ambitions toward coordinated action, stronger institutions, and demonstrable improvements in the management of the world's oceans.

References

Burger, B., & Northrop, E. (2026, May 19). Financing the high seas: What PrepCom III settled, and what it passed on. UNSW Sydney. https://www.unsw.edu.au/news/2026/05/financing-the-high-seas-what-prepcom-settled-and-passed-on

Caribbean Community. (2026, November 4). CARICOM prepares for COP 1 on BBNJ Agreement. https://caricom.org/caricom-prepares-for-cop-1-on-bbnj-agreement/

International Maritime Organization. (2026, January 16). IMO welcomes entry into force of the BBNJ Agreement. https://www.imo.org/en/mediacentre/pressbriefings/pages/imo-welcomes-entry-into-force-bbnj.aspx

Tsioumanis, A., & Calabretta, M. (2026, April). Summary of the third session of the Preparatory Commission for the entry into force of the Agreement on Marine Biodiversity of Areas beyond National Jurisdiction: 23 March–2 April 2026. Earth Negotiations Bulletin. International Institute for Sustainable Development. https://enb.iisd.org/marine-biodiversity-beyond-national-jurisdiction-bbnj-cop-prepcom3-summary

United Nations. (2023). 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. https://www.un.org/bbnjagreement/en/bbnj-agreement/text-bbnj-agreement

United Nations. (n.d.). First meeting (11–22 January 2027). Agreement on Marine Biological Diversity of Areas Beyond National Jurisdiction. https://www.un.org/bbnjagreement/en/COP/documents/first-meeting

United Nations, Division for Ocean Affairs and the Law of the Sea. (n.d.). Conference of the Parties to the BBNJ Agreement (first meeting): Overview. Indico.UN. https://indico.un.org/event/1025501/overview

United Nations Treaty Collection. (n.d.). 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. Retrieved November 19, 2026, from https://treaties.un.org/Pages/ViewDetails.aspx?chapter=21&mtdsg_no=XXI-10&src=TREATY