



Parliamentarians for Global Action  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي

# CAMPAIGN FOR THE PROTECTION OF THE OCEANS & IMPLEMENTATION OF SDG 14

The High Seas – Unregulated and Under Attack:  
A Factsheet for Parliamentarians

Photo: Courtesy of Sean Gladwell/Getty Images



# OVERVIEW

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## WHAT ARE THE HIGH SEAS?

The high seas are the parts of the ocean that are not included in the exclusive economic zones, territorial sea or internal waters of a State, or in the archipelagic waters of an archipelagic State.<sup>1</sup> This is to say the high seas are the areas of the ocean for which no one nation has sole responsibility for management.

Geographically, the ocean constitutes approximately two-thirds of the planet and the high seas comprise 64 percent of its surface and nearly 95 percent of the ocean's volume.

Because these areas are largely far from coastlines, the myriad human activities-- and corresponding impacts on marine life in those areas-- are extremely challenging to monitor and control. The marine ecosystems in these areas are subject to negative impacts from human activities in many sectors — from shipping to marine pollution to overfishing and potentially to deep seabed mining, as well as impacts from climate change — all compounded by lack of oversight and comprehensive and coherent governance.<sup>2</sup>

This lack of monitoring and surveillance means human rights violations are abundant in the open ocean. Issues like piracy, human trafficking, abuse and enslavement on fishing vessels, smuggling of migrants, and illegal drug and arms trade thrive in these areas of the ocean that are beyond any State's jurisdiction.<sup>3</sup> Because the current governance of ocean areas beyond national jurisdiction is piecemeal and fragmented, there is no single global mechanism to establish Marine Protected Areas (MPAs) outside States' territorial seas or uniform requirements for undertaking environmental impact assessments.<sup>4</sup>

Urgent action is needed to improve fisheries management in the open ocean, and to strengthen protection of related ecosystems to prevent devastating impacts on marine biodiversity, socio-economic well-being and food security for millions of people directly dependent on those fisheries.

1. High Seas Definition, Duhaime's Law Dictionary: [duhaime.org/LegalDictionary/H/HighSeas.aspx](http://duhaime.org/LegalDictionary/H/HighSeas.aspx)

2. Areas Beyond National Jurisdiction, Global Environmental Facility: [thegef.org/topics/areas-beyond-national-jurisdiction](http://thegef.org/topics/areas-beyond-national-jurisdiction)

3. The "New" Human Rights at Sea Debate, The Maritime Executive: [maritime-executive.com/editorials/the-new-human-rights-at-sea-debate](http://maritime-executive.com/editorials/the-new-human-rights-at-sea-debate)

## A NEW LEGAL FRAMEWORK TO PROTECT THE HIGH SEAS

In 1982, the United Nations created what is now considered the Constitution for the Ocean.<sup>5</sup> This convention, named the United Nations Convention on the Law of the Sea (UNCLOS), is a comprehensive, internationally-binding treaty that addresses maritime boundaries and ensures that States understand their duties and rights within their different maritime zones (e.g. their territorial seas, contiguous zones, and exclusive economic zones). Despite its benefits, UNCLOS contains unforeseen gaps in international governance. It lacks specific requirements that are needed to ensure effective implementation of its obligations to protect the marine environment and its resources. Two previous implementing agreements, or treaties, have since been developed under UNCLOS to address this: on seabed mining,<sup>6</sup> and on fishing,<sup>7</sup> and this agreement would be the third.

The International Legally Binding Instrument under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ), also called the BBNJ Treaty, began formal negotiations in September 2018. This new treaty will be the third such treaty under UNCLOS that aims to establish a global framework to manage and conserve the biodiversity of the high seas. It also aims to address the issue of marine genetic resources in the high seas and the question of benefit-sharing, and capacity building and the transfer of marine technology.<sup>8</sup> It will be the first global treaty process related to the ocean in over 20 years.

## WHAT ARE THE BENEFITS OF THE INTERNATIONAL LEGALLY BINDING INSTRUMENT?

*Thwarting of illegal fishing: increased economic & food security for the 3 billion individuals who rely on the oceans for protein.*

*Consultation and sharing of information: ensures better cross-sectoral coordination of marine conservation and sustainability efforts.*

*More informed decision-makers: increased knowledge and collaboration lead to more beneficial policies.*

*Increased governance on the high seas: reduction of piracy, human trafficking and forced labor, illegal arms & drug trade*

*Promote conservation & sustainable use of the ocean: enables ocean to continue to play its crucial role in climate regulation & its capacity to provide resources necessary for human survival.*



4. High Seas Alliance

5. United Nations Convention on the Law of the Sea, Audiovisual Library of International Law: [legal.un.org/avl/ha/unclos/unclos.html](https://legal.un.org/avl/ha/unclos/unclos.html);

"A Constitution for the Oceans", Remarks by Tommy T.B. Koh of Singapore, President of the Third United Nations Conference on the Law of the Sea: [un.org/Depts/los/convention\\_agreements/texts/koh\\_english.pdf](https://www.un.org/Depts/los/convention_agreements/texts/koh_english.pdf); United Nations Convention on the Law of the Sea (UNCLOS), SDG Knowledge Platform: [sustainabledevelopment.un.org/topics/oceans/unclos](https://sustainabledevelopment.un.org/topics/oceans/unclos).

# HOW CAN MPs HELP TO PROTECT THE HIGH SEAS?

Status Quo	Action
<p><i>The country is not actively involved in BBNJ Treaty negotiations:</i></p>	<p>Parliamentarians can:</p> <ul style="list-style-type: none"> <li>• Pose questions to their government on their country's (limited) involvement and position on the BBNJ negotiations.</li> <li>• Write op-eds for their local newspapers and engage with the media to create more awareness about the necessity of high seas protection.</li> <li>• Share resources on the importance of the BBNJ treaty with peers and constituents.</li> <li>• Facilitate an open line of conversation between civil society/industry experts and government officials. This can be amplified by press involvement.</li> <li>• Host workshops and roundtables, inviting industry experts and other concerned stakeholders in the community to have a platform to encourage government involvement in the BBNJ Treaty negotiation process.</li> </ul>
<p><i>The country is involved in BBNJ Treaty negotiations:</i></p>	<p>Parliamentarians can:</p> <ul style="list-style-type: none"> <li>• Pose questions to their government on their country's involvement and position on the BBNJ negotiations.</li> <li>• Inquire with the responsible Ministry on whether the Ministry is ready to proceed with treaty ratification when the opportunity presents.</li> <li>• Ensure BBNJ Treaty implementation is possible within the existing national legislative framework; and if not, prepare for any necessary adaptations.</li> <li>• Ask their government to be invited to join their country's official delegation to the BBNJ Treaty negotiations to ensure their constituents' voices are being heard.</li> <li>• Urge their government to support ambitious provisions in the treaty and call for conclusion of treaty negotiations in 2020.</li> </ul>

6. Agreement on the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982: [un.org/Depts/los/convention\\_agreements/convention\\_overview\\_part\\_xi.htm](https://www.un.org/Depts/los/convention_agreements/convention_overview_part_xi.htm)

7. Agreement on the implementation of provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of fish stocks whose movements are carried out both indoors and beyond exclusive economic zones (overlapping stocks) and highly migratory fish stocks: [un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](https://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)

8. A legally binding instrument for conservation of marine biodiversity on the high seas, High Seas Alliance, [highseasalliance.org/sites/highseasalliance.org/files/HSA\\_Legally\\_Binding\\_Treaty\\_june2018\\_English.pdf](https://highseasalliance.org/sites/highseasalliance.org/files/HSA_Legally_Binding_Treaty_june2018_English.pdf)



## ABOUT PGA

Parliamentarians for Global Action (PGA) is the largest non-governmental, multi-party international network of individual legislators with approximately 1,250 members in 132 parliaments around the world that informs and mobilizes parliamentarians to advocate for human rights and the rule of law, democracy, human security, non-discrimination, and gender equality. This global network of parliamentarians acting in their individual capacity is supported by a *PGA National Group structure* in parliaments, which creates sustainability and ownership of issues at the national level, and by a Secretariat with relevant expertise. PGA is in general consultative status with the Economic and Social Council of the United Nations with headquarters in New York; its office in The Hague, Netherlands fosters cooperation with The Hague-based International Organizations, including the ICC.

For more information or to request technical assistance, kindly contact:

Leyla Nikjou (LL.M), Senior Advisor  
Oceans Campaign  
leyla.nikjou@pgaction.org

Saarah Monawvil, Program Officer  
Oceans Campaign  
saarah.monawvil@pgaction.org

Or visit our website: [pgaction.org/ilhr/protection-of-the-ocean.html](http://pgaction.org/ilhr/protection-of-the-ocean.html)

