

Parliamentarians for Global Action
[3rd Consultative Assembly of Parliamentarians for the Oceans \(CAP-Oceans\)](#)
44th Annual Forum of PGA | Hosted by the National Assembly of Seychelles
Background Note: The High Seas Treaty

What are the high seas?

The high seas, also referred to as international waters, begin 200 nautical miles from shorelines and belong to all people as the common heritage of humankind. These areas are not included in exclusive economic zones, territorial sea, internal waters, or archipelagic waters of a State. Covering 43 percent of Earth's surface with life-sustaining rich biodiversity, the high seas belonging to all people are areas beyond national jurisdiction (ABNJ) and therefore have lacked dedicated management or protection. Less than 1 percent of the high seas are fully or highly protected.

Human activities and existing stressors amplified by the climate crisis – from shipping to pollution to overfishing and the potential of deep seabed mining – compounded by a lack of oversight and comprehensive governance have [seriously degraded](#) the unique ecosystems and the species in the high seas. Marine biodiversity in areas beyond national jurisdiction (BBNJ) have uniquely developed to provide resources and services necessary for human survival.

The urgent need to protect the high seas is, in fact, the need to protect the human right of all people to a safe, healthy and sustainable environment, amongst other associated human rights.

- [Two-thirds](#) of fish stocks in the high seas are being fished beyond sustainable limits, directly fostering food insecurity and human migration with the potential to fuel wars, crime, arms trade and terrorist recruiting without accountability in the unregulated high seas.¹
- Marine genetic resources provide medicines to the medical and pharmaceutical sectors, providing ingredients that help fight cancer, arthritis, Alzheimer's disease, and heart disease.
- The oceans store 50 times more carbon dioxide than our atmosphere, while simultaneously being disproportionately affected by increasing carbon dioxide. Similarly, over 50 percent of the world's oxygen is produced by the oceans' phytoplankton, kelp and algal plankton.
- The oceans cover 70 percent of the Earth's surface, and regulate our climate and weather patterns by transporting heat from the equator to the poles. The high seas are nearly two-thirds of the world's oceans, and represents 95% of the Earth's total habitat by volume.
- The oceans provide billions of people with food and income, while marine fisheries directly or indirectly employ over 200 million people with wide-ranging economic and social costs at stake if our high seas are not protected.

¹ Additional reading available at [PGA's Parliamentary Toolkit on Ending IUU Fishing](#)

What is the High Seas Treaty?

The United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982, establishes an international legal framework for the oceans, creating obligations for States to protect and preserve the marine environment and to conserve marine resources. UNCLOS, however, also contained gaps for the specific mechanisms and processes for conserving biodiversity in the high seas. After nearly two decades of negotiations, this is no longer the case.

The *implementing 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* (BBNJ Treaty; commonly referred to as the High Seas Treaty), is the first cohesive, international and legally binding framework to specifically protect high seas biodiversity – providing a legal framework to ensure conservation and sustainable use of and access to marine genetic resources.

The Treaty was formally adopted on 19 June 2023 and opened for signature on 20 September 2023, with 75 States signing within the first two days. 83 States have now signed the historic Treaty,² marking overwhelming momentum for the protection of this global commons.

The High Seas Treaty reinforces both the [2030 Agenda for Sustainable Development](#) and the [Kunming-Montreal Global Biodiversity Framework](#)'s commitment to protect and conserve at least 30 percent of our planet's land and ocean areas by 2030. [It will](#) establish the framework for the creation of Marine Protected Areas (MPAs) on the high seas, provide increased access to information and participation in decisions relating to the high seas, ensure fair and equitable sharing of benefits derived from marine genetic resources on the high seas, establish a funding mechanism to support capacity building and the transfer of marine technology to assist with the implementation of the Treaty, and guide decision-makers on how to assess the environmental impacts of human activities in these areas.³

The High Seas Treaty will enter into force 120 days after the 60th State ratifies. Recognizing the urgent need for this historic Treaty, a multi-stakeholder approach is necessary to achieve the goal of its entry into force by the June 2025 UN Ocean Conference, co-hosted by France and Costa Rica, with parliamentarians playing a key role in protecting our oceans in order to promoting and protecting human rights for all people of present and future generations, building resilience in the face of the climate crisis, preserving essential biodiversity in the sea, and supporting the air we breathe.

[Click here for the status of your country's signature and/or ratification of the High Seas Treaty.](#)

The Role of Parliamentarians

Since 2019, under PGA's Oceans Campaign, parliamentarians have committed to working towards the [development of a](#) treaty to protect the High Seas, reinforcing their commitment in the [2019 Praia Plan of Action](#) and, two years later, in the [2021 Belmopan Plan of Action](#).

² As of 7 November 2023

³ Further reading: [High Seas Alliance Factsheet on the High Seas Treaty: A momentous milestone for the ocean and global biodiversity](#)

With the Treaty now adopted, PGA is honored to join as a Member of the High Seas Alliance, launching the *PGA Campaign for Universality and Implementation of the High Seas Treaty* in partnership with the High Seas Alliance and Pew Charitable Trusts.

Actions that parliamentarians can take:

- Pose a written or verbal parliamentary question to your government on the timeline for ratification of the High Seas Treaty, recognizing the aim for the Treaty's entry into force by the June 2025 UN Ocean Conference.
- Include the High Seas Treaty as a cross-cutting agenda item in parliamentary committee meetings, PGA National Group meetings, and other relevant discussions amongst parliamentarians.
- Ensure State signatories to the Treaty continue to make decisions and statements in line with their "*obligation not to defeat the object and purpose of a treaty prior to its entry into force.*"⁴
- Evaluate the existing national legislative framework to ensure efficient implementation of the Treaty following ratification.
- Publish op-eds, engage with media and civil society to increase awareness about the need for effective implementation of the High Seas Treaty.

This Background Note will be formalized after the 3rd CAP-Oceans as the Factsheet for Parliamentarians on the High Seas Treaty: A Historic Agreement to Protect the Ocean.

⁴ Article 18 of the Vienna Convention on the Law of Treaties