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Opinion – Why the High Seas Treaty is a Landmark Moment for Global Environmental Governance

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DANIEL DRURY, OCT 17 2025

Questions about who controls the high seas have always been a key concern in global governance. From the days of the Roman Empire when it was declared that the oceans were common to all humankind, to the early days of colonial naval dominance which was met by challenges from the likes of Blackbeard and Bartholomew Roberts in the Golden Age of Piracy, to today's complex system of Exclusive Economic Zones beyond which point the high seas are governed communally under the United Nations Convention on the Law of the Sea (UNCLOS). However, efforts to have an international agreement exclusively focused on conserving the high seas as a natural environment rather than as a resource to be exploited, have been lacking. That's why environmental activists were recently triumphant when the High Seas Treaty (the Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction), received its 60th ratification by Morocco meaning it will now take effect from January. This is a landmark moment due to its potential to improve the conservation of marine ecosystems and reverse damage to ocean life. It can also set a wider precedent for the governance of globally important ecosystems worldwide and finally demonstrates that the UN still has power and relevance in the global policy space, especially when it comes to the world's communally governed spaces.

To focus firstly on the impact on marine ecosystems, this treaty has set a new and much needed benchmark for the legal responsibility countries have to put conservation at the top of the priority list when it comes to the high seas. The high seas cover more than two thirds of the world's oceans and have long been susceptible to increasing levels of plastic pollution, overfishing, and deep-sea mining, while the warming effects of climate change have had a devastating impact on marine life. The treaty creates a legal framework for each country to establish marine protected areas which can protect vulnerable species and ecosystems. It also mandates environmental impact assessments for any activity which may adversely affect marine ecosystems and includes provisions for capacity-building and technology transfer to developing countries to ensure equity in conservation efforts. The director-general of the World Wide Fund for Nature, Kirsten Schuijt, called this a 'monumental achievement for ocean conservation.' UNCLOS began preparations for this treaty as far back as 2004 and it has been recognised for years that there needs to be a framework in place for the conservation of marine ecosystems. This treaty has been hard fought for and provides the basis for a far stronger marine environment for the future.

In terms of the precedent it sets for the governance of globally important ecosystems worldwide, this treaty can provide a blueprint for improved global governance for other key global ecosystems. Previously the high seas have been in the 'tragedy of the commons' category with pessimism around whether they can truly be effectively conserved communally. Antarctica is the only other land or sea-based example that can be pointed to where a global ecosystem has a strong international treaty which legally restrains any one country from owning it or exploiting its resources. The Earth's atmosphere also comes into the category of global commons as does outer space (although not so much a 'global' common). UNCLOS has been the main structure of governance for the high seas since 1994 but has always lacked this crucial recent element which truly restrains nations from simply exploiting resources at will. Ecosystems which are crucial to global environmental health such as the Amazon Rainforest, the Sundarbans, or the Great Barrier Reef are all crying out for similar international protection. The difference is that the high seas already had status as a global common under UN treaty. The framework was in place for countries to mutually agree this new treaty. Other ecosystems fall under the jurisdiction of one or more sovereign territories and would therefore

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require a different kind of agreement to establish legal international protection. Nevertheless, the High Seas Treaty still sets a shining example and a note of optimism from which progress towards more international treaties in a similar vein are possible.

Finally, this treaty shows that the key to future success in environmental conservation lies within the power of the UN and multilateral organisations like it. Climate change mitigation and biodiversity protection have never been goals that have been achievable in a purely structural realist system of international relations. The 'tragedy of the commons' as a game theoretical model can only be overcome when countries enter into an international agreement which is mutually enforced by an organisation which encompasses all actors. No policy area demonstrates this more clearly than environmental policy. Therefore, at a time where some of the globe's most powerful nations appear to be regressing into an isolationist mindset, it is to be celebrated that the UN have demonstrated a significant environmental breakthrough that will be a long-term force for good felt around the world.

In conclusion, the High Seas Treaty has not only been successful in providing a framework for the international community to preserve and improve marine ecosystems as a hugely important area of biodiversity and nature but has also shown the power of international treaties to protect global commons and provides a blueprint to repeat this achievement in other important ecosystems. The role of the UN also shows the importance of multilateral organisations in achieving this progress. Good news can often be hard to come by in the policy world of global environmental governance and although there is far more to do in this area, it is worth marking an occasion that pushes back on the recent political narrative from some areas that the issue of the environment and indeed of global co-operation is an uphill battle no longer worth pursuing. This treaty shows otherwise.

About the author:

Daniel Drury works on the Thinking Global podcast team at E-IR. He is a doctoral researcher in the School of International Relations at the University of St Andrews. His research focuses on the environmental governance of the Amazon region and how effective the partnership of international organisations and local government is in protecting and preserving this ecosystem. He has a professional background working in environmental policy for NGOs in Brussels. He has also written on populism in Central Europe.