Universal Ratification Deep Dive

#60toGlobal

From 60 to Global: The Importance of Universal Ratification of the BBNJ Agreement

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Summary

- The High Seas Treaty (BBNJ Agreement) is a historic step toward protecting ocean biodiversity beyond national borders.
- While 60 ratifications are needed by countries for it to enter into force, widespread ratification is essential for fair, effective, and inclusive ocean governance.
- The Treaty offers real benefits for all countries, especially for developing countries, including participation in decision-making, access to capacity building and transfer of marine technologies, and sharing of benefits from marine genetic resources.
- Without broad participation, there is a risk of fragmented ocean governance, with legal loopholes, weakened enforcement, and fragmented ocean protection. This would be a missed opportunity to address climate and biodiversity challenges collectively.
- Every country has a role to play in protecting nearly half the planet- ratifying the Treaty is a vital step forward.

The BBNJ Agreement

On 19 June 2023, the international community adopted the Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ Agreement, also known as the High Seas Treaty). The Agreement opened for signature on 20 September 2023 and was open for signature for two years until 20 September 2025. It will enter into force 120 days after 60 State ratifications. This milestone was reached on 19 September 2025, which means the Agreement will enter into force on 17 January 2026. Until then, signatories are obliged to refrain from acts that would defeat the object and purpose of the Agreement

The objective of the BBNJ Agreement is to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (ABNJ) for the present and in the long term, through effective implementation of the relevant provisions of the Convention and further international cooperation and coordination. Effectively and ambitiously implemented, the Agreement can play a key role in halting the degradation of the marine environment and biodiversity loss in ABNJ, through creation of protected areas on the High Seas, setting standards for environmental impact assessments, increasing knowledge, capacity building, and access to marine technologies, as well as ensuring fair and equitable access to the benefits of marine genetic resources. These are real, tangible benefits, especially for developing countries that have historically not had equal say on accessing and utilising High Seas resources.

[1] The High Seas Alliance (HSA) sometimes uses the term “High Seas Treaty“ as a short-hand for the BBNJ Agreement. HSA acknowledges that the scope of the BBNJ Agreement encompasses all Areas beyond national jurisdiction, including the seafloor and water column. This choice of wording is intended to ease understanding for broad audiences and does not convey a prioritization among the components or principles of the BBNJ Agreement.

What is Universal Ratification?

The strength of international agreements lies not only in their content but also in the number of parties that commit to implementing their provisions. Universal ratification means that all states ratify the Treaty and become parties. While the BBNJ Agreement requires 60 ratifications to enter into force, broader participation is essential to achieve global reach and legitimacy. Ratification by (nearly) all countries would significantly enhance the Treaty's impact.

Other examples of international environmental treaties with near universal ratification include UNCLOS with 170 parties, the UN Framework Convention on Climate Change with 198 parties, the Convention on Biological Diversity with 196 parties, and the Convention on the International Trade in Endangered Species (CITES) with 185 parties.

Universal ratification helps ensure that a diverse group of nations, including developed and developing nations, Small Island Developing States (SIDS), major maritime nations and key international and regional ocean players can meaningfully contribute to decisions on how the High Seas is governed.

Why Universal Ratification Matters

The High Seas is part of the global common–it belongs to everyone. But only through widespread participation can we ensure fair, transparent, and effective governance. Every country must have a seat at the table to help steward this shared space.

Universal ratification translates to:

- **Ensuring broad legitimacy and global buy-in:** more parties to the Treaty help build credibility and legitimacy, which in turn helps increase trust and participation in global governance.

- **Promoting coordinated global action to meet climate and biodiversity goals:** the climate and biodiversity crises are global challenges and require coordinated international responses. Universal ratification strengthens the legal foundation for collective action, making global responses to meet global biodiversity and climate goals such as the Kunming-Montreal Global Biodiversity Framework, and the target of protecting 30% of the ocean by 2030 more coherent and effective.

- **Advancing equity and inclusion in participation and decision-making among countries:** ensuring all countries are held to the same standards for environmental impact assessments promotes fairness and shared accountability. Additionally, improving access to technology, capacity and resources ensures meaningful participation by all countries, not just a few, in shaping and delivering High Seas protection and management.

- **Provides a platform to address tensions around the use and sharing of marine resources:** by creating clear rules for MPAs and EIAs, the Treaty balances the need for conservation with resource use, and provides a global forum where issues can be addressed collectively. Committing to capacity building and technology transfer for developing states helps provide a level playing field and reduces potential tensions regarding unequal access to ocean resources such as MGRs. Additionally, the Treaty includes procedures for dispute settlement, giving states a legal mechanism to resolve potential conflicts.

- **Closes Legal and Enforcement Gaps:** partial ratification can create loopholes and enforcement gaps where Treaty obligations do not apply. Universal ratification ensures consistent application of the Treaty and prevents bad actors from evading responsibilities.

- **Ensures stable financing and economies of scale for operating costs of Treaty:** the more countries that ratify, the more the financial burden of running the Treaty (Secretariat, meetings etc) is spread across parties, reducing per-country contributions. Additionally, the more countries contributing into the BBNJ Agreement's Voluntary Trust Fund and Special Fund will increase resources to ensure effective participation of developing countries, and ensure more stable and predictable financing in the long-term.

Risks of non-ratification

Countries that do not ratify will not be able to participate in the first meeting of the Conference of the Parties (CoP) and will not have a say in key decisions about the Treaty's foundational set-up, including its subsidiary bodies, rules of procedure and priorities shaping the future of the High Seas. This means missing out on influencing the chance to help shape fair, transparent ocean governance.

Conversely, the Treaty will indirectly affect non-Parties, as it requires its Parties to encourage non-Parties to adopt laws and regulations consistent with the Treaty and to promote the objectives of the Agreement in their decision making in other international fora.

Despite these measures, a large number of non-Parties would could lead to a fragmented approach to ocean governance which would risk undermining the Treaty's effectiveness and its very purpose.

Non-ratification would forfeit critical opportunities for developing countries to help strengthen capacity and access technical support and resources to advance conservation, minimize research and data gaps, prepare, conduct, and evaluate environmental impact assessments (EIAs) to prevent, mitigate, and manage adverse environmental impacts and protect and preserve the marine environment outside their waters.

Conclusion

Universal ratification of the BBNJ Agreement is not merely a symbolic goal—it is a practical and moral imperative. It will foster a cohesive international legal framework, promote justice and cooperation, and ensure that all nations contribute to and benefit from a rules-based international order for governing and sustaining the sea. The success of this Treaty and the health of our ocean depends on it.

High Seas Alliance

The High Seas Alliance is a group of 70+ non-governmental members who work together to inspire, inform and engage the public, decision makers and experts to support and strengthen High Seas governance and conservation.