

A large, monochromatic blue image of several whales swimming in the ocean, serving as the background for the entire page.

# **THE HIGH SEAS TREATY AND THE MEDITERRANEAN. WHY IT MATTERS**

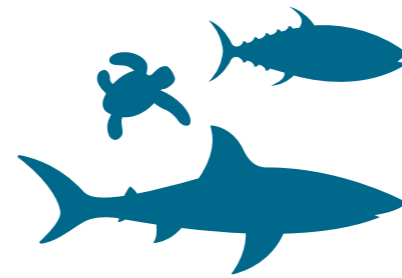
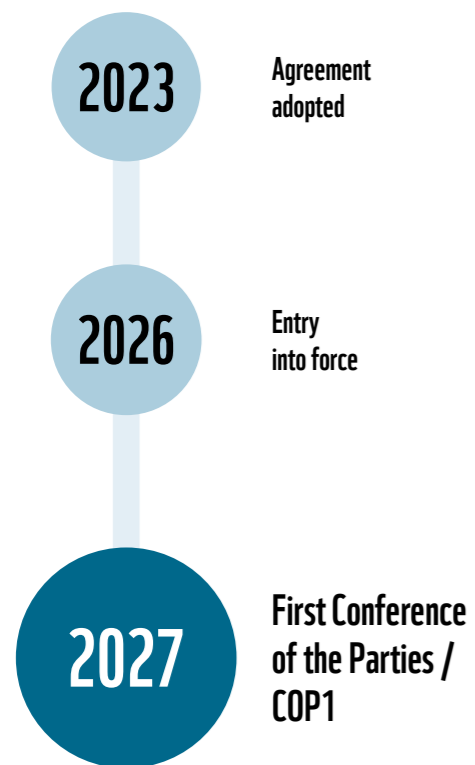
# A NEW PHASE FOR OCEAN GOVERNANCE

The 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 Agreement) has entered a new phase. As an implementing agreement under UNCLOS, the BBNJ Agreement builds on the established international legal framework governing the oceans<sup>1</sup>, while addressing longstanding gaps in the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Following its entry into force in January 2026, attention is turning to the first Conference of the Parties (COP1), scheduled for January 2027, while implementation efforts begin to take shape more broadly across institutions and regions.

This is an important political moment. Early decisions under the Agreement, including on COP Rules of Procedure, Subsidiary Bodies, the nomination of members for these bodies, as well as the design of the Clearing-House Mechanism, will help shape how the treaty functions in practice and may influence its ambition and effectiveness over time. As with other multilateral environmental agreements, the effectiveness of the BBNJ Agreement will also depend on how Parties and relevant institutions progressively operationalise its provisions through practice, cooperation, and political engagement. Effective implementation will also depend in part on the degree of alignment between participation in the BBNJ Agreement and relevant regional governance frameworks.

To date, the Agreement has eighty-nine Parties,<sup>2</sup> while ten out of twenty-two Mediterranean States are not yet Parties.<sup>3</sup> Of these, nine are members of the General Fisheries Commission for the Mediterranean (GFCM)<sup>4</sup> and all ten are Contracting Parties to the Barcelona Convention.<sup>5</sup> A diverse set of reasons can obstruct prompt ratification, accession, acceptance, or approval processes of a treaty within a country. However, becoming a Party to the BBNJ Agreement can bring significant strategic and practical benefits to Mediterranean States as implementation begins.

Against this evolving implementation backdrop, the Mediterranean offers a particularly relevant regional context for considering how the BBNJ Agreement can interact with existing marine governance frameworks. Importantly, the Agreement is consistent with UNCLOS, and it includes safeguards clarifying that its implementation does not prejudice questions relating to maritime delimitation, sovereignty, sovereign rights or jurisdiction.<sup>6</sup> Its relevance to the Mediterranean, therefore, does not depend on the resolution of all maritime delimitation questions, as many of the governance challenges it addresses – including ecological connectivity, cumulative impacts, and cross-sectoral coordination – extend beyond boundary questions. The Agreement is also open to participation by States that are not Parties to UNCLOS, making engagement possible across the full diversity of legal and political contexts in the region.<sup>7</sup>



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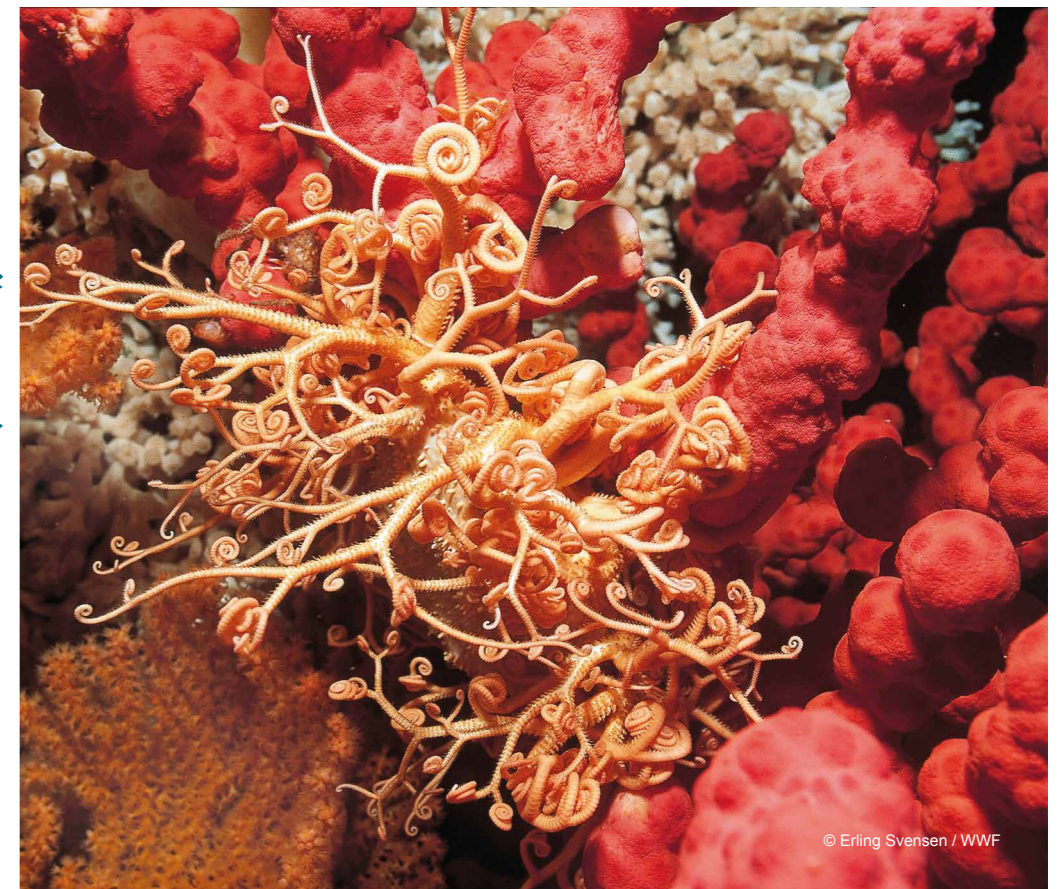
PARTIES

9

MEMBERS OF THE GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN (GFCM)

10 OUT OF 22

MEDITERRANEAN STATES NOT YET PARTIES



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*“With the High Seas Treaty now in force, we finally have the momentum to strengthen the protection and governance of the global ocean beyond national jurisdiction, and accelerate progress on the 30x30 Target. In the Mediterranean, where ocean health and human wellbeing are deeply intertwined, a shared legal framework that fosters cooperation across borders and institutions marks a new era for ocean protection.”*

**Ambassador Peter Thomson**  
UNSG’s Special Envoy for the Ocean

**Early decisions will help shape how the treaty functions in practice and may influence its ambition and effectiveness over time.**

1 As reaffirmed by United Nations General Assembly (UNGA) resolutions on oceans and the law of the sea, with the latest one being UNGA resolution 80/110 (2025), 5th preambular paragraph

2 United Nations Treaty Collection. 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. New York, 19 June 2023. Treaty Status. [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY,,&mtdsg\\_no=XXI-10&chapter=21&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY,,&mtdsg_no=XXI-10&chapter=21&clang=_en) (accessed on 14 May 2026).

3 Ibid.

4 FAO. General Fisheries Commission for the Mediterranean - GFCM. Membership. <https://www.fao.org/gfcm/about/membership/en/> (accessed on 14 May 2026).

5 UN Environment Programme (UNEP) Mediterranean Action Plan (MAP) Barcelona Convention. Contracting Parties. <https://www.unep.org/uneppmap/who-we-are/contracting-parties> (accessed on 14 May 2026).

6 BBNJ Agreement, Art. 8(3)-(4), Art. 10.

7 BBNJ Agreement, Art. 66-67

# STATE OF PLAY ON BBNJ RATIFICATION IN THE MEDITERRANEAN



\*Morocco deposited their instrument of Acceptance  
May 2026

# BRIDGING GAPS IN MEDITERRANEAN MARINE GOVERNANCE

The Mediterranean presents a uniquely complex and strategically important governance context for marine biodiversity conservation. Although it represents less than 1% of the global ocean, it hosts an estimated 18% of known marine species, with high levels of endemism and ecologically connected habitats ranging from Posidonia seagrass meadows and deep-sea ecosystems to migratory corridors used by cetaceans, sharks, tuna, and seabirds. At the same time, the region faces intense and cumulative pressures from overfishing, climate change, pollution, shipping, habitat degradation, and coastal development, making effective conservation both urgent and structurally challenging.

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As a semi-enclosed sea under UNCLOS, the Mediterranean is characterised by strong ecological interdependence across national boundaries. Species movements, ecosystem processes, pollution, and cumulative human pressures do not align neatly with jurisdictional boundaries, making regional cooperation essential. This need for cooperation has contributed to the development of an established regional governance architecture, notably through the United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) Barcelona Convention system, the GFCM, the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Svea and Contiguous Atlantic Area (ACCOBAMS), and relevant International Maritime Organization (IMO) frameworks.

Yet, important governance gaps remain. Mediterranean governance continues to be organised largely through sector-specific mandates, with biodiversity conservation, fisheries management, shipping regulation, and pollution control often progressing in parallel rather than through integrated ecosystem-based approaches.

This creates practical challenges in addressing cumulative impacts, coordinating conservation measures across sectors or across ecologically connected offshore and transboundary marine spaces that no single existing framework is mandated to address in an integrated way.

The Mediterranean is therefore more directly relevant to the BBNJ Agreement than is often assumed. While often associated primarily with remote high seas governance, the Agreement addresses a broader governance challenge that is particularly acute in the Mediterranean: how to improve cooperation, planning, and conservation across ecologically connected marine spaces spanning jurisdictions, sectors, and institutions. Although the Mediterranean has historically contained significant areas beyond national jurisdiction due to the absence of full EEZ coverage and unresolved maritime boundaries, its relevance to the BBNJ Agreement extends beyond the geography of residual high seas pockets. In this sense, the Mediterranean is not peripheral to the BBNJ Agreement's relevance, but a particularly important regional context for its implementation.

# WHAT THE TREATY MEANS FOR THE MEDITERRANEAN

The BBNJ Agreement aims to ensure long-term conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction while strengthening international cooperation and coordination.<sup>8</sup> International cooperation is a key element of the Agreement, which establishes processes to enhance cooperation with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs) to address persistent gaps in global ocean governance, cooperation processes that are particularly needed in the Mediterranean context.<sup>9</sup>

With respect to area-based management tools (ABMTs), including marine protected areas (MPAs), the Agreement creates a global framework through which Parties can propose, assess, and adopt conservation measures in ABNJ, including as part of ecologically representative and well-connected networks of ABMTs, such as MPAs. In practice, it creates opportunities for the COP to establish high seas MPAs or other ABMTs in the Mediterranean, including management through cooperation between the BBNJ Agreement COP, supported by its subsidiary bodies, and relevant IFBs in the region. It also encourages coordination with relevant regional bodies, such as the GFCM - for instance, for measures related to bottom fishing regulated by the GFCM - and the Barcelona Convention system. Effective implementation would be significantly easier where participation overlaps between the BBNJ Agreement and relevant Mediterranean IFBs, enabling smoother coordination and stronger political ownership.

Greater consistency in participation across the BBNJ Agreement and Mediterranean IFBs could also facilitate future recognition of relevant existing ABMTs. The Agreement's provisions contain a possibility for the COP to develop a recognition process for existing protected areas, including potentially for SPAMIs located in

areas beyond national jurisdiction, which could extend the reach of their management measures beyond current SPA/BD Protocol Parties.<sup>10</sup> While such a process remains to be established, its development would be significantly strengthened by broad Mediterranean participation in the BBNJ Agreement.

The EIA and SEA provisions under the BBNJ Agreement also provide an opportunity to enhance cooperation in the Mediterranean and to improve the effectiveness of EIA processes therein, especially for addressing the cumulative impacts of anthropogenic pressures on marine ecosystems. In the Mediterranean, under growing pressure from shipping, offshore energy development, pollution, coastal overdevelopment, and climate change, environmental impacts are still too often assessed through fragmented, project-by-project processes that do not adequately capture cumulative or transboundary effects.

The BBNJ Agreement offers an opportunity to help raise ambition and level the playing field by reinforcing stronger international expectations for environmental assessment, transparency, and cooperation, while supporting a shift towards more ecosystem-based and cumulative approaches that are better aligned with the realities of a highly interconnected sea. Furthermore, the EIA and SEA standards and guidelines to be developed under the BBNJ Agreement<sup>11</sup> have the potential to harmonise existing guidance and best practices, promoting policy coherence that could simplify complex and fragmented cross-jurisdictional requirements. This would complement ongoing regional efforts, including the development of Mediterranean guidance on transboundary environmental assessments that aligns with existing regional and international frameworks, thereby strengthening coherence among national, regional, and global governance systems.<sup>12</sup>

*“The Mediterranean ocean economy supports millions of people and communities, hence stronger cooperation and sound governance at international level are more urgent than ever. The entry into force of the BBNJ Agreement is a major milestone, but we have a responsibility to ensure it delivers. United efforts are essential to strengthen ocean protection and build a sustainable future for our ocean.”*

**Costas Kadis**  
European Commissioner for Fisheries and Oceans

8 BBNJ Agreement, Art. 2.

9 BBNJ Agreement, Art. 8(1).

10 BBNJ Agreement, Art. 22(4).

11 BBNJ Agreement, Art. 38.

12 United Nations Economic Commission for Europe (UNECE). Mediterranean states work towards stronger transboundary marine cooperation on environmental assessments. <https://unece.org/media/news/402946> (accessed on 15 May 2026).



# WHY MEDITERRANEAN COUNTRIES MUST RATIFY THE TREATY

The Mediterranean does not need another stand-alone governance agenda. It needs stronger tools to deliver on commitments already made.

Across the region, countries have committed to ambitious biodiversity and ocean governance objectives, from the Convention on Biological Diversity's Kunming-Montreal Global Biodiversity Framework and its 30x30 target to regional biodiversity commitments under the Barcelona Convention, fisheries sustainability objectives through the GFCM, and, for EU Member States, additional obligations under EU environmental frameworks and instruments.

Yet translating political commitments into meaningful conservation outcomes remains a persistent challenge.

The BBNJ Agreement offers an opportunity to reinforce, rather than duplicate existing efforts, by strengthening cooperation, improving implementation tools, and supporting more integrated responses to shared marine biodiversity challenges.

## FOR MEDITERRANEAN COUNTRIES THAT HAVE NOT YET RATIFIED, THE PRACTICAL CASE FOR JOINING IS CLEAR:

1

### SHAPE IMPLEMENTATION FROM THE OUTSET.

COP1 in January 2027 will adopt critical decisions on governance arrangements, implementation mechanisms, and institutional priorities. Parties will help shape these decisions; non-Parties will be limited to observer participation.

2

### STRENGTHEN REGIONAL POLICY COHERENCE.

Greater overlap between BBNJ Parties and existing Mediterranean governance frameworks can support smoother cooperation, more coherent implementation, and stronger ecosystem-based approaches.

3

### ACCESS IMPLEMENTATION SUPPORT.

For developing countries, participation provides access to capacity-building and marine technology transfer mechanisms established under the Agreement, which can support the implementation of ABMTs, EIAs, and related governance priorities.

4

### HELP ENSURE MEDITERRANEAN REALITIES ARE REFLECTED.

The Mediterranean presents distinctive governance, ecological and political dynamics. Active participation helps ensure implementation evolves in ways that reflect regional needs and practical realities.

## FOR COUNTRIES ALREADY PARTY TO THE AGREEMENT, THE PRIORITY NOW IS ACTIVE ENGAGEMENT:

1

### ENGAGE ACTIVELY IN COP1 PREPARATIONS.

Early decisions will shape how the Agreement functions in practice, including its governance arrangements, implementation and cooperation mechanisms.

2

### HELP BUILD PRACTICAL LINKS WITH EXISTING REGIONAL FRAMEWORKS.

Implementation will be stronger where cooperation with bodies such as the Barcelona Convention, GFCM, ACCOBAMS and relevant IMO processes is actively supported.

3

### IDENTIFY CONCRETE REGIONAL IMPLEMENTATION OPPORTUNITIES.

This includes exploring where the Agreement can add value in practice, including on environmental assessments, capacity building, or area-based conservation, where appropriate.

4

### SUPPORT INCLUSIVE REGIONAL PARTICIPATION.

Mediterranean implementation will be more effective if experience, technical expertise and implementation needs are shared across the region, including with countries still considering ratification.

**At a time of intensifying pressure on marine biodiversity and on ecosystem functions and services, full Mediterranean participation in the BBNJ process is not merely a procedural question. It is a strategic opportunity to strengthen regional cooperation, accelerate delivery of existing commitments, and improve conservation outcomes across the basin.**



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**Authors:** Giuseppe Di Carlo, Camille Loth, Daniela Diz

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