

# Ocean governance milestone

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**A historic treaty to protect the oceans has finally been signed off by the United Nations, can we be hopeful now?**

In 1982, the United Nations (UN) Convention on the Law of the Sea<sup>1</sup> was adopted. It represented a substantial multilateral effort to govern the oceans by introducing a comprehensive framework about how to use the oceans, including protection of the sea, the seabed, the subsoil and the marine environment. In addition to defining ocean boundaries and creating an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction, the convention established an area named the high seas that consisted of international waters in which countries maintained the right to fish, ship and do research. However, only 1.2% of these international waters was effectively protected, leaving marine life outside protected areas exposed to the impacts of overfishing, shipping and climate change. These concerns led to the next wave of negotiations aiming to agree on new protective measures, but disagreement over funding and fishing rights held up progress<sup>2</sup>. And now, 40 years after the convention was adopted, at the UN headquarters in New York in March, 193 countries agreed on the High Seas Treaty<sup>3</sup>. This unprecedented achievement in the history of ocean governance negotiations provides a legal framework to establish marine protected areas to help achieve the 30×30 target set by the UN biodiversity conference in December 2022 – protecting 30% of the oceans by 2030. The treaty will also establish a conference of the parties to enable member states to report on progress about ocean governance and biodiversity protection. In short, this



extraordinary diplomatic achievement is set to limit fishing and exploration activities as well as shipping routes to a level not seen before.

Can conservationists be hopeful? A lot of work remains to be done. Country delegates have agreed not to reopen the treaty for negotiation, but a few of them have issued statements implying their likely willingness to challenge the results. If the text does not change, each member will have to go through their national ratification process, which will be tough for several of them. And implementing the treaty will not be easy. Critical aspects of the legal framework have not been resolved yet, such as who will police marine protected areas on the high seas, how disputes will be handled and how pledged financial resources will be managed<sup>4</sup>.

Despite the hurdles ahead, the treaty represents a huge milestone for ocean governance

at a time of geopolitical tensions and economic difficulties globally. Protecting the oceans is no longer wishful thinking, it is now a tangible goal backed by a legal framework. It is time to make it happen.

Published online: 24 April 2023

## References

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3. UN delegates reach historic agreement on protecting marine biodiversity in international waters. *United Nations* (5 Mar 2023); <https://go.nature.com/40GPJFN>
4. Patrick, S. The High Seas Treaty is an extraordinary diplomatic achievement. *Carnegie Endowment for International Peace* (8 Mar 2023); <https://go.nature.com/3KBrDNA>