"High Seas Treaty" Enters into Force: How the BBNJ Agreement Becomes a Litmus Test for China-EU Cooperation in Maritime Law

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Executive Summary

- The entry into force of the BBNJ Agreement has shifted the focus from treaty-making to institution-building, making the design of procedures, bodies, and coordination mechanisms central to the treaty's effectiveness.
- In this context, the Agreement has become a meaningful litmus test for China-EU cooperation: not because the two sides must eliminate all differences, but because they must show whether they can sustain legally meaningful cooperation amid regime complexity and geopolitical uncertainty.
- The article identifies three shared challenges: preventing marine protected areas from becoming "hollow shells," reducing fragmentation and forum shopping in environmental impact assessment, and ensuring that benefit-sharing and capacity building are both deliverable and broadly legitimate.
- It argues that China-EU cooperation should focus less on broad political convergence and more on workable mechanisms, particularly through the Scientific and Technical Body, the Clearing-House Mechanism, procedural standards for high-risk activities, and delivery-oriented capacity-building arrangements.

Introduction

The entry into force of 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 moved the centre of debate from treaty making to institution building. The key question is no longer whether the treaty should exist, but how its organs, procedures, and relationships with pre-existing sectoral bodies will be shaped during the preparatory period and at the first Conference of the Parties.

This article argues that the BBNJ Agreement functions as a test case for China-EU cooperation in a specific and limited sense. It does not test whether the two sides can reach full normative convergence. It tests whether they can sustain legally meaningful cooperation under conditions of regime complexity: first, by preventing area-based management tools from being emptied out by sectoral fragmentation; second, by reducing regulatory circumvention in environmental impact assessment; and third, by giving benefit-sharing and capacity building enough institutional credibility to command broader support among treaty parties.

The article therefore contends that the significance of China-EU cooperation lies less in political symbolism than in whether both sides can help build procedures that work across overlapping regimes, rest on defensible science, and remain acceptable to states with sharply divergent distributive interests.

1. Background: Entry into Force and an Institutional Window

On 17 January 2026, the BBNJ Agreement, or "High Seas Treaty," officially entered into force. Adopted in June 2023 after nearly two decades of negotiations, the treaty establishes a legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, which cover roughly two thirds of the ocean's surface. As of March 2026, 86 states and regional economic integration organizations have become contracting parties, including both the European Union and China.[1]

Institutionally, the BBNJ Agreement has entered its most path-dependent phase. Although the treaty addresses four core issues—marine genetic resources, including the fair and equitable sharing of benefits; area-based management tools, including marine protected areas; environmental impact assessments; and capacity building and the transfer of marine technology[2]—entry into force does not itself produce operational marine protected areas, transparent environmental impact assessments, or equitable benefit-sharing. What the treaty creates instead is a set of institutions and normative commitments whose practical force will depend on decisions taken during the preparatory process and at the first Conference of the Parties (COP1). The third session of the Preparatory Commission (PrepCom III) was held from 23 March to 2 April 2026 at UN Headquarters, following earlier sessions in April and August 2025.[3] Simultaneously, the treaty requires COP1 to be convened no later than one year after entry into force, making 2026 the decisive year for designing the governance "operating system" of the new regime.

As the World Resources Institute has observed, these preparatory meetings give governments and negotiators an opportunity to shape the treaty's governing structures, institutional roles, funding arrangements, and mechanisms for technical support and knowledge-sharing.[4] In that respect, the operationalization of the Scientific and Technical

[1] "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."

[2] Directorate-General for Maritime Affairs and Fisheries, "High Seas Treaty Enters into Force."

[3] Klaudija Cremers, Julien Rochette, and Quinn Gordon, "The High Seas Biodiversity Treaty."

[4] Amy Swift and Tom Pickerell, "After 20 Years, an Agreement to Safeguard the 'High Seas' Takes

Body and the Clearing-House Mechanism is especially urgent. Yet the significance of the present institutional window is not merely administrative. Because the core rules, bodies, and practices of the new regime are still being constructed, this phase also offers a revealing setting in which to assess the prospects for China-EU cooperation under the BBNJ framework.

2. Why the BBNJ Agreement Is a Meaningful Test of China-EU Cooperation

Any assessment of China-EU cooperation under the BBNJ Agreement must be situated within the broader landscape of global ocean governance, which is increasingly shaped by US unilateralism and retreat from multilateral commitments. Although the United States participated in the BBNJ negotiations, it has not ratified the Agreement and shows no immediate sign of doing so. That position fits a longer pattern: the United States remains outside the United Nations Convention on the Law of the Sea and, in recent years, has repeatedly withdrawn from, disengaged from, or obstructed major multilateral frameworks and institutions. In ocean governance, such disengagement matters. As a major maritime power, fishing state, and scientific actor, the United States occupies a central place in the governance of the oceans; its absence from the BBNJ framework weakens the collective-action premise on which the Agreement rests.

It is under these conditions that China and the European Union acquire greater importance. The retreat of the United States does not simply leave a gap in participation; it shifts responsibility to other major actors capable of sustaining the institutional credibility of the new regime. As two of the most influential participants in the post-entry-into-force phase of the Agreement, China and the EU now carry greater responsibility for keeping multilateral ocean governance functional, rules-based, and implementation-oriented. In this sense, the BBNJ Agreement tests not only whether China and the EU can cooperate on a particular treaty, but whether they can jointly help sustain a rules-based order for the global commons at a moment when the principal architect of that order has stepped back from its maintenance.

Force."

The EU has sought to assume such responsibility through early ratification, implementation support, and continued institutional engagement. It ratified the Agreement on 28 May 2025, well before entry into force, and has presented the treaty as a milestone for ocean governance and multilateralism. At the third UN Ocean Conference in June 2025, the EU also launched the Global Ocean Programme, a €40 million mechanism designed to support implementation, particularly in developing countries.[5] China, for its part, ratified the Agreement on 15 December 2025, thereby ensuring full participation before the critical decisions of the preparatory phase and the first Conference of the Parties. In its official statements, China has stressed its willingness to work with all parties to promote the comprehensive, accurate, and effective implementation of the Agreement.[6]

This shared sense of responsibility is also visible in the emerging contest over the location of the Agreement's permanent secretariat. Official host proposals have been submitted by Belgium, proposing Brussels, by Chile, proposing Valparaíso, and by China, proposing Xiamen. The third session of the Preparatory Commission, held from 23 March to 2 April 2026, is tasked with considering the practical elements of these bids.[7] In this respect, the Brussels-Xiamen dimension is more than a technical question of venue. It shows that both the EU side and China are not merely endorsing the Agreement in the abstract, but are seeking to assume concrete institutional responsibilities during its formative phase.

To be sure, China and the EU do not approach the BBNJ Agreement from identical positions. The EU has tended to frame the Agreement in more overtly conservationist and implementation-oriented terms.[8] China, by contrast, has approached the Agreement from a more distribution-sensitive and regime-cautious position. In the negotiations on marine genetic resources, China aligned more closely with developing-country demands that the new regime be grounded in the principle of the common heritage of mankind and give real

[5] Press and Information Team of the Delegation to the UN in New York, "EU Leads Global Efforts to Protect High Seas Biodiversity."

[6] Jia Zhao, "China Deposits with UN Instrument of Ratification of Marine Protection Treaty."

[7] "China and Japan Secure Last-Minute Seat at Writing Rules for High Seas Treaty."

[8] Directorate-General for Maritime Affairs and Fisheries, "High Seas Treaty Enters into Force."

weight to fair and equitable benefit-sharing, whereas the EU's earlier position was more closely associated with preserving freedom-of-the-high-seas logic in relation to access to marine genetic resources.[9] China has also repeatedly stressed that the BBNJ Agreement must not undermine existing legal instruments, frameworks, and sectoral bodies, reflecting a stronger concern with preserving the authority of institutions.[10] These differences are therefore not merely rhetorical. They reveal a real divergence between the EU and China. Yet it is precisely for that reason that the Agreement functions as a meaningful test of China-EU cooperation. In the absence of US participation, the issue is not whether China and the EU can erase those differences, but whether they can manage them well enough to prevent the new regime from being hollowed out by fragmentation, distributive mistrust, and geopolitical drift.

3. Three Shared Challenges for China-EU Cooperation on BBNJ Agreement

(1) Preventing Marine Protected Areas from Becoming "Hollow Shells"

The BBNJ Agreement authorises the establishment of marine protected areas in areas beyond national jurisdiction, providing a legal basis for the conservation of marine biodiversity in the high seas and the Area, namely the international seabed area beyond national jurisdiction. That authority is central to the global "30x30" target—protecting 30 percent of the ocean by 2030—agreed at CBD COP15,[11] given that less than 1 percent of international waters are currently fully protected.[12]

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[9] United Nations General Assembly, "Development of an International Legally-Binding Instrument 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"; Nengye Liu and Shirley V. Scott, "China in the UNCLOS and BBNJ Negotiations, Yesterday Once More?," 181-82.

[10] Liu and Scott, "China in the UNCLOS and BBNJ Negotiations," 182.

[11] Conference of the Parties to the Convention on Biological Diversity, 15/4. *Kunming-Montreal Global Biodiversity Framework*, 9.

[12] "Protecting Half the Planet: A New High Seas Biodiversity Treaty in 2020."

Yet the path from treaty authority to effective protection is institutionally complex. The core difficulty is that the BBNJ Agreement does not displace existing sectoral regimes with jurisdiction over activities in areas beyond national jurisdiction. As the World Resources Institute has explained, the High Seas Treaty is designed to operate alongside existing legal instruments, frameworks, and bodies, such as regional fisheries management organizations and existing fisheries agreements. As a result, even if the Conference of the Parties establishes a high seas marine protected area, fishing quotas remain determined by regional fisheries management organizations, shipping rules by the International Maritime Organization, and deep seabed mining by the International Seabed Authority.[13]

This institutional landscape creates a clear risk: marine protected areas may become "hollow shells"—areas designated on maps but lacking effective regulatory measures for the activities that most seriously affect marine biodiversity. As some scholars observe in their analysis of environmental impact assessment provisions in high seas marine protected areas, fragmentation arising where members of the relevant international frameworks or bodies do not ratify the Agreement poses a basic obstacle to effective implementation.[14] The issue is not merely theoretical. Existing high seas marine protected areas - including the Pelagos Sanctuary in the Mediterranean, the North-East Atlantic marine protected areas, the South Orkney Islands Southern Shelf Marine Protected Area in the Antarctic, and the Ross Sea Region Marine Protected Area - operate under different institutional arrangements with varying degrees of integration with sectoral regimes. The BBNJ Agreement must therefore navigate this pre-existing landscape while developing mechanisms for coordination and coherence.

Two legal provisions make that task more difficult. The first is the "not undermine" proviso, which requires the BBNJ Agreement to be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks or the mandates of relevant global, regional, subregional, and sectoral bodies. Politically, the proviso was necessary. Legally, however, it creates uncertainty about the relationship between BBNJ institutions and

[13] Swift and Pickerell, "After 20 Years, an Agreement to Safeguard the 'High Seas' Takes Force."

[14] Yong Wang and Xin Pan, "Application of the Environmental Impact Assessment Provisions under the BBNJ Agreement in High Seas Marine Protected Areas," 1.

existing regimes. That uncertainty may in turn obstruct effective coordination.[15]

The second is the "due regard" principle, derived from UNCLOS, which requires states and international bodies to give due regard to the rights and duties of other states and the mandates of other competent international organizations. In a setting of overlapping institutional mandates, its operation remains unclear. The principle may therefore enable different regimes to invoke deference to their respective competences without producing meaningful coordination.[16]

For China and the EU, this challenge is acute. Both have substantial interests in sectors directly affected by marine protected areas: China has a large distant-water fishing industry, while the EU and its member states are deeply engaged in maritime transport and marine living resources.[17] Both also operate within existing sectoral frameworks, including regional fisheries management organizations, whose cooperation will be essential if marine protected areas are to become operational rather than merely symbolic. The litmus test is whether they can work together to develop coordination mechanisms that give practical effect to conservation measures adopted under the BBNJ Agreement.

(2) Environmental Impact Assessments for High-Risk Emerging Activities and Transparency

The BBNJ Agreement's environmental impact assessment provisions mark a significant development in the legal framework for protecting marine biodiversity. Article 1 defines environmental impact assessment as a process for identifying and evaluating the potential impacts of an activity in order to inform decision-making. The Agreement requires assessments for activities that may cause substantial pollution or significant and harmful changes to the marine environment, and it sets out procedural requirements including screening, scoping, impact assessment, public notification and consultation, and the

[15] Wang and Pan, "Application of the Environmental Impact Assessment Provisions," 17.

[16] Wang and Pan, "Application of the Environmental Impact Assessment Provisions," 7-8.

[17] Xinhua News Agency, "Development of China's Distant-Water Fisheries"; EU Blue Economy Report 2025.

preparation of assessment reports.

Crucially, the BBNJ Agreement's environmental impact assessment provisions apply not only to activities conducted under the treaty's own framework but also stress that information must be shared and coordinated through the treaty's mechanisms even where activities are managed by other governance bodies. As the United Nations Environment Programme has noted, this includes companies planning large-scale commercial activities, including deep sea mining, which are required to conduct environmental impact assessments before commencing operations.[18]

The application of these provisions to deep seabed mining illustrates the difficulty of coordination. The International Seabed Authority, established under UNCLOS Part XI, is responsible for organizing and controlling activities in the Area, including deep seabed mining. The Authority has been developing the "Mining Code"—set of regulations for exploration and exploitation of deep seabed minerals—but this regulatory framework remains incomplete,[19] while numerous exploration contracts have already been granted.[20] Against that background, the BBNJ Agreement's environmental impact assessment provisions raise several difficult questions. If the International Seabed Authority's environmental impact assessment requirements are less stringent than those of the BBNJ Agreement, or if they operate at different temporal or spatial scales, which standard governs? If a state party to the BBNJ Agreement sponsors deep seabed mining through the International Seabed Authority framework, is it subject to obligations under both regimes, and if so, how are those obligations to be reconciled?

As Friedman's analysis suggests, if the International Seabed Authority's environmental impact assessment is treated as "equivalent" to the BBNJ Agreement's requirements, then where the impact of mining activities falls below the BBNJ Agreement's threshold, the treaty's environmental impact assessment standards do not apply. That creates a risk of

[18] "What Is the International Agreement to Protect the High Seas and Why Is It Important?."

[19] "Summary Report, 7–25 July 2025: 2nd Part of the 30th Annual Session of the International Seabed Authority."

[20] "Exploration Contracts."

"forum shopping," in which states or enterprises favour institutional pathways with lower assessment thresholds.[21]

For China and the EU, this challenge engages important interests. China holds multiple exploration contracts with the International Seabed Authority and has emerging deep-sea mining capabilities. Several EU member states also sponsor deep-sea mining exploration, and the EU has invested in research on deep-sea ecosystems and mining impacts. The litmus test is whether China and the EU can cooperate to develop procedural consensus on environmental impact assessment thresholds and on mechanisms for assessing cumulative and transboundary impacts, so that the BBNJ Agreement strengthens environmental protection rather than adding to regulatory fragmentation.

(3) Benefit-sharing and Capacity Building—Avoiding Structural Inequality

The BBNJ Agreement's provisions on marine genetic resources and benefit-sharing address a basic question of equity: how to ensure that benefits derived from genetic resources in areas beyond national jurisdiction are shared fairly and equitably, including through capacity building and technology transfer to developing states. These provisions respond to a long-standing pattern in which biodiversity-rich developing countries bore conservation costs while technologically advanced states captured a disproportionate share of the benefits.

The operationalization of benefit-sharing, however, raises difficult questions of institutional design and distribution. As the analysis of EU approaches to marine genetic resources notes, developing and developed countries continued to differ sharply during the BBNJ negotiations over how marine genetic resources should be regulated. The EU's proposed approach, while grounded in legal and scientific considerations, also reflected a relatively cautious position and reliance on principle-based provisions that may weaken the binding force of the implementing framework in practice.[22]

[21] Shani Friedman, "The Interaction of the BBNJ Agreement and the Legal Regime of the Area," 2-3.

[22] Haomei Li, "International Governance of Marine Genetic Resources in Areas Beyond National Jurisdiction," 72.

The problem is compounded by the digitalization of genetic sequence information. As the Korean Ministry of Oceans and Fisheries has noted, digital sequence information - data in which the genetic information of marine organisms is converted into digital form and stored and utilised - falls within the scope of benefit-sharing obligations, but the mechanisms for tracking and valuing such information remain underdeveloped.[23]

The capacity-building dimension of benefit-sharing raises parallel concerns. The EU has pledged substantial resources through its Global Ocean Programme, positioning itself as a major contributor to implementation support. China has experience in marine scientific research cooperation and training programmes with developing countries. Yet without transparent mechanisms for identifying capacity needs, allocating resources, and assessing outcomes, capacity-building efforts may become fragmented, duplicative, or misaligned with recipient-country priorities.

More fundamentally, benefit-sharing provisions may encounter implementation problems similar to those seen under UNCLOS Part XI, where mandatory technology transfer and the redistribution of seabed mining revenues met strong opposition from developed countries concerned about costs and the competitiveness of their enterprises.[24] The litmus test is whether China and the EU can work together to design benefit-sharing and capacity-building mechanisms that are both deliverable and regarded as legitimate across the full range of treaty parties.

4. Actionable China-EU Cooperation: From Proposals to Mechanisms

The shared challenges identified above are not simply obstacles to be managed; they also create opportunities for joint institution-building. This section sets out practical cooperation proposals for China and the EU in the lead-up to PrepCom III and COP1.

[23] "International Convention for the Protection of Biodiversity Beyond National Jurisdiction, Including the High Seas, Enters into Force."

[24] Friedman, "The Interaction of the BBNJ Agreement," 4.

(1) Jointly Supporting the Two Infrastructures: Scientific and Technical Body and Clearing-House Mechanism

The Scientific and Technical Body and the Clearing-House Mechanism constitute the operational core of the BBNJ Agreement's institutional architecture. The Scientific and Technical Body is tasked with providing scientific advice on marine protected areas, environmental impact assessments, and other technical matters. The Clearing-House Mechanism serves as a centralised platform for information-sharing, identification of capacity-building needs, and coordination of support among parties.

Both institutions must be operationalized through decisions at PrepCom III and COP1. As IDDRI has documented, discussions at Preparatory Commission meetings have focused on the operational logistics of the treaty's key bodies, including the terms of reference and modalities of the Scientific and Technical Body and the interim arrangements needed to ensure that the Clearing-House Mechanism is functional upon entry into force.[25]
China and the EU bring complementary strengths to this task. The EU has extensive experience with scientific advisory bodies in environmental and fisheries governance, including the International Council for the Exploration of the Sea and the Scientific, Technical and Economic Committee for Fisheries. China has developed substantial marine scientific research capacity and has experience with data-sharing platforms in regional contexts. Joint support for these institutions could take several forms:

First, China and the EU could jointly propose detailed terms of reference for the Scientific and Technical Body that secure scientific independence, balanced geographical representation, and effective linkages with existing scientific bodies. This could include provisions for drawing on expertise from regional fisheries management organizations, the International Seabed Authority, and other relevant institutions, thereby addressing the coordination problems identified above.

Second, China and the EU could cooperate in designing the Clearing-House Mechanism so

[25] Cremers, Rochette and Gordon, "The High Seas Biodiversity Treaty."

that it is interoperable with existing data platforms and accessible to users from developing countries. This could include support for capacity building in data management and use, thereby addressing the transparency problems identified above.

Third, China and the EU could jointly fund pilot projects demonstrating the operational value of these institutions and thereby build confidence among treaty parties that the mechanisms can deliver practical benefits. Such projects could focus on specific sea areas or activities where data-sharing and scientific advice are especially needed.

(2) Procedural Consensus on High-Risk Activities

The challenge of ensuring that environmental impact assessments cover high-risk emerging activities without generating further regulatory fragmentation calls for procedural consensus on minimum standards. As the discussion above indicates, the risk of forum shopping and fragmented standards is real, particularly in relation to deep seabed mining, where the International Seabed Authority's regulatory framework remains incomplete. At least at present, China and the EU do not appear to take the same view of the future of commercial deep seabed mining. The EU has adopted a more cautious position on whether such mining should move forward,[26] while China is better understood as emphasizing continued rule-development within the International Seabed Authority framework rather than endorsing a moratorium.[27] China-EU cooperation should therefore not focus only on reconciling their broader policy preferences, but more on developing procedural consensus on minimum environmental impact assessment standards for high-risk activities, including thresholds for triggering assessment, disclosure obligations, cumulative and transboundary impact assessment, and monitoring requirements.

More specifically, China and the EU could jointly propose that COP1 adopt a set of

[26] Committee on Fisheries, "Report on the Role of Ocean Diplomacy for the Competitiveness of EU Fisheries and Aquaculture."

[27] Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson's Remarks on Environmental Protection Organizations Saying the Chinese Delegation Obstructed Discussions on a Moratorium on Deep-Sea Mining."

minimum baseline standards for environmental impact assessments applicable to all activities in areas beyond national jurisdiction, regardless of the institutional framework under which they are conducted. Such standards could address four issues. First, greater precision is needed on when an assessment must be required, including how significance thresholds, cumulative effects, and scientific uncertainty are to be taken into account. Second, more clarity is needed on information disclosure, especially as to what data should be made public, through which mechanisms, and in what form, while preserving legitimate commercial confidentiality. Third, the regime must be able to address cumulative and transboundary impacts, so that assessment extends beyond the immediate site of an activity to its wider ecological consequences and interactions with other activities. Fourth, precautionary requirements should be further elaborated, particularly through monitoring and adaptive-management mechanisms capable of responding to scientific uncertainty over time.

Such minimum baseline standards would not replace the specific environmental impact assessment requirements of sectoral regimes, but they would promote compatibility and reduce the emergence of "low standard" pathways. They would give operational effect to the BBNJ Agreement's emphasis on information-sharing and coordination without requiring amendment of existing institutional mandates.

In addition, China and the EU could promote a formal information-sharing arrangement between the BBNJ Clearing-House Mechanism and the International Seabed Authority, ensuring that environmental impact assessments conducted under either framework are accessible through both. This would address fragmentation concerns and facilitate the assessment of equivalence between different systems.

(3) Delivery-Oriented Capacity Building and Benefit-Sharing

China and the EU could also work together to advance a practical agenda for capacity building and benefit-sharing under the BBNJ Agreement. This agenda should clarify the forms of support to be provided, including training, technical assistance, equipment, data access, and opportunities for scientific cooperation. It should also establish transparent

procedures for application, selection, and allocation so as to ensure fairness and predictability in implementation. At the same time, public reporting and regular review should be strengthened in order to assess outcomes, identify remaining gaps, and improve the effectiveness of capacity building over time.

The complementarity of Chinese and EU capacities matters here. The EU has extensive experience with project-based funding and technical assistance, including monitoring and evaluation systems. China has established cooperation networks with developing countries, experience in the implementation of training programmes, and operational capacity in marine scientific research. Joint design and implementation of capacity building initiatives could combine these strengths while demonstrating that the BBNJ Agreement's benefit-sharing provisions are capable of being carried out in practice.

(4) Embedding Cooperation in Existing China-EU Dialogues

The risk of institutional proliferation and duplication is real in ocean governance. The BBNJ Agreement creates new institutions, but its effectiveness depends on coordination with existing mechanisms. The same point applies to bilateral China-EU cooperation. China and the EU have established dialogue mechanisms on ocean affairs, including the China-EU Blue Partnership mechanism. These frameworks provide platforms for discussing policy priorities, sharing information, and coordinating positions. Embedding BBNJ cooperation within these dialogues offers several advantages:

First, it avoids creating parallel structures that would raise transaction costs and complicate coordination. Working through established channels makes use of existing relationships and institutional memory.

Second, it facilitates the integration of BBNJ issues into broader ocean governance discussions. Marine protected areas, environmental impact assessments, and capacity building intersect with fisheries management, shipping regulation, and marine scientific research—all of which already fall within the scope of existing China-EU dialogues.
Third, it signals continuity and commitment. Demonstrating that BBNJ implementation is a

priority within the broader China-EU ocean partnership—rather than a stand-alone initiative—reinforces the point that ocean governance remains an area of constructive engagement even when other aspects of the bilateral relationship are under strain.

5. Conclusion

The entry into force of the BBNJ Agreement marks not the end of negotiations, but the beginning of institution building. Its long-term effectiveness will depend on how key mechanisms are designed and implemented during the preparatory process and at COP1. In this sense, the Agreement serves as a litmus test for China-EU cooperation in maritime law: not because the two sides must agree on every issue, but because they must show whether they can work together in a complex multilateral setting to build institutions that are scientifically credible, procedurally workable, and broadly accessible. At a time when unilateralism continues to weaken multilateral governance, such cooperation will matter not only for the future of marine biodiversity beyond national jurisdiction, but also for the wider prospects of rules-based ocean governance.

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The author is grateful to Mr.Yang Li, Executive Director of ICES, for his valuable guidance and thoughtful comments on earlier drafts of this article.

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