

The Protection of the High Seas and the Politics of Maritime Sovereignty

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With the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ) entering into force in January 2026 as a legally binding international treaty, a significant governance gap concerning areas beyond national jurisdiction (ABNJ) is being addressed. These areas cover, **at a global level, nearly two-thirds of the world's oceans**, which are subject to cumulative pressures from overfishing, climate change, ocean acidification, and pollution. Until now, their management has been carried out only through fragmented sectoral bodies, without a horizontal framework for conservation and protection. The Agreement is not merely an environmental regulation; rather, it constitutes a spatial regulation of uses within international waters - in other words, a de facto international maritime spatial planning framework.

From the perspective of marine environmental protection, the Agreement establishes a legal framework for spatial management tools, including Marine Protected Areas (MPAs), as well as Environmental Impact Assessments (EIAs) for activities that may affect marine life and ecosystems in these areas. For the first time, therefore, a coordinated mechanism for managing human activities in areas beyond national jurisdiction (ABNJ) is being created. This mechanism is based on ecological risk rather than exclusively on economic interests.

Equally significant is the fact that the Agreement promotes equity and strengthens the development of countries that have historically had limited access to ocean resources. It establishes a framework for the responsible use of marine genetic resources, ensuring that the benefits derived from them are shared in a manner that supports all Parties. At the same time, by introducing binding obligations for capacity-building and the transfer of marine technology, the Agreement enables developing states to participate meaningfully in marine

research, monitoring, and innovation, thereby contributing to bridging scientific and technological inequalities.

The BBNJ Agreement is explicitly embedded within the institutional architecture of UNCLOS, reinforcing the understanding that marine protection, scientific knowledge, and the sustainable use of resources are integral components of the international legal order. In the Eastern Mediterranean, where UNCLOS is currently being challenged in practice, it is evident that the political significance of the BBNJ Agreement far exceeds its environmental content. It is therefore clear that this development does not concern only the global oceans. It directly concerns Greece, the Aegean Sea, and the Eastern Mediterranean - not only as ecosystems, but also as arenas for the exercise of sovereignty, rights, and geopolitical strategy.

Particularly for Greece, the Agreement highlights a critical reality: **marine protection is not neutral**. Marine parks, marine protected areas, and spatial management tools and programmes are not merely environmental interventions. They are acts of spatial organization, exercises of jurisdiction, and expressions of institutional presence. When such measures are designed without Maritime Spatial Planning (MSP), without a clear connection to Exclusive Economic Zones (EEZs), and without a coherent legal and political strategy, they entail risks for the country's position, including the risk of undermining its power.

As already noted above, the BBNJ Agreement introduces for the first time a coherent framework for marine protected areas (MPAs) on the high seas and mandatory environmental impact assessments for activities with cumulative impacts. This logic stands, as expected, in direct opposition to revisionist practices that treat the sea as a "grey zone" of power rather than as a regulated space governed by law.

Within this context, Greek policy regarding the delineation of EEZs, marine parks, and other marine protection areas cannot remain fragmented or merely communicative. Without institutionalized maritime spatial plans submitted to the European Commission, as required; without clear mapping of marine uses and rules for the spatial organization of maritime space; without linkage to existing EEZs; and without explicit invocation of international law, any environmental initiative risks being geopolitically instrumentalized to our detriment.

The BBNJ Agreement offers Greece a dual opportunity: on the one hand, to strengthen the international legitimacy of its position in favor of UNCLOS and multilateral governance; on the other, to substantially upgrade Maritime Spatial Planning as a tool of national strategy and geopolitical power, rather than as a matter of mere formal compliance with European directives.

The sea is not a neutral environment. On the contrary, it is a space of law, ecology, economy, and political power. Countries that ignore this reality simply cede to others the definition and organization of this invaluable common good.