



General Assembly

Seventy-seventh session

95th plenary meeting
Tuesday, 1 August 2023, 10 a.m.
New York

Official Records

President: Mr. Körösi (Hungary)

The meeting was called to order at 10 a.m.

Agenda item 72 (continued)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Draft resolution (A/77/L.82)

Draft amendment (A/77/L.83)

The President: I now give the floor to the representative of Singapore to introduce draft resolution A/77/L.82.

Mr. Gafoor (Singapore): I have the honour to introduce draft resolution A/77/L.82, entitled “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”. On behalf of my delegation, I would like to thank all Member States for their constructive engagement during the consultations on the draft resolution.

Member States will recall that the recently concluded Intergovernmental Conference on a legally binding instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) adopted the BBNJ Agreement by consensus on 19 June. The draft resolution that we have submitted today is essentially a procedural draft resolution that aims to follow up on the initial essential

matters pertaining to the eventual operationalization and implementation of the BBNJ Agreement.

Operative paragraph 1 of the draft resolution welcomes the adoption of the BBNJ Agreement. As everyone here knows, the adoption of the BBNJ Agreement was the culmination of nearly two decades of work in the General Assembly and was of course commended and widely celebrated by members of the international community. In essence, the BBNJ Agreement constitutes a major milestone for the rule of law in ocean governance, and I should also add that its adoption has strengthened multilateralism and the role of the United Nations in finding solutions to global challenges.

Please allow me to continue to explain the draft resolution that we submitted.

Operative paragraphs 2 to 4 relate to the Secretary-General's functions under the BBNJ Agreement. In line with the recommendations of the Intergovernmental Conference to the General Assembly, operative paragraph 2 approves the assumption by the Secretary-General of the functions assigned to him under the BBNJ Agreement, including the depositary functions and the performance of the interim secretariat functions under the Agreement. Operative paragraph 3 requests the Secretary-General to make budgetary proposals for the additional work that the Secretariat will undertake in connection with the Agreement, and operative paragraph 4 requests the Secretary-General, as depositary of the Agreement, to open it for signature on 20 September 2023.

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Based on the strong support for the BBNJ Agreement and for its early entry into force, operative paragraph 5 calls for States and regional economic integration organizations to consider becoming party to the Agreement as soon as possible. Operative paragraph 6, which provides for the inclusion of a new sub-item on the Agreement in the provisional agenda of the next session of the General Assembly, was included based on the expressions of support at the further resumed fifth session of the Intergovernmental Conference for consideration to be given to efforts to support the early entry into force of the Agreement and its early implementation, including through a preparatory process such as a preparatory commission.

Singapore calls on all Member States to vote in support of draft resolution A/77/L.82, as submitted and without any amendments. I would like to take this opportunity to share with everyone here that Singapore will vote in favour of the draft resolution, as submitted, and will also vote against the proposed amendments to it contained in document A/77/L.83. In our view, the proposed amendments are not in line with the spirit and substance of the draft resolution that we have presented. We believe that the amendments seek to delete important elements of the draft resolution and that they are at odds with what the draft resolution seeks to achieve and aimed at minimizing the attention and consideration that ought to be given to the great collective achievement of Member States that the BBNJ Agreement represents.

We once again call on all Member States that support the BBNJ Agreement and its early entry into force to accordingly give their kind support to the draft resolution, as submitted by Singapore, without any amendments.

The President: I now give the floor to the representative of the Russian Federation to introduce draft amendment A/77/L.83.

Mr. Leonidchenko (Russian Federation) (*spoke in Russian*): Draft resolution A/77/L.82, which is before us today, concerns an agreement that has not yet entered into force. At the diplomatic conference devoted to its consideration, our delegation showed significant flexibility. We understood how important 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 is to developing countries. For

that reason, despite the fact that the Agreement was totally unacceptable to our delegation, we displayed unprecedented flexibility. My country distanced itself from the consensus in the adoption of the text of the international agreement in question. We also emphasized that our flexibility should not imply that our position is a weak one. We stated quite clearly that we had no plans to participate in the forthcoming international agreement.

Considering that today's draft resolution was presented by its Singapore facilitators as a purely technical document, we were again prepared to show reasonable flexibility. If indeed the draft text had gone no further than addressing the administrative and budgetary issues related to the new Agreement, my delegation could have limited itself to distancing itself from the consensus, and we said that very clearly from the very beginning of the consultations. Regrettably, the draft text under consideration today cannot be seen as a technical document. It goes significantly further and includes several elements of a political nature, specifically operative paragraphs 1, 5 and 6, in which the adoption of the Agreement is welcomed, there is a call for considering the possibility of ratifying the Agreement as soon as possible to ensure its early entry into force and provision is made for adding a sub-item on the new Agreement to the item "Oceans and the law of the sea" on the draft agenda of the General Assembly at its seventy-eighth session.

Considering the position of the Russian delegation on the Agreement, those provisions are completely unacceptable to us and demand that the draft resolution be put to a vote, where we would vote against it. We have no choice. However, we have decided to try to find a way to give consensus another chance. The sole purpose of Russia's draft amendment A/77/L.83 is removing the politicized elements I mentioned from the draft resolution and restoring its purely technical nature. We hope that all delegations will support that approach.

The President: We shall now proceed to consider draft resolution A/77/L.82 and draft amendment A/77/L.83.

I give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): I will read out two oral statements. The first is about draft resolution A/77/L.82

and the second is about draft resolution A/77/L.82 as amended by draft amendment A/77/L.83.

The present oral statement is made in the context of rule 153 of the rules of procedure of the General Assembly and has also been distributed to Member States. Under the terms of operative paragraphs 2, 3 and 6 of the draft resolution, the General Assembly would

“Approve the assumption by the Secretary-General of the functions assigned to him under 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, including the depositary functions and the performance of the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions [paragraph 2];

“Request the Secretary-General to make proposals in the context of the proposed programme budget for 2024 in order to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs to undertake activities to promote a better understanding of the Agreement and to prepare for the entry into force of the Agreement and perform the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions [paragraph 3]; and

“Decide to include on the provisional agenda of its seventy-eighth session, under the item entitled ‘Oceans and the law of the sea’, a sub-item entitled ‘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’ [paragraph 6].

“In order to meet the request to undertake activities to promote a better understanding of the Agreement to prepare for the entry into force of the Agreement, perform the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions and support any informal consultations of Member States, including under the proposed sub-item, ‘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’, as per operative paragraphs 2, 3 and 6, the Secretariat would need to significantly expand its activities under subprogramme 4, ‘Oceans and the Law of the Sea’ of the Office of Legal Affairs.

“The implementation of the request to undertake activities to promote a better understanding of the Agreement, prepare for the entry into force of the Agreement and support any informal consultations of Member States, including under the proposed sub-item, ‘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’, will give rise to programme budget implications in the context of the proposed programme budget for 2024. At this stage, it is estimated that the annual budget implications for 2024 and beyond would be in the range of \$2.5 million and \$3.2 million on an ongoing basis, until the secretariat to be established under article 50 of the Agreement commences its functions. The budget implications would cover both non-post resources and temporary post resources. The preparation of a detailed cost estimate will require further consultations with the relevant offices and will therefore be presented at a later stage, through a revised estimates report for 2024, during the main part of the seventy-eighth session of the General Assembly.

“The further implementation of the request to prepare to perform secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions and to perform such functions will give rise to additional programme budget implications. However, the extent and nature of these requirements will be informed by future decisions of the General Assembly —, including a possible decision on the convening of a preparatory process, which are expected to be taken during the seventy-eighth session of the General Assembly, either under the agenda item entitled ‘Oceans and the law of the sea’ or under the proposed sub-item, entitled ‘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’. The General Assembly will

be advised on the specific budgetary implications prior to taking such future decisions, in line with rule 153 of the Assembly's rules of procedure."

I will now read out the oral statement in connection with draft resolution A/77/L.82, as amended by A/77/L.83.

The present oral statement is made in the context of rule 153 of the rules of procedure of the General Assembly and has also been distributed to Member States. Under the terms of operative paragraphs 2 and 3 of draft resolution L/77/L.82, as amended by draft amendment A/77/L.83, the General Assembly would

"Approve the assumption by the Secretary-General of the functions assigned to him under 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, including the depositary functions and the performance of the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions [under paragraph 2];

"Request the Secretary-General to make proposals in the context of the proposed programme budget for 2024 in order to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs to undertake activities to promote a better understanding of the Agreement and to prepare for the entry into force of the Agreement and perform the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions [under paragraph 3].

"In order to meet the request to undertake activities to promote a better understanding of the Agreement, to prepare for the entry into force of the Agreement and to perform the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions, and to support any informal consultations of Member States [under operative paragraphs 2 and 3], the Secretariat would need to significantly expand its activities under subprogramme 4, 'Oceans and the Law of the Sea', of the Office of Legal Affairs.

"The implementation of the request to undertake activities to promote a better understanding of the Agreement, to prepare for the entry into force of the Agreement, and to support any informal consultations of Member States, will give rise to programme budget implications in the context of the proposed programme budget for 2024. At this stage, it is estimated that the annual budget implications for 2024 and beyond would be in the range of \$2.5 million to \$3.2 million on an ongoing basis until the secretariat to be established under article 50 of the Agreement commences its functions. The budget implications would cover both non-post resources and temporary post resources. The preparation of detailed cost estimates will require further consultations with relevant offices and will therefore be presented at a later stage through a revised estimates report for 2024, during the main part of the seventy-eighth session of the General Assembly.

"The further implementation of the request to perform the secretariat functions under the Agreement until such time as the secretariat to be established under article 50 of the Agreement commences its functions, and to perform such functions, will give rise to additional programme budget implications. However, the extent and nature of these requirements will be informed by future decisions of the General Assembly, including a possible decision on the convening of a preparatory process, which are expected to be taken during the seventy-eighth session of the General Assembly. The General Assembly will be advised on the specific budgetary implications prior to taking such future decisions, in line with rule 153 of the General Assembly's rules of procedure."

The President: Delegations wishing to make a statement in explanation of vote before the voting on draft resolution A/77/L.82 and draft amendment A/77/L.83 are invited to do so now in one intervention. Before giving the floor for explanations of vote or position, I would like to remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Belmont Roldán (Spain) (*spoke in Spanish*): I have the honour to make this statement on behalf of the European Union and its member States. The candidate countries North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova and Bosnia

and Herzegovina; and the members of the European Economic Area, Iceland, Liechtenstein and Norway, as well as Monaco, align themselves with this statement.

The European Union and its member States thank Singapore for the proposing draft resolution A/77/L.82. We strongly support it and call on all States to vote in favour of it. We were disappointed by the proposed draft amendment A/77/L.83 seeking to undermine the draft resolution and cannot support them. The draft resolution is fully in line with the outcome of the fifth session of the Intergovernmental Conference on a 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. The outcome document was adopted by consensus.

The draft resolution meets three important goals. First, 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 is a historic achievement of multilateralism. It is the most recent agreement to implement the United Nations Convention on the Law of the Sea, which establishes the legal framework within which all activities in the oceans and seas must be carried out. It is clear to everyone that the Agreement is key to achieving the overall aspiration for more sustainable management of the oceans and their ecosystems. The Assembly's adoption of today's draft resolution will underscore that the international order based on norms, with the United Nations at its core, performs when it matters most.

Secondly and very importantly, the draft resolution provides for the next steps towards the Agreement's signature, rapid entry into force and effective implementation. In particular, it enables the Secretary-General to assume the functions assigned to him under the Agreement and to fund the interim secretariat of the Agreement to be provided by the Division for Ocean Affairs and the Law of the Sea. We stand ready to support the work of the Secretary-General in any way we can.

Lastly, the draft resolution calls for the signature, ratification, approval and acceptance of the Agreement as soon as possible to enable its entry into force and ensures that the General Assembly will regularly follow up on the Agreement through an agenda sub-item dedicated to it. That is a key priority for the European Union and its member States. We are

committed to signing and concluding the Agreement as soon as possible, and we urge others to do the same. To that end, the European Union has pledged €40 million to support the Agreement's ratification and speedy implementation. For all those reasons, we encourage Member States to vote against the draft amendment and in favour of the draft resolution submitted by Singapore.

Mr. Fuller (Belize): I have the honour to speak on behalf of the 14 member States of the Caribbean Community (CARICOM).

CARICOM participated actively in the negotiations on resolution 72/249, which mandated the Intergovernmental Conference on 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 (BBNJ). Over the course of the five sessions of the Conference, from 2018 to 2023, our group engaged in good-faith negotiations, sharing the common and near-universal hope for a new treaty that would address long-standing gaps in ocean governance and reinforce the principles of the fair and equitable sharing of benefits from the global commons that is our oceans. The journey was arduous, the process interrupted, the learning curve steep, the details complex and the interests varied. Yet in a true victory for multilateralism, all the negotiating parties arrived at a mutually acceptable and satisfactory outcome, which led to the consensus adoption in June of the new BBNJ treaty. As with all global treaties, it is not a perfect document. None of us got everything we wanted. However, it was a win for all. More importantly, it was a win for our ocean and its biodiversity. It was also a win that we welcome not just in this Hall but across the world — from the islands of the Pacific to the great continent of Africa and from the vast coastlines of the Americas to the peaks of Europe and Asia. From the tropical belt to the Arctic seas, the BBNJ Agreement has been hailed as a major step forward.

Having fulfilled the mandate given it by the General Assembly, the Intergovernmental Conference has transmitted its report and the text of the adopted agreement to us. Since we all participated in good faith, it is quite perplexing — at least for CARICOM — that the General Assembly's acceptance of the outcome and endorsement of the Agreement should be subject to a vote. Draft resolution A/77/L.82, presented by the delegation of Singapore, reflects the outcome of the negotiations and includes the required requests

and approvals to give effect to what we all agreed on mere weeks ago. Our delegations therefore completely reject draft amendment A/77/L.83, proposed by one delegation, and unequivocally support the draft resolution as presented in document A/77/L.82.

CARICOM looks forward to the opening for signature of the Agreement on 20 September, as set out in paragraph 4. Our countries will be working towards signature and ratification in hopes of see the Agreement enter into force as soon as possible. We also anticipate the proposal of the Secretary-General for the continued engagement of the Division for Ocean Affairs and the Law of the Sea in that process, this time serving as the interim secretariat for the Agreement. Very importantly, our delegations look forward to the continued discussions on the next steps for the BBNJ under a dedicated sub-item during the seventy-eighth session of the General Assembly.

I would like to take this opportunity on behalf of the delegations of the CARICOM member States to place on record our sincere congratulations to Ambassador Rena Lee of Singapore, who, as President of the Conference, steered a vessel with a somewhat rowdy crew across vast and often stormy seas to bring the Agreement into harbour and without a mutiny. With that work done, it is CARICOM's hope that we can all turn our collective attention towards the implementation of the Agreement. Let us unite our efforts to ensure its speedy entry into force, its adequate financing and the readiness of all States to pursue the conservation and sustainable use of our ocean and its resources more effectively, especially in areas beyond national jurisdiction, for which we share a common responsibility.

Mr. Mitchell (Palau): On behalf of the Pacific small island developing States, we align ourselves with the statement to be delivered by the representative of Samoa on behalf of the Alliance of Small Island States. I have the honour to deliver an explanation of vote both on draft resolution A/77/L.82 and the draft amendment to it contained in document A/77/L.83.

Our group is proud to have actively engaged in the negotiations on an international legally binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) and its final outcome, but more work remains ahead. We commend Singapore on introducing the draft resolution before us, which

represents an important step in turning the BBNJ Agreement into a reality.

The draft resolution welcomes the adoption of the BBNJ Agreement, on which we have all worked tirelessly. Among other things, it will begin the process of funding what is essentially the interim secretariat for the BBNJ Agreement and create an agenda sub-item, enabling us to further define modalities during the next session of the General Assembly, including for possible preparatory work for the BBNJ Agreement. We strongly support that approach. We were disappointed that a draft amendment was presented to delete those very elements, which are crucial to operationalizing the treaty. Our delegations will vote against the draft amendment and support the resolution as drafted. We call on other delegations to do the same.

Mrs. Bartley (Samoa): The Alliance of Small Island States (AOSIS) would like to explain its vote before the adoption of draft resolution A/77/L.82, entitled "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).

As small island developing States (SIDS), we remain deeply concerned about the potential impact that activities in areas beyond national jurisdiction will have within our territorial waters, extended continental shelves and exclusive economic zones that we rely on for our sustainable development. For SIDS, it is also critical to ensure equity in the implementation 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 so that we are all able to harness the benefits that would arise. Against that background, AOSIS has been actively engaged in the BBNJ process since the preparatory-committee stage, and we believe that the text adopted at the conclusion of the Intergovernmental Conference process is an accurate reflection of the common landing zones that we reached after a decade of comprehensive negotiations. We allocated additional time as needed and ensured that there was consensus on moving ahead every step of the way. We take this opportunity to once again thank the President of the Conference, Ambassador Rena Lee, for her stellar work in guiding us through that challenging process with such integrity and transparency.

However, that is just the beginning of our work to conserve and sustainably use marine biodiversity in areas beyond national jurisdiction. As specified in the Agreement, it first has to be ratified by 60 Member States in order to enter into force. Following that, a number of important decisions also have to be adopted by the Conference of the Parties in order to start operationalizing the agreement. It is therefore a matter of urgency to put in place the procedural arrangements enabling that in order to move things ahead with haste and not lose the momentum we have gained.

In that regard, we are pleased with draft resolution A/77/L.82, introduced by Singapore, which welcomes the adoption of the Agreement and calls on all the relevant actors to consider signing, ratifying, approving or accepting it as soon as possible. Similarly, we see great merit and utility in including a sub-item entitled “Agreement under the United Nations Convention on Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction” under the agenda item “Oceans and the law of the sea” during the seventy-eighth session of the General Assembly, which would enable the Assembly to consider and provide further guidance on the next steps in an inclusive and transparent manner.

AOSIS therefore fully endorses the adoption of the draft resolution as introduced by Singapore, and rejects the draft amendments proposed to delete those critical elements (A/77/L.83), which will inevitably hinder the process from moving forward. We also want to take this opportunity to urge all countries to maintain the spirit of solidarity and unity that we observed during the Intergovernmental Conference process, as our collective efforts are integral to ensuring the success of the new treaty.

Mr. Kanu (Sierra Leone): The delegation of Sierra Leone, speaking in its national capacity, would like to make this statement in explanation of its position before the voting.

Following the milestone conclusion of the negotiations on an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) and the monumental achievement of the adoption of the BBNJ Agreement on 19 June, the delegation of Sierra Leone welcomes draft resolution A/77/L.82, introduced by

the delegation of Singapore, and thanks Ambassador Gafoor for introducing it. The adoption 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 was and remains a triumph for multilateralism. My delegation congratulates all participants in the Conference and expresses profound gratitude to its President, Ambassador Rena Lee of Singapore, for her exceptional leadership and skill in bringing it to a successful conclusion.

Sierra Leone has had the honour to coordinate the Group of African States since the fourth round of negotiations in the Intergovernmental Conference. Throughout the negotiations, my delegation had the honour to convey that the African Group had emphasized the importance of a global and holistic framework for adopting conservation measures and ensuring equity in the sustainable use of ocean resources, with the firm position of concluding an instrument that is implementable, future proofed, fair, equitable and universal, an instrument that will achieve its core objectives of conservation and sustainable use of marine biodiversity.

We were conscious of the undeniable fact that the BBNJ Agreement, the third UNCLOS implementing agreement, must allow us, those with limited activities in the high seas, to also commit to conserve and sustainably use ocean resources to address the marine biodiversity crisis. Significantly, the BBNJ Agreement must be aligned with the global goal of ensuring ocean sustainability for present and future generations, consistent with Goal 14 of the 2030 Agenda for Sustainable Development, thereby rekindling hope for a healthy ocean, planet and human life.

Fundamentally, the BBNJ Agreement must also ensure access to ocean resources, in particular marine genetic resources and related digital sequence information, for the benefit of all humankind, with such benefits to be shared fairly and equitably.

The concrete commitments made on capacity-building and the transfer of marine technology to level capacities and to support the effective implementation of the BBNJ Agreement must be immediately and fully operationalized and fulfilled. Importantly, in the financing and implementation of the BBNJ Agreement, it will be vital to recognize the unique needs of developing States parties, including small island developing States,

least developed countries, landlocked developing countries and coastal African States.

For the BBNJ Agreement to have real impact on the ocean, people and the planet, its implementation must be effective, equitable and fair. The adoption of draft resolution A/77/L.82 is an important step in that regard. We accept the view that the draft resolution is procedural and also pertains to the implementation and the operationalization of the BBNJ Agreement.

My delegation has also taken note of proposal for amendment contained in document A/77/L.83 submitted by the Russian Federation. I thank the Legal Adviser for the introduction of the amendment. During the negotiations, the Russian Federation clearly expressed its approach and vision for the BBNJ Agreement and the important need to balance the objectives of conservation and sustainable use. The engagement with the delegation of the Russian Federation during the negotiations proved valuable in ensuring the attainment of the progress towards unprecedented fairness and equity in the BBNJ Agreement.

The important issues of financing the implementation of the BBNJ Agreement and potential circularity of the BBNJ Agreement-related economy even for the adoption of conservation measures were underscored. Those are important considerations even at this stage for which due account must be taken in the ratification movement, including the availability of funds to developing States and non-State actors to promote the understanding and ratification the BBNJ Agreement.

The delegation of Sierra Leone is of the firm view that a critical balance was struck in the negotiations. As we undertake the relevant work to operationalize many of the provisions in the BBNJ Agreement, there must be concerted efforts to ensure regional balance in the signing of the Agreement and regional representation to safeguard the balance struck and for greater legitimacy in its implementation.

In noting the important work ahead, the delegation of Sierra Leone believes draft resolution A/77/L.82 submitted by the delegation of Singapore represents the fair position on the relevant procedural issues and the views expressed in the intergovernmental conference on 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. We will

therefore vote for draft resolution A/77/L.82 without any amendment and urge all other States to do same.

Mr. Madeleine (Seychelles): Seychelles aligns itself with the statement delivered on behalf of the Alliance of Small Island States.

Seychelles would first like to thank the President of the intergovernmental conference on 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 (BBNJ), Mrs. Rena Lee, and her team for their exemplary work in steering us through the delicate and important process which has now brought us to adopting this procedural draft resolution A/77/L.82 in the General Assembly. The culmination of the process in the successful adoption 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 is a testament not only to her diligence but also to the efforts and contributions of all Member States, the Secretariat, the Division for Ocean Affairs and the Law of the Sea, intergovernmental organizations, civil society organizations and academia.

That we are here today to adopt the draft resolution on the treaty, which was itself adopted by consensus, shows solidarity and widespread commitment to protecting our oceans and the sustainable use of the resources contained within them. This is more than a symbolic triumph for multilateralism. It should serve as a practical model for how we may address present and future challenges collectively.

Seychelles understands the importance of the treaty as not only a driver for conservation objectives but also as a legal framework that will be critical to our survival as small islands and large ocean States. Without marine resources, we would cease to exist. That is why Seychelles achieved the 30 by 30 ocean protection target 10 years early and continues to advocate for the upscaling of the blue economy. We have the political will to implement the objectives set out within the BBNJ Agreement and reaffirm the rule of law in ocean governance.

The special circumstances of small island developing States (SIDS) must be acknowledged and understood as hurdles for our ability to implement this treaty, particularly as we are biodiversity hotspots that carry a high conservation burden. SIDS, least developed

countries and the global South require adequate and reliable means of implementation to ensure that we are not disproportionately affected by the climate crisis.

We are on the front lines of global conservation efforts. The governance of this treaty must ensure fair and equitable representation whereby we, who are entirely reliant on the ocean for our sustainable development, are not left on the sidelines. SIDS and the global South must have equitable representation in forthcoming committees to help steer efforts away from the current path of ocean degradation to one of effective ocean stewardship and prosperity. Moreover, SIDS must have access to the capacity-building and transfer of marine technology programmes, as well as adequate and reliable finance. That will enable us to meet our internal obligations and enhance our capacities in the fields of science and research.

The adoption of the treaty and the draft resolution is a stepping stone in this process. Seychelles has every faith that the Secretary-General and the interim secretariat will discharge their duties mandated in the Agreement with diligence.

Seychelles will vote in favour of the draft resolution, as submitted by the delegation of Singapore.

Mr. Webson (Antigua and Barbuda): I align our national statement with that presented by the representative of Belize on behalf of the Caribbean Community and that presented by the representative of Samoa on behalf of the Alliance of Small Island States.

Antigua and Barbuda welcomes draft resolution A/77/L.82 and will vote in support of the original text submitted by Singapore. In that regard, we thank and congratulate Singapore, the Singapore delegation for the very hard work leading us through this turbulent process and the able leadership of Ambassador Lee.

For my delegation, it is a priority to make arrangements to prepare for the entry into force through the Secretary-General and the Division for Ocean Affairs and the Law of the Sea. We have waited too long. We have waited long enough. 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 has been and will be adopted, we hope, and it is time to swiftly shift towards implementation as soon as we have achieved the threshold of the entry into force. That is why we strongly support the proposal to include

considerations for the 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 (BBNJ) under the annual resolution on oceans and the law of the sea in the Sixth Committee. We also see the provisions for the relevant home for discussions and developments regarding the BBNJ Agreement's adoption for ratification status, which we believe to be essential. We strongly support the draft resolution as originally presented by Singapore and urge all Member States to vote in support of it.

The President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take action on draft resolution A/77/L.82 and draft amendment A/77/L.83. In accordance with rule 90 of the rules of procedure, before we proceed to take a decision on draft resolution A/77/L.82 the Assembly shall first take a decision on draft amendment A/77/L.83.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Belarus, Nicaragua, Russian Federation, Syrian Arab Republic

Against:

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of

Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu

Abstaining:

Algeria, Angola, Bahrain, Côte d'Ivoire, Cuba, Egypt, Equatorial Guinea, Iran (Islamic Republic of), Jordan, Kuwait, Lao People's Democratic Republic, Madagascar, Mali, Nigeria, Oman, Saudi Arabia, Togo, Tunisia, Türkiye, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia

Draft amendment A/77/L.83 was rejected by 119 votes to 4, with 24 abstentions.

[Subsequently, the delegation of Zambia informed the Secretariat that it had intended not to participate.]

The President: Since draft amendment A/77/L.83 has not been adopted, we shall now proceed to take a decision on draft resolution A/77/L.82. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta,

Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Türkiye, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia

Against:

Russian Federation, Syrian Arab Republic

Abstaining:

None

Draft resolution A/77/L.82 was adopted by 150 votes to 2 (resolution 77/321).

The President: Before giving the floor for explanations of vote after the voting, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Guerra Sansonetti (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela, during the seventy-first plenary meeting of the resumed fifth session of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, joined the consensus that enabled the adoption of that agreement without a vote.

However, our participation in today's meeting, during which resolution 77/321, concerning the instrument, has been adopted, and in which our delegation has once again demonstrated flexibility and a constructive spirit, cannot and should not be interpreted as a modification of our traditional position

on the United Nations Convention on the Law of the Sea, to which Venezuela is not a party, for reasons that have been repeatedly stated in different forums. The State of Venezuela is therefore not bound by norms that do not apply to it except those that it has expressly recognized, or will recognize in the future, by incorporating them into its national legislation, while taking into account the fact that the reasons that have prevented the Bolivarian Republic of Venezuela from becoming party to such instruments are still pending. The Bolivarian Republic of Venezuela hopes that more meaningful action will be taken to meet the goal of ensuring the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction through greater international cooperation and coordination for the benefit of all humankind.

Lastly, we would like to state for the record that our comments are not exhaustive, and that we therefore reserve the right to make future comments on the adopted Agreement.

Mr. Ghorbanpour Najafabadi (Islamic Republic of Iran): My delegation would like to express its gratitude for all her tireless efforts to Ms. Rena Lee of Singapore, President of the Intergovernmental Conference on a legally binding instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, as well as to the delegation of Singapore to the United Nations, for introducing resolution 77/321.

My delegation joined the processes for the adoption of both the Agreement and the resolution in a spirit of constructive engagement and with the understanding that bearing in mind article 5, paragraph 3, 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, joining the processes for the adoption of those instruments does not prejudice the legal status of non-parties to the Convention, including my Government.

Ms. Solano Ramírez (Colombia) (*spoke in Spanish*): With regard to resolution 77/321, which we have just adopted, I have the honour to make the following explanation of vote on behalf of the delegations of Argentina, Brazil, Chile, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay

and my own country, Colombia, members of the core Latin American group (CLAM).

At the outset, our delegations would like to express their sincere appreciation to delegation of Singapore for its efforts as coordinator of the resolution that we have just adopted and for its leadership, not only in relation to the resolution, but throughout the process of negotiating an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of the marine biological diversity of areas beyond national jurisdiction (BBNJ).

As the countries that make up CLAM, we participated in the entire negotiation process, especially the adoption of the resolution, in a constructive spirit and with a serious interest in the protection of the ocean and its resources, with a view to an equitable agreement focused on the conservation and sustainable use of marine biodiversity in the high seas. We in the CLAM delegations are proud of our contribution throughout the entire negotiation process to reaching a consensus and showing the necessary flexibility. Our delegations believe that the instrument will have a positive impact on ocean governance for present and future generations. We are therefore pleased with the resolution's language welcoming the adoption 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, as well as all of its operative paragraphs, which we believe are important.

However, we are aware that the most difficult stage has only just begun. That is why we believe that now that the resolution has been adopted, it is vital to lay the foundations so that until the Agreement enters into force, the process is inclusive and as simple as possible, while showing us a clear path that facilitates the ratification process at the domestic level in terms of the perspectives and the work of each of our delegations here in New York. That is why we voted in favour of including language in the resolution inviting States and regional economic integration organizations to consider signing, ratifying, approving and accepting the agreement as soon as possible to enable its swift entry into force.

We also believe that it is extremely important to include on the provisional agenda of the seventy-eighth session of the General Assembly, under the item "Oceans

and the law of the sea”, a sub-item entitled “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”, so that we can focus our discussions on truly facilitating the process until the Agreement enters into force. We urge all States to participate constructively in discussions under the new sub-item of the agenda in order to adopt the decisions that will be key to the speedy implementation of the Agreement.

Lastly, in the light of the constructive spirit that guides our countries concerning issues related to environmental issues and the law of the sea, we would like to reiterate our firm commitment to the BBNJ instrument and its future entry into force. We are pleased with the adoption of this important resolution, which will enable us to continue working together with other nations to address the challenges facing our seas and oceans.

Mrs. Hackman (Ghana): My delegation would like to thank Singapore for its leadership in proposing resolution 77/321.

Ghana welcomes the adoption of the resolution as a further and necessary measure to realizing our collective commitment to the sustainable management of ocean resources. 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 stands today as a multilateral feat and an expression of our shared commitment to the ocean as a common good. It also represents for us the further development of international law, building on the fundamental principles and values outlined in the United Nations Convention on the Law of the Sea.

We support the interim arrangement in the Agreement and the enabling provisions under the resolution just adopted. In that regard, we encourage Member States to sustain the momentum leading up to the adoption of the agreement in June and add our voice to call on all Member States and regional economic integration organizations to sign and ratify the Agreement, with a view to enabling its speedy entry into force. Within the context of the Group of African States, Ghana was a keen participant in the negotiations on the Agreement and will continue to work for its signature and ratification accordingly.

The President: We have heard the last speaker in explanation of vote after the voting. The General Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 72.

Agenda item 127 (continued)

Cooperation between the United Nations and regional and other organizations

Draft resolution (A/77/L.90)

The President: I now give the floor to the representative of the Philippines to introduce draft resolution A/77/L.90.

Mr. Lagdameo (Philippines): On behalf of a core group of countries that includes Australia, Egypt, Guatemala, Hungary, Thailand and my own country, the Philippines, I have the honour to introduce draft resolution A/77/L.90 to commemorate next year as the 125th anniversary of the Permanent Court of Arbitration.

The year 2024 marks an important milestone in the Court’s service to the international community through the pursuit of peace and justice through law. In its 125 years, the Court has successfully adapted to the international community’s changing needs in the area of dispute resolution. Originally intended as a mechanism for the settlement of disputes between States, the Court has evolved into a robust, modern international dispute-settlement institution with one of the heaviest caseloads of all the international courts.

The zero draft of the draft resolution was first circulated on 22 June via a letter from the core group to all States Members of the United Nations, and it is also published as an official document on the e-deleGATE portal as document A/77/L.90. The text of the draft resolution is based on that shepherded by the Philippine Embassy in The Hague and endorsed by the Administrative Council of the Court, with further revisions based on views expressed by States at the informal consultations on 26 June in New York and in subsequent bilateral discussions, which continued until 10 July.

The draft resolution consists of eight preambular and five operative paragraphs. Among other things, the preambular paragraphs reaffirm the shared mission between the Court and the United Nations in the maintenance of international peace and security, the peaceful settlement of international disputes and the

progressive development of international law; recall the General Assembly's invitation to the Court to participate in its sessions and work in the capacity of observer and note with appreciation the Court's support and participation in the work of organizations of the United Nations system. The preambular paragraphs further recognize the Court's important contribution to the peaceful settlement of disputes and reaffirm the 1982 Manila Declaration on the Peaceful Settlement of International Disputes; its evolution into a modern, multifaceted arbitral institution in response to the dispute resolution needs of the international community and its efforts to make its dispute resolution services more widely accessible.

The operative paragraphs welcome the 125th anniversary of the establishment of the Court; encourage Member States to make use of the Court's services and support its activities and programmes; encourage Member States to accede to the 1899 and 1907 Conventions for the Pacific Settlement of International Disputes, as appropriate; invite Member States and organizations of the United Nations system to commemorate the Court's 125th anniversary; and request the Secretary-General to bring the resolution to the attention of Member States, the organizations of the United Nations system and all relevant stakeholders.

We hope that everyone will join us in the joint effort to commemorate the Court. The core group would like to express its deep appreciation to the delegations that have expressed support for the draft resolution, including through the sponsorship of the

draft resolution by, as of this reading, 116 Member States via the e-deleGATE portal.

The President: We shall now proceed to consider draft resolution A/77/L.90.

I give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution and in addition to those delegations already listed in the document, the following countries have also become sponsors of draft resolution A/77/L.90: Angola, Barbados, Belarus, Cameroon, Côte d'Ivoire, Fiji, Gabon, the Gambia, Georgia, Ghana, Jordan, Kenya, Malaysia, the Maldives, Mongolia, Myanmar, Namibia, Pakistan, Palau, Sierra Leone, the State of Palestine, Togo, Turkmenistan, Yemen and Zimbabwe.

The President: The Assembly will now take a decision on draft resolution A/77/L.90, entitled "Commemoration of the 125th anniversary of the Permanent Court of Arbitration".

May I take it that the Assembly decides to adopt draft resolution A/77/L.90?

Draft resolution A/77/L.90 was adopted (resolution 77/322).

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 127.

The meeting rose at 11.15 a.m.