



General Assembly

Distr.: Limited
6 February 2024

Original: English

Seventy-eighth session

Agenda item 75 (c)

Oceans and the law of the sea: 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

Singapore: draft resolution

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,

Recalling its resolution [72/249](#) of 24 December 2017, in which it decided to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee established by resolution [69/292](#) of 19 June 2015 on the elements and to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea¹ on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible, and relevant resolutions and decisions relating to the convening of the fourth and fifth sessions of the conference, the resumed fifth session of the conference and the further resumed fifth session of the conference,²

Recalling also the adoption by the conference, on 19 June 2023, 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,³ by consensus,

Recalling further that, pursuant to article 47, paragraph 2, of the Agreement, the first meeting of the Conference of the Parties established under article 47, paragraph 1, of the Agreement shall be convened by the Secretary-General of the United Nations no later than one year after the entry into force of the Agreement,

Noting that, in a letter dated 30 June 2023 addressed to the President of the General Assembly, the President of the conference drew attention to the desire

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² Resolutions [75/239](#) and [77/248](#) and decisions 74/543, 75/570, 76/564 and 77/556.

³ [A/CONF.232/2023/4](#).



expressed by several delegations that efforts be undertaken with a view to supporting the early entry into force of the Agreement as well as its early implementation, including through a preparatory process such as a preparatory commission, and the President also observed that a preparatory process, to be established under the auspices of the Assembly, to carry out the required preparations for the first meeting of the Conference of the Parties to the Agreement and to provide guidance on the work of the interim secretariat under the Agreement until the convening of that meeting would be very helpful,⁴

Recalling its resolution [77/321](#) of 1 August 2023 on the Agreement,

Noting that the Agreement was opened for signature in New York at United Nations Headquarters on 20 September 2023,

Noting also the number of signatories that the Agreement has to date,

Recognizing the need to prepare for the entry into force of the Agreement and for the convening of the first meeting of the Conference of the Parties to the Agreement,

1. *Welcomes* the opening for signature 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;

2. *Emphasizes* the importance of the early entry into force and effective implementation of the Agreement;

3. *Decides* to establish a preparatory commission, which shall meet at United Nations Headquarters unless otherwise decided, on dates to be determined, to prepare for the entry into force of the Agreement and to prepare for the convening of the first meeting of the Conference of the Parties to the Agreement, at the conclusion of which the commission will cease to exist;

4. *Also decides* that the commission shall be open to all States Members of the United Nations, members of the specialized agencies and parties to the United Nations Convention on the Law of the Sea;

5. *Further decides* to invite to the commission representatives of organizations and other entities that have received a standing invitation from the General Assembly pursuant to its relevant resolutions to participate, in the capacity of observer, in its sessions and work, on the understanding that such representatives would participate in the work of the commission in that capacity, and to invite, as observers to the commission, representatives of interested global and regional intergovernmental organizations and other interested international bodies that were invited to participate in relevant conferences and summits,⁵ associate members of the regional commissions⁶ and representatives of relevant specialized agencies, as well as other organs, organizations, funds and programmes of the United Nations system;

⁴ See [A/77/945](#).

⁵ Reference is made to the following relevant conferences and summits: the World Summit on Sustainable Development, the United Nations Conference on Sustainable Development, the United Nations conferences on the sustainable development of small island developing States, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, as well as the United Nations Conferences to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

⁶ American Samoa, Anguilla, Aruba, Bermuda, the British Virgin Islands, the Cayman Islands, the Commonwealth of the Northern Mariana Islands, Curaçao, French Polynesia, Guam, Montserrat, New Caledonia, Puerto Rico, Sint Maarten, the Turks and Caicos Islands and the United States Virgin Islands.

6. *Decides* that attendance at the meetings of the commission as observers will also be opened to relevant non-governmental organizations in consultative status with the Economic and Social Council in accordance with the provisions of Council resolution 1996/31 of 25 July 1996, as well as to those that were accredited to relevant conferences and summits referred to in paragraph 5 of the present resolution, on the understanding that participation means attending formal meetings, unless otherwise decided by the commission in specific situations, receiving copies of the official documents, making available their materials to delegates and addressing the meetings, through a limited number of their representatives, as appropriate;

7. *Also decides* that, subject to paragraphs 8 and 9 of the present resolution, the rules and the established practice applicable to the procedure 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, as reflected in paragraphs 17, 18 and 19 of resolution [72/249](#), shall apply *mutatis mutandis* to the procedure of the commission unless otherwise agreed by the commission;

8. *Further decides* that, after 20 September 2025 or the date of entry into force of the Agreement, whichever comes earlier, the taking of decisions by the commission shall only be by States and regional economic integration organizations that have signed the Agreement or have ratified, approved, accepted or acceded to the Agreement;

9. *Decides* that the commission will take decisions on any recommendations to the Conference of Parties to the Agreement at the final meeting of the commission;

10. *Also decides* that the commission shall be chaired by Co-Chairs, one from a developed country and one from a developing country, taking into account gender balance, and requests the President of the General Assembly to undertake consultations, in an open and transparent manner, for the nomination of the Co-Chairs-designate of the commission;

11. *Further decides* that the commission shall hold a three-day organizational meeting in the first half of 2024 with full conference services, including documentation, to discuss organizational matters, including the election of the Co-Chairs and a Bureau of the commission consisting of up to 15 members with up to 3 members from each regional group and taking into account gender balance, the dates of the meetings of the commission and the programme of work of the commission;

12. *Decides* that the commission shall prepare a final report on all matters within its mandate for presentation to the Conference of the Parties to the Agreement at its first meeting;

13. *Requests* the Secretary-General to provide the commission with the assistance necessary for the performance of its work, including secretariat services and the provision of essential background information and relevant documents, and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs in cooperation with other relevant departments of the Secretariat;

14. *Also requests* the Secretary-General to continue to administer the voluntary trust fund established pursuant to resolution [69/292](#) for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending the meetings of the commission, and authorizes the Secretary-General to expand the assistance provided by the trust fund to include daily subsistence allowance in addition to

defraying the costs of economy-class travel, limiting requests for assistance from the trust fund to one delegate per State for each meeting of the commission;

15. *Invites* Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust fund;

16. *Invites* States to provide information to the Secretary-General on their capacity-building and technical assistance needs with a view to becoming parties to the Agreement to inform the further development and provision of capacity-building and technical assistance activities of the Division in support of requesting States becoming parties to the Agreement and the effective implementation of the Agreement;

17. *Decides* to include in the provisional agenda of its seventy-ninth session, under the item entitled “Oceans and the law of the sea”, the 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”.
