



General Assembly

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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

Fourth session

New York, 7–18 March 2022

Draft report 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

I. Introduction

1. In its resolution [72/249](#) of 24 December 2017, the General Assembly 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 Sea 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.

2. The General Assembly also decided that negotiations should address the topics identified in the package agreed in 2011, namely, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology.

3. The General Assembly further decided that, initially with respect to 2018, 2019 and the first half of 2020, the conference should meet for four sessions of a duration of 10 working days each, with the first session taking place in the second half of 2018, the second and third sessions taking place in 2019, and the fourth session taking place in the first half of 2020.



4. In accordance with paragraph 21 of resolution [72/249](#), the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Miguel de Serpa Soares, was appointed by the Secretary-General of the United Nations as Secretary-General of the conference. Support and secretariat services were provided by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, in accordance with paragraph 22 of the resolution.

II. Organizational matters and proceedings of the conference

A. Sessions of the conference

5. Pursuant to General Assembly resolution [72/249](#), a three-day organizational meeting was held in New York, from 16 to 18 April 2018, to discuss organizational matters, including the process for the preparation of the zero draft of the instrument. The first session of the conference was convened by the Secretary-General from 4 to 17 September 2018 pursuant to resolution [72/249](#), and the second session was convened from 25 March to 5 April 2019 and the third session from 19 to 30 August 2019 pursuant to resolution [73/124](#). The fourth session, which was postponed twice by decisions 74/543 and 75/570 of the Assembly owing to the coronavirus disease (COVID-19) pandemic, was convened from 7 to 18 March 2022 in accordance with decision 75/570.

B. Rules of procedure

6. In paragraph 17 of resolution [72/249](#), the General Assembly decided that the conference should exhaust every effort in good faith to reach agreement on substantive matters by consensus. It also decided that, except as provided for in paragraphs 17 and 19 of the resolution, the rules relating to the procedure and the established practice of the Assembly should apply to the procedure of the conference unless otherwise agreed by the conference. The Assembly further decided that, subject to paragraph 17 of the resolution, decisions of the conference on substantive matters should be taken by a two-thirds majority of the representatives present and voting, before which the presiding officer should inform the conference that every effort to reach agreement by consensus had been exhausted.

7. At its organizational meeting, the conference decided that the rules of procedure and the established practice of the General Assembly, as modified by resolution [72/249](#), should apply *mutatis mutandis* to the conference.

C. Election of officers

8. By letter dated 14 February 2018 addressed to Member States, the President of the General Assembly at its seventy-second session, Miroslav Lajčák, in accordance with paragraph 5 of resolution [72/249](#), nominated the Ambassador for Oceans and Law of the Sea Issues and Special Envoy of the Minister for Foreign Affairs of Singapore, Rena Lee, as President-designate of the conference. Ms. Lee was elected President of the conference at the beginning of the organizational meeting of the conference.

9. At the first session, in accordance with its decision at the organizational meeting to establish a Bureau composed of the President and 15 Vice-Presidents (3 from each of the regional groups) to assist the President on procedural matters in the general conduct of the President's work, the conference elected a Bureau consisting of the following members: Algeria, Bahamas, Belgium, Brazil, Bulgaria, Canada, China,

Japan, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Poland, Russian Federation and United States of America. In accordance with that decision, the Vice-Presidents served in their national capacity, on the understanding that the decision did not in any way create a precedent for the allocation of seats for the bureaux of other processes related to the negotiation of international treaties.

D. Documentation

10. The documents of the conference are listed in annex I to the present report.

E. Proceedings of the sessions of the conference

1. First session

11. The first session of the conference was held from 4 to 17 September 2018, during which substantive discussions were held on the four elements of the package agreed in 2011 set out in paragraph 2 of resolution [72/249](#). The conference also discussed a number of organizational matters.

12. At the beginning of the first session, the President of the conference and the Secretary-General of the conference delivered opening remarks, which were followed by general statements from delegations.

13. The conference adopted the agenda of the first session without amendment ([A/CONF.232/2018/4](#)) and a programme of work ([A/CONF.232/2018/5](#)). The conference agreed that, following the consideration of the general statements, it would create informal working groups to address the four thematic clusters of the package set out in resolution [72/249](#), as follows: an informal working group on marine genetic resources, including questions on the sharing of benefits, facilitated by Janine Elizabeth Coye-Felson (Belize); an informal working group on measures such as area-based management tools, including marine protected areas, facilitated by Alice Revell (New Zealand); an informal working group on environmental impact assessments, facilitated by René Lefebvre (Netherlands); and an informal working group on capacity-building and the transfer of marine technology, facilitated by Ngedikes Olai Uludong (Palau). The informal working groups proceeded with their discussions on the basis of the President's aid to discussions ([A/CONF.232/2018/3](#)).

14. The conference also considered the process for the preparation of the zero draft of the instrument. The President was requested to prepare, as part of the preparations for the second session of the conference, a document with the aim of facilitating focused discussions and text-based negotiations, containing treaty language and reflecting options concerning the four elements of the package.

15. The President issued a statement at the closing of the first session, with oral reports of the facilitators of the informal working groups annexed thereto ([A/CONF.232/2018/7](#)).

2. Second session

16. The second session of the conference was held from 25 March to 5 April 2019, during which substantive discussions were held on the four elements of the package agreed in 2011 set out in paragraph 2 of General Assembly resolution [72/249](#) and on cross-cutting issues.

17. At the beginning of the session, the President of the conference and the Secretary-General of the conference delivered opening remarks, which were followed by general statements from delegations.

18. The conference adopted the agenda of the second session without amendment (A/CONF.232/2019/2) and a programme of work (A/CONF.232/2019/3). The conference agreed that, following the consideration of the general statements, it would continue in the format of informal working groups to address the four thematic clusters of the package set out in General Assembly resolution 72/249. The informal working groups and facilitators remained the same as during the first session of the conference. An informal working group on cross-cutting issues, facilitated by the President, was also established. The informal working groups proceeded with their discussions on the basis of the President's aid to negotiations (A/CONF.232/2019/1).

19. The conference considered the way forward to the third session of the conference. The President was requested to prepare, as part of the preparations for the third session of the conference, a document with the aim of enabling delegations to negotiate the text of the future instrument, structured in a form more akin to a treaty, and containing treaty language.

20. The President issued a statement at the closing of the second session, with oral reports of the facilitators of the informal working groups annexed thereto (A/CONF.232/2019/5).

3. Third session

21. The third session of the conference was held from 19 to 30 August 2019, during which substantive discussions were held on the four elements of the package agreed in 2011 set out in paragraph 2 of General Assembly resolution 72/249 and on cross-cutting issues.

22. At the beginning of the session, the President of the conference and the Secretary-General of the conference delivered opening remarks, which were followed by general statements from delegations.

23. The conference adopted the agenda of the third session without amendment (A/CONF.232/2019/7) and a programme of work (A/CONF.232/2019/8 and A/CONF.232/2019/8/Rev.1). The conference agreed that, following the consideration of the general statements, it would proceed in the format of informal working groups and informal informals to address the four thematic issues in the package set out in General Assembly resolution 72/249 as well as cross-cutting issues, and that those discussions would be facilitated by the same facilitators as at the previous sessions of the conference. The informal working groups and informal informals proceeded with their discussions on the basis of the draft text of an agreement (A/CONF.232/2019/6).

24. The conference considered the way forward to the fourth session of the conference. The President was requested to prepare, as part of the preparations for the fourth session, a revised draft text of an agreement that would take into account comments made during discussions held during the third session, as well as to consider textual proposals made by delegations and contained in the various conference room papers issued during the third session of the conference.

25. The President issued a statement at the closing of the third session, with oral reports of the facilitators of the informal working groups annexed thereto (A/CONF.232/2019/10).

4. Fourth session

26. The fourth session of the conference was held from 7 to 18 March 2022, during which substantive discussions were held on the four elements of the package agreed in 2011 set out in paragraph 2 of General Assembly resolution 72/249 and on cross-cutting issues.

27. At the beginning of the session, the President of the conference and the Secretary-General of the conference delivered opening remarks. The President recalled, *inter alia*, that the unexpected delay caused by the COVID-19 pandemic had provided an opportunity to carry out some work in the intersessional period, in an informal way in the format of online discussion forums and a series of webinars, on some of the outstanding issues, with a view to assisting delegations in enhancing their understanding of the issues and the views of different delegations.

28. The conference adopted the agenda of the fourth session without amendment ([A/CONF.232/2022/1](#)) and a programme of work ([A/CONF.232/2022/2](#); see also [A/CONF.232/2022/L.2/Rev.1](#)). The conference agreed that it would proceed in the format of informal informals to address the four thematic issues in the package set out in General Assembly resolution 72/249 as well as cross-cutting issues. The President of the conference facilitated the discussions in the informal informals on capacity-building and the transfer of marine technology; on marine genetic resources, including questions on the sharing of benefits; and on cross-cutting issues, except institutional arrangements, which were facilitated by Thembile Joyini (South Africa). Renée Sauvé (Canada) facilitated the discussions in the informal informals on measures such as area-based management tools, including marine protected areas, while René Lefeber (Netherlands) facilitated the discussions in the informal informals on environmental impact assessments. The informal informals proceeded with their discussions on the basis of the revised draft text of an agreement ([A/CONF.232/2020/3](#)).

29. The conference considered the way forward in the light of the fact that the fourth session was the last of the four sessions initially mandated by the General Assembly in paragraph 3 of its resolution [72/249](#).

[...]

30. The President issued a statement at the closing of the fourth session (see annex II).

III. Credentials

31. At the first plenary meeting of the organizational meeting, held on 16 April 2018, the conference decided that the composition of the Credentials Committee of the conference would follow that of the Credentials Committee of the seventy-second session of the General Assembly and appointed Cabo Verde, China, Dominica, Indonesia, Ireland, the Russian Federation, Uganda, the United States of America and Uruguay as members of the Credentials Committee of the conference for the entire duration of the conference.

32. The Credentials Committee provided reports to the conference at each session ([A/CONF.232/2018/6](#), [A/CONF.232/2019/4](#), [A/CONF.232/2019/9](#) and [...]). The draft resolutions recommended by the Credentials Committee in its reports were adopted by the conference at each session (see [A/CONF.232/2018/7](#), [A/CONF.232/2019/5](#), [A/CONF.232/2019/10](#) and [...]).

IV. Attendance

33. Participants in the Conference included representatives of [...] States Members of the United Nations, members of the specialized agencies and parties to the Convention. In addition, [...] entities that have received a standing invitation to participate as observers in the work of the General Assembly pursuant to its relevant resolutions, relevant specialized agencies and other organs, organizations, funds and programmes of the United Nations system, interested global and regional

intergovernmental organizations and other interested international bodies, as well as one associate member of a regional commission and [...] non-governmental organizations, participated as observers.

V. Recommendations of the conference

[...]

VI. Consideration and adoption of the final documents of the conference and the report of the conference to the General Assembly

xx. At its fourth session, on 18 March 2022, the President introduced the draft report of the conference.

[...]

xx. At the same meeting, the conference adopted its draft report [as amended].

Annex I

List of documents

Organizational meeting (16–18 April 2018)

A/CONF.232/2018/L.1	Provisional agenda
A/CONF.232/2018/L.2	Provisional organization of work
A/CONF.232/2018/1	Report of the Preparatory Committee established by General Assembly resolution 69/292 : 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
A/CONF.232/2018/2	Statement by the President of the conference at the closing of the organizational meeting
A/CONF.232/2018/INF.1	Information for participants: Note by the Secretariat

First session (4–17 September 2018)

A/CONF.232/2018/L.3	Provisional agenda
A/CONF.232/2018/L.4	Provisional programme of work
A/CONF.232/2018/3	President's aid to discussions
A/CONF.232/2018/4	Agenda
A/CONF.232/2018/5	Programme of work
A/CONF.232/2018/6	Report of the Credentials Committee
A/CONF.232/2018/7	Statement by the President of the conference at the closing of the first session
A/CONF.232/2018/INF.2	Information for participants: Note by the Secretariat
A/CONF.232/2018/INF.3	List of participants

Second session (25 March–5 April 2019)

A/CONF.232/2019/L.1	Provisional agenda
A/CONF.232/2019/L.2	Provisional programme of work
A/CONF.232/2019/1	President's aid to negotiations
A/CONF.232/2019/2	Agenda
A/CONF.232/2019/3	Programme of work
A/CONF.232/2019/4	Second report of the Credentials Committee
A/CONF.232/2019/5	Statement by the President of the conference at the closing of the second session

A/CONF.232/2019/INF.1	Information for participants: Note by the Secretariat
A/CONF.232/2019/INF.2	Letter dated 14 February 2019 from the Executive Secretary of the Convention on Biological Diversity addressed to the Secretary-General 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
A/CONF.232/2019/INF.3	List of participants
A/CONF.232/2019/INF.3/Rev.1	
A/CONF.232/2019/INF.3/Rev.2	
Third session (19–30 August 2019)	
A/CONF.232/2019/L.3	Provisional agenda
A/CONF.232/2019/L.4	Provisional programme of work
A/CONF.232/2019/6	Draft text of an 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: Note by the President
A/CONF.232/2019/7	Agenda
A/CONF.232/2019/8	Programme of work
A/CONF.232/2019/9	Third report of the Credentials Committee
A/CONF.232/2019/10	Statement by the President of the conference at the closing of the third session
A/CONF.232/2019/INF.4	Information for participants: Note by the Secretariat
A/CONF.232/2019/INF/5	List of participants
A/CONF.232/2019/INF/5/Rev.1	
A/CONF.232/2019/CRP.1	Compilation of the written proposals received during the third session
A/CONF.232/2019/MGR/CRP.1	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits
A/CONF.232/2019/MGR/CRP.2	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits
A/CONF.232/2019/MGR/CRP.3	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits
A/CONF.232/2019/MGR/CRP.4	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits
A/CONF.232/2019/MGR/CRP.5	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits

A/CONF.232/2019/MGR/CRP.6	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits
A/CONF.232/2019/MGR/CRP.7	Drafting proposals relating to marine genetic resources, including questions on the sharing of benefits
A/CONF.232/2019/ABMT/CRP.1	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.2	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.3	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.4	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.5	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.6	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.7	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/ABMT/CRP.8	Drafting proposals relating to measures such as area-based management tools, including marine protected areas
A/CONF.232/2019/EIA/CRP.1	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.2	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.3	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.4	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.5	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.6	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.7	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.8	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.9	Drafting proposals relating to environmental impact assessments
A/CONF.232/2019/EIA/CRP.10	Drafting proposals relating to environmental impact assessments

A/CONF.232/2019/CBTMT/CRP.1	Drafting proposals relating to capacity-building and transfer of marine technology
A/CONF.232/2019/CBTMT/CRP.2	Drafting proposals relating to capacity-building and transfer of marine technology
A/CONF.232/2019/CBTMT/CRP.3	Drafting proposals relating to capacity-building and transfer of marine technology
A/CONF.232/2019/CCI/CRP.1	Drafting proposals relating to cross-cutting issues (Parts I and VI–XII)
A/CONF.232/2019/CCI/CRP.2	Drafting proposals relating to cross-cutting issues (Parts I and VI–XII)
A/CONF.232/2019/CCI/CRP.3	Drafting proposals relating to cross-cutting issues (Parts I and VI–XII)
A/CONF.232/2019/CCI/CRP.4	Drafting proposals relating to cross-cutting issues (Parts I and VI–XII)
A/CONF.232/2019/CCI/CRP.5	Drafting proposals relating to cross-cutting issues (Parts I and VI–XII)

Fourth session (7–18 March 2022)

A/CONF.232/2020/L.1	Provisional agenda
A/CONF.232/2020/L.2	Provisional programme of work
A/CONF.232/2020/3	Revised draft text of an 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: Note by the President
A/CONF.232/2022/L.1	Provisional agenda
A/CONF.232/2022/L.2	Provisional programme of work
A/CONF.232/2022/L.2/Rev.1	
A/CONF.232/2022/INF.1	Textual proposals submitted by delegations by 20 February 2020, for consideration at the fourth session 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, in response to the invitation by the President of the conference in her note of 18 November 2019 (A/CONF.232/2020/3)
A/CONF.232/2022/INF.2	Information for participants: Note by the Secretariat
A/CONF.232/2022/1	Agenda
A/CONF.232/2022/2	Programme of work
A/CONF.232/2022/3	Fourth report of the Credentials Committee

A/CONF.232/2022/CRP.1	Drafting proposals submitted by delegations as compiled on 8 March 2022
A/CONF.232/2022/CRP.2	Drafting proposals submitted by delegations as compiled on 9 March 2022
A/CONF.232/2022/CRP.3 A/CONF.232/2022/CRP.3/Corr.1	Drafting proposals submitted by delegations as compiled on 10 March 2022
A/CONF.232/2022/CRP.4	Drafting proposals submitted by delegations as compiled on 11 March 2022
A/CONF.232/2022/CRP.5 A/CONF.232/2022/CRP.5/Rev.1	Drafting proposals submitted by delegations as compiled on 14 March 2022
A/CONF.232/2022/CRP.6	Drafting proposals submitted by delegations as compiled on 15 March 2022
A/CONF.232/2022/CRP.7	Drafting proposals submitted by delegations as compiled on 16 March 2022

Annex II

Statement by the President of the conference at the closing of the fourth session

[...]
