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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

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. As requested by the General Assembly in paragraph 5 of resolution [72/249](#), the President of the General Assembly at its seventy-second session, Miroslav Lajčák, in his letter dated 14 February 2018 addressed to Member States, 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 subsequently elected President of the conference at the beginning of the organizational meeting of the conference.

9. The organizational meeting decided 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. 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.

10. At the first session, 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.

D. Documentation

11. 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

12. 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.

13. 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.

14. 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 Lefeber (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](#)).

15. 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.

16. 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

17. 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.

18. 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.

19. 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).

20. 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.

21. 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

22. 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.

23. 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.

24. 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).

25. 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.

26. 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

27. 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.

28. 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.

29. 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 Sauv  (Canada) facilitated the discussions in the informal informals on measures such as area-based management tools, including marine protected areas, while Ren  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](#)).

30. 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](#). It considered that an additional session of the conference was required as soon as possible to make progress. The conference requested the President to take the necessary steps to that end as set out in section V of the present report. The President was also requested to prepare a further revised draft text of an agreement that would take into account the work undertaken during the fourth session with a view to facilitating the prompt finalization of the work of the conference. The further revised draft text would also take into account proposals made by delegations contained in the various conference room papers issued during the fourth session of the conference, as well as proposals sent by 31 March 2022.

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

III. Credentials

32. 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.

33. 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 [A/CONF.232/2022/3](#)). 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 annex II to the present report).

IV. Attendance

34. Participants in the conference included representatives of 164 States Members of the United Nations, members of the specialized agencies and parties to the Convention. In addition, 32 organizations and other 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 91 non-governmental organizations, participated as observers.

V. Recommendations of the conference

35. At its fourth session, on 18 March 2022, the conference, having considered that an additional session was required, decided, by consensus, to request the President of the conference to take the necessary steps with a view to the General Assembly deciding that the fifth session of the conference be convened for 10 working days in August 2022, with full conference services, including documentation, provision for parallel meetings and overtime, webcast, and press and meeting coverage, as required, for the 10-day duration of the session.

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

36. At its fourth session, on 18 March 2022, the President introduced the draft report of the conference. 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.232/2020/3	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/L.3	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
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/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/INF.3	List of participants
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
A/CONF.232/2022/CRP.8	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
A/CONF.232/2022/CRP.9	Drafting proposals submitted by delegations as compiled on 17 March 2022
A/CONF.232/2022/CRP.10	Drafting proposals submitted by delegations as compiled on 18 March 2022
A/CONF.232/2022/CRP.11	Drafting proposals submitted by delegations by 31 March 2022

Annex II

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

Having been postponed twice owing to the coronavirus disease (COVID-19) pandemic, 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 met from 7 to 18 March 2022 and held substantive discussions 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.

At the beginning of the session, the Secretary-General of the conference, Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, and I delivered opening remarks. 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](#)).

With regard to the programme of work, 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 informal informals were facilitated by the following facilitators: myself for capacity-building and the transfer of marine technology, marine genetic resources, including questions on the sharing of benefits, and cross-cutting issues; Renée Sauvé (Canada) for measures such as area-based management tools, including marine protected areas; René Lefeber (Netherlands) for environmental impact assessments; and Thembile Joyini (South Africa) for institutional arrangements under cross-cutting issues.

The informal informals were convened from 7 to 18 March and proceeded with their discussions on the basis of the revised draft text of an agreement ([A/CONF.232/2020/3](#)). The oral reports of the facilitators on the work on the four thematic issues and on cross-cutting issues were presented during informal informals on 14 and 18 March.

On 18 March, the conference also 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](#). It considered that an additional session of the conference was required as soon as possible to make progress. The President was requested to take the necessary steps with a view to the General Assembly deciding that the fifth session of the conference be convened for 10 working days in August 2022, with full conference services, including documentation, provision for parallel meetings and overtime, webcast, and press and meeting coverage, as required, for the 10-day duration of the session. The President was also requested to prepare a further revised draft text of an agreement that would take into account the work undertaken during the fourth session with a view to facilitating the prompt finalization of the work of the conference. The further revised draft text would also take into account proposals made by delegations contained in the various conference room papers issued during the fourth session of the conference, as well as proposals sent by 31 March 2022.

On 18 March, the Chair of the Credentials Committee introduced the fourth report of the Committee ([A/CONF.232/2022/3](#)). The Chair informed the conference that, since the formal meeting of the Committee, credentials in the form required under rule 27 of the rules of procedure of the General Assembly had been received from Algeria, Australia, Barbados, Belgium, El Salvador, Ghana, Iceland, India,

Maldives and Turkey. In addition, other information had been received from Hungary, Jamaica and Togo concerning their representatives. The conference adopted the draft resolution recommended by the Credentials Committee in paragraph 14 of its report and accepted the additional credentials mentioned by the Chair of the Committee.

Participants in the conference also included representatives of 19 organizations and entities that had 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, and interested global and regional intergovernmental organizations and other interested international bodies, as well as one associate member of a regional commission and 56 non-governmental organizations. Owing to measures related to the COVID-19 pandemic affecting access to United Nations premises and room capacity, many participants followed the proceedings remotely through a video link.

Under other matters, on 18 March, the Secretariat provided information on the status of the voluntary trust fund established pursuant to General Assembly 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 meetings of the conference.

On 18 March, the conference adopted its report as amended.

During the general exchange of views, held on 18 March after the adoption of the report, many delegations, including some groups of States, expressed satisfaction with the progress made during the fourth session of the conference, following the two-year lapse caused by the COVID-19 pandemic. They also called for an effective, implementable and “future-proof” agreement, with some of them recalling that it must encompass the topics identified in the package agreed in 2011. Many delegations, including some groups of States, further stressed that the principle of the common heritage of humankind should guide and underpin the new legal regime for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Several delegations recalled that the agreement should not undermine relevant legal instruments and frameworks and relevant global, regional and sectoral bodies. Some delegations emphasized the need to ensure the universality of the agreement, recalling that neither participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements. Many delegations, including some groups of States, expressed a strong desire to conclude the agreement in line with the mandate set out in General Assembly resolution [72/249](#) at a fifth session in August 2022.

Appreciation was expressed for the financial support received under the voluntary trust fund for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending meetings of the conference, which made it possible for experts from some developing countries to attend the sessions of the conference. The need for additional funding to facilitate the participation of a larger number of delegates from developing countries at a fifth session was underscored, and delegations called upon States that are in a position to do so to make contributions to the trust fund.

As we come to the end of the fourth session, I wish to commend the flexibility and constructive attitude that delegations have demonstrated during the session. As I noted earlier this week, I share the observation of many of you that there has been a deeper level of engagement and a greater willingness to listen and respond to each other on the many issues under negotiation. The number of proposals submitted by delegations also reflects the careful consideration that delegations have devoted to the draft text before them, including during the intersessional period. On the basis of

our collective efforts, the fourth session has made further progress in the development of the draft text of an agreement and has allowed us to identify several areas of general agreement and commonalities, as well as areas where the text can be streamlined. We have come much closer to reaching the goal set out in General Assembly resolution [72/249](#). I believe that, with continued commitment, determination and dedication, we will be able to build bridges and close the remaining gaps, including on those issues that we were not able to tackle during this session.

With regard to capacity-building and the transfer of marine technology, further discussions will be needed on the nature of the obligation in article 44 (2) to provide capacity-building and the transfer of marine technology and on whether proposals made could be developed so as to overcome the binary division between provision on a mandatory and a voluntary basis through some different approaches. There are other issues in part V to be resolved, including how to frame the nature of the obligations on cooperation in and access to capacity-building and the transfer of marine technology in articles 43 (1) and 44 (1); how cooperation with other stakeholders might be referenced; the terms on which the transfer of marine technology would be undertaken; and whether and, if so, how to provide an indicative and non-exhaustive list of types of capacity-building and transfer of marine technology beyond that included in article 46 (1). The resolution of these issues would benefit from further engagement and creative drafting among delegations.

With regard to marine genetic resources, including questions on the sharing of benefits, there appeared to be a general trend towards the development of a notification system for the collection of or access to marine genetic resources of areas beyond national jurisdiction, with delegations expressing flexibility. There will need to be further work on ironing out some of the details of such a system. While there was general support for the understanding that the sharing of at least certain benefits should be mandatory, more engagement is needed on the sharing of other benefits, including monetary benefits, and on benefit-sharing modalities. Further discussions will also be required on a possible system that would help to achieve fair and equitable sharing of benefits, as views differed on whether such a system should aim for traceability or transparency.

With regard to measures such as area-based management tools, including marine protected areas, there appeared to be broad emerging common understanding on the approach. That said, further consultations would be required, including concerning: the relative roles of States parties and the conference of the parties in promoting coherence and complementarity in the establishment of area-based management tools, including marine protected areas; the steps that should be taken by the conference of the parties and by States parties for the establishment of such tools, including marine protected areas, where relevant legal instruments and frameworks and relevant global, regional and sectoral bodies (IFBs) do exist; and whether the agreement should take a two-tiered approach in the decision-making process relating to the establishment and designation of measures such as area-based management tools, including marine protected areas, depending on the existence or not of IFBs. Related to these issues are whether States parties should be obliged to establish area-based management tools, including marine protected areas, and adopt measures and/or cooperate to establish an IFB where one does not exist, the role of “complementary measures” in the establishment and designation of area-based management tools, including marine protected areas, and the meaning of “relevant” IFB.

With regard to environmental impact assessments, it was clear from the exchanges that continued engagement would be required on issues such as the trigger for the conduct of such assessments, including on whether a single threshold or two-tiered approach is to be employed for triggering the conduct of the assessments and which threshold should be used. With regard to internationalization, further work was

needed to determine what role, if any, the conference of the parties and the scientific and technical body should have in the various steps of the environmental impact assessment process, including decision-making. The positions of delegations regarding the relationship between such assessments under the agreement and those required under other IFBs also remain divergent, as were positions on whether strategic environmental assessments should be included in the agreement and, if so, be mandatory or voluntary.

With regard to cross-cutting issues, further effort would be needed to close the gap in respect of institutional arrangements. On funding, further work was needed on the sources of funding to assist States parties in their implementation of the agreement, including on the question of mandatory contributions from States parties. Regarding dispute settlement, common ground would still be needed on which dispute settlement procedures are to be employed under the agreement, with a need to bridge the gap between those wishing to apply the provisions of part XV of the Convention, *mutatis mutandis*, and those wishing to establish dispute settlement procedures specific to the agreement. Common ground would also be required on the issue of the scope, if any, to seek advisory opinions from the International Tribunal for the Law of the Sea. There was, however, general interest in a joint proposal on an additional procedure for the settlement of disputes of a technical nature. There was also common ground on a number of issues that could be the foundation on which to build consensus.

With the end of the fourth session, we also come to the end of the current mandated sessions of the conference pursuant to General Assembly resolution [72/249](#). We have not, however, come to the end of our work. As we work towards convening a fifth session, I encourage delegations to continue to work among themselves, including across groups and regions, to come up with creative solutions to the remaining issues that still stand between us and the final text of an agreement in order to conclude our work as soon as possible.

In closing, I wish to thank first of all the Secretary-General of the conference for his support. I also wish to thank the Secretary of the conference and the hard-working and professional team in the Office of Legal Affairs, in particular the colleagues from the Division for Ocean Affairs and the Law of the Sea. My thanks also go out to colleagues in the conference services, including the interpreters and translators, as well as in the Department of Global Communications. I wish to thank my own team, my Bureau and the facilitators for all their hard work. I also want to place on record my thanks to our previous facilitators, Alice Revell (New Zealand) for facilitating discussions on area-based management tools, including marine protected areas, and Ngedikes Olai Uludong (Palau) for facilitating discussions on capacity-building and the transfer of marine technology. Most of all, however, I want to thank each and every one of you. This session was a session that saw restrictions imposed on our meeting as a result of the ongoing pandemic, including restrictions on room capacity and access by civil society observer delegations to the premises, which were partially lifted after the first week. However, you did not let these restrictions get in the way of our work and all of you found a way to rise above the restrictions. I am truly privileged to be in the same canoe with all of you, who have taught me so much with your passion, your dedication, your spirit of cooperation, your good cheer and your willingness to listen and talk to one another. We are not done yet. There is more to come, and we must redouble our efforts. I am optimistic, however, that our destination is in sight and that our journey there will become smoother as we work to pull in the same direction. Thank you.

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