



Seventy-seventh session

Agenda item 72 (a)

**Oceans and the law of the sea: oceans and the law
of the sea****Resolution adopted by the General Assembly
on 1 August 2023***[without reference to a Main Committee (A/77/L.82)]***77/321. 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,

Recalling also its decision 76/564 of 23 May 2022, in which it decided to convene a fifth session of the conference from 15 to 26 August 2022, its resolution [77/248](#) of 30 December 2022, in which it requested the Secretary-General to convene the resumed fifth session of the conference from 20 February to 3 March 2023, and its decision 77/556 of 18 April 2023, in which it requested the Secretary-General to convene a further resumed fifth session of the conference on 19 and 20 June 2023,

Having considered the 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 on its fifth session,²

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

² [A/CONF.232/2023/5](#).



Taking note of 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, by consensus,³

Taking note also of the recommendation of the conference that the General Assembly take the appropriate action to allow the Secretary-General to assume the functions assigned to him under 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 those functions,⁴

Recognizing the need for the Secretary-General to be authorized to assume his functions under the Agreement,

Noting, in particular, that, pursuant to article 50, paragraph 2, of the Agreement, the Secretary-General, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat, shall 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,

1. *Welcomes* 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;

2. *Approves* the assumption by the Secretary-General of the functions assigned to him under the Agreement, 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;

3. *Requests* 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 of the Secretariat 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;

4. *Also requests* the Secretary-General, as depositary of the Agreement, to open it for signature on 20 September 2023;

5. *Calls upon* all States and regional economic integration organizations to consider signing and ratifying, approving or accepting the Agreement at the earliest possible date to allow its entry into force;

6. *Decides* to include in 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".

*95th plenary meeting
1 August 2023*

³ [A/CONF.232/2023/4](#).

⁴ See [A/77/945](#).