

**Recommendations of the Ad Hoc Open-ended Informal Working Group to study issues relating
to the conservation and sustainable use of marine biological diversity beyond areas of
national jurisdiction
to the sixty-ninth session of the General Assembly**

23 January 2015

The Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction recommends to the General Assembly that it:

1. *Reaffirm* the commitment in paragraph 162 of the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled “The Future We Want”, as endorsed by the General Assembly in its resolution 66/288 of 27 July 2012, in which the heads of State and Government committed to address, on an urgent basis, building on the work of the Ad Hoc Open-ended Informal Working Group, the issue of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, including by taking a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea (“the Convention”), before the end of the sixty-ninth session of the United Nations General Assembly;
2. *Note* the request of the General Assembly to the Ad Hoc Open-ended Informal Working Group to make recommendations on the scope, parameters and feasibility of an international instrument under the Convention as contained in paragraph 214 of resolution 69/245;
3. *Welcome* the exchange of views on the scope, parameters and feasibility of an international instrument under the Convention and the progress made within the Ad Hoc Open-ended Informal Working Group, within its mandate established by resolution 66/231 and in the light of resolution 67/78 to prepare for the decision on the development of an international instrument under the Convention to be taken at the sixty-ninth session of the General Assembly;
4. *Stress* the need for the comprehensive global regime to better address the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction and having considered the feasibility of developing an international instrument under the Convention;
5. *Decide* to develop an international legally-binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and to that end:
 - a) prior to holding an intergovernmental conference, decide to establish a preparatory committee, open to all Member States of the United Nations, members of specialized agencies, and Parties to the Convention, with others invited as observers in accordance with past practice of the United Nations, to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally-binding instrument under the Convention, taking into account the various reports of the Co-Chairs on the work of the Ad Hoc Open-ended Informal Working Group established pursuant to paragraph 73 of General Assembly resolution 59/24. The preparatory

committee will start its work in 2016 and by the end of 2017 will report to the General Assembly on its progress.

b) before the end of the seventy-second session of the General Assembly, and taking into account the aforementioned report of the preparatory committee, will decide on the convening and on the starting date of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the preparatory committee on the elements and to elaborate the text of an international legally-binding instrument under the Convention.

6. *Decide* that negotiations shall address the topics identified in the package agreed in 2011, namely the conservation and sustainable use of marine biodiversity in 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;

7. *Recognize* that the process indicated in paragraph 5 should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;

8. *Recognize* also that neither the participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements with regard to those instruments, or the legal status of parties to the Convention or any other related agreements with regard to those instruments.