

# United Nations Nations Unies

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REFERENCE:

5 December 2017

Dear Ms. Paşca Palmer,

I wish to refer to notification SCBD/ABS/VN/KG/NH/86849 of 20 September 2017 concerning the submission of views and information further to decision NP-2/10 on Article 10 of the Nagoya Protocol.

I am pleased to share herein information concerning developments at the General Assembly relating to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, which I believe may be of relevance to the discussions relating to Article 10 of the Nagoya Protocol.

You will recall that, by resolution 69/292 of 19 June 2015, the General Assembly decided to develop an international legally binding instrument under the United Nations Convention on the Law of the Sea ("UNCLOS") on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and, to that end, also decided to establish, prior to holding an intergovernmental conference, a preparatory committee to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument under UNCLOS. It further decided that negotiations shall 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.

I am pleased to inform you that the Preparatory Committee completed its work on 21 July 2017 with the adoption of its report (available as A/AC.287/2017/PC.4/2).

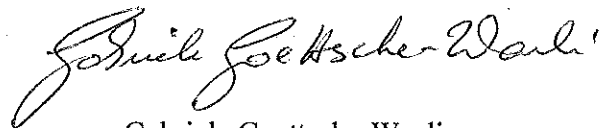
Ms. Paşca Palmer  
Executive Secretary  
Secretariat of the Convention on  
Biological Diversity  
Montreal, Canada

Of particular relevance to the issue of Article 10 of the Nagoya Protocol and situations in which it is not possible to grant or obtain prior informed consent, I wish to note that issues relating to access to and benefit-sharing arising from the utilization of marine genetic resources of areas beyond national jurisdiction are under consideration by Member States, as reflected in the recommendations of the Preparatory Committee (section III of the report) and in the various Chair's overviews and non-papers prepared in the context of the Preparatory Committee available on the website of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs (<http://www.un.org/depts/los/biodiversity/prepcom.htm>).

It is expected that this and other relevant issues will continue to be discussed in the context of an intergovernmental conference under the auspices of the United Nations. A draft resolution entitled "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", available as document A/72/L.7, was introduced to the General Assembly on 5 December and is expected to be adopted at the end of December. Pursuant to the draft resolution, the General Assembly would decide to convene 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 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. Initially with respect to 2018, 2019 and the first half of 2020, the conference would meet for four sessions. The Secretary-General would be requested to convene the first session of the conference from 4 to 17 September 2018 and an organizational meeting would be 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.

I hope this information will be helpful to the discussions on Article 10 of the Nagoya Protocol.

Yours sincerely,



Gabriele Goettsche-Wanli  
Director  
Division for Ocean Affairs and the  
Law of the Sea  
Office of Legal Affairs