



President 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

4 June 2021

Excellencies,

I have the honour to refer to the fourth session of the intergovernmental conference on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction convened pursuant to General Assembly resolution 72/249, which is scheduled to take place at the United Nations Headquarters in New York from 16 to 27 August 2021 in accordance with resolution 75/239.

In light of the continued situation concerning the Coronavirus disease 2019 (COVID-19) pandemic and having consulted with the bureau of the conference and with delegations to consider the postponement of the fourth session of the conference, I propose that the fourth session of the conference be postponed to the earliest possible available date in 2022, preferably in the first half of the year, at a date to be determined by the Secretary-General, in consultation with myself.

In this regard, any changes in the dates of the fourth session set out in resolution 75/239 will require a decision of the General Assembly. A draft of such a decision is attached for that purpose.

Permanent Representatives of
Member States to the United Nations
Members of the specialized agencies
Parties to the United Nations Convention on the Law of the Sea

The draft decision first recalls, in the preambular paragraphs, the mandate of the conference and explains the rationale for the postponement. The first operative paragraph of the draft decision aims to provide sufficient flexibility in terms of scheduling of the fourth session in 2022 in light of the evolution of the COVID-19 pandemic, while bearing in mind that the conference is at a critical stage and should be in a position to continue its work to develop the instrument as soon as possible. Making a decision on dates for the fourth session in the context of the annual resolution on oceans and the law of the sea, which is usually adopted in December each year, would not provide the sufficient lead time for the organization of the conference at the earliest possible date in 2022 in light of the anticipated heavy calendar of meetings, in particular ocean meetings, next year.

The second operative paragraph aims to ensure, having regard to the need to maintain the momentum of the process and the wish of many delegations to continue with intersessional work in the interim period, that the secretariat can provide the necessary support and services for such work, i.e., to defray the costs of three to four online discussions from the budgetary resources allocated in 2021. It is understood that such a cost would be relatively minimal. It is also understood that any intersessional work that I may decide to undertake, following further consultations with the bureau and delegations, will continue to be designed to assist delegations to enhance their understanding of the issues and the views of different delegations and is not intended to be a substitute for the negotiations, which will resume during the fourth session.

I thank you for your understanding and cooperation and remain available to address any questions that you may have.

Please accept, Excellencies, the assurances of my highest consideration.



Rena Lee
Ambassador for Oceans and Law of the Sea Issues
Special Envoy of the Minister for Foreign Affairs
President of the BBNJ intergovernmental conference

Seventy-fifth session

Agenda item 76(a)

Oceans and the law of the sea: oceans and the law of the sea

Draft decision

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

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 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, and also decided that, initially with respect to 2018, 2019 and the first half of 2020, the conference shall meet for four sessions of a duration of 10 working days each,

Recalling also its decision 74/543 to postpone the fourth session of the conference to the earliest possible available date to be decided by the General Assembly,

Recalling further its resolution [75/239](#) of 31 December 2020, in which it requested the Secretary-General to convene the fourth session of the intergovernmental conference from 16 to 27 August 2021,

Noting with concern the continued situation concerning the coronavirus disease 2019 (COVID-19),

Decides to postpone the fourth session of the conference to the earliest possible available date in 2022, preferably during the first half of the year, and requests the Secretary-General to convene the fourth session of the conference, with full conference services, including documentation, as required, for a duration of 10 days, on the dates to be determined by the Secretary-General, in consultation with the President of the intergovernmental conference;

Requests the Secretary-General to provide the necessary support and services for online discussions to be convened by the President of the intergovernmental conference in 2021.