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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Political Declaration for the resumed fifth session of the Intergovernmental Conference on BBNJ – Approval

1. In its resolution 72/249 of 24 December 2017, the United Nations General Assembly ('UNGA') decided to convene four sessions of an Intergovernmental Conference to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction ('BBNJ').
2. The European Union and its Member States are participating in these negotiations,¹ which were continued in August 2022 for a fifth session of the Intergovernmental Conference in accordance with UNGA decision 76/564. In this context, the European Union and its Member States have repeatedly expressed their commitment to conclude the BBNJ-negotiations as soon as possible.²

¹ ST 5841/18, ST 6698/18, and ST 7008/18.

² ST 9153/21 and ST 5305/22.

3. In accordance with UNGA resolution 77/248, the fifth session of the Intergovernmental Conference will be resumed 20 February to 3 March 2023 (IGC-5+).
4. In preparation of IGC-5+ delegations discussed the possibility of a political declaration in the meeting of the Working Party on the Law of the Sea (COMAR) which took place on 6 February 2023. The aim of such a declaration would be to send a political signal for the conclusion of the BBNJ-negotiations at IGC-5+. Consequently, it was discussed that the declaration should focus on reaffirming the commitment of the European Union and its Members States to conclude the BBNJ-negotiations at IGC5+ and the willingness to promote the ratification and early implementation of the future agreement by developing states.
5. After the initial discussions in COMAR, delegations found a common view on the text of the political declaration in written consultations, which ended on 9 February 2023.³
6. In light of the above, the Permanent Representatives' Committee is invited to recommend that the Council at one of its upcoming meetings approve the text of the political declaration for the resumed fifth session of the Intergovernmental Conference on BBNJ, as set out in the Annex to this document.

³ ST 6264/23.

The EU and its Member States reiterate the need to urgently address biodiversity loss and degradation of ecosystems in the ocean and to reach an agreement 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 (“BBNJ”), at the resumed 5th intergovernmental conference. The EU and its Member States will strive to step up capacity building with a view to promote ratification and prepare early implementation of the future agreement by developing states as soon as a text is adopted.
