10. 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

New York, 19 June 2023

ENTRY INTO FORCE: 17 January 2026, in accordance with article 68(1) of the Agreement which stipulates: "This Agreement shall enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession.".

REGISTRATION: 17 January 2026, No. 59087.

STATUS: Signatories: 145. Parties: 105.

TEXT: -

Note: The Agreement was adopted in New York on 19 June 2023 during the further resumed fifth session 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. The Agreement shall be open for signature in New York on 20 September 2023 and shall remain open for signature until 20 September 2025.

C.N.203.2023.TREATIES-XXI.10 of 20 July 2023 (Opening for Signature).

Participant	*Signature*	*Ratification, Accession(a), Acceptance(A), Approval(AA)*
Albania	20 Feb 2025	9 Jun 2025
Algeria	19 Sep 2025	
Andorra	9 Jun 2025	
Angola	22 Jan 2025	
Antigua and Barbuda	20 Sep 2023	12 Mar 2025
Argentina	18 Jun 2024	
Armenia	9 Jun 2025	25 Feb 2026 AA
Australia	20 Sep 2023	23 Sep 2026
Austria	20 Sep 2023	30 Mar 2026
Bahamas (The)	12 Apr 2024	9 Jun 2025
Bangladesh	20 Sep 2023	26 Sep 2024
Barbados	26 Sep 2024	26 Sep 2024
Belgium	20 Sep 2023	9 Jun 2025
Belize	22 Sep 2023	8 Apr 2024
Bolivia (Plurinational State of)	20 Sep 2023	
Botswana	24 Sep 2024	25 Sep 2025
Brazil	21 Sep 2023	16 Dec 2025
Brunei Darussalam	19 Sep 2025	23 Sep 2026
Bulgaria	20 Sep 2023	
Burkina Faso	25 Sep 2024	
Burundi	9 Jun 2025	
Cabo Verde	20 Sep 2023	27 Aug 2025
Cambodia	9 Jun 2025	6 Sep 2025
Cameroon	2 May 2025	
Canada	4 Mar 2024	23 Sep 2026
Chile	20 Sep 2023	20 Feb 2024
China	20 Sep 2023	15 Dec 2025
Colombia	20 Sep 2023	
Comoros	2 Jun 2025	11 Jun 2026
Congo	20 Sep 2023	5 Aug 2025
Cook Islands	22 Sep 2023	
Costa Rica	20 Sep 2023	22 May 2025
Côte d'Ivoire	24 Sep 2024	9 Jun 2025
Croatia	20 Sep 2023	9 Jun 2025
Cuba	20 Sep 2023	28 Jun 2024
Cyprus	20 Sep 2023	28 May 2025
Czech Republic	29 Sep 2023	
Democratic People's Republic of Korea		6 Oct 2026 a
Denmark[1]	20 Sep 2023	9 Jun 2025 AA
Djibouti	9 May 2025	24 Sep 2025
Dominica	21 Sep 2023	3 Jun 2025
Dominican Republic	20 Sep 2023	24 Mar 2026
Ecuador	21 Sep 2023	22 Dec 2025
Egypt	14 Oct 2024	
Equatorial Guinea	9 Jun 2025	
Estonia	20 Sep 2023	

Participant	*Signature*	*Ratification, Accession(a), Acceptance(A), Approval(AA)*
European Union	20 Sep 2023	28 May 2025 AA
Fiji	20 Sep 2023	9 Jun 2025
Finland	20 Sep 2023	28 May 2025 A
France	20 Sep 2023	5 Feb 2025
Gabon	20 Sep 2023	23 Sep 2025
Gambia	27 Sep 2024	24 Sep 2025
Germany	20 Sep 2023	22 Sep 2026
Ghana	20 Sep 2023	14 Jan 2026
Greece	21 Sep 2023	9 Jun 2025
Grenada	19 Dec 2024	4 Sep 2025
Guinea	9 Jun 2025	
Guinea-Bissau	9 Jun 2025	9 Jun 2025
Honduras	20 Sep 2023	26 Sep 2025
Hungary	21 Sep 2023	28 May 2025
Iceland	20 Sep 2023	17 Dec 2025
India	25 Sep 2024	
Indonesia	20 Sep 2023	10 Jun 2025
Ireland	20 Sep 2023	23 Sep 2025
Italy	22 Sep 2023	
Jamaica	24 Sep 2024	9 Jun 2025
Japan		12 Dec 2025 a
Jordan	9 Jun 2025	9 Jun 2025
Kenya	24 Sep 2024	23 Sep 2025
Kiribati	12 Mar 2025	9 Dec 2025
Kyrgyzstan	17 Jul 2025	20 Sep 2025
Lao People's Democratic Republic	20 Sep 2023	23 Sep 2025 A
Latvia	20 Sep 2023	28 May 2025
Lebanon	9 Jun 2025	24 Sep 2026
Lesotho	9 Jun 2025	
Liberia	24 Sep 2024	9 Jun 2025
Lithuania	20 Sep 2023	
Luxembourg	20 Sep 2023	29 Jul 2025
Madagascar	25 Sep 2024	23 Sep 2025
Malawi	20 Sep 2023	27 Feb 2025
Malaysia	3 Sep 2025	
Maldives	3 Sep 2024	24 Sep 2024
Malta	20 Sep 2023	9 Jun 2025
Marshall Islands	20 Sep 2023	12 Mar 2025
Mauritania	22 Sep 2023	9 Jun 2025
Mauritius	20 Sep 2023	30 May 2024
Mexico	20 Sep 2023	22 Sep 2025
Micronesia (Federated States of)	20 Sep 2023	3 Jun 2024
Monaco	20 Sep 2023	9 May 2024
Montenegro	10 Jun 2025	
Morocco	21 Sep 2023	19 Sep 2025 A
Mozambique		2 Oct 2026 a
Naoero	22 Sep 2023	
Nepal	20 Sep 2023	30 Oct 2026
Netherlands (Kingdom of the)	20 Sep 2023	
New Zealand	20 Sep 2023	
Nigeria	3 May 2024	
Niue	9 Jun 2025	
North Macedonia	9 Jun 2025	
Norway	20 Sep 2023	4 Jun 2025
Pakistan	21 Jul 2025	
Palau	20 Sep 2023	22 Jan 2024
Panama	20 Sep 2023	23 Oct 2024
Papua New Guinea	9 Jun 2025	22 Sep 2026
Paraguay	10 Sep 2025	
Peru	9 Jun 2025	
Philippines	20 Sep 2023	23 Sep 2025
Poland	21 Sep 2023	
Portugal	20 Sep 2023	28 May 2025 AA
Qatar		14 Jan 2026 a
Republic of Korea	31 Oct 2023	19 Mar 2025
Republic of Moldova	26 Aug 2025	28 Apr 2026
Romania	20 Sep 2023	4 Jun 2025
Samoa	20 Sep 2023	14 Sep 2026
Sao Tome and Principe	24 Sep 2024	
Senegal	10 Jun 2025	
Serbia	9 Jun 2025	29 Jul 2026
Seychelles	20 Sep 2023	13 Apr 2024
Sierra Leone	20 Sep 2023	19 Sep 2025
Singapore	20 Sep 2023	24 Sep 2024
Slovakia	20 Sep 2023	
Slovenia	20 Sep 2023	28 May 2025
Solomon Islands	20 Sep 2023	9 Jun 2025
South Africa	9 Jun 2025	
Spain	20 Sep 2023	4 Feb 2025
Sri Lanka	20 Feb 2025	16 Sep 2025
St. Kitts and Nevis	9 Jun 2025	29 Aug 2025
St. Lucia	20 Sep 2023	26 Nov 2024

Participant	*Signature*	*Ratification, Accession(a), Acceptance(A), Approval(AA)*
St. Vincent and the Grenadines	20 Sep 2023	17 Sep 2025
State of Palestine	20 Sep 2023	1 Oct 2025
Suriname	19 Jun 2025	
Sweden	20 Sep 2023	
Switzerland	5 Feb 2025	
Thailand	17 Apr 2025	
Timor-Leste	20 Sep 2023	26 Sep 2024
Togo	22 Sep 2023	6 Oct 2026
Tonga	26 Jan 2024	7 Jul 2026
Trinidad and Tobago		27 Jan 2026 a
Türkiye	27 Sep 2024	16 Jan 2026
Tuvalu	20 Sep 2023	9 Jun 2025
Ukraine	29 Aug 2025	
United Kingdom of Great Britain and Northern Ireland	20 Sep 2023	10 Jul 2026
United Republic of Tanzania	20 Sep 2023	
United States of America	20 Sep 2023	
Uruguay	29 Jan 2024	25 Sep 2025
Vanuatu	30 Nov 2023	9 Jun 2025
Viet Nam	20 Sep 2023	9 Jun 2025 AA
Yemen	9 Jun 2025	
Zambia	13 Feb 2024	
Zimbabwe	5 Mar 2025	22 Sep 2026

Declarations

(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)

AUSTRALIA

"DECLARING that, pursuant to Articles 10 and 70 of the Agreement, Australia makes an exception that the application of the provisions of the Agreement does not extend to the utilization of marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before the entry into force of the Agreement for Australia;

DECLARING that, pursuant to Article 71 of the Agreement, Australia attaches great importance to the general obligation to interpret and apply the Agreement in a manner that promotes coherence and coordination with, and does not undermine, relevant instruments, frameworks and global, regional, subregional and sectoral bodies. In this context, Australia notes that the Antarctic Treaty System provides a comprehensive framework for the international management of the Antarctic that addresses the legal, political and environmental considerations unique to that region, including in relation to the Agreement's objective to ensure the conservation and sustainable use of marine biological diversity;"

AUSTRIA

"In accordance with Article 70 and Article 10, paragraph 1, 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, the Republic of Austria declares the exception to exclude retroactive application as set out in the second sentence of Article 10, paragraph 1, of the Agreement. Therefore, the provisions of the Agreement shall apply for the Republic of Austria only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the Agreement for the Republic of Austria."

BELGIUM

Pursuant to articles 10 (1) and 70 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, adopted in New York on 19 June 2023, the Kingdom of Belgium makes the following exception upon depositing its instrument of ratification: In exercising the option to make an exception set out in the second sentence of article 10, paragraph 1 of the Agreement, the Kingdom of Belgium wishes to exclude from the scope of application of the provisions of Part II of the Agreement the utilization of marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before entry into force.

BRAZIL

The Federative Republic of Brazil declares that the provisions 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 (BBNJ Agreement) shall be applied and interpreted in accordance with the United Nations Convention on the Law of the Sea of 1982 (UNCLOS). Brazil understands that this Agreement does not alter the sovereign rights, jurisdiction, and powers of coastal States as defined by UNCLOS, especially with regard to Article 76, which defines the extent of the continental shelf. Recognizing that areas beyond national jurisdiction are the scope of application of the Agreement, and that the Agreement itself defines such areas as those where the high seas and the Area coincide, Brazil emphasizes that the implementation of Articles 5 to 8 of the Agreement, which establish general principles and approaches, must be guided by existing legal instruments and global, regional, sub-regional, and sectoral structures, ensuring that such measures do not undermine or weaken these mechanisms.

Brazil reiterates that the implementation of the BBNJ Agreement must not undermine or compromise the legal regimes to which it is a party. In accordance with Article 70 of the Agreement, no reservations or exceptions shall be made to it, and any declaration made under Article 71 shall not modify or exclude the legal effects of the provisions of the Agreement for the party making such a declaration. Brazil reserves the right to adopt a sovereign position, at any time, regarding any declarations made by non-parties or by parties to the Agreement invoking Article 71 to exclude or modify the effect of the provisions of the Agreement. The absence of a response or formal position by Brazil shall not be interpreted as tacit consent or approval of such declarations. For the purposes of the Agreement, the Federative Republic of Brazil reaffirms the content of Part XV of the United Nations Convention on the Law of the Sea of 1982, with regard to dispute settlement.

CANADA

"In accordance with Article 70 and Article 10(1) 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, Canada makes an exception to exclude retroactive application, as provided for in the second sentence of Article 10(1), such that the provisions of this Agreement, for Canada, apply only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated after the entry into force of this Agreement for Canada."

CHILE

The Republic of Chile declares that the provisions 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 shall be applied and interpreted in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982. Therefore, the Republic of Chile understands that the Agreement is without prejudice to the sovereign rights, jurisdiction and powers of coastal States under the Convention.

For the purposes of the relationship between the Agreement and the Convention and other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, the Republic of Chile declares that the Agreement shall in no case undermine those legal instruments and frameworks, or said bodies, and that it shall pursue coherence and coordination with those instruments, legal frameworks and bodies, on the basis of a collaborative and non-prescriptive approach. The Republic of Chile therefore considers that an interpretation and application that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, neither the establishment of general principles and approaches nor the strengthening and promotion of international cooperation, as provided for in articles 5, 6, 7 and 8 of the Agreement, is essential to guiding the relationship between the Agreement and those instruments, legal frameworks and bodies.

Chile declares that the Agreement shall in no way undermine the legal regimes to which Chile is a party, such as, among others, the Antarctic Treaty and its related instruments in force (theConvention on the Conservation of Antarctic Marine Living Resources, the Convention for the Conservation of Antarctic Seals, and the Protocol on Environmental Protection to the Antarctic Treaty and its annexes), the South Pacific Regional Fisheries Management Organisation, the International Seabed Authority and the International Maritime Organization.

Pursuant to article 70 of the Agreement, no reservations or exceptions may be made to this Agreement. Therefore, declarations made by the parties in accordance with article 71 must not exclude or modify the legal effect of the provisions of the Agreement in respect of the party making such a declaration. The Republic of Chile declares that it shall not take into account or be bound in any way by declarations made regarding the Agreement by non-parties, or by declarations made by parties to the Agreement invoking article 70 which exclude or modify the effect of the provisions of the Agreement. The Republic of Chile also reserves the right to adopt a formal position, at any time, on any declaration that may be made, or that has been made, by a non-party or by a party in relation to matters governed by the Agreement. Not adopting a position or not responding to a declaration by such States shall not be interpreted or invoked as tacit consent or approval of that declaration.

For the purposes of the Agreement, the Republic of Chile reaffirms the declaration it made upon ratification of the United Nations Convention on the Law of the Sea of 1982 with regard to part XV of the Convention, on the settlement of disputes. The Republic of Chile reiterates that:

(a) In accordance with article 287 of the aforementioned 1982 Convention, it accepts, in order of preference, the following means for the settlement of disputes concerning the interpretation or application of the Agreement:

(i) The International Tribunal for the Law of the Sea established in accordance with annex VI of the Convention;

(ii) A special arbitral tribunal, established in accordance with annex VIII of the Convention, for the categories of disputes specified therein relating to fisheries, protection and preservation of the marine environment, and marine scientific research and navigation, including pollution from vessels and by dumping;

(b) In accordance with articles 280 to 282 of the Convention, the choice of means for the settlement of disputes indicated in the preceding paragraph shall in no way affect the obligations deriving from the general, regional or bilateral agreements to which the Republic of Chile is a party concerning the peaceful settlement of disputes or containing provisions for the settlement of disputes;

(c) In accordance with article 298 of the Convention, Chile declares that it does not accept any of the procedures provided for in part XV, section 2, with respect to the disputes referred to in article 298, paragraphs 1 (a), (b) and (c), of the Convention.

CHINA

I. Pursuant to Article 10 Paragraph 1 and Article 70 of the Agreement, the People's Republic of China makes an exception to the application of the provisions of the Agreement. For the People's Republic of China, the provisions of the Agreement apply only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the Agreement for the People's Republic of China, and do not apply to the utilization of marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before the entry into

force of the Agreement for the People's Republic of China.

II. Pursuant to Article 71 of the Agreement, the People's Republic of China makes the following declarations:

i. In accordance with Article 1 Paragraph 2, Article 3, Article 6, Article 18 and other related provisions of the Agreement, the Agreement shall apply only to the high seas and the Area; the Agreement and its implementation shall be without prejudice to the sovereignty, sovereign rights or jurisdiction of a State, including in respect of any disputes relating thereto; the establishment of area-based management tools under the Agreement, including marine protected areas, shall not include any areas within national jurisdiction or any areas involving any claims of a State to sovereignty, sovereign rights or jurisdiction. Based on the foregoing, the territorial sovereignty of the People's Republic of China shall under no circumstances be affected by the Agreement or its implementation; the maritime rights of the People's Republic of China in areas within its national jurisdiction shall under no circumstances be affected by the Agreement or its implementation.

ii. In accordance with Article 2, Article 5 and other related provisions of the Agreement, the Agreement and its implementation shall properly address the relationship between conservation and sustainable use of marine biological diversity, and shall cooperate and coordinate with relevant international legal instruments, frameworks and bodies without undermining their competence or operation.

iii. In accordance with Article 47 Paragraph 5 of the Agreement, the Conference of the Parties to the Agreement shall make every effort to adopt decisions and recommendations by consensus.

III. Unless otherwise notified by the Government of the People's Republic of China, the Agreement shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China or to the Macao Special Administrative Region of the People's Republic of China.

CYPRUS

"1. Pursuant to Articles 70 and 10(1) 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, the Republic of Cyprus declares the exception of the retroactive effects as set out in the second sentence of Article 10(1), therefore the provisions of this Agreement shall apply for the Republic of Cyprus only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of this Agreement for the Republic of Cyprus."

"2. With regard to the division of the competence of regional economic integration organizations and their member States in respect of the matters governed by this Agreement, the Republic of Cyprus refers to the declaration of competence to be made by the European Union in accordance with Article 67, paragraph 2, of the Agreement."

DENMARK

"Pursuant to Articles 70 and 10(1) of the Agreement, the Government of the Kingdom of Denmark declares the exception of the retroactive effects as set out in the second sentence of Article 10(1), therefore the provisions of this Agreement shall apply for the Kingdom of Denmark only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of this Agreement for the Kingdom of Denmark."

EUROPEAN UNION

"Declaration of Competence of the European Union made in accordance with Article 67(2) 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 [2024/1832]

1. The European Union ('the Union') submits, in accordance with Article 67(2) 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 ('the Agreement'), the following Declaration of Competence in respect of matters governed by the Agreement.

2. The Union Member States are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

3. Pursuant to Articles 3 and 4 of the Treaty on the Functioning of the European Union (TFEU), in some matters the Union has exclusive competence, and in other matters competence is shared between the Union and its Member States. Pursuant to Article 4(1) of the Treaty on European Union (TEU), the Member States remain solely competent for all matters in respect of which no competence has been conferred upon the Union in the Treaties.

4. In this regard, the Union declares, firstly, that it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which are related to the area of environment, a shared competence with the Member States pursuant to Article 4(2), point (e), TFEU. This concerns namely the following objectives, in accordance with Article 191 TFEU:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

As regards matters for which Union rules have been adopted, the Union has exclusive competence in respect of matters governed by the Agreement only to the extent that provisions of the Agreement or decisions of the Conference of the Parties to the Agreement may affect common rules or alter their scope within the meaning of Article 3(2) TFEU. In this regard, the conclusion of the Agreement, on behalf of the Union, does not affect the attribution of competences between the Union and its Member States according to the Treaties. In particular, this Declaration should not be interpreted as making use of the possibility for the Union to exercise its external

competence with regard to areas covered by the Agreement falling within shared competence to the extent that such competence has not yet been exercised internally by the Union. In the area of shared competences, the Member States retain their competence insofar as the Agreement does not affect common rules or alter the scope thereof, including their foreseeable future development.

Accordingly, the extent of the Union's competence must be assessed on the basis of a comprehensive and detailed analysis of the relationship between the Agreement and the precise provisions of each measure of Union law, on a case-by-case basis. The scope and the exercise of such Union competences are, by their nature, subject to continuous development.

5. Secondly, the Union declares that it has a parallel competence to carry out activities in the following areas:

- research and technological development;
- development cooperation.

In accordance with Article 4(3) and (4) TFEU, the exercise of the Union's parallel competence is not to result in Member States being prevented from exercising their competences.

6. Thirdly, the Union declares that it has exclusive competence as regards the conservation of marine biological resources under the common fisheries policy, in accordance with Article 3(1), point (d), TFEU.

7. The Union and its Member States are therefore competent to conclude the Agreement. The Union's conclusion of the Agreement is without prejudice to the Member States' competence as regards the ratification, acceptance or approval of the Agreement.

8. As regards measures to be adopted under the Agreement, the area of competence of the Union within which the measure falls, will depend on an internal assessment of the main purpose or component of the measure to be adopted under the Agreement as well as the objectives and components more specific to the position to be established by the Union. Accordingly, the Union and its Member States have decided on their respective responsibilities for the performance of their obligations under the Agreement, in accordance with Article 67(1) of the Agreement.

9. Finally, as regards the competences transferred to the Union, this Declaration is without prejudice to the territorial scope of application of the Treaties and shall be applied under the conditions laid down in the Treaties, in particular Article 355 TFEU. Pursuant to Article 355 TFEU, this Declaration is not applicable to the overseas countries and territories of the Member States in which

the Treaties do not apply and is without prejudice to such acts or positions as may be adopted under the Agreement by the Member States concerned on behalf of and in the interest of those overseas countries and territories.

10. The Union will inform the depositary of any relevant modification of the extent of its competence, in accordance with Article 67(2) of the Agreement."

"Exception by the European Union under Article 70 in conjunction with Article 10(1) 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 [2024/1833]

Pursuant to Articles 70 and 10(1) 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, the European Union declares the exception of the retroactive effects as set out in the second sentence of Article 10(1), therefore the provisions of this Agreement shall apply for the Union only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of this Agreement for the Union."

FINLAND

"Pursuant to Article 70 and Article 10, paragraph 1, of the Agreement, the Republic of Finland declares the exception of the retroactive effects as set out in the second sentence of Article 10, paragraph 1, therefore the provisions of the Agreement shall apply for the Republic of Finland only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the Agreement for the Republic of Finland."

FRANCE

1. In accordance with article 70 and article 10, paragraph 1, 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, France hereby makes an exception to exclude retroactive application, as provided for in the second sentence of article 10, paragraph 1, such that the provisions of this Agreement, for France, apply only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated after the entry into force of this Agreement for France.

2. With reference to article 71 of the Agreement, France wishes to reaffirm that it fully supports the United Nations Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007, which is mentioned in the preamble to the Agreement. The Declaration represents the culmination of a long process marking a vital advance in the protection of the human rights of Indigenous and local populations.

With reference to the interpretive statement that it made at the time of adoption of the Declaration, France wishes to reaffirm that, by virtue of the constitutional principles of the indivisibility of the Republic, the unity of the French people and the equality of citizens before the law, all French citizens have the same rights and obligations under the Constitution, irrespective of their origin.

France is directly concerned with the populations of its overseas territorial communities and has established specific provisions in its national laws that are aligned with its constitutional principles.

France thus carries out programmes to support their economic and social development within a framework that is tailored to the specificities of those populations, which are holders of traditional knowledge, and to their cultural expression. Those specificities are reflected in Act No. 2016-1087 on the restoration of biodiversity, nature and the countryside, adopted on 8 August 2016, through which France meets its international obligations under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity. Title V of the Act, on access to genetic resources and the sharing of benefits arising from their utilization, enables France to honour in particular its

obligations to protect the traditional knowledge held by local communities.

In order to ensure consistency with the laws in force and legal certainty for users, the provisions of the Agreement relating to the traditional knowledge held by local communities will be

interpreted in a manner consistent with our constitutional principles.

3. With reference to article 60, paragraph 4, of the Agreement, France reaffirms the declaration that it made when it ratified the United Nations Convention on the Law of the Sea concerning Part XV, on settlement of disputes:

"With reference to the provisions of article 298, paragraph 1, France does not accept any of the procedures provided for in Part XV, section 2, with respect to the following disputes:

- Disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles;

- Disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3;

- Disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security

Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention."

4. With regard to the division of the competence of regional economic integration organizations and their member States in respect of the matters governed by this Agreement, France refers to the declaration of competence to be made by the European Union in accordance with article 67, paragraph 2, of the Agreement.

GERMANY

"Declarations made by the Federal Republic of Germany with regard to 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

1. Declaration on the settlement of disputes pursuant to Article 60 (3) and (4) of the Agreement

With regard to Article 60 (3) and (4) of the Agreement, the Federal Republic of Germany declares that the same dispute settlement mechanisms are applicable for it as those declared pursuant to Articles 287 and 298 of the United Nations Convention on the Law of the Sea on 14 October 1994 upon its accession to that Convention (as amended by notification of 29 May 1996).

2. Declaration on the division of the competence of regional economic integration organizations and their member States pursuant to Article 67 (2) of the Agreement

With regard to the division of the competence of regional economic integration organizations and their member States in respect of the matters governed by this Agreement, the Federal Republic of Germany refers to the European Union's Declaration of Competence in accordance with Article 67 (2) of the Agreement.

3. Exception under Article 70 in conjunction with Article 10 (1) of the Agreement

Pursuant to Articles 70 and 10 (1) 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, the Federal Republic of Germany makes an exception to exclude any retroactive effect under the second sentence of Article 10 (1); the provisions of this Agreement shall therefore apply for the Federal Republic of Germany only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the Agreement for the Federal Republic of Germany."

GREECE

"1. Pursuant to Articles 70 and 10(1) 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, the Hellenic Republic declares the exception of the retroactive effects as set out in the second sentence of Article 10(1). Therefore, the provisions of this Agreement shall apply for the Hellenic Republic only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated after the entry into force of this Agreement for the Hellenic Republic.

2. With reference to article 60, paragraphs 3 and 4 of the Agreement, the Hellenic Republic reaffirms the declarations that it has made pursuant to Articles 287 and 298 of the United Nations Convention on the Law of the Sea on 21 July 1995, upon ratification of the Convention and on 16 January 2015, respectively

3. With regard to the division of the competence of regional economic integration organizations and their member States in respect of the matters governed by this Agreement, the Hellenic Republic refers to the declaration of competence by the European Union in accordance with article 67, paragraph 2, of the Agreement.

4. According to article 70 of the Agreement, no reservations or exceptions may be made to this Agreement, unless expressly permitted by other articles of this Agreement. A declaration or statement made pursuant to article 71 cannot purport to exclude or modify the legal effect of the provisions of the Agreement in their application to the Signatory or Party making such a declaration or statement. Therefore, the Hellenic Republic declares that it shall not take into account or be bound in any way by declarations or statements that have been made or will be made by any Signatory or Party pursuant to article 71, which exclude or modify the effect of the provisions of the Agreement."

GUINEA-BISSAU

"The Republic of Guinea-Bissau declares, in accordance with and for the purposes of Article 10(1) and Article 70 of the Agreement, that the provisions of the Agreement relating to activities related to marine genetic resources and digital sequence information on marine genetic resources in areas beyond national jurisdiction shall not apply to marine genetic resources and digital sequence information on marine genetic resources in areas beyond national jurisdiction collected and generated prior to the entry into force of the Agreement, and shall apply exclusively from the date of its entry into force."

IRELAND

"In accordance with Article 70 and Article 10, paragraph 1, of the Agreement, Ireland declares the exception to exclude retroactive application as set out in

the second sentence of Article 10, paragraph 1, therefore the provisions of the Agreement shall apply for Ireland only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the Agreement for Ireland."

JAPAN

"Pursuant to Article 10, paragraph 1 and Article 70 of the Agreement, Japan makes the exception to exclude retroactive application as set out in the second sentence of Article 10, paragraph 1, therefore the provisions of the Agreement shall apply for Japan only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the Agreement for Japan."

MALTA

"Pursuant to Articles 70 and 10(1) of the Agreement, the Government of the Republic of Malta declares the exception of the retroactive effects as set out in the second sentence of Article 10(1), therefore the provisions of this Agreement shall apply for the Republic of Malta only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of this Agreement for the Republic of Malta.

Noting Article 5 of the BBNJ Agreement especially subpara (2) which refers to other relevant legal instruments and frameworks; and recalling the provisions of the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol) under the UNEP Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (the UN Barcelona Convention) in relation to declaration, protection measures, planning and management of marine protected areas, Malta reaffirms that the SPA/BD Protocol remains the regional legal instrument governing the procedure for the establishment of MPAs in areas beyond national jurisdiction within the Mediterranean, where consensus among Contracting Parties is a necessary condition."

MEXICO

EXCEPTION

Pursuant to articles 10, paragraph 1, and 70, the United Mexican States makes an exception such that the application of the provisions of this Agreement does not extend to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before the entry into force of the Agreement for the United Mexican States.

STATEMENT

According to Article 70, no reservations or exceptions may be made to the Agreement, other than those expressly permitted by other articles thereof. A declaration or statement pursuant to Article 71 does not constitute a reservation or exception for the State making it. Consequently, the United Mexican States states that it does not consider itself bound by declarations or statements made or to be made by other States or regional economic integration organizations pursuant to Article 71 of the Agreement, which purport to exclude or modify the legal effect of the provisions of the Agreement in their application to that State or organization. The absence of any pronouncement regarding such declarations or statements shall not be construed as acceptance or rejection thereof. The United Mexican States reserves the right to take, at any time, a position on such declarations or statements.

MICRONESIA (FEDERATED STATES OF)

"The Government of the Federated States of Micronesia declares that its ratification of the Agreement shall in no way constitute a renunciation of any of its rights and entitlements under international law, particularly as reflected in the United Nations Convention on the Law of the Sea ("Convention").

In this connection, recognizing that areas beyond national jurisdiction are the scope of application of the Agreement and acknowledging that the Agreement defines areas beyond national jurisdiction to comprise the high seas and the Area, the Government of the Federated States of Micronesia affirms that the Convention imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations; and proclaims that the maritime zones of the Federated States of Micronesia, as established and notified to the Secretary-General of the United Nations in accordance with the Convention, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

The identification of areas beyond national jurisdiction for the purposes of interpreting and implementing the Agreement must therefore be fully in accordance with the declarations made above by the Government of the Federated States of Micronesia."

NORWAY

"1. According to Article 70 of the Agreement, no reservations or exceptions other than those expressly permitted by its provisions may be made. A declaration pursuant to its Article 71 cannot have the effect of an exception or reservation for the State making it. Consequently, the Government of the Kingdom of Norway declares that it does not consider itself bound by declarations pursuant 71 of the Agreement that are or will be made by other States, a regional economic integration organization, or international organizations. Passivity with respect to such declarations shall be interpreted neither as acceptance nor rejection of such declarations. The Government reserves Norway's right at any time to take a position on such declarations in the manner deemed appropriate."

"2. Norway attaches great importance to the general obligation in Article 5 (2) to interpret and apply the Agreement in a manner that does not undermine the relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and in a manner that promotes coherence and coordination with such instruments, frameworks and bodies. The same applies to the more specific obligations in the Agreement to respect the competences of, and not undermine, these instruments, frameworks and bodies. Norway participates in a number of important legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies to which these obligations are applicable, such as but not limited to, the Antarctic Treaty System, the North-East Atlantic Fisheries Commission, the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR-Convention), the Arctic Council, the International SeabedAuthority and the International Maritime Organization."

PAKISTAN

a) The provisions 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 shall be applied and interpreted in accordance with the provisions of the United Nations Convention on the Law of the Sea

of 1982. Therefore, the Islamic Republic of Pakistan understands that the Agreement is without prejudice to the sovereign rights, jurisdiction and powers of coastal States under the Convention.

b) For the purposes of the Agreement, the Islamic Republic of Pakistan reaffirms the declaration it made upon [signing] the United Nations Convention on the Law of the Sea of 1982 with regard to part XV of the Convention, on the settlement of disputes. The Islamic Republic of Pakistan states that:

The Government of the Islamic Republic of Pakistan shall, at an appropriate time, make declarations provided for in articles 287 and 298 relating to the settlement of disputes.

c) The Islamic Republic of Pakistan understands that the principle of the common heritage of humankind, as specified in Article 7, Paragraph (b) of the Agreement, applies to both the geographical spaces and the resources covered under the scope of this Agreement. The scope and legal effects of the freedom of marine scientific research outlined in Article 7, Paragraph (c) of this Agreement should be interpreted in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). The Islamic Republic of Pakistan believes that Article 241 of UNCLOS is crucial for this interpretation and that marine scientific research cannot be used to justify claims of ownership or proprietary rights over any part of the marine environment or its resources.

PERU

On the occasion of Peru's signing of the aforementioned Agreement, and in accordance with the provisions of the penultimate paragraph of its Preamble and article 5, paragraph 3, it is pertinent to recall its status as a State not party to the "United Nations Convention on the Law of the Sea" of 10 December 1982. In this regard, any reference to said Convention contained in said Agreement will only be applicable to the Peruvian State to the extent that it constitutes customary international law or reflects general principles of law.

PORTUGAL

"The Portuguese Republic hereby declares, in accordance with paragraph 1 of Article 10 and Article 70 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, that the provisions 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 pertaining to activities related to marine genetic resources and digital sequence information on marine genetic resources from areas beyond national jurisdiction shall not apply to the resources and information that were collected or generated prior to the entry into force 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. These provisions shall apply exclusively from the date on which 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 enters into force."

REPUBLIC OF KOREA

Pursuant to Articles 10 and 70 of this Agreement, the Republic of Korea makes an exception that the application of the provisions of the Agreement does not extend to the utilization of marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before the entry into force of the Agreement for the Republic of Korea.

ROMANIA

"Pursuant to Articles 10, paragraph (1) and 70 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 area beyond national jurisdiction, done at New York on 19 June 2023, Romania declares the exception of retroactive effects as set out in the second sentence of article 10 paragraph (1), therefore the provisions of this Agreement shall apply for Romania only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of this Agreement for Romania."

SPAIN

In respect to paragraph 1 of article 10 on the application of the provisions of the Agreement to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction, the Kingdom of Spain declares, in accordance with the said paragraph 1 of article 10 and under article 70 on reservations and exceptions, that these provisions will not be applicable until the date of entry into force of the Agreement for Spain.

TRINIDAD AND TOBAGO

"… the Government of the Republic of Trinidad and Tobago ("the Republic of Trinidad and Tobago") upon accession to 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 ("Agreement"), shall apply and interpret the provisions of the Agreement in accordance with the United Nations Convention on the Law of the Sea, of which it is a State Party. Therefore, the Republic of Trinidad and Tobago understands that the Agreement does not prejudice the sovereign rights, jurisdiction, and powers of coastal States under the United Nations Convention on the Law of the Sea.

Settlement of Disputes - Article 60, Paragraphs 3 and 4 of the Agreement

With regard to Article 60, paragraphs 3 and 4 of the Agreement, the Republic of Trinidad and Tobago reaffirms the declarations it made pursuant to Article 287 on October 17, 2007, and pursuant to Article 298 on February 13, 2009, of the United Nations Convention on the Law of the Sea concerning Part XV of the said Convention, regarding the settlement of disputes shall be applicable to the Agreement. The Republic of Trinidad and Tobago reiterates that:

I. Declaration under Article 287

In accordance with Article 287 of the United Nations Convention on the Law of the Sea, the Republic of Trinidad and Tobago declares that, in the absence of or failing any other peaceful means, it chooses the following means, in order of priority, for the settlement of disputes concerning the interpretation or application of the United Nations Convention on the Law of the Sea:

a. The International Tribunal for the Law of the Sea established in accordance with Annex VI (ITLOS);
b. The International Court of Justice. (ICJ).

II. Declaration under Article 298

In accordance with article 298 of the United Nations Convention on the Law of the Sea, the Republic of Trinidad and Tobago declares under paragraph 1 (a) of that article, that it does not accept any of the procedures outlined in Part XV, section 2 of the Convention with respect to the categories of disputes concerning the interpretation or application of articles 15, 74, and 83 relating to sea boundary delimitations, as well as those involving historic bays or titles."

TÜRKIYE

"… the signature, ratification, accession, acceptance or approval 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 (BBNJ Agreement) by the Government of the Republic of Türkiye is without prejudice to the rights and interests of Türkiye as a non-party to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) and cannot be construed as a change in the legal position of Türkiye with regard to UNCLOS.

Recalling Türkiye's statement made during the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, Türkiye declares that there does not exist any group of people in its territory which could be considered as 'indigenous peoples' within the framework of the Agreement.

This declaration is without prejudice to additional declarations and/or reservations that may be made in the future by Türkiye."<p></p>

The Government of the Republic of Türkiye would like to confirm hereby with this document that the signature and ratification 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 ("BBNJ Agreement") by the Republic of Türkiye, in conformity with Article 5, paragraph 3 of the BBNJ Agreement, shall not affect legal status of the Republic of Türkiye as a non-party to the United Nations Convention on the Law of the Sea ("UNCLOS") and other related instruments, and shall not be construed in any way as constituting a change in the legal position of the Republic of Türkiye with regard to UNCLOS.

Nothing in this BBNJ Agreement shall be interpreted as affecting the sovereign rights, jurisdiction and duties of the Republic of Türkiye as a coastal State. The Republic of Türkiye understands references in the BBNJ Agreement to the rights, jurisdiction and duties of coastal States under UNCLOS as referring to any equivalent rights, jurisdiction, and duties of non-parties to UNCLOS under customary international law.

The Republic of Türkiye understands "[a]reas beyond national jurisdiction" under Article 1, paragraph 2 of the BBNJ Agreement to mean the high seas beyond 200 nautical miles of the baselines from which the breadth of the territorial sea is measured; and, the Area.

Pursuant to Article 60, paragraph 5 of the BBNJ Agreement, the Republic of Türkiye chooses the International Court of Justice as its means of choice for the settlement of disputes concerning the interpretation or application of the BBNJ Agreement.

Furthermore, pursuant to Article 60, paragraph 7 of the BBNJ Agreement, the Republic of Türkiye does not accept any of the procedures provided for in Part XV, section 2 of UNCLOS with respect to each category of dispute set out in Article 298 of UNCLOS for the settlement of disputes under Part IX of the BBNJ Agreement.

Recalling the statement of the Republic of Türkiye made during the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Republic of Türkiye declares that there does not exist any group of people in its territory which could be considered as "indigenous peoples" within the framework of the BBNJ Agreement.

Pursuant to Article 70 and Article 10, paragraph 1, of the BBNJ Agreement, the Republic of Türkiye declares the exception of the retroactive effects as set out in the second sentence of Article 10, paragraph 1, therefore the provisions of the BBNJ Agreement shall apply for the Republic of Türkiye only to activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected and generated after the entry into force of the BBNJ Agreement for the Republic of Türkiye.

According to Article 70 of the BBNJ Agreement, no reservations or exceptions may be made to the BBNJ Agreement, unless expressly permitted by other articles of the BBNJ Agreement. Furthermore, a declaration made pursuant to Article 71 of the BBNJ Agreement cannot purport to exclude or to modify the legal effect of the provisions of the BBNJ Agreement in their application to the State or regional economic integration organization that made the declaration. Therefore, the Republic of Türkiye declares that it shall not take into account or be bound in any way by declarations or statements that have been made or will be made by any Signatory or Party pursuant to Article 71, which exclude or modify the effect of the provisions of the BBNJ Agreement. Passivity with respect to such declarations shall be interpreted neither as acceptance nor rejection of such declarations on the part of the Republic of Türkiye. The Republic of Türkiye reserves the right to take a position at any time on such declarations in the manner deemed appropriate.

This declaration is made without prejudice to any additional declarations and/or reservations that may be made in the future by the Republic of Türkiye.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"In signing the Agreement, the Government of the United Kingdom of Great Britain and Northern Ireland (the "United Kingdom") recalls Article 71 of the Agreement and has the honour to convey the following declarations:

1. The United Kingdom welcomes the general obligation to interpret and apply the BBNJ Agreement in a manner that promotes coherence and coordination with and that does not undermine other relevant instruments, frameworks and global, regional, subregional and sectoral bodies. In this context, the United Kingdom notes that the Antarctic Treaty system comprehensively addresses the legal, political and environmental considerations unique to that region and provides a comprehensive framework for the international management of the Antarctic.

2. The United Kingdom notes references in paragraph 8 of the Preamble to "the existing rights of Indigenous Peoples, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, or of, as appropriate, local communities," and in Article 7(k) to "the rights of Indigenous Peoples or of, as appropriate, local communities". The United Kingdom's long-standing and well-established position, set out in its annual explanation of position at the UN General Assembly on the rights of indigenous people, is that human rights are held exclusively by individuals. With the exception of the right of self-determination (Common Article 1 of the two International Human Rights Covenants), the United Kingdom does not recognise

collective human rights in international law. The United Kingdom consider this important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing the rights of the groups to supersede the human rights of the individual. The United Kingdom therefore understands any internationally-agreed reference to the rights of indigenous peoples or local communities, including those in the UN

Declaration on the Rights of Indigenous Peoples and, in the Agreement signed today, to refer to those rights bestowed by governments at the national level. The United Kingdom further understands the term "local communities" to be used consistently with the way it is used in the Convention on Biological Diversity."

"(1) as declared at the time when the United Kingdom signed the Agreement, the United Kingdom recalls Article 71 thereof and welcomes the general obligation to interpret and apply the Agreement in a manner that promotes coherence and coordination with and that does not undermine other relevant instruments, frameworks and global, regional, subregional and sectoral bodies. In this context, the United Kingdom notes that the Antarctic Treaty system comprehensively addresses the legal, political and environmental considerations unique to that region and provides a comprehensive framework for the international management of the Antarctic;

(2) as declared at the time when the United Kingdom signed the Agreement, the United Kingdom recalls Article 71 thereof and notes references in paragraph 8 of the Preamble to "the existing rights of Indigenous Peoples, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, or of, as appropriate, local communities." and in Article 7(k) to "the rights of Indigenous Peoples or of, as appropriate, local communities". The United Kingdom's long-standing and well-established position, set out in its annual explanation of position at the UN General Assembly on the rights of indigenous people, is that human rights are held exclusively by individuals. With the exception of the right of self-determination (Common Article 1 of the two International Human Rights Covenants), the United Kingdom does not recognise collective human rights in international law. The United Kingdom considers this important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing the rights of the groups to supersede the human rights of the individual. The United Kingdom therefore understands any internationally agreed reference to the rights of indigenous peoples or local communities, including those in the UN Declaration on the Rights of Indigenous Peoples and in the Agreement, to refer to those rights bestowed by governments at the national level. The United Kingdom further understands the term "local communities" to be used consistently with the way it is used in the Convention on Biological Diversity; and

(3) pursuant to Article 10, paragraph 1, and Article 70 of the Agreement, the United Kingdom makes an exception to the application of the provisions of the Agreement to the utilisation of marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before the entry into force of the Agreement for the United Kingdom."

VIET NAM

"Pursuant to Article 70 and Article 10, Paragraph 1 of the Agreement, the Government of the Socialist Republic of Viet Nam declares the exception that the application of the provisions of the Agreement does not extend to the utilization of marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction collected or generated before the entry into force of the Agreement for Viet Nam.

Besides, the Government of the Socialist Republic of Viet Nam recalls the understanding of Article 18 entitled 'Area of application' of the Agreement noted in 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 at its fifth session (A/CONF.232/2023/5), that the phrase 'the Conference of the Parties shall not consider for decision' means that the Conference of the Parties can look at a proposal but shall not decide on such proposals."

Notes:

[1] Territorial exclusion in respect of the Faroe Islands and Greenland