



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. LUIS OCHOA GARCÉS, THIRD SECRETARY OF THE PERMANENT MISSION OF ECUADOR, ON AGENDA ITEM 6: CROSS-CUTTING ISSUES, AT THE 3RD PREPCOM MEETING ON CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 3 April 2017)

Mr. Facilitator,

I have the honour to deliver this statement on behalf of the Group of 77 and China.

At the outset, please allow me to reassure you of our full support and cooperation in the discussion in this informal working group on agenda item 6 regarding cross-cutting issues. This open-topic is necessary to address some issues that are of cross-cutting nature such as the scope, objectives, and guiding approaches and principles of a new legally binding instrument on BBNJ, as well as the definitions of different terms that are of technical nature or need more clarification. At the same time, what we seek to raise in this working group should not undermine the 2011 package of issues.

As clearly mentioned in the GA resolution 69/292, the objectives of the new instrument are to deal with topics identified in the package agreed in 2011.

The Group of 77 and China would like to reiterate that the new instrument should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies as it is stated in the resolution 69/292. This instrument should reflect sustainable use of resources in the ABNJ and consider mechanisms for its rehabilitation in order to achieve sustainability.

In this regard, the Group is of the view that nothing in the new instrument shall prejudice the rights, jurisdiction and duties of States under UNCLOS. The new instrument shall be interpreted and applied in the context of and in a manner consistent with UNCLOS, such as peaceful use of resources, and it shall consider universal participation, where parties and non-parties to UNCLOS can become party to it. Moreover, this instrument should be as inclusive and as comprehensive as possible to encourage global support and commitment by reflecting the major concerns among states, for example, the adverse impacts of climate change. In that light, this BBNJ instrument should give due consideration of the adverse impacts of climate change especially those that are already felt by small island states.

We also recognize that neither 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.

Mr. Facilitator,

At this stage, the Group of 77 and China consider that the institutional arrangements under the new instrument should study 2 considerations 1) the high technicality of the concerned issues and 2) the need for an effective institution to operationalize the provisions of the new instrument.

To this end, the Group of 77 and China believe that there is merit in looking at structure of existing organizations and convention bodies such as the International Seabed Authority, the International Maritime Organization, the UNFCCC, etc., to consider lessons learned and best practices, while accomplishing universality, in an effort to determine the most effective mechanisms going forward. At this juncture and without prejudice to the further consideration of the nomenclature of institutional bodies of the new instrument, institutional bodies could include 1) a secretariat; 2) a decision-making body such as Conference of Parties (COP); 3) a scientific and technical body with an advisory competence which can play a role in the establishment of ABMTs, including MPAs; 4) a clearinghouse mechanism to promote and facilitate technical and scientific cooperation, knowledge and data sharing as well as 5) a mechanism in charge of access and benefit sharing of MGRs.

Finally, regarding the question of definitions, we are of the view that we can inspire from the existing instruments where some notions are defined in order to scope and give effect to the instrument. We believe that all the notions contained in the objective or main topics of the new instrument such as marine biological diversity, areas beyond national jurisdiction deserve to be defined. Furthermore, 'marine genetic resources', 'utilization of marine genetic resources' as well as their related technical notions should also be defined.

I thank you.