



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MS. GILLIAN JOSEPH, PERMANENT MISSION OF ANTIGUA AND BARBUDA TO THE UNITED NATIONS, AT THE GENERAL ASSEMBLY AD HOC OPEN-ENDED INFORMAL WORKING GROUP TO STUDY ISSUES RELATING TO THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY BEYOND AREAS OF NATIONAL JURISDICTION (New York, 28 April 2008)**

Mr. Co-Chair,

I have the honour to speak on behalf of the Group of 77 and China at the ad hoc Open-ended Informal Working Group to study the issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. At the outset let me congratulate you on your election as Co-Chair of the meeting. We would like to assure you of our assistance in a pragmatic and skillful steering of this working group.

We thank the Secretary-General for his report contained in document A/62/66/Add.2 and other related documents which form a good basis of our working group. These reports, while recognizing the great uncertainties in these issues, constitute a step towards the understanding of the scientific, technical, economic, legal, environmental, socio-economic and other aspects of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Moreover, the report provides us with informed choices and innovative approaches in promoting international cooperation, coordination and sustainable means in addressing the issues related to law of the sea.

Co-Chair,

Let me share in general terms the view of G77 and China on the five main issues that we need to address during the course of this week.

1. The environmental impacts of anthropogenic activities on marine biological diversity beyond areas of national jurisdiction

Co-Chair

The Group of 77 and China is concerned about human induced activities such as greenhouse gas emissions causing the adverse effects of climate change on the marine environment, by which developing countries especially LDCs and SIDs will be the most affected. Overfishing, oversized fleet, non compliance and destructive fishing practices result in negative impact on fish stocks. These anthropogenic activities, should aim at sustainability so as not to pose a major threat to the livelihood of coastal States and indeed humanity for whom oceans serve as life support system. G77 and China is of the view that in order to mitigate, in accordance with the principle of common but differentiated responsibilities, the impacts of human induced activity on oceans, there needs to be better support for scientific research into and monitoring of the climate change effects to better prepare States to adapt. G77 and China looks forward to receiving the report of the "assessment of assessment" which shall shed light on the aforesaid issues of the world oceans and inform the debate on the way forward towards sustainable management of marine biological diversity beyond areas of national jurisdiction.

2. Coordination and cooperation among States as well as relevant intergovernmental organizations

and bodies for the conservation and management of marine biological diversity beyond areas of national jurisdiction

Mr. Co-Chair

The Group of 77 and China upholds the importance of cooperation among intergovernmental organizations and Member States, especially in fostering capacity building in developing States to address cross cutting issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. It will thus be necessary to foster working relationships across the different sectors and the agencies that look after these areas. More importantly, States Parties and non States Parties to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) need to work together in ensuring the conservation and management of marine biological diversity in areas beyond national jurisdiction. Furthermore, as recognized in the report of the Secretary General the Convention of Biological Diversity also has an important role to play in the issues of conservation and management of marine biological diversity.

### 3. The role of area-based management tools

Mr. Co-Chair

Articles 143 and 145 of UNCLOS refer to the protection of marine scientific research and protection of the marine environment. The G77 and China is of the view that it is imperative that we adopt management measures compatible with requirements and opportunities offered by specified ocean spaces in innocuous time frames, bearing in mind that our approach must be both functional and applicable. Detailed area-based management measures are essential apparatus for implementing these approaches in the conservation and sustainable use of marine biological diversity beyond national jurisdiction. This would, of course, offer common gains of all concerned -- developed and developing states.

### 4. Genetic resources beyond areas of national jurisdiction

We recall General Assembly resolution 2749 of 17 December 1970, affirming "that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind as a whole, irrespective of the geographical location of the states."

Mr. Co-Chair, G77 and China considers that the several intellectual property aspect relating to marine resources in the area beyond national jurisdiction require greater understanding and regulation, including those related to disclosure of sources of origin of marine genetic resources and the products and processes developed from such sources , mechanisms for access and benefit sharing of marine genetic resources and intellectual property protection of traditional knowledge associated with these resources, in this regard we note the ongoing discussions and expertise of relevant intergovernmental organization, including the World Intellectual Property Organization and World Trade Organization. There is also need for capacity building to be extended to developing States in order for these States to benefit from activity related to genetic resources beyond national jurisdiction.

### 5. Whether there is a governance or regulatory gap and, if so, how it should be addressed

Co-Chair,

The Group of 77 and China continues to reiterate that the 1982 United Nations Convention on the

Law of the Sea sets out the legal framework within which all activities in the oceans and seas beyond national jurisdiction must be carried out. Furthermore the environmental and legal issues common to marine genetic resources both within and beyond areas of national jurisdiction necessitate a dialogue with the Convention on Biological Diversity.

In conclusion, Mr. Co-Chair,

The Group of 77 and China is committed to an action oriented ad hoc open-ended working group to study the issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

Thank you