



**GENERAL STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY
H.E. MR. VIRACHAI PLASAI, AMBASSADOR AND PERMANENT
REPRESENTATIVE OF THE KINGDOM OF THAILAND TO THE UNITED
NATIONS, CHAIR OF THE GROUP OF 77, AT PREPCOM MEETING ON
CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL
DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 28
March 2016)**

Mr. Chairman,

I have the honour to speak on behalf of the Group of 77 and China.

At the outset, I would like to congratulate you on your appointment as Chair of the PrepCom on the development of an international legally binding instrument under the UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (or BBNJ) as well as the members of the bureau for their election. I would like to assure you of our Group's full support and confidence in your able leadership in conducting this PrepCom toward a successful conclusion. It is our expectation that discussions during this 1st session of the PrepCom would help identify sub-topics for further discussion and create a positive dynamics for subsequent sessions.

Mr. Chairman,

The issue of BBNJ has been on the programme of work of the General Assembly for more than a decade. The efforts to address this issue, also committed by States in the 2012 United Nations Conference on Sustainable Development ('Rio +20'), has culminated in the adoption of resolution 69/292 on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on BBNJ. The Group of 77 and China welcomes and fully supports this resolution. Considering this context of the implementation of the 2030 Agenda for Sustainable Development, especially Goal 14 on Conserve and sustainably use of the oceans, sea and marine resources for sustainable development, the need for a comprehensive global regime to better address the conservation and sustainable use of BBNJ is also evident. Under this PrepCom process, we are embarking upon an important task to make substantive recommendations to the General Assembly on the elements of a new instrument under UNCLOS on BBNJ, while laying the necessary groundwork for the consideration of an intergovernmental conference on BBNJ in the near future.

Mr. Chairman,

Resolution 69/292 is a foundation document for discussion during this PrepCom process. Regarding the substantive scope of discussion, the PrepCom process will address all the topics of the package agreed in 2011. It is time to 'unpack the package' and to identify the possible elements of each topic of the package. This exercise will progressively shape the form of our new instrument.

For the Group of 77 and China, the marine biodiversity of areas beyond national jurisdiction represents a potential, in terms of economic prosperity, and a challenge, in terms of conservation and global food security, for humanity as a whole. However, the ability and capacity of countries to benefit from this potential and to address such challenge is not equal. The existing legal gaps concerning access to and benefit from marine genetic resources in areas beyond national

jurisdiction create a situation in which some exploit these resources that are common heritage of mankind without the concomitant obligation to share the benefits. For that reason, the Group of 77 and China have repeatedly stated that a continuation of the status quo is not an option. And we are of the view that the basic principle of common heritage of mankind enshrined in the UNCLOS and in General Assembly resolution 2749 (XXV) applicable to the Area and its resources should be a basis of the new legal regime for BBNJ.

In addition, we underscore that the prospective instrument to be conceived from this current process should not undermine existing relevant legal instruments or frameworks. It is through the exercise of identifying legal and institutional gaps that we can achieve an effective global regime to address the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction in a coordinated and integrated manner. All topics are interrelated. The clarification of one topic will have effect on the consideration of others. Another reality is that the BBNJ issues are cutting-edge issues, and therefore capacity building remains an important aspect of the new agreement for the developing countries. To this end, we look forward to discussing these areas in an open and constructive manner. We are pleased to see that all the topics will be addressed together and as a whole as well as in a balanced manner.

Mr. Chairman,

Further to the consideration of the topics identified in the package as agreed in 2011, we recognise the importance of identifying possible additional elements that may be relevant to the new instrument in due time. Such elements can include but are not limited to a dispute settlement mechanism, governance and funding mechanism, general provisions and final provisions. The consideration of a roadmap for the next sessions during this session of PrepCom can be an opportunity to reflect on possible way forward, both of organisational and substantive nature which would be helpful for early preparation for the next sessions.

Mr. Chair,

Last but not least, the Group of 77 and China would like to echo our concern regarding the status of the voluntary trust fund which aims at assisting the developing countries in attending the meetings of the PrepCom and the upcoming intergovernmental conference. The Group is of the view that wider participation is key to making this process most inclusive. For developing countries, the possibility to attend the meetings would also contribute to promote capacity-building and knowledge enhancement on BBNJ so as to allow them to actively and meaningfully participate in this process. In this connection, Resolution 69/292 also recognises the role of other relevant stakeholders, including non-governmental organization which can contribute to the success of the PrepCom.

Finally, while recalling that, according to Resolution 69/292, 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, the Group of 77 and China would like to reiterate our commitment to constructively engage in this process.

I thank you.