



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. LUIS OCHOA GARCÉS, SECOND SECRETARY OF THE PERMANENT MISSION OF ECUADOR, ON AGENDA ITEM 6: CROSS-CUTTING ISSUES, AT THE 4TH PREPCOM ESTABLISHED BY GENERAL ASSEMBLY RESOLUTION 69/292: DEVELOPMENT OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT UNDER UNCLOS ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 13 July 2017)

(Original version)

Mr. Facilitator,

I have the honour to deliver this remarks on behalf of the Group of 77 and China on agenda item 6 regarding cross-cutting issues.

(II. General elements)

(a. Use of terms)

Regarding the use of terms, the Group of 77 and China agrees with the approach that has been taken in the Chair's indicative suggestions of not reflecting the actual definitions at this stage of the process. These precise definitions can be formulated in the context of future negotiations.

(c. Objectives)

Regarding the objectives; the group of 77 and China supports that the overarching objective of this instrument is to ensure the long-term conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.

(III. Conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction)

(a. General principles and approaches)

To respond to some comments made by other delegations during the debate; the Group of 77 and China considers it useful to have guiding principles and approaches under the respective sections for each of the topics identified in the package agreed in 2011. This is in light of the fact that some principles and approaches have special relevance to one or some of these topics. At the same time, we also see value in having a general section for general principles and approaches, which would include overarching principles that would apply to the entire instrument.

In this regard, we support most of the general principles and approaches listed in the indicative suggestions, but we do have some comments and changes.

The Group of 77 and China is of the view that the polluters pay principle should be included to the list. We also consider useful to add the respect for traditional knowledge to the list.

Additionally, the Group of 77 and China reiterates that the principle of common heritage of mankind

should be the basis of the new legal regime for BBNJ. We believe this important principle should underpin our work, and we are confident that we are going to be able to reach consensus on this matter in forthcoming negotiations.

(b. International cooperation)

Regarding international cooperation; The Group of 77 and China considers important that cooperation should be encouraged at all levels, including North-South / South-South cooperation and we should promote partnerships with relevant stakeholders.

(IV. Institutional arrangements)

(b. Scientific/technical body)

Regarding the functions of the scientific/technical body, the Group supports the suggestion that such body should perform an advisory role to the decision-making body/forum.

The Group considers that the draft elements should further elaborate on the role of this body, like for example:

- Assist the decision-making body/forum by making recommendations on the proposals for the establishment of ABMTs, including MPAs; and on the reporting obligations of such measures.
- Assist the decision-making body/forum by reviewing and making recommendations on EIAs reports

(c. Secretariat)

The Group welcomes the indicative suggestions regarding the functions that the secretariat could perform.

(V. Clearing-house mechanism)

The Group of 77 and China welcome the indicative suggestions, but we believe that the clearing house mechanism could also provide other functions.

The Group believes that within the clearing-house mechanism it could be useful to develop and establish a protocol or code of conduct or guidelines for environmental protection, compliance and transparency in the use of marine genetic resources of ABNJ; a trust fund to guarantee a fair and concrete sharing of benefits; a central repository for baseline data, an online compilation of good practices as well as reports of EIAs; and, can be a platform to access, evaluate, publish and disseminate information, as well as to allow requests for capacity building and transfer of marine technology on a case-by-case basis.

(VI. Financial resources and mechanism)

The Group of 77 and China reiterate the necessity to ensure an adequate, predictable and sustainable funding mechanism which could be complemented by a voluntary trust fund and through contributions resulting from the aspect of the sharing of benefits.

I thank you.