



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY H.E. AMBASSADOR ABDULLAH M. ALSAIDI, PERMANENT REPRESENTATIVE OF YEMEN TO THE UNITED NATIONS, CHAIRMAN OF THE GROUP OF 77, 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, 1 February 2010)

Mr. Co-Chair,
Excellencies,
Distinguished Delegates,

1. I have the honour to speak on behalf of the Group of 77 and China on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.
2. At the outset, let me express our pleasure to see both Co-Chairs presiding over our meeting and to assure you of our co-operation. We thank the Secretary-General for his report contained in document (A/64/66 Add.2) and other relevant reports.
3. This meeting of the Working Group coincides with an important celebration, the United Nations Declaration of 2010 an "International Year of Biodiversity".
4. In the course of the week, we shall have an opportunity as the Group of 77 and China and as individual delegations to share our views on all the issues within the mandate of the Ad Hoc Working Group. For the purpose of what we trust will be a fruitful exchange of views, we wish to share with the other States the general principles guiding the Group of 77 and China in the work of this Working Group.

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5. We would like to begin by reiterating the role of the GA of the UN on issues related to conservation and sustainable use of biodiversity in areas beyond national jurisdiction, and by stressing the role of the UN Convention on the Law of the Sea (UNCLOS) in this issue, and also the complementary role of the Convention on Biological Diversity.
6. The importance of marine biodiversity in areas beyond national jurisdiction is evident: it has a notable environmental importance and it can contribute to the development of science, to better health, and to food security. The G77 and China is also very aware of its remarkable economic and social importance. The Group also strongly believes that access to genetic resources of sea-bed and ocean floor, and the subsoil thereof, beyond the limits of the national jurisdiction, as well as its resources, which are the common heritage of mankind, in accordance with General Assembly resolution 2749 (XXV), and the exclusive exploitation by a few have serious global economic and social implications.
7. The work of this Working Group, which was established by General Assembly resolution 59/24, is therefore of the outmost relevance. It is the only international forum in which all aspects of

biodiversity beyond national jurisdiction are dealt with in an open-ended setting that encourages wide participation and open discussions.

8. The importance of the issue under consideration is such that scientific knowledge about biodiversity in areas beyond national jurisdiction should be improved. However, carrying out further scientific studies cannot in any way be conceived as a precondition for a meaningful examination of the issue, in particular, in relation to its two main aspects of concern: conservation and sustainable use.

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9. The question of the legal regime is still outstanding and, as reflected in paragraph 142 of General Assembly resolution 64/72, it should be addressed in the context of the mandate of the Working Group, with a view to making progress in this regard, including through making concrete recommendations to the 65th session of the General Assembly.

10. In the work of this Working Group, the G77 and China believes that there has come a point in the consideration of the issue where a distinction is required. For several years, the international community has referred to these resources with the expression "beyond areas of national jurisdiction", encompassing under the same heading two maritime areas in which the legal regime are remarkably different. The basic difference is that, unlike the high seas, the area "sea-bed and ocean floor, and the subsoil thereof, beyond the limits of the national jurisdiction" as well as its resources are the Common Heritage of Mankind. As established in General Assembly resolution 2749 (XXV) which is part of customary international law, activities in the area "sea-bed and ocean floor, and the subsoil thereof, beyond the limits of the national jurisdiction" shall be carried out for the benefit of mankind as a whole, taking into particular consideration the interests and needs of developing States. The fair and equitable sharing of benefits arising from the use of marine genetic resources in areas beyond national jurisdiction is thus an important element in the examination of the issue. Therefore, the G77 and China is convinced that the guiding principle in dealing with biodiversity of the area "sea-bed and ocean floor, and the subsoil thereof, beyond the limits of the national jurisdiction" is the one embodied in General Assembly resolution 2749 (XXV), 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, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole". That is to say, that the common heritage of mankind principle applies to the biological resources of the area "sea-bed and ocean floor, and the subsoil thereof, beyond the limits of the national jurisdiction".

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11. The G77 and China is of the view that the developments, in activities related to the utilization of genetic resources in areas beyond national jurisdiction, require that all the elements at stake (conservation, marine scientific research and sustainable use) be seriously considered. Such activities cannot continue without a specific legal regime. In this context, it is the view of Group that the Working Group has an essential and strengthened role to play in the near future.

12. Cooperation and coordination among relevant international organizations is also needed to address the issue under consideration. In this regard, the G77 and China recognizes the

importance of deriving inputs from other relevant instruments such as the Convention on Biological Diversity which has as its objectives the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

13. The G77 and China has repeatedly drawn attention to the fact that the provisions on transfer of technology are the ones where there is the greatest gap in implementation. The transfer of technology is an essential tool for capacity building in the sphere of marine science. There is also an urgent need for a continued and enhanced participation of scientists from developing countries in marine scientific research in the Area. We therefore call for political will to ensure implementation of the provisions of the Convention relating to capacity building, transfer of technology and scientific knowledge to developing countries so that all States benefit from including in the area of the exploration, conservation and sustainable use of genetic resources.

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14. In conclusion, the issue of the exploration, conservation and sustainable use of genetic resources is one issue that is still to be expressly settled. Our expectation is that this meeting of the Ad Hoc Working Group is an important step in a process towards settling this important issue. The G77 and China is committed to an action-oriented session of the Ad Hoc Working Group and The Co-Chairs can count on our cooperation to that end.

Thank you.