



STATEMENT ON BEHALF OF THE G77 AND CHINA BY HIS EXCELLENCY, AMBASSADOR KINGSLEY J.N. MAMABOLO, PERMANENT REPRESENTATIVE OF THE REPUBLIC OF SOUTH AFRICA TO THE UNITED NATIONS, AT THE MEETING OF THE AD HOC OPEN-ENDED INFORMAL WORKING GROUP TO STUDY ISSUES RELATING TO THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 20 January 2015)

Co-Chairs,

I have the honour to speak on behalf of the G77 and China at this ad hoc Open-ended Informal Working Group to study the issues relating to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. At the outset, let me assure you of our full support in your skillful steering of this Working Group. We thank DOALOS for circulating the compilation of comments made by Member States on the scope, parameters and feasibility of the envisaged international instrument under the 1982 United Nations Convention on the Law of the Sea ("UNCLOS"); the Co-Chairs' draft elements for the recommendations to the 69th session of the General Assembly. We also thank the Co-Chairs for the draft text on the recommendations. We are also pleased to welcome the accession of the State of Palestine to UNCLOS.

Co-Chairs,

As you may recall, World Leaders made a commitment at the 2012 United Nations Conference on Sustainable Development ('Rio +20'), which reads as follows: "Before the end of the sixty-ninth session of the General Assembly to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, including by taking a decision on the development of an international instrument under the Convention on the Law of the Sea." In this regard, the G77 and China welcomes the progress made at the April and June Working Group meetings. It is common cause that the legal gap concerning the access to and benefit from marine genetic resources from areas beyond national jurisdiction creates a situation in which some exploit these resources that are common heritage of mankind without the concomitant obligation to share the benefits and also in a manner that is inconsistent with UNCLOS. This is not acceptable, and for that reason the G77 and China have repeatedly stated that a continuation of the status quo is not an option. In this regard, the Ministers, in the G77 and China Ministerial Declaration, emphasized that the basic principle enshrined in the United Nations Convention on the Law of the Sea and in General Assembly resolution 2749 (XXV) applicable to those resources is that of the common heritage of mankind, and that a specific legal regime for the biodiversity of areas beyond national jurisdiction needs to be developed in the form of an implementing agreement under the Convention based on that principle. Such an implementing agreement has to be negotiated as a package and must encompass the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, including genetic resources, the sharing of benefits taking into account intellectual property rights, scientific research, capacity-building and the transfer of marine technology.

Co-Chairs,

We are of the view that there has been an extensive process of engagement and that there is a growing momentum to launch negotiations. The G77 and China is ready to engage in the process

of negotiations and therefore, the General Assembly should launch negotiations for an implementing agreement under UNCLOS during this current 69th session of the General Assembly as stated in Rio + 20 Outcome document. The development of an implementing agreement under UNCLOS to implement the common heritage of mankind principle would, taking into account the interests and needs of developing countries, both serve to promote a sustainable access regime and ensure a benefit sharing regime for all, including non-States Parties to UNCLOS. Thus, the States Parties and non-States Parties to UNCLOS need to work together in ensuring that, not only on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction but also on the effects of the exploration and use of genetic resources, there is enough knowledge evidencing commercial exploitation of these genetic resources.

Co-Chairs,

The G77 and China commend you for the job well done in coming up with the draft elements which serve as a good basis for the deliberations on the recommendations that should be submitted to the General Assembly by this Working Group. Your draft text facilitates, on the one hand, the process of finalizing the recommendations during this last meeting and, on the other hand, meeting the deadline for the General Assembly to make a decision by the end of this current 69th session to launch the process of negotiating an implementing agreement. The G77 and China have some comments on the draft elements, but for now, we will raise only broad issues. The G77 and China is, in general terms, comfortable with the elements related to the mandate of the Working Group. The challenge is on the elements related to the possible content of an international instrument. The Group is of the view that the package agreed in 2011 should be separated from the draft elements that are not yet agreed upon and as such, still have to be considered or discussed at a later stage. The G77 and China looks forward to participating in the deliberations of these draft recommendations.

I thank you for your attention.