



INTERVENTION ON BEHALF OF THE GROUP OF 77 AND CHINA BY MS. PRIM MASRINUAN, COUNSELLOR, PERMANENT MISSION OF THE KINGDOM OF THAILAND TO THE UNITED NATIONS, ON AGENDA ITEM 7: CONSIDERATION OF THE SCOPE OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT AND ITS RELATIONSHIP WITH OTHER INSTRUMENTS, AT THE 1ST PREPCOM MEETING ON CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 29 March 2016)

Mr. Chairman,

- I have the honour to speak on behalf of the Group of 77 and China on agenda item 7 and welcome your initiative to include the consideration of the scope of an international legally binding instrument and its relationship with other instruments on this agenda.

Mr. Chairman,

- This issue has been discussed extensively during the process of the 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 in 2014-2015. According to Resolution 69/292 which mandated the PrepCom to make the substantive recommendations on the elements of a draft text of an international legally binding instrument under the United Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, the PrepCom will also need to take into account various reports of the Co-Chairs on the work of the said Ad Hoc Working Group.

- In order to move forward the discussion on this issue, the Group of 77 and China is of the view that, at the end of the discussion during this 1st PrepCom meeting, a common understanding on the parameters of the scope should be reached. It is also important to take stock of what has been discussed to date.

Mr. Chairman,

- For the Group of 77 and China, the general scope of the new instrument is to address the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology. Therefore, we have to reflect on different parameters of the scope which are geographical scope, substantive scope and functional scope.

- Regarding the geographical scope, we are of the view that the areas beyond national jurisdiction (ABNJ) should comprise the Area, as defined in the Article 1 UNCLOS, and the high seas. The geographical scope of ABNJ should not affect the rights of States pertaining to the establishment of the outer limits of the continental shelf.

- With regards to the substantive scope, the Group believes that the consideration of this scope will depend on the definition of different terms in relation to the objective of this new instrument which is

the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, including all the topics identified in the package agreed in 2011. Therefore, the definition of all related terms such as marine genetic resources, area-based management tools, marine protected areas will be crucial and prerequisite for the consideration of this aspect.

- Regarding the functional scope, the Group is of the view that the new instrument should address the activities that can have impact on marine biodiversity, without undermining the scope and the mandate of the existing relevant instruments and frameworks.

Mr. Chairman,

- Finally, regarding the relationship with other instruments, the Group reiterates that the new instrument should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies. And at later stage, a provision regarding the relationship between the new agreement and other instruments should be included in the part "general provisions".

- I thank you.