



INTERVENTION ON BEHALF OF THE GROUP OF 77 AND CHINA BY MS. TANYARAT MUNGKALARUNGSU, COUNSELLOR, PERMANENT MISSION OF THE KINGDOM OF THAILAND TO THE UNITED NATIONS, ON AGENDA ITEM 7: CONSIDERATION OF THE GUIDING APPROACHES AND PRINCIPLES OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT, 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 regarding the consideration of the guiding approaches and principles of an international legally binding instrument.

- The Group of 77 and China welcomes this agenda item as we believe that the identification of relevant guiding approaches and principles of the new instrument is prerequisite for identifying and defining obligations and rights to be included in the new instrument.

Mr. Chairman,

- The Group of 77 and China is well aware that the objective of the new international instrument to be developed under the United Nations Convention on the Law of the Sea (UNCLOS) would be both to conserve and to sustainably use the marine biodiversity. The consideration on the guiding approaches is therefore critical as the approaches and principles to be adopted will cut across possible issues of the instrument. The challenge is how to well balance between different principles and approaches.

- At this stage, it is also imperative to achieve a common understanding at the very beginning on what can fall within the category of guiding approaches and principles.

Mr. Chairman,

- The Group of 77 and China is of the view that the guiding principles and approaches of a new instrument can be drawn from the relevant principles in the United Nations Convention on the Law of the Sea such as the common heritage of mankind which governs the Area and its resources as well as the freedom of the high seas of which the exercise is subject to the conditions laid down by the Convention as well as other rights, responsibilities and obligations under the Convention.

- For the Group of 77 and China, it is important that the new instrument is based on this important principle of common heritage of mankind as enshrined in the UNCLOS and in the General Assembly resolution 2479. To this end, it is important to reflect on its *ratione loci* and *ratione materiae* in scope and extent.

- Furthermore, other guiding principles, including the science-based approach, can be drawn from the general obligation of protection and preservation of the marine environment under UNCLOS.

Mr. Chairman,

