



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. MARCELO ZAMBRANA TORRELIO, MINISTER COUNSELLOR OF THE PERMANENT MISSION OF THE PLURINATIONAL STATE OF BOLIVIA 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 BEYOND AREAS OF NATIONAL JURISDICTION (New York, 3 April 2014)

FEASIBILITY

Madame Co-Chair,

I have the honor to speak on behalf of the Group of G77 and China.

Madame Co-Chair,

The G77 and China understand that the status quo is not adequate and is committed to address the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction including by taking a decision on the development of an international instrument under UNCLOS, as agreed in the Rio+20 final document.

It is a fact that UNCLOS provides the legal principles, although it does not provide a specific legal regime for conservation and sustainable use the marine biodiversity of areas beyond national jurisdiction.

Currently, there is no specific regulation for access, exploitation and sustainable use of the biological resources of the Area. At the same time, in the absence of a multilaterally agreed regime for the establishment of area-based conservation measures, a myriad of regional organizations and groups of countries are adopting such measures on a merely unilateral basis, lacking coordination and overall legitimacy. This reality 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.

The G77 and China considerate that a specific legal regime needs to be drafted taking the relevant principles of UNCLOS and of General Assembly Resolution 2749 (XXV) in particular the principle of Common Heritage of Mankind. The G77 and China also believes that a negotiation of all the issues as a package or single undertaking, and aiming at the implementation of the relevant principles of UNCLOS is a feasible enterprise.

There is a need for a specific legal framework to deal with these issues in a forward-looking manner and in coordination with structures and legal regimes established by the Convention and the implementation agreements adopted under it.

Co-Chair,

Therefore, the feasibility of the instrument largely depends on the political will of the Member States; the legal foundations and technical know-how already exist. We must work at a reasonable pace to make these elements coherent and harmoniously coordinated, so as to produce a specific and binding treaty regulating issues concerning the conservation and sustainable use of marine

biodiversity beyond the national jurisdictions of States and thus implementing the provisions of the Convention on these subjects.

To summarize, Co-Chair, the G77 and China believes that an implementing agreement is essential to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction through a coordinated, integrated and collaborative approach. It would assist in addressing shortcomings in implementation and existing gaps by establishing an overarching legal and institutional framework, so the States should engage to compromises to move forward on the discussion in a consensual manner so that the decision on the development of the international instrument could be taken before the 69th session of the General Assembly.

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