



**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, 1 April 2014)**

Mr. Co-Chair,

I have the honour to speak on behalf of the Group of 77 and China at the ad hoc Open-ended Informal Working Group to study the issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. At the outset let me congratulate you on your reappointment as Co-Chair of the meeting. We would like to assure you of our assistance in your skillful steering of this working group.

We thank DOALOS for putting together and circulating the compilation of comments made by States on the feasibility, parameters and scope of a multilateral instrument under UNCLOS.

Mr. Co-Chair in the course of the week we shall have opportunity as individual delegates and as the Group of 77 and China to share our views on the specific and fundamental issues which constitute our agenda. For the purpose of this general exchange of views we wish to share with the other States the general principles guiding the Group of 77 and China in this Ad Hoc Open-ended Informal Working Group.

As delegations are aware, the G77 and China made a submission on the scope, parameters and feasibility of an international instrument under UNCLOS. For brevity, I will not repeat what is contained in our submission, but allow me to highlight, once again, some basic aspects of the position of the G77 and China:

First of all I would like emphasize that the Group of 77 and China upholds the importance of the task entrusted to this Working Group when the General Assembly decided to initiate a process and when Rio plus 20 included a commitment on developing a specific legal regime for the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.

Mr. Co-Chair,

The exploitation of and benefit from resources of a maritime area that is common heritage of mankind by a few is inconsistent with general principles of international law, including those on equity, as the Area and its resources are to benefit mankind as a whole.

More importantly, Mr. Chair, the States Parties and non States Parties to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) need to work together in ensuring not only on the conservation and management of marine biological diversity in 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 this genetic resources.

Mr. Chair,

The basic principle enshrined in UNCLOS and in General Assembly Resolution 2749 (XXV) applicable to these 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 to UNCLOS based on that principle. According with this we all know that the Articles 143 and 145 of UNCLOS refer to the protection of marine scientific research and protection of the marine environment.

Mr. Chair,

In this regard, the Group of G-77 and China is totally sure that a new international instrument under UNCLOS should be address the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, including marine genetic resources, access -including marine scientific research- and benefit-sharing -with necessary consideration of the issue of intellectual property rights-, capacity building and the transfer of marine technology. There is an array of existing agreements and conventions dealing with different species of marine resources, so a review of existing treaties and agreements will have to be undertaken.

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.

Therefore, a multilateral instrument should aim at implementing the relevant principles of UNCLOS in particular the principle of the Common Heritage of Mankind.

Finally Mr. Chair,

The Group 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.

The G77 and China considers there is the need to pave the way for such decision through meaningful discussions oriented at such decision and beyond. The work of this Working Group at this meeting is therefore of the utmost relevance.

Co-chairs, we trust all delegations are willing to maintain meaningful discussions. The G77 and China is already to engage actively and constructively in this process.

Thank you.