



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. SAINIVALATI NAVOTI, COUNSELLOR, PERMANENT MISSION OF FIJI TO THE UNITED NATIONS, ON AGENDA ITEM 4 DURING 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, 20 August 2013)**

Co-Chairs,

I have the honour to make this intervention on behalf of the Group of 77 and China. These comments constitute the Group's contribution to this Ad Hoc Open-ended Informal Working Group's discussion of Agenda Item 4. The Group wishes to thank those delegations that have spoken to the Item (yesterday) and I confirm that all the sentiments expressed, have been duly noted by our Group.

Co-Chairs,

This Working Group has been considering the issue of the conservation and sustainable use of marine biodiversity in area beyond national jurisdiction for some time now. This important work was acknowledged in the Rio +20 Outcome Document where we, as States, committed ourselves to addressing this important matter, on an urgent basis, before the end of the 69th Session of the United Nations General Assembly and to take a decision on the development of an international instrument under United Nations Convention on the Law of the Sea.

Co-Chairs,

We have been invited under Agenda Item 4 to continue our consideration, together and as a whole, all issues under the mandate of the Working Group, taking into account our discussions in 2012 (the report of which was annexed to Document A/67/95), as well as the input of the inter-sessional workshops held in May.

You will recall that in 2012, many delegations suggested that this Working Group recommend to UNGA67 that negotiations for an implementing agreement under the Convention to address the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction should be initiated at the earliest possible date. These delegations also considered that the mandate of the Working Group should be adjusted, with a view to launching negotiations for such an implementing agreement. We've heard similar sentiments this session.

Conversely, in 2012, others expressed the view that the elaboration of an implementing agreement under the Convention was premature and that this issue should be addressed after the review of all pertinent aspects of the matter in the context of inter-sessional workshops.

Co-Chairs,

The Group of 77 and China noted with satisfaction the wide participation and contribution of relevant stakeholders, particularly scientists, industry and non-governmental organizations in the May 2013 Workshops. In our view, these workshops did improve our overall understanding of the issues related to BBNJ and provided valuable scientific and technical information relating to marine

genetic resources, conservation and management tools, including area-based tools and environmental impact assessments. We are also pleased at the fact that intellectual property rights were an important feature of the workshops, and also examples of existing regimes for sharing benefits. We were satisfied that the workshops also addressed issues related to international cooperation, capacity building as well as the transfer of marine technology, although there is still much to be done in this regard.

Co-Chairs,

Building on from our discussions in 2012, and on the inputs from the May inter-sessional workshops, the Group of 77 and China is of the view that this meeting of the Working Group needs to focus on the way forward with a view to fulfilling the commitment made in Rio. As many other delegations, the G77 and China has consistently sustained that.

The Working Group should commence focusing its efforts towards the formulation of concrete recommendations to the 68th Session of the General Assembly on possible ways to reach common ground on the processes necessary to enable the required political discussion on such a future instrument.

Co-Chairs,

Members of the Group of 77 and China have had the opportunity to reflect on the submission of the European Union as contained in Document A/AC.276/7. While not wishing to comment directly (just yet) on that proposal, the Group nevertheless would like to express its desire and preference to see an expedited discussion on the matter under Agenda Item 5.