



INTERVENTION ON BEHALF OF THE GROUP OF 77 AND CHINA BY MS. GILLIAN JOSEPH, PERMANENT MISSION OF ANTIGUA AND BARBUDA TO THE UNITED NATIONS, ON GOVERNANCE OR REGULATORY GAP ON MARINE BIODIVERSITY AT 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, 30 April 2008)

Thank you co-chairs.

I take the floor on behalf of the Group of 77 and China.

In considering the question of whether there would be a governance or regulatory gap on marine biodiversity, including marine genetic resources on areas beyond national jurisdiction it would perhaps be useful to recall a bit of the history of UNCLOS.

In 1973 the Third United Nations Conference on the Law of the Sea was convened in New York. UNCLOS was opened to signature in Montego Bay on 10 December 1982 and came into force on 16 November 1994, one year after the sixtieth state, Guyana, signed the treaty which encompassed and built on the provisions of the four previous instruments, as well as those of customary international law. UNCLOS was thus intended to be comprehensive, a veritable "Constitution of the Seas".

Among the most significant issues covered by UNCLOS is the protection of the marine environment and marine scientific research. The Preamble recognizes "the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment"

Developing on the principles embodied in resolution 2749 (XXV) of 17 December 1970, Article 140 establishes that activities in the Area shall be carried out for the benefit of mankind as a whole and taking into particular consideration the interests and needs of developing States and Article 241 provides for the non-recognition of marine scientific research activities as the legal basis for claims to any part of the marine environment or its resources.

Thus, all marine resources, including the conservation and sustainable use of marine biodiversity, in areas beyond national jurisdiction, are under the relevant provisions of UNCLOS including a variety of treaties such as the Convention on Biological Diversity.

It should be recognized, though, that there is an implementation deficit in the context of existing arrangements and structures. This deficit should be addressed within the respective existing arrangements and structures. Cooperation and coordination among relevant organizations is needed to address the implementation deficit. We also recognize that it is important to derive inputs from other relevant instruments such as the Convention on Biological Diversity which has as its objectives, to be pursued in accordance with its relevant provisions, the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

Furthermore, in overcoming the implementation gaps, focus should be directed at strengthening

capacity building activities in accordance with international law, in particular UNCLOS and the Convention on Biological Diversity. In this regard, training personnel, investing in facilities, providing research platforms and transferring environmentally sound technologies should be a priority. There is a need to foster more scientific cooperation and multidisciplinary research efforts and partnerships on marine genetic research.

For developing countries the issues of capacity building and technology transfer are at the very centre of efforts to bridge the implementation gap. Participation of scientists from developing countries in marine scientific research in areas beyond national jurisdiction should be enabled and in that context we welcome the establishment of the international seabed authority endowment fund. The Group of 77 and China have noted the proposals put forth at the second meeting of this informal ad hoc group and will consider them constructively.

I thank you.