



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. TUMASIE BLAIR, PERMANENT MISSION OF ANTIGUA AND BARBUDA TO THE UNITED NATIONS, AT THE NINTH MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND LAW OF THE SEA (New York, 23 June 2008)

Co Chairs,

I have the honour to speak on behalf of the Group of 77 and China. At the outset let me congratulate you on your appointment as Co-Chairs of the meeting. We would also like to reassure you of the Group's cooperation in an efficient and transparent manner as we undertake this consultative process.

The Group of 77 and China attaches particular importance to this process of consultation as it represents a forum where States can review in an open and transparent manner, the developments in ocean affairs.

Co Chairs,

G77 and China recalls with great difficulty, the divergence of views and the lack of an agreed outcome of last year's ICP and believes that it is of utmost importance to ensure a successful and consensual outcome of this current ICP meeting. We hope that the meeting will give particular focus to the issues the Group of 77 and China highlighted during the consultations with the Co-Chairs in March this year; including, in particular, the inclusion of sustainable development and capacity building in all aspects of marine security and safety.

In this regard, the Group of 77 and China would recall that the ICP was established upon recommendation of the Commission on Sustainable Development in 1999 in connection with Chapter 17 of Agenda 21. Hence, any discussion and or recommendation on "Maritime Safety and Security" should be focused only on those aspects relevant to sustainable development as identified in Chapter 17 of Agenda 21.

It is important to highlight that sustainable development has three interrelated pillars, namely, environmental, social and economic. Thus the norms emanating from sustainable development law, policy and discourse must be prevalent in these consultations. Sustainable development should be used at all times as a tool in strengthening the implementation of maritime safety and security measures, capacity-building and cooperation and coordination.

Co Chairs,

The legal regime for the States Parties to the Convention on the Law of the Sea is applicable to areas within ones national jurisdiction, and this is clearly regulated by UNCLOS through the recognition of coastal States' sovereignty on maritime safety and security. Paragraph 43 of the Secretary General's report; document A/63/63, affirms that "the international legal regime for maritime security consists of a number of international instruments, all operating within the framework of the Charter and UNCLOS." Additionally, paragraph 163 of the Secretary General's report states that "a comprehensive body of global rules and regulations have been developed to provide for maritime safety within the overall legal framework provided in UNCLOS. The

Convention sets out the rights and duties of States in respect of maritime safety, in particular the duties of flag States." However, with regards to threats to safety and security that are beyond the scope of UNCLOS and falls outside the mandate of the Informal Consultative Process, the G-77 and China reiterates its position that the participation of its member States in this meeting does not, in any way, constitute a recognition of the conformity of such activities and/or initiatives with international law.

Co Chairs,

Indeed, issues concerning oceans and seas are closely interrelated. More than ever, coordination and cooperation among States remain a prerequisite for the application of existing norms in a coherent manner.

G77 and China again stresses the importance of the review of maritime safety and security, however Co-Chairs, we should remain focused on the issue at hand so that it is not taken out of context. Additionally, the principles of sovereign equality of States and freedom of navigation should be paramount in all discussions.

Concerning the procedural matters, Mr. Co-Chairs, and with the aim of ensuring broadest participation and representation in these important discussion, G-77 and China hopes for discussions, both formal and informal, to be undertaken in an open and transparent manner within a reasonable timeframe.

On the issue of the possible agreed recommendations emanating from this Informal Consultative process, G-77 and China would welcome the establishment of a deadline for the submission of new proposals by delegations and by the Co-Chairs. This will ensure timely and adequate consideration of all recommendations.

The G-77 and China reminds that the mandate of the ICP is to facilitate the annual review to be conducted by the General Assembly of developments in ocean affairs, including by suggesting particular issues to be considered by it. It should not endeavour to preempt in any way a comprehensive debate within the GA and it should focus on recommending issues rather than specific language proposals to the plenary of the General Assembly.

In Conclusion, Co-Chairs, the Group of 77 and China will closely follow the panel presentations and ensuing discussions during the coming days, and will constructively contribute to the recommendations for the general Assembly.