



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. FARUKH AMIL, DEPUTY PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS, AT THE EIGHTH MEETING OF THE UN OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA (UNICPOLOS) ON MARINE GENETIC RESOURCES (New York, 25 June 2007)**

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 election as Chairs of the meeting. We would also like to assure you our cooperation in efficient and transparent steering of the Consultative Process.

The Group of 77 and China welcome consideration of “marine genetic resources” during the 8th meeting of the Consultative Process. We have noted, the panel presentations will try to develop understanding of marine genetic resources, their vulnerability, activities related to marine genetic resources and nature and scope of international cooperation. However, we would like to emphasize that adequate attention must be paid to the issues highlighted by the Group of 77 and China during the consultations with the Co-Chairs since March this year, including socio-economic implications driving from the use of marine genetic resources; dissemination of marine scientific research; transfer of technology; incentives for sustainable use of marine genetic resources; and capacity building needs of the developing countries.

Co Chairs,

The formulation of the agenda items does not draw distinction whether the “marine genetic resources” under consideration are located within or beyond national jurisdiction. The legal regime for the State Parties to the Convention on the Law of Sea applicable to those resources within national jurisdiction is clearly regulated by UNCLOS through the recognition of coastal States’ sovereignty on the exploration, management and exploitation of the resources.

On the issue of those resources located beyond national jurisdiction, the G-77 and China reiterates its view that all resources of the area, including the marine genetic resources, are a part of the “common heritage of mankind”. With regards to those activities undertaken beyond national jurisdiction, the G-77 reserves its position in the sense that the participation of its member States in this meeting cannot be interpreted as any recognition of the conformity of those activities with international law.

G-77 would like to recall para 92 of the report on the work of UNICPOLOS-V (A/59/122) which states, " **Several** delegations made reservations with regard to paragraphs 260 to 262 of the report of the Secretary-General on oceans and the law of the sea (A/59/62). Among other things, they pointed out that the Convention did not provide a definition of marine scientific research and did not mention bioprospecting. **It was also noted that the distinction between pure and applied marine scientific research had never been accepted universally, since there was no perceivable difference in the activity or method**". The Group regrets, this fact was not clearly reflected in the latest report of the SG on Oceans and the Law of the Sea.

Paragraph 145 of the Secretary General’s report, document A/62/66, seems to draw a distinction

between “marine scientific research” and “bioprospection”, although it recognizes the absence of a clear difference between the two concepts. The G-77 is of the view that “bioprospection” is essentially a scientific research activity that, as such, is regulated by the relevant provisions of the Convention, namely, Part XIII and, in what relates specifically to this, in article 143.

Further, in the context of sustainable development, the G-77 and China wish to remind the meeting of the obligations imposed by Article 118 of UNCLOS to cooperate in the conservation and management of marine resources. Thus, for example, states whose nationals exploit marine resources are obliged to cooperate in accordance with principles of international law, especially the principle of equal sovereignty of states. This need for co-operation includes the need for capacity building. It is important to highlight the need for transfer of technology and additional financial resources to facilitate and guarantee the adequate participation of developing countries in processes relating to Oceans and the Law of the Sea.

Concerning the procedural matters and to avoid prejudice to developing States representation in this important discussion, G-77 and China will not favour any unreasonable prolongation of plenary sessions, neither as informal consultations or any other kind of informal group.

Regarding the possible agreed recommendations from this Informal Consultative Process, G-77 and China favors the establishment of a deadline for the submission of new proposals by delegations and by the Chairpersons. This will ensure timely and adequate consideration of all recommendations by all and will facilitate instructions from capitals, when required.

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 Consultative Process recommendations for the General Assembly.