



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MINISTER HOLGER MARTINSEN, PERMANENT MISSION OF ARGENTINA TO THE UNITED NATIONS, AT THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA (New York, 20 June 2011)

Co-Chairs,

The G77 and China welcomes the opportunity to contribute, through the twelfth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea established by General Assembly resolution 54/33, to the Rio+20 Preparatory Process by assessing progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges.

We would like at the outset express how happy the Group is to see Ambassador McKay and Ambassador Meetarban as Co-Chairs of this meeting. We also recognize the efforts of the DOALOS in producing the advance Report of the Secretary-General we have before us.

Co-Chairs,

The topic is very important for developing countries. A central tenet of sustainable development is intergenerational equity. That implies pursuing development in a manner that uses natural resources rationally and sustainably so that future generations can also enjoy the benefits of the development we want to achieve during our lifetime. A balance among the economic, social and environmental pillars of sustainable development is essential for that goal to be achieved.

In doing so, Co-Chairs, as in the aforementioned previous summits, fragmentation of the law of the sea should be avoided by all means. Activities in the Ocean are governed by the law of the sea as reflected in UNCLOS. It is therefore imperative to preserve the integrity of the Convention as the comprehensive framework under which ocean space is governed.

We expect, Co-Chairs, in depth discussions about the progress achieved in the implementation of the outcomes of the major summits on sustainable development but also on about the remaining gaps, as many of them continue to directly affect sustainable development.

As proposed by you, Co-Chairs, we are ready to discuss progress and remaining gaps in the sectors identified by you, including sustainable fisheries, shipping, conservation and sustainable use of marine biological diversity -including marine genetic resources-, control of marine pollution, capacity-building, and marine science and transfer of marine technology, and specific developments in relation to small islands developing States (SIDS).

Now, allow me to highlight some issues of specific interest for my Group:

Sustainable fisheries is an extremely important aspect, as many developing countries are fish exporters and many others depend on fisheries as a source of revenue and food. The major remaining gap in implementation of Agenda 21 and the Johannesburg Plan of Implementation is overfishing and fishing overcapacity as well as the need to agree on disciplines for fisheries subsidies. The question of disciplines for fisheries subsidies has been on the agenda of the WTO for many years without agreement. No conservation measure will be effective in a scenario of major

subsidized fishing fleets that maintain a fishing capacity that is not sustainable. This, also, poses an unfair challenge in terms of international trade to developing countries whose economies and population depend on fisheries.

Co-Chairs,

The fourth Meeting of the Working Group on Marine Biodiversity of areas Beyond National Jurisdiction, which took place from 31 May to 3 June, took a step forward towards overcoming a major gap in implementation. For the first time, it recommended to the General Assembly the initiation of a process that has to consider all aspects pertaining to those resources in-conservation and sustainable use, including the sharing of benefits, capacity building and the transfer of technology- as a "package". Such process should lead to the negotiation of an implementing agreement to UNCLOS based on the relevant principles of the Convention.

The G77 and China is very much supportive of the establishment of such a process that will take place in the framework of the Ad Hoc Working Group. The reason for supporting it is not only the need for conservation of biodiversity, but also exploitation of genetic resources of areas beyond national jurisdiction, in the absence of a specific legal regime applicable thereto, is not consistent with general principles of international law, in particular those on equity; principles that are also enshrined in UNCLOS, as the Area and its resources are to be explored and exploited for the benefit of mankind as a whole. Thus, the status quo is not an acceptable option. This assumption led the Working Group to recommend the establishment of the process we shall initiate in 2012.

The G77 and China does not believe there is a regulatory gap, as the applicable principles are enshrined in UNCLOS. But there is a need for negotiating a specific legal regime. This has been highlighted also by the General Assembly in its resolutions, in particular Resolution 65/37.

In such a process, one basic aspect has to be taken into account: for several years, the General Assembly and this Working Group have been using the ambiguous expression "beyond areas of national jurisdiction", encompassing under the same heading two maritime areas: the high seas and the Area. Such ambiguity, coined for merely practical purposes, should not lead us to blur the remarkably different legal regimes involved: that of the high seas and that of the Area.

Another aspect is that of area-based management tools, such as marine protected areas (MPAs) and environmental impact assessment. Regarding MPAs, the gap is one of regulation: there is no internationally agreed legal regime for such measures, and this question has to be addressed in the context of the Process recommended by the Working Group on BBNJ, as no measure of this kind will enjoy international legitimacy unless adopted in accordance with multilaterally agreed legal norms.

Co-Chairs,

The discussions we will hold at this ICP are of the utmost importance to all Member States, but in particular to developing countries. By addressing the still remaining challenges to the sustainable development of the Oceans and Seas, the ICP has come full circle to its precious mandate, as contained in Resolution 54/33. The G77 and China reiterates its commitment to this forum and its role to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs and the law of the sea.

I would like to assure you of the strong commitment of the G77 and China to a positive outcome that can be taken into account by the preparatory process of Rio+20. You can count on our

cooperation to that end.

Thank you, Co-Chairs.

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