



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. SABELO SIVUYILE MAQUNGO, COUNSELLOR (LEGAL AFFAIRS), PERMANENT MISSION OF THE REPUBLIC OF SOUTH AFRICA TO THE UNITED NATIONS, AT THE MEETING OF 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, 13 February 2006)**

Mr. Co-Chair,

I have the honour to speak on behalf of the Group of 77 and China on the issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

Mr. Co-Chair, allow me to start by indicating our pleasure at seeing you presiding over our meeting and to assure you of our co-operation. We are supportive of the format and agenda you have proposed for our work during this week. It is evident from the full agenda that further meetings of this kind shall be necessary in the future and we look forward to you convening such future meetings.

We are grateful to the Secretary-General for his report A/60/63/Add1 on the topic of oceans and the law of the sea as well as the other relevant complementary reports. This report provides us with useful information on the scientific, technical, economic, legal, environmental, socio-economic and other aspects of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. It also gives us possible options and approaches to promote international cooperation and coordination in the aforesaid areas consistent with Article 138 of the United Nations Law of the Sea Convention.

Mr. Co-Chair in the course of the week we shall have opportunity as individual delegates and as the Group of 77 and China to share our views on the specific issues raised in the Secretary-General's report, issues which constitute our agenda. For the purpose of this general exchange of views we wish to share with the other States the general principles guiding the Group of 77 and China in this Ad Hoc Working Group.

Firstly, we are guided by the principle embodied in the General Assembly resolution 2749 of 17 December 1970, which is reiterated in the preamble of the United Nations Convention on the Law of the Sea (UNCLOS) declaring "that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States." Flowing from this principle the resources in the seabed and ocean floor and the subsoil thereof are the common heritage of mankind including those resources, in particular genetic resources that are expected to become an important socio-economic issue in the years to come, whose exploitation is not yet expressly regulated. Access to these genetic resources of the deep seabed beyond national jurisdiction is in principle, like mineral resources in the area, subject to the sharing of benefits based on consideration of equity and the objective approach of marine scientific research.

Secondly, we recognize the importance of the responsibilities entrusted to the International Seabed Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and

protection of the marine environment respectively. We call for more efforts to be employed to ensure implementation of the provisions of the Convention relating to capacity building, transfer of technology and scientific knowledge to developing countries so that all States benefit therefrom including in the area of the exploration, conservation and sustainable use of genetic resources.

Thirdly, we need to maintain the integrity of the United Nations Convention on the Law of the Sea. This Convention represents a milestone in regulating international relations and has brought order in ocean governance. The Convention regulates all resources beyond national jurisdiction. The recent scientific developments in activities relating to the utilization of genetic resources in the area beyond national jurisdiction are however necessitating urgent consideration of new or improved implementing mechanism. Furthermore, in order to implement the principle of sharing of benefits we could consider options for institutional arrangements including the existing capacity of the International Seabed Authority to include the activities of exploration, conservation and sustainable use of genetic resources, given the symbiotic relationship of the biodiversity with the deep seabed and its resources. We, are also mindful of the relevance of our deliberations this week to the Parties to the Convention on Biological Diversity.

Finally, our knowledge on the effects of the exploration, conservation and sustainable use of genetic resources is limited. There is however enough knowledge evidencing commercial exploitation of genetic resources. The Group of 77 and China is therefore seriously concerned about the losses being incurred to the common heritage of mankind by destructive practices beyond national jurisdiction where they directly impact the seabed and exploit and harm its living, non-living and mineral resources. We need therefore to apply the precautionary approach principle to ensure protection, conservation and sustainable use of genetic resources. Furthermore we must pursue more studies and discussions to assess the impact of exploration, exploitation and use of genetic resources on the marine environment.

In conclusion, Mr. Co-Chair,

The Group of 77 and China is, in the spirit of UNCLOS prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea. The issue of the exploration, conservation and sustainable use of genetic resources is one issue that is still to be expressly settled and our expectation is that this ad hoc working group is a beginning of a process towards settling this important issue.

THANK YOU.