



STATEMENT BY THE GROUP OF 77 AND CHINA, UN OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA 7TH MEETING: ECOSYSTEM APPROACHES AND OCEANS (New York, 15 June 2006)

Co Chair,

I have the pleasure to speak on behalf of the Group of 77 and China, and since it is the first time we take the floor allow us to extend to you our congratulations at being elected to the helm of this meeting and to commend you for the business like manner you have conducted our meeting.

Co Chair,

We are pleased to endorse the move to an ecosystem approach to the management of marine areas beyond and within areas of national jurisdiction. Consistent with much of the interventions of the last few days we are of the opinion that ecosystem approaches open up the possibility for increased, enhanced and more effective management and utilisation of resources beyond and within areas of national jurisdiction.

The many presentations and interventions have emphasised the importance of ecosystem approaches as a means to sustainable development. In this context we remind delegations that sustainable development has three interrelated pillars, namely, environmental, social and economic. Thus, an ecosystem approach, while promoting environmental concerns must also and equally, promote the social and economic needs of the poorest section of the global society.

Thus the norms emanating from sustainable development law, policy and discourse must not be lost on this meeting. These include the principle of intra-generational equity as embodied in the principle of common but differentiated responsibilities. In this context, co-chairs, it is important to recall the issue that was under discussion in the Ad Hoc Open-Ended Informal Working Group meeting that took place in February this year and to emphasise that we strongly support the continuation of that process. In particular, co-chairs, we wish to recall the inputs made by the G-77 and China to that meeting on the need for the sharing of benefits arising from the exploitation and utilisation of genetic resources. In the context of the common but differentiated responsibilities and sustainable development in general, the issue of the sharing of benefits from the exploitation and utilisation of genetic resources is thus critical to any attempts to implement ecosystem approaches to areas beyond national jurisdictions.

Further, in the context of sustainable development, co-chairs, 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, management of ecosystem that are under the jurisdiction of more than one state must be based on cooperation in accordance with principles of international law, especially the principle of sovereign equality of states. This need for co-operation, co-chairs, includes the need for capacity building. Thus, co-chairs, in accordance with the provisions of UNCLOS, it is important to highlight the need for transfer of technology, skills 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. The issue of public awareness regarding the preservation and sustainable use of marine ecosystem must be pursued.

Further in this context, co-chairs, while both economic and environmental issues have been the focus of this Informal Consultative Process, we would, for the future, welcome the consideration of social aspects of Oceans and the Law of the Sea by this meeting.

Many interventions over the last few days have referred to different versions of ecosystem approaches. The Secretary-General in his report on Oceans and the Law of the Sea has stated that there is no single internationally agreed definition of ecosystem approach and that the ecosystem approach is interpreted differently in different contexts. Therefore the G77 and China is of the view that the implementation of an ecosystem approach must be linked with the precautionary approach and specific conditions or peculiarities of areas or regions where it is implemented.

In our deliberations, co-chairs, issues relating to the relationship between the ecosystem approach, on the one hand, and the maximum sustainable yield and the UNCLOS (Article 119), on the other hand, came to the fore. The relationship and its implication for UNCLOS as the framework or constitution of the Law of the Sea needs further clarification. In seeking to clarify this relationship other provisions of UNCLOS must be borne in mind. In particular, article 117 which provides that all states have the duty to take “measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.” In this context, as the G-77 and China we wish to emphasise that, in our view, there is no inconsistency between the various provisions of UNCLOS, including the references in UNCLOS to maximum sustainable yield, and ecosystem approaches to the Oceans.

Co-chairs, another issue that has come up in this meeting is bottom trawling with some proposing a moratorium on bottom trawling in areas beyond national jurisdictions where there are no RFMOs. The position of the G-77 and China, taking into account the need to preserve the marine environment for the benefit of future and present generations, as well the commitment by the global community to ensure a more equitable sharing of the benefits of exploitation of resources from the deep sea is that we must deal with this issue definitively during the 61st session of the General Assembly.

Co-chairs, what has not been sufficiently covered in this meeting has been the deliberate dumping of waste and the pollution from ships involved in transboundary movement of waste or other hazardous materials. The activity of ships in marine areas within and beyond areas of national jurisdiction should be carefully monitored in considering and implementing an ecosystem approach.

Co-chairs, finally having listened to the presentations and deliberations, we remain convinced that the development agenda we pursue should be consistent with environmental objectives. In deed they should be mutually supportive. To this end, the use of ecosystem approaches has the potential to be mutual supportive of the environmental and developmental agendas, if implemented consistently with international law and sustainable development.

Thank you.