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Speakers Call for Conclusion of New Oceans Treaty on Biodiversity in 2022, as Intergovernmental Conference Agrees on Fifth Session

As the Intergovernmental Conference, tasked with drafting a legally binding instrument on the conservation and sustainable use of marine biological diversity, concluded its fourth session today, delegates decided to hold a fifth session with the goal of finalizing a new treaty and stressed the need to facilitate greater participation to allow all countries and communities to have a say in how marine resources existing outside of national jurisdiction should be shared.

Rena Lee (Singapore), President of the Intergovernmental Conference, commended delegations for the flexibility and attention demonstrated during the fourth session. Even with restrictions placed on the session due to the ongoing COVID-19 pandemic, delegations did not let those constraints impede their work, she observed, adding: “I am truly privileged to be in the same canoe with all of you.” A draft agreement was within reach, she said, adding: “Our journey there will become smoother as we work to pull in the same direction.”

Vladimir Jares, Secretary of the Intergovernmental Conference, also gave an update on the Voluntary Trust Fund, established to assist developing countries — particularly least developed countries, landlocked developing countries and small island developing States — in participating in the Conference’s work. Noting that the Trust Fund has a balance of \$280,000, he said that the Fund’s effective functioning is essential to the Conference’s success as it facilitates wider participation.

Following deliberations on whether the Conference’s work should conclude at its fifth session, delegates adopted the “Draft report of the intergovernmental conference on an internationally legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction” (document A/CONF.232/2022/L.3). This authorized the President of the Conference to

finalize the report in conformity with the practice of the United Nations and issue the same in all official languages.

During the general discussion, speakers welcomed the progress achieved during the fourth session, with many urging that work continue during the intersessional period. In addition, delegates stressed the need to account for national circumstances when formulating a legal regime to govern the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Others underscored that the principle of the common heritage of mankind should underpin any treaty in this area.

The representative of Botswana, speaking for the Landlocked Developing Countries, pointed out that the United Nations Convention on the Law of the Sea gave all Member States — including landlocked States — the right to access the oceans and to participate equitably in living marine resources. Landlocked developing countries, whose participation in the ocean economy is limited due to their geography, must be able to share in the benefits acquired from such resources, he said.

Also spotlighting geographic matters was Fiji's delegate, speaking for the Pacific Islands Forum, who emphasized the importance of recognizing the special circumstances of small island developing States without undermining existing relevant legal instruments and frameworks. Additionally, adjacent coastal States, should have a role in decision-making mechanisms pertaining to activities in areas beyond national jurisdiction that affect them.

Sierra Leone's representative, speaking for the African Group, expressed concern over the present inequitable distribution of benefits arising from access to, and exploitation of, resources from the high seas. Stressing that the principle of the common heritage of mankind should underpin the new legal regime in this area, he also highlighted the importance of having non-New York-based experts attend the Conference's fifth session.

Similarly, the representative of Mexico, speaking for the Core Latin American Group, underlined the importance of guaranteeing participation for all delegations — particularly those from developing countries — in the Conference's fifth session. To facilitate this, she appealed to delegations to contribute to the Voluntary Trust Fund. Noting the current political momentum, she also called on delegations to make the best possible use of the intersessional period.

The representative of the European Union concurred, emphasizing that work is needed before the Conference's fifth session to build on the fourth session's progress and achieve an ambitious agreement in 2022. Noting that only around 1 per cent of areas beyond national jurisdiction are protected, she stressed the need for urgent action that includes an effective, reliable mechanism to build capacity and transfer marine technology.

Barbados' delegate, speaking for the Caribbean Community (CARICOM), also pointed to the need for capacity-building and the transfer of marine technology. An agreement should include well-defined, coherent mechanisms to ensure a shared commitment to marine biological conservation. As areas beyond national jurisdiction are part of the global commons, it was also crucial for countries to continue contributing to the Voluntary Trust Fund so that capital-based experts — unable to attend the Conference's fourth session — could do so in its fifth session.

The representative of Pakistan, speaking for the "Group of 77" developing countries and China, cited delegates' commitment during the session, but said that distrust and hesitation may lead to seeming rigidity on core elements. Pledges and promises have proliferated but have not been matched with true commitment to fairness and equality. "If voluntary pledges and promises of goodwill and good faith were enough, we would not need international law at all," he observed.

The Republic of Korea's representative, praising the concerted efforts of all delegates, highlighted the urgency of reaching an agreement given the magnitude of challenges facing marine biodiversity. "There is no room for complacency," he said, adding that "better late than never" should give way to "the sooner the better". Calling on delegates to be wary of perfectionism when it begins to deter the work, he called for increased flexibility and added that in the critical months ahead, delegates must focus on concessions and ingenuity.

Speaking before the report's adoption were representatives of the United Kingdom, Mexico (for the Core Latin America Group), Barbados (for the Caribbean Community), United States, Philippines, China, Australia, New Zealand, Norway, Nicaragua, Iceland and Samoa (for the Pacific Small Island Developing States), as well as the representative of the European Union.

Also speaking in the general discussion were representatives of Samoa (for the Pacific Small Island Developing States), El Salvador (also for Colombia), Antigua and Barbuda (for the Alliance of Small Island States), Tonga, Sri Lanka, Indonesia, Dominican Republic, Nepal, Bolivia, Thailand, Philippines, Oman, Viet Nam, Nicaragua, New Zealand, Haiti, Turkey, Canada, Iceland, United Kingdom, United States and Morocco.

Also making statements without interpretation were the representatives of Australia, Norway, Iran, Venezuela and Egypt, as well as representatives of the International Union for Conservation of Nature and the High Seas Alliance.

Other Matters

VLADIMIR JARES, Secretary of the Intergovernmental Conference, provided an update on the Voluntary Trust Fund established by resolution 69/292 and expanded upon by resolution 72/249, for the purpose of assisting developing countries, in particular, the least developed countries,

landlocked developing countries and small island developing States, to attending the meetings of the preparatory committee and the intergovernmental conference. Noting that the Trust Fund has a balance of \$280,000, he added that the effective functioning of the Fund is essential to the success of the Conference because it facilitates participation from developing countries.

Responding, delegates thanked the Secretary for his statement, with the representative of Pakistan, speaking on behalf of the “Group of 77” developing countries and China, urging delegates to make contributions to the Fund. Mexico’s delegate reiterated the appeal made by the Core Latin America group, asking those in the position to contribute to the Fund to do so.

Closing Remarks

RENA LEE (Singapore), President of the Intergovernmental Conference, delivered closing remarks, commending delegations for the flexibility and attention demonstrated during the Conference’s fourth session. There has been a deeper level of engagement and greater willingness to mutually listen and respond on many issues under negotiation, and the number of proposals submitted also reflects the careful consideration that delegations devoted to the draft text, including during the intersessional period.

Because of this, the fourth session has made progress towards a text, identifying several areas of general agreement and those where the text can be streamlined, she continued. As delegations work towards convening a fifth session, she encouraged them to continue working among themselves — including across groups and regions — to come up with creative solutions to the remaining issues with an aim to finalizing the text and concluding the Conference’s work.

She went on to say that this session saw restrictions imposed as a result of the ongoing COVID-19 pandemic, including restrictions on room capacity and access by civil-society observer delegations to the premises. Noting, however, that delegations did not let these restrictions impede their work, she said: “I am truly privileged to be in the same canoe with all of you.” She also expressed hope that “our destination is in sight and that our journey there will become smoother as we work to pull in the same direction”.

Adoption of Conference Report

Ms. LEE asked delegations if the Conference wishes to adopt the report and authorize her, as President to finalize the same in conformity with the practice of the United Nations and issue the document in all official languages.

The representative of the Russian Federation proposed an amendment to the second sentence of paragraph 29 of the report, noting the difference of opinion in previous discussions over whether

the fifth session will be the Conference's last. She proposed rewriting that sentence to refer to an "additional session of the Conference".

The representative of the European Union said that delegations had made good progress over the fourth session, and expressed hope that the fifth session would see the conclusion of the Conference's work. As such, the text should remain unchanged.

The representative of the United Kingdom, concurring that real progress has been made, said the Conference's work should conclude at its fifth session. The original text is not definite; rather, it strikes the right balance as delegations make progress towards the conclusion of the Conference's work.

The representative of Mexico, speaking for the Core Latin American Group, also voiced her support for maintaining language that allowed for the Conference's work to conclude at its fifth session, and expressed hope that such conclusion will be achieved.

The representative of Barbados, speaking for the Caribbean Community (CARICOM), said that the Conference's fifth session should be its last as delegations should work towards conclusion of the Conference's work.

The representative of the United States voiced support for the previous interventions, adding that the original language allows flexibility to make progress towards the conclusion of the Conference.

The representative of the Philippines said the agreement should be concluded in the fifth session.

The representative of China expressed support for the proposal made by the representative of the Russian Federation, adding that, while it is essential to promote the positive progress achieved during negotiations, "we should be practical" since it is not possible to pre-predict the result of the next meeting.

The representative of Australia expressed support for the positions of the European Union, United Kingdom and others, and voiced the commitment to making all efforts to conclude negotiations at the next Conference.

The representative of New Zealand added her agreement, adding that "if we are not working towards the conclusion of the Conference, our delegation does not know what we are working towards".

The representative of Norway agreed that the Conference must finish its work in August.

The representative of Nicaragua said that, while the Conference has achieved great progress, it is not appropriate or logical to establish an artificial deadline.

The representative of Iceland, stressing that the current text is sufficiently open, added that the most important thing is to have a good agreement regardless of when the Conference concludes.

The representative of Samoa, speaking for the Pacific Small Island Developing States, voiced support for the current language and for concluding negotiations at the fifth session.

Ms. LEE, after a short suspension, resumed the meeting and detailed proposed alterations to paragraph 29 of the report. Specifically, the second sentence therein would be changed to read: “It considered that an additional session of the Conference was required as soon as possible in order to make progress.”

She went on to say that the fourth sentence therein would be changed to read: “The President was also requested to prepare a further revised draft text of an agreement that would take into account the work undertaken during the fourth session with a view to facilitating the prompt finalization of the work of the Conference.” The first, third and fifth sentences of paragraph 29 would remain unchanged.

She then asked the Conference if it wished to adopt the draft report, as amended, and authorize her as President to finalize the report in conformity with the practice of the United Nations and issue the same in all official languages.

The Conference so adopted and authorized the finalization of the report.

General Discussion

The representative of Botswana, speaking for the Landlocked Developing Countries, noted that the United Nations Convention on the Law of the Sea gives all Member States, including landlocked States, the right to access the oceans. In addition, all Member States are given the right to participate, on an equitable basis, not only in the exploitation but also in the conservation and sustainable use of the living marine resources in the areas beyond national jurisdiction. Reiterating the principles of common heritage of mankind and open and free access to the high seas, he noted that the participation of landlocked developing countries in the ocean economy is limited because they rely on neighbouring countries for passage through their territories to access the oceans.

Highlighting the impact of the pandemic on such access, he added that measures aimed at curbing the spread of COVID-19 further exacerbated landlocked developing countries’ transit challenges and access to the sea. Turning to marine genetic resources, he stressed that the benefits

acquired from such resources of the high seas and areas beyond national jurisdiction should be shared in a transparent and equitable manner with all States parties, with special recognition for the challenges faced by landlocked developing countries.

The representative of Sierra Leone, speaking for the African Group, highlighted the constructive and productive work done in the current session and commended the groups and delegates for their flexibility even though the conference could not conclude the instrument. The Group will work towards concluding the treaty at the earliest opportunity, he said, adding that the principle of the common heritage of humankind should underpin the new legal regime. Adding that a marine genetic resources mechanism will enable equitable sharing of benefits among all State parties, especially developing State parties, he expressed concern about the present inequitable distribution of the benefits arising from access and exploitation of resources from the high seas.

Also pointing to the unsustainable patterns of consumption and exploitation of the ocean, particularly in areas beyond national jurisdiction, he welcomed meaningful engagement on capacity-building and the equitable transfer of marine technology. Echoing the call made by the Group of 77 and China for a second revised President's text, he noted the Chair's important role in producing an updated draft treaty text taking into consideration the proposals that have garnered cross-regional support. Also stressing the importance of having non-New York-based experts attend the fifth session, he underscored the critical role of the Voluntary Trust Fund in this regard.

AURORE MAILLET, European Union, called for an effective and reliable mechanism to build capacity and transfer marine technology. While not supporting more detail in the agreement, she said she'd consider some more elaborate provisions to create space for a breakthrough. The Union also has proposed elements for a funding mechanism, she said. As well, along with Norway, the Union submitted a proposal for a dedicated capacity-building body under the agreement. On general and cross-cutting issues, the international community must keep striving for a strong institutional framework to match ambitions on the conservation of the marine biological resources beyond national jurisdiction. She also reiterated that a self-standing, dedicated Secretariat is essential for the agreement to fulfil its ambition.

In order to build on the fourth session's progress and achieve an ambitious agreement in 2022, work is needed before a fifth and final session of the Conference, she continued. Underscoring the "absolute urgency" of the work, she cited the 2019 Special Report of the Intergovernmental Panel on Climate Change report on "The Ocean and Cryosphere in Changing Climate" which laid out the growing, multidimensional challenges faced by existing ocean governance structures and the need for collaborative mechanisms to govern areas beyond national jurisdiction. "With only around 1 per cent of areas beyond national jurisdiction being protected and the ever-worsening effects that this is having on the biodiversity within our Ocean, the [European Union] and its member States can only, once again, stress the need for us to take action now," she

said. Therefore, preparations for a fifth and final Conference should be commenced to convene during the last two weeks of August this year.

The representative of Mexico, speaking for the Core Latin American Group, spotlighted the positive progress made during the Conference's fourth session despite the limitations placed on delegations' participation. She noted that the Group supports the convening of a fifth session of the Conference, and she expressed hope that the Conference will conclude its work during the same. Noting the current political momentum, she called on delegations to make the best possible use of the intersessional period and of other meetings held in 2022 on ocean-related matters.

She also underscored that the Conference benefits from the participation of civil society. That participation must be guaranteed throughout the work of the Conference's fifth session, along with that of all delegations — particularly those from developing countries. To facilitate this, she appealed to delegations to contribute to the Trust Fund, if able to do so. She added that the Group is committed to the process of building an ambitious, effective and lasting treaty concerning marine biodiversity in areas beyond national jurisdiction in line with the international community's commitment to future generations.

The representative of Samoa, speaking for the Pacific Small Island Developing States, said that he welcomed the plan to update the draft treaty text and looked forward to the advance unedited version to help with the work in the lead up to the next Intergovernmental Conference. He also saw the value of cross-regional proposals and welcomed the extra time to work with other delegations in this regard.

He acknowledged the encouraging reactions from respective delegations on significant issues and principles pertinent to large ocean States, including adjacency; the special circumstances of small island developing States; fair and equitable sharing of benefits; and the traditional knowledge of indigenous peoples and local communities. It is also important to highlight the fact that Member States act as proper stewards of the ocean as they continue to work on the draft to ensure healthy, productive and resilient oceans. The international community needs to act on behalf of present and future generations by protecting, caring for and ensuring responsible use of the marine environment, maintaining the integrity of ocean ecosystems and preserving the inherent value of biodiversity beyond national jurisdiction.

The representative of El Salvador also speaking for Colombia, highlighted the fourth paragraph of article 4 in the revised version of the agreement which refers to the relationship between the agreement and other frameworks currently in place, including the Convention. Stressing the need to ensure the conservation and sustainable use of biodiversity in areas beyond national jurisdiction, he added that the global regime in this field must regulate and harmonize in the best

possible way with the relevant principles and instruments of international law as well as the principles of international environmental law.

Pointing out that environmental issues and principles of international environmental law are areas whose scope goes beyond the Convention, he added that not all States are party to that instrument. Therefore, the Conference must give rise to an inclusive, balanced and universal text, he stressed, noting that this concept of universality has been incorporated into resolutions adopted by the General Assembly. Calling for the removal of the brackets around paragraph four of article 4, he noted ongoing attempts to understand the concerns of delegations regarding the inclusion of a clause which guarantees the legal status of those countries that are not party to the Convention.

QASIM AZIZ (Pakistan), speaking for the “Group of 77” developing countries and China, affirmed that the principle of the common heritage of mankind should guide and underpin the new legal regime for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including the access and sharing of benefits of marine genetic resources. An agreement fully reflective of the “2011 package deal” will see overwhelming support from the Group’s delegations. While citing the commitment and common decency of the delegates in the room, he said “there is a ‘but’”, namely that of distrust and hesitation, which may lead to the repetition of stale points and the seeming rigidity on core elements. Pledges and promises have proliferated, but have not been matched with a true commitment to fairness and equality. “If voluntary pledges and promises of goodwill and good faith were enough, we would not need international law at all,” he remarked.

The Group wants to protect the oceans and its contents for tomorrow and for all children and future generations to benefit from marine genetic resources, he emphasized. While not all claims to universality are intended to conceal some form of hidden self-interest or even determination to domination, he noted that conducting marine scientific research is a distinct task from Northern Europe to the north Caribbean. Resources for environmental-impact-assessment implementation in West Africa may not match those of North America at this time, however. He concurred with those delegations “seeking not to punt our debates and discussions down the road to what we all hope will be an eventual COP [conference of the parties] under this agreement”. Reaching the finish line will require that all exercise the vigilance to seek and promote the common good and the willingness to accept the burdens of taking initiatives that treat all peoples as worthy of equal dignity.

The representative of Antigua and Barbuda, speaking for the Alliance of Small Island States, said that the fourth session marked a turning point, as delegations actively engaged with each other on various proposals as the Conference pivots towards finalizing its work. There is considerable intersessional work to be done, however, and delegations must, together, look for solutions to even the most intractable issues, she stressed.

She went on to say that, to this end, the Alliance's members are "willing to undertake the heavy lifting" in order to adopt an instrument concerning marine biodiversity in areas beyond national jurisdiction. She also underscored the importance of participation — expressing hope that, to this end, appeals for further contributions to the voluntary trust fund will be positively received — and urged that upcoming meetings better accommodate the participation of observers and civil society, which are invaluable to the process.

JULIETTE BABB-RILEY (Barbados), speaking for CARICOM, and associating herself with the Group of 77 and the Alliance of Small Island States, asserted that areas beyond national jurisdiction are part of the global commons. The common heritage of humankind must inform management of them. It is imperative that negotiations conclude in 2022, and for the President and Secretary-General to ensure the requisite resources are provided. She requested that the President prepare a revised clean draft text as soon as possible and expressed support for the two-week timeline for delegations to present further textual proposals.

Turning to Part IV, she highlighted the continued collaboration on the CARICOM-Pacific small island developing States proposal presented during the fourth Intergovernmental Conference. She also welcomed support around Part V, calling for capacity-building and the transfer of marine technology. It was crucial for countries to continue contributing to the Voluntary Trust Fund; while many capital-based experts were unable to attend the fourth Intergovernmental Conference, they will be required for the fifth Intergovernmental Conference. She emphasized CARICOM's commitment to concluding a multilateral agreement that embraces global governance and oversight for management of biodiversity beyond national jurisdiction, as well as an equitable access and benefit-sharing regime. The agreement should also include adequate financial resources and a robust capacity building and transfer of marine technology, along with well-defined coherent mechanisms to ensure a shared commitment to marine biological conservation.

AGNES HARM (Fiji), speaking for the Pacific Islands Forum, said the discussions held over the past two weeks have been the most productive of the entire negotiation process. "Our collective will and efforts put in to work together towards a same goal is to be commended," she said, voicing her hope that those efforts will result in an ambitious agreement that ensures the conservation and sustainable use of areas beyond national jurisdiction, based on the best available scientific information and relevant traditional knowledge.

It was also crucial to recognize the special circumstances of small island developing States and the cumulative impacts of human activities, as well as climate change, without undermining existing relevant legal instruments and frameworks, she continued. She also advocated for adequate consideration for adjacent coastal States, including through mandatory consultations and a role in decision-making mechanisms pertaining to activities in areas beyond national jurisdiction that pose

potential threats or harm, or otherwise affect the national jurisdiction of a coastal State in close proximity to proposed activities.

VILIAMI VA‘INGA TŌNĒ (Tonga), associating himself with the Group of 77 developing countries and China, Pacific small island States and the Pacific Island Forum, called the fourth session negotiations intensive yet encouraging and commended the transparent and proactive manner in which the President guided the process, along with the laudable efforts of facilitators and the Division of Ocean Affairs and the Law of the Sea. He noted that he was pleased to see principles and approaches which are of particular interest to small island States positively considered and added his support for the plan to hold a fifth session. It is important to build momentum, he said, encouraging further coordination, as well as cross-regional proposals, to advance the work. He also thanked the Secretariat and delegations for their dedication and flexibility in developing a critical instrument which aims at protecting the last great global commons, biodiversity in the high seas, through a legally binding treaty.

The representative of Sri Lanka said his delegation has listened carefully and will reflect deeply, “discuss the matter on our way home and when back at home”, and will then return re-energized to the next session. Noting convergence around many areas, as well as divergence and uncertainty, particularly on the bracketed text, he added that the discussions have opened a new window on to a resource that is ostensibly a common good of humanity, but has been hitherto an underexploited and unaffordable resource for many jurisdictions. Underscoring the principle of sharing such resources, he called on the international community to give urgent attention to this issue.

MOHAMMED K. KOBBA (Indonesia), aligning himself with the Group of 77 developing countries and China, spotlighted the limitations imposed by the pandemic on deliberations and voiced support for the convening of a fifth session. The new legal instrument must establish a balance between the rights and obligations of States, including by acknowledging the special characteristics and legitimate interest of all States and the fact that archipelagic States face greater vulnerability of being impacted by unsustainable activities. Fish and their derivatives must be explicitly incorporated within the meaning or scope of marine genetic resources. Doing so will eliminate uncertainties. Also emphasizing the need to adopt a set of regulations in conducting environmental-impact assessment for activities carried out in areas beyond national jurisdiction, he added that the location-based approach in regulating environmental impacts assessments.

The representative of Dominican Republic said that, thanks to the leadership, as well as the new interactive working methods and constructive atmosphere during the weeks of negotiation, the fourth session is concluding on a positive note. Progress has been made in agreeing on more common positions, he said, noting that it will provide an excellent starting point for the fifth session. It is vital that the new text make clear the primary goal of the instrument, which is the protection of

marine biodiversity in areas beyond national jurisdiction. All countries, including landlocked countries, have a right to this heritage. He reaffirmed his commitment to working towards ensuring the conservation and sustainable use of marine biological diversity.

The representative of Nepal, aligning with the Group of 77 and the Group of Landlocked Developing Countries, stressed the importance of elaborating an international agreement that upholds the principle of common heritage of humankind and access to the high seas. This instrument must enable broad participation of all State parties and must not hesitate to address the needs of least developed countries and landlocked developing countries, he said. Voicing support for a dedicated single article recognizing the needs of such countries, he also stressed the importance of capacity-building activities and transfer of marine technologies, and pointed to the need of a mechanism for ensuring such activities.

The representative of Bolivia, associating herself with the Group of 77 and China and the Landlocked Developing Countries, said that landlocked countries have the full right to access marine resources and to use them. The Convention on the Law of the Sea is explicit in terms of the rights that landlocked States have to access the benefits of ocean and marine resources. Against this backdrop, marine resources are of significant potential in guaranteeing the sustainable development of all States. Instruments, such as that under discussion, will guarantee the just and equitable sharing of resources in a sustainable manner. Ancestral and traditional knowledge must be used in the management of marine resources. She expressed her hope that an appropriate framework will be agreed on without renegotiating what has been agreed in other fora. Bolivia was born an independent country with access to the sea, but is currently a landlocked country, she said, adding that she hoped to see oceans being genuinely cared for as a part of the common heritage of humankind.

THARARUT HANLUMYUANG (Thailand) said that the principle of the common heritage of humankind has been her country's compass since the first United Nations Conference on the Law of the Sea. The common heritage of humankind should be the overarching principle applied throughout the agreement, especially on the sharing of benefits from marine genetic resources. Considering marine genetic resources from areas beyond national jurisdiction as part of the common heritage of humankind will guarantee that the benefits arising from their utilization are shared fairly and equitably between developed and developing countries. Moreover, priority — particularly when engaging in capacity-building and the transfer of marine technology cooperation — should be placed on the needs and special requirements of developing countries so that they can gain optimal advantage from the cooperation. In order to complement the needs of developing countries and enhance the implementation of capacity-building cooperation, she highlighted the important to commit to existing obligations under part XIII and XIV of the Law of the Sea Convention.

MARIA ANGELA A. PONCE (Philippines), aligning herself with the Group of 77 and China, highlighting the President's directive to find convergence, said: "The Philippines took heed of your marching orders: we reviewed our positions, reached across the aisle, demonstrated flexibility, supported proposals of other delegations we deem consistent with the purpose of the agreement, and submitted joint proposals for consideration." At the same time, she emphasized that the following principles under the Law of the Sea Convention should be included in the draft text. First, the instrument must be anchored on the common heritage of humankind, as enshrined in the Convention. Secondly, it must give due regard to the rights and jurisdiction of adjacent coastal States. Thirdly, special recognition must be given to archipelagic States; and fourthly, the agreement must incorporate the precautionary principle. Finally, it must be imbued with transparency of action and support, she said, adding her support to the convening of the Conference in August.

The representative of Oman), noting the spirit of cooperation that prevailed during the negotiations, stressed the importance of an agreement that will enable the international community to conserve biodiversity beyond national jurisdiction. Underscoring the need to guarantee the rights of coastal States, as well as adjacent States, he highlighted the need to transfer technologies. Turning to the essential role of environmental impact assessments, he said they must include the expectations and predictions of the potential impact of relevant activities, including pollution that adversely affects natural and genetic resources. He also stressed the importance of assisting States to collect environmental information.

The representative of Viet Nam, aligning herself with the Group of 77 and China, said she was encouraged to see the constructive dialogues during the past two weeks in the negotiation of an international legally binding instrument addressing marine biodiversity of areas beyond national jurisdiction. However, despite the progress, there was still a long way to go, she noted. She went on to stress the importance of having robust, effective mechanisms for sharing of benefits from marine genetic resources, building capacity and transferring marine technologies for developing countries for the achievement of Sustainable Development Goal 14. More so, it was important to, ultimately, to have healthy oceans for future generations.

The representative of Nicaragua, associating himself with the Group of 77 and China, spotlighted the mandate of the current conference to look into regulatory loopholes. Pointing to existing agreements adopted at different levels to create a robust governance system concerning fisheries, he noted that both transboundary and migratory species were covered by the 1995 United Nations Fish Stock Agreement. The current Conference has no mandate to modify or revoke the provisions of such agreements, he stressed, adding that fishing activities must not fall within the purview of the forthcoming agreement. Calling on delegates to ensure that the Conference does not establish instruments to regulate fishing activities, he requested the President to exclude fishing activities from the scope of marine resources.

The representative of New Zealand, associating herself with the Pacific Islands Forum, noted that, as a member of the High Ambition Coalition, New Zealand seeks a global treaty under the Law of the Sea Convention that protects and restores ocean biodiversity for the generations to come. The current system for governing activities in the ocean was not delivering on conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction; a treaty was needed to improve the current status quo. Noting that she looked forward to proposals that strengthen the biodiversity conservation outcomes and governance mechanisms, she added that she hoped they also clarified the roles and collaboration between the Conference of the Parties to the Convention and other competent bodies. In addition, they should acknowledge the intrinsic relationship of small developing island States with the oceans, as well as provide for the recognition and appropriate treatment of traditional knowledge of indigenous peoples and local communities in areas beyond national jurisdiction. “We can and must have a BBNJ Agreement in 2022,” she said.

The representative of Haiti, associating himself with CARICOM, said that he welcomed the richness and scope of the contributions from regional groups and delegations that have helped move the draft agreement forward. The fourth session has allowed delegations to take stock and shows that multilateralism is in good health. The deliberations are of great importance for the conservation and sustainable use of marine diversity in areas beyond national jurisdiction, in particular in the high seas and international seabed areas. Certain regional groups have had to change their initial positions to achieve consensus. The idea of giving the status of common heritage to all marine resources beyond national jurisdiction is of fundamental importance and will bridge the lacunae in the Law of the Sea Convention. He will support any delegations or regional groups that agree with this idea, he stated.

The representative of Turkey, said that, as a developing peninsula country, her country attached great importance to elaborating a legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Attaching importance to protecting the integrity of the Law of the Sea Convention in the process for the elaboration of the agreement, she said it was equally important to be open to ideas and proposals enabling conditions to integrate non-parties to the Convention to that process. She drew attention to the proposal regarding the definition of “areas beyond national jurisdiction” with a revised version of submitted today to the Secretariat, stressing that the geographical scope of the instrument should be specified in a more clear and precise manner, taking into consideration the current factual circumstances with regard to maritime areas in different parts of the world.

The representative of Republic of Korea, praising the concerted efforts of all delegates, highlighted the urgency of reaching an agreement given the magnitude of challenges facing marine biodiversity. “There is no room for complacency,” he said, adding that “better late than never” should give way to “the sooner the better”. Calling on delegates to be wary of perfectionism when it

begins to deter the work, he called for increased flexibility and added that in the critical months ahead, delegates must focus on concessions and ingenuity.

The representative of Canada said she was encouraged by discussions and the fact that an agreement is beginning to take shape. Canada will be fully engaged in the negotiations as they proceed further, she said. She expressed her appreciation of the work of the President and the facilitators, which have allowed delegations to regain momentum despite a two-year break. Ultimately, the text is in the hands of the delegations, who have the power to decide what the final outcome will be. She said she looked forward to engaging with as many delegations as possible in the intercessional period before the fifth session.

The representative of Iceland, thanking delegations for their engagement and willingness to negotiate, called on the international community to build on this momentum during the intersessional period. While different countries in the room have different positions on the elements of the future agreement, these differences can be overcome, he said. Stressing the need for increased cooperation, especially in capacity-building and knowledge-sharing, he voiced commitment to working constructively to build a functional and practical agreement.

The representative of United Kingdom observed that delegations worked hard this session. She expressed her gratitude to those who came with the willingness to understand different positions and to heed those differences. The United Kingdom tabled proposals to rework parts of the text, she said, noting there have been good discussions in that regard; the text is now in a better place now than at the beginning of the past week. As a member of the High Ambition Coalition, she said she would like to see a real difference made with regard to ocean health.

The representative of United States, applauding the collegiality and flexibility displayed by all delegates, stressed that concluding a strong agreement on biodiversity this year is a priority for her country. The international community is more aligned on various matters, she noted, pointing, in particular, to closer positions on fairly sharing resources equitably while fostering science and innovation, as well as capacity-building. Highlighting the substantial progress achieved in this session on many difficult issues, she said her delegation will work during the intersessional period, to ensure a successful conclusion in August.

The representative of Morocco, associating herself with the African Group, said that she is concerned by the degradation of the oceans as a result of human activity. As a coastal State, the protection of the oceans is at the heart of Morocco's concerns. She also noted her delight that the fourth session on a legally binding instrument was able to be held after two years delay as a result of the COVID-19 pandemic. She commended the President for her leadership on board the "canoe". It is incumbent on delegations to continue their efforts and work together for all of humankind in order to preserve oceans for future generations. The work must be concluded in 2022, she stressed.

Also making statements without interpretation were the representatives of Australia, Norway, Iran, Venezuela and Egypt, as well as representatives of the International Union for Conservation of Nature and the High Seas Alliance.



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