



PERMANENT MISSION OF JAMAICA

TO THE UNITED NATIONS

**STATEMENT BY**

**MRS. DIEDRE MILLS**

**DEPUTY PERMANENT REPRESENTATIVE**

**JAMAICA**

**ON BEHALF OF THE CARIBBEAN COMMUNITY (CARICOM)**

**ON CROSS-CUTTING ISSUES (PLENARY)**

**AT THE**

**PREPARATORY COMMITTEE ESTABLLISHED BY GENERAL ASSEMBLY RESOLUTION 69/292: DEVELOPMENT OF AN INTERNATIONAL 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 (BBNJ) – THIRD SESSION, 6th APRIL, 2017**

**UNITED NATIONS, NEW YORK**

Mr. Chair,

Thank you for giving me the floor to offer CARICOM’s perspective on some of the cross-cutting issues before us for this Third PrepCom. Thank you also for the oral report that you provided, which offers a very useful overview of the rich discussions that we had during the informal working group on cross-cutting issues. In keeping with the questions that you have raised, CARICOM would wish to note the following:

1. There could be merit in having the committees that have been isolated for our consideration i.e. a capacity-building and transfer of technology committee; a monitoring, review and compliance committee; and regional scientific committees but such a determination will have to be made with the benefit of further deliberations and analyses of existing mechanisms. As we have stated in previous interventions, we would wish to ensure that the framework which is put in place allows for the application of a common criteria or standards and a corresponding decision-making body empowered to effectively ensure the implementation of the IA.

2. On the matter of the levels at which review and monitoring of the implementation of an instrument can be carried and what mechanisms may be needed, CARICOM believes that this would be at the international regional and national levels. This could be done through a periodic review of the status of implementation of the Agreement through a meeting of a COP that is informed by substantive inputs received from a specifically mandated committee.

3. Regarding the issue of ensuring compliance and the mechanisms that may be contemplated in this regard, CARICOM believes that this could be the focus of a specifically mandated body, with scope to provide both facilitative and punitive measures, duly confirmed by the COP, with prospects for fast-tracked decisions to be taken depending on the urgency or gravity of non-compliance. As previously noted, for the purposes of the IA, universal participation would be sought and participation open to all, whether Parties to UNCLOS or not.

4. CARICOM is of the view that the issue of liability for damage to marine biodiversity of areas beyond national jurisdiction will be critical to the IA. For this reason, we see value in the Agreement being underpinned by a number of key principles and approaches to which we have made reference in the past. In this specific context and without prejudice to CARICOM's ongoing reflection on the question of liability, we would wish to reiterate the importance that we attach to the polluter pays principle as well as the precautionary approach. We would also want to ensure that existing provisions in international law for damage or loss are duly taken into account in order to inform the future IA.

5. With respect to dispute settlement procedures under an international instrument, I wish to reiterate the points raised in the informal working group earlier this week that the UN Fish Stocks Agreement provides very useful guidance in this regard, given the very comprehensive terms it outlines through its dispute settlement provisions, most notably Articles 27 to 32. We believe that these provisions could be modified to cover the object of the Implementing Agreement, namely the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction. On the specific question of who would be able to access dispute settlement provisions, we believe that Article 1 (2 & 3) of the UNFSA could be useful given its definition of 'states parties' to the Agreement.

6. Finally, Mr. Chair, our understanding of the term "not undermining" relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, is informed by the notion that the IA would not seek to duplicate or dictate the mandates for such bodies or entities. Rather, it would seek to bring coherence to and coordinate a global framework, based on existing institutions and best practices, while allowing for greater connectivity amongst the entities involved. For legal instruments, the focus would be on bringing even greater clarity to existing norms and addressing legal gaps wherever they exist, for the purpose of ensuring that our broader objective of the conservation and sustainable use of marine biodiversity is realized.

7. Once again, Mr. Chair, the above comments are offered without prejudice to our further reflection and consideration of the issues.

I thank you.