

PERMANENT MISSION OF JAMAICA

TO THE UNITED NATIONS

**STATEMENT BY**

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**JAMAICA**

**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**

**INFORMAL WORKING GROUP ON MARINE GENETIC RESOURCES,**

**INCLUDING QUESTIONS ON THE SHARING OF BENEFITS**

**UNITED NATIONS, NEW YORK**

**27TH MARCH 2017**

Madam Facilitator,

Let me begin by reiterating, as was done by previous speakers, including Barbados, speaking on behalf of CARICOM, our pleasure at seeing you presiding over our discussions. My delegation stands ready to give full support to you and the Chair as you ably steer us through our consultations.

I wish to offer some additional remarks in support of the other group interventions made by the G77, AOSIS and my own region, CARICOM, to underscore the importance that we attach to the deliberations on MGRS. Like others, we regard MGRs, underpinned by the principle of the common heritage of mankind, as critical.

Let me from the outset state that the reference to the common heritage of mankind is grounded in the firm conviction that it is a fundamental principle of international law that can significantly enhance efforts towards our shared responsibility to conserve and sustainably use the resources of the marine environment. It is not intended to stifle innovation or to pursue a sole targeted focus on monetary benefits. Indeed, we take the view that promoting scientific research must address the realities of the industry and the interests of humanity. Consequently, our focus is on ensuring that benefits accrue to all humankind, especially as we become more aware of the resources of the ocean through continued scientific advances.  The new Implementing Agreement has to appropriately reflect the potential for continued research and the benefits that accrue from such research. It is imperative, therefore, that our discourse continues to underscore the value of innovation while recognizing MGRs as a common resource.

Also worth reiterating is the fact that an emphasis on access is intended to reinforce the importance attached to data access, not necessarily access to raw materials. For this reason, the *ex situ* access takes on particular significance. It should be recalled that Article 244 (2) of UNCLOS calls for States both individually and collectively and in cooperation with others to “actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing states as well as the strengthening of autonomous marine scientific capabilities of developing states…”

On the matter of fish as genetic resources, to which Barbados has already spoken, the key concern is to recognize that research on MGRs is an increasingly important factor in treating fish as food, ornamental pets or for use in pharmaceuticals, to name a few. GMO fish, for example, is increasingly being released in the ocean and not just into fish farms. Consequently, the Implementing Agreement isn’t about the conservation of fish per se but retaining the flexibility in terms of access and benefit sharing over fish MGR. The FAO could also be a useful guide in this regard.

With respect to freedoms and the high seas, it is important to recall that under UNCLOS Article 87.2, the freedom of scientific research in the high seas is subject to Parts VI and XIII, and must be exercised by all states “with due regard for the interests of other states in their exercise of the freedom of the highs seas, and also with due regard for the rights under [UNCLOS] with respect to activities in the Area.” The freedom of scientific research in the high seas is, therefore, not an absolute entitlement, and states have an obligation to cooperate to protect and preserve the marine environment.

It is our considered view that there are already a number of Instruments and Institutional Arrangements that could provide useful guidance in taking our deliberations forward.