



**PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS**

STATEMENT BY

**MISS SHORNA-KAY RICHARDS
DEPUTY PERMANENT REPRESENTATIVE OF JAMAICA
TO THE UNITED NATIONS**

AT THE

**FIRST SESSION OF THE PREPRATORY COMMITTEE
ESTABLISHED 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**

**AGENDA ITEM 7: SCOPE AND RELATIONSHIP WITH OTHER
INSTRUMENTS**

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Mr. Chairman,

Thank you for the opportunity to speak on the issue of the scope of an international legally binding instrument and its relationship with other instruments.

We associate ourselves with the views expressed by the Kingdom of Thailand on behalf of the G77 and China and Belize on behalf of CARICOM.

Scope is effectively the foundation on which we will seek to develop an implementing agreement. Indeed, our approach to scope will have a strong bearing on the mechanisms which will be required to implement a prospective international instrument.

The conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction requires a comprehensive framework which builds on existing legal regimes and weaves together the fragmented cooperation arrangements relating to the conservation and exploitation of marine resources. The inter-related nature of the resources found within areas of national jurisdiction and beyond must inform the scope and parameters of an effective global regime.

Jamaica therefore continues to advocate for a comprehensive scope which should cover, as provided for in the 2011 Package Deal, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole:

- Marine genetic resources, including questions on the sharing of benefits;
 - Measures such as area-based management tools, including marine protected areas;
 - Environmental impact assessments; and
 - Capacity-building and the transfer of marine technology
- In terms of **geographical scope**, we believe that the prospective agreement applies to the water column and seabed areas beyond the limits of national jurisdiction, essentially areas of the high seas/water column and the Area as defined in UNLCOS.
- The prospective implementing agreement should apply to processes and activities with potential impacts on marine biodiversity and the marine environment in areas beyond national jurisdiction and to activities related to the utilization of marine genetic resources in or derived from ABNJ. The scope should therefore not exclude any sectoral activity.
- **Definition of terms:** In determining the substantive and functional scope, we believe there is need to have a common understanding of the key terms relating to the issues in the 2011 Package Deal, including “marine biodiversity”, “marine genetic resources”, area-based management tools and marine protected areas and “sustainable use”. The sustainable use of marine biodiversity should also be interpreted not only within the context of bioprospecting but also extraction of living resources such as fish and other marine organisms. Maintaining the integrity of “marine biodiversity” includes fisheries.

- **Relationship with other instruments:** There are numerous international, including regional, institutions, within and outside the UN system, with competence in marine issues. UNCLOS is recognized as the 'constitution of the oceans'. However, the myriad instruments addressing the conservation and sustainable use of marine resources present a decentralized and fragmented system. Any new implementing agreement under UNCLOS provides the means to improve coordination and establish structural links in a manner which promotes an integrated and multisectoral approach to conservation and sustainable use of the resources of the ABNJ.
- UNCLOS and its implementing agreements are designed to work together with other instruments with similar objectives. We believe that a new international instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction should be structured accordingly. Consistent with Articles 237 and 311 of UNCLOS, the prospective agreement should not alter rights and obligations under existing treaties or deter the conclusion of new arrangements in furtherance of the object and purpose of the implementing instrument. The agreement should not duplicate the mandate of existing relevant organisations (regional or sectoral) and should provide for an enhanced cooperation and coordination mechanism.
- The prospective agreement should also maintain the fundamental balance of rights and obligations under UNCLOS.