



**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 6: GENERAL STATEMENTS

28TH MARCH 2016

UNITED NATIONS, NEW YORK

Mr. Chairman,

At the outset, let me assure you of my delegation's satisfaction at your appointment. We are confident that you will ably guide the very important work in which this Preparatory Committee is engaged. Your proven diplomatic skills and vast knowledge of this subject area increase the prospects for us to achieve a successful outcome of our collective efforts. It is, therefore, with a great deal of enthusiasm and a high level of expectation that we commence these discussions.

Jamaica fully supports the statements delivered earlier by the Kingdom of Thailand on behalf of the G77 and China and St. Vincent and the Grenadines on behalf of CARICOM.

Mr. Chairman,

On 19 June 2015, the international community showed overwhelming support for and determination to develop a comprehensive global regime to better address the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. We now have a unique opportunity to address the lacuna and ambiguities in the current regime; thereby changing the status quo. We are confident in making this assertion because the legitimate questions about the legal, technical and political feasibility surrounding the development of a legally binding instrument have been settled. And today, we are armed with the General Assembly's consensus decision, which provides a clear timetable for negotiating an international legally binding instrument under the UN Convention on the Law of the Sea (UNCLOS). So today, at this very moment in time when we embark on our substantive work, we are mindful that this landmark decision was not arrived at lightly; it arose from a decade of serious and extensive exploratory work, involving the active participation of all stakeholders - governments, intergovernmental organizations, scientists, industry and civil society.

Jamaica is a strong advocate and committed supporter of the BBNJ process and is pleased to have supported the adoption of resolution 69/292. While we fully appreciate that this new implementing agreement will not be a panacea, we remain convinced that it is the necessary mechanism and best option for providing legitimacy, a common set of standards and principles, and an integrated and coordinated approach for ocean governance that is so urgently required.

Mr. Chairman,

The primary objective of this Preparatory Committee is to fulfill the clear and unequivocal mandate it received from the General Assembly, which is to make substantive recommendations on the elements of a draft text of an international legally-binding instrument. This is no easy undertaking and we must not underestimate the massive challenges ahead of us that will unfold throughout the course of the next two years.

Indeed, we have always said that the devil will be in the detail. We now have to start to consider the detail more carefully, so we can craft an agreement that will be suited to our needs, or 'fit for purpose' to use UN-speak. Time is of the essence. The General Assembly stipulates that we should provide the draft elements by the end of 2017. In order to reach this goal, we believe it is vital that discussions on the substantive issues should commence

immediately. We are therefore pleased, Mr. Chairman, that the Programme of Work that you have provided for this first session of the Preparatory Committee places us in position to do so.

What are our expectations of this first session? We expect that delegations will be prepared to put forward concrete proposals on the elements that should be included in an implementing agreement and the principles on which these elements should be based. Delegations should, thereafter, elaborate on these proposals, the outcome of which would comprise the body of the draft text. In essence this first session should begin the process of unpacking the 2011 Package Deal, as well as identifying the other key elements.

Mr. Chairman, establishing the elements for an international legally binding instrument will be the first step towards securing an agreement that meets our needs. It is therefore important that we get this first step right, as it will steer our course, as we navigate our route throughout the remainder of the negotiations.

Jamaica is therefore of the view that in addition to the topics of the 2011 Package and principles on which the essential elements must be based, the agreement should comprise a preamble setting out the goals and objectives, including the rationale behind the main provisions. It should also include a definition of terms and we will need to identify the general obligations and scope of application, which we submit should be wide. In addition, the agreement should include effective assessment, monitoring and enforcement mechanisms, as well as an institutional mechanism. Standard provisions of treaty law, such as entry into force, signature, ratification, accession, denunciation, depositary provisions and provisions for dispute settlement will need to be addressed later in the preparatory process. UNCLOS contains a delicate balance between competing interests which must be preserved.

Mr. Chairman,

As we get down into the nuts and bolt of our work, we are of the view that the opportunity presented by the Preparatory Committee must not be lost in the many and varying positions that will occupy our attention in the ten days ahead, even as we seek a common understanding to develop a comprehensive global regime. We must work to eliminate the divide which exists in our various positions, through a willingness to put aside narrow national interest for the good of all humanity. To this end, we must never lose sight of the fact that our overarching objective is the preservation and protection of our ocean for present and future generations – our common heritage. Our deliberations must, therefore, be guided by the 2030 Agenda for Sustainable Development, in particular Goal 14 and the Paris Agreement on Climate Change, at the core of which is the integration of the economic, social and environmental dimensions of sustainable development for people and planet.

Mr. Chairman,

We are all in agreement that the task ahead of us is a complex one. However, let us not see complexity as a reason to lower our sights. As we have seen in countless negotiations, where there is political will among States there will always be a way to achieve the intended goal.

I reiterate my Government's strong support for the work of this Preparatory Committee in moving toward our objective of preparing the way for an international legally binding instrument to be elaborated at the intergovernmental conference in 2018. This is a phenomenal responsibility.

Let's get to work!