

STATEMENT BY MR. AJAI MALHOTRA, AMBASSADOR/DEPUTY  
PERMANENT REPRESENTATIVE, ON ISSUES RELATING TO THE  
CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL  
DIVERSITY BEYOND AREAS OF NATIONAL JURISDICTION AT UNITED  
NATIONS AD HOC OPEN-ENDED INFORMAL WORKING GROUP ON  
APRIL 28, 2008

Mr. Chairman,

At the outset, I would like to congratulate you and your co-chair upon being appointed as the Co-Chairmen of this Working Group, and assure you of the full cooperation of my delegation at this second meeting. Our appreciation also goes to the Secretary General for his useful reports on issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. We align ourselves with the statement made by the Chairman of the G-77.

Mr. Chairman,

Over the past few years, the international community has focused on issues relating to management of living marine resources, and conservation and management of biological diversity of the sea-bed in areas beyond national jurisdiction. Discoveries of highly complex and diverse ecosystems in areas beyond national jurisdiction, coupled with advances in biotechnology, have led to increased interest and activities in relation to genetic resources found beyond national jurisdiction. As a corollary to these developments the general debate over the legal status of genetic

resources in areas beyond national jurisdiction is also becoming increasingly intense.

The management and governance of high seas areas constitutes a formidable task for the international community, since development of an effective regime for the protection of biodiversity in areas beyond national jurisdiction is seen to be circumscribing some of the traditional high seas freedoms. The challenges of conserving and ensuring sustainable management of marine biodiversity beyond national jurisdiction are thus enormous.

Mr. Chairman

The myriad threats to biodiversity in areas beyond national jurisdiction range from open access to fisheries, destructive fishing practices like bottom trawling, pollution from ships and other land based activities, and new threats deriving from bio-prospecting and open ocean iron fertilisation. A combination of measures, including monitoring, scientific investigation, and improved governance are required to prevent or reduce harmful impacts of such activities on biological diversity.

Marine scientific research, which aims at exploration of biodiversity for commercially valuable genetic and biochemical resources, so-called bio-prospecting, is currently evoking great interest. Studies indicate that there is little information on the extracted quantities for initial sampling and there is no monitoring of these activities nor principles or criteria for measuring their sustainability. During the ICP 8, a detailed examination helped States to better understand the nature and purpose of this activity. Issues raised in this regard included: the relationship between marine scientific research and bioprospecting, legal aspects related to access and benefit-sharing, international cooperation in marine scientific research through the exchange, sharing and dissemination of information, the role of intellectual property rights, cooperation in technology transfer, and the protection of the marine environment.

Mr. Chairman,

The general principles of marine scientific research contained in Articles 140(1) and 241 of UNCLOS, should also apply to bio-prospecting. The symbiotic relationship between the biodiversity of the deep seabed and its ecosystem makes the entire resources of the sea-bed in areas beyond national jurisdiction, living and non-living, to be a common heritage of mankind. The task before us today is to identify the risks to this common heritage of mankind and agree on a substantive legal basis for the conservation and management of biodiversity and the use of biological and biogenetic resources of the deep-sea bed and subsoil.

We are open to looking at new approaches within the confines of UNCLOS to promote international co-operation aimed at conservation and sustainable use of living resources of the high seas and benefit sharing of seabed resources located in areas beyond national jurisdiction. However, the participation of developing countries in devising these new approaches greatly depends on the scientific information available to them.

Deep seabed research is still largely the domain of select developed countries. It is imperative that there be increased flow of scientific data and information and transfer of knowledge to developing countries so as to improve their understanding and knowledge of oceans and deep seas, in particular the extent and vulnerability of deep sea biodiversity and ecosystems. We welcome in this regard the setting up of an Endowment Fund by the International Seabed Authority to promote the conduct of marine scientific research in the international seabed Area for the benefit of all mankind by supporting the participation of qualified personnel from developing countries in marine scientific research programmes.

Mr. Chairman,

Marine Protected Areas (MPAs) can be an important marine ecosystem management tool for securing protection from threats to marine biological diversity. The developing literature on MPAs reveals the potential benefits that they could offer not only to the resilience of vulnerable marine systems, but also to the productivity of fisheries. However, in respect of MPAs in areas beyond national

jurisdiction, information on governance aspects and costs and benefits is still very sparse. This is an area where more information on both scientific and economic aspects would be useful.

We must also continue to develop and facilitate the use of other approaches and tools for conserving and managing vulnerable marine biodiversity in areas beyond national jurisdiction. The time bound measures proposed in UNGA Resolution 61/105 to protect vulnerable marine ecosystems from destructive high seas bottom trawling practices are an important first step in addressing that problem. We await the Report of the Group of Experts on Assessment of Assessments with the anticipation that it may provide guidance on the way forward towards a more sustainable management of marine biological diversity beyond areas of national jurisdiction.

Thank You, Mr. Chairman

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