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**Intergovernmental conference on 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**

Further resumed fifth session

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**Compilation of statements made by delegations under item 5,
“General exchange of views”, at the further resumed fifth
session of the Intergovernmental conference on 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, as submitted
by 30 June 2023**

* The statements contained in the present compilation are circulated in the languages of submission only and without formal editing and are reproduced as shared by the concerned delegation.

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Group of 77 and China

Madam President Rena Lee, Excellencies,

Dear colleagues,

I have the honor to deliver this statement on behalf of the G77 and China.

Today is an exceedingly important day for biodiversity. Nearly 20 years since the start of discussions for the conservation of the marine biodiversity in areas beyond national jurisdiction, we adopt an essential agreement for the imperative governance of biodiversity across more than 45% of the Earth.

It has been said that this successful result has been a victory of diplomacy and multilateralism. In fact, that has been the case. However, the adoption of the text we are celebrating today has been first and foremost a victory of developing countries, who stood together to shape an ambitious and very progressive treaty.

The force of developing countries, united in the Group of 77 and China, is the reason why the treaty we are seeing today is totally different from the version that was almost closed in last August. It was the strength of this Group that made possible the insertion of a truly balanced model of benefit sharing from the utilization of marine genetic resources and digital sequence information. We should highlight that this last model was even absent in the draft considered during IGC-5, and it was the G77&China who pressed for its inclusion, considering this is an important part of marine biological scientific research.

In a similar way, it is to be credited to developing countries the inclusion of the principle of common heritage of humankind in the final agreement, which is a fundamental conception that needs to be rooted in every action in the high seas, including scientific research activity. Since the very beginning of the Intergovernmental Conferences on BBNJ until the very last hours of negotiation, developing countries had to struggle to introduce this notion that certainly represents a progress in terms of international law.

These cases are just some of the two major achievements attributable to developing countries. In a similar way, the areas of capacity building, funding arrangements and many of the provisions in cross-cutting issues were shaped by the delegations of our Group.

Each and every single aspect in these areas was obtained by struggling against the immense pressures to which developing countries were subjected and despite the tough position shown by our partners. How was it possible then that we managed to be so decisive? It was because of the belief that grew among ourselves that we are stronger together and that united we can shape the world.

Madame President:

It has been an honor for Cuba to lead the Group of 77 and China during this last and decisive stage of the BBNJ negotiations. We spared no efforts or energies to give the best of ourselves to the Group, and in return, we have received a commitment towards the unity that remained solid until the end of this process.

We are deeply grateful for the support we have received from all members of the Group and for the bonds that have been forged and that will never be broken. We emphasize that without the unwavering commitment of all members of the Group, the achievement of our goals would not have been possible and we would not have the document we are approving today.

Our appreciation goes as well to the previous Chairmanships of the G77/China, who paved the road for the coordination and cohesion of the Group in this process. Certainly, without their legacy our task would have been much more difficult, if not impossible.

We have to recognize as well the substantive, technical and scientific support that we received from several advisors to the Chairmanship, mainly Mr. Daniel Stewart, a committed advocate for International Law, and the scientists Siva Thambisetty, Paul Oldham and Teresa Cruz, whose ideas are imprinted as well in the final

text.

Our acknowledgement goes to you as well Madame President, for your commitment, your kind temper and determination. Without your guidance this long journey would not have had the same result. This success is also because of you, for which you will be remembered.

Now, a new path is opened for the establishment of the BBNJ regime. We look forward to the international community to broadly support the ratification campaign to ensure the swift entry into force of the treaty, and those efforts shall be assured by significant resource mobilization guaranteeing essential support for developing countries to create the required capacities for them to ratify the instrument.

A new era for the conservation and sustainable use of the oceans starts today. We, from the Group of 77 and China, are proud of our contribution to that.

I thank you.

African Group

Madam President,

USG for Legal Affairs and UN Legal Counsel, Excellencies, Distinguished Delegates,

I have the honour to deliver this statement on behalf of the Members States of the African Group.

The African Group welcomes the conclusion of the negotiations of the international legally binding instrument under the United Nations Convention on the Law of the Sea (“UNCLOS”) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (the “BBNJ Agreement”).

The group also welcomes the convening of this meeting to adopt the BBNJ Agreement and congratulates the Conference on this monumental achievement.

At the outset, allow me, on behalf of the African Group, to express our profound gratitude to you, Madam President, for your sterling leadership, and skill to finally “berth the BBNJ ship”.

The African Group thanks your Bureau, your team, the Facilitators, and DOALOS for the excellent work done throughout the BBNJ negotiations.

We also thank DGACM and the interpreters for their equally excellent work. Madam President,

Throughout the negotiations, the African Group emphasized the importance of a global and holistic framework for adopting conservation measures and ensuring equity in the sustainable use of ocean resources. The group maintained its resolve to work towards an implementable, future proofed, fair, equitable and universal BBNJ Agreement, that will achieve its core objectives of conservation and sustainable use of marine biodiversity.

At the very outset of the negotiations, the group made clear its intent to engage in a meaningful process that would lead to an UNCLOS implementing agreement that would allow us, those with limited activities in the high seas, to also commit to conserve and sustainably use. However, what we held most closely to our hearts, and of those who come after us, is the urgency for us to save our ocean and planet. This in essence is the main thrust of the Common Heritage of Humankind principle, which the African Group was committed to ensure it forms the governing principle of the BBNJ Agreement. This position is aligned to the global goal to secure ocean sustainability for present and future generations, consistent with Goal 14 of the 2030 Agenda for Sustainable Development.

In this United Nations Decade of Ocean Science for Sustainable Development, the BBNJ Agreement can deliver the necessary tools to ensure we can together manage and protect the world’s largest ecosystem and one of the most important providers of food and livelihoods.

We know a healthy ocean is our greatest tool to fight climate change, and the BBNJ Agreement with its rules on managing ocean life, conducting environmental impact assessments, and establishing marine protected areas in the high seas adds to the myriad but complementary means to secure a healthy ocean.

The BBNJ Agreement rekindles hope for a healthy ocean, planet, and human life. Upon entry into force, its effective, equitable and fair implementation will determine its real impact on the ocean, people, and the planet.

With the commitment to adopt conservation measures, access to ocean resources in particular marine genetic resources and related digital sequence information must be used for the benefit of all humanity, particularly in advancing scientific knowledge, and for such benefits to be shared fairly and equitably.

The concrete commitments made on capacity building and transfer of marine technology to level capacities and to support the effective implementation of the BBNJ Agreement must be immediately and fully

operationalized and fulfilled.

The African Group recognizes that a step forward in the BBNJ Agreement is the provision for the establishment of a comprehensive system of area-based management tools, with ecologically representative and well-connected networks of marine protected areas.

To the African Group, adopting the conservation and management measures will not only protect, preserve, restore, and maintain biodiversity and ecosystems that will support food security and other socioeconomic objectives, but also limit the unsustainable and unregulated illegal fishing in the high seas adjacent to coastal States, including the 38 coastal African States.

Madam President,

It is often said that ‘the reward for hard work is more work’. As much as we celebrate this monumental achievement, there is more work to be done to deliver on the promises of the BBNJ Agreement. Post adoption support and momentum is critical for the signing, ratification, and implementation of the agreement. These activities must be carried out in a way that maintains the universal confidence, integrity and progress collectively achieved.

Critically, in financing and implementing the BBNJ Agreement, it will be vital to recognize the unique needs of developing States Parties, including Small Island Developing States, Least Developed Countries, Landlocked Developing Countries, and coastal African States.

Allow me to conclude, Madam President, by acknowledging the excellent work and dedication of the African Group of negotiators and advisors,¹ whose knowledge, perseverance, handwork, and skill ensured the African perspective, interests and views were incorporated in the BBNJ Agreement.

The African Group also extends its deep gratitude to the delegates representing African States in the BBNJ negotiations for their constructive and supportive approach, demonstrating a high degree of solidarity.

Let me also thank all delegates for the constructive engagement, collectively fulfilling our obligations to future generations.

The African Group thanks the current and previous Chairs of the Group of 77 and China for bringing the developing world together and for the outstanding leadership.

We thank the civil society organizations for the collaborative spirit, useful insights, and support through the intergovernmental conference.

The ‘ship has reached the shore’ for all humanity, with all onboard. Let us turn to the next phase by following the universal approach, in which there must be concerted efforts in the implementation to ensure equity and inclusivity to safeguard the balance struck in the BBNJ Agreement, and for greater legitimacy.

I thank you.

¹ Coordinator of the African Group and the Lead on marine genetic resources - Ambassador Michael Imran Kanu (Sierra Leone); Previous Coordinators - Advocate Thembile Joyini (South Africa) lead on cross-cutting issues, and Mr. Mehdi Remaoun (Algeria); Leads on area-based management tools including marine protected areas - Ms. Marie- May Jeremie (Seychelles), Ms. Tamara Thomas (Seychelles), Dr. Mamadou Diallo (Senegal); Leads on environmental impact assessments - Ms. Vreeshini Raojee (Mauritius), Ms. Tamara Thomas (Seychelles); Leads on capacity building and the transfer of marine technology - Ms. Aahde Lahmiri (Morocco), Ambassador James Waweru (Kenya); Advisors - Prof. Babajide Alo (Nigeria), Dr. Jean Kenfack (Cameroon), Ms. Sheena Talma (Seychelles)

Alliance of Small Island States

Thank you, Madam President. I have the honor to deliver these remarks on behalf of the Alliance of Small Island States. Today we mark an historic moment for the future of our ocean, and our planet.

We have now adopted a governing framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, while advancing equity and international cooperation for the benefit of present and future generations.

Madam President, you have led us through this process with utmost integrity, inclusiveness, and transparency which enabled us to cross the turbid waters we were navigating, and finally reach shore.

We thank you and your team for your unwavering commitment to this process, the incredible strength you demonstrated in the face of numerous obstacles, and the spirit of kinship that you maintained throughout this process.

We also take this opportunity to thank the DOALOS secretariat who worked around the clock, dedicating their time and energy to ensure we had all the necessary tools to move the process forward.

While Small Island Developing States started out with a particular vision for this agreement, we believe the agreement that we reached in the spirit of compromise and flexibility does capture the collective consensus of Member States. It also takes on board the concerns and valuable contributions of civil society that were engaged in the process.

This is a testament to multilateralism and global unity, even during these uncertain times, to protect and preserve our planet. With the positive momentum that we have, we look forward to ratifying this Agreement and its entry into force as soon as possible.

Considering the far-reaching implications this has - and will continue to have - on our livelihoods, cultures and economies, Small Island Developing States have been championing this process for decades.

The connectivity of the ocean and its ecosystems means that impacts on those ecosystems in areas beyond national jurisdiction can have potentially severe consequences on marine resources within our EEZs, and we see this Agreement as a critical tool to ensure the long-term viability of our resources, while ensuring equitable access to benefits for all.

At the same time, the ocean also plays an integral role in regulating the global climate and, as the countries that are most vulnerable to the adverse impacts of climate change, enhancing the resilience of the ocean is critical for our survival.

In this context, we wish to emphasize the critical importance of preserving the integrity of this Agreement as we move to its implementation.

There are a number of outstanding issues that remain to be resolved at the Conference of the Parties, but this should not be used as an opportunity to reopen and rewrite the issues that we have spent countless hours negotiating in order to reach agreement.

The overarching principles, including the special circumstances of SIDS, must be taken into account when operationalizing the instrument.

Moving forward, SIDS see value in prioritizing the areas of the Agreement which will accelerate implementation, such as the provisions on capacity building and transfer of marine technology. The necessary needs-assessments must be carried out as soon as possible in order to identify gaps, and ways to address them. This is also important in maintaining equity in the sharing of benefits and complying with obligations arising

from the Agreement.

The Alliance of Small Island States commits to continue engaging constructively with Member States and all relevant stakeholders of this Agreement.

We hope to see this commitment reflected in the actions and engagement of others as we take the next steps from agreement to implementation

Group of Landlocked Developing Countries

Madam President Rena Lee, Excellencies, Distinguished delegates,

I have the honor to deliver this statement on behalf of the Group of landlocked developing countries. From the outset I wish to join other delegation in recognizing and applauding your sterling leadership and commitment, which contributed to this historic moment of the adoption of a legally binding instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable use of Marine Biological Diversity Beyond Areas of National Jurisdiction.

From the outset I wish to join other delegation in recognizing and applauding your sterling leadership and commitment, which contributed to this historic moment of the adoption of a legally binding instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable use of Marine Biological Diversity Beyond Areas of National Jurisdiction.

Your plea for compromise and flexibility during the negotiations has not gone unnoticed as it bolstered cooperation and resolve by delegations to work tirelessly together, forgoing differences in order to reach this consensus.

The Group of Landlocked developing countries welcomes the adoption of the BBNJ agreement.

The significance of this agreement anchored towards the global governance of the ocean cannot be overstated. Allow me thus to recall a statement made by the Secretary General in March 2023 “This treaty can ensure the conservation and sustainable use of marine biological diversity of over two thirds of our life sustaining ocean space. It can help ensure resources are accessed and utilized for the benefit of all humanity, it can provide an adequate framework for the use of marine protected areas to conserve and sustainably manage vital habitat species”. We believe this is the essence of the aspirations embedded in this treaty.

The preservation and protection of our oceans are even more important as we grapple with issues of climate change. The effects on Landlocked Developing Countries continue to be immense.

Madam President,

We are pleased by the special recognition that the treaty accords to countries with special needs, particularly to landlocked developing states, recognizing inherent embedded geographical impediments of lack of access to the sea. The effect of which includes insurmountable challenges that exacerbate economic and trade constraints.

We are also pleased that the final treaty espouses the principle of common heritage that we as Landlocked Developing Countries have throughout the negotiations attached great importance to. This has been a great achievement for all.

Madam President,

The Group of Landlocked Developing States also attached great importance to the building and development of capacity and the fair and equitable sharing of benefits, more so given the challenges that we face. We are glad that the outcome of the treaty reflects these important issues.

As we have concluded and crossed this milestone of adoption of the treaty, it is essential that for the treaty to live up to aspirations. To ensure full implementation, all Parties must ensure that they fulfill their international obligations.

We can collectively safeguard marine Biodiversity in areas beyond national jurisdiction by fulfilling our responsibilities and working collectively, as a testament and reminder of prospects that multilateralism can

work, and that together we can preserve our oceans, share benefits for the benefit of the future generations and achieve more.

Madam President,

In conclusion let me once again commend you for your great work Madame President and that of your team and all the delegations for working together towards this end.

I thank you.

European Union

Madam President,

I have the honor to deliver this statement on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia*, Montenegro*, Serbia*, Albania*, Ukraine, the Republic of Moldova and Bosnia and Herzegovina as well as Monaco align themselves with this statement.

North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

Today we celebrate a historic achievement. The adoption of the BBNJ Treaty marks the successful end of more than a decade of multilateral work. This new agreement is a welcome addition to the United Nations Convention on the Law of the Sea, which provides the legal framework within which all activities in the oceans and seas must be carried out.

I note with satisfaction that the BBNJ was adopted by consensus.

The conclusion of the BBNJ Agreement was a priority of the European Union and its Member States. It is now a priority to ensure it swiftly enters into force and is effectively implemented.

Taken together with the very important agreement on the Kunming-Montreal Global Biodiversity Framework last December, the BBNJ Treaty is a major win for biodiversity - a game changer for the protection of the ocean and the sustainable use of its marine resources.

In Montreal, we have agreed to effectively conserve and manage 30% of land and sea by 2030, in seven years' time. Yet only around 1% of the high seas are currently protected. It is urgent to increase this figure, and the BBNJ Treaty allows us to act, as it sets up a procedure to establish marine protected areas in the high seas.

The European Union and its Member States are therefore committed to signing and ratifying the BBNJ Agreement as soon as possible. We urge others to do so too, as we hope the BBNJ Treaty will be universal and swiftly enter into force.

The European Union has also committed to support the Treaty's ratification and early implementation through the EU Global Ocean Program of 40 million euros. The work on the allocation of funds under this program is now ongoing.

Madam President,

The Agreement we have reached is good for the oceans. It is also a landmark for a more global equity throughout all its chapters, in particular as it establishes the sharing of benefits from marine genetic resources and foresees capacity building and the transfer of marine technology. Furthermore, it contains clear rules to conduct environmental impact assessments with the right checks and balances.

Finally, the Treaty sets up a solid institutional system, with a self-standing secretariat, and decision-making provisions based on consensus, but allowing for a vote where all efforts at consensus have been exhausted. The EU and its Member States will make every effort at reaching consensus in implementing the Treaty, as the protection of oceans needs broad support to be effective.

As we celebrate the adoption of this landmark Treaty, I would like to congratulate our colleagues from the Division for Ocean Affairs and the Law of the Sea for their support. We stand ready to support them in any way we can in their upcoming work on this new phase of implementing the Treaty.

Finally, Madam President, I would like to warmly congratulate you today, on this important multilateral achievement. Your optimistic and resolute leadership, throughout this process, has made a mark on the Law of the Sea for many decades to come.

Pacific Islands Forum

Madam President, Excellencies, Distinguished Delegates,

I have the honour to deliver these remarks on behalf of the members of the Pacific Islands Forum with presence at the United Nations, namely Australia, Kiribati, Republic of Marshall Islands, the Federated States of Micronesia, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, and my own country, Fiji. We also acknowledge the guidance and support of the Cook Islands as Chair of the Pacific Islands Forum.

Excellencies, today's adoption marks a significant milestone achievement for multilateralism, for social and economic justice and equity, for future generations and most of all, for our precious environment.

This conference marks the culmination of nearly two decades of work by our respective negotiators. We are proud to have participated in this comprehensive process from the beginning, toiling long hours and sleepless nights, including a final 36 hour stretch to reach a consensus on a draft text.

As custodians of nearly 20 per cent of the earth's surface, our Blue Pacific Continent is committed to confronting the ongoing threats of climate change; loss of biodiversity and habitats; waste and pollution. Our Leaders have emphasised collective responsibility, commitment to and investment in our environment as well as the importance of policy choices, partnerships and investments which adopt a forward-looking approach to protecting our region's biodiversity.

Madam President, this new agreement has come at a timely hour, where the links between life in the Ocean and all life on this planet have been demonstrated clearly by the reports of the IPCC. The fate of marine biodiversity is fundamentally linked to our climate challenge and this treaty will undoubtedly contribute to the health, productivity and resilience of our Ocean.

Our Leaders, scientists, negotiators, experts, and diverse Pacific nations and communities have grasped this and demonstrated their commitment through many years of hard work towards today's adoption. We are proud of them and thank them wholeheartedly.

I must also commend the tireless efforts of the President of the BBNJ Intergovernmental Conference, H.E. Rena Lee, her bureau members and colleagues, the Secretariat and all member states and observers who have worked in good faith towards this milestone.

Excellencies,

We urge the international community to seize the momentum of this landmark occasion and join us in working towards signing the BBNJ Agreement this September 20th, on the margins of the General Assembly 78th Session, and ratifying and implementing it with haste.

In this spirit, we also call on the international community to rally together work towards establishing a Preparatory Commission (PrepCom) to ensure implementation of the Agreement starts in earnest to halt and reverse the loss of marine biodiversity and damage to the marine environment.

Let us urgently progress our work on an international legally binding instrument on plastic pollution, including in the marine environment. Let us also pursue efforts to achieve the goals of the Paris Agreement by limiting global warming to 1.5° C through rapid, deep and sustained reductions in greenhouse gas emissions.

As we look ahead to COP28 this year, our Pacific Islands Forum family welcomes progress on the ocean-climate nexus under the UNFCCC and hopes that COP28 brings a greater emphasis on oceans.

Excellencies,

Our Leaders have declared a climate emergency in our region. Guided by our *2050 Strategy for the Blue Pacific Continent* we have put in place a range of international instruments to underpin our advocacy and frame concrete actions and policies to combat the climate crisis, the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Blue Pacific.

These include the International Court of Justice Advisory Opinion on Climate Change, the *Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-level Rise* and ongoing work towards a regional Declaration on Statehood and Protection of Persons affected by a sea-level rise

The adoption of the BBNJ Treaty, in combination with these efforts, the Kunming-Montreal Global Biodiversity Framework and other important regional and global initiatives, offer a framework which provides some hope, but which cannot be effective without urgent and sustained action by the global community.

Therefore, while we celebrate this milestone, let us acknowledge that there is much yet to achieve and precious little time to do so. Let us push ahead with utmost urgency for the sake of our one Blue Planet.

Vinaka vakalevu, I thank you.

Pacific Small Island Developing States

Madam President, Excellencies, Distinguished Delegates,

It is an honor for Palau to deliver this statement on behalf of the fourteen Pacific Small Island Developing States namely Fiji, Kiribati, the Federated States of Micronesia, the Republic of Marshall Islands, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, Niue, Cook Islands, and my own country, Palau. After more than 20 years of hard work and negotiations, the Pacific is proud to support the adoption of the BBNJ Agreement. From our collective effort we are pleased to see an Agreement which strikes a delicate balance in the diverse interests and positions of the IGC.

The BBNJ Agreement signals a new era for Ocean governance, inclusivity, and equity. Ocean governance will be enhanced through the use of measures and tools which protect and conserve Ocean areas and robust EIA processes to identify potential harmful impacts of activities in the Ocean. The BBNJ Agreement makes strides in ensuring inclusivity in the institutional arrangements for SIDS, this, coupled with the more robust provisions on capacity building and transfer of marine technology will enable SIDS to play a more active role in processes under this Agreement. Moreover, Pacific priorities from the recognition of the special circumstances of SIDS and LDCs, to the importance of adjacency and ecological connectivity and the recognition of traditional knowledge of Indigenous Peoples and local communities and their rights thereto will move the needle towards equity and towards the healthy, productive and resilient ocean to which the international community has long committed.

The Pacific have long advocated for traditional knowledge of Indigenous Peoples and local communities to be recognized as a source of knowledge which, with proper safeguards, could inform the decision-making processes under this Agreement.

Indigenous Peoples have a wealth of knowledge based on millennia of observing and interacting with the natural earth and we are pleased to see the recognition of this traditional knowledge clearly indicated alongside the best available science and scientific information.

The Pacific covers more than 20 million square kilometers of Ocean, and as custodians of the Ocean and its resources, we have long advocated for comprehensive and ambitious action to protect and sustainably use the Ocean. The new Agreement recognizes the Special Circumstances of SIDS like those in the Pacific. We hope that this recognition can translate to effective capacity building, transfer of marine technology and the provision of adequate support, so that the Pacific can become ever more active leaders for activities that protect, conserve, and sustainably use the Ocean and its resources.

Despite our ambition in environmental and climate processes, the Pacific and other SIDS continue to suffer the most while contributing the least to activities that drive climate change and biodiversity loss. The BBNJ Agreement restores balance in this equation by giving primacy to an integrated approach to ocean management and the ecosystem approach which recognizes that activities and processes in the Ocean are interconnected and should therefore be appropriately scrutinized, particularly for activities that could impact adjacent coastal states.

While we have come a very long way with this Agreement, there is still more that needs to be done. We have set great ambitions in the Agreement and now we must ensure it is signed and ratified so those ambitions can be realized. Since the close of negotiations, we have seen increased interest from the public and private sector to support ratification work and welcome Madam President's initiative to open for signature the BBNJ Treaty on 20 September at the margins of the High- Level Week of the 78th session of the General Assembly. While this is positive, we need to look beyond the "race to ratification" and start to lay the groundwork for implementation. We need to ensure that at its first meeting, the Conference of the Parties is informed and able to make decisions relating to the Capacity-Building and Transfer of Marine Technology Committee, the Scientific and Technical Body, funding arrangements and other matters as required by the Agreement.

To ensure that momentum is not lost from our work in the IGC, PSIDS advocate for work to begin quickly

though the UN General Assembly on the convening of a Preparatory Commission (PrepCom) to ensure implementation of the Agreement can begin swiftly and important groundwork in advance of entry into force can commence.

As we consider the work ahead, we also need to ensure transparency and diversity in the voices that are informing States. Just as we did during negotiations, we as countries need the input of scientists, academia, Indigenous Peoples and local communities, and the wide range of stakeholders who can enrich the discussions around ratification and implementation.

While mindful of the efforts that still lie ahead of us, we must acknowledge the work and the people that have brought us to this point. Madam President, you, your Bureau, and your co-facilitators have served this IGC with dedication and commitment, and we thank you for ensuring transparency and equity throughout this process. We could always rely on your indomitable spirit and humor to brighten the room even in the darkest hours of this process. We could always trust that you were right there with us in the trenches, sleeves rolled up and working hard. You have captained this ship admirably and we wish you a well-deserved rest now that we have reached safe harbor.

While you were our captain, Madam President, it would be remiss of me not to acknowledge the Pacific navigators that helped us to steer our own little Pacific fleet. I offer my heartfelt thanks and deepest gratitude to all our past and present Pacific BBNJ Coordinators, technical advisors, delegates - and our friends who supported PSIDS at each step of the BBNJ negotiations.

With the adoption of this Agreement, the Pacific welcomes a new era for protecting and conserving the Ocean and its resources. Thank you all for your dedication, commitment and sacrifice which has brought us one step closer to a future where our Ocean is healthy, protected and sustainably provides for us and future generations.

I thank you.

Core Latin American Group

Señora Presidenta:

En primer lugar, queremos una vez más agradecerle por todos sus esfuerzos, por muchos años, liderándonos para alcanzar este logro mayúsculo para el multilateralismo, para la ONU y para cada una de las delegaciones que participamos activamente en este proceso. También agradecemos a los facilitadores, a la Secretaría y a su equipo. De igual forma expresamos nuestra profunda gratitud a la sociedad civil por su acompañamiento en este proceso.

El tratado que hoy adoptamos es un inmenso avance para el derecho del mar y el derecho internacional ambiental. Es un paso significativo a favor de la protección de los océanos y es un orgullo para todas las delegaciones de CLAM haber formado parte activa de este proceso.

La adopción de este instrumento es el primer paso para fortalecer la gobernanza sostenible de la biodiversidad en zonas situadas fuera de la jurisdicción nacional. La implementación del acuerdo BBNJ demandará de todas las partes, y en especial de los países en desarrollo, serios esfuerzos en desarrollo de capacidad y regulación de actividades. Es fundamental que los países desarrollados apoyen la implementación de los compromisos, en especial los relativos a la distribución de beneficios, formación de capacidades y transferencia de tecnología, así como en materia de financiamiento.

Señora Presidenta:

El grupo CLAM es una configuración latinoamericana única, que se formó específicamente para la negociación de BBNJ, está compuesto por las delegaciones de Argentina, Brasil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, México, Panamá, Paraguay, Perú, República Dominicana y Uruguay. El grupo es una muestra de la voluntad de la región para negociar de manera unida y fortalecer las contribuciones de América Latina al desarrollo del derecho internacional.

CLAM participó en todas y cada una de las conferencias intergubernamentales de forma activa, constructiva propositiva, siempre teniendo como objetivo adoptar un tratado sólido para la conservación y el uso sostenible de la biodiversidad marina fuera de las jurisdicciones nacionales. Con ese espíritu, fuimos activos en todas las discusiones, impulsamos los intercambios en el marco de grupos pequeños, celebramos incontables reuniones bilaterales, presentamos propuestas conjuntas, y además contamos con una facilitadora de nuestro grupo para el capítulo de construcción de capacidad y transferencia de tecnología, y de quien estamos muy orgullosos.

En la recta final, nos esforzamos por construir puentes y generar soluciones creativas que nos llevaron a alcanzar la meta, incluyendo en la etapa de revisiones técnicas mismas que también fueron coordinadas por uno de nuestros miembros.

CLAM hizo además múltiples propuestas en todos los capítulos y fuimos flexibles en temas que eran prioritarios para nosotros, consciente de que el objetivo final era poder adoptar un tratado, como lo estamos logrando el día de hoy. Algunos de los asuntos sobre los cuales nos sentimos muy orgullosos como grupo son los siguientes:

- CLAM propuso el sistema electrónico que el texto consagra en el capítulo de recursos genéticos marinos, incluida la participación justa y equitativa de beneficios y también fuimos actores claves para la obtención de un consenso global para incluir explícitamente la información digital de secuenciación genética(DSI).
- CLAM, a la par con CARICOM, propuso la creación del comité de construcción de capacidad y transferencia de tecnología marina que hoy el instrumento recoge.
- CLAM tuvo un papel primordial en las discusiones en materia del mecanismo de financiamiento del tratado, para alcanzar un esquema robusto, justo e independiente que garantizara el suministro de

recursos adecuado, accesible y previsibles para ayudar a los Estados Parte en desarrollo a implementar el instrumento.

- CLAM, con el apoyo de PSIDS y Singapur, propuso la incorporación del comité de implementación y cumplimiento que el tratado establece.
- CLAM también tuvo un papel central en las discusiones en materia del mecanismo de solución de controversias del instrumento.
- CLAM fue parte importante de las discusiones que permitieron que el principio del Patrimonio Común de la Humanidad, plasmado en el artículo 7 b), se reflejara de manera equilibrada y como principio rector del acuerdo, concretando la base legal para la justa y equitativa distribución de beneficios de los recursos genéticos marinos.

Por todo esto y más, CLAM hoy aplaude la adopción del tratado y nos sentimos parte de este logro. Señora Presidenta:

Permítame ahora agradecer a todas las delegaciones que negociaron este instrumento en ejercicio de la buena fe, con una preocupación genuina por los océanos y su biodiversidad, a quienes madrugaron y trasnocharon porque creyeron que podíamos contar con un instrumento justo y equitativo, un instrumento que mirara al futuro; un instrumento, en definitiva, comprensivo para abordar mejor la conservación y el uso sostenible de la diversidad biológica marina de las zonas situadas fuera de la jurisdicción nacional. Especialmente queremos agradecer a las delegaciones que presentaron propuestas conjuntas con nosotros, a todas las que apoyaron nuestras propuestas, y a todas las delegaciones que participaron de forma constructiva en este proceso.

Antigua and Barbuda

Madame President,

I would like to align this statement with the one delivered by Barbados on behalf of CARICOM, Samoa on behalf of AOSIS and Cuba on behalf of G77 and China.

We join the chorus of celebratory voices marking this historic occasion, the adoption of the governing framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

We must not take this accomplishment lightly; we have found agreement among member states that can provide immeasurable benefits for our present and future generations. Once we get to the work of implementation, this treaty will enable a more holistic and equitable management of human activities affecting ocean life beyond national boundaries and safeguard global ocean health, climate resilience, socio-economic well-being and food security for millions of people.

This process has long been of high priority to the Caribbean. At the most recent meeting of the Heads of Government of the Caribbean Community, the leaders expressed alarm at the scientific findings that Small Island and Low-lying Coastal Developing States (SIDS) will be disproportionately impacted and suffer significant loss and damage as the state of the ocean and their surrounding marine environments worsen. This is very concerning given that the ocean and the ecosystem services that the marine environment provides are essential to planetary sustainability and to human survival and can play a critical role in the achievement of global climate goals, healthy and wholesome societies, as well as sustainable economies.

Madame President,

This gave our negotiators a solid mandate to strive for the highest level of ambition to work to find balanced compromises with all interested parties to reach our collective goals. While the agreement we reached may not entirely reflect the vision that some of us wanted, we are satisfied that we have adopted a treaty that will make significant steps toward addressing the gaps in global ocean governance that we seek to remedy. This is a true testament to multilateralism, even in these challenging times, as we all have a shared determination to protect and preserve the ocean.

We stand firm in our view that the high seas are for the common heritage of mankind and will work to ensure the joint application of the sustainable use and sustainable use of our shared oceans. As such, as others have highlighted, we welcome agreements on enhanced capacity-building mechanisms and the transfer of marine technology, including commitments for adequate financing. This is to ensure that all parties, particularly developing countries, can implement and benefit from the commitments in this agreement.

As we look ahead to the next steps of this process, we are ready to start working to ensure that the important and long list of pending issues to be addressed by the Conference of State Parties when it is convened. We must move swiftly to ensure this instrument's ratification and entry into force; we have no time to waste. In that vein, we also look forward to preparatory work that may be necessary to ensure that the first COP is ready to start work.

Finally, Madame President, my delegation thanks you and your team for your stellar leadership of this process. You have brought us through intense and protracted negotiations with transparency, expertise and calm that has undoubtedly contributed to the outcomes we celebrate today. We must also thank the BBNJ trust fund and all the contributing states, my delegation has depended on this support to facilitate our participation, and we are all sincerely grateful.

We must also thank DOALOS for their technical and logistical support through this process. My delegation is also thankful to our stakeholders, who have provided significant resources to support our engagement, and

those who ensured that the BBNJ conversations continued, especially during the period when we could not meet in person.

My delegation continues to stand ready to continue the work with all other delegations to get the ball rolling. The health of the ocean and our planet cannot wait, we must ensure that the momentum is not lost, we owe this to both present and future generations.

Argentina

Muchas gracias, Sra. Presidenta.

En primer lugar, la Argentina quisiera expresar que se alinea con los discursos brindados por Cuba en representación del G-77 más China y por CLAM. Al mismo tiempo, quisiéramos poner de relieve algunas consideraciones en capacidad nacional.

Los ecosistemas marinos son esenciales para el bienestar de la humanidad y del planeta en su conjunto. Sin embargo, estos ecosistemas están sometidos a una presión cada vez mayor causada por las actividades humanas, como la sobreexplotación de los recursos vivos marinos, el cambio climático inducido por los gases de efecto invernadero y las fuentes terrestres de contaminación, entre otras. El acuerdo hoy adoptado permitirá precisamente cuidar mejor nuestro entorno marino.

La Argentina se complace por la adopción, tras casi dos décadas de negociaciones, del tratado sobre conservación y uso sostenible de la diversidad biológica marina en espacios marítimos fuera de la jurisdicción nacional. Este acuerdo se basa en el legado de la Convención de Naciones Unidas sobre Derecho del Mar, la cual consideramos la “Constitución de los Océanos”.

Este avance constituye un enorme logro para el multilateralismo en sus esfuerzos para enfrentar los desafíos que representa la preservación de la salud de los océanos para las generaciones presentes y futuras. La necesidad de protección de la diversidad biológica marina es el faro que nos debe guiar en los próximos pasos vinculados a este nuevo instrumento.

El acuerdo histórico que fue logrado será una enorme contribución para la preservación y restauración del medio marino y para el avance de la investigación científica en todo el mundo, el cual no hubiera sido posible sin la determinación y un sentido de justicia de los países en desarrollo.

La Argentina ha participado activamente de las negociaciones, ratificando su firme compromiso con la protección y uso sostenible de los océanos y con las acciones que lleva a cabo como Estado ribereño en miras de ese objetivo. Siempre hemos abogado por lograr un tratado robusto y ambicioso que tienda a contar con una membresía universal e inclusiva.

Notamos con agrado que a lo largo del tratado se han incluido disposiciones tendientes a resguardar los derechos y facultades de los Estados ribereños, en espacios marítimos dentro de la jurisdicción nacional, incluyendo los relativos a la Zona Económica Exclusiva y la plataforma continental en toda su extensión. Al mismo tiempo, destacamos la inclusión de dos cláusulas de salvaguarda para casos de disputas de soberanía contenidas en los Artículos 6 y 18 respectivamente.

Sra. Presidenta,

Nos enorgullece haber podido trabajar y coordinar una posición común con los países de nuestra región, a través del CLAM. En este sentido, nos complace que nuestro país haya transmitido la voz de América Latina en su calidad de co-coordinador del Grupo en la Parte III sobre Medidas como los mecanismos de gestión basado en áreas, incluidas las áreas marinas protegidas.

La Argentina felicita a Usted, Sra. Presidenta, por su gran liderazgo, lo cual hizo posible que las negociaciones concluyan exitosamente. Asimismo, encomiamos el trabajo de los Facilitadores, cuyos esfuerzos fueron cruciales para llegar al consenso.

Finalmente, agradecemos el enfoque constructivo y perseverancia de las delegaciones y de la sociedad civil que fueron parte de este proceso lo que permitió asegurar un excelente resultado.

Muchas gracias.

Australia

Thank you, Madame President.

Australia aligns itself with the statement delivered by Fiji on behalf of the members of the Pacific Islands Forum, and wishes to deliver the following additional remarks in our national capacity. Australia is deeply committed to sustainable ocean management to ensure our ocean is clean, healthy and productive. We are an island continent, with the world's third largest maritime jurisdiction.

We are also part of the Pacific family, which relies upon the ocean for livelihoods and food security.

Australia is proud to have joined with other nations to achieve this ambitious oceans treaty. We extend our deepest appreciation to the President of the Conference, Ambassador Rena Lee, and her team, all facilitators, the Secretariat, our fellow negotiators and civil society observers.

We thank you all for your efforts in stewarding us through this process. As an implementing agreement under the UN Convention on the Law of the Sea (UNCLOS), the BBNJ treaty is a significant contribution to the maritime legal order.

UNCLOS sets out the comprehensive legal framework within which all activities in the oceans and seas must be carried out. This BBNJ treaty will expand on the marine environmental protections under UNCLOS to address the global challenges we face today.

It will work alongside and complement existing instruments, including Part XI of UNCLOS on the Area, the Agreement relating to the Implementation of Part XI, the Convention on Biological Diversity and others.

Madame President,

Today is a remarkable milestone not only for the oceans and the law of the sea, but also for the entire multilateral system.

We are especially pleased that the international community came together today to adopt this historic agreement by consensus.

This demonstrates our shared commitment to the conservation and sustainable use of our oceans, and reaffirms that the United Nations remains the pre-eminent, effective and inclusive forum to address complex, pressing global challenges.

Together, we have secured a treaty that will deliver real conservation benefits and set strong environmental protection standards for areas beyond national jurisdiction.

This treaty will enhance international cooperation towards a Nature Positive World.

The establishment of marine protected areas on the high seas will give us a huge boost towards meeting our global biodiversity goal of protecting 30 per cent of our earth's oceans by 2030.

Madame President,

Our work has just begun.

Australia encourages all nations to work towards signature and ratification of the high seas biodiversity treaty at the earliest opportunity, enabling us to focus on full and effective implementation.

With our oceans facing unprecedented threats, there is no time to waste. Thank you.

Belgium

Madam President,

Belgium aligns itself with the statement made by the European Union.

As we convene in this assembly, we stand at a critical juncture in the history of our planet. Our ocean, encompassing vast and interconnected ecosystems, plays a fundamental role in sustaining life on Earth. It is an irreplaceable source of immense biodiversity and a partner in our fight against climate change.

By successfully negotiating the text of the BBNJ Agreement, the international community recognizes the inherent value of our ocean and the urgent need to protect and preserve its delicate balance.

Today, we stand on the threshold of history, prepared to embrace a new chapter in our collective commitment to safeguard the world's ocean and marine life for generations to come. This long-awaited treaty represents a multilateralism at its best and concretizes our shared responsibility to protect the precious biodiversity that resides beyond national jurisdictions. As a Blue Leader, Belgium considers that the adoption of this treaty as a land mark achievement.

This treaty is a gamechanger to reach the objectives we've agreed to in the Kunming-Montréal Global Biodiversity Framework, not in the least the target to effectively conserve and manage 30% of the land and sea areas by 2030.

Belgium wishes to emphasize the strong institutional arrangement agreed in this Treaty, including a self-standing secretariat. Belgium would be honored to host the Secretariat, if this option represents the will of the States Parties.

We are looking forward to sign and ratify the BBNJ Agreement as soon as possible and urge others to do so too, to ensure a swift entry into force.

In celebrating the adoption of the BBNJ treaty, we must also acknowledge the challenges that lie ahead. Effective implementation, capacity-building, and enhanced cooperation will be crucial in translating the treaty's provisions into tangible actions on the ground, or in the water, if you will. It is incumbent upon us to strengthen our partnerships, exchange best practices, and provide the necessary support to enable all nations, regardless of their circumstances, to fulfill their obligations under the treaty.

Let us also recognize the invaluable contributions of scientists, experts, and civil society actors who have dedicated their knowledge, expertise, and passion to the cause of marine conservation.

And last but not least, Madam President, we would like to praise you today for your tireless dedication to achieve this process. Your leadership and perseverance have had a profound impact on the success of this treaty.

Thank you, Madam President.

Brazil

Madam President,

This is a historic moment. After near 20 years of negotiations, we adopted the agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. This legally binding instrument is a milestone, as a modern treaty that recognizes and reinforces the inherent value of the oceans for our peoples, our economies and our environment.

We have proved in March and today that even when facing apparently irreconcilable national positions, the international community is able to find the path of consensus to protect common interests. The same spirit should also inspire our countries in the pursuit of peace, prosperity, equality and other common values.

Madam President,

The BBNJ Agreement is guided by the principle of the common heritage of humankind. Although formally recognized since 1970, in General Assembly Resolution 2749, and endorsed in the 1982 Convention on the Law of the Sea, the inclusion of this principle in the BBNJ Agreement marks a new era, in which humankind as a whole must benefit from resources of both the high seas and the international seabed.

This is a historic expansion of the scope of the principle compared to the Montego Bay Convention, which considers only the resources of the international seabed as common heritage. In the BBNJ Agreement, the marine biodiversity of areas beyond national jurisdiction, including the high seas, is the common heritage of mankind.

The fair and equitable sharing of benefits arising from the utilization of marine genetic resources, as well as the capacity building and transfer of marine technology, represent concrete application of this principle. Brazil is very proud to have lent its national experience on sharing benefits arising from our biodiversity to the design of the BBNJ benefit-sharing scheme, as well as to have played a central role in the negotiation of Part II, along with other countries and regional groups, and with the G77 and China, under the Cuban presidency.

Madam President'

Let me thank you for your tireless efforts during all these years, and for your able stewardship that brought us to this important moment together.

Let me also acknowledge the important coordination of the Core Latin American Group and the fundamental role played by developing countries under the successive presidencies of the G77 Group. Without the efforts of the countries that represent the vast majority of humankind, it would not be possible to achieve an agreement that regulates our common heritage to the benefit of humanity. Neither would it be possible to reach a balanced agreement that can advance equity in the governance of the oceans and in the sustainable use of its resources.

Madam President,

Brazil stresses the importance of early and effective implementation of the Agreement, towards cleaner and sustainable oceans. We also reiterate the need for a robust and sustained financial mechanism to support its Implementation.

The international community should build upon this momentum and convene a pledging conference on the margins of the United Nations General Assembly in September, with the aim of raising funds for the implementation of the agreement. This is a unique opportunity to announce concrete commitments for capacity-building, transfer of marine technology, funding and preservation of the oceans and marine

biodiversity.

Madam President,

Today we concluded an important step in the preservation of our oceans. Brazil welcomes the adoption of the High Seas Treaty and invites member states to take further steps towards its entry into force. We should all take responsibility for protecting and conserving our oceans to ensure a sustainable future for generations to come. I thank you.

Canada

Thank you, Madame President.

Canada warmly welcomes the adoption of this new legally binding agreement under the auspices of the United Nations Convention on the Law of the Sea. The success of these long negotiations, after so many years of work, restores confidence in the power of multilateral diplomacy and the strength of international law. It is truly a historic moment. The global community has demonstrated its ability to come together to take action to protect and restore our oceans, especially in the face of significant challenges such as pollution, climate change, and biodiversity loss.

As a coastal State bordered by three oceans, Canada is strongly committed to protecting the oceans of the world, for the benefit of present and future generations. In the coming months, Canada will continue to demonstrate this commitment by undertaking the required domestic groundwork related to signing and ratifying the Agreement.

Madame La Présidente,

Cet accord historique s'appuie sur l'élan issu de la quinzième conférence des parties à la Convention sur la diversité biologique à Montréal, où le Cadre mondial pour la biodiversité de Kunming-Montréal a été adopté, y compris un engagement mondial à conserver au moins 30 % des zones marines et côtières d'ici à 2030. L'accord jouera un rôle important dans la réalisation de cet objectif, en fournissant le cadre nécessaire pour établir des outils de gestion de zones en haute mer et évaluer les impacts des activités économiques prévues sur la biodiversité de la haute mer. Il est également pertinent pour de nombreuses autres questions liées aux océans, telles que la pêche illégale, non déclarée et non réglementée, et contribue à atténuer et à s'adapter à la crise climatique. En soutenant la gouvernance efficace de la haute mer, l'Accord fera progresser la protection et le rétablissement de la biodiversité marine grâce au développement d'approches intégrées et holistiques de la conservation des océans.

Madame President,

We wish to thank the secretariat for their tireless work in supporting the Conference, and the excellent work of the interpreters. In addition, we thank all delegations for their determination and dedication in this accomplishment, especially our coordination partners: Australia, Norway, New Zealand and Iceland. It was an honour for Canada to work with you all these many years.

Finally, Madame President, we would not be at this moment in history without you. Your patience, perseverance and wise counsel were the critical components of this success. We would normally at this point assure you of our full support for the next session, but as we are finally at the end of the conference, we will simply say thank-you.

For Canada, our oceans are at the core of who we are as a country. With the longest coastlines in the world, Canadians have an enduring commitment, from coast to coast to coast, to protecting the oceans for today and tomorrow. We will continue to work with our international partners to promote a bluer, cleaner, and more sustainable world.

Thank you, Madame President.

Chile

Muchas gracias Sra. Presidenta,

Estimado Secretario General de NNUU, Antonio Guterres, Su Alteza Serenísima Alberto II, Ministro de RREE de Singapur Vivian Balakrishnan, Ministro de RREE de Maldivas, Abdulla Shahid, distinguidas delegadas y delegados,

distinguidas delegadas y delegados,

En primer lugar, mi Delegación quisiera expresar su apoyo a la intervención realizada por Cuba en nombre del G77 + China, así como a la intervención emitida en nombre de mi grupo negociador, el Core Latin American Group, CLAM.

Excelencias, queridos colegas, Chile es un país con una histórica vocación oceánica, la que se ve reflejada directamente en nuestro rol en la evolución del derecho internacional del mar. Ya en 1952, Chile, junto a Perú y Ecuador, expresábamos y materializábamos, a través de la Declaración de Santiago, conceptos que fueron una base relevante en el proceso de negociación de la Convención de Derecho del Mar de Naciones Unidas(CONVEMAR).

Hoy es un día especial, después de más de 15 años, hemos conseguido concluir un largo proceso de negociación que ha resultado en un texto que, en nuestra visión, contiene los más importantes avances en materia marítima que se podrían haber logrado.

Actualmente, nos enfrentamos a una triple crisis: el cambio climático, la pérdida de biodiversidad y la contaminación. Lo anterior nos exige realizar todos los esfuerzos posibles para proteger el océano y preservar sus ecosistemas para las generaciones presentes y futuras. En este sentido, apreciamos los esfuerzos para alcanzar un compromiso difícil pero necesario, así como el incansable trabajo de Usted, Sra. Presidenta, Embajadora Rena Lee, de las y los facilitadores y en general de todas las delegaciones que trabajaron arduamente para lograr un resultado que mi país considera equilibrado y orientado al futuro. Nuestro agradecimiento, también, a la Secretaría por su indispensable asistencia en todo este proceso.

Sra. Presidenta,

Este tratado no es sólo un acuerdo urgente para llenar un vacío legal. Es un instrumento que se hace indispensable para establecer una gobernanza oceánica basada en la justicia y la inclusión, en beneficio del mundo entero; para proporcionar un equilibrio a los intereses de las diferentes regiones y pueblos que incluye, por cierto, los de los Pequeños Estados Insulares en Desarrollo y de los Estados en Desarrollo sin Litoral.

Como Estados, como humanidad, no teníamos margen para seguir aplazando esta decisión, por lo que acogemos con gran satisfacción la adopción de este tratado hoy. Mi país está dispuesto a trabajar arduamente para concretar los pasos necesarios para hacer realidad el Tratado BBNJ, incluido promover una pronta firma y entrada en vigor del Acuerdo.

Como lo ha expresado mi delegación durante las negociaciones, tenemos la visión de que una gobernanza global para las zonas marinas más allá de la jurisdicción de los Estados debe ser clara, eficiente y permitir a la comunidad internacional cooperar para asegurar la conservación de la biodiversidad. También, tenemos la convicción de que las estructuras y procedimientos acordadas proporcionarán credibilidad, transparencia y estabilidad a las decisiones de la BBNJ.

En nuestra visión, este tratado debe considerar equilibradamente los intereses de conservación y de uso sostenible, incluido el justo y equilibrado reparto de beneficios, todo lo cual implica la colaboración y el mutuo entendimiento de los países de diferentes niveles de desarrollo, capacidad tecnológica y condición geográfica. Todos nuestros pueblos necesitan al Océano y todos tenemos una responsabilidad con el Océano

y con las futuras generaciones.

Estimada Presidenta,

Durante muchos años, Chile ha contribuido activamente a una gobernanza estable de los océanos que incluya los intereses y puntos de vista del Sur Global. Chile es Parte de la Convención del Mar, del Acuerdo de Nueva York sobre Poblaciones de Peces y otros marcos relevantes. En el caso particular del Pacífico Sur, estamos orgullosos de haber iniciado, junto a Nueva Zelandia y Australia, las negociaciones para el establecimiento de la Organización Regional de Ordenamiento Pesquero, que hoy tiene 17 miembros, con una historia de éxito en la regulación de pesquerías sostenibles.

En esta misma línea, creemos que BBNJ tiene un mandato claro de colaboración con otros organismos y marcos, sin socavar sus mandatos, y de promover la cooperación entre los Estados. Por eso hemos acordado varias disposiciones importantes que mantienen protegidos los derechos soberanos y el respeto por los mecanismos ya establecidos a nivel multilateral y regional.

La regla de las 200 millas náuticas es sólo un ejemplo de los esfuerzos que Chile, conjuntamente con socios del Sur Global, ha realizado durante muchas décadas para construir un sólido régimen internacional para el océano, que lo proteja para las futuras generaciones a través de un tratado con futuro probado.

Estimada Presidenta,

Tal como recientemente lo ha expresado el Presidente de la República de Chile, Gabriel Boric, en su cuenta pública al país, quisiera reafirmar el ofrecimiento de nuestro país para servir de Estado anfitrión a la Secretaría del nuevo tratado y de los otros mecanismos que allí se establecen, con un espíritu de acercar la gobernanza de la Alta Mar al Sur Global, al Sur azul.

Ofrecemos a Chile, y específicamente a la ciudad de Valparaíso, como un puerto seguro frente al Océano Pacífico, donde todos los Estados y delegaciones, incluidos los observadores y la sociedad civil, se sientan cómodos para unirse y participar de los beneficios y perseguir los objetivos que nos hemos trazado en este nuevo instrumento.

Nuestra propuesta de acoger la Secretaría de BBNJ tiene su base y está en plena consonancia con la política exterior de largo plazo de Chile, que ha otorgado al océano una alta prioridad durante décadas, y en nuestro fuerte compromiso con los valores de un multilateralismo inclusivo.

Creemos que existe un interés muy importante por parte de los países en desarrollo de participar y ser incidentes en los procesos multilaterales. En ese sentido, Chile es tributario de otras experiencias muy importantes del Sur global como la presencia de la Secretaría de la Autoridad Internacional de los Fondos Marinos en Kingston, Jamaica, y del Programa de las Naciones Unidas para el Medio Ambiente en Nairobi, Kenya, de quienes sin duda tendremos mucho que aprender si las delegaciones nos apoyan en nuestra propuesta.

Hoy, consideramos que la sede de las Naciones Unidas en Nueva York es y continuará siendo muy importante para el nuevo tratado BBNJ, por estar acá la Secretaría de NNUU, depositaria del nuevo tratado y, prontamente, como Secretaría interina del Acuerdo a través de la División de Asuntos Oceánicos y del Derecho del Mar (DOALOS). Al mismo tiempo, tenemos la oportunidad de dotar al nuevo acuerdo de una estructura moderna, de una Secretaría especializada que pueda implementar sus funciones con tranquilidad, una Secretaría que pueda asistir a la Conferencia de las partes en su rol de administradora de la conservación y uso sostenible de la biodiversidad de alta mar. Para ello nos parece adecuado ubicar esa estructura en un puerto del Sur, frente al Océano Pacífico, el más extenso del mundo.

En los próximos meses, Chile continuará trabajando constructivamente con todas las delegaciones en los mecanismos de preparación de la Primera Conferencia de las Partes con el objeto de refinar su propuesta y

hacerse cargo de los comentarios. Ese proceso preparatorio será fundamental para una pronta entrada en vigor e implementación del tratado, el establecimiento de una nueva Secretaría, la movilización de recursos para la construcción de capacidades, entre otras muchas tareas prioritarias en las que, Sra. Presidenta, usted podrá darnos guía con su buen juicio

Finalmente, Sra. Presidenta, quisiera reiterar el compromiso de largo plazo de Chile con el nuevo régimen jurídico del Tratado BBNJ y expresar nuestra satisfacción por el texto e informes que hoy hemos aprobado. Esperamos hacer un genuino aporte para una exitosa gobernanza del océano, que permita su conservación y uso sostenible para las generaciones futuras.

Muchas gracias.

China

Madam President, Distinguished Delegates,

The Chinese delegation aligns itself with the statement made by Cuba on behalf of the Group of 77 and China. China extends its warm congratulations on the successful adoption of the Agreement 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 Agreement). This is a hard-won achievement. Since the establishment of the Ad Hoc Informal Working Group under the U.N. General Assembly resolution in 2004, the negotiation process of the BBNJ Agreement has continued for nearly two decades. The parties have, through cumulative consultations, continuously deepened understanding and rallied consensus.

Madam President, at the Intergovernmental Conference stage, you advanced the negotiation process with extraordinary leadership, fully demonstrating the Asian wisdom and character, and making outstanding contributions to the final conclusion of the Agreement. The active organization and coordination by the coordinators and the continuous efforts of the Division for Ocean Affairs and the Law of the Sea (DOALOS) have also provided strong support for the finalization of the Agreement.

China wishes to express its sincere gratitude to you, Madam President, and to all coordinators, DOALOS and all delegations for the hard work.

Madam President,

As President Xi Jinping pointed out, the ocean does not separate our blue planet into isolated continents; instead, it links the peoples of all countries to form a community with a shared future that remains bound together through thick and thin. He also pointed out that biodiversity affects the well-being of humanity and provides the very basis for the human race to survive and thrive. China believes that marine biodiversity is of great significance to all countries, especially developing countries, in addressing environmental challenges, ensuring food security and developing the marine economy. Guided by Xi Jinping Thought on Ecological Civilization, China attaches great importance to marine biodiversity and takes it as a priority in global ocean governance. At the COP15 of the Convention on Biological Diversity (CBD) held last year, China, as the chair, established the Kunming-Montreal Global Biodiversity Framework and the 30×30 Target together with other parties, drawing a new blueprint for global biodiversity governance. During the negotiation process of this Agreement, China all along participated in a responsible and constructive manner, engaged and communicated with all parties to build consensus, and actively contributed China's vision and proposals.

Madam President,

The BBNJ Agreement marks yet another milestone in the history of the international law of the sea. It has opened a new chapter in international cooperation on marine biodiversity. The “four-issue package” regime design of the Agreement is generally balanced. The Agreement has established a basic framework for benefit-sharing of marine genetic resources, and strengthened mechanism underpinning for capacity building and technology transfer. It is helpful to marine undertakings in developing countries and the building of a just and equitable international maritime order. The Agreement provides for the operation mechanism of Area-based Management Tools, and refines the Environmental Impact Assessment procedure, which is conducive to promoting international coordination and cooperation on marine environmental protection. The Agreement embodies the international consensus on addressing maritime risks and challenges through true multilateralism. China supports the adoption of the Agreement at this meeting.

China takes this opportunity to reiterate that the powers of the international judicial bodies are vested by their constituent instruments. As the constituent instruments for the establishment of the International Tribunal for the Law of the Sea, the United Nations Convention on the Law of the Sea (UNCLOS), including its Annex VI, the Statute of the International Tribunal for the Law of the Sea, only provides that the Seabed Disputes

Chamber has advisory jurisdiction and does not confer advisory jurisdiction of the full Tribunal. China has noted that the BBNJ Agreement provides that the Conference of the Parties may decide to request the Tribunal to give an advisory opinion on a legal question on the conformity with the Agreement of a proposal before it on any matter within its competence. This makes the Agreement the first global legal instrument dealing with the advisory jurisdiction of the full Tribunal.

Madam President,

The BBNJ Agreement is a package arrangement reached by all parties based on mutual understanding and accommodation. At present, some provisions in the Agreement are relatively principled, and in some areas there is no mature practice to serve as a support. China believes that in the process of rules refinement and follow-up implementation, special attention should be given to balancing conservation and sustainable use, taking into account the interests of all countries, the overall interests of the international community and the common interests of humanity, and properly handling the relations between the Agreement and other rules and mechanisms for marine governance.

China would like to emphasize that the Agreement applies to maritime areas beyond national jurisdiction where there is no dispute. The entire Agreement fully reflects the principle of respecting territorial sovereignty and maritime rights and interests of countries, which is clearly stipulated in several provisions of the Agreement. These provisions should be complied with strictly, and interpreted and applied in good faith. Only in this way can we ensure that the Agreement focuses on the conservation and sustainable use of marine biodiversity, and prevent it from getting involved in sensitive and complex issues and deviating from the right track.

China would also like to stress that, with regard to Area-based Management Tools, efforts should be made to form a tradition of consensus-based decision-making in practice. China always believes that international affairs should be handled through extensive consultation. Area-based Management Tools concern the freedom of navigation, fishing and scientific research enjoyed by countries on the high seas, and are thus of great importance. China, respecting the will of the majority of countries, agreed to the introduction of a voting mechanism for the decisions and recommendations on Area-based Management Tools. This does not mean a change in China's consistent position that international decisions should be made by consensus.

According to the Agreement, all efforts to reach consensus should be exhausted before voting. This is by no means a rushed procedural obligation for going through the motions. It requires that the concerns of all parties be truly taken seriously, fully considered, and addressed with utmost efforts and in good faith, instead of easily resorting to vote. Agreement relating to the Implementation of Part XI of UNCLOS and the 1995 Fish Stocks Agreement also provide for voting mechanisms, but in practice, both of them have maintained the good tradition of consensus-based decision-making. These precedents are worth drawing upon. In order to achieve wide recognition and universal compliance, decisions and recommendations on Area-based Management Tools should exhaust all efforts to reach consensus.

Madam President,

As a Chinese proverb reads, "The going may be tough when one walks alone, but it gets easier when people walk together." The conservation and sustainable use of marine biodiversity is a global issue that hinges on a joint response through solidarity and cooperation among all countries. The conclusion of the BBNJ Agreement is by no means an end, but a new historical starting point. China stands ready to work with all parties to continue the unremitting efforts for the effective conservation and sustainable use of marine biodiversity.

Thank you!

Colombia

Señora Presidenta:

Colombia, como potencia de la vida, país bioceánico, megadiverso y orgullosamente beneficiario de una riqueza invaluable de recursos naturales, ha sido siempre activo en los escenarios multilaterales que coordinan acciones que fortalezcan y complementen los esfuerzos de conservación de áreas marinas.

Con esa motivación, mi país participó activamente en las negociaciones que hoy nos llevan al feliz término de adoptar este instrumento BBNJ. Colombia siempre creyó que debíamos contar con un tratado ambientalmente ambicioso pero, al mismo tiempo, con un acuerdo aplicable y efectivo; que contribuyera a un acceso más igualitario de los países en desarrollo a las áreas fuera de la jurisdicción nacional; que contuviera disposiciones efectivas para el acceso y distribución justa y equitativa de los beneficios monetarios y no monetarios derivados del aprovechamiento de los recursos genéticos marinos; un acuerdo que diera cuenta de los conocimientos de los pueblos indígenas y comunidades locales; y, en definitiva, un acuerdo que se enfocara en la conservación y uso sostenible de la biodiversidad marina en altamar. Hoy, después de tantos años de negociación, podemos afirmar que lo logramos, Señora Presidenta.

A lo largo de nuestras deliberaciones hubo tres asuntos concretos sobre los que Colombia presentó iniciativas de propuesta y negociación:

1. El relativo al estatus jurídico de los Estados no parte de la CONVEMAR, donde impulsamos que hubiera un lenguaje explícito que indicara que la situación jurídica de quienes no son partes en la Convención no se vería afectada por el presente Acuerdo. Ese lenguaje hoy se encuentra en el acuerdo.
2. El acápite sobre solución de controversias del tratado, donde Colombia se preocupó por contar con un capítulo comprensivo, que abarcara desde la prevención de controversias, pasando por una regulación adecuada para controversias de carácter técnico, y culminara con un lenguaje según el cual, sin perjuicio de la aplicación de la Convención para sus Estados Parte, hubiera un mecanismo equivalente de resolución de controversias para los Estados no Parte de la CONVEMAR, basado en el mismo principio de libre elección de medios. Este sistema también quedó consagrado en el articulado del instrumento.
3. Colombia, finalmente, tuvo la iniciativa de que el instrumento BBNJ contara con un Comité de Implementación y Cumplimiento, que previniera el surgimiento de disputas entre los Estados, y que asesorara a las partes de manera transparente, no contenciosa y no punitiva, con informes y recomendaciones periódicas sobre la implementación. Esta propuesta también quedó contenida en el acuerdo.

Colombia por su parte participó activamente, como uno de los coordinadores de CLAM en asuntos transversales del instrumento, y también en materia de construcción de capacidad y transferencia de tecnología en la última sesión de negociación.

En todos estos temas hicimos la diferencia y creemos firmemente que logramos contribuir a alcanzar un mejor tratado.

Por eso, y más, hoy Colombia es un país orgulloso de haber participado en este proceso, de haber invertido ingentes esfuerzos y haber hecho uso de toda su capacidad y creatividad jurídica para concluir con un acuerdo que aborda nuestras preocupaciones, pero que, por sobre todas las cosas, es justo y equitativo con los países en desarrollo.

Somos conscientes de que la etapa más difícil para nosotros apenas empieza, y es lograr hacernos parte pronto, porque queremos estar en la primera COP. Pero somos conscientes de los logros que alcanzamos y

esperamos que nos sea posible suscribir y ratificar este tratado pronto.

Permítanos, por su parte, agradecer a varias personas:

- En primer lugar, a todos los colegas que en espíritu constructivo entendieron nuestras preocupaciones y nos ayudaron a que el instrumento las recogiera.
- A la sociedad civil, academia, ONGs y expertos, por su incansable apoyo en todas las etapas de negociación.
- Al señor Daniel Stewart, un amigo de Colombia y un abogado apasionado por las causas justas, por sus valiosas asesorías jurídicas y su ferviente dedicación a este proceso.
- A todas las delegaciones del G77 más China, y a sus distintos presidentes, por creer que un sur global unido puede lograr grandes cosas.

Y en especial a nuestra familia CLAM. Estamos orgullosos de haber sido parte de este talentoso equipo, que no descansó un día y que siempre se preocupó por alcanzar un instrumento ambicioso que protegiera los intereses de los países en desarrollo y que, sobre todo, fuera efectivo en la conservación y uso sostenible de la biodiversidad.

Finalmente, Señora Presidenta, gracias a usted, a su equipo y a la Secretaría. Gracias por no desfallecer, por impulsarnos en los momentos más críticos y por su arduo trabajo a lo largo de las cinco sesiones de la Conferencia Intergubernamental. Los océanos se lo agradecerán eternamente.

Muchas gracias.

Costa Rica

Para Costa Rica este es un momento de gran emoción, la culminación de un proceso sabíamos indispensable para proteger nuestro océano. Quiero sumarme a todas las delegaciones que han reconocido que, sin su liderazgo, este proceso difícilmente podría haber llegado a buen puerto. Sin su dedicación, su carisma y su paciencia, no estaríamos celebrando hoy. ¡Una vez más, muchas gracias!

Desde el principio de las negociaciones, fuimos enfáticos en nuestro compromiso para alcanzar un texto sólido, que pudiera atender los vacíos legales y de implementación identificados.

Hoy cumplimos este objetivo.

Pero esto es solo el primer gran paso, pues para darle vida a este acuerdo se requiere de todavía más esfuerzo, más compromiso y más acción. En primera instancia para que el instrumento entre en vigor prontamente, pero también para su adecuada implementación. Para esto debemos asegurar la movilización de suficientes recursos financieros para hacerlo realidad.

Debemos, así mismo, garantizar que nuestras decisiones estén siempre fundamentadas en la ciencia, para lo que será sumamente importante, entre otras cosas, el establecimiento del órgano técnico y científico. Debemos, así mismo, asegurar procesos transparentes y rendición de cuentas en todos los espacios.

Señora Presidenta,

Reafirmando el compromiso de mi país con la agenda azul, y en la ruta hacia la Tercera Conferencia de las Naciones Unidas sobre el Océano que Costa Rica copresidirá junto a Francia en el 2025, estamos organizando, en San José, un Evento de Alto Nivel sobre Acción Oceánica, los días 7 y 8 de junio del 2024, que esperamos sea un espacio de intercambio de buenas prácticas y experiencias exitosas en acciones para mejorar la salud del océano.

Tenemos la convicción de que es nuestro deber ético con las futuras generaciones y con nuestro planeta, asegurar la ratificación de este instrumento en el más corto plazo. Si bien reconocemos que los procesos domésticos en cada país varían, reafirmando la alta ambición que siempre hemos promovido, queremos impulsar una meta común para que las primeras 60 ratificaciones necesarias para la entrada en vigor se hayan depositado para junio del 2024 y así podamos hacer un acto de celebración en Costa Rica, en el marco del Evento de Alto nivel sobre Acción Oceánica.

Reconocemos también que, aunque este nuevo acuerdo es una herramienta fundamental para mejorar la gobernanza del océano, no es el único espacio en el que debemos continuar trabajando. Por eso, instamos a todos los países a participar activamente en las negociaciones que se están llevando a cabo en la Autoridad Internacional de Fondos Marinos en Kingston, Jamaica. Costa Rica seguirá impulsado el llamado a una prórroga precautoria para que no se inicie la minería en el suelo marino en áreas internacionales hasta que no se cuente con el marco jurídico necesario para garantizar la protección efectiva del ambiente marino, como requiere el artículo 145 de la CONVEMAR, y los principios ambientales del derecho internacional.

Antes de terminar, a nombre de mi país y el mío propio, quisiera reconocer el competente e incansable equipo de DOALOS, a su exdirectora Gaby Goettsche, su director Vladimir Jares y su equipo, en particular Charlotte, Alice, Dmitri y el resto del equipo.

También queremos hacer un reconocimiento especial a la Sociedad Civil, quienes, al compartir generosamente sus conocimientos, nos ayudaron a nutrir nuestras discusiones y poder tomar decisiones basadas en la ciencia.

Finalmente, quiero cerrar con una frase de Robert Swan: The greatest danger to our planet is the belief that someone else will save it.

Hoy hemos dado ese paso, asumiendo la responsabilidad sobre nuestro planeta. Hoy podemos sentirnos muy orgullosos. Gracias, señora Presidenta.

Dominican Republic

Señora Presidenta,

Permítame, en nombre de mi delegación felicitarle a usted, los miembros de la Secretaría, los facilitadores y todo su equipo, así como a DOALOS y expresarle nuestro reconocimiento y agradecimiento por su liderazgo, su dedicación y sus incansables esfuerzos todos estos años, lo que nos condujo, en un espíritu constructivo, a alcanzar el sueño largamente acariciado de adoptar hoy este Tratado que es fundamental para la biodiversidad y el derecho ambiental internacional, la protección de nuestros océanos y la salud de nuestro planeta.

Mi delegación se adhiere a la declaración del grupo CLAM y del Grupo de los 77 y China, del cual de forma parte y congratulamos a los demás grupos por su participación constructiva y flexible para lograr un instrumento Internacional jurídicamente vinculante (BBNJ), que sea equilibrado y sólido que nos favorecerá a todos y cada uno.

Señora Presidenta,

Las costas del mar Caribe forman parte de los ecosistemas más biodiversos del planeta. La región del Caribe también se caracteriza por poseer un frágil ecosistema marino, que se encuentra amenazado por el riesgo de numerosos daños ambientales que afectan la salud de nuestros océanos, el nivel del mar, nuestro medio ambiente, nuestros medios de subsistencia y nuestras vidas. Mi país, además, como otros, enfrenta nuevas amenazas como el florecimiento descontrolado del sargazo que afecta nuestras playas y nuestro turismo y la contaminación por plásticos en particular en el medio marino. Todo esto nos dificulta salvaguardar el derecho a un medio ambiente sano en nuestro territorio, litoral y región.

Señora Presidenta,

Ante estas amenazas, el Gobierno Dominicano trabaja con determinación para salvar las fuentes de vida. El presupuesto del Estado Dominicano para la protección del medio ambiente ha aumentado de menos de dos millones de pesos dominicanos a 11 millones. Además, se creará un corredor biológico submarino binacional, junto con el hermano país de Colombia, que protegerá el 30 por ciento de las aguas del país. Esta área es hogar de una excepcional biodiversidad y concentración de especies. Es pues de particular interés y beneficio para República Dominicana el apartado relacionado con el “establecimiento de áreas marítimas protegidas” que contiene el tratado.

A través de esta Convención, República Dominicana reafirma su compromiso con la conservación y la preservación de la biodiversidad marina, dado que la misma introduce la regulación de los recursos genéticos marinos, facilita la implementación de evaluaciones de impacto ambiental y conduce a la creación de capacidades y la transferencia de tecnología hacia los Pequeños Estados Insulares en Desarrollo. El Tratado BBNJ no sólo tiene el potencial de transformar dramáticamente la gestión ambiental en alta mar, pero puede brindar a sus miembros beneficios sociales y económicos.

La adopción de este instrumento internacional permitirá además fortalecer las instituciones multilaterales establecidas y reforzar la cooperación internacional hacia objetivos ambientales comunes, así como mejorar la salud del ecosistema, preservar la diversidad genética y mejorar las poblaciones de peces, generando beneficios económicos para las industrias relacionadas con los océanos, como la industria pesquera.

Señora Presidenta,

República Dominicana está consciente de que tenemos mucho trabajo por delante hasta completar todo el proceso requerido que hará posible la entrada en vigor de este histórico Instrumento Jurídico y su posterior implementación, particularmente en este momento crítico que vive nuestro planeta y en ese sentido exhortamos a que, dado el marcado interés y la voluntad política demostrada por los Estados, firmemos este

Acuerdo lo antes posible.

Muchas gracias Señora Presidenta.

Ecuador

Señora Presidenta,

Ecuador se adhiere a las intervenciones realizadas por Cuba, a nombre del G77, y por Costa Rica, a nombre del CLAM y se suma a las felicitaciones a Usted, Embajadora Lee, por sus esfuerzos diplomáticos para llevar este barco a un buen puerto. Este logro fue posible gracias a su liderazgo, al apoyo de los facilitadores y de la DOALOS, y por supuesto a la voluntad política de todos los Estados, junto con el respaldo técnico de la academia, ONGs, sector privado y demás actores relevantes.

Para Ecuador, desde la aprobación de la CONVEMAR, este acuerdo representa el instrumento más importante para la gobernanza de los océanos, lo que demuestra una vez más, que el multilateralismo es la mejor vía de solución frente a los desafíos y amenazas globales que enfrenta nuestro planeta, desde el calentamiento global y la acidificación de los océanos, la sobrepesca y la pesca INDNR, hasta la contaminación plástica, y por supuesto el deterioro o pérdida de la biodiversidad, sin control, responsabilidades o remediación.

Este instrumento abre una nueva era en la construcción de un orden económico internacional justo y equitativo, con nuevos órganos y mecanismos que tienen como eje transversal, diferentes obligaciones de notificación, publicación, consulta y cooperación, todo ello bajo el pleno respeto de los marcos existentes, y de principios fundamentales como el de patrimonio común de la humanidad.

Precisamente, el reconocimiento de este principio, defendido tradicionalmente por Ecuador y muchos otros países, fue clave para llegar a un consenso para la operación del mecanismo de participación de los beneficios derivados de los recursos genéticos marinos, incluyendo la información digital sobre secuencias.

Asimismo, mi delegación jugó un rol fundamental en la incorporación de un mecanismo de financiero robusto e independiente, con recursos nuevos, adecuados y predecibles, algunos de ellos derivados de los beneficios de la utilización de recursos genéticos de zonas ABNJ, y cuyo destino deberá incluir la financiación de proyectos de creación de capacidades y transferencia de tecnología marina, esenciales para facilitar una efectiva implementación de este acuerdo por parte de los países en desarrollo. Esperamos que los trabajos preparatorios hacia la tan esperada y seguramente compleja primera COP, también incluyan una “pledging conference” que facilite esa necesaria movilización de recursos.

Señora Presidenta,

El acuerdo BBNJ es esencialmente un instrumento de cooperación internacional, consulta y coordinación entre los Estados, los órganos competentes y los demás actores relevantes.

Por ello, Ecuador, como país megadiverso y a la vez primera potencia pesquera del pacífico oriental, se siente orgulloso de haber contribuido a mantener este espíritu de cooperación e inclusión, inspirado en su contribución histórica al desarrollo del derecho internacional del mar, desde la Declaración de Santiago de 1952 que derivó en la ZEE; el Corredor Marino del Pacífico Este Tropical, compartido con Colombia, Costa Rica y Panamá; hasta la promoción de la meta del 30x30; la creación de una nueva reserva marina en Galápagos; y el más grande canje de deuda por conservación en la historia, alcanzado hace apenas unas pocas semanas.

Para finalizar y ya en un plano personal, me permito recordar que hace más de 10 años, a los pocos días de haber nacido mi hija Sophie aquí en NY, tuve el honor de liderar por el G77, la aprobación del famoso párrafo 164 del documento final “El futuro que queremos”, el cual brindó un impulso político clave y de alto nivel a este proceso. Hoy, tengo el orgullo de poder contarle que esas ausencias, lecturas y amanecidas de trabajo, y las de muchos de ustedes, sí tienen su recompensa, ahora plasmada en un nuevo instrumento que les dará más oportunidades a su generación y a las de sus hijos, nietos y bisnietos, para proteger la salud del océano y aprovechar de manera sostenible sus recursos, en beneficio de toda la humanidad.

Muchas gracias.

Egypt

السيدة الرئيسة،

تؤيد مصر البيان الذي ألقاه المندوب المناوب لكوبا نيابة عن مجموعة الـ ٧٧ والصين، وكذا البيان الذي ألقاه المندوب الدائم للصومال باسم المجموعة الأفريقية. كما نتوجه لكم - السيدة الرئيسة - بأصدق عبارات التحية والتقدير على الدور الرائد الذي اضطلعتم به في إدارة هذه العملية التفاوضية المعقدة والشاقة على مدار الدورات الخمسة والدورة المستأنفة للمؤتمر الحكومي، والساعات اللانهائية من المفاوضات التي تخللت دورات المؤتمر. ولا يفوتنا بطبيعة الحال الإعراب عن تقديرنا الشديد لشعبة قانون البحار والمحيطات بالسكترارية على الدور الاستثنائي الذي قامت به في أثناء تلك العملية.

السيدة الرئيسة،

إن تبني هذا الاتفاق اليوم - بالتوافق - هو حق علامة مضيئة اتصالاً بما نقوم به كل يوم في هذا المبنى وقاعاته المختلفة؛ التفاوض، والبحث الحثيث عن المساحات المشتركة مهما تباينت المصالح. وهو دليل آخر على أن آليات العمل المتعدد الأطراف لا تزال تعمل، وإن أتى ذلك عبر جهد جهيد.

السيدة الرئيسة،

إن موارد التنوع البيولوجي البحري في المناطق الواقعة خارج نطاق الاختصاص الوطني للدول هي "إرث مشترك للبشرية بأسرها"، وليست من حق مجموعة محدودة من الدول التي تحوز الإمكانات المادية والعلمية اللازمة للنفاد إلى تلك الموارد وحيازتها، وتحقيق الربح المادي جراء استغلالها. وإنه ليسعدنا أن الدول النامية، بدور فعال من المجموعة الأفريقية في الساعات الأخيرة من المفاوضات، قد تمكنت من

تضمنين الإشارة الواجبة إلى هذا المبدأ الحاكم ضمن المبادئ التي يقوم عليها الاتفاق، والتي يتعين على الاتفاق أن يعمل على تفعيلها والاهتداء بها في تنفيذ كافة النصوص الأخرى.

بالمثل، فإن التقاسم العادل للمنافع المادية وغير المادية الناتجة عن استخدام واستغلال موارد التنوع البيولوجي البحري في المناطق الواقعة خارج حدود الولاية الوطنية، ومعلومات المتواليات الرقمية، وبناء قدرات الدول النامية لتعظيم استفادتها من هذا الاتفاق، هي من الغايات الأساسية للاتفاق، التي يسرنا أن الدول الأطراف قد تمكنت من تحقيق توافق بشأنها.

السيدة الرئيسة،

إن تحقيق الحماية الواجبة للتنوع البيولوجي البحري، والحفاظ على صحة المحيطات والبحار، وضمان عدم تأثرها سلبًا جراء الاستخدام غير المنظم وغير المقنن لموارد التنوع البيولوجي البحري، هو ضرورة ملحة يفرضها علينا الواقع الحالي، والتزامنا الجماعي تجاه صحة كوكبنا. في هذا الصدد، ترحب مصر بالتقدم الذي حققه الاتفاق في هذا الشأن، في إطار التزامها بحماية البيئة ومواجهة ظاهرة تغير المناخ ورئاستها لـ COP27.

السيدة الرئيس،

ختامًا، لقد انتهينا اليوم من خطوة هامة للتوافق على هذا الاتفاق التاريخي، وقد آن الأوان للانتقال إلى مرحلة التنفيذ.

شكرًا السيدة الرئيسة.

El Salvador

Gracias Señora Presidenta y distinguidas Excelencias:

La República de El Salvador desea alinearse a la intervención brindada por el/la representante de la Presidencia del Grupo 77 y China, y en su capacidad nacional desea expresar lo siguiente:

La República de El Salvador elogia la culminación de más de 10 años de negociación, así como el dedicado esfuerzo de todos los Estados, para la concreción de un instrumento internacional jurídicamente vinculante en el marco de la Convención de las Naciones Unidas sobre el Derecho del Mar, relativo a la conservación y el uso sostenible de la diversidad biológica marina de las zonas situadas fuera de la jurisdicción nacional.

Mi delegación reconoce, la importancia de los océanos y mares, como elementos fundamentales para el ciclo de vida de los seres que habitamos este planeta y las generaciones futuras. En el actual contexto global radica la ingente necesidad de armonizar, en un marco jurídico vinculante, la gobernanza efectiva sobre los océanos, ante la realidad de un aumento acelerado de los usos humanos, la creciente evolución del cambio climático y el rápido aumento de factores estresantes a nivel global y local.

En atención al mandato de la Asamblea General de Naciones Unidas, recogido en las resoluciones bajo la referencia 69/292 del 19 de junio de 2015 y 72/249 del 24 de diciembre de 2017, El Salvador participó activa y constructivamente tanto en los trabajos preparatorios, como en las negociaciones desarrolladas en las cinco conferencias diplomáticas sobre la elaboración de dicho instrumento.

Particularmente, se destaca el ejercicio de coordinación realizado por El Salvador en el marco de del Grupo de Países Afines Latinoamericanos en las negociaciones relativas a la Parte V del

mismo, correspondiente a Creación de Capacidades y Transferencia de Tecnología Marina; y posteriormente, tuvo el gran honor de colaborar con la Presidencia de la Conferencia, facilitando la negociación entre las delegaciones en lo atinente a la citada Parte V del mismo.

El Salvador en su momento, consideró que la negociación de este instrumento atañía al legítimo interés de todos los Estados, independientemente del estatus jurídico que los mismos hubiesen podido tener en relación con la Convención de las Naciones Unidas sobre Derecho del Mar, como es el caso del Estado salvadoreño; y en razón de ello, en todo momento sostuvo y reafirma en esta oportunidad, la posición de que ningún Estado, indistintamente de su condición, debía ser excluido de esta negociación; lo anterior, tanto en virtud de la consideración que le merecía - como Estado miembro de esta Organización internacional- las citadas resoluciones, así como en razón de su convicción de que el alcance de este instrumento debía tener un carácter universal.

El Salvador destaca en sobremanera el alcance de este Acuerdo, particularmente, porque busca asegurar la conservación y el uso sostenible de la diversidad biológica marina que se encuentra más allá de las 200 millas marinas; objetivo que además de ser loable, debido a la importancia de éstos en el desarrollo sostenible de los Estados en los ámbitos sociales, económicos y ambientales; es igualmente concordante con la Política Nacional del Medio Ambiente de El Salvador, al reconocer que la preservación y utilización del recurso marítimo de una forma sostenible tiene un impacto trascendental en el bienestar de las actuales y futuras generaciones.

Para El Salvador, el Acuerdo cuyo texto se adoptará en esta Conferencia, supone un hito histórico elemental que consagra la armonización de diferentes instrumentos legales; y velará por la conservación y uso sostenible de la diversidad biológica marina de las zonas situadas más allá de las zonas de jurisdicción nacional. Adicionalmente, desde el inicio de las negociaciones tuvo en cuenta que los beneficios que se pudieran obtener a partir del acceso de los recursos genéticos marinos que se encuentran más allá de las jurisdicciones nacionales, debían favorecer –de manera justa y equitativa- a todos los Estados del mundo, por constituir estos patrimonio común de la humanidad; y por tener ellos, además, la posibilidad de impactar

directamente en su desarrollo y en la calidad de vida de sus habitantes.

Mi delegación cree firmemente que el principio de “patrimonio común de la humanidad” es uno de los principios rectores que debe sustentar este nuevo régimen jurídico, así como el de equidad y la distribución justa y equitativa de los beneficios, concediéndole igualmente la importancia que merecen todos aquellos principios y enfoques generales contenidos en el artículo 7 del Acuerdo.

Para El Salvador, estos principios sientan los cimientos para un sistema que permitirá que los beneficios se extiendan a todos los Estados, en razón de la importancia que conlleva la conservación y el uso sostenible de la diversidad biológica marina, al igual que el acceso a los recursos genéticos marinos, en términos de seguridad alimentaria mundial y prosperidad, de los mismos.

La Creación de Capacidades y Transferencia de Tecnología Marina guarda una relevancia significativa para mi país; puesto que la determinación colectiva de armonizar una obligación mandatoria para la creación de capacidades, y la cooperación para el desarrollo de la tecnología marina orientada a la conservación y uso sostenible de los océanos, son aspectos que deberán tener en cuenta los intereses y necesidades de los países en desarrollo, en sus distintos niveles de caracterización.

Un mismo nivel de importancia tendrá la promoción de mecanismos que aseguren su *transferencia* en sus diferentes tipologías, salvaguardando los respectivos intereses jurídicos de su producción.

En lo que atañe a los mecanismos de Solución de Controversias, El Salvador privilegia en sus relaciones con otros sujetos del Derecho Internacional la libre elección de medios pacíficos, al estimar fundamental la autonomía que deben tener las partes para escoger el mecanismo que mejor se ajuste a las circunstancias que se susciten entre ellas; y que, debido precisamente a ello, puedan valorarse términos específicos que permitan a las partes negociar y conciliar sus diferencias de una forma más directa, expedita, amigable y que beneficie el cumplimiento e implementación de los acuerdos a los que se lleguen, situación que no siempre ocurre cuando otros medios son utilizados.

En tal sentido, y sin que se entienda la posición salvadoreña como un desasocio del consenso al que se ha llegado, El Salvador se RESERVA su posición nacional -como así lo ha expresado anteriormente-, en cuanto a la libertad de elección del medio idóneo de solución de controversias que debe prevalecer en lo que se refiere a la conciliación de disputas y sobre cualquier efecto vinculante que se derive del citado instrumento en esta materia.

El Derecho del Mar, a partir de los desafíos actuales y emergentes, ya no puede ser visto rigurosamente bajo un enfoque económico, aislado y exclusivamente circunscrito a la Convención de Naciones Unidas sobre Derecho del Mar.

Tales desafíos exigen la necesaria interrelación entre distintos instrumentos jurídicos internacionales, así como, la atención a principios del Derecho Internacional, especialmente, el derecho internacional ambiental, cuyo ámbito de aplicación debe asegurar la protección medioambiental de espacios marinos a través de distintos enfoques sostenibles, basados en la perspectiva de los Derechos Humanos, la dimensión ecosistémica y el enfoque precautorio.

Señora Presidenta y distinguidas Excelencias,

El Salvador asume con satisfacción los logros obtenidos por todas las delegaciones de los Estados presentes, particularmente, el hecho de estar culminando un instrumento internacional, de carácter universal, que es ahora una realidad.

Mi delegación reconoce el liderazgo de la Presidencia de esta Conferencia al haber logrado la conclusión de este Acuerdo; la eficiente labor efectuada en dicho marco por sus colaboradores; el extraordinario trabajo de facilitación que realizaron algunas delegaciones de Estados facilitadores de la negociación del presente

Acuerdo; así como el esfuerzo colectivo de todas las delegaciones, reflejado en su gran compromiso durante las mismas; e igualmente agradece el manifiesto apoyo de la División de Asuntos Oceánicos y del Derecho del Mar, de la Secretaría de Asuntos Jurídicos y del señor Secretario General de esta Organización internacional.

Solicito que la presente Declaración conste en las Actas de esta Conferencia y que la RESERVA expresada, sea relacionada en el registro del Acuerdo.

Muchas gracias.

Eritrea

Madam President,

At the outset, the Eritrean delegation wishes to align itself with the Statement delivered by the Republic of Somalia on behalf of the African Group. We wish to express our profound appreciation to the African Group for ensuring that not only the African interest was incorporated in the BBNJ Agreement but also that of the Global South, particularly in the final stretch of negotiations. Overall, the degree of solidarity among the members of the Group of 77 + China was truly remarkable, and for which we would like to thank the leadership of the current and previous Chairs.

Furthermore, the Eritrean delegation joins others in welcoming the adoption of the BBNJ Agreement and in congratulating you, Madam President, and your entire team on the success. The process really imposed a high level of adaptability and resilience on all of us. Yet, difficult circumstances can also lead to greater opportunities. Under your leadership and unwavering commitment, the almost 20-year-long voyage for the international community finally marked a conclusion today.

Madam President,

The Eritrean delegation welcomes the many innovative elements in the Agreement that preserve the sustainable use and conservation of the high seas while committing States to share benefits from the use of Marine Genetic Resources (MGRs), including facilitating access to samples and data, from scientific research into marine organisms of the areas beyond national jurisdiction (ABNJ), to research from both developing and developed countries. The Agreement also reflects provisions of jus cogens norms and therefore of non-derogatory nature. Furthermore, my delegation is pleased to see the inclusion of the overarching principle of the common heritage of humankind in the Agreement regarding activities on the high seas, which is of great importance in securing the sustainability of the oceans, as well as preserving and ensuring equitable distribution of the benefits of the exploitations in areas beyond national jurisdiction. And, as a non-party to UNCLOS (the Convention) we welcome the protection of our legal status in the Agreement, as no State should be left behind in the drafting of an international instrument.

Madame President,

Despite the achievement of concluding a well-rounded Agreement, my delegation emphasizes that there is still constructive ambiguity in the Agreement. For example, the exact modalities for the sharing of monetary benefits, the settlement of disputes as different jurisdictions are governed by the BBNJ treaty, or the feasibility of covering 30% of the ocean as Marine Protected Area (MPAs) by 2023. Therefore, the Eritrean delegation underscores the importance of continuing the concerted efforts in the implementation of the BBNJ Agreement to ensure fair and equitable sharing of resources while preserving the biodiversity of the high seas.

Madam President,

The victory of the adoption of a legal framework to regulate marine biodiversity beyond national jurisdiction is an important milestone. Let us continue working together to protect and secure the sustainability of the oceans, for the sake of present and future generations.

I thank you, Madam President.

Fiji

Madam President Rena Lee, Excellences,

Distinguished delegates,

Fiji would like to add to the sentiments expressed by other delegations, and to place on record its acknowledgement of this historical milestone, in the adoption of an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, or as we know it – the BBNJ Treaty.

Fiji aligns this statement with the earlier statements delivered by Cuba on behalf of the Group of 77 and China, Samoa on behalf of the Alliance of Small Island States, Palau on behalf of Pacific Small Island Developing States (PSIDS) and Fiji on behalf of Members of the Pacific Islands Forum.

The adoption of the BBNJ Treaty is reminiscent of the complex negotiations throughout the 1970's that led to the adoption of the law of the sea. During early days of the negotiations of the law of the sea, the Pacific was not well represented at the United Nations. Today, Fiji is pleased to be part of a strong Pacific delegation that was actively engaged throughout this process.

The Treaty recognises our status as equal partners in oceans Governance, reflecting the special circumstances of the Small Island Developing States (SIDS) along with other special groups including the recognition of "Indigenous Peoples and Local Communities" (IPLC) as holders of traditional knowledge.

As a large Ocean State in the Blue Pacific, the BBNJ Treaty represents for us a framework for a safer and prosperous region, through the protection and effective management of shared resources in the high seas, the sharing of benefits from these resources, and the opportunity for capacity building and transfer of marine technology for our collective benefit.

It is a question of survival for many Pacific Small Island Developing States grappling with the impacts of the climate crisis on the oceans, biodiversity loss, rising sea levels.

Fiji conveys its immense appreciation to you Madam President and to your team, for your excellent stewardship and commitment to this undertaking.

Despite the stalemate caused by the pandemic, the determination of all stakeholders involved in this process, kept the momentum alive. Equally commendable is the role of DOALOS for their efforts leading to this historic adoption.

However, Fiji is emphasising that the journey has not concluded, in fact it has just begun with the adoption of this BBNJ Treaty, and we look forward to its ratification to enable it to enter into force.

Excellencies, the law of the Sea entered into force 12 years after its adoption in 1982, however, Fiji looks forward to a faster entry into force with this new BBNJ Treaty, to reflect the real sense of emergency on the need to protect the deep oceans.

Fiji was the first State to ratify the law of the sea, doing so on the day the Convention was opened for Signature. We are committed to being one of the 60 countries to sign this Treaty to enable its entry into force.

France

Madame la Présidente,

La France s'associe pleinement à la déclaration faite par l'Union européenne en son nom et celui des Etats membres.

Nous célébrons aujourd'hui l'adoption de l'accord sur la conservation et l'utilisation durable de la biodiversité marine des zones ne relevant pas de la juridiction nationale (dit « accord BBNJ »), qui marque l'aboutissement de 18 années de négociations multilatérales et souligne la centralité de la Convention des Nations Unies sur le droit de la mer, cadre juridique dans lequel doivent s'inscrire toutes les activités intéressant les mers et les océans.

La France se réjouit que cet accord historique ait reçu un si large soutien (si vote)/ait été adopté par consensus (en l'absence de vote). Elle tient à remercier tous les acteurs impliqués et à saluer les efforts collectifs qui ont permis cette avancée inédite en matière de gouvernance de la haute mer.

Madame la Présidente,

Je souhaite vous remercier tout particulièrement pour le rôle important que vous avez joué dans ce long processus. Un tel succès n'aurait pas été possible sans votre persévérance et votre force de proposition.

La haute mer représente plus de 60% de la surface de l'océan et près de la moitié de la surface du globe et, avant l'adoption de l'accord BBNJ, ce vaste espace ne disposait pas d'une protection spécifique. Ces chiffres montrent à quel point cet accord est primordial pour la protection de l'environnement marin. Il est aussi vital pour les populations qui dépendent le plus de leur environnement marin, et les territoires les plus menacés, notamment les petits Etats insulaires en développement (SIDS).

Après l'accord obtenu lors de la COP 15 Biodiversité visant à protéger 30% des terres et des mers d'ici à 2030, l'adoption de l'accord BBNJ constitue une étape clé pour protéger l'océan et sa biodiversité et permettre un juste partage de ses ressources.

Instrument international juridiquement contraignant, il a vocation à renforcer la gouvernance de la haute mer et à mettre en place les outils nécessaires à une protection effective de l'océan et à une utilisation durable de ses ressources, de manière coordonnée et articulée avec les autres organisations et instruments compétents.

La France a joué un rôle actif et constructif avec l'Union européenne tout au long du processus de négociations, en étant par exemple à l'initiative de la création de la Coalition de Haute Ambition pour les océans (HAC BBNJ). Cette coalition, regroupant 52 membres, a appelé les Etats à conclure l'accord aussi rapidement que possible et les a incités à s'engager sur les aspects les plus ambitieux (études d'impact, aires marines protégées etc.)

Dans la lignée de son investissement dans les négociations, la France s'efforcera de contribuer à la mise en œuvre rapide de l'accord et invite tous les Etats à le signer puis à le ratifier dans les meilleurs délais afin que les engagements pris puissent se concrétiser.

La France poursuivra par ailleurs son engagement en accueillant en 2025 la prochaine conférence des Nations Unies sur les océans (UNOC 3) à Nice, qu'elle co-présidera avec le Costa Rica. Elle considère en effet que l'adoption de l'accord BBNJ ne doit pas être interprétée comme la fin du processus mais, au contraire, marquer le début d'une dynamique nouvelle pour la coopération et le multilatéralisme permettant la préservation et la protection des océans.

Ce nouvel élan de coopération ne concerne pas uniquement les Etats mais également la société civile, en particulier les scientifiques et les ONG. Les négociations de l'accord BBNJ ont en effet démontré qu'ils

jouent un rôle important et leur implication sera encore plus déterminante une fois que l'accord sera entré en vigueur. Il est donc essentiel que les Etats et la société civile travaillent de concert en faveur de la protection de l'environnement marin.

Madame la Présidente,

Je tiens à remercier OLA, le juriconsulte Miguel de Serpa Soares et ses équipes de DOALOS, pour leur soutien constant et leur détermination, et à les féliciter pour cette réussite, qui constitue un tournant majeur en droit international de la mer. C'est enfin une bonne nouvelle pour les Nations-Unies, dans un moment de doute et de défis, sur sa capacité à affronter les défis actuels collectivement.

Je conclurai en rappelant le ferme attachement de la France à ce que l'accord BBNJ soit universel et rapidement mis en œuvre, dans l'intérêt de l'humanité tout entière.

Je vous remercie.

Gabon

Merci Madame la Présidente,

Je vous adresse mes sincères félicitations, à vous-même ainsi qu'à votre équipe, pour votre engagement sans relâche et votre rôle crucial qui ont permis d'aboutir, après deux décennies de négociations, à l'adoption du traité international juridiquement contraignant sur la conservation et l'utilisation durable de la diversité biologique marine dans les zones situées au-delà de la juridiction nationale dans le cadre de la Convention des Nations unies sur le droit de la mer.

Mon pays se joint à la déclaration faite par Cuba au nom du groupe G77 plus Chine, ainsi qu'au message délivré par la Somalie au nom du groupe africain.

Au nom de mon pays, je salue l'adoption de cet accord historique sur la haute mer qui met en exergue une des priorités du plaidoyer international du Gabon à savoir, la protection de la biodiversité marine. Fier gardien de ses ressources marines, le Gabon s'est doté depuis 2017 de la plus grande réserve océanique d'Afrique, en créant 20 aires marines protégées, comptant 9 parcs marins et 11 réserves aquatiques et protégeant 26 % de ses eaux territoriales.

Madame la Présidente,

Par ce traité sur la haute mer, la communauté internationale a su répondre à l'urgence de l'un des plus grands défis auquel elle est confrontée aujourd'hui : les changements climatiques dont les océans subissent le plus les effets néfastes bien que constituant les écosystèmes sources vitales pour l'humanité.

L'aboutissement à cet accord représente une avancée majeure dans notre quête commune pour préserver la biodiversité marine au-delà des juridictions nationales. Un bel exemple aussi de multilatéralisme qui permet de combler les lacunes juridiques existantes et de créer un cadre juridique international solide, clair et cohérent.

Madame la Présidente,

Nous sommes tous témoins de la naissance d'une nouvelle gouvernance pour la gestion durable des océans. Parce que l'accord que nous avons ardemment négocié renforce l'engagement envers la protection de notre planète et de ses écosystèmes marins, complétant ainsi le cadre mondial pour la biodiversité de Kunming-Montréal, adopté en décembre 2022 lors de la 15ème Conférence des Parties de la Convention sur la diversité biologique(CDB).

Le traité sur la haute mer est un levier significatif pour atteindre l'objectif de la CDB d'au moins 30 % de protection de l'océan mondial d'ici 2030, qui est essentielle pour maintenir des océans préservés, sains, vivants et prospères.

En tant que membres de la coalition *Blue Leaders*, mon pays et d'autres nations ont pris et promu des mesures audacieuses pour préserver et restaurer nos océans. Aujourd'hui, nous appelons les pays à nous rejoindre et à s'engager à désigner rapidement au moins 30 % de nos océans en tant qu'aires marines "hautement" ou "totalement" protégées d'ici 2030, afin de garantir la santé et la résilience de notre océan mondial.

Madame la Présidente,

L'adoption du traité sur la haute mer constitue une étape significative, mais elle n'est qu'une première étape. Il nous reste encore du chemin à parcourir, notamment pour conférer une force obligatoire à ce nouveau régime de protection par sa signature et surtout sa ratification dans les meilleurs délais pour acter son entrée en vigueur.

Il nous faudra ensuite assurer la responsabilité collective de le mettre en œuvre et de veiller à ce qu'il soit respecté par toutes les parties prenantes. Cela suppose de mobiliser les ressources nécessaires, de mettre en

place des mesures efficaces de conservation et de gestion des aires marines protégées, de mettre un accent sur la recherche scientifique et le transfert de technologie, de promouvoir le partage juste et équitable des avantages découlant de l'utilisation des ressources génétiques marines, de renforcer les capacités et d'activer une coopération internationale en vue de mettre en œuvre l'accord tout en développant des mécanismes de suivi afin de garantir que les engagements pris dans le cadre de l'accord soient respectés.

Je voudrais conclure, Madame la Présidente, en soulignant et en réitérant la fierté de mon pays de faire partie de cette dynamique qui ouvre une ère de coprosperité pour la communauté internationale pour protéger nos océans pour les générations présentes et futures.

Je vous remercie.

Greece

Madam President,

Greece aligns itself with the statement delivered by the European Union and wishes to make the following remarks in its national capacity.

Greece welcomes the adoption of the Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. This instrument has been developed as an Implementing Agreement of the UN Convention of the Law of the Sea (UNCLOS), the ‘Constitution of the Oceans’, which provides the legal framework within which all activities in the oceans and seas must be carried out and whose provisions reflect customary international law.

While recognizing UNCLOS as the overarching legal framework, the Agreement establishes rules based on the specific needs of conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction. These rules implement, strengthen and elaborate obligations and general principles already embodied in UNCLOS, such as the general obligation to protect and preserve the marine environment and to cooperate therefor as well as the duty to conduct environmental impact assessments (EIAs).

The Agreement respects the rights, jurisdiction and duties of States under the Convention, including the sovereignty, sovereign rights and jurisdiction of coastal States over their maritime zones as recognized under UNCLOS and, building upon its provisions, allows them to maximize synergies and cooperation and adopt specific measures for the conservation of marine biodiversity, thus contributing to the sustainability of the oceans, consistent with the 2030 Agenda for Sustainable Development and its Goal 14. At the same time, the Agreement provides for consultation, cooperation and coordination with instruments, frameworks and bodies mandated to regulate activities in areas beyond national jurisdiction or to protect the marine environment.

The Implementing Agreement is a global treaty under UNCLOS which aims to provide better protection for marine biodiversity for the generations to come. Greece calls for the widest participation to the Agreement and the need for its effective implementation. To achieve these aims, of crucial importance are the provisions of the Agreement on capacity building and transfer of marine technology, which take into account the needs of developing States for better implementing the provisions of the Agreement and developing their marine scientific and technological capacity.

Moreover, the substantive provisions of the Agreement go hand in hand with carefully drafted procedural provisions, allowing for consultation and informed decision-making at all stages of its implementation. In addition, the establishment of a Clearing- House Mechanism shall be an effective tool for the sharing of knowledge and for increasing transparency with regard to activities related to marine genetic resources collected in areas beyond national jurisdiction.

At this historic moment, allow me to praise the engagement and constructive spirit of all delegations which allowed us to find solutions and finally adopt the text of the Agreement during this fifth session of the Intergovernmental Conference. This collective engagement is but a sign that the international community is conscious of the urgency to take action to preserve our ocean. Let me also take this opportunity to thank you Madame President and the excellent facilitators for your guidance, as well as the Secretary-General of the conference, the DOALOS and all the UN Secretariat staff for their hard work.

Thank you.

Guatemala

Señora Presidente:

Permítame extenderle una felicitación a usted, a los miembros de la mesa y a los facilitadores, por la excelente labor realizada durante las sesiones de la Conferencia Intergubernamental sobre BBNJ. Su liderazgo y guía nos han conducido a un Acuerdo que es el resultado de arduo y extenso trabajo. Agradezco a las delegaciones que nos acompañaron durante esta sesión de la Conferencia y las anteriores, por su espíritu constructivo, sin el cual este Acuerdo no hubiese sido posible.

Para Guatemala, la conservación y el uso sostenible de la diversidad biológica marina fuera de la jurisdicción nacional, reviste una enorme importancia. En repetidas ocasiones, dentro y fuera de esta Conferencia, hemos resaltado la necesidad de promover la gobernanza en los mares. Hemos reiterado que esa gobernanza debe estar construida sobre un orden internacional basado en reglas robustas, claras y transparentes, capaces de ser implementadas en la práctica, y orientadas al mantenimiento de la paz y la seguridad internacionales. Coincidimos en que estos principios deben respetarse, en lo aplicable, en las actividades de los Estados en la altamar.

Señora Presidente:

La diversidad biológica marina fuera de la jurisdicción nacional es un factor central en la salud de nuestros ecosistemas, por lo que acogemos los esfuerzos de crear un régimen jurídico internacional dedicado a su conservación. Nuestro país recalca, como lo ha hecho antes, el importante rol que los océanos desempeñan para el desarrollo sostenible de nuestras poblaciones, incluyendo su seguridad alimentaria y el goce de sus derechos económicos, sociales y culturales. También acogemos con beneplácito, el desarrollo de normativa en materia de fomento de capacidades y transferencia de tecnologías marinas, que son indispensables para los países de nuestra región.

Esperamos que la adopción del texto del Acuerdo BBNJ, represente un paso a favor de fortalecer la colaboración de las naciones en la protección de los recursos fuera de la jurisdicción nacional y los lazos que nos unen en el corazón de esta Organización. Es por ello, que este Acuerdo debe interpretarse de manera compatible con los esfuerzos ya iniciados en otros organismos e instrumentos que se han dedicado a la conservación de los océanos. Asimismo, debe interpretarse de tal manera que se respete la soberanía de los Estados sobre sus propios recursos naturales internos y sus legislaciones nacionales, los cuales exceden de su mandato; la independencia política y la integridad territorial de los Miembros de esta Organización; y el respeto por la jurisdicción nacional, garantizado por la Carta de las Naciones Unidas, y la CONVEMAR.

Señora Presidente:

Para concluir, mi delegación desea recordar la necesidad de que todos los esfuerzos realizados en este ámbito sean congruentes con la CONVEMAR, y celebra la culminación de este importante proceso.

Muchas gracias.

Iceland

Thank you, Madam President. We did it.

We would like to start by thanking you for your able and dedicated leadership. Your knowledge and professionalism kept us on track, and your lightness created an atmosphere where difficult positions could be reconciled. We would also like to thank your team, all facilitators and DOALOS, as well as the many interpreters and other staff who assisted us. Together you made all this possible.

Furthermore, we would like to recognize the support of civil society. Thank you for keeping us focused and on track towards conclusion of this agreement.

As the International Day for Women in Diplomacy is this week, allow me to highlight the major role played by a high number of female Heads of Delegations and negotiators in this process. Without them none of this would have been possible.

On that note, I see some familiar faces around the room, and there are many more that I miss. I would like to use this chance to thank you all, dear colleagues, for constructive engagement, especially those who sat with me for 17 hours on Wednesday, 19 hours on Thursday, and then 37 hours from Friday morning until 10 pm on Saturday night. We are and will forever be trauma bonded.

Madam President,

In a considerably high percentage of statements made by Iceland here at the UN, we emphasise the importance of the ocean to our country. I am sorry for the repetition, dear colleagues, but today will be no exception. A half a century ago, when many of the customs of international law were formed that later became the foundation of UNCLOS, Iceland was classified as a developing country.

Since then, the sustainable use of the ocean has been a cornerstone of Iceland's prosperity. A healthy and bountiful ocean, with long-term sustainability at the core of all management decisions is for the benefit of all. As we have said throughout this process, conservation and sustainable use are not separate or conflicting notions, but two sides of the same coin.

Iceland remains committed to the health of our Ocean and we see this new agreement as an important addition to the law of the sea family, under the Convention, our constitution of the Ocean. The BBNJ Agreement provides us with many of the tools we need to achieve our common objectives, some of which have now been set out in the Kunming-Montreal Global Biodiversity Framework, adopted by the Parties to the Convention on Biological Diversity last December.

As so many of my colleagues have said, while this adoption is a victory for multilateralism, this is only the beginning. Nothing has been conserved or protected. No benefits have been shared.

Now it is our time to show the world that we cannot only come together and agree on text, we can take action - and we can do it together.

Madam President. I thank you.

India

Thank you Madam President.

I join other delegations in thanking you for your able leadership of the Conference. India has always been a maritime civilization.

Our ancient scriptures and literature talk about the gifts of the oceans including marine life. Our security and prosperity are linked to oceans.

India's "Indo-Pacific Oceans Initiative" contains marine resources as a key pillar.

Today's agreement brings all of us together in ensuring conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

The legally binding instrument is a positive step forward in the governance of marine and biological activities at the High Seas beyond National Jurisdiction.

The agreement helps address five major issues concerning marine biodiversity in areas beyond national jurisdiction. First, protection of marine biodiversity; catalogue of species.

We all are aware that the rate of extinction of marine species is faster than that of which these were discovered. It would now be possible to quickly catalog species that have not been inventoried in the past.

Second, access to marine genetic resources.

We have long believed that the elixir of life is concealed in the ocean.

Access to marine genetic resources, as proposed in the agreement, would result in a paradigm shift in the production of innovative and affordable medicines that humanity needs.

Third, transparency in the governance of marine diversity-protection, preservation, and its exploitation.

The agreement provides a hope that that activities in the BBNJ are carried out in a sustainable and responsible way, ensuring that these vast resources are accessible for future generations.

Fourth, capacity building and sharing of marine technology.

We hope the capacities of developing countries will be enhanced and access to marine technologies will ease with this agreement.

Lastly, research opportunities for experts in exploration of marine biodiversity.

We see significant possibilities for bilateral and multilateral cooperation in deep sea exploration, technology development, and experience exchange.

Madam President,

India considers the entire world as one large, interconnected family. This enduring philosophy of 'Vasudhaiva Kutumbakam' has guided our constant interaction and exchange of thoughts with the outside world.

We welcome the finalization of the agreement. I thank you.

Indonesia

Madam President,

Indonesia aligns itself, with the statements delivered by Cuba, on behalf of the G77 and China. We express our profound appreciation to you, for your leadership, patience, and determination, to bring us to this momentous result.

As the world's largest archipelagic State, directly adjacent to the Indian and Pacific Oceans, the Agreement is of significant importance for Indonesia.

While the Agreement provide a key legal framework, for the conservation and sustainable use of marine biodiversity to Areas Beyond National Jurisdiction (ABNJ), it will also have a great positive impact on our shores.

For Indonesia, the Agreement complements our resolute commitment to UNCLOS, and to protect marine environment, restore the ocean, protect the rights and interests of coastal communities, and advance sustainable and equitable development.

Madam President,

Most of our ocean are Areas Beyond National Jurisdiction.

No claims, no exercise of sovereignty, and no sovereign rights can be recognized.

Ensuring the peaceful use, and common heritage, as well as the health and well-being of our oceans, must therefore be the responsibility of all nations.

In this context, allow me to highlight some of our views on the strategic importance of the Agreement.

First, it provides the much-needed global legal regime under UNCLOS, to better address the conservation, and sustainable use of marine biological diversity of ABNJ.

Second, the Agreement must be seen as reinforcing other existing legal instruments, that governs the integrity of the Earth ecosystems, and biodiversity.

Third, the Agreement underscores the importance of capacity-building, and the transfer of marine technology, including biotechnology. We must ensure these are undertaken based on the needs, and priorities of developing States Parties, whether coastal, landlocked, or archipelagic states.

Fourth, the Agreement should be implemented so as to contribute towards achieving the SDGs.

Madam President,

Our ability, to reach Agreement during this challenging time, shows the international community's resolve, and commitment, to protecting our ocean for present and future generations.

It is a win for multilateralism.

I congratulate all delegations and thank them, for the camaraderie, and solidarity throughout the negotiations.

I also wish to thank the Secretariat for the excellent substantive, and organizational support, throughout the process.

While the first phase of our work has concluded, the hard task to put our words into action will now begin.

Indonesia calls on all States to sign the Agreement, and to take the necessary actions so as to enable it to come into force in due course.

I thank you.

Ireland

Madam President,

Ireland aligns itself with the statement made on behalf of the European Union and its Member States, and at the outset we would like to take this opportunity to thank you sincerely for your strong and steadfast leadership which has been instrumental in bringing about today's historic outcome.

Madam President,

Last year we marked the 40th anniversary of the adoption of the United Nations Convention on the Law of the Sea, which provides the legal framework within which all activities in the oceans and seas must be carried out. UNCLOS is rightly considered to be amongst the most successful multilateral treaties ever concluded, and its contribution to international law, global peace and security cannot be overstated.

However, it has been clear for some time that one area where the objectives of UNCLOS have not been realised is the protection of the marine environment. This is evident from the profound challenges facing our oceans today, including habitat destruction, pollution, unsustainable fishing practices, sea-level rise, ocean acidification and ocean warming. Currently only 1% of the High Seas are protected, far short of the globally agreed target of 30% by 2030, as set out in the Kunming-Montreal Global Biodiversity Framework.

Madam President,

The BBNJ Agreement is a major step forward for ocean governance. The agreement provides us with a framework to significantly enhance the conservation and sustainable use of marine biodiversity, in particular through the creation of ecologically representative and well-connected networks of marine protected areas. The agreement also, importantly, provides for the strengthening of processes for environmental impact assessments, for the sharing of benefits from marine genetic resources, and for supporting developing countries through capacity building and the transfer of marine technology.

Madam President,

Today is not only a victory for multilateralism; it is a statement of intent by the international community. It is right that we celebrate the adoption of this agreement, but we also must recognise that it marks the culmination of a protracted process that began almost 20 years ago. Needless to say, there is much important work to do, and the ocean cannot afford to wait another 20 years for meaningful action. We must move quickly to ratify the agreement, to bring it into force, to get its institutions up and running, and to commence the important work of fulfilling the agreement's objectives and protecting our global ocean.

Madam President,

When the text was agreed last March, the President of Ireland described the BBNJ Agreement as "a gain for the future of humanity". Future generations are relying on us, and Ireland is fully committed to playing its part in realising the full ambition of this agreement.

Thank you, Madam President

Italy

Madam President,

Italy aligns itself with the statement delivered by the distinguished representative of the European Union and would like to add a few remarks in a national capacity.

With an 8,000 km-long coastline at the center of the Mediterranean Sea, Italy is a country deeply connected to the seas by nature, history, culture and economy.

41 years after the adoption of the United Nations Convention on the Law of the Sea, the consensual adoption of the BBNJ Agreement represents a historic achievement for multilateralism and a fundamental milestone in the promotion of global governance on the oceans based on the rule of law.

While preserving and recognizing the balance of rights and duties of States enshrined in UNCLOS, including the relevant freedoms in the High Seas, the BBNJ implementing agreement provides for an enhanced and structured protection of the marine environment for the present and future generations. Its normative and institutional architecture will foster international cooperation in the adoption of effective measures aimed at protecting the delicate ecosystems of our seas and oceans.

Together with the Kunming-Montreal Global Biodiversity Framework adopted last December, the BBNJ Agreement represents an important step towards the achievement of the 30 by 30 goal. Its swift ratification and implementation will be key to achieving that goal.

We are also satisfied that the mechanisms envisaged in the Agreement promoting the transfer of marine technologies to developing countries will be instrumental to making this project truly universal and to fostering knowledge, conservation and sustainable use of the precious biodiversity inhabiting the oceans.

We also note with appreciation that the dispute settlement mechanisms envisaged in UNCLOS are imported in the BBNJ Agreement, and that it will be possible for the future COP to seek advisory opinions from ITLOS on its draft decisions. Those judicial mechanisms will strengthen the legal regime by preventing and settling disputes over the interpretation and application of the Agreement.

We would like to take this opportunity to thank the Division for Ocean Affairs and the Law of the Sea and the UN Secretariat for their invaluable support throughout the negotiating process.

Finally, Madam President, Italy would like to thank you for your leadership and vision in taking this complex process to the finish line. Without your optimism, tireless determination and diplomatic skills, yesterday's adoption would not have been possible. I thank you.

Japan

Madam President, Ladies and Gentlemen,

It is a great pleasure for me to say a few words on this commemorative occasion on behalf of the Government of Japan. Allow me first to congratulate all who have contributed to the negotiation of this Agreement on its successful adoption today. In particular, I would like to express our sincere gratitude to Ambassador Rena Lee, President of the Conference, for leading the negotiation to its successful conclusion with her strong leadership and unwavering dedication.

Upholding the free and open international order based on the rule of law is of paramount importance in moving toward an international community characterized by cooperation. That concept is exactly the main pillar Japan set out at the G7 Hiroshima Summit, and we have taken a leadership role in promoting it. With this background, and as a maritime nation surrounded by sea, Japan has always attached high value to the role of UNCLOS in the maintenance and development of the maritime order based on the rule of law, and we are glad to have participated actively in the negotiations.

The adoption of this Agreement after nearly 20 years of tireless negotiations represents the strong will of the international community as a whole to address the long-standing issue of the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

For the purpose of the conservation and sustainable use of marine biological diversity, Japan has actively engaged in various efforts. Japan's voluntary contributions through the Japan Biodiversity Fund under the Convention on Biological Diversity, proactive engagement in the negotiation of an international agreement to address pollution from plastic litter, and cooperation with the Pacific Island countries region in line with the 2050 Strategy for the Blue Pacific Continent, are only a few of many examples. We believe that these efforts will assist in the effective implementation of the BBNJ Agreement.

In order to ensure the effective implementation of this Agreement, first off, I must emphasize that all of its underlying mechanisms, such as the decision-making processes in the ABMT and the Clearing-house mechanism, need to function properly based on the best available science and scientific information. Japan hopes that these key mechanisms will be effectively operated through sufficient consideration and discussions with the relevant stakeholders.

Secondly, sound financial management is indispensable for the effective implementation of this Agreement and it is crucial that each Party makes its share of contributions according to its financial capacity without putting a disproportionate burden on just some Parties alone. In particular, we call on the top few major donors to the UN Regular Budget to act as responsible economic powers in the world and make voluntary contributions proportionate to their economic capacity.

My third and last point is that the effective implementation of this Agreement requires universal participation by the Member States, and Japan calls for its rapid entry into force and implementation as mentioned in the G7 Hiroshima Leaders' Communiqué.

Japan hopes that international cooperation for the conservation and sustainable use of marine biological diversity will continue to accelerate.

Thank you.

Kenya

Madam President,

To begin with, let me also associate myself with the statements made by Cuba on behalf of G77 & China, and Somalia on behalf of the African Group. Kenya is extremely grateful and proud that we find ourselves here at the United Nations Headquarters adopting a text of a treaty that shall ensure conservation and sustainable use of the oceans.

I acknowledge with deep appreciation the presence of the President of the 77th General Assembly and that of the Secretary General. Your presence here despite competing engagements demonstrates the significance of this historic moment.

After years of negotiations, after many a battles, snares and toils, delegations endured a lot, all for the love of the oceans and in recognition of the importance of sustaining life as we know it. We also thank all delegations for the engagement during this entire process. Through this you made each one of us better negotiators.

The members of my delegation are extremely proud to have been part of this negotiations process. We have created a new legal regime in the oceans. We are proud to join trailblazing compatriots who were in these seats before us, Frank Xavier Njenga and Andronico Adede Kenyan legal scholars who contributed to the formulation of the Exclusive Economic Zone concept, one of the principal elements of the 1982 Convention.

Madam President,

While we must celebrate this momentous achievement, we should not take too long for the journey continues. The ship docked but this is not its last port of call. The voyage continues as we must move to the next step to ensure that we attain the requisite number of ratifications so that the Agreement can enter into force. But this will also not be the last port of call. We will be faced with the task of implementation in good faith to ensure that we indeed conserve and sustainably use the biodiversity in the areas beyond national jurisdiction.

Much work therefore still needs to be done. The BBNJ agreement requires a considerable number of decisions to be made at the first Conference of the Parties (COP) and creation of various critical subsidiary bodies. Kenya looks forward to engaging constructively with other delegations to ensure we have a practical and pragmatic mechanisms that contributes to a rapid operationalization of the agreement once it enters into force.

We recognize that through the Convention on Biological Diversity *and the work of* the International Sea-bed Authority, research has been done on access and benefit sharing mechanisms as well as environmental impact assessment in the area. It is our hope that as we move to implementation of this Agreement, we shall lean into these body of works to breathe life into the Agreement.

Madam President,

The marathon is done and yes, we overcame the wall. We owe you a debt of gratitude for we are here today because of your wise leadership, effective stewardship, calm demeanor, and your ability to balance the myriad interests of the many delegations in this room. Thank you for being you and I can only pray that blessings abound for you and your family for many years to come. I am wholly convinced that it is your love of cartoons that kept you sane in an unbelievably freaky space.

This said, I thank all delegates for their constructive engagement and diligence. Together we did it and left no one behind. I thank the delegates from the Group of 77 and China for ensuring that the voice of the global South was heard loudly and widely.

With utmost admiration, I wish to acknowledge and sincerely thank my colleagues from the African States

for their dedication and perseverance. The high degree of solidarity has seen us through some particularly challenging times. I urge my colleagues to carry this unity of purpose to attain the required ratifications for entry into force to commence implementation of the Agreement.

In conclusion the UNCLOS Convention, a rule based multilateral framework for governance of the ocean, is not a static document written for a point in time; but it was written for all time. We should therefore never shy away from adopting constructive ways of interpreting it to ensure that it is fit for purpose. Our biggest problem is an ignorance of why we should care about the oceans and the tragic lack of connection and awareness of the ocean's importance in our very survival. We have the knowledge, the information, the technology, and the opportunity to make a difference and influence change. What is required is the goodwill and political will to be the change. We need to figure out a way to not only take from the oceans but to ensure that fragile ecosystems are restored.

I thank you for your kind attention.

Kiribati

Warm Greetings to Madam President and all esteemed delegations Kam na bane ni mauri !

It is an honour for me to address, on behalf of the Government and people of Kiribati, this august and momentous gathering, marking the adoption of an internationally agreed DO'S and DON'TS for the conservation and sustainable use of the marine biodiversity in oceans and seas beyond national jurisdiction. Today marks a new era filled with renewed hope and promise for a better and brighter future for our One Ocean, our One Planet and our One Humanity.

At the outset I would like to align my statement with those of the Pacific Islands Forum, the Pacific Islands Developing States, the Alliance of Small Island Developing States, the Least Developed Countries and the G77 and China.

Madam President,

As a long standing custodian, since time immemorial, of not only the 12th largest EEZ in the world but also one of the most bountiful underwater jungles inside the 20 million sq. miles of the Blue Pacific continent, Kiribati happily welcomes this new milestone treaty and congratulates all those who have worked so hard for the past few years , especially during the covid-19 pandemic lockdowns, to bring us to a new level of multilateral engagement and cooperation for a more healthy and wealthy ocean for the benefit of not only those of us who rely almost entirely on the ocean for our day to day survival, livelihood and happiness but also the entire humanity whose future rests on the ecological health and wealth of the home planet Earth. which in turn relies entirely on the health of its seas and oceans. We know the journey up to this milestone point has not been easy given the strong head wind and storm. Fortunately, we have a very dedicated and accomplished skipper at the helm skillfully navigating our canoe to safe landing.

Madam President,

Kiribati is a small island developing states, that relies heavily on its marine resources for its economic development and for the sustainable livelihood for its people. As we often say in Kiribati-“The sea is our food cupboard and fridge.” We recognise that this Agreement does provide the tools we need to enable us to participate meaningfully in the protection of our marine resources from activities carried out in the adjacent high seas while building our resilience to climate change and other human made threats to the long-term health and wealth of our ocean. Kiribati believes that IUU fishing is one of the most serious threats facing Kiribati and the other SIDS countries. For many years we have talked about IUU fishing and its destructive impacts on the biological diversity and ecosystems of coastal states. Countless studies have been carried out, many international conferences convened and numerous reports shelved. Sadly the IUU offenders continue to gather force and to inflict much destruction on the marine resources of Kiribati and the other SIDS countries especially large ocean states like Kiribati without the resources and tools to outmatch the highly organized and well coordinated IUU actors.. We must now put a stop on IUU fishing by criminalising such illicit behaviour and activity and putting an end to it before it is too late. It is time we walk the talk in fighting IUU fishing head on. In the same vein, we must also walk the talk against the dumping of nuclear wastes, plastic and other industrial wastes into our one Ocean and call for the immediate clean up of our ocean for the sake of our One Planet, our One Humanity and our One Future. In other words, for the sake of our beloved children and their beloved children’s children.

Last but not least I wish to assure you that Kiribati is ready to adopt this BBNJ agreement and to contribute to its speedy implementation in cooperation and collaboration with the United Nations and its membership. May the new Treaty on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction be a bright beacon of hope for a better world for all in the future.

Madam President,

With these few words, I wish to bestow upon you and us all the Kiribati Blessing of Te Mauri- Health Te Raoi- Peace Te Tabomoa- Prosperity. Thank you.

Madagascar

Madame la Présidente,

La Délégation malagasy souscrit à la déclaration faite par le Représentant du Cuba au nom du G77+Chine et de la Somalie au nom du Groupe Africain.

Je voudrais ajouter ces quelques remarques au titre national :

Premièrement, Permettez-moi de faire mienne les félicitations que mes prédécesseurs vous ont adressés et au membre du Bureau pour la conduite de nos longs travaux et qui nous a conduit aujourd'hui l'adoption du Présent Accord.

Grâce à votre leadership, nous avons pu, comme vous l'avez si bien dites, menez le bateau à bon port. Il est vrai qu'il nous a fallu plus de temps que prévu pour pouvoir adopter cet Accord. Tout une décennie, pour être exact, c'est pour dire ô combien cet Accord nous tient à cœur.

C'est ainsi que nous félicitons (i) la conclusion réussie de la négociation de l'instrument juridique internationalement contraignant en vertu de la Convention des Nations Unies sur le droit de la mer ("CNUDM") relatif à la conservation et à l'utilisation durable de la diversité biologique marine au-delà des zones de juridiction nationale (l'"Accord BBNJ"), et son adoption.

Nous tenons également à féliciter toutes les parties pour les discussions, les négociations, les échanges et les efforts inlassables déployés lors de toutes les sessions de la Conférence pour parvenir à cette immense réalisation.

Mesdames et Messieurs,

Madagascar reconnaît l'importance d'un cadre global, inclusif, juste, équitable et universellement applicable qui permettra de répondre efficacement aux objectifs fondamentaux de conservation et d'utilisation durable de la biodiversité marine. Nous donnons cette image à ce cadre international sur le BBNJ.

Je voudrais dire que pour Madagascar, pays insulaire en développement, la préservation et l'utilisation durable de la diversité Marine des zones ne révélant pas de la juridiction nationale est d'une grande importance. Nous sommes d'accord pour dire que la diversité biologique Marine hors de la juridiction nationale est un facteur central dans la santé de nos écosystèmes. C'est pourquoi nous rendons hommage aux efforts visant à créer un régime juridique international consacré à la conservation et utilisation durable des Ressources Marines. Notre pays rappelle le rôle important que les

océans jouent pour le développement durable, le bien-être des populations, y compris pour la sécurité alimentaire et la jouissance des droits économiques sociaux et culturels.

Tout au long des négociations, Madagascar a toujours partagé sa conviction que le principe du patrimoine commun est le principe directeur de l'accord BBNJ, et nous sommes ravis que ce principe ait été pris en compte.

Nous saluons également la vision des Nations Unies pour cette décennie visant à mettre l'océan au service du développement durable. Dans ce sens, l'accord BBNJ peut fournir les outils nécessaires pour y parvenir. Nous tenons à souligner que cela est vraiment important pour des pays tels que le nôtre : un pays insulaire en développement.

Enfin, nous tenons à réitérer tous les remerciements que nous avons exprimés au début et à exprimer notre souhait que, dans la mise en œuvre de ce cadre BBNJ, le contexte et les besoins de tous les États, en particulier les États parties en développement les États insulaires et les pays les moins avancés, soient étroitement pris

en compte.

Je vous remercie.

Malawi

Madam President,

I am pleased to speak on behalf of the Malawi delegation to this conference and I would like to commend you for the excellent leadership you have demonstrated throughout this process.

The Malawi delegation fully aligns itself with the statements made by Somalia on behalf of the African Group, by Botswana on behalf of landlocked developing countries, and by Cuba on behalf of G77 and China, and wishes to make the following remarks in its national capacity.

Malawi wishes to buttress the significance of the milestone that has been achieved in adopting the BBNJ agreement.

Successfully negotiating a treaty of this nature not only begins to address our current climate change challenges, but also invests in a more secure and sustainable future for the present and future generations.

This milestone is particularly significant for land-locked developing states like Malawi. In many cases, countries like Malawi often must live with the consequences of climate change from activities on the oceans when they have contributed very little to what happens thereon.

This treaty empowers countries like Malawi. It gives us the voice, and the forum to assert our equal rights with all states on the oceans and its resources as the common heritage of mankind.

Madam President,

Let me conclude by referring to the most devastating climate change phenomenon that was witnessed by Malawi and Mozambique this year, Cyclone Freddie.

This Cyclone led to the loss of over 1200 lives in Malawi and Mozambique, and to an unprecedented destruction of property in Malawi due to a climate change phenomenon.

We feel strongly that the adoption of this instrument is a very important step towards protecting and saving lives from such devastating impacts of climate change, among other things.

I thank you, Madam President

Mexico

Señora Presidenta:

¡Lo logramos! Después de más de una década de esfuerzos multilaterales, hoy hemos alcanzado un acuerdo para la conservación y el uso sostenible de nuestros océanos que pronto será un instrumento jurídicamente vinculante.

México ha sido parte activa del proceso BBNJ desde su gestación. En 2006, co-presidimos el grupo de trabajo ad hoc establecido por la Asamblea General en su resolución 59/24 del que surgió el paquete de negociación. Jugamos un papel fundamental en la adopción de la resolución 69/292 y, junto con Nueva Zelanda, cofacilitamos la resolución 72/249 que mandató esta conferencia intergubernamental. Hemos formado parte de la Mesa tanto del Comité Preparatorio como de la Conferencia. Y hemos presidido el grupo de trabajo informal de composición abierta encargado de la revisión técnica del tratado en sus seis idiomas oficiales.

Todo lo anterior, aunado a nuestros esfuerzos por construir un frente de negociación latinoamericano junto a 14 países de nuestra región, que se tradujo en el papel protagónico del CLAM, es reflejo del interés, del compromiso y de la apuesta de México por lograr llegar a donde nos encontramos hoy.

Señora Presidenta, distinguidos colegas:

Hoy, 19 de junio de 2023, las Naciones Unidas han dado un paso histórico en la gobernanza de los océanos. Esto demuestra además que, aún en tiempos adversos, nuestra Organización puede dar resultados concretos para el bien común de la humanidad. Además, este es un nuevo aporte al desarrollo progresivo del derecho internacional y refuerza nuestro compromiso por el estado de derecho internacional. Estos logros no son menores ni deben tomarse a la ligera.

Por el contrario, la adopción de este acuerdo sirve como ejemplo para reiterar la importancia de que se sigan avanzando procesos de negociación en Naciones Unidas hacia la adopción de nuevos instrumentos jurídicamente vinculantes en todos los ámbitos.

Además, este nuevo tratado refrenda la vigencia de la CONVEMAR y es el primer paso hacia la implementación de un nuevo régimen de gobernanza de los océanos teniendo como único objetivo su sustentabilidad y protección.

Corresponde ahora a los Estados hacer todos los esfuerzos para alcanzar el número de firmas y ratificaciones que permita su pronta entrada en vigor. Esperamos que la adopción por consenso sea muestra de la aspiración universal de este importante instrumento jurídico.

México reconoce y agradece el papel fundamental de la Sociedad civil en este proceso. Su contribución fue determinante para recordar a los Estados la urgencia de acordar un marco regulatorio para la protección y preservación de los recursos en las zonas más allá de la jurisdicción nacional y para proveer espacios de diálogo en los que se generó el entendimiento mutuo clave para este resultado exitoso.

Con este acuerdo, hemos reafirmado que el principio del patrimonio común de la humanidad rige en los océanos y que es responsabilidad de toda la comunidad internacional protegerlos. En estos tiempos de crisis climática, este tratado es uno de los principales legados que heredamos a las generaciones presentes y futuras.

Ahora que el mundo está ávido de esperanza, tenemos buenas noticias que dar. Cerramos este capítulo con la satisfacción de la misión cumplida.

Muchas gracias.

Federated States of Micronesia

Madam President,

I align this statement with those delivered on behalf of the G77 and China, AOSIS, the Pacific Islands Forum, and the Pacific SIDS.

We thank you for your tireless efforts to bring the BBNJ negotiations to a successful conclusion. We would not have achieved what we accomplished up to this day if not for your commitment as President and the demonstration of support from the broad membership.

As Micronesia we were proud to support you in the bureau and to coordinate for the Pacific SIDS on Area-based management tools, including MPAs. We realize how closely our Ocean spaces in the Pacific are linked with our well-being and our long-term survival and that of humankind, so it was natural that we had to work together with the rest of the Pacific and the broader international community to identify our shared concerns, and design our common approaches.

We welcome today's adoption of the Agreement.

We have broken ground on a number of important issues, with far-reaching legal implications, such as for 1) the rights and entitlements of adjacent coastal States, including with respect to their extended continental shelves and the high seas pockets they surround; 2) a progressive approach to EIAs that includes a tiered approach, the use of a minor or transitory effect threshold, and robust international input throughout the entire EIA process, including for activities on land and other areas within national jurisdiction that impact ABNJ; 3) the relevance of the traditional knowledge of Indigenous Peoples and local communities as sources of information for the Agreement on par with science, and the rights of such Indigenous Peoples and local communities including their free, prior, and informed consent; 4) the utilization of MGRs as well as DSI on MGRs for the benefit of all humankind; and 5) the identification and establishment of ABMTs, including MPAs, in areas beyond national jurisdiction in a manner that will be critical to achieving the 30x30 goal adopted last December in the Kunming-Montreal Global Biodiversity Framework. The list goes on, but the time is too brief to explain everything in detail.

We have cleared one hurdle but important work remains ahead. We need to assure that the Agreement comes into force as soon as possible, and so we encourage the signing of the Agreement when our Heads of State and Government and other High Officials gather for the General Debate at the UNGA this September, as well as the rapid ratification of the Agreement thereafter. We also have important steps to take until the entry into force of the Agreement, including designating DOALOS as the interim Secretariat for the Agreement; identifying a permanent Secretariat, which we hope will be located in a developing country; and getting an early start on work that needs to be done by the first meeting of the COP, perhaps through a preparatory commission of some sort. We look forward to that important process.

Thank you.

Morocco

Madam President,

Under Secretary General for Legal Affairs and United Nations Legal Counsel, Excellencies, dear Colleagues,

Last march, the 5th resumed session of the BBNJ Conference agreed on a text of the new International Legally Binding Instrument (ILBI), which concluded the discussions started 20 years ago.

Today, we welcome the adoption of the text, which will be an important contribution to the preservation and sustainable use of marine biodiversity beyond national jurisdiction.

40 years ago, UNCLOS was born in Montego Bay. It was the result of long, difficult and unprecedented negotiations. Similarly, to UNCLOS, the BBNJ agreement is also the fruit of international negotiations, multilateralism, and above all compromise.

The BBNJ agreement seeks to espouse the evolution of the law of the sea by addressing emerging challenges - and to a certain extent - gaps which were unforeseen when the discussions on UNCLOS were taking place.

The international and legal context that gave birth to BBNJ is very different from the one that gave birth to UNCLOS. The world is not the same as it was in the 1960's and 1970's and this is reflected in the BBNJ agreement.

The Ocean and its health is one of the pillars of this endeavour - and rightly so - as threats facing our Ocean are immense and will only multiply if we do not place our efforts to address new and emerging threats such as pollution, biodiversity losses, ecosystem degradation and the impact of climate change on the marine environment. While many of us rely on the Ocean for food security and blue economy, it is essential to multiply efforts to protect the marine environment and ecosystems.

These are exceptional times in which nature is sending us a clear message: to care for ourselves we must care for nature and preserve biodiversity for the present and future generations.

The BBNJ treaty focuses on four main pillars: marine genetic resources, including benefit-sharing; area-based management tools and marine protected areas; environmental impact assessments and capacity building and technology transfer of marine technology to developing States.

A balanced implementation across all pillars of the instrument will certainly contribute to the goals of conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. I wish to assure you of Morocco's support to protect, preserve and sustainably use marine biological diversity. We are ready to play our role and urgently deliver for the present and future generations.

Madam President, before I conclude, I would like to congratulate you and your team for a job well done. You have managed to navigate us until "the ship has reached the shore". I would also like to express our gratitude to DOALOS for the excellent work done throughout the BBNJ negotiations. It was a pleasure serving as one of the Bureau members of this successful Conference.

I thank you for your kind attention.

Nauru

Madam President,

Thank you for giving me the floor. We align ourselves with the statements delivered by Cuba on behalf of the Group of 77 and China, Samoa on behalf of AOSIS, Fiji on behalf of the Pacific Islands Forum, and Palau on behalf of the Pacific Small Island Developing States. As much has already been said we will be brief.

We are very pleased to adopt the text of the treaty for a new international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction under the United Nations Convention on the Law of the Sea. We reaffirm that UNCLOS sets out the legal framework within which all activities in the oceans and seas must be carried out.

Madam President,

As you will have heard from us before, Nauru considers ourselves not just a small island developing state (SIDS) but a big ocean state (BOSs). A single atoll nation with an EEZ which vastly dwarfs our land mass, we are highly dependent on marine resources for our sustenance and economic development. This is why Nauru has always given Ocean issues the highest priority with our limited capacity. We are committed to a healthy, productive and resilient ocean. Conservation and sustainable use of the ocean is paramount if States like mine are to continue to survive, let alone thrive.

With the adoption of the BBNJ text today, we are taking a strong step in that direction. As others have noted, it has been a long road, but one which we have needed to walk (or paddle) together.

We are pleased to see that many of our key priorities have been incorporated, such as the special circumstances of SIDS and adjacency. The new provisions on access and benefits sharing will advance the cause of equity. And the new elements on Area Based Management Tools will enable us to establish of effective, cross-sectoral marine protected areas to maintain global ocean health.

Madam President,

We could not let this opportunity pass without thanking all those who were key to making this moment possible, the co-Chairs of the ad-hoc opened ended informal working group, the Chairs (and facilitators) of the PrepCom. We also would like to thank our colleagues and partners from countries, developed and developing, for threading the needle with us to achieve this historic agreement; and to DOALOS and the Secretariat for their hard work and support.

And last but not least, to you Madam President. It has been an honor and privilege to be captained by one so able and dedicated. We give you and your facilitators our deepest thanks for steering us through the turbulent waters.

Today is a day to mark with celebration, though it is but the first one in the next phase of our journey – towards early entry into force and even more critically, implementation.

Tubwa kor.

Nepal

Madam President, Excellencies,
Ladies and Gentlemen,

At the outset I would like to convey warm greetings that I have brought today from the top of the world - Mt. Everest, to honour the monumental task accomplished under sterling leadership of Madam President.

Nepal would like to associate itself with the statements delivered by the distinguished delegate from Cuba on behalf of the Group of 77 and China, and the distinguished delegate from Botswana on behalf of the LLDCs.

As a least developed and landlocked Member State, Nepal would like to share a few words in its national capacity. Nepal attaches great significance to the principles and provisions of UNCLOS.

Freedom of transit and freedom of access to high seas are of highest importance for Nepal as a land-locked country.

We landlocked developing countries are still deprived of rejoicing the benefits of blue economies due to lack of technical knowledge and economic capacity.

Madam President,

Nepal welcomes the key provisions of the Agreement on acknowledging the special needs and interests of LLDCs and recognizing the special circumstances of LDCs, including in the listing of developing States as agreed for favorable consideration of special requirements of developing States.

This Agreement falls short to be considerate enough to address the legitimate and genuine concerns of least developed landlocked countries in comparison to other equivalent international legal instruments and development agendas.

More could have been done to make this Agreement much more inclusive, balanced, future proof, and universal.

However, Madam President, for the sake of solidarity and flexibility, we have accepted the compromised position. We have to reach farther; therefore, we do not want to walk alone.

In conclusion, Madam President, we hope implementation of BBNJ Agreement would be considerate enough to give more attention to safeguarding the rights and special needs and interests of the least developed and landlocked developing countries.

We are expecting more constructive role of the first Conference of the Parties for ensuring effective participation of all States including LDCs and LLDCs in implementation of this Agreement.

Nepal is ready to do its part for its early execution. I thank you all!

New Zealand

Thank you, Madam President,

Aotearoa New Zealand associates itself with the statement delivered by the distinguished representative of Fiji on behalf of the Pacific Islands Forum.

Aotearoa New Zealand welcomes the adoption of the new UN treaty on the conservation and sustainable use of marine biodiversity beyond national jurisdiction. This is a huge win for our ocean and a huge win for global cooperation.

For our ocean, this treaty represents a major step forward in our collective efforts to safeguard our global commons for future generations. For global cooperation, the conclusion of these negotiations in a time of heightened geopolitical complexity is a timely reminder that multilateralism can continue to deliver solutions for the world's most complex and pressing global challenges.

We acknowledge the extensive efforts made by all participants to get us to this point. We were particularly impressed with the constructive spirit, the level of engagement, and the willingness to compromise shown in March, which meant we were able to reach substantive conclusion after a particularly gruelling final 36 hours.

We would also like to thank the High Seas Alliance and all civil society participants, for their expert input and ambition-setting throughout this process, from before the beginning of negotiations through to this point of adoption.

We thank our excellent facilitators for their expert guidance of our negotiations, and the Secretariat and conference staff for their support. Finally, and most importantly, we would like to acknowledge you, Madam President, for your unwavering leadership of this process. It is thanks to your tireless efforts, vital guidance, and “never-give-up” spirit that the ship was able to reach the shore in March.

This Treaty represents the biggest update to the UNCLOS framework since UNCLOS was adopted in 1982. New Zealand is, and has always been, a strong and vocal supporter of UNCLOS – it is the Constitution for our Oceans, and the legal framework within which all activities in the oceans and seas must be carried out. This Treaty reinforces that framework by providing modern tools and systems for the conservation and sustainable use of biodiversity beyond national jurisdiction.

This is vital to Aotearoa New Zealand, whose indigenous people recognise a kinship relationship with Tangaroa, the god of the oceans, and all of Tangaroa's children within the ocean: the fish, marine mammals, seabirds, the currents and swells, and other invisible life forces within the ocean. This relationship brings a responsibility of stewardship - or “kaitiakitanga” in the Māori language. The adoption of this Treaty is an important recognition of this responsibility at a global scale.

However this is not where the journey ends. With a bit of distance from the marathon of March, we must now ensure that we do not let up our pace on this important work.

There is much preparatory work to be done to ensure the treaty can function effectively once in force. States must now look forward to signature, and eventual ratification of the treaty, with the aim of having it enter into force at the earliest possible moment. Implementation of this treaty, and making the most of the opportunities it provides for collaboration, will be vital to ensuring the health of our ocean for present and future generations.

New Zealand looks forward to embarking on these next destinations in our journey.

Thank you, Madam President.

Norway

Madame President, Excellencies and distinguished delegates,

On behalf of the Norwegian delegation let me first express our gratitude to all the distinguished delegates, for showing understanding, patience, and flexibility throughout this process. We also thank you, Madame President, as well as the facilitators, for leading us through the negotiations constructively and resolutely. We thank the Secretary-General of the Conference Mr. Miguel de Serpa Soares and DOALOS for their continued support.

Madame President,

Like the Secretary-General, Antonio Guterres, stated in February, we were presented with an opportunity at the offset of these negotiations, to further build upon the legacy of the United Nations Convention on the Law of the Sea at the dawn of its fifth decade. Today we have seized that opportunity, taking an important step forward in ensuring the conservation and sustainable use of marine biological diversity of over two-thirds of our life-sustaining ocean space.

The United Nations Convention on the Law of the Sea, being a “Constitution of the Oceans”, sets out the legal framework within which all activities in the oceans and seas must be carried out. We are pleased to see that it will now be supplemented with the tools needed to conserve and sustainably use marine biological diversity in areas beyond national jurisdiction.

Madame President,

The agreement we just adopted allows for continued and enhanced cooperation between states in areas beyond national jurisdiction and provides for an equitable system for the sharing of benefits deriving from marine genetic resources. It encourages scientific research.

The agreement provides an important framework for enhancing ocean management and paves the way for closer cooperation across sectors and frameworks to improve ocean health. We welcome the emphasis on mutual supportiveness between the Conference of the Parties established by the Agreement and already existing organizations within the ocean regime, such as the International Seabed Authority (ISA), the International Maritime Organization, the regional fisheries management organizations and the regional environmental organizations.

Madame President,

Norway remains committed to the conservation and sustainable use of the ocean. Having established the High Level Panel for a Sustainable Ocean Economy in 2018, Norway is committed to sustainably managing 100 % of the ocean areas under our jurisdiction by 2025.

We believe area-based management tools, including marine protected areas, are important in the effort towards conservation and sustainable use of marine eco-systems. Therefore, we see this Agreement as a crucial step towards the political goal of conserving at least 30 per cent of land and sea areas by 2030.

In closing, this Agreement shows that the United Nations Convention on the Law of the Sea can adapt to meet evolving challenges, and demonstrates the continuing strength and promise of multilateralism.

Thank you.

Pakistan

Madam President, Excellencies, Distinguished delegates, Ladies and Gentlemen,

My delegation aligns itself with the statement delivered by Cuba on behalf of the Group of 77 and China. Let me begin by congratulating Madam President Rena Lee for successfully steering the process of negotiations and securing the adoption of the international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (the BBNJ Agreement). I would also like to express deep appreciation for the Division for Ocean Affairs and Law of the Sea (DOALOS) for their hard work and all the delegations for their consistent efforts and strong commitment towards achieving the goal of this Agreement.

Madam President,

Pakistan welcomes the adoption of this Agreement, which is indeed a momentous achievement of multilateralism, concluding a decade of negotiations. It heralds a new era of international cooperation through a legally binding instrument to protect the biodiversity in the high seas and to better balance the conservation and sustainable use of marine genetic resources.

Pakistan applauds the perseverance and tremendous efforts put in by all delegations, specially to bridge the gap between the developed and the developing countries through strenuous negotiations. The BBNJ Agreement will be a significant addition to the existing international ocean governance framework and will allow humanity to continue to enjoy the social, economic and environmental benefits that the high seas have to offer.

Since the start of this process, Pakistan, in its national capacity as well as the Chair of the G77&China during the fourth and the fifth sessions of IGC, maintained that the principle of "*common heritage of mankind*" should guide and underpin the new legal regime established under BBNJ.

It is heartening to see the reflection of the principle of "common heritage of humankind" specified in article 7 paragraph (b) of this Agreement. For the Global South, this principle provides a solid legal foundation for a fair and equitable regime that would allow all countries to benefit from the potential that marine biodiversity represents in terms of global food security and economic prosperity, and to address the challenges of conservation and sustainable use of Marine Genetic Resources (MGRs) of areas beyond national jurisdictions, while giving special attention to the unique circumstances and special needs of developing countries in terms of capacity building and the transfer of marine technology.

I would also like to underscore that the scope and legal effects of the freedom of marine scientific research, specified

in article 7 paragraph (c) of this agreement, should be interpreted in light of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) concerning marine scientific research. Article 241 of UNCLOS is central to any such interpretation and, accordingly, marine scientific research cannot provide a legal basis for any claim to ownership or proprietary rights in any part of the marine environment or its resources.

We are glad to see that the Agreement includes a provision for setting up a notification system to make information available through a clearing house mechanism at every stage of accessing and utilizing Marine Genetic Resources. We also welcome the obligation to fairly and equitably share monetary and non-monetary benefits, including for developed countries to make up-front payments to finance capacity building for implementing the Agreement upon entry into force.

Madam President,

Concrete commitments have been made in the Agreement on Capacity Building and Transfer of Marine Technology, particularly for the developing countries. Large part of it was due to united position and collective voice of the Group of 77 & China. This would include, inter alia, the developing and strengthening of human and financial resource capabilities, technical expertise through information exchanges, research collaboration, education and training, and transfer of marine technology. All such cooperation would not be conditional on onerous reporting requirement.

However, we should not consider the adoption of this treaty “a finish line”. Much work still remains to be done. Adequate financing and early implementation of the Agreement are crucial to reap benefits of this Agreement. The commitments undertaken in this Agreement for the

conservation and sustainable use of the marine biodiversity must be preserved by all parties at all times, not only when it is convenient for them.

Drawing inspiration from other international processes, the role of the interim secretariat will be important in the successful implementation of the Agreement. Similarly, the operationalization of other important institutionalization mechanisms, such as the Capacity Building and Transfer of Marine Technology (CBTMT) Committee, and the Access and Benefit Sharing Committee envisaged under the Agreement, will be key to ensure a more holistic achievement of marine biodiversity governance and realization of benefit sharing objectives of the Agreement.

Madam President,

I congratulate all Member States and specifically you, Madam President, for the adoption of this historic Agreement and Pakistan looks forward to its early implementation.

I thank you.

Panama

Excelencias, Distinguidos delegados y Amigos de Alta Mar,

Señora Presidenta, me complace iniciar esta intervención felicitando el trabajo realizado en esta continuación del Quinto Periodo de sesión de la Conferencia Intergubernamental sobre un instrumento internacional jurídicamente vinculante en virtud de la Convención de las Naciones Unidas sobre el Derecho del Mar relativo a la conservación y utilización sostenible de la diversidad biológica marina de las zonas situadas fuera de la jurisdicción nacional (BBNJ).

Panamá en capacidad Nacional y parte del Grupo de Negociación CLAM, apoya plenamente los esfuerzos de la exitosa negociación del nuevo tratado para alta mar.

Para nuestro país el Tratado BBNJ, es una oportunidad única y concreta para unirnos como comunidad global y reequilibrar nuestra relación con la naturaleza salvaguardando la mitad del planeta que se encuentra en las aguas internacionales.

Este nuevo Tratado es un hito clave para garantizar el logro del objetivo internacional acordado de conservar al menos el 30 % de los océanos y los mares para el año 2030, porcentaje mínimo necesario que permita detener y revertir la rápida pérdida de biodiversidad, tenemos el deber de proteger el océano de manera integral, sin excluir a las dos terceras partes de este, que están fuera de jurisdicciones nacionales.

Como lo ha señalado el Secretario General de Naciones Unidas, estamos en una “emergencia oceánica” y “debemos cambiar el rumbo” siendo el Tratado BBNJ el instrumento clave para cambiar el rumbo y el liderazgo internacional que es fundamental ahora.

Históricamente, el océano ha sido la conexión principal del comercio y el transporte mundial, permitiendo el desarrollo e intercambio entre los pueblos. Sin embargo, la realidad actual nos lleva a priorizar acciones orientadas a la reducción de emisiones marítimas por medio de avances tecnológicos que faciliten de forma progresiva y ambiciosa salvaguardar este recurso esencial clave para el futuro sostenible del mundo.

El compromiso de Panamá con la vida en el planeta es real, lo demuestran las acciones que hemos tomado, recientemente ampliamos nuestras áreas marinas protegidas, de 30% a 54%, resguardando una superficie esencial para proteger la fauna marina de la intervención humana y el cambio climático; para preservar los ambientes de aguas profundas de Panamá y el Caribe; así como para mantener la conectividad de las rutas migratorias de especies oceánicas y marino-costeras.

Nuestro país ha logrado este avance, como resultado de la decisión y voluntad política del Gobierno, y el trabajo en conjunto con la sociedad civil, la empresa privada y organizaciones internacionales.

Consideramos que este nuevo tratado fortalecerá los pilares vitales para la protección oceánica, como un proceso legal sólido para el establecimiento, la gestión eficaz y la implementación de áreas marinas protegidas; así como un marco moderno para llevar a cabo evaluaciones de impacto ambiental (EIA) consistentes, integrales, responsables a nivel mundial, efectivas y rigurosas para cualquier actividad basada en el océano.

Señora Presidenta,

Panamá saluda el esfuerzo y compromiso realizado por todos para alcanzar hoy la adopción del Acuerdo del BBNJ, este proceso ha evidenciado que uniendo fuerzas y trabajando sobre la base del diálogo fortaleceremos las capacidades y estrategias para hacer frente a los retos y desafíos globales que permitan avanzar hacia mejores días para todos.

Muchas gracias,

Papua New Guinea

Madam President, Excellencies and distinguished delegates;

I align my delegation's remarks with those made by the respective Chair's of the Group of 77 and China – Cuba; the Pacific Small Island Developing States (PSIDS) – Palau; the Pacific Islands Forum (PIF) – Fiji on Cook Islands behalf; and the Alliance of Small Island States (AOSIS) – Samoa. In our national capacity, we would add the following points.

First, today is indeed a momentous occasion for us and the international community, as we collectively brought to a safe harbour and shore the BBNJ process, which spanned well over a decade, including five years of negotiations, in a challenging yet groundbreaking work, for a healthy, productive and resilient ocean we need, now and for future generations.

Secondly, my delegation pays tribute to you Madam President and the Bureau members for the leadership and guidance and also to all delegations and multi stakeholders for the valued contributions, in no small measure, for our collective landmark achievement today. Having you at the helm, Madam President, at the penultimate time and in the astute manner you captained our BBNJ vessel, enabled us to usher in a new dawn for the wellbeing of the high seas and the international community.

Madam President, thirdly, as a small island developing State and also as an archipelagic State, Papua New Guinea, like many of our Blue Pacific Continent family members and beyond, is richly endowed with marine biodiversity and also dependent on the ocean and its resources for our lives and livelihoods as well as our sustainable development. For us, the BBNJ treaty will fill significant gaps in ocean governance that will be of great benefit to our country and our Pacific region and the international community, at large, including through better focused attention to the continuing tragedy of the commons.

It is for these reasons that Papua New Guinea fully supported the intergovernmental negotiation on the BBNJ treaty and welcomes the milestone outcome. We are pleased to have contributed since the Preparatory Committee phase, at the national level and also through the various groups that we are a member such as PSIDS, AOSIS and G77 and China.

At the penultimate phase of our negotiations, my delegation is pleased to have worked closely with our partners from CARICOM on the Environmental Impact Assessment (EIA) Part and we wish to express our deep gratitude to CARICOM and other members of the Like-Minded Group for the collegiality and professionalism shown in successfully completing the negotiation on the EIA Part, as we now have in the Treaty.

Fourthly, Madam President, while we congratulate the international community for this excellent achievement, we must sound a cautionary note in terms of the interpretation and implementation of the treaty text, which reflects commendable ambition achieved through extensive and lengthy negotiations.

In this regard, the treaty has both a general objective in Part I and specific objectives in Parts II through V, all of which should be taken into account in interpreting and implementing the treaty, in line with Article 31, paragraph 1 of the Vienna Convention on the Law of Treaties.

As one example, the EIA Part contains several objectives in Article 27, including to: “achieve a coherent environmental impact assessment framework for activities in areas beyond national jurisdiction.”

In this regard, we call on all relevant global, regional, sub-regional, and sectoral bodies to coordinate and collaborate to achieve this objective of a coherent EIA framework for activities in areas beyond national jurisdiction to prevent significant adverse impacts for the purpose of protecting and preserving the marine environment.

Madam President, for our part, Papua New Guinea will work within the Pacific region, with our regional and

sub-regional bodies, instruments, and frameworks, towards these objectives.

From this standpoint, and fifthly, the importance of putting into action the BBNJ treaty cannot be overstated. We therefore join others in calling for our respective delegations to sign the BBNJ Treaty on 20 September this year, at the margins of the High- Level Week of the General Assembly's 78th Session, and to ratify it as soon as feasible and to implement it in earnest.

We also urge for the international community to expeditiously put in place the BBNJ Preparatory Commission to put in motion our important implementation work.

In closing, Madam President, let us remind ourselves that our humanity and our future are intertwined with the health of our ocean. Let us not allow this opportunity to go to waste but rather take genuine, practical and transformative actions and solutions in a timely, predictable and sustained manner for the high seas and the ocean we want, now and for the generations to

come, that we can all take pride in.

At the heart of this, must not be the parochial interests of a few but rather for the greater good of our shared global commons and common humanity. Multistakeholder partnership must be an important part of our future work on this crucial agenda given the reality of multiple challenges many of us face, including resources and capacity constraints, gaps in marine science and knowledge and marine technology shortcomings.

For Papua New Guinea, going forward, as a maritime and archipelagic State, we are steadfastly committed to doing our part for a healthy, productive and resilient high seas and the ocean, as a whole, including working within the Pacific region, with our regional and sub-regional bodies, instruments, and frameworks, towards the BBNJ Treaty objectives.

I thank you Madam President.

Paraguay

Señora Presidenta, Distinguidos delegados,

En primer lugar, permítanme expresar en nombre de la República del Paraguay nuestro sincero reconocimiento por la adopción de este instrumento internacional jurídicamente vinculante en el marco de la Convención de las Naciones Unidas sobre el Derecho del Mar, relativo a la conservación y el uso sostenible de la diversidad biológica marina de las zonas situadas fuera de la jurisdicción nacional. Este hito representa un paso significativo hacia el futuro de la conservación de los recursos oceánicos.

Asimismo, queremos expresar nuestra satisfacción por el proceso inclusivo y participativo que ha llevado a la adopción de este instrumento. Reconocemos el arduo trabajo y la dedicación de todas las delegaciones, de la presidencia, del Buró y el importante apoyo de DOALOS como secretaría.

En esta ocasión histórica de la aprobación de la Convención, nos complace resaltar que el presente acuerdo cuenta con disposiciones que consideran los intereses y necesidades especiales de los Estados en desarrollo sin litoral, en línea con el lenguaje utilizado en la Convención de las Naciones Unidas sobre el Derecho del Mar (CONVEMAR).

Asimismo, nos parece importante la inclusión de los PDSL en los organismos de gobernanza del acuerdo. Consideramos que de esta manera se garantizará una participación igualitaria y un acceso justo a los beneficios para todos los Estados. Como país sin acceso directo al mar, el Paraguay comprende y enfrenta desafíos únicos para su efectiva participación en la economía de los océanos. En este sentido, estamos orgullosos de haber trabajado en estrecha colaboración con otros países que enfrentan estos mismos retos para así lograr un acuerdo más justo y equitativo para todos.

Sra. presidenta, estimados delegados, la implementación efectiva de este instrumento es crucial para garantizar la conservación y el uso sostenible de la diversidad biológica marina. La adopción de este instrumento es un llamado a la acción para que todos los Estados miembros trabajemos juntos y asumamos nuestras responsabilidades compartidas en la protección de nuestros océanos y la preservación de su riqueza natural para las generaciones futuras.

En este sentido, deseamos destacar la importancia de la solidaridad y la cooperación internacional. Solo a través del trabajo conjunto podremos superar los desafíos que enfrentamos y lograr resultados significativos en la conservación marina. Alentamos a todos los países a unirse a nosotros en este esfuerzo global.

Por último, pero no menos importante, resaltamos el aporte invaluable del grupo de países latinoamericanos (CLAM), del cual Paraguay tiene el honor de ser parte. La región de América Latina ha demostrado un compromiso ejemplar con la conservación marina y ha desempeñado un papel fundamental en la construcción de este importante instrumento internacional. Nuestro agradecimiento especial a nuestros hermanos latinoamericanos por su liderazgo y dedicación en este proceso.

Muchas gracias.

Peru

Señora Presidenta,

La delegación del Perú desea unirse al sentir de la Conferencia para agradecer y felicitar su sabia conducción del proceso que hoy concluimos. Gracias a su liderazgo y al compromiso de todas las delegaciones hemos podido construir, todos juntos, el Acuerdo que hoy hemos adoptado. Un histórico Acuerdo que sale al encuentro del “cambio de época” que vive la Humanidad ofreciéndole un horizonte de esperanza a las generaciones presentes y futuras.

El Perú hace suyas las Declaraciones del Grupo Central Latinoamericano y del Grupo de los 77 y China, de los cuales es parte, éstas traducen dichos sentimientos así como nuestras consideraciones sobre el texto y el proceso desarrollado.

En este “cambio de época”, el principio de “Patrimonio Común de la Humanidad”, que está en las raíces de la gran revolución de los mares, sigue inspirando y acompañando el desarrollo del derecho del mar y del derecho internacional en general bajo un paradigma de paz, cooperación, solidaridad y justicia social. Celebramos que dicho principio angular de nuestro futuro común, entrelazado a los principios de la Declaración de Río, haya quedado recogido en el Acuerdo.

Avanzamos así, todos juntos, hacia una gobernanza oceánica visionaria, porque el Acuerdo crea el marco jurídico para que las nuevas oportunidades que ofrece el avance científico y tecnológico favorezcan el bien común de las generaciones presentes y futuras.

El Perú considera que la aplicación integral del Acuerdo representará un avance en el logro de una gobernanza oceánica con justicia y equidad. En ese sentido, aspiramos a que sus disposiciones, además de garantizar la participación en los beneficios provenientes del uso sostenible de los recursos genéticos marinos y la información digital sobre secuencias de recursos genéticos marinos de las zonas situadas fuera de la jurisdicción nacional, se conviertan en el motor que impulse la creación de capacidades y la transferencia de tecnología marina que se requiere para garantizar la sostenibilidad del océano y el desarrollo de nuestros pueblos.

Asimismo, los compromisos que el Acuerdo recoge deberán fortalecer la sinergia y la cooperación entre los organismos internacionales y regionales, respetando las competencias de cada uno pero aprendiendo del conocimiento acumulado así como de las experiencias y buenas prácticas adquiridas. En ese sentido, el Perú desea ratificar su compromiso con las metas establecidas en el Marco Mundial Kunming-Montreal de la Diversidad Biológica suscrito en diciembre pasado, relativas a frenar y revertir la pérdida de biodiversidad de cara al 2030 a partir de la protección del 30% de aguas continentales y océanos.

Asimismo, en una realidad global como el océano, cuyos desafíos se encuentran interrelacionados, la conservación y uso sostenible de la diversidad biológica marina más allá de las zonas bajo jurisdicción nacional nos exige actuar en varios frentes. En ese sentido, el Perú, como Presidente del Comité Intergubernamental de Negociación sobre contaminación por plásticos, tiene el mandato de redactar el primer borrador del acuerdo global para acabar con dicha contaminación que tienen efectos directos e indirectos sobre el cambio climático y la pérdida acelerada de biodiversidad, impactando en gran medida en el ecosistema marino. Es este un objetivo de trascendencia global que sólo con el decidido apoyo de toda la comunidad internacional podremos alcanzar.

Bajo ese espíritu la delegación del Perú ha participado en la negociación y en la adopción del histórico Acuerdo que hoy nos congrega, en tanto nuestro país se encuentra profundamente comprometido con sus objetivos de conservación y uso sostenible de la diversidad biológica marina de las zonas situadas fuera de la jurisdicción nacional. No obstante, en sintonía con lo que se contempla en el Preámbulo y en el artículo 5, inciso 3, del Acuerdo, el Perú desea dejar constancia de su condición de Estado No Parte de la Convención de las Naciones Unidas sobre el Derecho del Mar, con lo que las disposiciones de ésta sólo le resultan aplicables en aquello que constituyan derecho internacional consuetudinario o refleje principios generales del

derecho. Muchas gracias.

Philippines

Thank you, Madame President, and congratulations for successfully steering us to this historic moment, the adoption of this Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

For two decades, we participated in the process leading to this Agreement, with high hopes and high aspirations.

The Philippines hails from the center of marine biodiversity – the Coral Triangle of Southeast Asia. At the center of this center is the passage of Verde Island, one of over seven thousand islands which comprise the Philippine archipelago.

As an archipelagic state, and home to this richness in species, the waters around the world form one single interconnected system. Activities on waters in other parts of the world impact our ecosystems, and ultimately our people. Integrated ocean governance is crucial.

With UNCLOS as our guide post, we approached this process with the following principles:

- The Common Heritage of Mankind;
- Fair and equitable sharing of benefits;
- Rights and jurisdiction of adjacent coastal States;
- Special recognition for archipelagic states;
- The precautionary principle; and
- Transparency of action and support.

We find these reflected in the Agreement. We therefore welcome the adoption of this extensive regime for marine biodiversity with its potential to integrate and coordinate global and regional instruments in areas beyond national jurisdiction.

Although the ambition was higher, we find the benefit sharing regime under the Marine Genetic Resource part responsive to the needs and challenges of developing states. This was hard fought by the Group of 77 and China, and the inclusion of non- monetary benefits is equally important as monetary benefits, as these provide immediate positive impact on developing states, such as the enhancement of marine scientific and technological capacities.

The regime on capacity-building and transfer of marine technology to assist developing states, particularly archipelagic states as a distinct category that need support are most welcome. In the same light, we welcome the concrete financing mechanism and identification of funds for this purpose.

Together with like-minded states, we worked for a robust environmental impact assessment framework. We have always expressed flexibility with respect to the elements of the package, to come up with an effective and substantive BBNJ Agreement.

At the final stretch, my delegation's flexibility was tested to its limits when a package of provisions was advanced at the eleventh hour, rather than focusing on measures to respond to conservation issues in areas requiring protection, aimed instead at creating a comprehensive carve-out from the area-based management tools regime of the Agreement. One thing is clear: this is an instrument under UNCLOS, and must be interpreted in accordance with UNCLOS, including on the definition of maritime zones.

We hope that our partners, in acknowledging the South China Sea as a vital region for the international community, consistent with international law, including UNCLOS, as basis for invoking high seas freedoms in our region, could also extend that commitment to the protection, conservation, and sustainable use of the high seas in our region.

Collective action towards integrated ocean governance—and adoption by consensus of the BBNJ Agreement—is the imperative of our time and we hope for its early entry into force. We must focus on the enormous task ahead of us - including building the institutions and shoring up financing - as we prepare for the entry into force and effective and timely implementation of this Agreement.

Thankyou.

Portugal

Madam President,

We align ourselves with the statement made by the European Union and its Member States.

At the outset, allow me to take this opportunity to thank you, Madam President, for your hard work, perseverance and courage over the years, as you pushed through all the different challenges we faced along the way and led us to this key moment. Your leadership was essential for the conclusion of this challenging negotiation. While the “ship reached the shore” due to our collective efforts, your strong commitment and dedication was essential to chart the course and navigate the many obstacles, and we will be forever grateful for your contribution to this outcome.

Madam President,

The High Seas treaty not only demonstrates UNCLOS’s vitality as the overarching legal framework within which all activities in oceans and seas must be carried out, but is also evidence of its ability to evolve and respond to emerging and future challenges.

We are hence delighted to join the international community today at this historical moment to witness the adoption a legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and celebrate the strengthening of ocean governance and the international law of the sea.

Madam President,

As a firm supporter of the Law of the Sea and close neighbor to areas beyond national jurisdiction, Portugal has been fully dedicated to this process from an early stage. Over the years, we had the pleasure of being continuously and actively engaged in the BBNJ negotiation, including by hosting multiple workshops aimed at facilitating the exchange of views between delegations and closing the gap between different positions, as well as by pushing for the swift conclusion of a comprehensive and ambitious Treaty.

Looking back at the early days of this process and the ambition we had set out, we are pleased to acknowledge that we have come a long way and we have before us a robust and operational outcome, which is consistent with - and builds upon – UNCLOS and International Law and delivers a key framework supporting our collective goal of strengthening international ocean governance and protecting marine biodiversity in ABNJ.

Madam President,

This agreement is a much-needed success of multilateralism. It is the result of a complex and lengthy process, but one that led to an ultimately substantively innovative achievement. One that was only possible through a joint effort, by building bridges and going that extra step towards compromise. And in this sense, we would like to thank all those present here today for all their efforts towards reaching a balanced outcome and for their close collaboration, resilience and positiveness.

Other routes are now to be discovered and we have again to set sail. In this sense, Portugal welcomes the opening for signature of the Agreement in September. We will also advocate for a swift ratification. The entry into force of this instrument is of utmost importance not only for delivering on its objectives, but also for exploring synergies with other instruments and supporting our international commitments.

You can thus rest assured, that Portugal will be firmly and fully committed to the implementation of our BBNJ Agreement. I thank you, Madam President.

Republic of Korea

Thank you, Madam President.

My delegation would like to express our sincere gratitude to you and the facilitators who put in great efforts to reach a consensus that brings us back together here again today.

We are also grateful to our dear colleagues for their forward-looking attitude, flexibility and dedication. It is through the collective efforts of everyone that we have made this far.

We hereby express our support for the adoption of the agreement. Madam President,

The BBNJ Agreement is the third implementing agreement of the United Nations Convention on the Law of the Sea, following the Sea Bed Agreement of 1994 and the Fish Stocks Agreement of 1995.

This agreement has been discussed for nearly 20 years, starting with the establishment of the open-ended informal working group in 2004.

We're pleased to see that the agreement is finally before us for adoption after a long multilateral negotiation process. We are aware that all delegations made big and small concessions during the process to make this happen.

Madam President,

As a country surrounded by water on three sides, the Republic of Korea has a critical interest in preserving the marine environment and achieving sustainable use of marine biological diversity.

We have participated in the negotiation with a sense of urgency and maximum flexibility.

With the entry into force of the agreement, we will be able to establish a legally binding management for the high seas and the deep seabed. We will be able to provide a foundation for the international community to preemptively respond to global environmental crises.

After official adoption of the text, in order for the agreement to enter into force, 60 instruments of ratification must be deposited. The Republic of Korea will expedite all necessary domestic procedures to bring this agreement into force as early as possible.

We have reached the finish line. We pledge our commitment to engage in the process leading to the entry into force of the BBNJ Agreement.

Thank you, Madam President!

Russian Federation

Madame Chair,

In fact, seven sessions of the conference have already taken place. Nevertheless, many questions on the key elements of text of the agreement still remain unanswered. Although relevant answers should have been of interest not only to us, but also to all those delegations that aspired to come up with a truly working international instrument.

Our delegation was being persuaded that the establishment of a hierarchical structure with a new agreement at the top allegedly would not prejudice the existing competent international organizations. How can this be the case if they are placed in a evidently subordinate position – we simply fail to understand.

For example, in the establishment of marine protected areas (MPAs) existing bodies and organizations are left with no option, but to unquestioningly comply with the instructions of the conference of the States parties of the new agreement. No independence whatsoever. It is evident that as far as the scientific data and awareness of the state of local ecosystems are concerned, the regional organizations have a clear and significant advantage. Any global authority by definition cannot know the region that well as they do.

The system of financing laid down in the agreement is absolutely insufficient to cover the costs for scientific research and development in the course of establishment of MPAs and for subsequent regular monitoring of the local ecosystems. It would cost astronomical sums to do everything according to science. There exists no such thing as "cheap" MPA. It will simply be a closed zone, placed on a map out of political considerations without proper scientific examination. Its true purpose will be to provide advantage to some states and infringe on legitimate maritime rights and freedoms of others.

Checks and balances against the politicization of MPAs did not make their way into the text. Any decisions can be simply pushed through by voting.

The establishment of MPAs may lead to restriction of sovereign rights of coastal states for the purpose of exploring and exploiting the natural resources of the continental shelf beyond 200 nautical miles as well as other types of legitimate activity. Relevant risks are still fully present in the final text.

The agreement distorts the very nature of the environmental impact assessment (EIA). Presents it as some kind of "process" and, what is more, elevates it to the supranational level. As a result, the evaluation carried out by a State or a competent international organization, will in fact be subject to re-assessment by the specialized bodies created under the new agreement. Such an approach is unacceptable. It is also prone to politicization. With regard to the concept of strategic environmental impact assessment, definitively it cannot be applied to large areas of world ocean. Moreover, it is unclear to which activities environmental assessment procedures will be applied. There are no concrete provision in the agreement in this respect.

In total, the document failed to achieve a reasonable balance between conservation and sustainable use of ocean resources. Conservation issues were prioritized, often to the detriment of legitimate exploitation of marine biological diversity on the basis of norms of international law.

Madame Chair,

There are many other unanswered questions. Two days allocated for the current session would hardly be enough to list all the discrepancies and problems of the text just adopted.

However, we do not set ourselves such a task. Our position on the document as a whole and its concrete elements was brought to the attention of the participants of the Conference in an elaborate and well-grounded fashion in the whole course of the Conference. Everyone is familiar with it. Moreover, we consistently and directly spoke about those elements of the draft agreement which we consider fully unacceptable.

Therefore, our decision to disassociate ourselves from the consensus would not be a surprise to anyone.

The choice of this particular form of expression of our will is anything but random. We didn't go for voting out of respect for the position of developing countries, many of which sincerely believe that the new agreement would contribute to the realization of their legitimate rights and interests.

The choice in favor of disassociation from the consensus, however, does not mean and cannot be interpreted as evidence of softening of our own stance on the agreement.

In this regard, I request that the following statement be reflected in the report of the Conference:

«The Russian Federation disassociates itself from the consensus on the text of the agreement prepared by the conference. This instrument is not acceptable. The question of our participation in it is not considered.

It undermines the provisions of the most important existing international treaties, including the United Nations Convention on the Law of the Sea of 1982 and the Agreement on Straddling Fish Stocks of 1995. Its provisions allow intrusion into the mandate and competence of relevant sectoral and regional international organizations, including regional fisheries management organizations.

We will carefully monitor that the new agreement and the system of global bodies created within its framework do not undermine the provisions of international treaties and mandates of intergovernmental organizations in which our country participates».

Thank you for attention.

Saudi Arabia

بسم الله الرحمن الرحيم

الحمد لله وحده والصلاة على من لا نبي بعده

السيدة رئيسة المؤتمر

السادة والسيدات

يطيب لي في بداية هذه الكلمة أن أتقدم بالشكر باسم وفد بلادي المملكة العربية السعودية لأمانة المؤتمر على الجهود المبذولة والتنظيم الجيد لعقد هذا المؤتمر والمؤتمرات السابقة والتي تمخض عنها ما نحن بصدد اليوم.

السيدة الرئيس

مما لا شك فيه أن المحيطات والبحار وما تحتويه من نظام أيكولوجي بحري أحد أهم العوامل الرئيسية لأمن واستقرار ورفاهية الإنسان، ومصدر أساسي من مصادر الأمن الغذائي والاقتصادي والبيئي والمائي خاصة للدول التي ليس لديها مصادر متجددة لمياه الشرب والتي منها المملكة العربية السعودية.

لقد أولت بلادي الشأن البيئي اهتمامًا كبيرًا ضمن رؤية المملكة 2030 وخططها التنموية وسياساتها وأنظمتها واستراتيجياتها الوطنية، وتماشياً مع الجهود والتوجهات العالمية الرامية إلى رفع مستوى الالتزام البيئي، وعملت على تسخير كافة الجهود لتحقيق أهداف ومقاصد التنمية المستدامة على المستوى الوطني والإقليمي والدولي والتي منها الهدف (14) والمحافظة على البحار

وإنشاء المناطق المحمية والحد من التلوث البحري والمحافظة على الشعاب المرجانية وتنمية واستزراع أشجار المانجروف وتطوير أدوات ومعدات الصيد لتقليل الجهد على المصائد والحد من الصيد غير النظامي وغير المبلغ عنه.

السيدة الرئيس

انطلاقاً من إيمان بلادي بأهمية التعاون المشترك على المستويين الدولي والإقليمي، فإن بلادي تشارك بفاعلية في حل قضايا البيئة العالمية كقضايا التلوث، وتدهور التنوع الحيوي البحري، حيث أطلقت المملكة عددًا من المبادرات التي حظيت بدعم دولي وإقليمي ومنها مبادرة "الشرق الأوسط الأخضر"، للمساهمة في تحقيق المستهدفات العالمية في مواجهة تغير المناخ، ومكافحة التلوث وتدهور التنوع الإحيائي، والحفاظ على الحياة البرية والبحرية. كما تم إطلاق المبادرة العالمية (منصة تسريع البحث والتطوير في مجال الشعب المرجانية) ومبادرة (منع التدهور البيئي ومكافحة التصحر) في اجتماع قادة مجموعة العشرين الذي استضافته المملكة العربية السعودية عام 2020م. كما أعلنت المملكة انضمامها إلى تحالف عالمي للمحيطات ودعمت كافة التوجهات الدولية والإقليمية لاستدامة التنوع البيولوجي البحري طبقاً لما ورد في اتفاقية الأمم المتحدة لقانون البحار لعام 1982م التي انضمت لها المملكة في عام 1985م ، وهنا نؤكد على أهمية تضافر الجهود من الجميع للمضي قدماً لضمان حماية المناطق البحرية واستدامتها وحفظ كافة الحقوق وسيادة الدول والتقييد بالاتفاقيات الدولية ذات الصلة .

ختاماً تود المملكة العربية السعودية أن تهنيء الجميع على هذا الإنجاز، وتؤكد
على استمرارها في دعم كافة الجهود الدولية والإقليمية التي تهدف إلى تعزيز
التنمية المستدامة ومقاصدها
، وتحقيق الأمن والاستقرار والرفاهية لشعبها وللبشرية جمعاء.
شكرا السيدة الرئيس

Senegal

Madame la Présidente, Excellences, Chers Collègues,

Ma Délégation souscrit aux déclarations prononcées par la Somalie et Cuba, respectivement, aux noms du Groupe africain et du G77 et la Chine et voudrait prononcer quelques mots en sa capacité nationale.

Il y a trois (03) mois, nous nous quittons avec un projet d'accord sanctionnant cinq (05) années de négociations et près de deux décennies de discussions.

Ma Délégation saisit cette occasion pour vous rendre hommage, Madame la Présidente, pour votre leadership constant et fort à propos. Votre équipe et vous-même avez été déterminantes dans l'atteinte de ce résultat.

Nos remerciements vont également au Bureau des Affaires juridiques et à sa Division des Affaires maritimes et du Droit de la Mer (DOALOS) en particulier, pour leur contribution fort appréciable.

Le Sénégal voudrait, par ailleurs, saluer l'engagement de toutes les délégations et leur esprit constructif, jusqu'à la dernière minute, qui ont rendu possible cet accord.

Mesdames, Messieurs,

Cet accord, se rapportant à la Convention des Nations Unies sur le Droit de la Mer, traduit notre volonté commune de renforcer le cadre juridique international, en vue de faire face aux défis nombreux et multiformes que posent la préservation et la protection des mers et des océans.

Il constitue, à n'en point douter, un outil précieux pour une gouvernance mieux concertée, plus inclusive et plus attentive aux préoccupations de tous et de chacun.

« Le bateau a rejoint la côte » certes, mais il nous reste à entreprendre un voyage tout aussi significatif : celui de la mise en œuvre, en particulier au regard de la réalisation de nos objectifs de développement durable en la matière, qui doit prendre en charge les aspirations des pays en développement, tant en termes de partage équitable des ressources génétiques marines, de transfert de technologies que de renforcement de capacités.

Sous ce rapport, l'exploitation doit permettre de résorber les disparités entre les pays du Nord et ceux du Sud, notamment par une coopération gagnant-gagnant.

C'est dire que cet accord a une signification plus large car nos efforts démontrent que le multilatéralisme, bien que faisant l'objet de questionnement en ces temps de crises, demeure la solution aux défis qui se posent à nous, en tant que Communauté internationale.

Pour paraphraser SEM Macky SALL, Président de la République du Sénégal, gageons que cet accord contribuera à redonner du sens au multilatéralisme. C'est à ce prix que nous pourrions soigner et préserver notre planète.

Ma délégation est convaincue que son entrée en vigueur, dans les meilleurs délais, permettra une meilleure protection des océans et des mers, dont les ressources doivent être exploitées de manière durable, dans l'intérêt de toute l'humanité et pour le bénéfice des générations futures.

Je vous remercie.

Singapore

Thank you, Madam President.

It has a nice ring to it. Your Serene Highness, Prince Albert of Monaco, thank you for reminding us that the ship has reached shore. We also thank you for many years of decades of support, being the lighthouse to make sure this ship navigates safely to shore. Thank you, Your Serene Highness.

I would also like to extend my congratulations to Madam President, and indeed all the delegates here on this historic occasion when we adopt the BBNJ (Marine Biodiversity of Areas Beyond National Jurisdiction) Agreement. A historic decision was made today, and it was only possible because of the political commitment of everyone to find a practical solution forward. The world is in an unsettled place, but the world needs good news, and today is a good day. I would also like to add that it is fitting that the adoption of this Agreement comes in the week in which the United Nations will celebrate the International Day of Women in Diplomacy. Many women have played critical roles in the development of this treaty, including in leadership positions. Madam President, as we celebrate the adoption of this treaty, let us take a moment to reflect on and to recognise the significant contributions made by women in diplomacy since the founding of the United Nations. To all the women ambassadors and delegates down here, and to all the women in this room, thank you. Thank you even more so for the future when I am sure we will make this world a better place.

I want to make just three quick points on this occasion.

First, the adoption of the BBNJ Agreement is a victory for international law. It is fitting that it was adopted not long after the international community celebrated the 40th anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). This sets out the legal framework within which all activities in the oceans and seas must be carried out. This is an agreement that is grounded in and upholds UNCLOS through the rules that it sets for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. I believe it strengthens the comprehensive framework provided by UNCLOS and reaffirms the rule of law in ocean governance.

Second, the adoption of this Agreement is a victory for the management of the global commons. The ocean provides food, supports millions of jobs, and a livelihood across the entire world, including for landlocked states. We are all dependent on the oceans. It enables global trade and communications, it plays a critical role in climate systems and the water cycle and is a critical reservoir of marine biodiversity. This Agreement is a collective game changer for our efforts to conserve and to sustainably use marine biological diversity. It also marks a step forward for the implementation of Sustainable Development Goal 14 that mandates the conservation and sustainable use of the oceans, the seas, and the marine resources for all humanity.

Third, the adoption of this Agreement is a victory for multilateralism, and for the United Nations itself. Singapore is a tiny city state in the heart of Southeast Asia. Our history, our people and our economy are deeply intertwined with the ocean. We rely on the ocean for our survival and our prosperity, and at the same time, we recognise the importance of multilateral cooperation under the aegis of the United Nations in establishing and upholding a rules-based international order founded upon international law. This is especially critical for the survival of small states everywhere. The adoption of this Agreement by consensus, in a time when the world is unsettled, is all the more remarkable. It is a testament of what can be achieved in the United Nations, when we take collective action in pursuit of a shared objective.

Madam President,

On behalf of the government and the people of Singapore, let me say that we feel very privileged and humbled that a Singaporean ambassador was given the honour to preside over the BBNJ negotiations. We express our appreciation to all delegations present for your tireless efforts, your hard work and flexibility, which were critical for the successful conclusion of these negotiations. I also want to thank the UN Secretariat, in particular the Secretary-General of the Conference, Mr Miguel de Serpa Soares, and DOALOS (Division for Ocean Affairs and the Law of the Sea), which provided invaluable support and assurance to the President

and delegations throughout the negotiations and the many sleepless nights which I know you all endured.

I would also like to take this opportunity to thank all the observers, many of you seated at the back (of the room). Your presence is noted and deeply appreciated. To the inter-government organisations and civil society organisations, you have been a constant presence on this journey towards concluding this Agreement. You have every right to take credit for and responsibility for the conclusion of these negotiations by your active participation in the sessions of the conference as observer delegations. The initiatives launched by the civil society organisations and other observers have also contributed to maintaining the momentum, and to keep the political pressure which has led to this successful outcome.

Let me conclude that today is a critical moment, but our work is not yet done. The international community must now strive for universal participation in and effective implementation of the Agreement. Singapore will sign the Agreement when it opens for signature on the 20th of September 2023, and we intend to ratify it as soon as possible. Just to remind you, you have got the little octopus, and the flag saying, “please ratify now”. On that note, let me again, call on all UN member states to similarly strive for an early signing and ratification of the treaty, and to share your experiences in ratification with other states so that we can work for its entry into force in the near future as soon as possible.

Thank you all again, Madam President, ladies and gentlemen.

South Africa

Madam President,

Thank you very much for giving the South African delegation the floor. At the outset, we associate ourselves with the statements delivered on behalf of the Group of 77 and China and the African Group respectively. I therefore deliver this statement at our national capacity. We welcome the conclusion of the negotiations of the international legally binding instrument under the United Nations Convention on the Law of the Sea (“UNCLOS”) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (“BBNJ”). We welcome the convening of this meeting to adopt the BBNJ Agreement by consensus. We thank you for your leadership and your Bureau, your team, the Facilitators, DOALOS and the interpreters, for the excellent work done throughout the BBNJ negotiations.

Madam President,

It is common cause that a historic agreement was reached at the United Nations in New York on Saturday, March 4th, 2023, on the text of a new treaty. I quote *“The ship has reached the shore”* unquote. These six words announced by you, in a historic moment, allowed a wave of relief to wash over the room at the resumed fifth session of the Intergovernmental Conference on March 4th. This marked the successful conclusion of a 36-hour non-stop negotiating marathon, which portrayed delegates’ admirable commitment to reaching agreement, but also brought many close to their physical limits. These six words further marked the successful conclusion of a 20-year long voyage for the international community, which agreed on a new Ocean Treaty as a framework to address many of the challenges the Ocean is facing.

Madam President,

While the new treaty took many years to negotiate, the final outcome provides a strong overall policy framework. When remaining obstacles are overcome and the treaty enters into force, it will need to position itself in a complex policy environment. If, through building appropriate synergies and attracting the necessary political support, the new treaty manages to act as a central authority and play an efficient coordinating role, we think it can be a game-changer, addressing the siloed approach to ocean management, and channelling efforts towards the common objective. The issues at stake stem from the lack of environmental safeguards, under UNCLOS, with respect to the growing number of human activities conducted in international waters, and the related degrading health of the deep oceans.

Madam President,

Protecting our ocean is of vital importance to present and future generations. The need to think about the future has never been more urgent, as the ocean and its living resources—on which we all depend—are threatened by the cumulative impacts of human activities. Conservation and sustainable use of the ocean is a key nature-based solution to global crises like climate change, for example by safeguarding ocean carbon transport, storage, and sequestration services provided by the carbon cycle, and by protecting and enhancing ocean resources and ecosystem functions necessary for climate adaptation. To achieve the treaty’s objectives, parties are to be guided by principles and approaches such as the “common heritage of humankind”, “polluter pays”, “precautionary and ecosystem approach”, and “fair and equitable benefit sharing”. The new BBNJ treaty reflects an attempt by the international community to address these issues through the adoption of a set of new tools, including (i) a regime for the exploitation of marine genetic resources and the sharing of benefits derived therefrom, (ii) a requirement to conduct environmental impact assessments on planned activities that may lead to substantial pollution or harmful changes to the marine environment, (iii) a framework for the establishment of a network of area-based management tools and marine protected areas, and (iv) mechanisms for capacity-building and the transfer of marine technologies from developed to developing states.

Madam President,

Developing countries will be supported in their participation in and implementation of the new treaty by a strong capacity- building and marine technology transfer component, funded from a variety of public and private sources and by an equitable mechanism for sharing the potential benefits of marine genetic resources. Each of these tools will be introduced in ABNJ after the BBNJ treaty is officially adopted and ratified by enough states for it to enter into force. The treaty also creates new international bodies that will be in charge of overseeing its implementation, including a conference of parties, a secretariat, a scientific and technical body and an implementation and compliance committee. The BBNJ Treaty requires that the Parties cooperate to prevent disputes and also, to settle disputes by peaceful means. As for the specific means, the Parties have a wide range of options, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement or any other peaceful means of their own choice. A dispute involving a technical nature may refer to an ad hoc expert panel established by the parties to the dispute, and such panel will endeavour to resolve the dispute expeditiously without recourse to binding procedures for dispute settlement. Such ad hoc expert panel may be useful for disputes associated with benefit sharing of MGRs of ABNJ.

In conclusion, Madam President,

We welcome the convening of this meeting to adopt the BBNJ Agreement by consensus. I thank you for your attention.

Sri Lanka

Chairperson, Distinguished delegates,

On behalf of the Government of Sri Lanka, it is with great pleasure that I am present here today to convey our profound gratitude and privilege to be a part of this momentous occasion. We wholeheartedly acknowledge the immense significance of this conference and endorse that this draft agreement reached is a significant milestone in advancing multilateralism and strengthening the framework for ocean governance.

The tireless efforts and dedication of the delegates, even on the final day of the Conference, are commendable, and I extend my heartfelt congratulations to all delegations involved, with special recognition for Her Excellency Mrs. Rena Lee of Singapore, the President of the Conference, for her leadership in this historic achievement.

We emphasize the significance of capacity building and technology transfer, and we appreciate the progress made in this regard. Looking ahead, we eagerly anticipate the establishment of a robust Capacity Building and Transfer of Marine Technology Committee during the implementation phase. This committee will play a vital role in facilitating knowledge exchange and empowering nations to effectively address the challenges and opportunities related to marine conservation and sustainable use. Sri Lanka welcomes the commitment by developed countries under the BBNJ agreement to fund capacity building projects which will assist developing countries to undertake conservation measures. In order to benefit from the agreement in a fair and equitable manner, developing countries such as Sri Lanka need capacity building and transfer of marine technology, knowledge sharing and cooperation to fulfill rights and responsibilities in a meaningful manner.

Sri Lanka emphasizes the need for tailored capacity building modalities, highlighting the importance of long-term vision and cooperation in technology development and transfer.

The true measure of success is not in the destination reached, but in the tireless journey undertaken to get there. Today we mark the end of a long and intricate negotiation, where the seas of understanding and compromise have finally converged. Through the navigation of legal complexities, we have charted a course towards a more just and sustainable future for our oceans.

With great appreciation for the collaborative efforts of all parties involved, Sri Lanka remains dedicated to the successful implementation of the agreed-upon measures, working towards a future where our ocean resources are safeguarded, as a common heritage of mankind for the benefit of present and future generations.

Thank you.

State of Palestine

Excellencies,

At the outset, allow me to thank the President of the Conference and her team for this achievement and also thank States, international organizations, NGOs, and others for their tireless work and advocacy towards protecting our biodiversity.

We align ourselves with the statement made by G77 and China.

Today is an exceedingly important day for biodiversity across the “One Ocean”, as well as the health of Earth as whole. The adoption of the BBNJ agreement is about the preservation of our peoples and a necessary step towards the future we want for all generations to come.

The State of Palestine is proud to have played a significant role, within the global south, in the formation and formulation of the BBNJ. As a Chair of G77 and China in 2019 and then as an active member of the group, the State of Palestine strived for consensus while also advocating for a more ambitious and impactful instrument in areas critical to developing countries, in solidarity with, and for the benefit of, peoples everywhere.

The State of Palestine stresses the importance of the conservation and sustainable use of the Ocean and its resources for sustainable development, including given their contributions to poverty eradication, sustained economic growth, food security and creation of sustainable livelihoods, while at the same time protecting biodiversity and the marine environment and maintaining the Ocean’s critical role in providing carbon and climate services. Thus, the implementation of the agreement shall be supportive of a healthier environment, decreasing inequity, and enhancing economic justice.

Today’s adoption of the BBNJ agreement is just the beginning. The international community must strive for further progress through the instrument’s governance and implementation, including benefit sharing applied across the entire instrument, disclosure of information on use of MGRs, and engagement on intellectual property rights in alignment with other established biodiversity instruments and the common heritage of humankind.

As the guiding principle of this agreement, we reiterate that the Principle of Common Heritage of Humankind is a norm of customary international law and emphasize the *erga omnes* obligations to protect the environment and biodiversity of the High Seas and the Area. It is the universal values flowing from the principle that secure the conservation and sustainable use of the global commons.

The State of Palestine continues to express concerns as to the funding of BBNJ implementation and urges all States to call for early implementation of the BBNJ agreement as a priority goal of the forthcoming UN Ocean Conference process, including the organization of a dedicated BBNJ pledging conference in order to mobilize all stakeholders to positively engage in the restoration the biodiversity of the High Seas and Area.

We agree with Madame President where she acknowledges the importance of a preparatory process to carry out the required preparations for that first meeting of the Conference of the Parties, and to provide guidance on the work of the interim secretariat until the convening of that meeting, would be very helpful.

Finally, the State of Palestine is committed to ocean justice. The BBNJ embodies our obligations towards humanity, future generations, and the earth we inhabit. It is about justice underpinned by the Common Heritage of Humankind. Adherence to it is a must.

Suriname

Thank you, Madame President, for giving my delegation the floor.

My delegation aligns itself with the statement delivered by Cuba on behalf of the G77 & China and would like to add the following in our national capacity.

As this is the first time my delegation has taken the floor, I first want to compliment you, Madame President, on the excellent leadership provided in this important process.

You have managed through the past decades, together with your supporting team, to steer us to save haven.

Secondly, we also thank DOALOS and the BBNJ Trust fund for facilitating the process so that my delegation and many others could attend the BBNJ meeting.

The BBNJ agreement will benefit mankind as a whole and in particular, the future generations. We have accomplished a lot, but we are not there yet.

We are now obliged to continue our efforts to ensure that the treaty enters into force and is implemented as soon as possible.

Thank you madame President.

Thailand

Madam President,

My delegation wishes to align itself with the statement delivered by Cuba on behalf of the Group of 77 and China.

Allow me to express my delegation's sincere appreciation for your inspiring leadership and dedication in steering the negotiations to a successful, historic outcome. The transparent and inclusive process allowed voices of smaller States to be heard alongside those of larger, more powerful States. I commend the impeccable work of the facilitators and the Secretariat. I wish to also thank all colleagues for working together in a collaborative and constructive spirit to craft creative solutions that have brought closure to many long-standing issues.

Madam President,

Yesterday's adoption of the BBNJ agreement signals a triumph for multilateralism in addressing the global challenges of biodiversity loss and degradation of ocean ecosystems. It is a turning point in history brought to fruition by our common desire to ensure a more sustainable way of living that respects the needs of people and future generations.

Thailand has always been firm that the common heritage of humankind should be the overarching principle for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. It is therefore most reassuring to see the principle finding expression in the Agreement.

In particular, compulsory sharing of benefits in a fair and equitable manner will ensure that the utilization of marine genetic resources in areas beyond national jurisdiction will be for the benefit of humankind as a whole, including through enabling developing States to implement the Agreement. In this regard, Thailand is also heartened that we have secured a well-resourced mechanism for capacity building and transfer of marine technology with particular consideration for the specific needs and priorities of developing States.

As a consequence, this Agreement will bring about an enabling environment for the effective implementation of its robust provisions on environmental impact assessments and marine protected areas for the protection of the marine environment which will be critical to preserving marine biological diversity within the areas beyond national jurisdiction for future generations.

Madam President,

The task now is to ensure that the provisions of this Agreement are effectively implemented. Countries should move quickly to ratify this landmark Agreement in order to allow for its prompt operationalization. In this critical process going forward, the international community must retain the energising and uplifting spirit of this successful IGC5 further resumed session. The world expects no less.

Timor Leste

I thank you Madam President,

We are pleased to join the adoption of the Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (“BBNJ”).

We extend our congratulations to you, as your leadership and guidance have led us to this important Agreement. We thank the members of the bureau and the facilitators, the DOALOS Secretariat, for the excellent work during the entire IGC sessions on the BBNJ.

We wish to also thank the delegations, especially the Chairs of the G77 and China, for their constructive spirits and great level of engagements during the sessions of the Conference to also contribute to help reach this milestone.

We also thank the participants of all organizations, including from the civil society, for their valuable inputs throughout this process until the adoption of this Agreement.

Madam President,

We are aware that this is just the beginning as we will still need to navigate through several formal processes, including the signing, ratifications, the entry into force, and most importantly, the implementation of the agreement to keep the work in the protection and preservation our One Ocean that is still under observed, more robust.

For Timor-Leste, the conservation and sustainable use of marine biological diversity beyond national jurisdiction is of immense importance. The ocean has always been a space that we constantly turn to for resources to sustain our lives. It plays an important role for the sustainable development of our populations, including their food security and the enjoyment of their economic, social, and cultural rights. We welcome the development of regulations on capacity building and transfer of marine technologies, which are essential for us Small Island Developing States.

We believe that this agreement will help in establishing an ocean governance that is built on an international order based on robust, clear, and transparent rules, capable of being implemented in practice, to also contribute towards the maintenance of the international peace and security.

Madam President,

We have always been a strong supporter of UNCLOS which is the Constitution of our Ocean. We hope that the text of the BBNJ Agreement adopted can be an important update to UNCLOS, which will contribute towards the strengthening of the collaboration of nations for the protection and preservation of the resources in the areas beyond national jurisdiction.

To conclude, we wish to emphasize that in order to reach our common objective, this Agreement must be interpreted in a manner that is compatible with the efforts already initiated for the conservation and preservation of the oceans. In addition, in its implementation, the Agreement must be interpreted in such a way that the sovereignty—the political independence and territorial integrity—of the States guaranteed by the Charter of the United Nations and UNCLOS is respected.

I thank you.

Togo

Madame la présidente,

Le Togo est solidaire de la déclaration faite par le distingué Représentant permanent de la Somalie au nom du groupe africain et souhaiterait faire les remarques ci-après, à titre national.

Ma délégation voudrait, avant tout, vous exprimer, à vous-même, aux membres du bureau et à l'ensemble des négociateurs, ses plus chaleureuses félicitations pour l'aboutissement de ce processus après près de deux décennies de négociations.

Engagé à cette fin depuis le début de nos travaux, le Togo se félicite de l'adoption ce jour de cet Accord international juridiquement contraignant se rapportant à la Convention des Nations Unies sur le droit de la mer et portant sur la conservation et l'utilisation durable de la biodiversité marine des zones ne relevant pas de la juridiction nationale.

Madame la présidente,

L'Accord BBNJ vient à point nommé car non seulement les Nations Unies célèbrent depuis 2021 la Décennie pour l'océanographie au service du développement durable, mais également et surtout par ce que nos Océans souffrent d'être soit surexploités de part et d'autre, soit gérés de façon anarchique.

Après cette belle victoire du multilatéralisme, mon pays appelle à un engagement ferme de tous les États pour une opérationnalisation rapide du Traité car il permettra une gouvernance plus juste et plus équitable de la richesse des écosystèmes marins et contribuera grandement à la conservation et à une utilisation durable desdites ressources.

Madame la Présidente,

Notre joie face à l'accomplissement de cet important pas ne doit en aucun cas nous faire oublier que d'autres étapes tout aussi cruciales doivent être franchies pour une implémentation effective de l'Accord BBNJ. Ces étapes exigent de toutes les parties prenantes le même engagement, en vue de la signature, de la ratification et de la mise en œuvre de l'Accord.

Pour sa part, le Togo s'engage à signer diligemment cet important instrument et à travailler à sa ratification.

Je vous remercie

Tonga

Madam President, Distinguished Delegates, Ladies and Gentlemen,

At the outset I wish to align myself with the statements delivered by Cuba on behalf of the Group of 77 and China, Samoa on behalf of the Alliance of Small Island States, Palau on behalf of the Pacific Small Island Developing States, and Fiji on behalf of the Pacific Islands Forum.

Madam President,

We have finally arrived at the adoption by consensus of this new Agreement. Our voyage to shore was one fraught with difficulties and challenges as expected of an ocean voyage. As traditional custodians of the largest ocean, and as a seafaring people of an island nation, this is understood fully well.

But we are finally here thanks to your able captaincy of our “vaka” or canoe, guiding all our efforts and strengths, and leading us to shore. For this we convey our profound appreciation to you and your team. We also wish to extend our gratitude to the Facilitators and not forgetting the Secretariat for the support and outstanding work throughout these many years.

Madam President,

The collective efforts of all Delegations has resulted in this monumental piece. A new Agreement on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.

It is an Agreement that benefits all countries, no matter the developing Status. It ensures no one is left behind and reflects our common endeavor and desire to conserve and sustainably use marine biodiversity of areas beyond national jurisdiction, our common heritage.

It is an Agreement for all biodiversity of areas beyond national jurisdiction, no matter how big or microscopic they may be.

It is an Agreement which sets an important foundation for current and future generations who will inherit the legacy we have created today, to ensure that our work on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction continues in the future.

Madam President,

As one voyage was completed, it also marked the beginning of new voyages which requires us as States to charter new courses individually, by way of signature and ratification, and collectively, by way of implementation.

These 3 words sign, ratify, and implement, are our next steps. They are vital in bringing the Agreement to life and ensuring the conservation and preservation of life for all peoples and all biodiversity.

The Kingdom of Tonga is committed to doing its part in cooperating with all State Parties to deliver and implement the objectives of the Agreement.

Madam President

Implementing this Agreement is a significant task. For Tonga, as a small island developing state, cooperation, capacity, access and funding are essential in ensuring the delivery of our common endeavor.

1. Cooperation is vital, for we cannot do it alone. The nature of the ocean requires us to cooperate and collaborate to ensure the proper enforcement of the measures set out under this new Agreement.
2. Capacity building and transfer of marine technology are integral in recognizing our needs for the effective and efficient implementation of this new Agreement.
3. Access to knowledge and information, is vital in defining and determining the appropriate implementing measures that will effectively conserve marine biodiversity of areas beyond national jurisdiction.
4. Funding is fundamental allowing small island developing states to deliver on this new Agreement and reap the benefits of our common heritage.

Madam President

In closing, allow me to thank you again for the leadership, delegations for the commitment, and all fellow voyagers on this journey. I must also acknowledge and thank the contributors to the trust fund and all other funding and support which ensured our participation in all Sessions of Intergovernmental Conference.

Without such commitments, this Agreement would not have its universal character.

I conclude with the three words of encouragement to you all "...sign, ratify and implement..."

I thank you Madam President.

Tunisia

C'est un grand honneur de participer à cette réunion qui fait date, pour l'adoption de cet accord sur la conservation et l'utilisation durable de la biodiversité marine au-delà des zones de juridiction nationale, une véritable percée qui marque l'aboutissement de près de deux décennies de négociations et qui s'appuie sur l'héritage de la Convention des Nations Unies sur le droit de la mer.

La Tunisie se félicite de l'adoption de cet accord historique et remercie l'Ambassadrice Rena Lee pour son leadership et son dévouement et tous les participants à la conférence inter-gouvernementale ainsi que le secrétariat pour les efforts déployés et pour la persévérance et la flexibilité démontrées et qui ont permis d'arriver à ce compromis, juste et applicable pour garantir un océan plus sain, plus résilient et plus productif comme vient de le dire le secrétaire Général.

Cette percée démontre la vitalité et le potentiel du multilatéralisme qui reste sans doute notre meilleure option, et peut être l'unique, pour affronter efficacement les défis globaux, préserver notre planète et assurer un meilleur avenir aux générations présentes et futures.

Les océans, faut-il le rappeler sont l'un des principaux réservoirs de la biodiversité dans le monde, ce sont des puits de carbone essentiels à la régulation du climat et donc indispensables dans notre lutte contre le dérèglement climatique et au maintien de la vie sur notre planète.

L'accord ouvre la voie à des avancées essentielles en matière de création d'aires marines protégées en haute mer, d'évaluation de l'impact environnemental des nouvelles activités en haute mer, de renforcement des capacités des États en développement dans les domaines de la recherche scientifique et de gouvernance des aires marines. Il prévoit surtout un partage juste et équitable des avantages qui découlent des activités liées aux ressources génétiques marines des zones au-delà des zones de juridiction nationale. Il est également vital pour atteindre les Objectifs et les cibles liés aux océans du Programme de développement durable à l'horizon 2030.

Ce sont autant de chantiers aussi qui nous attendent après l'entrée en vigueur de cet accord que nous souhaitons la plus rapide possible. « Le navire est arrivé à bon port », vous disiez Mme la présidente l'autre jour, mais pour l'équipage il n'est point question de rester au repos.

Je vous remercie

Türkiye

Madam President

At the outset, we would like to commend you for your leadership in successfully guiding us to this momentous result and thank the Secretariat for their valuable work throughout this process. We also extend our appreciation to all delegations for demonstrating willingness and flexibility in bridging gaps, merging positions and upholding the common aim for universality in line with General Assembly resolutions 72/249 and 69/292, during the negotiations of this landmark instrument.

The adoption of the BBNJ Agreement [by consensus] constitutes a remarkable achievement for both multilateralism and also for our planet.

The ocean represents our common home in which communities have prospered for millennia and on whose health the prospects of well-being and peace for humankind depend.

We believe that the BBNJ Agreement will serve as a crucial tool in our common efforts to safeguard the ocean for the benefit of current and future generations.

As an upper-middle income developing country, Türkiye attaches high importance to the BBNJ process, and was pleased to actively and constructively participate in the negotiations since day one, in order to achieve an inclusive instrument acceptable for all. Our participation was based on the understanding that the BBNJ process aims for universality and is open to all UN Member States regardless of their legal status vis-à-vis UNCLOS, in line with UN General Assembly Resolutions 72/249 and 69/292.

As a party to various international and regional instruments focused on the protection on marine biodiversity and environment, such as the UN Convention on Biodiversity, the Bucharest Convention for the Protection of the Black Sea, Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area as well as the Barcelona Convention on the Protection of Marine Environment of the Mediterranean, Türkiye is strongly committed to the regional and global efforts to conserve and sustainably use ocean biodiversity within and beyond national jurisdiction and has a vision to integrate these into its national legislation in line with its national capacity.

During the COP22 of the Barcelona Convention, which Türkiye hosted, a number of historic decisions were taken to protect the marine environment and conserve the biodiversity of the Mediterranean. Türkiye values the potential role of the BBNJ Agreement to complement collective efforts and to ensure appropriate consistency both in regional and international level to preserve marine biodiversity in a comprehensive and integrated manner.

Furthermore, as the host of the upcoming COP16 of the UN Convention on Biodiversity in 2024, Türkiye will continue to play a leading role to preserve ocean biodiversity globally.

Madam President,

We would like to take this opportunity to underline that Türkiye supports the general intent of UNCLOS and, only with the exception of three specific articles (3, 33 and 121), agrees with its provisions including those related to the protection of marine environment and the sustainable use of oceans and their resources.

On the other hand, it was important for our delegation to create an instrument that enabled the full integration to the BBNJ process of non-Parties to UNCLOS, bearing in mind that the instrument at hand is in essence an environmental agreement and will complement the UN Convention on Biodiversity. In this regard, we welcome the inclusion of Article 5, concerning the legal status of non-Parties to the UNCLOS, in the text of the BBNJ Agreement.

Madam President,

Finally, Türkiye is committed and looks forward to collaborate with member states during the upcoming stages of the process, in order to ensure the effective implementation of this landmark Agreement.

I thank you, Madam President.

Tuvalu

Madam President and Distinguished Delegates,

On this auspicious occasion, I rise to speak on behalf of the Delegation from Tuvalu. We share a sense of immense pride and honor to be here in this assembly, celebrating an epoch-making moment in ocean stewardship. In unity with our distinguished peers from the Alliance of Small Island States (AOSIS), the Pacific Islands Forum (PIF) and Pacific Small Island Developing States (PSIDS), we are ready to embark on a historic mission aimed at preserving and ensuring the sustainable management of our invaluable oceans and the rich biodiversity they harbour.

Today marks the recognition of an outstanding accomplishment - the establishment of a distinctive governance system to conserve and promote the sustainable utilization of marine biodiversity in areas beyond national jurisdiction. This trailblazing framework signifies our staunch commitment to fairness, global cooperation, and, most importantly, the preservation of our precious oceans for future generations.

Madam President,

your stellar leadership and staunch dedication have been like a lighthouse, illuminating our way through the intricate challenges of this demanding endeavor. Your unyielding commitment to transparency, inclusivity, and equity has provided a solid foundation, facilitating our successful journey through the sometimes turbulent waters of negotiation. We have arrived at a promising destination, one of consensus and calm.

On behalf of Tuvalu, we express our profound gratitude to you, Madam President. The unwavering leadership, the dogged determination of your team, and the ceaseless efforts of the DOALOS secretariat have been indispensable.

We understand the intricate interconnectivity of our ocean ecosystems, and their significant impact on our economies, cultures, and livelihoods. This agreement emerges as a vital instrument, ensuring sustainable utilization and equitable distribution of marine resources, while taking into account the unique circumstances of Small Island Developing States.

As part of the global ocean community, Tuvalu is keen to witness the swift ratification and implementation of this agreement. We commit to continued engagement with Member States and all relevant stakeholders, trusting that this commitment will be mirrored as we transition from agreement to implementation. We are confident that our collective efforts, underpinned by this agreement, will lead to a brighter and more sustainable future for our oceans and our planet.

In closing, I wish to express my deepest gratitude to all parties involved in this process. Your unwavering dedication and commitment have been instrumental in reaching this critical milestone. On behalf of Tuvalu, we express our heartfelt appreciation for your efforts. As we take the next steps towards implementing this landmark agreement, we look forward to continuing our shared journey towards a more sustainable future.

Thank you.

Uganda

Madam President,

Under Secretary General for Legal Affairs and United Nations Legal Counsel, Excellencies, Distinguished Delegates,

I have the honour to deliver this statement on behalf of the delegation of the Republic of Uganda. My delegation aligns itself with the statements made by Botswana on behalf of the Land Locked and Developing Countries, the Federal Republic of Somalia on behalf of the African Group and Republic of Cuba on behalf of G-77 and China.

My delegation welcomes the conclusion of the negotiations of the international legally binding instrument under the United Nations Convention on the Law of the Sea ("UNCLOS") on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (the "BBNJ Agreement"). Uganda a Landlocked developing country welcomes the adoption of the BBNJ agreement.

My delegation extends congratulations to you Madam President and the Conference on this monumental achievement.

Uganda is pleased by the special recognition that the treaty accords to countries with special needs, particularly to landlocked developing states, recognizing inherent embedded geographical impediments of lack of access to the sea. The effect of which includes insurmountable challenges that exacerbate economic and trade constraints.

My delegation is pleased that the final treaty espouses the principle of common heritage that Uganda as a Landlocked attaches great importance to. This is a great achievement for all.

My delegation would like to emphasize that a healthy ocean is the greatest tool to fight climate change, and the BBNJ Agreement with its rules on managing ocean life, conducting environmental impact assessments, and establishing marine protected areas in the high seas adds to the myriad but complementary means to secure a healthy ocean.

It is often said that 'the reward for hard work is more work'. As much as we celebrate this monumental achievement, there is more work to be done to deliver on the promises of the BBNJ Agreement. Post adoption support momentum is critical for the signing, ratification, and implementation of the agreement. These activities must be carried out in a way that maintains the universal confidence, integrity and progress collectively achieved.

Allow me to conclude, Madam President, by acknowledging the excellent work and dedication of the African Group of negotiators and advisors, whose knowledge, perseverance, handwork, and skill ensured the African perspective, interests and views were incorporated in the BBNJ Agreement.

I thank you for your attention.

United Kingdom

Madam President, late on the evening of Saturday, 4 March, you announced that the ship had reached the shore. In adopting this Agreement by consensus, we have secured the lines and ensured that she is safely berthed.

It has been a long voyage, but under your able stewardship we stayed the course. In reaching this point, we have demonstrated to the world that UN multilateral diplomacy can still succeed in reaching an ambitious agreement on issues of shared interest and concern.

The Agreement is historic for biodiversity, and will mean much greater protection for the two-thirds of the global ocean that lies beyond national jurisdiction. It will play a key role in supporting the delivery of the Kunming-Montreal Global Biodiversity Framework, including helping to achieve the target to effectively conserve and manage at least 30% of the ocean by 2030. It will support the achievement of SDG 14. It supports and implements the provisions of UNCLOS and reinforces the role of UNCLOS as the legal framework for all activities in the ocean and seas.

We are delighted to celebrate what we have collectively achieved, but the Agreement will not fulfil its promise to address the issues facing the ocean whilst it remains on paper alone. There is much work ahead of us to bring it to life. We look forward to its opening for signature on 20 September. The United Kingdom pledges to work with all delegations to ensure that the Agreement enters into force as soon as possible, that we are all present at the first Conference of the Parties and that the Conference of the Parties is prepared to start its critical work.

Finally, Madam President, we thank DOALOS for their work as the Secretariat of this process and we look forward to working with them as they take up the role of Interim Secretariat of the Agreement. We thank the interpreters and those providing conference services, and offer our sincere apologies to those using Conference Room 6 on that following Monday morning. We thank the Chairs and facilitators of the Preparatory Committee and the facilitators of the informal working groups of the IGC. We thank our colleagues in civil society who have supported us in our task. Last, but far from least, we thank you for your wise, constant and steadfast leadership. We echo the comments of the Minister of Foreign Affairs of Singapore on the example you have provided of women's leadership in international diplomacy and hail the inspiration you have provided to current and future women ocean leaders.

United Republic of Tanzania

Madam President, Distinguished Delegates,

At the outset, on behalf of the United Republic of Tanzania and my own behalf, I would like to express profound gratitude to you Madam President, and the Secretariat for organizing this Further Resumed Fifth Session of the Intergovernmental Conference on 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 the Areas Beyond National Jurisdiction.

Your guidance and abled leadership to accommodate diverse opinions and positions from different delegations have been very instrumental in the triumph of this important destination. I also commend the Facilitators of Informal Informal Consultations and Small Working Groups for their invaluable support and indulgences during the consultations.

Madam President,

We are ending today the journey that started during the IGC1 on BBNJ negotiations here in New York from 4 to 17 September 2018. The United Republic of Tanzania welcomes this outstanding achievement within six years only of negotiations. Adopting the BBN Agreement within such a short period is a commendable achievement. Tanzania is certainly confident that this comprehensive and inclusive legally binding Instrument will safe guard the well-being of mankind generation after generation.

Madam President,

My Delegation aligned itself with the Statement delivered by Cuba on behalf of the G77 and China and the statement delivered by Somalia on behalf of the African Group. The United Republic of Tanzania would like to thank all Delegations especially the African Group and the Group of 77 and China for the spirit of constructive engagement expressed throughout the negotiations.

It is much appreciated that we have completed one important step of adopting this Agreement, but we still have a very awaiting significant step toward the realization of the intended goal of this journey. The Implementation of this Instrument is very paramount in order to achieve its objective.

In this respect, I call upon all Member States to continue engaging at bilateral and multilateral levels to start the implementation of the Agreement. It is only through this effective reality on the ground and pragmatic approach, the adopted Agreement can be meaningful to the international community, especially developing countries.

On the same premise, we beseech the developed States to maintain the same spirit of engagement and constructive implementation of the Agreement. As we may recall that transfer of technology and sharing of benefits of marine biological diversity, funding and capacity building were the most contentious issues during the negotiations, we urge the developed States and our partners to be willing to provide adequate resources in order to support the implementation of this Agreement.

Madam President,

The United Republic of Tanzania remains committed to multilateralism in implementing its obligations under international law and reiterates to take all necessary administrative and legislative measures to implement this Agreement once it has been ratified.

Tanzania recommends that all States become Parties to this Agreement on the first day of opening ceremony for signature on 20th September 2023, and urge States to take necessary steps within their national jurisdiction to ratify it.

We hope that the BBNJ Agreement will enjoy wider acceptance and application like its parent convention, the UNCLOS the Constitution of the Ocean.

Tanzania is seized to continue strengthening both bilateral and multilateral cooperation in sustainable use and conservations of marine biological diversity, including the protection of the marine environment as a key pillar of ocean governance.

Thank You for your Attention.

United States of America

The United States is very pleased to join consensus on adopting the new Agreement 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.

Our ocean is key to the health and biodiversity of our planet. The United States is committed to safeguarding the health of our ocean for generations to come.

The BBNJ Agreement represents a once-in-a-lifetime opportunity to make good on that commitment for the high seas, which are increasingly threatened by a variety of stressors, including climate change, illegal, unreported, and unregulated fishing, and pollution.

This ambitious BBNJ Agreement creates for the first time an effective, coordinated, and cross-sectoral approach to establishing marine protected areas on the high seas. This is a truly remarkable accomplishment for the international community, and a key step in achieving our goal to conserve or protect at least 30 percent of the global ocean by 2030.

Additionally, the Agreement ensures that Parties conduct comprehensive and rigorous environmental review of their activities on the high seas and harmonizes the EIA process with assessments conducted under other international organizations.

We have also come together to create a fair and equitable benefit-sharing system under the Agreement that will ensure access to marine genetic resources in areas beyond national jurisdiction and promote marine scientific research, exploration, and innovation by countries around the globe.

Finally, the Agreement includes robust provisions on capacity building and transfer of marine technology, which will promote the conservation and sustainable use of high seas biodiversity.

We would like to take this opportunity to clarify our interpretations of several important issues related to this Agreement.

We do not interpret anything in this Agreement as authorizing or permitting any waiver or undermining of existing intellectual property rights and obligations under international or national law; requiring mandatory disclosure of trade secrets, protected undisclosed or confidential information; requiring mandatory disclosure in patent applications of the origin or source of marine genetic resources; or requiring compulsory licenses.

Regarding the undefined term "digital sequence information," we understand this term to refer to genetic sequence data that describes the order of nucleotides in DNA or RNA.

While the provisions of this Agreement shall apply to utilization of marine genetic resources (MGR) and digital sequence information (DSI) collected or generated before entry into force for a party that does not make an exception under Article 10.1, the utilization itself must occur after entry into force for the provisions to apply.

We support this Agreement creating a system for the fair and equitable sharing of benefits related to MGR of areas beyond national jurisdiction, even though these resources are not the common heritage of humankind. This Agreement does not depart from the United Nations Convention on the Law of the Sea, which uses the term common heritage of humankind only in reference to the mineral resources of the Area.

We interpret the requirements to take "necessary legislative, administrative or policy measures," in Article 14.11 to require that adequate notice of the obligation to share benefits is provided to users prior to the activities that trigger the benefit-sharing obligation.

Regarding the term “collection in situ,” in relation to MGR, we interpret this term to mean the collection of MGR which are collected for the purpose of conducting research into their genetic properties.

Regarding the undefined term “activities,” with respect to MGR and DSI, we interpret the meaning of activities to be determined through the substantive provisions of the Agreement. As related to benefit sharing obligations, we interpret “activities” to include collection of MGR in areas beyond national jurisdiction, access to MGR of areas beyond national jurisdiction, and utilization of such MGR and DSI on such MGR.

Regarding Article 12.7 on biennial reports on access to MGR and DSI, we interpret this as applying only to those MGR and DSI that have a known BBNJ identifier. Additionally, the aggregate report on access will only provide the number of times a given MGR or DSI is accessed every two years, not information on who accessed, from where they accessed, or any subsequent utilization.

While Article 12.8 requires certain information related to the utilization of MGR and DSI, including commercialization, to be notified to the BBNJ Clearinghouse Mechanism, nothing in the Agreement requires disclosure of information that is protected from disclosure under the domestic law of a Party or other applicable law.

We do not view Article 13 on traditional knowledge associated with MGR as precedent-setting for other fora.

Regarding the obligation to share non-monetary benefits and the non-exhaustive list of such benefits in Article 14.2, we interpret this to mean that a Party may choose which non-monetary benefits to provide. We interpret non-monetary benefits as being required for activities with respect to MGR of areas beyond national jurisdiction, but not to access to or utilization of DSI of such MGR.

We interpret Article 22 to mean that the BBNJ Conference of the Parties cannot take decisions pursuant to that article to adopt measures within the competence of other relevant legal instruments or frameworks, or relevant global, regional, subregional, or sectoral bodies.

Regarding the relationship between fisheries and Part II, we interpret the term “fishing-related activities” in Article 10 to include, among other things, research to support management of fisheries and their associated ecosystems.

Regarding emergency measures in Article 24, we interpret “serious or irreversible harm” to reflect the circumstances arising from catastrophic and unforeseen disasters. We support the use of these measures when necessary and when the relevant legal instrument or framework or global, regional, subregional, or sectoral body cannot take timely action.

We interpret the obligations to “give consideration” to concerns, comments, notifications, and recommendations in Articles 31, 33, and 37 to apply whether or not a planned activity has commenced, and as not requiring a specific outcome with respect to implementation of a planned activity.

We interpret the scope of “planned activities under [a Party’s] jurisdiction or control” to be solely within the discretion of such Party to determine, on a case-by-case basis and consistent with its domestic law.

We interpret the term “guidelines” as used in Article 38 to refer to non-legally binding instruments.

With regard to the provisions on transfer of marine technology, the clause “mutually agreed terms and conditions” referenced in Article 43 means that all parties to the transfer have agreed to all terms and conditions voluntarily, without being forced or coerced into such agreement.

We interpret the references to access and accessibility in Article 52 to mean eligibility for access to resources in compliance with applicable programming strategies, standards, policies, and procedure.

With respect to Article 64, we confirm our understanding that a regional economic integration organization (REIO), when voting on a matter within its competence, should only exercise a number of votes equal to the number of members who are present and duly accredited at the time of the vote.

We look forward to resolving the voting modalities for all parties in the rules of procedure or through another mechanism by the first meeting of the Conference of the Parties.

Consistent with Article 239 of the Convention, we reaffirm the fundamental importance of promoting and facilitating marine scientific research with respect to all Parts of this Agreement.

In conclusion, we would like to commend the President, Ambassador Rena Lee, for her tireless leadership, as well as the facilitators, the Division for Ocean Affairs and the Law of the Sea, all delegations and observers, and civil society for the hard work, flexibility, and collaborative spirit needed to reach this important milestone.

Our ocean is under threat and it is long past time for a change. Our collective commitment to a successful Agreement on the conservation and sustainable use of high seas marine biodiversity will enable us to realize that change.

We look forward to continuing to work together as we take the next steps to implement this historic Agreement.

Thank you.

Bolivian Republic of Venezuela

Señora Presidenta,

Primeramente, mi delegación quisiera expresarle su sincero reconocimiento por su liderazgo y reiterado espíritu constructivo a lo largo de las cinco sesiones de esta Conferencia Intergubernamental, el cual fue fundamental para llegar a una adopción consensuada del texto ante nosotros. Agradecemos, igualmente, a los facilitadores de los distintos grupos de trabajo por sus esfuerzos, así como a la Secretaría de las Naciones Unidas por el apoyo brindado a lo largo de este proceso.

Señora Presidenta,

La República Bolivariana de Venezuela suscribe la intervención formulada por la delegación de la República de Cuba, en nombre del Grupo de los 77 más China, y, en su capacidad nacional, quisiera agregar las siguientes consideraciones.

Mi país reconoce que los océanos y mares albergan hasta el 80% de la vida del planeta y que contribuyen, además, al bienestar social y económico de los pueblos, dada su importancia y vinculación para con la consecución del desarrollo sostenible en sus tres dimensiones.

En ese orden, reconocemos igualmente que las áreas marinas fuera de la jurisdicción nacional cubren cerca de la mitad de la superficie de nuestro planeta y que son a su vez el hogar de múltiples especies hasta ahora poco conocidas por

la humanidad. En las últimas décadas, han surgido amenazas contra estas áreas y sus recursos, vinculadas a su uso y sobreexplotación en el marco de un sistema económico depredador, cuyos efectos devastadores han provocado una larga lista de efectos perjudiciales que ponen en peligro la diversidad biológica, amenazan la propia supervivencia de la especie humana y amenazan, además, la consecución de los Objetivos de Desarrollo Sostenible (ODS).

De allí que consideremos vital reconocer los fracasos civilizatorios, tal como señalaba recientemente el Presidente Nicolás Maduro Moros, en el marco de la 27ª Conferencia de las Partes de la Convención Marco de las Naciones Unidas sobre

el Cambio Climático (COP-27), en Sharm El Sheikh, para poder entonces rectificar de manera radical, incluyendo a través de esfuerzos que permitan consolidar un nuevo orden económico internacional, más justo, inclusivo y equitativo, que tenga realmente en cuenta los intereses y necesidades de *toda* la humanidad, sin exclusiones de ningún tipo y, de manera particular, de los países en desarrollo.

Señora Presidenta,

La República Bolivariana de Venezuela coincide en que la adopción del principio de “Patrimonio Común de la Humanidad” como uno de los principios guías del Acuerdo que hoy se ha adoptado, así como la inclusión de la distribución justa y equitativa de los beneficios que se deriven de las actividades relacionadas con los recursos genéticos marinos y la información digital sobre sus secuencias de las zonas situadas fuera de la jurisdicción nacional, es una victoria para los países y pueblos del Sur. Y es que estos principios proporcionan la base para un régimen que permitirá a todos los países beneficiarse del potencial que representa la biodiversidad marina en términos de desarrollo sostenible.

Mi delegación destaca, igualmente, la necesaria implementación de mecanismos para el establecimiento de las áreas protegidas, así como para la realización de evaluaciones ambientales de las actividades que se realicen en áreas fuera de la jurisdicción nacional, con el fin de realizar un uso sostenible de los recursos de las áreas de aplicación del Acuerdo. No se trata, pues, sólo de la obtención de beneficios, sino de pensar y actuar en aras de la protección de la diversidad biológica marina tanto para las generaciones presentes, como

para las futuras.

Señora Presidenta,

Más de 500.000 Km2 de superficie acuática forman parte integral del territorio venezolano, razón por la cual los mares y océanos poseen gran importancia para nuestro país. Por consiguiente, la conservación de los recursos marinos tiene una atención prioritaria en las políticas del Estado venezolano, abogando en todo momento por su desarrollo integral, e insistiendo en que todas las negociaciones relacionadas con el derecho del mar han de reflejar principios vinculados con el derecho al desarrollo sustentable del medio marino y sus recursos para las generaciones presentes y futuras.

Así las cosas, Venezuela otorga gran importancia al proceso que concluye hoy con la adopción de este Acuerdo y ha decidido participar activa y constructivamente en esta Conferencia Intergubernamental, reconociendo la necesidad de contar con un marco jurídico destinado a regular la diversidad biológica marina de las zonas más allá de la jurisdicción nacional, a fin de asegurar su conservación y usos sostenible, a través de la cooperación y la coordinación internacionales.

En ese orden, si bien nuestro país se ha sumado al consenso que ha permitido adoptar este Acuerdo sin votación, debemos enfatizar que ello de forma alguna debe ser interpretado como una modificación de su posición tradicional respecto a la Convención de las Naciones Unidas sobre el Derecho del Mar (CONVEMAR), de la cual *no* es parte, por razones que han sido expuestas reiteradamente en distintos foros. De allí que el Estado venezolano *no* se encuentra vinculado por tales normas y las mismas *no* le son aplicables, salvo aquellas que expresamente hubiere reconocido o reconociera en el futuro, mediante la incorporación de éstas a la legislación nacional, habida cuenta el hecho de que las razones que han impedido a la República Bolivariana de Venezuela hacerse parte en tales instrumentos aún persisten en el tiempo.

En este sentido, subrayamos la importancia de que tanto en el preámbulo, como en el numeral 3 del Artículo 5 del texto adoptado, se consagra que la situación jurídica de quienes no son parte de la CONVEMAR no se verá afectada por el presente Acuerdo. Esta fórmula, sin duda alguna, ha sido fundamental para que nuestro país participe en esta Conferencia Intergubernamental y pudiera entonces sumarse al consenso respecto a la adopción del Acuerdo. A este respecto, quisiéramos hacer un reconocimiento especial tanto a Usted como al G77+China en su conjunto y, de manera particular, a la hermana delegación cubana, por sus incansables esfuerzos para mantener este importante elemento en el texto, a pesar de los intentos de algunos actores por suprimirla del documento final.

Señora Presidenta,

La República Bolivariana de Venezuela también resalta las disposiciones del Artículo 6 del Acuerdo, que establece que el mismo y cualquier decisión o actividad basada en él, “... *se entenderán sin perjuicio de cualesquiera reclamaciones de soberanía, derechos soberanos o jurisdicción, incluida cualquier controversia en esos ámbitos, y no podrán invocarse como fundamento para hacer valer o negar tales reclamaciones*”, tomando en cuenta que las mencionadas reclamaciones y controversias *no* forman parte del objeto de este Acuerdo.

En este contexto, al reiterar su firme e indeclinable compromiso con la solución pacífica de controversias, en línea con los postulados de la Carta de las Naciones Unidas, y en lo que se refiere a las controversias que puedan surgir en relación con la interpretación o la aplicación del Acuerdo recientemente adoptado, la República Bolivariana de Venezuela, como Estado no parte de la CONVEMAR, manifiesta que, si bien el Acuerdo que hoy se adopta, en sus numerales 1 y 2 del Artículo 60, señala que las disposiciones de la parte XV y de los Anexos V, VI, VII y VIII de la CONVEMAR se considerarán reproducidas a efectos de la solución de controversias en las que intervenga un Estado parte del Acuerdo que no sea parte de la Convención, no se debe perder de vista que un Estado, al no ser parte de una Convención, no tendría por qué reconocer toda la arquitectura institucional y organizacional del instrumento.

Adicionalmente, y en lo relacionado a los Procedimientos de Solución de Controversias, nuestra

delegación destaca la claridad del numeral 10 del Artículo 60, que establece que “...*nada de lo dispuesto en el presente Acuerdo podra invocarse como base para hacer valer o negar reivindicaciones de soberania, derechos soberanos o jurisdiccion sobre zonas terrestres o maritimas, incluida cualquier controversia en esos ambitos*”.

Señora Presidenta,

Para concluir, la República Bolivariana de Venezuela hace votos por mayores acciones que contribuyan con el cumplimiento del objetivo de asegurar la conservación y el uso sostenible de la diversidad biológica marina de las zonas situadas fuera de la jurisdicción nacional, a través de una mayor cooperación y coordinación internacionales, en beneficio de toda la humanidad.

Expresamos, por último, que estas consideraciones no son exhaustivas y que por consiguiente nos reservamos el derecho de realizar observaciones futuras sobre el Acuerdo adoptado, al tiempo que solicitamos que esta declaración forme parte integral de las actas de esta sesión.

Muchas gracias, Señora Presidenta.

Viet Nam

Madam President,

At the outset, my delegation joins distinguished colleagues in expressing our appreciation to you and the facilitators for your tireless endeavours and brilliant leadership throughout the whole process, guiding us to today's successful outcome. We also thank DOALOS for the support to this Conference.

My delegation aligns itself with the statement made by Cuba on behalf of the G77 and China.

Viet Nam welcomes the adoption of the Agreement and looks forward to the swift entry into force and full implementation of the Agreement.

The successful outcome today has shown the strong commitment and determination of this Conference.

This third implementation agreement of the United Nations Convention on the Law of the Sea of 1982 shall further reinforce the Convention - the Constitution of the oceans, the legal framework for all activities in the oceans and the seas. It is a consolidation of multilateralism and another milestone in the development of international law.

The adoption of the BBNJ Agreement, especially the affirmation of the principle "Marine genetic resources are common heritage of mankind" is also encouraging, in the context of the UN Decade of Ocean Science for Sustainable Development and the realization of SDG 14 on the conservation and sustainable use of the oceans, seas and marine resources for sustainable development.

Madam President,

As you wrote in your letter to the General Assembly's President, the Agreement is the outcome of a major and vital multilateral undertaking of nearly two decades of work. Some languages, together with the meaning attributed to such languages, are the outcome of extensive discussion.

One of them is Article 18, which provides "The Conference of the Parties shall not consider for decision proposals [for the establishment of such area-based management tools which include area within national jurisdiction]".

Thanks to UNCLOS, maritime zones within national jurisdiction, established in accordance with UNCLOS, are predictable, and so are areas beyond national jurisdiction.

On one hand, proposals which include national maritime zones established in accordance with UNCLOS shall not have legal effect. On another hand, the purpose of area-based management tools is, I quote, "to conserve and sustainably use areas requiring protection". This can only be achieved if the proposals are studied in a serious manner.

Therefore, Viet Nam emphasizes the understanding of the Conference that the term "the Conference of the Parties shall not consider for decision" means that the Conference of the Parties can look at a proposal but shall not decide on proposals which include national maritime zones established in accordance with UNCLOS.

I thank you, Madam President.

International Union for Conservation of Nature

Madam President,

IUCN, the International Union for Conservation of Nature, through its Members and Commissions, called for High Seas protection in its resolutions adopted as early as 2000. We celebrate this moment with all who have been on this long journey together: the adoption by consensus of the third implementing Agreement 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, yesterday, 19 June 2023.

We express our great appreciation for the work that has brought us here today by you, the Bureau, the Facilitators, the group leaders, all delegates, and observers, the *Ad Hoc Open-ended Informal Working Group*, DOALOS, the interpreters, the translators, and the Earth Negotiations Bulletin.

IUCN is grateful to you, the Bureau and States for enabling the participation of observers. As a result, IUCN was able to support the negotiations through its multidisciplinary independent experts, including experts in marine biology, finance, and law.

We encourage your continued support of observer participation in the future High Seas Biodiversity Treaty processes. IUCN calls for all States to sign the BBNJ Agreement this September and to accept, approve or ratify it swiftly in order to bring the High Seas Biodiversity Treaty into force as soon as possible and no later than 2025.

Early entry into force, preparations for the first COP, national implementation, and the prompt establishment of its institutions will be key in achieving the objectives of the treaty. Therefore, IUCN encourages delegates to take the necessary steps:

- to request the Secretary-General to establish a Preparatory Commission by the end of this year to allow for early and effective implementation of the Agreement;
- and to request the Secretary-General to organize a pledging conference to mobilize funding for the interim period

Finally, in advance of entry into force, IUCN calls upon States to apply the provisions of the Agreement on a voluntary basis; to promote and support their voluntary application by other States; and to take, as soon as possible, the national measures necessary to enable them to meet their obligations upon its entry into force.

IUCN is committed to continue supporting its Member States, other States and stakeholders to lay the foundation for rapid, effective, and equitable implementation.

With the unprecedented climate-change induced extreme events that the ocean faces today, it is high time for life in the high seas to be protected, since a healthy, thriving and diverse ocean is fundamental for the survival of humankind.

As we embark on the next leg of our voyage together, we wish you all “Fair Winds and Following Seas.”

International Seabed Authority

Madame President, Distinguished Delegates,

On behalf of the International Seabed Authority, I express our gratitude for the opportunity to address the further resumed fifth session of the Conference.

The new agreement represents a significant milestone forty years after the entry into force of UNCLOS. Its primary objective is to ensure the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. To achieve this objective, the agreement emphasizes the effective implementation of relevant provisions of UNCLOS and the promotion of international cooperation and coordination.

A crucial provision worth noting is Article 4, which stipulates that the agreement must be interpreted and applied in a manner consistent with UNCLOS. This ensures the integrity of relevant legal instruments, frameworks, and various global, regional, subregional, and sectoral bodies. It is crucial to recognize that the agreement is an integral part of UNCLOS, applicable to both the high seas and the Area. Therefore, its implementation must fully respect the rights and obligations of States as outlined in Part XI of UNCLOS and the 1994 Agreement, particularly concerning the Area and its resources.

The Authority occupies a central position in the global system for ocean governance. Drawing upon three decades of experience in multilateral ocean governance, the Authority possesses valuable expertise that can contribute to the objectives of the new agreement, many of which are already reflected in our mandate and work.

For instance, the Authority can facilitate and promote the adoption of new or complementary area-based management tools that align with the objectives of Part III of the agreement.

Additionally, the Authority's role in marine scientific research under UNCLOS becomes even more significant in light of the agreement's provisions.

Furthermore, the Authority can contribute substantially to capacity building and the transfer of marine technology, bearing in mind the provisions of the agreement on direct and indirect cooperation. Benefit-sharing and data management are also areas developed by ISA.

The Authority, acting upon the recommendation of its Assembly, has been actively engaged in the negotiation process since its inception. We recognize the critical importance of effectively protecting the marine environment as a whole, including its biodiversity, in complete consistency with the Convention. Throughout this process, our contributions have been constructive, technical, and grounded in the legal framework established by UNCLOS and the 1994 Agreement.

The Authority eagerly anticipates a stable and productive relationship with the future Conference of the Parties and, as an institution created by the Convention, offers its full cooperation, technical expertise and experience to implement the agreement. Together, we can ensure the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, thereby safeguarding the health and vitality of our shared global ocean for the benefit of present and future generations

Thank you.

Secretariat of the Convention on Biological Diversity

Excellencies, distinguished delegates,

It is my great pleasure to congratulate the President of the conference, Ambassador Rena Lee, the facilitators of informal working groups, all delegations, the Secretary-General of the conference and the Division for Ocean Affairs and the Law of the Sea on the adoption of the agreement 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.

You have worked together over almost 20 years to secure this agreement, and the Convention on Biological Diversity and its Secretariat have accompanied you throughout this long journey. We have been actively engaged in these historic negotiations since the beginning, informing the deliberations with relevant scientific and technical information, including the scientific results of the process to describe ecologically or biologically significant marine areas, many of which are located in areas beyond national jurisdiction, as well as guidance emerging from the Conference of the Parties to the Convention, such as the voluntary guidelines on biodiversity-inclusive environmental impact assessments and strategic environmental assessments, annotated for marine and coastal areas.

The adoption of this new agreement is a remarkable achievement in multilateralism. Together with the Kunming-Montreal Global Biodiversity Framework and the other important outcomes of the fifteenth meeting of the Conference of the Parties to the Convention, in December 2022, the agreement can help to put humanity on a path to achieve the 2050 vision of “living in harmony with nature”. These major global developments will certainly enhance our common efforts to conserve and sustainably use our oceans and to share, fairly and equitably, the benefits from the use of marine genetic resources.

The Kunming-Montreal Global Biodiversity Framework sets out four outcome-oriented goals to be achieved by 2050 and 23 action-oriented targets to be achieved by 2030 in order to halt and reverse biodiversity loss and to put nature on the path to recovery. Nearly all of the 23 targets are highly relevant to the drivers of biodiversity loss that the agreement is addressing, as well as the policy measures and tools proposed in it.

The new agreement will surely accelerate the implementation of the Kunming-Montreal Global Biodiversity Framework. We are pleased to see that many elements of the agreement provide clear opportunities for synergies and sharing knowledge and experience with work conducted under the Convention on Biological Diversity, including on ecologically or biologically significant marine areas, impact assessment, biodiversity mainstreaming, area-based conservation, capacity-building, access and benefit-sharing for genetic resources and the clearing-house mechanism. We are also pleased to see that the provisions on digital sequence information on marine genetic resources have been drafted taking into account the outcomes of the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity on this issue, clearly underlining the importance of our respective work being mutually supportive.

The Conference of the Parties to the Convention on Biological Diversity has acknowledged the importance of the agreement and the need for synergies between our respective processes. As such, at its fifteenth meeting, it specifically tasked the Secretariat with identifying potential options for modalities for collaboration and cooperation with relevant global and regional organizations in the context of the agreement, upon its adoption. Building on our existing collaboration with relevant competent organizations, including through the Sustainable Ocean Initiative global dialogues with regional seas organizations and regional fisheries bodies, the Secretariat stands ready to continue its collaboration to support the implementation of this historic agreement.

Just as we have stood by your side through the negotiations and development of this momentous agreement, we will stand with you to support its robust implementation.

Thank you.

Food and Agriculture Organization of the United Nations

Madame President, distinguished delegates, colleagues

The Food and Agriculture Organization of the United Nations (FAO) welcomes the adoption of the Agreement, a long-awaited milestone in the governance of oceans, conservation and sustainable use of marine biological diversity. FAO would like to take the opportunity to recall that the fisheries and aquaculture sector is vital for food security and nutrition and is among the food production sectors most dependent on a healthy ecosystem. The sustainable utilization of fisheries resources in areas beyond national jurisdiction cannot be achieved without marine biological diversity conservation.

The governance of the world's fisheries and aquaculture involves a multitude of actors working across different sectors, and thus requires improved actions and synergies at the global, regional and national levels. Sustainability is a central tenet and is rooted in intergenerational equity and essential to the fair and rational use of natural resources. The requirement that uses of marine systems be sustainable is written into national laws and international agreements, and universally agreed to be a key principle of ocean management.

The new international legally binding instrument on the conservation and sustainable use of marine biological diversity of ABNJ (adopted yesterday) will provide the opportunity for fisheries and other sectors operating in the ABNJ to collaborate and contribute to achieve the objectives set out in the new Agreement.

The need for cooperation for the conservation and sustainable use of common ocean resources is at the heart of the Law of the Sea Convention. Cooperative partnerships that build on synergies is a central tenet for all fishery management and environmental conservation regimes, as there is an evident nexus between fisheries management and environmental protection. Cooperation is not only an option, but an absolute necessity.

The BBNJ Agreement promotes and ensures coherence and coordination with relevant legal instruments and frameworks and relevant sectoral bodies and should serve as an opportunity to build on existing policy instruments, processes and works of sectoral bodies and improve the coordination and cooperation efforts among them without undermining their mandates.

FAO also notes that technical assistance and capacity development will be a key part of supporting the implementation of an international legally binding instrument on BBNJ. FAO invites Members to consider the multidisciplinary portfolio of capacity development programmes implemented by the Organization, which includes projects and initiatives in areas beyond national jurisdiction covering a range of thematic areas of relevance to the ABNJ.

FAO, within its mandate and as guided by the FAO Committee on Fisheries and other FAO governing bodies, stands ready to assist and work with Members to provide technical advice and support in the implementation of this long-awaited international instrument.

International Maritime Organization

Madam President, Excellencies, distinguished delegates,

The International Maritime Organization is pleased to see that, following almost two decades of discussions and negotiations, the new legally binding instrument on marine biodiversity of areas beyond national jurisdiction, has finally been adopted. We congratulate you, Madam President, all delegations and the Secretariat, on a truly historic achievement.

The BBNJ agreement will no doubt be instrumental in reinforcing the global efforts to protect and sustainably use marine biodiversity in line with the aims of the 2030 Agenda for Sustainable Development.

IMO has participated throughout the Preparatory Committee and the Intergovernmental Conference negotiations, providing inputs and arranging side-events to support the process with information regarding the Organization's mandate and expertise to the best of our abilities. As we have outlined, IMO's regulatory framework applies to ships wherever they operate on the seas, and many regulations deal directly or indirectly with the protection of biodiversity in areas beyond national jurisdiction. We are therefore confident that IMO and shipping will have a significant role to play in the implementation of the new instrument, as we have highlighted over the many sessions leading up to this moment.

This year we celebrate 50 years since the adoption of the MARPOL Convention, which signified a move towards a new environmental focus in the maritime sector. Over these last five decades, IMO's 175 Member States and more than 130 observers have continuously strengthened our efforts to preserve and protect the marine environment, through MARPOL as well as other important environmental treaties negotiated and implemented through IMO, while ensuring sustainable shipping industry that provides the services which we all rely on. Next year, we celebrate the 50th anniversary of the adoption of the 1974 International Convention on the Safety of Life at Sea, or SOLAS, which contains provisions on ships routing and navigation safety that are instrumental in the BBNJ objectives.

As we now move from negotiation to ratification and eventually implementation of the new BBNJ instrument, we look forward to build on our dialogue and discussions over the years and to further strengthening our cooperation within the context of the BBNJ instrument with all Member States, the UN family and other stakeholders.

Once again, we congratulate you. Thank you.

Pew Charitable Trusts

The Pew Charitable Trusts is delighted to join this esteemed crowd in celebrating the official adoption of the BBNJ treaty. We would like to begin by extending our sincerest thanks to you Madam President, and your team, for your tireless efforts and so ably captaining our ship; to DOALOS for their constant, skillful, and thorough support; and of course, to the government delegations—past and present— who leaned in to the complexities and challenges of these treaty negotiations, with unwavering dedication and determination to see it to a successful conclusion. Thank you all.

Over the last two decades, there were moments when some wondered if we would ever see this day—if those *ad hoc* informal discussions would ever result in an actual treaty negotiation; if those treaty negotiations would result in a text that was ambitious enough to make a difference; and if the final result would be worth the decades of effort.

And yet, here we are, with an agreement that has created key tools that the international community can leverage to positively affect ocean and people: to ensure use of areas beyond national jurisdiction is sustainable, to create a more equitable ocean access and governance regime, and to protect remarkable places—be they pristine, in need of recovery, or of particular importance to building a more resilient climate. Though this is a critical first step, the *creation* of these tools is not enough— in order to realize the potential of this BBNJ Agreement, the international community must be bold enough to *use* the tools created here today, in particular to reach our global goal of protecting 30 percent of the ocean by 2030.

An incalculable amount of work, dedication, and sacrifice led to this moment—surely the best way to honor that effort is to ensure that we keep up the momentum. We must ensure that the institutions charged with carrying out the functions of this new treaty are well-built—and to that end, we hope that the global community continues to operationalize its ambition for a healthy high seas by supporting the establishment of a Preparatory Committee, with sufficient meeting time and funds to prepare for the entry-into-force of this agreement. The global community can begin to look even further ahead, for example, by beginning to consider which places in the high seas we might prioritize for protection under this new agreement.

In the relay race to protect biodiversity and our planet, this intergovernmental conference now passes the baton to those who will prepare for the agreement to enter into force; they in turn will pass the baton to those who will operationalize the agreement. We urge ambition at every stage.

We are grateful for the hope that this process has instilled hope for multilateralism, for biodiversity, and hope for our ocean. Pew is honored to have had an oar of this canoe and paddled alongside our partners in the High Seas Alliance and government delegations on this journey. We intend to remain a committed partner in this next phase, towards entry-into-force and implementation, on our voyage to protect high seas.

International Council of Environmental Law

Madame President,

Thank you for giving International Council of Environmental Law the floor. We join others in congratulating you on the successful adoption, by consensus, of the historic Treaty. ICEL also extends our sincere gratitude for your heroic leadership and deep appreciation for the tireless efforts of your team, the Secretary General of the Conference, DOALOS, the Bureau members, the facilitators, and interpreters in bringing us to this point.

The Member States fearlessly showed that it is possible to work peacefully and collaboratively toward transformative changes in protecting the largest ecosystem of the Earth. Hundreds of individuals and numerous organizations also never gave up on achieving the collective dream of a healthier ocean through a robust Treaty—some dedicating their lives for over 20 years. We celebrate with each and every one of you.

Madame President,

ICEL never doubted this moment would come. In fact, our work consistently focused on providing objective information and analysis on the intended and unintended consequences of implementation of the Treaty. The Member States' strong support for a transparent negotiation process allowed ICEL to mobilize and collaborate with leading scientists and legal experts to that end. Having participated in all the IGC sessions and informal intersessional meetings, we understand the massive task ahead for the Member States to be ready for the first Conference of the Parties. For that reason, ICEL strongly supports a preparatory process proposed by the distinguished delegates who spoke before me, including the Pacific Islands Forum and the Pacific Small Island Developing States. Such work will keep the momentum and allow for a smooth transition to the implementation phase.

Madame President,

As you state in the letter to the President of the General Assembly, ICEL also understands the critical importance of awareness raising and capacity building for this Treaty, especially for developing States. To address the need, members of ICEL's delegation are already collaborating on initiatives with other organizations and leading scientists and experts. However, to leave no one behind, we agree that significant additional resources are needed and hope that a wide range of stakeholders contribute. For example, EU and its 27 Member States' commitment to provide financial resources is a commendable step forward.

Madame President, Excellencies, and distinguished delegates,

Aligned with UNCLOS, the Treaty confirms the ocean as an essential part of our global identity. It calls on each of us, as stewards of the ocean, to care for the ocean as it *is* the source of life on this planet, essential for the current and future generations to thrive. The chorus of Member States calling for an early entry into force and their desire for a successful first COP give us hope that the Treaty will be timely and effectively applied to fight the triple planetary crisis and achieve the ocean-related goals of the 2030 Agenda and the Kunming-Montreal Global Biodiversity Framework. We are confidently in your hands.

Thank you.

Third World Network

Madame President,

Between March and this further resumed fifth session, new species in our oceans have been discovered, debate over deep seabed mining has intensified, and new patents were filed related to marine genetic resources and digital sequence information on those resources. These are issues for the BBNJ agreement to address head on, based on the crucial guiding principles that have been affirmed to operationalize the agreement.

First, the principle of common heritage of humankind and the principle of equity and the fair and equitable sharing of benefits are intertwined operational principles. Part II of the agreement is an achievement to celebrate and the inclusion of digital sequence information (DSI) in the benefit sharing system will also inform on-going negotiations at the Convention on Biological Diversity and its Nagoya Protocol on access and benefit sharing, the multilateral benefit sharing system under the International Treaty on Plant Genetic Resources for Food and Agriculture as well as the World Health Organization in relation to pathogens.

However, we are concerned that Article 10(1) allows Parties to opt out of benefit sharing related to marine genetic resources and DSI collected or generated *before entry into force* of the agreement. This undermines the recognition that utilization triggers benefit-sharing, and so we hope that Parties will exercise good faith and not opt out of this important part of benefit sharing that is central for equity and fairness, especially since the source of the genetic marine resource and DSI is the common heritage of humankind.

Article 11(6) explicitly states that:

Activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction are in the interests of all States and for the benefit of all humanity, particularly for the benefit of advancing the scientific knowledge of humanity and promoting the conservation and sustainable use of marine biological diversity, taking into particular consideration the interests and needs of developing States.

As such the enclosure of these global commons through patents, copyright and other forms of intellectual property claims can undermine the objectives and principles of the agreement. Experience in health and food systems have shown that these proprietary claims over the use of genetic resources and DSI contributed by developing countries, indigenous peoples and local communities can result in inequitable access to the benefits of such utilization, and even impact negatively on further research and innovation.

A [study](#) published in 2018 showed that a single corporation had registered nearly half of all then existing patents associated with genes from marine organisms. Researchers from the University of British Columbia and the Stockholm Resilience Centre examined the patents associated with marine species and found that BASF, the world's largest chemical manufacturer, had registered 47 per cent of the 12,998 genetic sequences from 862 marine species.

Of the top 30 largest patent owners, who accounted for 84 per cent of patents, 25 were corporate entities. Public and private universities accounted for 12 per cent, while governmental agencies, individuals, hospitals, and non-profit research institutes registered four per cent. Overall, entities located in just 10 countries accounted for 98 per cent of the patents, according to the study published in [Science Advances](#).

That study was published 5 years ago – the number of patents would have increased significantly by now. Therefore BBNJ implementation will need to flesh out the governance of marine genetic resources and DSI in relation to the impact of proprietary claims on the global commons of the oceans.

Secondly, the **precautionary principle** is fundamental for the protection and conservation of our common heritage which can only be meaningful when a comprehensive environmental impact assessment regime is in place – to that end we call for no seabed mining activities until there is effective EIA.

We have concerns on how Article 10(2)(b) will be implemented. There is an exclusion of “fish and or other living marine resources known to have been taken on fishing and fishing-related activities from areas beyond national jurisdiction, **except where such fish or other living marine resources are regulated as utilization under Part II**”. How this will play out in practical and workable terms has to be a priority for the Conference of Parties, in particular as the Clearing House Mechanism and other related provisions on disclosure, transparency, reporting and monitoring are implemented.

The absence of a definition of “fish” and “fishing-related activities” creates ambiguity on the scope of the exclusion which is another issue for consideration (see Note below).

In this regard, Parties will need to ensure that in managing the relationship with other international agreements and bodies as well as the BBNJ’s specific exclusions the result is not a discordant and fragmented governance over marine areas beyond national jurisdiction.

With regard to the **transfer of marine technology**, Article 43(2) implementation needs to differentiate between the commitments of States Parties and the role of the private sector. As a legally binding inter-governmental agreement (and several delegations have emphasized at this meeting how BBNJ is a victory for multilateralism and the UN), developed States Parties need to facilitate technology transfer through policy measures and financing. It is crucial to guard against leaving technology transfer to “mutually agreed terms” through contractual negotiations with private technology holders. It is the State that grants patents and other proprietary rights, therefore the State has obligations to ensure that those private rights are not a barrier to technology transfer and equitable access to technology.

Finally, financial resources for implementation are an immediate priority. There are no clear commitments for developed countries to provide new and additional financial resources to implement the BBNJ, as contained in the Conventions on climate change and biological diversity. The mechanism under Article 52(4) and the list in Article 52(8) of undifferentiated potential sources from which financial resources are to be mobilized may not generate the level of financing needed to effectively implement the BBNJ. While we celebrate this new treaty of the UN, it is also incumbent on Member States and later the BBNJ Parties to provide the necessary financing, technology and capacity building for effective implementation.

International Chamber of Shipping

Madam President, Distinguished Delegates,

The International Chamber of Shipping congratulates the delegations here today and all those who have been involved in the development of this important agreement on their historic achievement.

International shipowners welcome the BBNJ Agreement as a significant step forward in reinforcing the existing system of ocean governance and in filling gaps. ICS particularly welcomes the provisions that provide for consultation and collaboration with existing international frameworks and bodies that have a mandate to regulate ocean activities, promoting better cooperation and coordination to ensure that the oceans and their biodiversity are protected for future generations.

As a keen observer of the proceedings since the Preparatory Committee, we know that many obstacles have been overcome on the path to adoption and we commend all delegates and most particularly the President of the Conference on the commitment and perseverance shown throughout the process. Madam President, we thank you especially for your efforts to ensure transparency in the negotiations and to encourage the inclusion and participation of civil society even during the difficult circumstances presented by the COVID-19 pandemic. We commend also the tireless work of the secretariat of UNDOALOS in facilitating the conference and particularly in ensuring that all of us in the back of the room remained informed of proceedings.

We all know that this remarkable milestone is just the beginning and that there remains much left to do. ICS stands ready to assist governments with further input during implementation and in the future work to come.
