



protected areas and environmental impact assessments are important in achieving the objectives of the new instrument in conservation and sustainable use.

Madam president,

The guiding principle that best serves both elements of sustainable development in terms of conservation and distribution is the Common Heritage of Mankind enshrined in the UNCLOS and in the General Assembly resolution 2749 called as “Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction”. The principle of the Common Heritage of Mankind, is a part of customary international law and should be taken into account without any prejudice to the rights and obligations of non-parties to the convention. In this regard we also reiterate para 6 of Article 311 of UNCLOS according to which no amendments or derogations from the common heritage of mankind is permitted and state parties shall not be party to any agreement in derogation thereof.

With respect to the applicable legal regime to MGRs and even though they are living organisms and could be categorize as renewable resources, connection of deep-sea MGRs to the ocean floor and the features on it and also slow-growing character of these resources as well as small number of their distribution makes these resources similar to the exhaustible resources in a sense of availability. Therefore, my delegation is convinced that the new regime applicable to these resources should not deviate from the legal regime of the area and its resources whereas the application of the regime of High Seas to these resources leads to inequitable consequences.

Madam President,

My delegation believes that a new implementing instrument under the UNCLOS while helping move from fragmentation to coherent, should avoid overlap and redundancy with existing legal instruments and the activities of the relevant frameworks. As a party to the 1995 United Nations Fish Stocks Agreement, we are of the view that the new regime should not apply to fishing activities and the new protocol would not affect the freedom of fishing in the High Seas for the food consumption purposes.

On the issue of access and benefit sharing, and the possible role of intellectual property in this regard, we believe that the IGC should utilize the guiding principles have put forward by CBD

building should be identified and constantly reviewed by an advisory or decision-making body under the new instrument. It is also essential to ensure an adequate, predictable and sustainable funding mechanism for projects on the conservation and sustainable use of marine biological diversity of ABNJ. The idea of a clearing-house mechanism and a capacity-building network could