



Closing Statement

on behalf of the EU and its Member States

At the Fourth 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

Delivered by

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Madam President,

On behalf of the EU and its Member States, I wish to thank you for a very constructive fourth session of the Intergovernmental Conference (IGC) on BBNJ. After two years of interruption, due to the COVID-19 pandemic, we are delighted to be back in New York in person under your able guidance, for these crucial negotiations. Our thanks are also due to the facilitators for successfully guiding the discussions and to DOALOS, for the seamless organisation and work over the past two weeks.

Last but not least, I would like to thank all delegations for the very fruitful exchanges. After a two-year period of virtual exchanges, delegations have shown willingness in bridging positions to achieve common grounds on different aspects.

Like you, we are of the view that our differences are not insurmountable and that a deal is in sight, this year in 2022.

[Capacity building and transfer of marine technology]

We are committed to putting in place an effective and reliable mechanism for capacity building and the transfer of marine technology. While we do not strongly support an increase in the level of detail of the agreement, we have indicated our flexibility to constructively consider some more elaborate provisions if this would reassure some delegations and allow for a breakthrough. We have also proposed elements for a funding mechanism that, we believe, could offer certain

assurances regarding the availability of funding for upgrading developing countries capacities under the future agreement. Additionally, together with Norway we have submitted a proposal for a dedicated capacity building body under the agreement.

[Marine genetic resources and the fair and equitable share of benefits]

The EU and its Member States have tabled a text proposal enabling the Conference of the Parties (CoP) to set a clear process for relevant financial contributions on monetary benefits, to ensure a fair and equitable sharing of benefits arising from the utilisation of MGR of ABNJ, upon commercialisation of products. Based on this proposal we engaged very actively with all groups and delegations to identify common elements, and to propose concrete solutions to reach a common ground. We trust our collective efforts and we will do our best to submit to the Chair a common approach on this issue.

[Area based management tools]

We believe that a key added-value of the BBNJ is the establishment of ABMTs and MPAs in the high seas and we are satisfied to see that there is broad support for giving the COP the powers to take decisions in that regard. It will be important to have a clear process set out in the ABMT chapter in order to ensure practicable implementation, enhanced cooperation and reach the objective of having a global network of MPAs. In this context, we would like to thank all the delegations that

took part in the informal working group led by the EU and its Member States and the United Kingdom for their constructive participation in the joint effort of streamlining the ABMT chapter.

[Environmental impact assessment]

We are pleased with the progress we have made in the EIA part. The EU and its Member States have submitted new proposals and hope that these will enable us to make further progress on open issues. These include a trigger for the conduct of EIAs, the issue of internationalisation, the relationship with other IFBs, and the inclusion of SEAs. On these and other issues, we have expressed clear and constructive positions. Additionally, we are engaged in efforts to streamline the text and are keen to take this forward with other delegations.

[General and cross-cutting issues]

We have to continue to strive to achieve a strong institutional framework, which matches our ambitions regarding the conservation of the marine biological resources beyond national jurisdiction. We believe we have made some good progress in this sense. In particular, the EU and its MS wish to reiterate our view that a self-standing dedicated Secretariat will be essential in order for this agreement to

fulfil its full ambition. On funding we have emphasised the importance of a specific reference to the GEF as part of the Financial Mechanism so we can set in motion the process of dialogue between the BBNJ IGC and the GEF. We have also tabled a set of REIO clauses that would enable the participation of the Union in the BBNJ Agreement.

We are still considering the issue of the application including non-application, of the Agreement, in particular the MGR part, to State owned or operated vessels. We are working together with others to come to a common understanding on this and we will come back to this issue at IGC 5.

We have noted good progress during this fourth session on many of the different topics described above. However, in order to make further progress on key issues, where divergent views exist, and reach an ambitious BBNJ Agreement in 2022, we will need to continue our work ahead of a fifth and final session of the Intergovernmental Conference on BBNJ. In this respect, let me assure you that the EU and its Member States are fully prepared to use the intersessional period in an effective manner before the next and final session to advance our work together with the other delegations, possibly with the support of facilitators.

Madam President,

We would like to highlight once again the absolute urgency of the work that we are undertaking and cannot emphasise enough the importance in bringing these negotiations to a successful conclusion in 2022, the

year of the 40th Anniversary of UNCLOS, which sets out the legal framework within which all activities in the oceans and seas must be carried out.

The 2019 Special Report of the IPCC report on “The Ocean and Cryosphere in Changing Climate” highlights the ever increasing, multi-dimensional challenges being faced by existing ocean governance structures and draws the attention on the need to further develop collaborative structures and mechanisms for the governance of the areas beyond national jurisdiction.¹

With only around 1% of areas beyond national jurisdiction being protected and the ever-worsening effects that this is having on the biodiversity within our Ocean, the EU and its Member States can only, once again, stress the need for us to take action now.

With this urgency in mind, we must start looking towards the future and begin preparations for a fifth and final IGC as of now. We consider that this can be achieved by the adoption of a procedural UN General Assembly Resolution convening a fifth and final session of the IGC on BBNJ in the last two weeks of August this year. It is our hope that this session will take place under more normal conditions, allowing for an adequate negotiation time and the full access of observers and civil society.

¹ IPCC Special Report on “The Ocean and Cryosphere in a Changing Climate” (2019), Chapter 5, p. 540.

We also consider that a High Level Segment at the IGC-5 would be useful to focus the minds of negotiators and to create an atmosphere that is conducive to reaching a final agreement.

It would be of utmost importance to inform all delegations of the working methods for IGC-5 as early as possible, so that delegations can fully prepare well in advance of the final session.

Madam President,

Ahead of the IGC-5, we strongly emphasize the need for a revised and up to date draft text of the Agreement that reflects the fruitful discussions we had during the last two weeks and prepares the ground for our final session later this year. Our preference would be for a more streamlined text, containing a smaller number of options than the present draft, and identifying viable landing zones that could realistically achieve consensus support. We have full confidence in you, Madam President, to undertake this task. Regarding the timeline, we would hope to receive such revised draft text as soon as possible after the end of this fourth session and well in advance of the fifth and final session.

Madam President,

The EU and its Member States are committed to successfully reach an ambitious, effective, inclusive, fair, balanced and future-proofed BBNJ Implementing Agreement under UNCLOS in 2022. We look forward to continuing cooperating with other countries in reaching this goal.

The High Ambition Coalition on BBNJ is testimony to how we can join forces to voice our joint ambition for the solutions we need to find within the multilateral framework, in order to be able to tackle the global challenges for marine biodiversity.

On 11 February 2022, the High Ambition Coalition on BBNJ was launched at the “One Ocean Summit”, in Brest. The EU and its 27 Member States together with 20 third countries have joined the coalition. I would like to thank those countries that have joined or supported this initiative, and invite others to join us now, to support our efforts to keep political momentum at a high level.

Madam President,

We look forward to the fifth and final session of the IGC on BBNJ.

Thank you!