

Thank you Madame Chair,

I have the honor to speak on behalf of the following delegations: El Salvador, Eritrea, Iran, Turkey and Colombia.

We would like to thank you for conducting our work in a very diligent manner and for providing us with the aid to negotiations that already establishes a text-based discussion. We believe that having a zero draft would lead to further progress in the upcoming sessions of the Intergovernmental Conference.

As States Non-Parties to the 1982 Convention on Oceans and the Law of the Sea, we have actively participated in the present negotiation, during the prior preparatory committees and the First Intergovernmental Conference considering our common interest in the protection, conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. As such, we thank the Chair for providing a document that clearly limits the geographical scope of the instrument to resources located in areas beyond national jurisdiction.

However, we take this opportunity to reiterate that neither our participation in the present negotiations, nor its outcome, may affect our legal status as non-parties to UNCLOS or any other related agreement, as was agreed on paragraph 4 of Resolution 69/292 and paragraph 10 of Resolution 72/249. As we have reiterated in prior occasions along with other delegations, the relationship of this agreement to the Convention and other instruments and frameworks, as well as relevant global, regional and sectoral bodies should be clearly established.

In this sense, we express our complacency to see that the above-mentioned agreed language is now reflected in the text of the document. We notice with concern, nonetheless, that such language is used only in optative terms. In order to have a universal instrument in which no State is left behind, the inclusion of this paragraph should not be optative. Many delegations that are States Parties to the Convention have also requested that the negotiation of this instrument and its final result should include a clause that specifies that indeed no State shall be left behind. Therefore, we kindly request that the option of not having any text at all in this matter be eliminated from the document.

Due to its importance, this language should also be included in the preambular section of the future instrument.

All in all, Madame Chair, we believe that it is not possible to achieve a sound and internationally legitimate instrument through a process from which non-Parties to UNCLOS are alienated since its inception.

Madame Chair let us end these remarks by reiterating our commitment to this process and assuring you our full support.

Thank you.

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