

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 first draft text for this negotiation. We believe the time is ripe for a text-based negotiation to protect the marine biodiversity beyond national jurisdiction; the quintessential global commons.

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 and Second Intergovernmental Conferences 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 previously agreed by all States taking part on the negotiations on paragraph 4 of Resolution 69/292 and paragraph 10 of Resolution 72/249, which states:

"10. Recognizes that neither participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements with regard to those instruments, or the legal status of parties to the Convention or any other related agreements with regard to those instruments";

In this sense, we express our complacency to see that this is reflected in the draft text. We notice with concern, however, two points that we would now like to highlight:

1. First, the language used in the present text has been modified in relation to the aid to negotiations of the Second IGC. This new language, even though constructive, is not as straightforward as the previous language, which read:

*"The legal status of non-parties to the Convention or any other related agreements with regard to those instruments is not affected by this instrument."*

We therefore kindly request for the previous language to be retained.

2. Accordingly, as a second point, we also request that the language is taken out of the brackets. In order to have a universal instrument in which no State is left behind, the inclusion of this paragraph should not be optative. Most of the delegations that are States Parties to the Convention, including all those who are part of the G77 and China, have also requested – and I quote the G77 statement during the fourth PrepCom – *“neither participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements with regard to those instruments, or the legal status of parties to the Convention or any other related agreements with regard to those instruments.”*

To conclude, 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. Only with an encompassing approach can we guarantee the universality of the instrument.

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

Thank you.