



**GENERAL STATEMENT DELIVERED BY CAPTAIN JOHN FOX AT
THE FIRST INTERGOVERNMENTAL CONFERENCE ON AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT UNDER
UNCLOS ON THE CONSERVATION AND SUSTAINABLE USE OF
MARINE BIOLOGICAL DIVERSITY BEYOND NATIONAL
JURISDICTION**

UNHQ, Conference Room 3, New York, 4th September 2018

[Check Against Delivery]

Madam President,

Fiji aligns itself with the Statement delivered by the distinguished Ambassador of Palau on behalf of the Pacific Small Islands Developing States (PSIDS), the Maldives for the Alliance of Small Island States (AOSIS) and Egypt on behalf of G77 + China and joins with others in congratulating you and the newly elected bureau members.

Madam President,

Like others we are thankful for the Aid to Discussion Paper which you had prepared and released in advance. It has assisted Fiji greatly in preparations towards this conference and certainly helps build momentum from the prep com phase to the negotiation phase for this new implementing agreement (IA)

Momentum is key and we all can ensure this by engaging more interactively in discussions in the spirit of cooperation and mutual respect. Together we can make considerable progress even on issues that do not currently hold consensus amongst Member States.

Madam President,

In moving forward with this IGC, allow me to make some general comments on what my delegation envisages for this new IA, where more specific issues will be raised later during the thematic sessions:

- i) Firstly, we look forward to discussions honing in on scope of this IA. This is particularly important towards establishing our frames on which other discussions and issues rely.
- ii) Secondly, discussions around the new IA should take place against the backdrop of the core principles of UN Convention on Law of the Sea (UNCLOS). The new IA will help to address gaps, complement existing regimes to enable and foster implementation and thirdly will be anticipatory in nature allowing it to evolve in order to address emerging challenges. To be sure, Madam President, we do not want to see a result where the IA adds zero value or zero compliment to existing regimes and instruments.
- iii) Thirdly, with regards to capacity building and transfer of marine technology which is an essential component to human development not only for Fiji but for Small Island Developing States (SIDS) in general. We note that this has been an area where implementation has been lacking in the past and the new agreement must address this need. Through the multilateral processes involving BBNJ, there will be no shortage of innovative ideas which SIDS like Fiji will be very much in need of. This new IA therefore should derive a suitable formula for capacity building and technology transfer that is responsive to the current and future capacity needs of developing countries. Special case of SIDS must be a main factor of consideration taking into account disproportionate burden.
- iv) For access and benefit sharing for the new IA, Fiji considers that a ‘sui generis’ regime may be developed for dealing with marine genetic resources (MGR) and access and benefit sharing (ABS) considerations in ABNJ. The intention is that this new regime can draw on the principles that underpin the ‘common heritage of mankind’ principle. It could elaborate on existing UNCLOS benefit sharing obligations. The new IA should ensure that benefit sharing is linked with access, is fair and acceptable taking into account the need for a balance of interests and opportunities, particularly for developing States.
- v) We are seeking opportunity from this IA, that it will be an instrument that can ensure that transboundary issues are factored in appropriately.

Madam President,

In closing, we have full confidence that you will successfully lead this first IGC with the support of the Bureau members.

We note the comments made in earlier statements relating to the need to advance this process with urgency and clearer thought. We can agree with this.

Please be assured of the Fiji delegation's continued support given the importance of this process and how its success is close to us as Co-Chair of the UN Ocean Conference in 2017 for achieving SDG 14.

This is important to us nationally, Madam President, as we anticipate that this new IA will support our national efforts to conserve and sustainably use resources and biodiversity within Fiji's national jurisdiction.

Fiji has committed to protect 30% of its EEZ by 2020 under the convention on biological diversity and also as one of our Voluntary Commitments to the Oceans Conference. Fiji, with our development partners and local communities, have put aside about 970 Square Kilometers of their traditional fishing grounds under marine protected areas integrating traditional knowledge as part of their management. We are fully committed to achieve this target by 2020.

Fiji has also accorded full protection to all its benthic and demersal waters by prohibiting destructive fishing methods. In a way, we have a national conscience on these issues that has its origins in UNCLOS and our commitment to taking responsible steps through sustainable use of our resources.

We hope that we can rely on an IA that takes into account the integrity of national undertakings towards conservation and sustainable use, where adjacency is of real concern.

I thank you.