



INTERVENTIONS ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. FUAD BATEH, SENIOR ADVISOR, MISSION OF THE STATE OF PALESTINE TO THE UNITED NATIONS, ON AGENDA ITEM 7: MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF BENEFITS, AT THE SECOND 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 (New York, 25-27 March 2019)

3. Marine genetic resources, including questions on the sharing of benefits

Thank you Madam Facilitator. With regard to sub-section 3.2.2 "Sharing of benefits" in the first instance the Group 77 & China have reflected on the document very carefully and with regards to the issue of sharing of benefits under the theme *Objectives* we are inclined to see text presented here including at the end of the enumerated sequence expanded to allow for other potential elements and additions. We don't believe that having no text would be appropriate in this regard. We continue to consider this section. Thank You.

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Thank you Madam Facilitator. Following from my initial intervention yesterday where we commented specifically on the theme *Objectives*, we would like to expand our commentary on behalf of the G77 & China that when we look to the other themes in sub-section 3.2.2 we would note that should there be a theme on *Principles and approaches guiding benefit-sharing* here in sub-section 3.2.2, then of course the regime that should be followed would be the Common Heritage of Mankind.

With regard to the theme of *Benefits*, the Group 77 & China has stated previously that benefits should be more than non-monetary benefits and therefore Option 2 would not meet the needs of the Group.

Finally, with regard to the theme of *Benefit Sharing Modalities*, the sharing of benefits solely on a voluntary basis would not be sufficient for the Group. You have heard delegations from the Group elaborate on the nuances therein in Option 2; I will not do so, but simply to state that Option 1 would not be sufficient for our needs. Thank you very much.

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Thank you Madame Facilitator. Starting with the theme of *Clearing-house mechanism*, the position of the G77 & China is that there should be text here and therefore we cannot accept Option 2. With regards to nuances therein, there is no Group position at this point as we are still considering possibilities.

With regards to sub-section 3.2.3 entitled "Intellectual property rights", it is the position of the Group that there should be text here so at this point Option 3 is not sufficient for our needs; however, the Group is still considering among Options 1 and 2 or a combination thereof.

With regard to section 3.3 entitled "Monitoring of the utilization of marine genetic resources of areas beyond national jurisdiction", again the Group believes text is required on this issue and therefore Option 2 is not sufficient for our needs, but within Option 1 the Group is still considering what are the best options in paragraph 2 believing that form should follow function we shall wait to see how more of the function is developed through the course of these sessions. Thank you very much.

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Thank you Madam Facilitator. On behalf of the Group 77 & China, with regards to theme of *Geographical Scope* within section 3.1 entitled "Scope" it is the Group's position on enumerated paragraph (1) that Option C should be deleted. There is a preference of the Group to Option A.

With regard to paragraph (2), the Group sees the need for text, but we are still considering the formulation of Option I, so therefore we would eliminate Option II providing "*No Text*".

With regard to the theme of *Material Scope*, the Group 77 & China finds that on sub-paragraph (3) (a) the Group would like to see text, but are still considering the formulation of Option I. With regard to (3)(b) we consider it important to have text, but are still considering exact language. We will not speak to sub-paragraph (3)(c).

With regard to paragraph (4), the Group of 77 & China see the need for Option I with text, so would eliminate Option II, but within Option I we would only identify a preference in sub-paragraph (b) for Option C at this time.

With regard to the theme of *Temporal Scope*, the Group 77 & China would eliminate in paragraph (5) the Option II providing "No text", but in regard to Option I the Group is still considering the appropriate formulation of the text.

With regard to section 3.2 entitled "Access and benefit-sharing", the Group of 77 & China have a preference for Option I but are still considering the appropriate formulation. And on sub-section 3.2.1 "Access", at this point in time we would simply eliminate Option III which provides "No text". Thank you.