



Statement by Turkey

III. 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 (19 August 2019, New York)

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Madam President,

The health of our oceans and seas is critical to the economic, social, and environmental well-being of the planet. As a peninsula country, Turkey attaches utmost importance to efforts for efficient, environmentally-conscious and sustainable use of marine environment, in accordance with international law.

Turkey will host the COP16 of Convention of Biological Diversity in 2022. In addition, in November this year, we will host the 7th Meeting of the Parties to ACCOBAMS, which is a legal conservation tool aiming to reduce threats to cetaceans, namely whales and dolphins.

Our position with regard to the UNCLOS has already been reaffirmed within the joint statement delivered by the esteemed delegation of Colombia. Turkey's position regarding the UNCLOS cannot be construed as an objection to all its provisions, particularly to those related to the protection of marine environment and sustainable use of oceans and their resources.

Turkey is fully committed to the conservation and sustainable use of oceans and their resources and attaches great importance to regional and international cooperation to that end.

We are pleased to see a draft agreement which encompasses almost all details which have been discussed in the previous conference. In this regard, we see that the term "areas beyond national jurisdiction" is defined in article 1. However, we would like to reiterate our view that the text should read more clear and precise in defining the geographical scope of this instrument. In this context, either the term "areas beyond national jurisdiction" could be defined as follows: "Areas beyond national jurisdiction" means the High Seas beyond 200 nm from the baselines from which the breadth of the territorial sea is measured and the Area". Or alternatively, to the "Application" article (that is Article 3), the following sentence could be added to the end of sub paragraph 1. "The provisions of this Agreement apply to areas beyond national jurisdiction. Nothing in this agreement can be interpreted as the geographical scope of this agreement applies to the maritime areas within 200 nm from the baselines from which the breadth of the territorial sea is measured."

We hold the view that this clarification is necessary with a view to avoiding any sort of legal discrepancy or redundancy in terms of implementation in the field. In some cases, relevant

coastal States have not yet proclaimed EEZs or similar jurisdictional zones beyond their territorial waters in accordance with international law. But this does not mean that such maritime areas should be considered as areas beyond national jurisdiction as far as the purpose of this instrument is concerned. There already exist international instruments at regional or international level constituting a regime on conservation and sustainable use of marine biodiversity with regard to such maritime areas, as well.

This proposal is fully compatible with the general objective of this agreement, as well as with the specific safeguard clause added to Article 4 sub paragraph 2.

Moreover, in line with this proposal, with regard to the article 15 sub paragraph 6 we believe that a clarification is necessary. In this paragraph, it should be clearly defined how a marine protected area could subsequently fall under the national jurisdiction of a coastal state. We believe, this could be only possible as regards the continental shelf beyond 200 nm in accordance with international law. As was indicated by our delegation, this agreement's geographical scope should not involve the maritime areas within 200 nm from the baselines under any circumstances. Thus, our delegation proposes the following wording for the beginning of this sub paragraph: "In cases concerning the continental shelf beyond 200nm ... same".

As for the Settlement of Disputes, we propose the deletion of the article 54, and a general reference should be made to the Article 33 of the UN Charter. As far as the State Parties to this Agreement that are not Parties to the Convention are concerned, the Article 287 of the Convention should only apply on a voluntary basis.

We will continue to participate actively and constructively in these negotiations. We hope to reach a universal instrument to which non-Parties to the Convention could also adhere without any prejudice to their legal positions.

Thank you.