



**CLOSING STATEMENT  
BY  
THE REPUBLIC OF TURKEY**

**Fourth Session of the Intergovernmental Conference for 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**

**(18 March 2022, New York)**

*Check against delivery*

Madam President,

We would like to join other delegations in expressing our gratitude and appreciation to you and the Secretariat for the invaluable work you have undertaken to ensure the holding of this Fourth Session of the Intergovernmental Conference to elaborate a legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

Turkey, as a developing peninsula country, attaches utmost importance to this critical process, and has been actively and constructively participating in the negotiations since day one. Needless to say, our participation has been based on the understanding that the BBNJ process aims for universality and is open to all UN Member States regardless of their legal status *vis-à-vis* UNCLOS, in line with UN General Assembly Resolution 72/249.

As the adoption of the post-2020 Global Biodiversity Framework at COP15 is approaching, the BBNJ agreement is ever more relevant.

This agreement will indeed complement our collective efforts for conserving and sustainably using biodiversity in a comprehensive and integrated manner.

As a party to various international and regional instruments in the fields of biodiversity and environment, such as the UN Convention on Biodiversity, the Bucharest Convention for the Protection of the Black Sea as well as the Barcelona Convention on the Protection of Marine Environment of the Mediterranean, Turkey is strongly committed to the global efforts to conserve and sustainably use biodiversity within and beyond national jurisdiction.

Only last December, we hosted COP22 of the Barcelona Convention, where a number of ground-breaking decisions were adopted to protect the marine environment and conserve the biodiversity of the Mediterranean.

Furthermore, as the host of the upcoming COP16 of the UN Convention on Biodiversity, Turkey will play a leading role in ensuring that the necessary steps for the conservation and sustainable use of biodiversity are taken at a global level and that this topic remains as a priority on the global agenda.

It is with this sense of responsibility that Turkey is fully engaged in the negotiations to secure a global BBNJ agreement that is encompassing and acceptable for all. For this purpose, we have been listening to each and every delegation very carefully, and we will be sure to reflect upon the comprehensive discussions we have had these past two weeks, and study all proposals with a constructive approach.

Madam President,

We would like to take this opportunity to reaffirm that Turkey supports the general intent of the UNCLOS and, only with the exception of three articles, agrees with all its provisions, including particularly those related to the protection of the marine environment and sustainable use of oceans and their resources.

We acknowledge the position of those States that attach importance to protecting the integrity of UNCLOS in the process for the elaboration of the BBNJ agreement. On the other hand, it is equally important to be open to ideas and proposals that will create enabling conditions for fully integrating non-Parties to the Convention to the BBNJ process in line with General Assembly resolution 72/249, also bearing in mind that the instrument at hand is in essence an environmental agreement and will complement the UN Convention on Biodiversity.

Delegations should demonstrate utmost flexibility and spare no effort in making this agreement universal at this critical juncture.

In this regard, the removal of the brackets around Article 4/4 concerning the legal status of non-Parties to the Convention is paramount. We also note that this provision has been supported by a great majority of delegations.

It is also of utmost importance that the provisions concerning dispute settlement are reconsidered as a whole from a broader perspective, fully taking into account the concerns of non-Parties, the principles of free choice of means and State consent, and the specific nature and scope of the agreement. In view of these elements and considering the discussions that have taken place both during this session and the intersessional period, Turkey submitted a proposal today regarding this section, which reflects the explanations that we provided earlier this week.

Finally, we would like to draw attention to our proposal regarding the definition of “Areas beyond national jurisdiction” (ABNJ), a revised version of which was also submitted today to the Secretariat, upon our discussions with other delegations in the past two weeks. The geographical scope of the BBNJ instrument should be specified in a more clear and precise manner, taking into consideration the current factual circumstances with regard to maritime areas in different parts of the world. The UNCLOS defines the “high seas” only beyond the EEZ. However, there are regions where relevant coastal States have not yet proclaimed or delimited EEZs -beyond territorial waters- over their continental shelves in accordance with international law. Such maritime areas within 200 nm, as indicated in our proposal, should not be considered as “ABNJ” in terms of this instrument. Moreover, since there are already regional and international instruments that govern the conservation and sustainable use of marine

biodiversity with regard to such maritime areas, duplication should be avoided in the BBNJ agreement.

We remain ready to continue engaging on these and all other issues in the intersessional period ahead.

We look forward to a productive Fifth Session of the IGC.