



**PERMANENT MISSION OF THAILAND
TO THE UNITED NATIONS**

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Statement

by

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**before the Fourth 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**

Agenda item 5

General exchange of views

New York, 18 March 2022

As delivered

Madam President,

1. I would like to take this opportunity to express my appreciation to Madam President and the Secretariat for convening this fourth session of the Intergovernmental Conference despite the difficulty resulting from the ongoing COVID-19 pandemic situation. I also wish to commend your work on the preparation of the revised draft text of the BBNJ Agreement, which served as a concrete basis for further negotiations and allowed a fruitful and constructive discussion among participating states. I also thank you, Madam President, on your capacity as Facilitator during the Informal-Informals, and I also thank the other highly capable facilitators. Your able facilitation greatly contributes to the progress of our work.

Madam President,

2. For Thailand, the principle of the common heritage of mankind has been our compass since the First UN Conference on the Law of the Sea. It was during that Conference, on the 24th of February 1958, that one of the greatest and most visionary Thai diplomats, Prince Wan Waithayakon, then Foreign Minister of Thailand, was elected as its First President. And in his inaugural address to the Plenary, he said that "the sea is the common heritage of mankind. It was therefore in the common interest that the law of the sea should be certain, that it should regulate justly the various interests involved and that it should ensure the preservation of that heritage for the benefit of all."

3. With that principle in mind, my delegation would like to reiterate our position that common heritage of mankind should be the overarching principle applied throughout the BBNJ Agreement, especially on the sharing of benefits from marine genetic resources. Considering marine genetic resources from areas beyond

national jurisdiction as part of the common heritage of mankind will guarantee that the benefits arising from their utilization are shared fairly and equitably between developed and developing countries.

4. Moreover, priority, particularly when engaging in capacity-building and the transfer of marine technology cooperation, should be placed on the needs and special requirements of developing countries, so that they can gain optimal advantage from the cooperation. In fact, developed countries should embrace shared environmental responsibilities that extend beyond borders and take the lead in providing developing countries with capacity-building and technical support to achieve a desirable level of marine capacity, enabling greater self-reliance. This would also facilitate access to marine genetic resources for all countries and accelerate efforts to conserve and preserve the marine environment.

5. Regarding the process of establishment of area-based management tools, including marine protected areas, and the conduct of environmental impact assessments, we are of the view that, apart from coherence and complementarity, the practicality of the process is also a crucial element for the effective implementation of the area-based management tools and environmental impact assessments. The legacy and lessons learned under the Convention on Biological Diversity should be carried on and taken into account as a good reference when considering practicality. This will ensure that the marine biological diversity within areas beyond national jurisdiction is not affected by the activities of the States and, at the same time, will not create an undue burden on the States having control over the activities and hinder access to marine genetic resources, which would be contrary to the objective of this Agreement.

6. Lastly, in order to effectively complement the needs of developing countries and enhance the implementation of capacity building cooperation, it is important that we should strive to be more committed to our existing obligations under Part XIII and XIV of UNCLOS. Therefore, the provision of capacity building and the transfer of marine technology in the draft instrument will be most beneficial to all if such provisions are mandatory since they are pivotal to the collective achievement of the overall objective of this Agreement.

Madam President,

7. In closing, and looking ahead, please allow me to assure you of my delegation's full support and cooperation for the next IGC. We hope that full support and active participation among countries aimed at achieving well-balanced outcomes and interests for all groups and countries will lead to greater prosperity in the use of marine biological diversity that can be sustained and shared by all, and ultimately in the successful conclusion of a legal instrument on the conservation and sustainable use of BBNJ.

Thank you.
