MYANMAR

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Statement by Ambassador U Hau Do Suan, Permanent Representative of Myanmar to the United Nations at the Third 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 (BBNJ)

19 August 2019

Madam President,

At the outset, I would like to express my delegation's sincere appreciation to you for the successful conclusion of the first session of the Intergovernmental Conference (IGC) in March this year. We commend you and your team for the comprehensive zero draft of BBNJ.

My delegation would like to thank to you and all staff members of Division for Ocean Affairs and the Law of the Sea (DOALOS) for preparing a text structured in a form akin to a treaty and circulating it in a timely manner. I believe that the draft text of an agreement will facilitate to narrow down the diverse options put forward by the states and groups at this session.

My delegation would also like to thank the Under-Secretary General for Legal Affairs and Legal Counsel for the United Nations, the Director and her team from Division for Ocean Affairs and the Law of the Sea (DOALOS) for their hard work throughout the long journey of the BBNJ.

Madam President,

My delegation aligns itself with the statement delivered by Palestine on behalf of the Group of 77 and China, and I would like to make additional remarks as follows:

1. My delegation fully supports the fact that the principles in the new Agreement shall not be prejudiced to the rights, jurisdiction and duties of States under the UNCLOS. The rights and jurisdiction of coastal States over all areas under national jurisdiction, including the continental shelf within and beyond 200 nautical miles and the exclusive economic zone, shall continue to be respected in accordance with the UNCLOS.
2. With regard to Marine Genetic Resources (MGRs), we support the language that contained in the draft text to restrict the states claim or exercise of sovereignty or sovereign rights over marine genetic resources of ABNJ.

3. The utilization of MGRs of areas beyond national jurisdiction shall be for the benefit of mankind as a whole. Therefore, monetary and non-monetary benefits arising from MGRs are distributed in a fair and equitable manner to States Parties.
4. We prefer no regulations with regard to the intellectual property rights in the new Agreement. The matter should be dealt under the existing mechanism of WIPO to avoid duplication.
5. Establishment of Marine Protected Areas (MPAs) should be identified on the basis of the best available science, the precautionary principle and an ecosystem approach while taking into account relevant traditional knowledge of indigenous peoples and local communities.
6. In addition, adopting MPAs should ensure due regard to and respect for the rights and legitimate interests of coastal states under UNCLOS including rights in the continental shelf beyond 200 nautical miles as well as the rights, jurisdiction, freedoms and duties of States under the Convention.
7. Pertaining to the Environmental Impact Assessment, all activities carried out in ABNJ should be strictly governed by States Parties. The Assessment should include individual and cumulative impacts of activities including transboundary impacts which may cause substantial pollution and harmful changes to the marine ecological environment.
8. The effective implementation of the new agreement rest on the capacity building and the transfer of marine technology (CB-TMT) amongst States Parties. In this connection, we are of the view that the transfer of marine technology shall be provided on a bilateral, regional and multilateral basis while giving priorities to the needs of developing states.

Madame President,

Finally, my delegation would like to stress the need to focus on SDG 14 of the 2030 Agenda and the principles of Common Heritage of Mankind and equitable distribution of the benefit in the finalization of the draft instrument.

I would like to assure you of our full support to the BBNJ process under your leadership. We also hope and looking forward to the fruitful outcome of this session.

I thank you.