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Preparatory Committee established by General Assembly resolution 69/292: Development of 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 - First session

Agenda item 6: Informal working group on marine genetic resources, including questions on the sharing of benefits

**Statement by Mr. Jeem Lippwe
Deputy Permanent Representative
[Statement #2]**

New York, 28 March 2017

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Madame Facilitator,

I like to offer a few more insights on other issues requiring further discussion in the segment of Marine Genetic Resources.

Clearly, some kind of distinction should be made on how we treat fish as a source of genetic material vis-a-vis as a commodity. In our view, what is important ultimately is that in making this distinction the BBNJ instrument will not conflict with existing instruments and arrangements—in other words, this international legally binding instrument shall not undermine existing agreements including the mandate of RFMOs and SRFMOs. In the Pacific fisheries we have successful catch documentation schemes. Commercially caught fish in our region can be traced back to a time and location of catch. At the same time, we are advocating for MGRs to be traceable and firmly believe that our own traceability mechanism would be sufficient.

Madame Facilitator,

We think that the implementing agreement should include derivatives. We are mindful that the Nagoya protocol provides a precedent on this by regulating derivatives through its treatment of utilization of MGRs.

We believe that the implementing agreement should cover access to marine genetic resources in a comprehensive manner, in order to avoid possibility for gaps. Different actors have different access requirements. Academia might look to in situ access, the pharmaceutical industry might look to ex situ or in silico but so do research institutions in Small Island Developing States. Generally speaking, access should be as easy as possible while facilitating the sharing of benefits and it should cover in and ex situ as well as in silico.

For research cruises, the requirement could be as simple as recording time and GPS coordinates for the samples which is routinely done and would not constitute an unnecessary burden to the research community. Subsequently, samples should be as easily accessible as possible to help our own research institutions to take advantage of them.

Like New Zealand we like to see an increase in marine scientific research. As such, we see a comprehensive access regime not as a hindrance but rather as a tool to support research, especially for developing countries such as Micronesia. Access refers to both the collection of samples but also to being able to use what has been collected.

Madame Facilitator,

Micronesia is of the view that benefit sharing must be equitable—and the sharing of benefits shall be based upon the intention of the parties to commit to this instrument in order to produce meaningful outcomes. In our view, sharing of benefits must come in the form of both monetary and non-monetary benefits. That is the equitable and realistic solution.

In sharing these benefits, due recognition shall be accorded to the special circumstances of the Small Island developing states, just like PSIDS and Micronesia, that have attached strong cultural dimensions to the Ocean, having regard for the indigenous, customary, cultural values of the Pacific people as navigators, and the close link between the Pacific Ocean and the people on the Pacific Islands who, for generations, have navigated between and among the islands through the vast Pacific Ocean using traditional knowledge systems and practices associated with such knowledge and use of living marine resources. Under the circumstances, sharing of the benefits should be more than just nominal or symbolic—but rather, it should be reflective of the equitable nature of sharing mechanisms both in form and in substance.

A much practical way of giving effect to benefit sharing is by the establishment of a trust fund. The fund should be cost effective and easy to access so that Small Island Developing States can take advantage of. It should have a compulsory component, for example for royalties or milestone payments. We think it should also be open to voluntary contributions.

We foresee mandatory payments to be similar in size to payments for the benefits from genetic resources governed under the Nagoya Protocol.

Thank you.