

Submission of proposals related to the Further revised draft text of an agreement 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

Template

Please fill out one form for each article which your delegation(s) or group(s) wish(es) to propose, amend or delete.

- 1. Name(s) of Delegation(s) and/or Group(s) making the proposal in the order that they should be listed in any conference room papers or other documents:**

International Union for Conservation of Nature

- 2. Please indicate the relevant part of the Further revised draft text (as reflected in A/CONF.232/2022/5¹) that this proposal relates to, using the drop-down menu below.**

PART I GENERAL PROVISIONS

- 3. Please indicate the relevant article of the Further revised draft text (as reflected in A/CONF.232/2022/5¹) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 3

- 4. Kindly provide the amendments to the article that are being proposed in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the article that are being amended or deleted - examples are attached for reference.**

~~[2. This Agreement does not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial. However, each Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Agreement.]~~

¹ Currently available as an advance, unedited, version on the website of the IGC: [Fifth substantive session \(un.org\)](https://www.un.org/)

Alternative:

[2. This Agreement does not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial, non-research service. However, each Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Agreement.] Such measures shall be reported to the Conference of the Parties annually.

5. Rationale for the proposal, if any.

IUCN recommends deleting the entire paragraph. This article is too general for the purposes of this Agreement on biological diversity conservation and sustainable use. As read, it would exempt government owned research vessels from the provision of the Agreement on marine genetic resources, and potentially EIAs and ABMTs. The original text is based on Article 236 of UNCLOS Part XII on sovereign immunity, which limits its application to just Part XII of UNCLOS, not the entire Convention. Article 236 provides: “The provisions of this Convention regarding the protection and prevention of the marine environment do not apply to any warship...”