

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 II MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF BENEFITS

- 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 7

- 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.**

(a) Promote the fair and equitable sharing of benefits arising ~~from out of the~~ utilization of -marine genetic resources of areas beyond national jurisdiction;

c) Promote the generation of knowledge and technological innovations, including by promoting and facilitating the development and conduct of marine scientific research in

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

relation to marine genetic resources of areas beyond national jurisdiction, in accordance with the Convention;

5. Rationale for the proposal, if any.

(a) The inclusion of “the utilization of” marine genetic resources makes it clear that benefit sharing is triggered by the utilization of the genetic resources, not by other benefits arising from the marine resources, such as their use as commodities. “Utilization” is defined above in article 1, in accordance with its definition in the Nagoya Protocol. This would also bring this objective in line with the objectives of the Convention on Biological Diversity, notably article 1.²

(c) Linking capacity building and technology transfer to marine genetic resources is vital. It is important that this knowledge sharing encompasses the broadest possible range of scientific research activities in relation to MGR. As written, the provision may be interpreted as limited to scientific research that takes place in ABNJ, i.e. at the time of collection. This may inadvertently exclude promoting and facilitating the development and conduct of marine scientific research that is carried out in areas within national jurisdiction on MGRs from ABNJ. The suggested wording will make sure the focus is on the sharing of all knowledge and innovations within the scope of the ILBI provisions (in situ and ex situ MGRs).

² Article 1 includes “the fair and equitable sharing of the benefits arising out of the utilization of [marine] genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.” (CBD art. 1)