

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 1, para. 11

- 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.**

11. ~~Option A: “Marine genetic resources” means any genetic material of marine plant, animal, microbial or other origin, containing functional units of heredity and noncoding regions of nucleic acids, with actual or potential value of their genetic and biochemical properties, including genetic information.~~

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/ia-igc/)

Option B: “Marine genetic resources” means any material of marine plant, animal including birds, microbial or other origin containing functional units of heredity of actual or potential value.

5. Rationale for the proposal, if any.

Option A differs from the definition under the CBD, which will make implementation challenging. “Genetic information” is not defined in the Agreement. Because tangible samples and intangible elements like DSI and environmental data will require different treatment, it is important to keep them separate in definitions.

The addition of “of their genetic and biochemical properties” seems intended to distinguish MGR from commodities. This is better achieved through inclusion of “for their utilization” in the definition of “collection and access, in situ.”

Option B is consistent with the Nagoya Protocol but focuses on marine. However, limiting it to “marine” genetic resources may exclude other species in ABNJ, like birds. It serves no purpose in delineating the scope of the MGR provisions, as marine genetic resources can also be found within national jurisdiction. The geographical scope of the agreement is defined elsewhere. Alternatively “marine genetic resources” can be explicitly defined to include birds.