

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. 4

- 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.**

~~4. “Areas beyond national jurisdiction” means the high seas and the Area.~~

Or

4. “Areas beyond national jurisdiction” means ~~the high seas and the Area~~areas that are not within national jurisdiction.

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/)

5. Rationale for the proposal, if any.

IUCN's preferred recommendation is to remove the definition entirely. UNCLOS does not define ABNJ. ABNJ is a negative definition: it is everything that isn't defined by UNCLOS as within national jurisdiction. Leaving out airspace could open a large gap in UNCLOS that would require more work later to fix. But it is also important to note that UNCLOS does refer to superjacent airspace in the context of EEZs and territorial seas. Seabirds are an important part of marine biodiversity, as are the physical processes and ecosystem at the air/water interface, and atmospheric inputs into the superjacent airspace of the high seas may have adverse effects on marine biodiversity in the water column. As this Agreement refers to "marine" biodiversity, there is no issue of whether this Agreement might be interpreted as applying to outer space.