

**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.232/2022/5<sup>1</sup>) 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.232/2022/5<sup>1</sup>) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 9

- 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.**

1. ~~Parties shall ensure that a~~Activities with respect to marine genetic resources of areas beyond national jurisdiction ~~may be~~carried out ~~by all Parties and their natural or juridical persons~~under the conditions laid down in this Agreement.

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

**5. Rationale for the proposal, if any.**

This provision assumes that humans will be involved in decision-making and collecting and does not consider artificial intelligence and future automated technologies. Marine Autonomous Surface Ships are already undertaking activities in ABNJ and the legal status of fully autonomous (AI) technologies is unclear. It may be argued that AI activities are not carried out by states and their natural or juridical persons so none of the obligations in Part II would apply to autonomous vessels and/or autonomous research. We therefore suggest deleting the phrase “by all Parties and their natural or juridical persons”. If the purpose of the provision is to reaffirm the conditions of the agreement it achieves it without this phrase. This Part lacks a clear statement that obligates Parties to ensure that activities within their jurisdiction or control are conducted in accordance with these provisions. This can be included in a general implementation clause applying to the entire agreement or included here using the recommended wording above.