

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 (IUCN)

- 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 VII FINANCIAL RESOURCES AND MECHANISM

- 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 52

- 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.**

3. The mechanism shall include:

(...)

(b) A special fund established by the Conference of the Parties operated through an appropriate institutional mechanism that shall be adequately funded through assessed contributions from Parties ~~[, payments made by private entities pursuant to the provisions of this Agreement]~~ and that shall be open to additional contributions from Parties and private entities wishing to

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

provide financial resources to support the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction to:

- (i) Fund capacity-building projects under this Agreement, including effective projects on the conservation and sustainable use of marine biological diversity, environmental impact assessments and monitoring and activities and programmes, including training related to the use and transfer of marine technology;
- (ii) Assist developing States Parties to implement this Agreement;
- (iii) Finance the conservation, rehabilitation and ecological restoration of marine biological diversity of areas beyond national jurisdiction;
- (iv) Support conservation and sustainable use programmes by holders of traditional knowledge of indigenous peoples and local communities;
- (v) Support public consultations at the national, subregional and regional levels; and
- (vi) Fund the undertaking of any other activities as agreed by the Conference of the Parties;

4. Financial resources ~~mobilized~~ in support of the implementation of this Agreement may include funding provided through public and private sources, both national and international, including but not limited to contributions from States, international financial institutions, existing funding mechanisms under global and regional instruments, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons, and through public-private partnerships.

5. States Parties agree to mobilise adequate funding to deliver an effective mechanism. For the purposes of this Agreement, the mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties. The Conference of the Parties shall provide guidance, inter alia, on overall strategies, policies, programme priorities and eligibility criteria for access to and utilization of financial resources. The mechanism shall operate within a democratic and transparent system of governance.

(...)

8. ~~Option A:~~ The Conference of the Parties shall establish a ~~working group~~ Standing Committee on ~~financial~~ Finance to help mobilize adequate resources ~~to,~~ periodically report, and make recommendations on the identification and mobilization of funds under the mechanism. It shall also collect information and report on funding under other mechanisms and instruments contributing directly or indirectly to the achievement of the objectives of this Agreement. In addition to the considerations provided in this article, the working group on financial resources shall consider, inter alia:

- (a) The assessment of the needs of the Parties, in particular developing States Parties;

- (b) The availability and timely disbursement of funds;
- (c) The transparency of decision-making and management processes concerning fundraising and allocations;
- (d) The accountability of the recipient developing States Parties with respect to the agreed use of funds.

The Conference of the Parties shall consider the reports and recommendations of the Standing Committee on Finance ~~working group on financial resources~~ and take appropriate action.

~~Option B:~~ The Conference of the Parties will undertake a periodic review of the financial mechanism to assess the adequacy, effectiveness and accessibility of financial resources, including for the delivery of capacity-building and the transfer of marine technology, in particular for developing States Parties.

5. Rationale for the proposal, if any.

On 3.: IUCN supports the text with its suggested amendments, notably to reflect the potential expenditures under (i)-(v) which will have significant costs, the institutional mechanisms for the special fund, the fact that money from private entities (e.g. from MGR-ABS) should be considered additional hence the need to delete the bracketed text.

On 5: This additional text helps clarify that States Parties will have an obligation to mobilise adequate funding.

On 8: Art. 52, IUCN suggests strengthening option A by turning this working group concept into a “Standing Committee on Finance”, with a clear mandate to mobilize financial resources, engage with other entities, etc, as well as combining it with option B as they are complementary.