

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)