

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

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 II MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF BENEFITS

- 3.

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.