



Text Proposal Submissions Cross-Cutting Articles 4-6

1. Proposed New Article: Article XX Transparency

1. The Conference of the Parties shall promote transparency in decision making processes and other activities carried out under this Agreement.
2. All meetings of the Conference of the Parties and its subsidiary bodies shall be open to all participants and observers registered in accordance with paragraph 5 unless otherwise decided by the Conference of the Parties.
3. The Conference of the Parties shall publish its reports, decisions and recommendations when adopted and shall maintain a public record of all decisions, recommendations and meeting records.
4. The Conference of the Parties shall promote transparency in the implementation of this Agreement through the public dissemination of non-commercially sensitive information and, as appropriate, facilitating consultations with, and the participation of, Stakeholders.
5. The Rules of Procedure shall specify provisions for determining claims for confidentiality, consistently with this Article.
6. Representatives of non-Contracting Parties, relevant intergovernmental organisations and non-governmental organisations, including environmental organisations with an interest in matters pertaining to the Conference of the Parties shall be afforded the opportunity to take part in the meetings of the Conference of the Parties and of its subsidiary bodies, as observers or otherwise as appropriate. The rules of procedure of the Commission shall provide for such participation and shall not be unduly restrictive in this respect. The rules of procedure shall also provide for such representatives to have timely access to all relevant information.

Proposed Revised Article: Revised Article 5 General Principles

In order to achieve the objective of this Agreement, States Parties shall:

- a) Apply an ecosystem based approach widely to the conservation and sustainable use of marine biodiversity through an integrated approach under which decisions in relation to the conservation and sustainable use of marine biodiversity are considered in the context of the functioning of the wider marine ecosystems in which they occur to ensure the long-term conservation and sustainable use of those resources and in so doing, build resilience, restore ecosystem integrity and safeguard those marine ecosystems; [drawn from South Pacific RFMO Convention]
- (b) Use the best available science, including traditional knowledge;
- (c) Promote the short term and long term protection, preservation and restoration of biodiversity and the marine environment and maintenance and restoration of ecosystem integrity in areas beyond national jurisdiction;
- (d) Endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should [, in principle,] bear the cost of pollution, with due regard to the public interest;
- (e) Be guided by the principle of non-regression;
- (f) Apply the precautionary principle so that there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;
- (g) Apply the principle of transparency, facilitate and encourage public awareness and participation and make information widely available as further elaborated in article []
- (h) Intra and intergenerational equity.

(proposed new text in bold italics)

Proposed Revised Article: Article 5: International cooperation *and Obligations*

1. States Parties shall cooperate for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including through strengthening and enhancing cooperation among existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies in the achievement of the objective of this Agreement, **and shall cooperate within relevant global, regional and sectoral bodies to achieve the objectives of, and fulfill their obligations under this Agreement.**
2. States Parties shall promote international cooperation in marine scientific research in accordance with articles 242 to 244 of the Convention, and in the development and transfer of marine technology in accordance with articles 270 to 274 of the Convention in the achievement of the objective of this Agreement.
3. *States Parties shall cooperate to enable the access to and equitable sharing of benefits from marine genetic resources from areas beyond national jurisdiction according to Part II of this Agreement.*
4. *States Parties shall cooperate to establish a network of marine protected areas under this Agreement, based on best available science and the precautionary principle, to conserve marine biodiversity in accordance with the provisions of Part III of this Agreement to achieve the objective of the Agreement in Article 2.*
5. *States Parties shall take all appropriate and effective measures to prevent, reduce and control transboundary impacts on marine biodiversity beyond national jurisdiction, including pollution from proposed or existing activities.*
6. *States Parties shall cooperate to undertake environmental impact assessments and control the effects of activities on areas beyond national jurisdiction according to Part IV of this Agreement.*
7. *States Parties shall cooperate to enable capacity building and the transfer of technology according to Part V of this Agreement.*