



IUCN Intervention on applicable principle to Marine Genetic Resources

Thank you, Facilitator.

IUCN appreciates the discussions on the general principles, such as the precautionary principle. With respect to marine genetic resources, IUCN would like to suggest some pragmatic solutions, based on the principle of *common concern of humankind*.

The principle of the *common concern of humankind* was most recently used in the Paris Agreement but it is not a new concept. Most notably, the Convention on Biological Diversity, where there are 196 parties, is based on the principle that the *conservation of biological diversity is the common concern of humankind*. The principle incorporates concepts of inter and intra-generational equity, international solidarity, shared decision making, accountability and fair and equitable benefit and burden sharing through cooperation. These are all concepts compatible with UNCLOS and core to the effective conservation and sustainable use of marine biodiversity in ABNJ.

In terms of operationalizing the principle of *common concern of humankind*, the fair and equitable sharing of benefits could focus on facilitating marine scientific research in order to increase our understanding of biodiversity in ABNJ and to feed the biodiscovery pipeline. To achieve such goals, providing a clear set of rules and giving legal certainty to users of MGRs is important. The highest level of compliance amongst users can be achieved not only by having a transparent scheme for accessing and utilizing MGRs, but also by having procedures consistent with the Convention on Biological Diversity.

Specifically, to promote the involvement of users from developing countries, access to MGR from ABNJ could come with the condition of making the material and/or genetic information publicly available in open source databases, biorepositories and/or biobanks, thus contributing to the already existing common pools of genetic resources. Making data available will also maximize the potential for new discoveries by all participating scientists, benefitting all humankind. In addition to making data accessible, capacity building and technology transfer should be regarded as core components of fair and equitable benefit sharing so that scientists in developing countries have the means to conduct research and development. This proposed approach can lead to greater transparency, availability of data and innovation.

Given the complexity and the technical nature of MGRs, IUCN is very pleased to announce that we will be co-hosting an off-site all-day workshop on MGRs at NYU Law School this Saturday from 10 a.m. to 6 p.m. A copy of the programs is available on the table in front of this room. Please contact me or any IUCN delegate for further information.