

# 'One Ocean' Symposium

Saturday 24th August 2019—9am to 5pm

Scandinavia House, 58 Park Ave, New York, NY 10016, USA

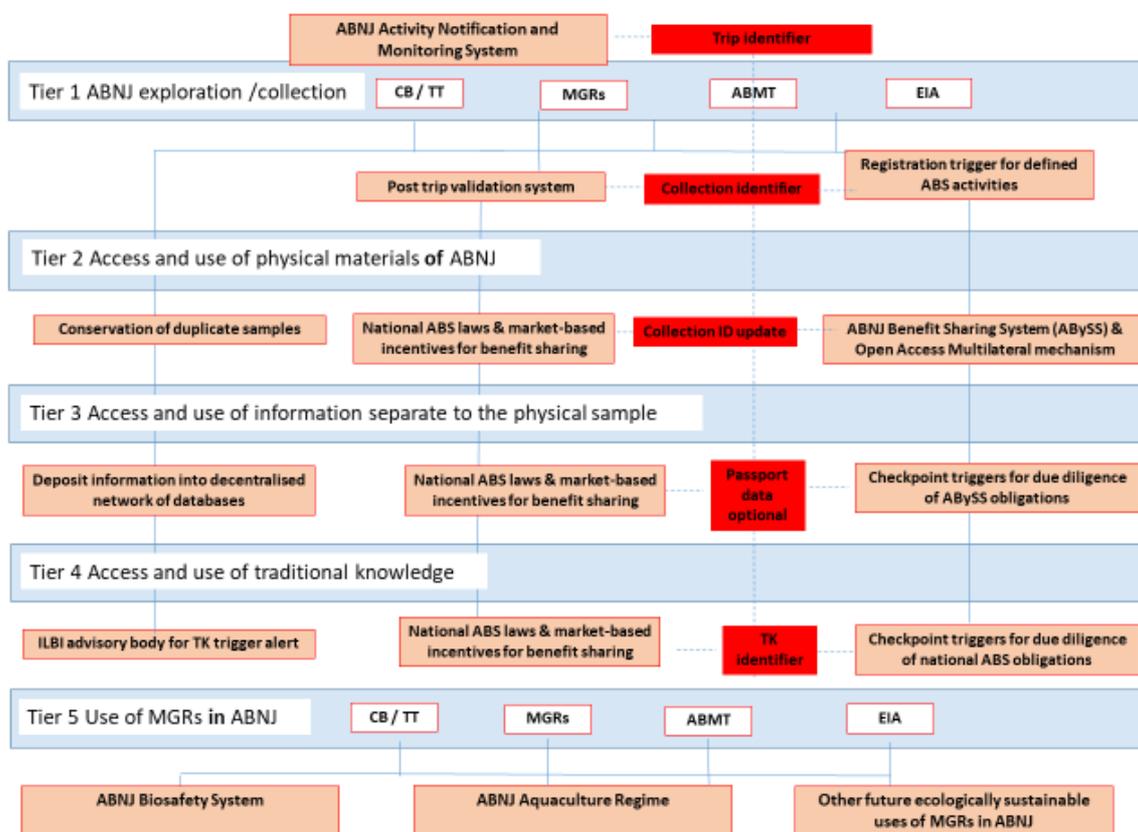
## Information paper

### A Tiered Approach to the Marine Genetic Resource Framework under the Proposed UNCLOS Agreement for Biodiversity Beyond National Jurisdiction

Fran Humphries, Hiroko Muraki-Gottlieb, Morten Walloe Tvedt<sup>1</sup>

The June 2019 Draft Text for treaty negotiations outlines a proposed framework for governing marine genetic resources (MGR) of Areas beyond National Jurisdiction (ABNJ). While the Draft Text provides many options, it appears to focus on: (a) access procedures according to subject matter (*in situ*, *ex situ*, *in silico*, traditional knowledge); and (b) a 'one size fits all' model of benefit sharing and monitoring applying to all MGRs of ABNJ. This paper explores practical legal and scientific challenges and opportunities for implementing this model.

The purpose of the Tiered Approach is to identify building blocks for an equitable and efficient MGR system that offers a middle ground between the 'open' and 'restrictive' approaches for meeting benefit sharing objectives. It integrates MGR governance with; (a) national MGR governance; and (b) the other treaty elements (e.g. a multilateral benefit sharing system combined with area based management tools) to promote a coherent global system for MGR conservation and sustainable use. It builds on lessons learned from challenges facing other ABS systems (e.g. *Convention on Biological Diversity* and the *FAO's Plant Treaty*), including managing traceability across jurisdictions and managing information separate to the physical materials. Finally, it proposes a regime that: (a) uses obligations combined with incentives for equitable benefit sharing; (b) promotes efficiency by minimising regulatory burdens on researchers and developing countries; and (c) proposes integration of critical gaps in MGR conservation, including the use of genetically modified organism in ABNJ.



<sup>1</sup> Fran Humphries (Griffith University), Hiroko Muraki Gottlieb (International Council of Environmental Law), Morten Walloe Tvedt (Molde University College). **Correspondence: frances.humphries@griffith.edu.au**