**Submission of proposals related to the Further refreshed 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**

*Please fill out one form for each article which your delegation(s) or group(s) wish(es) to propose, amend or delete.*

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:**

Viet Nam

1. **Please indicate the relevant part of the Further refreshed draft text (as reflected in A/CONF.232/2022/5) that this proposal relates to, using the drop-down menu below.**

PART V CAPACITY-BUILDING AND TRANSFER OF MARINE TECHNOLOGY

1. **Please indicate the relevant article of the Further refreshed draft text (as reflected in A/CONF.232/2022/5) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 45, paragraph 2 of the Further refreshed text

1. **Kindly provide the amendments to the article that are being proposed in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the article that are being amended or deleted - examples are attached for reference.**

**Article 45**

2. Parties shall promote and encourage economic and legal conditions for the transfer of marine technology to developing States Parties, particularly with regard to activities which are authorized by, or totally or partly financed by the Parties, taking into account the special circumstances of small island developing States, including through the provision of incentives to enterprises and institutions.

1. **Rationale for the proposal, if any.**
2. This proposal is inspired from Article 16 of the Convention on Biodiversity, in particular paragraph 4 which reads ‘Each ContractingParty shall take legislative, administrative or policy measures, asappropriate, with the aim that the private sector facilitates access to,joint development and transfer of technology referred to in paragraph1 above for the benefit of both governmental institutions and theprivate sector of developing countries and in this regard shall abideby the obligations included in paragraphs 1, 2 and 3 above’ (which means the obligations regarding transfer of technology).
3. As we can see from the CBD, both public and private sector shallabide by the obligations relating to transfer of technology for thebenefit of developing countries. This provision applies, a fortiori, to activities or projects that the government has authorized or financed. The government has the means to control, at least to some extent, this kind of activities. This proposed insertion highlights the obligation of a Party to adopt measures favorable for transfer of marine technology for the benefit ofdeveloping countries with regard to activities authorized by or totally or partly financed by that Party.