

BBNJ resumed IGC-5
Informal informals on capacity-building and the transfer of marine technology
Oral report of the Facilitator
27 February 2023

1. During the informal informals on capacity-building and the transfer of marine technology that were held on 24 February 2023, delegations discussed articles 42, 43, 45, 46, 47, 47bis and Annex II, including proposals that had been advanced in two small group meetings on 22 and 23 February.
2. With respect to **Article 42** on objectives, delegations continued their discussion on existing proposals and some delegations signalled a certain level of flexibility on the text of paragraph (e) (iii).
3. On **Article 43**, there seemed to be general agreement on the text, pending a proposal on the reference to holders of traditional knowledge and two cross-cutting issues, namely the listing of developing States and the capitalization of Indigenous Peoples, in paragraph (2).
4. On **Article 45**:
 - Delegations landed on inserting the word “additional” to the title of the article, to read “Additional modalities for the transfer of marine technology”.
 - Delegations also landed on beginning paragraph (1) with the words “The transfer of marine technology”, removing the phrase “Parties [, within their capabilities,] shall cooperate to ensure that]”.
 - Other proposals were debated on paragraph (1). These remained under discussion, including references to mutually agreed terms and “applicable international law”, as well as a suggestion to replace “provisions” with “objectives” in the final part of the paragraph. Delegations also pointed to the link between paragraph (1) and paragraph (3) of this article.
 - Alternative language was put forward for paragraph (1), according to which different terms of transfer would apply to different groupings of technology. This remains a proposal under discussion.
 - Delegations continued to discuss the phrasing of paragraph (2), with additional proposals being made.
5. Concerning **Article 46** and **Annex II**, there seemed to be a significant degree of agreement on the types of capacity-building and transfer of marine technology to be listed, with

delegations furthering their understanding on outstanding proposals, which are minimal ones but nevertheless require discussion.

6. Regarding **Article 47** on monitoring and review:

- Progress was made on paragraph (2), following work in the small group. Landing zones were found on reflecting language regarding the role and authority of the Conference of the Parties and the capacity building and transfer of marine technology committee, which was previously found in paragraph (3), and now put into the chapeau of paragraph (2), as well as adding a link to the financial mechanism under article 52 in paragraph (2)(c). This was significant progress on article 47.
- Regarding paragraph (4), drafting proposals were received concerning reporting to the committee, which several delegations indicated they could consider favourably in subsequent discussions.

7. Regarding **Article 47bis**, to conclude, landing zones were found on several elements, including the timeframe for operationalization of the committee in paragraph (2), and a redrafting of paragraph (3). The issue of the composition of the committee remains a matter for discussion.

8. Madam Chair, I do hope this afternoon in the small working group that will be held in Conference Room B, we will address articles 44 and 45 of this Part of the Agreement. I again request a constructive spirit with which delegations have been participating.