**PART VI**

**INSTITUTIONAL ARRANGEMENTS**

**Article 48**

**Conference of the Parties**

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Secretary-General of the United Nations no later than one year after the entry into force of this Agreement. Thereafter, ordinary meetings of the Conference shall be held at regular intervals to be determined by the Conference . Extraordinary meetings of the Conference may be held at other times , in accordance with the rules of procedure.

2 bis. The Conference of the Parties shall ordinarily meet at the seat of the Secretariat or at the headquarters of the United Nations .

3. The Conference of the Parties shall by consensus adopt at its first meeting rules of procedure for itself and its subsidiary bodies[.[Financial] rules governing its funding and the funding of the secretariat and any subsidiary bodies, and thereafter rules of procedure and financial rules for any further subsidiary body that it may establish [shall be adopted in accordance with paragraph 4 of this article]]. Until such time as the rules of procedure have been adopted, the rules of procedure of the intergovernmental conference on an international legally binding instrument 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 shall apply[, except as provided in paragraph 4 of article 48 of this Agreement] [mutatis mutandis].

4. The Conference of the Parties shall make every effort to adopt decisions and recommendations by consensus. Except as otherwise provided in this Agreement[, including in paragraph 3 of this article and article 19 bis], if all efforts to reach consensus have been exhausted, decisions and recommendations of the Conference of the Parties on questions of substance shall be adopted by a [two-thirds] [three-fourths] [four-fifths] majority of the Parties present and voting, and decisions on questions of procedure shall be adopted by a majority of the Parties present and voting.

5. The Conference of the Parties shall keep under review and evaluation the implementation of this Agreement and, for this purpose, shall:

 (a) Adopt decisions and recommendations related to the implementation of this Agreement [which shall not be legally binding upon Parties to this Agreement];

 (b) Review and facilitate the exchange of information among Parties relevant to the implementation of this Agreement;

 (c) Promote, including by establishing appropriate processes, cooperation and coordination with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, with a view to promoting coherence among efforts towards the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;

 (d) Establish such subsidiary bodies as deemed necessary to support the implementation of this Agreement;

 (e) Adopt a budget [by consensus], at such frequency and for such a financial period as it may determine;

 (f) Undertake other functions identified in this Agreement or as may be required for its implementation.

6. [The Conference of the Parties] [Each Party] may decide to request the International Tribunal for the Law of the Sea to give an advisory opinion on a legal question [on the conformity with this Agreement [of a proposal before the Conference of the Parties on any matter within its competence]] [arising within the scope of its competence as provided for under paragraph 5 of this article]. A request for an advisory opinion [may] [shall] not be sought on a matter within the competence of other global, regional, subregional or sectoral bodies, or on a matter that [necessarily] involves [the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory or a claim thereto] [any dispute concerning sovereignty, sovereign rights or jurisdiction [over land or maritime areas], or a claim thereto]. The request shall indicate the scope of the legal question on which the advisory opinion is sought. The Conference of the Parties may request that such opinion be given as a matter of urgency. *[Moved from article 55 ter]*

7.The Conference of the Parties shall, within five years of the entry into force of this Agreement and thereafter at intervals to be determined by it, assess and review the adequacy and effectiveness of the provisions of this Agreement and, if necessary, propose means of strengthening the implementation of those provisions in order to better address the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

**Article 48 bis**

**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 observers participating in accordance with the rules of procedure unless otherwise decided by the Conference of the Parties. The Conference of the Parties shall publish and maintain a public record of its decisions.

3. The Conference of the Parties shall promote transparency in the implementation of this Agreement, including through the public dissemination of information, and the facilitation of participation of, and consultation with, relevant global, regional, subregional and sectoral bodies , Indigenous Peoples and local communities with relevant traditional knowledge, the scientific community, civil society and other relevant stakeholders as appropriate, and in accordance with the provisions of this Agreement.

4. Representatives of States not party to this Agreement, relevant global, regional, subregional and sectoral bodies, Indigenous Peoples and local communities with relevant traditional knowledge, the scientific community, civil society and other relevant stakeholders with an interest in matters pertaining to the Conference of the Parties may request to participate in the meetings of the Conference of the Parties and of its subsidiary bodies, as observers. The rules of procedure of the Conference of the Parties shall provide for modalities 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.

**Article 49**

**Scientific and Technical Body**

**OPTION I:**

1. A Scientific and Technical Body is hereby established.

2. The Body shall be composed of members serving in their expert capacity and in the best interest of the Agreement, nominated by Parties and elected by the Conference of the Parties, with suitable qualifications, taking into account the need for multidisciplinary expertise, including relevant scientific and technical expertise and expertise in relevant traditional knowledge of Indigenous Peoples and local communities, gender balance and equitable geographical representation. The terms of reference and modalities for the operation of the Body, including its selection process and the terms of members’ mandates, shall be determined by the Conference of the Parties at its first meeting.

3. The Body may draw on appropriate advice emanating from relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as well as from other scientists and experts, as may be required.

4. Under the authority and guidance of the Conference of the Parties, [and taking into account the multidisciplinary expertise referenced in paragraph 2 of this article,] the Body shall provide scientific and technical advice to the Conference and perform the functions assigned to it under this Agreement and such other functions as may be determinedby the Conference, and provide reports to the Conference on its work.

**OPTION II:**

1. A Scientific and Technical Body [is hereby] [could be] established [by the Conference of the Parties in case all Parties take this decision by consensus].

2. The Body [shall][could] be composed of members serving in their expert capacity and in the best interest of the Agreement, nominated by Parties and elected by the Conference of the Parties, with suitable qualifications, taking into account the need for multidisciplinary expertise, including relevant scientific and technical expertise and expertise in relevant traditional knowledge of Indigenous Peoples and local communities, gender balance and equitable geographical representation. The terms of reference and modalities for the operation of the Body, including its selection process and the terms of members’ mandates, shall be determined by the Conference of the Parties at its first meeting.3. The Body may draw on appropriate advice emanating from relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as well as from other scientists and experts, as may be required.

4. Under the authority and guidance of the Conference of the Parties, [and taking into account the multidisciplinary expertise referenced in paragraph 2 of this article,] the Body [shall][could] provide scientific and technical advice to the Conference and perform the functions assigned to it under this Agreement and such other functions as may be [determined] by the Conference, and provide reports to the Conference on its work.

**Article 50**

**Secretariat**

1. **Option A:** A secretariat is hereby established. The Conference of the Parties, at its first meeting, shall make arrangements for the functioning of the secretariat, including deciding on its seat.

1 bis. Until such time as the secretariat commences its functions, the Secretary-General of the United Nations, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat, shall perform the secretariat functions under this Agreement.

1 ter. The secretariat and the host State may conclude a headquarters agreement. The secretariat shall enjoy in the territory of the host State legal capacity and be granted such privileges and immunities by the host State as are necessary for the exercise of its functions.

 **Option B:** The secretariat functions for this Agreement shall be performed by the Secretary-General of the United Nations, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat.

2. The secretariat shall:

 (a) Provide administrative and logistical support to the Conference of the Parties and its subsidiary bodies for the purposes of the implementation of this Agreement;

 (b) Arrange and service the meetings of the Conference of the Parties and of any other bodies as may be established under this Agreement or by the Conference;

 (c) Circulate information relating to the implementation of this Agreement in a timely manner, including making publicly available and transmitting to all Parties as well as to relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, decisions of the Conference of the Parties;

 (d) Facilitate cooperation and coordination, as appropriate, with the secretariats of other relevant international bodies and, in particular, enter into such administrative and contractual arrangements as may be required for that purpose and for the effective discharge of its functions, subject to approval by the Conference of the Parties;

 (e) Prepare reports on the execution of its functions under this Agreement and submit them to the Conference of the Parties;

 (f) Provide assistance with the implementation of this Agreement and perform such other functions as may be determined by the Conference of the Parties or assigned to it under this Agreement.

**Article 51**

**Clearing-house mechanism**

1. A clearing-house mechanism is hereby established.

2. The clearing-house mechanism shall consist primarily of an open-access platform. The specific modalities for the operation of the clearing-house mechanism shall be determined by the Conference of the Parties.

3. The clearing-house mechanism shall:

 (a) Serve as a centralized platform to enable Parties to access, provide and disseminate information with respect to activities taking place pursuant to the provisions of this Agreement, including information relating to:

 (i) Marine genetic resources of areas beyond national jurisdiction, [as set out in Part II of this Agreement;] [including the sharing of benefits, and data and scientific information [on,] [through an electronic information system to all Parties for pre- and post-collection notifications, as well as, associated traditional knowledge in line with article 10 bis] [as well as in line with, free, prior and informed consent, traditional knowledge associated with marine genetic resources of areas beyond national jurisdiction]];

 (ii) The establishment and implementation of area-based management tools, including marine protected areas;

 (iii) Environmental impact assessments;

 (iv) Requests for capacity-building and the transfer of marine technology and opportunities with respect thereto, including research collaboration and training opportunities, information on sources and availability of technological information and data for the transfer of marine technology, opportunities for facilitated access to marine technology and the availability of funding;

 (b) Facilitate the matching of capacity-building needs with the support available and with providers for the transfer of marine technology, including governmental, non-governmental or private entities interested in participating as donors in the transfer of marine technology, and facilitate access to related know-how and expertise;

 (c) Provide links to relevant global, regional, subregional, national and sectoral clearing-house mechanisms and other databases, repositories and gene banks, including those pertaining to relevant traditional knowledge of Indigenous Peoples and local communities and promote, where possible, links with publicly available private and non-governmental platforms for the exchange of information;

 (d) Build on global, regional and subregional clearing-house institutions, where applicable, when establishing regional and subregional mechanisms under the global mechanism;

 (e) Foster enhanced transparency, including by facilitating the sharing of environmental baseline data and information relating to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction between Parties and other relevant stakeholders;

 (f) Facilitate international cooperation and collaboration, including scientific and technical cooperation and collaboration;

 (g) Perform such other functions as may be determined by the Conference of the Parties or assigned to it under this Agreement.

4. The clearing-house mechanism shall be managed by the secretariat, without prejudice to possible cooperation with other relevant [legal instruments and frameworks and relevant global, regional] organizations as determined by the Conference of the Parties[, including the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the International Seabed Authority, the International Maritime Organization and the Food and Agriculture Organization of the United Nations].

5. In the management of the clearing-house mechanism, full recognition shall be given to the special requirements of developing States Parties, as well as the special circumstances of small island developing States Parties, and their access to the mechanism shall be facilitated to enable those States to utilize it without undue obstacles or administrative burdens. Information shall be included on activities to promote information-sharing, awareness-raising and dissemination in and with those States, as well as to provide specific programmes for those States.

6. The confidentiality of information provided under this Agreement and rights thereto shall be respected. [Nothing under this Agreement shall be interpreted as requiring the sharing of information that is protected from disclosure under the domestic law of a Party or other applicable law.]