

## **BBNJ IGC-5**

### **Informal informals on capacity-building and the transfer of marine technology**

#### **Oral report of the Facilitator**

**19 August 2022**

1. During the informal informals on capacity-building and the transfer of marine technology, held on 17 and 19 August 2022, delegations discussed the remainder of the articles.
2. **On paragraphs 4 and 5 of article 44:**
  - Some homework was assigned to CLAM and CARICOM on how needs assessment should be carried out, in particular whether it should be only self-assessed and on a role for any future capacity-building and transfer of marine technology committee and/or the clearing-house mechanism.
  - On paragraph 5, there was general support for the timeframe, but we do need to iron out links with articles 45 and 47 to address the issues.
3. **On article 45:**
  - On paragraph 1, I noted the need for flexibility in terms of how we describe the nature of the obligation. It seemed generally that the reference to mutually agreed terms and conditions could remain, although there were a number of other proposals. The Philippines reported back to the group on progress of the work in relation to this paragraph and works continues.
  - In terms of paragraph 2, I think there is still some way to go and I will be consulting delegations on this paragraph.
  - On paragraph 3, Switzerland is leading a small group to clarify on how we express our ideas on paragraph 3 and, based on the reports, will continue in this respect.
  - On paragraph 4, I invited the G77&China and the EU to have a discussion in relation to certain phrases. I think there is a glimmer of movement and discussions will continue.
4. **On article 43**
  - There was a large measure of agreement on paragraphs 1 and 2 as drafted, with some drafting proposals receiving support from the room. I invited the African Group and Nicaragua to consult on a specific proposal, and the Russian Federation to consult with other delegations on their proposal. On paragraph 3, G77&China volunteered to lead a small group to discuss the listing of States in that paragraph and in relation to list that appears in the rest of the text.
  - I would like to thank the G77&China and remind others that you can always volunteer for homework.

5. **On article 42**

- There were expressions of support for a provision on objectives, alongside calls for streamlining of these objectives. I indicated that I would attempt to revise article 42 based on proposals.

6. **On article 46**

- In relation to paragraph 1, a number of drafting proposals seemed generally uncontroversial, but I invited Palau on behalf of the PSIDS to work with Iran and the United States to consult on a proposal relating to free, prior and informed consent.
- I invited Australia to work with all interested delegations on whether and how to include a further indicative and non-exhaustive list of types of capacity-building and the transfer of marine technology, including in an annex II.

7. **On use of terms**

- There was general agreement to drop the definition of “transfer of marine technology”, and some proposals on the definition of “marine technology”.