

BBNJ IGC-5

Informal informals on marine genetic resources, including questions on the sharing of benefits

23 August 2022

1. The informal informals on marine genetic resources, including questions on the sharing of benefits, held on 22 and 23 August 2022, addressed articles 11, 13 and 10, as well as the use of terms contained in article 1 paragraphs (1), (2), (12) and (19) of the Refreshed draft text. In general, there was appreciation expressed by delegations for the Refreshed draft text, including the restructuring of articles 10, 11 and 13.
2. On article 11:
 - Delegations supported the general direction of paragraphs (1), (2) and (4) and made some drafting proposals.
 - Based on views expressed by delegations, I presented a drafting proposal on paragraph (3) for further discussion, which accommodate the reflections made during the discussions.
 - With regard to paragraphs (5) to (7), views continued to differ on whether and, if so, how to address monetary benefits, with some delegations expressing flexibility on finding pragmatic solutions.
3. On article 13, I noted flexibility on paragraphs (1), (2), (3) and (6) and the wish to further clarify modalities and the roles of relevant institutional arrangements. I also noted openness to discuss the issue of commercialization in paragraphs (4) and (5), as well as to discuss how it would relate to article 11.
4. On article 10:
 - Delegations generally supported paragraph (1) but differed on its placement. Delegations made a number of drafting proposals on paragraphs (2) to (5), and expressed different views on paragraph (6). On paragraph (7), I noted that the positions of many delegations are pending further consideration of the definitions of relevant terms.
 - The homework group that was discussing paragraph (8) reported a proposal to delete this paragraph and reformulate paragraph (2) of article 9. There appears to be appetite to work on the basis of that.
5. On the use of terms in article 1:
 - I noted the openness to separate physical samples and “associated data and information” in paragraphs (1) and (2), with disagreement on the framing of the latter term and its inclusion in the definition of “marine genetic resources” in paragraph (12).
 - I noted different views on some elements of the definition of utilization in paragraph (19), and openness of some delegations to consider these elements.
6. I wish to thank the small groups that have completed their homework, and I invited the African Group and Norway to lead small group discussions on articles 10 and 11, as well as on aspects of article 13 that relate to article 11, with a view to reporting back on Wednesday, tomorrow. I urge delegations to continue working under the spirit of constructiveness and flexibility in order to jointly find solutions. I recognize that this has to be done outside of the room. I have heard delegations are asking for more space to discuss these issues in informal informals.