

## BBNJ IGC-5

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

#### Oral report of the Facilitator

26 August 2022

1. During the informal informals on marine genetic resources, including questions on the sharing of benefits, held from 15 to 25 August 2022, delegations negotiated extensively on provisions of Part II, and the use of relevant terms in article 1. I thank delegations for their constructive attitude, their collegiality and their flexibility through which we have been able to find landing zones on many issues.

- With regard to article 7, delegations identified generally acceptable language on the way forward for this provision.
- In relation to article 8 on application, I noted general support for addressing the material scope and temporal scope in a streamlined manner, while discussions continued over certain aspects, including the formulation of a carve-out for fish or other biological resources and/or fishing activities. I think it is important to highlight that delegations are working to accommodate each other's concerns.
- Regarding article 9 on activities with respect to marine genetic resources of areas beyond national jurisdiction, delegations identified generally acceptable language for most of the paragraphs, while discussion continued on the inclusion of paragraph (5).
- Substantial progress was achieved in elaborating the modalities of a notification system on activities with respect to marine genetic resources of areas beyond national jurisdiction at different stages, as contained in article 10 of the Further refreshed text.
- On article 10bis relating to traditional knowledge of indigenous peoples and local communities, delegations expressed general support for the text contained in the Further refreshed text.
- With regard to article 11 on fair and equitable sharing of benefits, delegations generally agreed on the provisions regarding non-monetary benefits, while work was ongoing to find a landing zone on the issue of monetary benefits and that work was persistent.
- In relation to article 11bis on the access and benefit-sharing mechanism, I noted general support for the establishment of such a mechanism, while work was ongoing to outline its functions and modalities.
- Regarding article 12 on intellectual property rights, views continued to differ on whether to address this issue and if so, how.
- I noted an openness towards many elements contained in article 13 on transparency and traceability, while work was ongoing on certain aspects of this article.
- With regard to the use of terms relating to this Part, delegations were generally comfortable with the text of some definitions as contained in the Further refreshed text, but views continued to differ on whether the other terms should be defined and, if so, how.

2. In summary, significant progress has been made in this Part and delegations have demonstrated their willingness to cooperate and to be flexible. There are outstanding issues in relation to the sharing of benefits, the scope of application and the issues of intellectual property rights.