

BBNJ IGC-5

Informal informals on cross-cutting issues Oral report of the Facilitator

19 August 2022

1. The informal informals on cross-cutting issues, held from 17 to 19 August 2022, discussed general provisions (Part I), institutional arrangements and financial resources and mechanism. On 17 August, a Q&A related to the secretariat set up and related budgetary considerations was held with representatives of the Office of Legal Affairs and the Office of Programme Planning, Finance and Budget.
2. **Regarding institutional arrangements, on article 48 on the COP:**
 - Paragraphs (1) and (2) were strongly supported as drafted.
 - On paragraph (3), delegations differed on whether the COP's rules of procedure should be adopted by consensus. I invited PSIDS and New Zealand to lead a small group on this.
 - Different preferences were expressed regarding the options in paragraph (4); the links with decision-making modalities across the text were noted. I invited the EU to lead a small group discussion on this.
 - Most delegations were comfortable with paragraph (5) on the functions of the COP.
 - As paragraph (6) on interim and emergency measures generated many questions, New Zealand was invited to lead a small group.
 - Most delegations supported paragraph (7) as drafted regarding periodic review.
3. **On article 49 on the STB:**
 - Most delegations were comfortable with paragraphs (1), (3) and (4).
 - Several proposals were made to adjust paragraph (2) on composition.
4. **On article 50 on the secretariat:**
 - Both options A and B of paragraph (1) garnered support, alongside indications of flexibility. Some support was expressed for DOALOS to fulfil interim secretariat functions.
 - Delegations were generally comfortable with the functions listed in paragraph (2), with some streamlining suggestions.

5. **On article 51 on the Clearing House Mechanism:**

- Most delegations were comfortable with paragraphs (1) and (2).
- There was also a high degree of comfort with the functions in paragraph (3) and management by the secretariat in paragraph (4), with some streamlining suggestions.
- A suggestion to delete paragraph (5) met with reservations.
- Suggestions were made to clarify the information protected under paragraph (6).

6. **On general provisions:**

- On article 4, I think we all know this is a very important provision but differences of views remain in terms of text in paragraph 3 and whether we should retain paragraph 4. I will be preparing a revision of article 4 with a view to nudging delegations to compromise.

7. **On financial resources and mechanism:**

- We discussed article 52 on funding. Delegations were fairly content with the more procedural paragraphs. However, the fundamental crux of the funding mechanism in relation to the sources of funding, the purposes of funding and who would be providing the funding still require a fair bit of work and I indicated that, next week, I will be convening small groups to discuss funding.