

BBNJ Resumed IGC-5
Informal informals on cross-cutting issues – Institutional Arrangements
Oral report of the Facilitator
22 February 2023

1. The informal informals on cross-cutting issues, held in the morning of 20 February 2023, discussed Part VI, focusing on article 48 - Conference of the Parties, paragraphs 1 to 6.
2. With regard to article 48:
 - On paragraph 1, there seemed to be a high degree of comfort with the text as drafted.
 - Regarding paragraph 2 on meetings of the COP, many delegations supported the text as drafted. Two groups of States proposed providing for the convening of special meetings.
 - On paragraph 3, a proposal was made to remove the reference to the adoption of the rules of procedure by consensus, but most delegations opposed this. It was suggested that the provisional application of the rules of procedure of the BBNJ Intergovernmental Conference was useful to avoid a procedural stalemate.
 - Turning to paragraph 4 on decision-making modalities, there seemed to be general comfort with the possibility of taking decisions by vote when all efforts to reach consensus had been exhausted, with different views on the voting threshold for decisions on questions of substance.
 - On paragraph 5 on the functions of the Conference of the Parties, there was strong support for the paragraph as drafted. A proposal by a group of States for the budget to also be adopted by consensus attracted some support and some opposition at the same time.
 - Finally, on paragraph 6 concerning requests by the Conference of Parties for an advisory opinion from ITLOS, there was a degree of support for the provision as drafted, but some non-party delegations expressed some concern.
3. As paragraphs 3 and 4 are interlinked and raised the most significant issues, I facilitated small group work on these paragraphs on Monday afternoon. In that regard, as a report back, we made progress on these paragraphs, especially with regard to streamlining. We did a good job with regard to streamlining, and there was some converging as well on adopting the rules of procedure by consensus. However, the room is still divided on adoption by consensus of the substantive issues and voting thresholds. These are the outstanding issues in these paragraphs.
4. We will continue the discussions on institutional arrangements today in the context of the informal informals in Conference room 6, from 3 to 6 p.m., starting with the outcome of the small group work on article 48 before moving to discuss article 49 on the Scientific and Technical Body.