

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

1. The informal informals on cross-cutting issues, held on the afternoon of 22 February 2023, continued the discussions on Part VI – Institutional Arrangements, commencing with the small group outcome on paragraphs 3 and 4 of article 48 on the Conference of the Parties, before turning to the rest of this Part.
2. The small group outcome on article 48, paragraphs 3 and 4, concerning decision-making by the Conference of the Parties was introduced and I heard some expressions of support, with consultations continuing on remaining issues in these paragraphs.
3. On article 48, paragraph 7, there was a large degree of comfort with the text as it stands, with some consultations ongoing regarding the initial five-year timeframe for review.
4. On article 48 bis concerning transparency, I heard agreement on the central importance of the objective of this article. While it was suggested that some details could be addressed in the rules of procedure and some textual suggestions were made, there was also a great deal of support for the text as it stands. I invited the proponents to consult with interested delegations towards finalizing this provision.
5. Article 49, concerning the Scientific and Technical Body, appeared to enjoy general support, though one delegation expressed the view that it was not necessary to establish this body. Various proposals were made regarding its composition and functions. There were also suggestions to fine-tune the language in light of the relevance of traditional knowledge.
6. On article 50, concerning the secretariat:
 - On paragraph 1, there continued to be a divergence of views regarding whether the secretariat functions would be carried out by a secretariat to be established or by the Division for Ocean Affairs and the Law of the Sea. The room is still divided into two with some delegations supporting Option A and some supporting Option B. However, I must say, Option A is becoming more attractive to delegations with a support from two regional Groups. With regard to the first option, proposals by one of the regional Groups were also made relating to privileges and immunities and the conclusion of a headquarters agreement as part of its motivation for this option. One regional Group

reserved on both options because it is still consulting with a view to formulating a position as a Group. One of the delegations expressed an interest to host the Secretariat to be established. This issue is generating a lot of discussion in the room. As such, with a view to finding a landing zone on it, I suggested that discussions should continue in a small group format under my facilitation.

- On paragraph 2, on the functions of the secretariat, the current text was generally supported.

7. Turning to article 51, concerning the Clearing-house mechanism, discussions centered on paragraphs 3, 4 and 6:

- On paragraph 3, noting that its subparagraphs related to other areas of the Agreement currently under negotiation, suggestions were to streamline the text, and to wait for the other areas of the Agreement to be settled before finalizing this paragraph.
- On paragraph 4, different suggestions were made to streamline this paragraph.
- Consultations will need to continue on paragraph 6, in light of the divergence of views among delegations as to how to address confidential information.

8. I encouraged delegations to continue consulting and having bilateral discussions between and among themselves with a view to finding landing zones on the outstanding issues. In conclusion and as indicated earlier on, Madam President, the discussions regarding the secretariat, paragraph 50(1) Option A and Option B are to be taken up in a small group format to be facilitated by me tomorrow.

I thank you for your attention.