

BBNJ Resumed IGC-5
Informal informals on cross-cutting issues – General Provisions
Oral report of the Facilitator
1 March 2023

1. The informal informals on cross-cutting issues, held in the morning of 28 February 2023, on Part I, General Provisions, continued on the work that had been done in a small group on Monday, 27 February, afternoon. The discussions focused on **Article 4**, regarding the relationship between the Agreement and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies. Reporting back on the work of the small group allowed delegations that did not have the opportunity to participate in those discussions to weigh in, with the aim of moving towards a clean text.
2. With regard to **Article 4, paragraph (2)**, significant progress was made thanks to the flexibility demonstrated by several delegations and groups of delegations and their readiness to withdraw proposals on important issues. This resulted in general agreement for a return to the text featured in the further refreshed draft text, although one delegation continued to express its strong preference for the retention of an amendment.
3. With respect to **Article 4, paragraph (3)**, I recalled that a lot of drafting had been done in the small group format although work remains necessary to find an agreeable way to address the legal status of non-parties to the Convention. Following the work done in the small group, proposals were developed seeking to address the concerns of several delegations, including by moving the reference to the legal status of non-parties to the Preamble of the Agreement. Nevertheless, there were different views among delegations concerning whether this subject should be provided for in an operative paragraph or in the Preamble.
4. Despite all the efforts, a landing zone could not be identified, and so I assured delegations that I would report this back to the President and the wider plenary in order to seek a way forward.