

BBNJ Resumed IGC-5

Cross-cutting issues – Implementation and Compliance, and Dispute Settlement

Oral report of the Facilitator

1 March 2023

1. During the Informal informals on cross-cutting issues on Part VIII, Implementation and Compliance, and Part IX, Dispute Settlement, held on the morning of Tuesday, 28 February 2023, discussions continued from the small group that took place on the afternoon of Monday 27 February and focused on Article 55 on procedures for the settlement of disputes.
2. Commenting on the text that had come out of the small group, several delegations expressed support for **paragraphs 1 to 7**, including **paragraph 1 bis**, but expressed reservations to **paragraph 8**. Given the general agreement on the text of paragraphs 1 to 7 of **Option 1** among those delegations supporting this option, I proposed moving forward towards having a clean version of this option and, therefore, focusing our discussion on bridging the gaps between it and the other two options still on the table.
3. In the spirit of bridging the gap between Option 1 and Option 3, a proposal was made to consider whether elements of paragraph 3 in Option 3, on disputes concerning land territory, sovereignty, sovereign rights or jurisdiction, could be brought into paragraph 8 in Option 1. Some delegations indicated willingness to include relevant parts of paragraph 3 of Option 3 in Option 1. In an effort to build agreement, some proposals were made in this regard, including through the addition of a separate **paragraph 8 bis**.
4. While there is still work to be done to reconcile positions concerning the different options, I wish to highlight the constructive approach of delegations in moving forward in support of Option 1, and hope that a common solution can be found as we continue our discussions on these issues.