

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

1. The Informal informals on cross-cutting issues, held on 1 March 2023, on Part VI – Institutional Arrangements, continued the constructive work that had been done in a small group format in the afternoon of Tuesday, 28 February, on Article 48 bis on transparency, Article 49 on the Scientific and Technical Body and Article 50 on the secretariat. I am pleased to report that we made significant progress towards finalizing these provisions.
2. On **Article 48 bis** concerning transparency, I recalled that important progress had been made in the small group towards a generally agreed text. Though one delegation requested reinserting an element that had previously attracted sustained discussion concerning members of relevant global, regional, subregional and sectoral bodies in paragraph 3, after further discussion, they withdrew that proposal resulting in a clean text for Article 48 bis.
3. Turning to **Article 49**, on the Scientific and Technical Body, we continued the work carried out in the small group of cleaning and streamlining. There was strong support for paragraph 1 as drafted, and for paragraphs 2 and 3 as reflected in the outcome of the small group. The remaining reservations were lifted on the text proposed as a compromise in paragraph 4 to accommodate traditional knowledge. However, one delegation maintained its position on alternative language in paragraphs 1, 2 and 3, while two other delegations supported alternative language in paragraph 4. It was agreed that the text would include one clean version reflecting the general comfort in the room with paragraphs 1 to 4, and a second version of these paragraphs with proposals in tracked changes. Noting the great flexibility shown in the room regarding paragraph 4, I asked interested delegations to consult towards finalizing this provision.
4. On **Article 50**, concerning the secretariat, I reported that the paragraphs of Option A had been cleaned in the context of the small group and invited any further views on these provisions. With no further proposals made on the floor, Article 50 is also clean. Therefore, the only remaining issue is on the larger question of proceeding on the basis of Option A or Option B. I recall in this regard that most delegations now appear to prefer Option A, though I noted that one regional group of States is still consulting on the matter.
5. I have the impression that we are very close to finding a landing zone on these provisions, and with further constructive work I am confident that this will be achieved. I wish

to thank delegations for their flexibility and creative and constructive efforts to find a common way forward. I am sure we will continue like this in our next Informal informal, which will take place today in this room starting at 3 p.m. [in this room.](#)