

BBNJ IGC-5

Informal informals on cross-cutting issues Oral report of the Facilitator *Institutional Arrangements*

26 August 2022

1. At the fifth session of the BBNJ Intergovernmental Conference, the informal informals on cross-cutting issues included discussions on provisions relating to Institutional Arrangements in Part VI. My focus was on articles 48, 49, 50 and 51.
2. **On article 48 on the Conference of the Parties**, there was strong support for quite a number of paragraphs pertaining to the establishment of the Conference of the Parties, its first meeting, its functions and review conference, respectively. There were some differing views on paragraph 3 concerning the adoption of the rules of procedure by consensus, with drafting suggestions made to fill potential gaps. Paragraph 6 on emergency measures attracted a good deal of support and has since been relocated to Part III on ABMTs, including MPAs. The most significant issue needing further discussion is on COP decision-making in paragraph 4, which also has important links to different decision-making modalities across the text. There were proposals for some language on this in this area.
3. **On article 49 on the Scientific and Technical Body**, most delegations were comfortable with paragraphs 1, 3 and 4. Several proposals were made to adjust paragraph 2 on the composition of the STB.
4. **On article 50 on the secretariat**, there was a lot of discussion on the two options in paragraph 1, which garnered support, and there were indications of flexibility as well on the part of delegations. Delegations were generally comfortable with the functions of the secretariat set out in paragraph 2.
5. **On article 51 on the Clearing House Mechanism**, there was a high degree of comfort with this article as drafted. Most delegations were comfortable with paragraphs on the establishment and modalities of the clearing-house mechanism, as well as regarding its functions in paragraph 3 and management by the secretariat in paragraph 4. Suggestions to streamline paragraph 5 and to clarify the information protected from disclosure under paragraph 6 could benefit from further discussion.
6. In general, much progress has been made regarding the institutional arrangements under the agreement, with many areas of convergence. Decision-making modalities remain the most significant matter for further discussion. In this regard I am confident that with continued constructive dialogue, that has been demonstrated by the delegations, we will find our path forward.