



# Two Paths for MGR Notifications to the CHM under Article 12 of the BBNJ Agreement

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SUMMARY: Both Parties and Users should be able to submit MGR-related notifications to the Clearinghouse Mechanism (CHM) under Article 12 of the BBNJ Agreement. Enabling two options for CHM notifications will:

- **Optimize both efficiency and transparency of the notification system;**
- Promote equity **by lowering participation barriers;**
- **Build on existing scientific practices and technical infrastructure.**

# Marine Genetic Resource Notifications to the CHM under Article 12

The Clearing House Mechanism (CHM) is the centralized digital infrastructure that will function as the “nervous system” of the BBNJ Agreement. It will operate as an open-access, web-based platform, managed by the Secretariat and assign a standardized “BBNJ” batch identifier (BI) and receive and publish notifications on marine genetic resources (MGR) and their digital sequence information (DSI) at the pre-collection, post-collection, and utilization stages of scientific research.

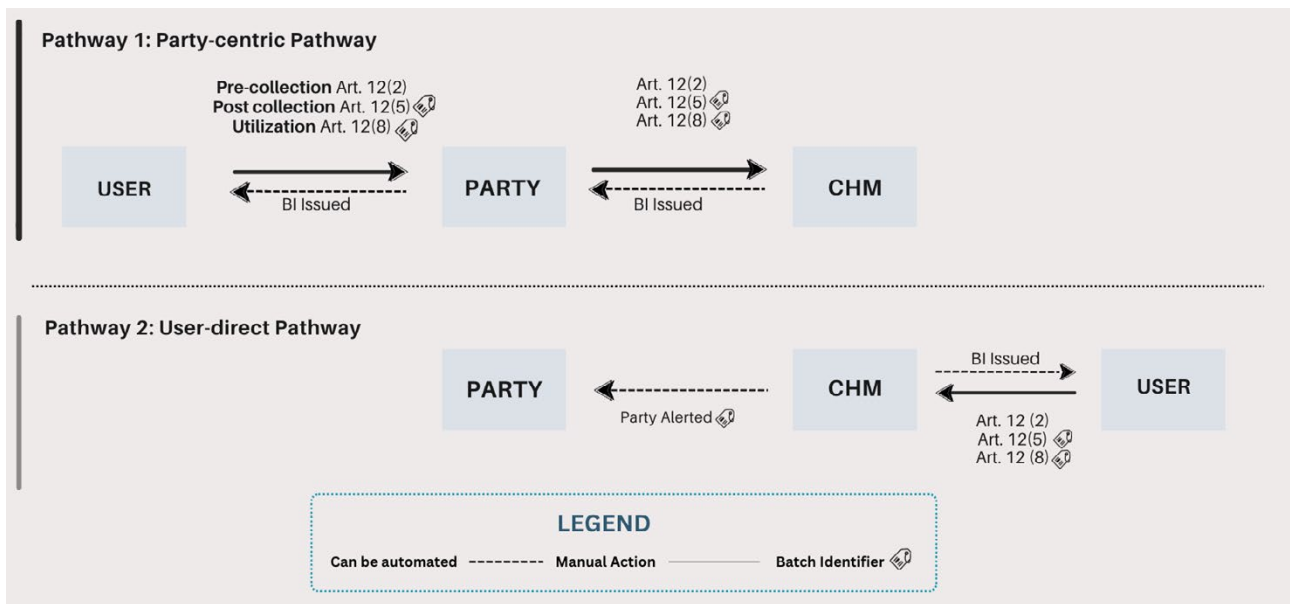
As implementation of the BBNJ Agreement moves forward, decisions will need to be made on how CHM notifications will be executed in practice. Will Parties (e.g., governments through a focal point system) be the only ones authorized to make notifications on behalf of their users? Or will users also be able to submit notifications to the CHM directly? And if users can submit directly, how would State exercise oversight, given that the obligation is on the State to take measures to ensure the information is notified? Ideally, notifications would be practical and efficient to execute for Parties and users alike. If only Parties can submit notifications then they will always be the “middle man” passing on research information

from their users. If only users can submit notifications, Parties’ legal remit and mandate might be constrained. Thus, the question arises, can both Parties and users submit MGR CHM notifications in a mutually supportive manner?

Article 12(1) states: “Parties shall take the necessary legislative, administrative, or policy measures to ensure that information is notified to the Clearing-House Mechanism in accordance with this Part.” The phrasing “Parties shall ensure” establishes a legally binding obligation that allows flexibility in implementation and allows for three possible notification models (Fig. 1):

- **Party-only:** all CHM notifications are made exclusively through governments;
- **User-only:** only MGR/DSI users submit notifications since they conduct MGR/DSI research activities; users’ national authority is automatically alerted;
- **Dual notification pathway:** both of the above.

This **policy brief recommends a dual notification pathway** to ensure an effective, compliant, inclusive, and scientifically-pragmatic CHM notification process.



**Figure 1:** A dual notification pathway under Article 12 would enable MGR/DSI notifications to the CHM through two possible pathways. The Party pathway (top) routes notifications from users to the Party and then onward to the CHM; the User pathway (bottom) allows users to interact with the CHM directly and triggers an automatic Party notification.

## Why is a Dual Notification Approach to the CHM important?

In a dual notification system, both Parties and users would be permitted to submit information directly to the CHM at the Pre-collection, Post-collection, and Utilization stages. In the case of a user submission, the relevant national authority would additionally be notified of the new submission through an automated alert. A dual pathway provides an inclusive approach and has a number of advantages over exclusively relying on either only Parties or only users:

- 1. Equity in resource-limited settings:** For Parties that anticipate relatively low volumes of high-seas research and, thus, limited MGR CHM notifications, they are likely to have very limited personnel capacities to make CHM notifications themselves. By enabling direct user CHM notifications, they can operate efficiently with reduced costs and simplified compliance burdens. Because Parties will be informed of new notifications from national users, they will remain informed and aware of MGR-related activities being conducted by users from their jurisdictions, and be able to fulfill their obligation to ensure information under Article 12.
- 2. Harness existing scientific practices and technical innovations:** Direct user interaction with the CHM supports flexible information flows and mirrors how researchers already engage with global data-sharing and publication systems. Direct user notifications might ultimately support more sophisticated notifications that use existing scientific infrastructure. For example, if connected to the scientific literature, the CHM might be able to detect and capture citations of the BBNJ Batch Identifier and pre-populated CHM notifications in an automated way, particularly for scientific publications. Such automated submissions would need to be subsequently validated and approved by users and create a much higher efficiency and harness the existing scientific infrastructure without re-inventing the wheel.

**3. Best of both worlds:** A dual notification pathway balances the need for legal oversight and efficiency by allowing Parties to retain their governance role as intermediaries while also enabling researchers to engage directly with the CHM and take ownership for benefit-sharing and scientific information sharing. This approach reduces delays, bottlenecks, and administrative burdens—especially where authorities manage multiple mandates or have limited resources.

The dual-pathway MGR notification system under the BBNJ Agreement is most likely to create a flexible, inclusive, equitable approach to benefit-sharing from marine genetic resources. Parties should consider this system when advancing the technical aspects of the operationalization of the CHM at the third meeting of the Preparatory Commission for the Entry into Force of the treaty.

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