



General Assembly

Distr.: General
1 July 2024

Original: English

Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and the Convening of the First Meeting of the Conference of the Parties to the Agreement Organizational meeting

New York, 24–26 June 2024

Statement by the Co-Chair of the Preparatory Commission at the closing of the organizational meeting

Over the past three days, and as mandated in resolution [78/272](#) of the General Assembly, the Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and the Convening of the First Meeting of the Conference of the Parties to the Agreement discussed organizational matters, including the election of the Co-Chairs and a Bureau of the Commission, the dates of the meetings of the Commission and the programme of work of the Commission.

At the beginning of the organizational meeting, the Preparatory Commission heard a statement from the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, Miguel de Serpa Soares.

On 24 June 2024, the Preparatory Commission elected the Deputy Permanent Representative of Belize to the United Nations, Janine Coye-Felson, and, on 26 June 2024, the Chief Counsel and First Assistant Secretary at the Department of Foreign Affairs and Trade of Australia, Adam McCarthy, as Co-Chairs of the Commission.

In their general statements, delegations emphasized that the Agreement was a milestone in international law and a triumph for multilateralism. Many delegations welcomed the 91 signatures and seven ratifications of the Agreement to date, while other delegations indicated that they were conducting internal processes to become parties to the Agreement. Many delegations emphasized that capacity-building and technical assistance in support of States becoming parties to the Agreement and in its effective implementation must be tailored and responsive to the diverse needs of States, in particular developing States. Some observers highlighted areas of their work that intersect with the Agreement or that are aimed at supporting States in their efforts towards becoming parties to the Agreement.



Delegations stressed the need to ensure that the Preparatory Commission create a robust foundation for the entry into force and implementation of the Agreement and that it prepare for an efficient first meeting of the Conference of the Parties. Delegations underscored the importance of ensuring an inclusive process and the meaningful participation of all States, in particular developing States, and other stakeholders in the meetings of the Commission. The Commission received information provided by the Secretariat regarding the status of the voluntary trust fund established pursuant to General Assembly resolution [69/292](#), as expanded by resolution [78/272](#). The importance of the support provided through the trust fund was highlighted in that regard, and further contributions to the fund were encouraged.

With regard to the Bureau, in accordance with paragraph 7 of resolution [78/272](#), the Preparatory Commission decided to proceed on the basis of the practice of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and to elect the members of the Bureau in a national capacity, on the understanding that, as far as possible, the Vice-Chairs should not change from one session to the next, in order to ensure stability in the Bureau, and being mindful of the need to take into account gender balance. On that basis, the Commission elected a Bureau consisting of the following members: Antigua and Barbuda, Australia, Belgium, Brazil, Chile, Germany, Japan, Latvia, Mauritius, Philippines, Poland, Romania, Sierra Leone, Singapore and South Africa. Following the resignation of Australia from the Bureau upon the election of Adam McCarthy (Australia) as Co-Chair on 26 June, the Commission elected Canada to fill the seat left vacant on the Bureau. The Commission took note that, on an exceptional basis and without setting a precedent, the three seats on the Bureau for the Group of Asia-Pacific States would be rotated among nine States for the sessions of the Commission; that the following States would sequentially replace each other for the organizational, first substantive and second substantive sessions, respectively: Singapore, Tonga and Fiji; Japan, China and the Republic of Korea; and the Philippines, Indonesia and Viet Nam; that accordingly, on that understanding, Singapore, Japan and the Philippines would serve as members of the Bureau for the organizational meeting, Tonga, China and Indonesia would serve as members of the Bureau for the first substantive session and Fiji, the Republic of Korea and Viet Nam would serve as members of the Bureau for the second substantive session; and that for subsequent sessions, if any, the membership of the Bureau for the seats of the Group of Asia-Pacific States would be as communicated to the Co-Chairs by the States concerned.

The Preparatory Commission adopted the agenda for the organizational meeting ([A/AC.296/2024/1](#)) and the organization of work of the organizational meeting ([A/AC.296/2024/2](#)) without amendment.

Concerning agenda item 5, Appointment of members of the Credentials Committee, the Commission decided to postpone the consideration of the matter to its first substantive session.

With regard to the dates of the meetings of the Preparatory Commission, the Commission decided that it would meet for at least two sessions of two weeks each in 2025, including from 14 to 25 April and from 18 to 29 August 2025, and for at least one session of two weeks in 2026, on dates to be determined by the Secretary-General, in consultation with the Co-Chairs of the Commission, and that additional meetings might be decided upon at a later stage.

On the programme of work of the Preparatory Commission, many delegations welcomed the note by the Secretariat on matters to be addressed at the first meeting of the Conference of the Parties to the Agreement ([A/AC.296/2024/3](#)). Meeting

participants discussed the clusters of issues as contained in the annex to the present statement and decided to request that the Co-Chairs, in consultation with the Bureau, prepare the provisional programme of work of the Commission on that basis. The Commission agreed that the agenda of its substantive sessions would not include any item on general statements. Views were also expressed that an item on any other matters should be included in the agenda of the substantive sessions.

Concerning the modalities of work of the Preparatory Commission, the Commission decided that its substantive sessions should proceed in a manner that ensured transparency, inclusivity and meaningful participation, that its meetings would be provided with full conference services, including interpretation and documentation in all official languages, webcasting and press and meetings coverage, and that there should be no more than two parallel meetings, if any, at any given time during those sessions. The Commission also decided that informal working groups or other working methods, including possible intersessional work, might be established by the Co-Chairs, in consultation with the Bureau, to progress the work of the Commission. The Commission further decided to request that the Co-Chairs identify required documentation for the first and second substantive sessions, in consultation with the Bureau and with the support of the Secretariat.

Lastly, the Preparatory Commission decided to request that the Co-Chairs take the necessary steps with a view to the General Assembly deciding that the first and second substantive sessions of the Commission be held from 14 to 25 April, and from 18 to 29 August 2025, with full conference services, including documentation, provision for parallel meetings, webcast, and press and meeting coverage, for the duration of the substantive sessions.

During the organizational meeting, we developed insights on how to accelerate our work to tackle the large agenda before us and how to best support the early entry into force and effective implementation of the Agreement. I thank all delegates, who came with a constructive spirit and the utmost dedication, and assure you that the issues that delegations consider to be of highest importance will be addressed within the context of the Commission.

I also wish to thank the Secretariat for its work in preparation for and throughout the meeting, the interpreters for ensuring that all could meaningfully participate and the conference officers for their dedication and support.

Going forward, I look forward to working with my fellow Co-Chair with a view to guiding the Preparatory Commission to a successful outcome.

Janine Coye-Felson
Deputy Permanent Representative of Belize to the United Nations

Annex

Clusters of issues to be addressed by the Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and the Convening of the First Meeting of the Conference of the Parties to the Agreement

The clusters of issues set out herein include matters to be addressed by the Conference of the Parties to the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction at its first meeting, as expressly set out in the Agreement, which are indicated with an asterisk (*), and additional matters identified during the organizational meeting of the Preparatory Commission that may be addressed at an early stage by the Conference of the Parties to the Agreement. The Co-Chairs will ensure that matters to be addressed by the Conference of the Parties at its first meeting, as expressly set out in the Agreement, are given priority in the work of the Commission. The Commission may exchange views and information on any other issues of relevance for consideration by the first meeting of the Conference of the Parties.

I. Governance issues

1. Rules of procedures for the Conference of the Parties. (*)
2. Terms of reference and modalities for the operation of, and rules of procedure for, the following subsidiary bodies established under the Agreement:
 - (a) Access and Benefit-Sharing Committee;
 - (b) Capacity-Building and Transfer of Marine Technology Committee; (*)
 - (c) Finance Committee;
 - (d) Implementation and Compliance Committee; (*)
 - (e) Scientific and Technical Body. (*)
3. Selection process for the members of the Scientific and Technical Body (*) and the other subsidiary bodies established under the Agreement listed in paragraph 2 above.
4. Arrangements for the functioning of the secretariat, including its seat. (*)
5. Reporting requirements.
6. Arrangements to enhance cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

II. Issues pertaining to the operation of the Clearing-House Mechanism

7. Modalities for the operation of the Clearing-House Mechanism, such as:
 - (a) Type, architecture and functionalities of the platform;

- (b) Process for generating the “BBNJ” standardized batch identifier;
- (c) Modalities to facilitate the matching of capacity-building needs with the support available and with providers for the transfer of marine technology, and to facilitate access to related know-how and expertise;
- (d) Terms of cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

III. Financial rules, and financial resources and mechanism

8. Financial rules governing the funding of the Conference of the Parties and the funding of the secretariat and any subsidiary bodies. (*)
9. Arrangements with the Global Environment Facility to give effect to the relevant provisions on funding. (*)
10. Operationalization of other provisions on financial resources and mechanism, such as:¹
 - (a) Establishment of the voluntary trust fund as part of the financial mechanism established under the Agreement;
 - (b) Arrangements to give effect to provisions on the special fund, including in relation to application and approval procedures;
 - (c) Scale of assessed contributions.

¹ Subject to further consultations.