



General Assembly

Distr.: General
9 June 2025

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

Second session

New York, 18–29 August 2025

Draft terms of reference for an informal group on the technical aspects of the operationalization of the Clearing-House Mechanism under 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

Note by the Co-Chairs

1. 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, established pursuant to General Assembly resolution [78/272](#), considered, at its first session, held from 14 to 25 April 2025, issues pertaining to the operation of the Clearing-House Mechanism under the Agreement, on the basis of a note by the Secretariat ([A/AC.296/2025/6](#)). The Preparatory Commission agreed that the Co-Chairs would prepare draft terms of reference for a group involving experts, for consideration intersessionally, with a view to their approval by the Preparatory Commission at its second session and to the group commencing its work during the period between the second and third sessions of the Preparatory Commission.

2. The Co-Chairs wish to emphasize that, should the Preparatory Commission establish a group involving experts at its second meeting, that group will have to conduct its work under significant time pressure and resource constraints. The constitution of the group, the group's meetings and consultations and the preparation of its report, will all have to be conducted during the period between the second and third sessions of the Preparatory Commission. We encourage States to take these factors into account in reaching expeditious consensus on the terms of reference of the group.



3. The annex to the present note contains the draft terms of reference for an informal group on the technical aspects of the operationalization of the Clearing-House Mechanism under the Agreement, which have been prepared by the Co-Chairs with the assistance of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, taking into account the views expressed by delegations during the first session and additional written input provided by delegations within the indicated timeline following the conclusion of the first session. Alternative options within a paragraph are indicated using brackets. The order in which alternative formulations appear should not be taken as indicating any suggested order of priority.
4. The Commission is invited to consider and approve the draft terms of reference at its second session, with a view to the group commencing its work during the period between the second and third sessions of the Preparatory Commission.

Annex

Draft terms of reference for an informal group on the technical aspects of the operationalization of the Clearing-House Mechanism

Tasks

1. The informal group on the technical aspects of the operationalization of the Clearing-House Mechanism is tasked with contributing to advancing technical discussions for the operationalization of the Clearing-House Mechanism established under 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, in support of the work of the Preparatory Commission for the Entry into Force of the Agreement and the Convening of the First Meeting of the Conference of the Parties to the Agreement, established pursuant to General Assembly resolution [78/272](#), on issues pertaining to the operation of the Mechanism.
2. In particular, the Group will:
 - (a) Develop, for consideration by the Preparatory Commission at its third session, recommendations on:
 - (i) A draft road map for the phased operationalization of the Mechanism, setting out phases, goals and timelines for each phase and resource requirements for the implementation of the road map, including human, technical and associated financial resources;
 - (ii) A draft workplan for the initial phase for the operationalization of the Mechanism;
 - (iii) Any specific modalities for the operation of the mechanism that may need to be determined by the Conference of the Parties at its first meeting, including, in particular, those relating to the web-based platform and other elements of its outward-facing interface, the matching of capacity-building needs with the support available and with providers for the transfer of marine technology, and interoperability with existing platforms under relevant instruments, frameworks and bodies;
 - (b) Provide any other technical advice that may be required by the Preparatory Commission on issues related to the operationalization of the Mechanism, for consideration by the Preparatory Commission at its third session.
3. The Group will conduct its work with a view to sharing such recommendations with the Preparatory Commission sufficiently in advance of the third session of the Commission to allow for fully informed consideration of the recommendations by the Commission.
4. In performing its functions, the Group will ensure that full recognition is given to the special requirements of developing States, as well as the special circumstances of small island developing States, in line with article 51, paragraph 5, of the Agreement.

Composition

5. The Group will be [composed of up to 50 experts] [open to experts of all States Members of the United Nations, members of the specialized agencies and Parties to

the United Nations Convention on the Law of the Sea], taking into account gender balance and diversity of relevant expertise.

6. These experts should possess appropriate qualifications and recognized excellence in fields related to the design, development or operation of clearing-house mechanisms and other information-sharing mechanisms, including:

(a) Information systems architecture and digital infrastructure, including digital platform design and development, database architecture and management, web services and application programme interfaces, cloud infrastructure, cybersecurity, data protection and disaster recovery;

(b) Data and knowledge management, including data curation, quality assurance and life cycle management, data standards and metadata protocols, data exchange and interoperability, computer and data science (including artificial intelligence, machine learning and large language models) and geospatial information systems;

(c) Generation, management, use and dissemination of scientific, technical, legal and policy-relevant information and data relating to the implementation of the Agreement;

(d) Unique identifier systems, including the design, generation, structure, life cycle management and interoperability of standardized identifiers, as well as experience with persistent identifiers and data provenance systems;

(e) Matching of capacity-building needs with the support available and with providers for the transfer of marine technology, as well as for the assessments of the needs and priorities of developing States;

(f) Establishment and implementation of cooperation arrangements related to information and data exchange and system interoperability among relevant instruments, frameworks and bodies, and among and between relevant global, regional, subregional, national and sectoral clearing-house mechanisms, gene banks, repositories and databases, including those pertaining to relevant traditional knowledge of Indigenous Peoples and local communities, as well as cooperation arrangements between those clearing-house mechanisms and publicly available private and non-governmental platforms.

(g) Relevant traditional knowledge of Indigenous Peoples and local communities;

(h) Legal, regulatory and governance matters, such as the law of the sea, data confidentiality, intellectual property, data privacy and data governance, and contracts;

(i) Finance and resource mobilization, including the costing and financial planning of digital infrastructure and services, as well as strategies for resource mobilization and for ensuring long-term financial sustainability;

(j) Outreach, education and user support, including the development and management of multilingual and accessible user interfaces, training tools and materials, stakeholder engagement strategies, user support services and knowledge-sharing platforms;

(k) Monitoring, evaluation and continuous improvement, including the design of performance metrics, iterative testing methodologies, feedback mechanisms and systems, and adaptive approaches to enhance system functionality, responsiveness and user experience.

[Selection of experts]

Explanatory note: This section would only apply should the Group be of limited size.

[6 bis. The Group will include:

(a) Up to 30 experts nominated by States, with no more than six experts nominated from each of the five United Nations regional groups, to include experts from the least developed countries, from small island developing States and from landlocked developing countries;

(b) Up to seven experts nominated by representatives of Indigenous Peoples and local communities, with no more than one expert from each of the following seven sociocultural regions: Asia; Central and South America and the Caribbean; the Arctic; Eastern Europe, the Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific;

(c) Up to seven experts nominated by relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, with no more than one expert nominated by each instrument, framework or body, including one expert nominated by each of the instruments, frameworks and bodies referred to in article 51, paragraph 4, of the Agreement, namely the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the International Seabed Authority, the International Maritime Organization and the Food and Agriculture Organization of the United Nations, if nominations are received from them;

(d) Up to six experts nominated by civil society, the scientific community and the private sector, with no more than two experts from each of these three categories.

6 ter. Nominations will be submitted to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, which will manage the nomination process. Each nomination should be accompanied by a curriculum vitae, a description of the qualifications and relevant experience of the nominee and a declaration of any potential conflicts of interest. Members of the Group will be selected by the Co-Chairs of the Preparatory Commission [in consultation with the Bureau].

6 quater. Members of the Group will serve in their personal capacity.]

Working methods

7. The Group will work under the guidance of the Preparatory Commission and be facilitated by two co-facilitators appointed by the Co-Chairs of the Preparatory Commission, with one from a developing State and one from a developed State.

8. The Group will convene virtually at a frequency to be determined by the co-facilitators of the Group, in consultation with the Co-Chairs of the Preparatory Commission and the Secretariat. The Group may convene in-person meetings, subject to the availability of financial resources. In addition, the Group may organize technical workshops, either virtually or, subject to the availability of financial resources, in person, to support focused exchanges on identified issues.

9. The co-facilitators of the Group will prepare a meeting calendar for the Group, in consultation with the Co-Chairs of the Preparatory Commission and the Secretariat, that will take into account different time zones and the challenges and resource constraints faced by developing States, in particular the least developed countries, landlocked developing countries and small island developing States.

10. The meetings of the Group will be conducted in English, with interpretation into other official languages of the United Nations where practically and financially feasible.
11. The meetings of the Group will be open to observers, including representatives of [interested States Members of the United Nations, members of the specialized agencies and Parties to the United Nations Convention on the Law of the Sea, as well as representatives of] interested organizations and other entities that are entitled to participate, in the capacity of observer, in the sessions and work of the Preparatory Commission, pursuant to paragraphs 5 and 6 of General Assembly resolution [78/272](#).
12. The Group may request the input of other technical experts with expertise in subject matters relevant to its work, including by inviting such experts to participate in its meetings, as appropriate and depending on the topics under consideration.
13. The Group may undertake consultations with relevant stakeholders, which will include, to the extent feasible, States, particularly developing States, in particular the least developed countries, landlocked developing countries and small island developing States, relevant instruments, frameworks and bodies, other clearing-house mechanisms and gene banks, repositories and databases, civil society, the scientific community, the private sector, and Indigenous Peoples and local communities, to identify lessons learned and gather insights from stakeholder experiences in relation to the functions to be performed by the Clearing-House Mechanism. Such consultations may include the collection of written comments and other appropriate modalities, as determined by the Group in consultation with the Secretariat.
14. To ensure transparency, the co-facilitators of the Group will provide regular updates to the Co-Chairs on progress in completing the tasks set out in paragraph 2. The Co-Chairs will organize online briefings to provide the Preparatory Commission with updates.
15. The Group will submit its draft road map and recommendations to the Co-Chairs no later than 12 weeks prior to the convening of the third session of the Preparatory Commission.
16. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs will provide support to the Group.
17. Unless otherwise specified, the rules and the established practice applicable to the procedure of the Preparatory Commission will apply, *mutatis mutandis*, to the procedure of the Group.
