

Oral report of the Co-Chairs of the BBNJ Preparatory Commission

Informal Working Group I - Governance issues

Arrangements for the functioning of the secretariat, including its seat

Delivered on 25 April 2025

Informal Working Group I continued its deliberations of the issue of “Arrangements for the functioning of the secretariat, including its seat”, on Tuesday, 22 April. The discussion was guided by a list of items, prepared by the Co-Chairs, in consultation with the Secretariat and the Bureau, which contained issues to be covered by a further document on the matter, in response to the request by a large number of delegations for additional information to assist the Preparatory Commission (PrepCom) in considering the options available for the operationalization of article 50, paragraph 1, of the Agreement on the establishment of the secretariat.

On the way forward in the intersessional period leading to PrepCom II, my Co-Chair and myself proposed that the Secretariat prepare a document comparing the arrangements for the secretariats of selected instruments representative of each model outlined in the Note by the Secretariat (A/AC.296/2025/5), covering the issues included in the abovementioned list, namely: size and structure of the secretariats; funding mechanism; relationship to the United Nations system; headquarters arrangements; legal capacity in the host States and international legal personality; scope of the privileges and immunities of the secretariats and their staff; privileges and immunities for State representatives and related obligations for facilitating participation of representatives; appointment process of the heads of the secretariats; accountability mechanism – audit and oversight mechanisms; modalities of cooperation with other relevant instruments, frameworks and bodies (IFBs); arrangements for equitable representation of developing countries in the secretariats; and budgets of the secretariats. It was emphasized that the document would take the form of a matrix to allow for comparison of each model and would only provide factual information, without containing any recommendations, analysis or assessment of the merits of the various models. In addition, while the document, due to capacity constraints, would not provide an estimate of initial budgets for the secretariat under different models, it was clarified that it would provide information on the budgets of the secretariats of selected global multilateral bodies.

There seemed to be overall support for this additional document by the Secretariat, including the proposed form of a matrix and the list of issues to be addressed therein. In addition, the view was expressed that the cost of the secretariat was an important element to take into account when considering the appropriate model for the secretariat.

Turning to the selection of the seat, in the interests of ensuring transparency there seemed to be some support for establishing a process, including a timeline, for interested

States to submit offers to host the secretariat. Some views were provided on the modalities and timing of such a process.

Reference was also made to the potential role of the interim secretariat in initiating the process. However, the view was also expressed that the PrepCom should only address aspects relating to the selection of the seat after having considered the model for the secretariat and its relationship with the United Nations system.

A variety of views were expressed as to whether the PrepCom should establish criteria for the selection of the seat. The view was widely shared that the information requested in the aforementioned matrix could assist in progressing this item further.

The importance of setting objective criteria, focused on efficiency and cost-effectiveness, was highlighted in this respect. At the same time, concerns were voiced over the feasibility of setting such criteria and the associated risk of politicization of the selection process. The desire to agree on a process which would allow a decision to be made by consensus at the first meeting of the Conference of the Parties was reiterated as well.