

In the Name of God, the Most Compassionate, the Most Merciful

بسم الله الرحمن الرحيم

Statement by the representative of the Islamic Republic of Iran

before the First Session of 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

Agenda Item (5): Consideration of the matters to be addressed by the Conference of the Parties to the Agreement at its first meeting and additional matters, as identified by the Preparatory Commission, Informal meeting

Cluster III: arrangement for the Secretariat including its Seat

New York, 14–25 April 2025

Dear Co-Chair.

My delegation aligns itself with the statement delivered by the distinguished representative of Iraq on behalf of the Group of 77 and China and would like to provide its preliminary comments in relation to the question of Secretariat including its seat.

Throughout the meeting, many countries have highlighted that special circumstances, needs and priorities of developing countries should be taken into account. Such overarching theme and approach should be transposed into action when addressing rules, arrangements, and measures in the Commission. In this context, and relevant to the question of the Secretariat, it is important to include provisions within the arrangement that ensure equitable representation of developing countries in the Secretariat. Appropriate provisions should be included in the arrangement to prevent underrepresentation and unrepresentation of developing countries.

While we concur with the fact that part of the parcel on the question of secretariat and its seat is the privileges and immunities of officials and experts of the Secretariat to ensure their efficient performance of functions, it is equally imperative to have due regard to the privileges and immunities of representatives of States participating in the proceedings related to the Agreement and its Conference of Parties thereto. Additionally, obligations of host state for facilitating the presence and participation of representatives including granting visas required on an equal basis should also be explored. Such matters have been well-established under relevant international law and constitute as rudimentary requisite to safeguard and ensure independent exercise of functions of representatives in connection with the Agreement. Establishing a standing channel and framework within the Conference to advise the host state on pertinent matters would be of practical value.

As to the issues surrounding the legal capacity of the Secretariat, it seems that all facets of conferring upon the Secretariat specific capacities, e.g., to conclude bilateral agreements need to be thoroughly examined so as to decide whether there would be a need to address this matter in the arrangements while also taking into account the legal questions appertaining to the responsibility of international organizations, where relevant. In any event, if the Conference deemed it appropriate to address this matter *stricto sensu*, the interest of States along with the requirement for approval of the Conference should also be considered, as appropriate. This matter needs further and in-depth consideration. As regards the relation of the Secretariat with the United Nations, more information needs to be provided to facilitate discussions.

While specific areas for cooperation and the forms that the arrangements envisaged under Article 50(4)(d) of the Agreement for Secretariat could be considered by the Conference of Parties, it is noted that in the event of such determination by the Conference, the arrangement would still be subject to the approval by the Conference as per the abovementioned provisions on a case by case basis, consequently, these provisions of the document should not be considered as *ex ante* approval by the Conference.

With respect to the functions of the Secretariat, we believe that the mandates of the Secretariat need to be addressed in a balanced manner. For example, Article 50(4)(f) stipulates that the Secretariat shall also “provide assistance with the implementation of ...(the) agreement”; further discussions could be made on how the Secretariat could assist Parties, upon their request, in the implementation of the Agreement.

These were our preliminary comments on this cluster and without prejudice to our further comments and proposals.

I thank you.