



PACIFIC SMALL ISLAND DEVELOPING STATES

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

First Session
New York, 14-25 April 2025

Written Inputs Submitted by the Permanent Mission of Papua New Guinea to the United Nations on behalf of the PSIDS

Arrangements with the Global Environment Facility to give effect to the relevant provisions on funding

At the invitation of the Co Chairs of the Preparatory Commission, the Pacific Small Island Developing States or the PSIDS¹ are herewith providing written inputs on the topic referenced above. Specific textual proposals are highlighted in red herein.

The PSIDS reserves the right to provide additional inputs and comments in all respects, and nothing herein shall be construed to prejudice the PSIDS in any way with respect to future text based negotiation.

¹ The 12 Pacific Island countries with Permanent Missions to the United Nations in New York, namely, the Federated States of Micronesia, Fiji, the Republic of Kiribati, the Republic of Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Samoa, and Vanuatu.

The PSIDS aligns with the statements made by G77 and China and the Alliance of Small Island States (AOSIS).

Co-Chairs' aid to discussions and negotiations concerning a draft memorandum of understanding between 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 and the Council of the Global Environment Facility

1. Is the structure of the document fit for purpose?

The PSIDS are of the view that the draft document prepared by the Co-Chairs constitutes a useful starting point to carry forward our collective work.

An overarching priority of the PSIDS is to ensure that adequate, accessible, new and additional and predictable financial resources are secured to enable effective implementation of the Agreement. **Note that the PSIDS supports the provision of provisional guidance to the GEF-9 replenishment parties at the second session of the Preparatory Commission.**

The PSIDS emphasize the need to operationalize the principle of the special circumstances of SIDS.

Specifically, the GEF financial arrangements must be designed to minimize administrative burdens and maximize accessibility for those with limited capacity.

2. What missing elements, if any, might usefully be included in the document?

We support the AOSIS proposals in five important areas:

(i) conformity with COP guidance,

Textual Proposal: In Section 7, retain text that requires the GEF to reconsider decisions based on COP action with clear timelines for resolution, i.e., include timelines in the last sentence and clarify what “due time” means.

(ii) reporting,

Textual Proposals: In Section 8, include a provision for the GEF to make available their annual reports at least 12 weeks ahead of the COP as a means of allowing adequate time for review.

For more accurate reporting, in Section 10, delete references to projects funded by the GEF outside of the framework of the financial mechanism of the Agreement, especially in paragraph 10(c), and additional financial resources leveraged by the GEF for the implementation of the Agreement, especially in paragraph 10(f).

(iii) monitoring and evaluation (to be renamed periodic review),

Textual Proposal: Section 15 - rename to “Periodic Review of the Financial Mechanism” in line with the Agreement and add “& Independent Assessments of the GEF” and add text that would:

- enable the COP to commission an independent assessment of the overall performance of the GEF and its Council that coincides with the periodic review of the financial mechanism
- enable the COP to communicate the results of the periodic review and any such assessments to the GEF Council
- require the GEF Council to take appropriate actions to address the highlighted matters as outlined in any such assessment, and report back on these actions in its next annual report
- require the COP to take into account the reports of the GEF Independent Evaluation Office and the views of the GEF, as appropriate, into the periodic review.

(iv) a new paragraph on determination of funding needed and available, and

Textual Proposal: Include new Section on “Determination of Funding Needed and Available” that would require:

- using the finance committee reports and COP decisions on identification of needs and resource mobilisation in the GEF’s resource mobilisation process, and
- providing information on GEF’s resource mobilisation and available financial resources by the GEF in the annual COP reports.

(v) a new paragraph on complementarity and coherence with other entities of the financial mechanism.

Textual Proposal: Include new Section on “Complementary & Coherence within the Financial Mechanism” which would promote complementarity and coherence between the GEF and the other funds that form part of the financial mechanism under the Agreement in conformity with guidance from the COP.

These five areas are of high priority to the PSIDS.

3. What elements, if any, could be left out of the document?

The PSIDS want to ensure that the reporting obligations of the GEF are well crafted so that there is accurate reporting of the BBNJ-specific projects that the GEF are funding or have funded.

In this regard, we would expect enhancement and refinement of the textual provisions in the Reporting section.

The document should ensure a robust periodic review to assess accurately the adequacy, effectiveness and accessibility of the financial mechanism.

4. What substantive elements of the document do delegations agree or disagree with?

Broadly speaking, the three substantive elements of (i) conformity with COP guidance, (ii) robust and accurate reporting, and (iii) enhanced monitoring and evaluation, in particular the periodic review, are important areas for the PSIDS.

We would also see a role for the GEF to interact with the subsidiary bodies. This could include, *inter alia*, interaction with the finance committee and the capacity-building and transfer of marine technology committee. **Textual proposal: In Section 20, retain and open brackets around “and relevant subsidiary bodies” and delete “as appropriate” (as it is unclear who and what determines appropriateness) and replace with provision that the chair of the respective subsidiary bodies will have the ability to invite GEF representatives to their meetings.**

We could also see a role for the GEF to interact with a potential advisory body, which the PSIDS has proposed, on traditional knowledge, Indigenous Peoples, and local communities.

In addition, we would like to see the GEF maintain complementarity and coherence with the other entities of the financial mechanism.

5. What substantive elements of the document are the most important and why?

The PSIDS view as very important the conformity of GEF funding activities with the guidance of the Conference of the Parties.

Our view is that, in principle, provisions that promote active problem solving between

the GEF and the COP can have added value and help future proof the document.

In this regard, we are continuing to study the document closely to see where improvements can be made.

We also reiterate the importance of operationalizing the principle of the special circumstances of SIDS.

The PSIDS are also keenly interested in the ability of the GEF to support conservation and sustainable use programmes by Indigenous Peoples and local communities as holders of traditional knowledge, in line with Article 52(6)(c) of the Agreement.