



First Session of the BBNJ Preparatory Commission

14-25 April 2025

Guiding questions for the preliminary exchange of views on the issues for consideration at the second session of the Preparatory Commission

QUESTIONS BY CO-CHAIRS

Co-Chairs,

As this is the first time my delegation is taking the floor, we wish to congratulate you on your appointment as Co-Chairs of this Preparatory Commission and we have every confidence and trust in your stewardship of our collective work and to deliver on your mandate and be rest assured of our constructive engagement.

Tuvalu joins others in presenting our sincere condolences to the delegations of Argentina and Holy See and the Catholic Religion for their recent loss with the passing of Pope Francis.

We speak on behalf of the Pacific Small Island Developing States or the “PSIDS.”

At the outset, the PSIDS is aligned with AOSIS, including regarding adding an agenda item that arises from the consideration of issues at this first session. This additional agenda item for the second session is to consider and discuss provisional guidance for the GEF9 Replenishment process.

1. What are the most important elements of each issue to be addressed by the Preparatory Commission?

Arrangements to enhance cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies

With respect to arrangements to enhance cooperation with IFBs, the PSIDS would be interested in putting into practice the provisions of Article 8 on International Cooperation and making them work, while at the same time making sure that Article 5(2) is fully respected.

The PSIDS also notes the multidimensionality of the IFB picture - from multilateral IFBs such as the ISA, the IMO and the CBD, to regional, subregional, and sectoral IFBs.

In the Pacific we have a particular interest in the fisheries sector and would like to highlight the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement

(PNA), the Western and Central Pacific Fisheries Commission (WCPFC), as well as other regional and subregional fisheries management organizations and arrangements.

- Accordingly, the development of meaningful and practical arrangements to enhance cooperation with relevant legal instruments, frameworks and bodies is a key issue for our region.
- Many of our countries already work within existing systems that manage activities in areas beyond national jurisdiction. The BBNJ Agreement must build on those efforts, not duplicate or fragment them.
- PrepCom2 must take the time to clarify how cooperation will be designed, including how it will promote coherence and coordination while not undermining the IFBs.

Operationalisation of other provisions on financial resources and mechanism:

- PSIDS strongly supports the operationalisation of the voluntary trust fund as an essential mechanism for the full and effective participation of developing countries, in particular SIDS, in the work of the Agreement.
- This includes participation not only at meetings of the COP and subsidiary bodies, but also in intersessional work. Adequate and sustained resourcing of the fund will be critical.
- The special fund is a core component of the financial mechanism under the Agreement. The PSIDS are keenly interested in how to make the Special Fund work including capitalization, administration, and usage.
- PSIDS stresses the need for separate, clear procedures for the special fund that are not governed by the financial rules applicable to the general trust fund. We also wish to reiterate that these general financial rules should not apply to additional funds established under article 52(5) of the Agreement. In this regard, we express our support for the AOSIS proposal as regards the designing of an additional fund on BBNJ rehabilitation and ecological restoration.
 - The design of the special fund must ensure that it is fit for purpose in delivering support for implementation.
 - Application and approval procedures should be simple, clear and accessible in line with Article 52(12) of the Agreement. We must minimize administrative burdens and maximize accessibility for those with limited capacity.
- PSIDS calls for a fair, equitable and predictable system of assessed contributions. The methodology for determining contributions must take into account the principle of the special circumstances of SIDS.

Reporting requirements:

- Reporting should promote transparency and support implementation, but must also be proportionate and feasible. Many PSIDS operate with small delegations responsible for multiple agreements.
- Reporting expectations should avoid duplication and, where possible, align with existing obligations and national reporting systems.
- Reporting requirements must not impose undue burden on Small Island Developing States and there needs to be flexibility and support afforded to SIDS where national resources or capacity is insufficient to meet rigorous reporting requirements.

2. What modalities could the Preparatory Commission consider to address each item?

Enhancing cooperation:

- Dialogue during PrepCom2 with institutional representatives — including from IFBs we already work with — would help clarify pathways for structured cooperation at both Secretariat and subsidiary body levels.

Operationalisation of other provisions on financial resources and mechanism:

- The PSIDS are open to considering constructive modalities, in particular with respect to making the Special Fund fit for purpose and designing an additional fund on rehabilitation and ecological restoration.

Reporting requirements:

The PSIDS look forward with keen interest to the Secretariat's Note on Reporting and welcome engagement with other delegations as to how to make reporting work for the SIDS.