

## SECOND ROUND DRAFT STATEMENT OF THE AFRICAN GROUP FOR THE CLEARING-HOUSE MECHANISM CLUSTER

Thank you, Co-Chairs. Kenya is taking the floor on behalf of the African Group.

The African Group wishes to begin by thanking you for the new document A/AC.296/2025/CRP.2 issued on 23 August, which reflects the rich discussions we had last week and the written submissions made by delegations. We note with appreciation that a number of the concerns expressed in our previous statement are now incorporated into the revised draft TOR.

In this regard, the African Group is able to support the new additions to the tasks of the IWG, particularly those that expand the scope of the Group's technical work. At the same time, we remain mindful of the very limited time available for the IWG to complete its mandate and deliver its report 120 days before PrepCom III. For this reason, we stress the need for working methods that are both efficient and inclusive.

On the issue of the outcome document of the IWG, we note that the revised document refers to "guidance and advice". The African Group can be flexible on terminology, but it must be clear that any outputs of the IWG remain in the nature of recommendations and that the PrepCom retains the sole decision-making mandate, in accordance with resolution 78/272.

On composition, the African Group recalls that in our previous statement, we had indicated that we were still considering which model to be followed. The Group had instead emphasized the overriding need for inclusivity and transparency. Following further reflection, the Group has now reached a decision.

We propose a hybrid model consisting of a core group of experts and a second tier of open participation. We wish to stress that this does not represent a complete departure from the options in the revised TOR. Indeed, our proposal builds on paragraphs 11 and 13, which already foresee observer participation and consultations. We see our hybrid model as a way of consolidating these provisions into a structured two-tier system that combines efficiency in drafting with the need for inclusivity.

In this regard, Paragraph 5 will read as follows:

*"The Group will operate under a hybrid model, consisting of a core membership of up to 30 experts from UN Member States, appointed on the basis of equitable geographical distribution, gender balance, and diversity of expertise, including special consideration for least developed countries, landlocked developing countries, and small island developing States. The core membership may be assisted by up to [20] representatives drawn from Indigenous Peoples and local communities, relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, civil society,*

*the scientific community and the private sector, who shall participate in an observer and consultative capacity. The core group will be supported by an inclusive/open-ended consultation mechanism, including open virtual workshops, written inputs, observer participation, and engagement with additional experts, as necessary. This model ensures both efficiency in technical drafting and inclusivity, transparency, and legitimacy in the process.”*

We also note the inclusion of paragraph 14bis in the revised draft TOR, which reflects some of the difficulties delegations have had with the open versus limited membership models. Our proposal offers a pragmatic solution by clearly assigning drafting responsibility to the core group while guaranteeing broad participation through the second tier.

The African Group has taken note of the concerns raised that a group composed of up to 50 experts may be inefficient, and we acknowledge that some delegations have proposed a smaller number for reasons of efficiency. While we see merit in this concern, we also recall that the **scope of the Group’s mandate has been expanded in the revised TOR**. In this light, we believe that maintaining a ceiling of up to 50 experts, comprising the core group of 30 members and 20 observers, remains appropriate. This size would allow the Group to be **divided into smaller sub-groups**, each tasked with handling specific technical issues, thereby ensuring that the work is carried out effectively and that timely and substantive recommendations can be submitted to the PrepComm within the limited timeframe available.

On the Selection of Experts, the African Group supports that experts should be nominated from Member States only and by the regional groups. We offer the following language to amend para 6bis(a):

*[6 bis. The Group will be composed of:*

*(a) Up to 30 experts from UN Member States nominated by each of the five United Nations regional groups, based on equitable geographical distribution, in accordance with their respective practices and with the selection criteria identified in para 6, to include experts from the least developed countries, from small island developing States, and from landlocked developing countries;*

On sub-paragraph (b) and (b) bis, we seek clarification on the process of nominating representatives of local communities and Indigenous Peoples, to ensure that their participation is transparent and representative.

On sub-paragraph (c-d), Co-Chairs, the African Group is keen that the IWG should remain a State-led process. At the same time, we recognize that experts from relevant instruments, frameworks and bodies may have a role to play. We therefore wish to be clear that their participation should be in the capacity of observers, so as to enrich the work of the IWG without undermining its State-driven character.

In this regard, with respect to **paragraph 6bis(b-d)**, the African Group proposes the following amendment as the chapeau:

*“Without prejudice to the state-led character of the Informal Working Group, a limited number of representatives from Indigenous Peoples and local communities, relevant instruments, frameworks and bodies, civil society, the scientific community, and the private sector may be invited to participate in the work of the core Group in an observer and consultative capacity. They may contribute technical, scientific and traditional knowledge to the deliberations. The representatives may be drawn from;*

- i. Up to eight experts nominated by representatives of Indigenous Peoples and local communities, with no more than one expert from each of the following eight sociocultural regions: Africa, Asia; Central and South America and the Caribbean; the Arctic; Eastern Europe, the Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific;*
- ii. 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, UNEP, Secretariat of the CBD if nominations are received from them;*
- iii. 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.*

On para 6ter, we wish to clarify that while we are open to the nomination of experts by IFBs and other observers, the final selection of State-nominated members of the core group by regional groups must be respected and cannot be subjected to a second consideration by the Secretariat. However, we are open to the Secretariat and Co-Chairs considering nominees from observers under sub-paragraphs (c)(d).

On newly included Annex I, the African Group is open to its inclusion, provided that it is understood as guidance for regional groups in nominating experts, and not a restrictive or prohibitive list of qualifications.

We also confirm our support for experts serving in their expert capacity, as reflected in para 6quater.

Finally, on working methods, the African Group wishes to propose the following language consistent with our position on composition of the IWG which will take the form of hybrid two-tier model.

The African Group offers the following language to provide guidance on the operation modalities of this model with a view to ensuring that the two tiers complement each other effectively:

*7. The Group will function under a hybrid model, consisting of:*

*(i) a core group of up to 30 experts which may be assisted by 20 experts appointed in accordance with paragraph 6bis and,*

*(ii) an open-ended participation mechanisms to ensure inclusivity and transparency.*

*The core group will be responsible for consolidating and drafting recommendations, while the second tier of open participation will contribute through consultations and inputs. The Group will operate 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 bis. The working modalities of the Group shall reflect its hybrid two-tier structure. To this end, the core group will first meet to develop its structure of work, including identifying the areas where inputs will be required. A virtual platform will then be launched to receive inputs from States Parties and other stakeholders within agreed timelines. The core group will subsequently reconvene to review the inputs received and prepare draft recommendations. An intersessional meeting of States, which may be convened virtually, will be held to consider the draft recommendations and to allow for the submission of written comments. On this basis, the core group will finalize the draft recommendations, taking into account the comments received, and submit its report to the Co-Chairs of the Preparatory Commission.*

*11. The meetings of the core 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 entitled to participate in the work of the Preparatory Commission. Observer participation shall also form part of the second-tier mechanism of the model, complementing the work of the core group by contributing perspectives and expertise, without diluting State-led drafting responsibilities.*

*13. The second tier of the hybrid model will be operationalised through structured consultations, including intersessional meetings with States (particularly developing States, in particular the least developed countries, landlocked developing countries and small island developing States) and relevant stakeholders, including relevant instruments, frameworks and bodies, other clearing-house mechanisms, 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 shall include the collection of written inputs and comments and other appropriate modalities, as determined by the Group in consultation with the Secretariat.*

The African Group has carefully considered the provisions contained in paragraphs 6 alt and 14bis of the revised draft TOR. We recognize that these paragraphs seek to address possible difficulties in consolidating the views of experts by allowing the Group to request the input of other experts and representatives of relevant mechanisms, and by providing a transparent mechanism for identifying positions that enjoy the broadest support while ensuring that minority views are duly reflected.

The African Group wishes to emphasize that the hybrid two-tier model we are proposing directly addresses these potential issues. By clearly distinguishing between the core group of experts as the drafting body and the open-ended participation tier of States, observers and consultations as the input mechanism, our model ensures that all perspectives are captured in a structured way, without undermining the efficiency of the drafting process. It guarantees that all views are taken into consideration including minority or divergent views.

Co-Chairs, with these clarifications and textual proposals, the African Group stands ready to engage constructively in finalising the TOR of the IWG. In this connection, this statement and the written proposals it includes will be made available through the DOALOS.

I thank you.