

**ADVANCE, UNEDITED VERSION**

**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**

**Second session**

New York, 18 – 29 August 2025

**Statement by the Co-Chairs of the Preparatory Commission at the closing of the second session**

Over the past two weeks, in-depth discussions have been held on a number of issues under the three clusters of issues to be considered by 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, as decided at its organizational meeting, which include matters to be addressed by the Conference of the Parties at its first meeting and additional matters, as identified by the Preparatory Commission.

At the beginning of the session, the Co-Chairs of the Preparatory Commission, Janine Coye-Felson and Adam McCarthy, and the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, Elinor Hammar skjöld, delivered opening remarks.

The Co-Chairs recalled that the agenda of the Preparatory Commission ([A/AC.296/2025/1](#)) and the programme of work of the Preparatory Commission ([A/AC.296/2025/2](#)), which were adopted by the Commission at its first session, applied to the entire Commission and were not specific to each session.

Concerning agenda item 4, “Appointment of members of the Credentials Committee”, the Preparatory Commission decided to postpone the consideration of the matter to a later time. As a result, consideration of agenda item 6, “Credentials of representatives”, was also postponed.

With regard to the organization of work for its second session, the Preparatory Commission agreed that, following the consideration of agenda items 1 to 4, it would proceed to consider, under agenda item 5, entitled “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” the three clusters of issues discussed at the organizational meeting of the Commission. In line with the approach taken at its first session, the Commission agreed that these issues would be addressed in the format of informal working groups, facilitated by the Co-Chairs, with Informal Working Group I addressing issues falling under cluster I, entitled “Governance issues”; Informal Working Group II addressing issues falling under cluster II, entitled “Issues pertaining to the operation of the Clearing-House Mechanism”; and Informal Working Group III addressing issues falling under cluster III, entitled “Financial rules, and financial resources and mechanism”. The

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Commission also agreed that, to advance its work on these issues, it would hold parallel meetings, in line with the understanding reached at its organizational meeting that there would be no more than two parallel meetings at any given time. In this regard, the Commission agreed that there would be regular reporting back to the plenary on parallel meetings to ensure that all delegations would be informed and have opportunities to engage on the issues considered in parallel meetings.

With regard to the rules of procedure for the Conference of the Parties, the Preparatory Commission, in the format of Informal Working Group I, completed a reading of the revised aid to discussions and negotiations prepared by the Co-Chairs ([A/AC.296/2025/12](#)). It subsequently completed a reading of the refreshed text of draft rules of procedure for the Conference of the Parties ([A/AC.296/2025/CRP.3](#)), circulated during the session on 25 August. We were pleased to note the broad recognition that the refreshed text captured the necessary elements. We appreciated the constructive engagement of delegations in the discussions, which allowed getting a better understanding of the various positions on a number of issues, including the frequency and modalities of meetings; observers; agenda; the Bureau and its officers; subsidiary bodies; conduct of business; decision-making; and amendments to the rules of procedure. We look forward to continuing to make good progress in fine-tuning these and other issues raised by delegations as our discussions on this topic move forward. Taking into account the input received during this session, the Co-Chairs will prepare a further revised aid for consideration by the Commission at its third session. Delegations are invited to provide input in writing by 15 October to inform its preparation, and we express our thanks to delegations that kindly offered to coordinate textual proposals on specific issues.

On the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies and the selection process for the members of the Scientific and Technical Body and the other subsidiary bodies, the Preparatory Commission, in the format of Informal Working Group I, first began its discussions on the basis of the matrix on the terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under the Agreement contained in a note by the Co-Chairs ([A/AC.296/2025/INF/3](#)). We appreciated the constructive exchanges between delegations on the basis of the matrix and a subsequent Co-Chairs' working document circulated during the session on 19 August which provided draft model terms of reference and modalities for the operation of the Scientific and Technical Body established under the Agreement. Delegations identified commonalities across all subsidiary bodies and interlinkages with the rules of procedure for the Conference of the Parties, while also emphasizing the need for a tailored approach to reflect the unique features of each body. We also took note of the reflections and inputs shared by delegations, highlighting that cross-cutting issues in the draft model, including cooperation and coordination with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, as well as reporting requirements, should be further considered and refined in light of their interlinkages with other issues under consideration by the Commission. The input received will prepare us well to develop, in the intersessional period, an aid to negotiations for the Scientific and Technical Body and the other subsidiary bodies, for consideration at the third session of the Commission, with a view to finalizing draft text to present to the first meeting of the Conference of the Parties.

With regard to arrangements for the functioning of the secretariat, including its seat, we were encouraged by the productive exchanges on the matter, including on the basis of the matrix on the arrangements for the secretariats of selective instruments

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representative of each of the secretariat models, contained in a note by the Secretariat ([A/AC.296/2025/INF/4](#)). Broad support was expressed for various elements of a Co-Chairs' document, entitled "Overview of proposed elements for arrangements for the functioning of the secretariat", circulated during the session on 21 August. In relation to the institutional arrangements, we were pleased to note the emerging convergence on several elements contained in the document, such as the principles to guide these arrangements, the need for a prompt set up and operationalization of the secretariat, as well as the benefits of drawing on the experience of the United Nations, including through establishing links with the United Nations while ensuring that the secretariat has appropriate functional autonomy. Convergence also appeared to emerge on elements pertaining to the scope of privileges and immunities to be granted to the secretariat, its staff and experts, as well as representatives of States participating in meetings of the bodies established under the Agreement; the legal capacity of the secretariat; and the size of the secretariat, in particular the need to ensure flexibility and scalability in its design, enabling it to grow over time while maintaining cost-effectiveness. Moving forward, we will consult with the Secretariat on the most efficient and appropriate way to obtain the information on the various elements discussed during the session, including concerning the implications of a potential link between the secretariat and the United Nations. We will also reflect on other possible ways to advance work on the matter in the intersessional period. Regarding the selection of the seat of the secretariat, the discussions proceeded, on 22 August, in the format of informal informals, following which there was general support for the Co-Chairs to invite States interested in hosting the secretariat to provide information on their offer, having regard to the elements discussed at the second session of the Preparatory Commission and to make that information available to delegations sufficiently in advance of the third session of the Commission. In this regard, we appreciated the agreement reached by the interested States to consult and agree on a date, to be communicated shortly by the Co-Chairs, by which the information would be transmitted to the Co-Chairs. Overall, the discussions we had laid a solid foundation for continued progress on these issues.

Concerning the modalities for the operation of the Clearing-House Mechanism, the Commission, in the format of Informal Working Group II and informal informals, completed a reading of the draft terms of reference for an informal group on the technical aspects of the operationalization of the Clearing-House Mechanism ([A/AC.296/2025/15](#)). It subsequently considered the revised draft terms of reference ([A/AC.296/2025/CRP.2](#)) circulated during the session on 23 August 2025, including through a focus group, co-facilitated by Juliette Babb-Riley (Barbados) and Lowri Griffiths (United Kingdom of Great Britain and Northern Ireland), on the size and composition of an informal group. We wish to thank delegations for their constructive and engaging participation in these discussions, which were highly valuable and reflected a shared sense of responsibility and ownership in advancing the work to support the operationalization of the Clearing-House Mechanism. While the focus group did not reach a conclusion, this should not be regarded as a negative outcome. Following broad consultations, it is evident that some specific tasks are expected to be completed by the third session of the Commission to support the operationalization of the Clearing-House Mechanism. The Co-Chairs are committed to ensuring the delivery of these tasks. To this end, we will work with the Secretariat and consult with the Bureau on the modalities to move forward.

We are pleased to note that we also made further progress on the financial rules governing the funding of the Conference of the Parties and the funding of the

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secretariat and any subsidiary bodies. The Preparatory Commission, in the format of Informal Working Group III, completed a reading of the revised aid to discussions and negotiations prepared by the Co-Chairs on this issue ([A/AC.296/2025/13](#)). Thereafter, discussions continued on the basis of a refreshed text of draft financial rules ([A/AC.296/2025/CRP.4](#)), circulated during the session on 25 August, which incorporated proposals by delegations for updates to the revised aid as well as new text on a number of issues, including the role of the Finance Committee on financial resources, the rules applicable to supplementary budget proposals, the establishment of additional funds, payment modalities for assessed contributions, rules on arrears, as well as the modalities of a rule requiring States not party to the Agreement to contribute to the expenses of the meetings in which they participate. Discussions based on the refreshed text allowed us to identify the main issues on which there are still differences that need to be overcome, and a number of issues remain linked to the outcomes of discussions in other workstreams, including the arrangements for the functioning of the secretariat, the rules of procedure for the Conference of the Parties and the operationalization of other provisions on financial resources and mechanism. Taking into account the input received during this session, the Co-Chairs will prepare a further revised aid for consideration by the Commission at its third session. Delegations are invited to provide input in writing by 15 October to inform its preparation.

Regarding arrangements with the Global Environment Facility (GEF) to give effect to the relevant provisions on funding, the Preparatory Commission, in the format of Informal Working Group III, considered the revised aid to discussions and negotiations prepared by the Co-Chairs concerning a draft memorandum of understanding between the Conference of the Parties to the Agreement and the GEF Council ([A/AC.296/2025/14](#)). It subsequently completed a reading of the refreshed text of a draft memorandum of understanding ([A/AC.296/2025/CRP.1](#)) circulated during the session on 22 August 2025. During the reading of the refreshed text, a general issue was identified, namely whether the memorandum of understanding should, in specific instances, refer to GEF or to the GEF Council. In this regard, following consultations between interested delegations and the GEF, it was agreed that the latter would provide advice, during the intersessional period, on this issue. We are encouraged by the convergence on certain elements across several sections of the draft memorandum of understanding, including the preamble and the sections on definitions, purpose, complementarity and coherence within the financial mechanism, reciprocal representation, interpretation, entry into force, and termination. We also welcomed the constructive engagement of delegations on textual proposals to further refine these and other sections. While further consideration will be required on aspects such as reporting requirements, the periodic review of the financial mechanism in relation to GEF, the provision for an independent assessment of GEF, and references to the possible role of the Finance Committee on financial resources, including the determination of funding needed and available, the differences did not seem insurmountable. Looking ahead, we will prepare a further revised aid for consideration by the Commission at its third session. Delegations wishing to do so are invited to submit bridging proposals by 15 October to inform its preparation.

Concerning arrangements to enhance cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, the Preparatory Commission, in the format of Informal Working Group I, based its initial discussions on the note prepared by the Secretariat on this issue ([A/AC.296/2025/16](#)). We welcomed the constructive views that delegations shared on

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how such arrangements could be established and operationalized between the institutions under the Agreement and relevant instruments, frameworks and bodies. Delegations identified key elements concerning such arrangements that the Conference of the Parties will need to consider, including adaptability, practicality, flexibility, efficiency and effectiveness, equity and inclusiveness, levels of formality, the role of the Conference of the Parties in overseeing cooperation arrangements, the duration of such arrangements, strategies to manage overlapping mandates and avoid duplication, reciprocity, cost effectiveness and financial implications, and the inclusion of such instruments, frameworks and bodies in the work and processes under the Agreement. On the basis of the discussions held on this issue, the Co-Chairs will develop a draft decision providing guidance on cooperation with relevant instruments, frameworks and bodies, for consideration at the third session of the Commission. Delegations wishing to inform the preparation of the draft decision are invited to submit written input by 15 October.

On reporting requirements pursuant to the Agreement, the Preparatory Commission exchanged views on the basis of a note by the Secretariat on this issue ([A/AC.296/2025/17](#)) in the format of Informal Working Group I. There seemed to be broad convergence on the need to strike a balance between ensuring transparency and accountability in reporting, while not being onerous for Parties in terms of cost and time requirements, noting also that developing States Parties may require support with the fulfillment of reporting obligations. The need to respect confidentiality was also noted. There also seemed to be broad recognition of the need for a streamlined, standardized reporting system that avoids duplication between reporting procedures under the Agreement and those under other instruments, and that is developed with input from relevant subsidiary bodies, including for the development of templates and user guides. We observed further convergence on several matters related to the interval, format, content and submission of reports. The Co-Chairs will distill the discussions on this issue into key points on reporting to be conveyed to the Conference of the Parties.

With regard to the operationalization of provisions on financial resources and mechanism other than the arrangements with GEF, we were encouraged by the constructive discussions on various aspects of the issue held in the format of Informal Working Group III on the basis of a note by the Secretariat ([A/AC.296/2025/18](#)). Regarding the special fund, discussions on the basis of a Co-Chairs' document, entitled "Possible elements of a process for the operationalization of the special fund", circulated during the session on 23 August 2025, showed that there was broad support for the Preparatory Commission undertaking work towards the early operationalization of the fund as a matter of priority. We were also pleased to observe convergence on a number of elements contained in the document, including in relation to guiding principles or approaches, and areas of focus for the process. Looking ahead, we will prepare a draft decision of the Conference of the Parties for the purpose of operationalizing the special fund for consideration by the Commission at its third session. Regarding the voluntary trust fund, preliminary views were exchanged on a Co-Chairs' document, entitled "Draft elements for the terms of reference of the voluntary trust fund established under the Agreement", circulated on 25 August 2025, including regarding the interplay between this issue and the draft financial rules and other issues considered by the Commission. Moving forward, we will work intersessionally to identify the most appropriate ways to address any overlaps between the financial rules and any potential terms of reference for the voluntary trust fund. Preliminary views were also shared on the scale of assessed contributions, and

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guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources, though further discussions will be required on these issues, particularly regarding the connection between the scale of assessed contributions and discussions on the draft financial rules.

Under item 7 entitled “Other matters”, on 22 August, the Preparatory Commission held an exchange of views on the ninth replenishment of the Global Environment Facility Trust Fund, with a view to considering the possibility for the Commission to provide provisional guidance to GEF for the interim period until the Conference of the Parties to the Agreement is able to provide such guidance as foreseen in article 52, paragraph 9, of the Agreement. On 29 August, the Commission continued its consideration of the issue in light of elements contained in a Co-Chairs’ working document, entitled “Elements of possible provisional guidance to the Global Environment Facility ninth replenishment process”, circulated during the session on 25 August, and concluded that the Co-Chairs, in consultation with the Bureau, would reflect on the way forward, bearing in mind the timeline for the GEF ninth replenishment process.

On 29 August, under the same item, the Secretariat provided information on the status of the voluntary trust fund for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending the meetings of the preparatory committee and an intergovernmental conference on the development of an international legally-binding instrument 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, noting that the trust fund had facilitated the participation of 30 delegates from developing countries, 27 of whom were from among the least developed countries, from landlocked developing countries or from small island developing States. The Co-Chairs, on behalf of the Preparatory Commission, expressed their gratitude to the donors to the trust fund, namely Ireland, New Zealand, Norway and the Philippines, for their generous contributions received since the conclusion of the first session of the Commission.

On 29 August, at the meeting closure, delegations expressed their gratitude to the Co-Chairs for their leadership and extended their thanks to the Bureau, the facilitators of the focus group, the Co-Chairs’ teams, and the Secretariat for their work, as well as to the donors of the trust fund for their support. The constructive engagement of all delegations was also noted. The progress made during the second session of the Commission was acknowledged, with delegations stressing the importance of continuing diligent work, including intersessionally. In this regard, it was emphasized that significant work remained to be conducted to transform the vision of the Agreement into reality. Many delegations underscored issues under the consideration of the Commission that were of priority for them and reiterated their positions on the way forward regarding these issues. The need for flexibility was also underscored to enable the Commission to deliver on its mandate in a timely and effective manner. Delegations looked forward to celebrating the entry into force of the Agreement and expressed their readiness to engage meaningfully in the third session of the Commission, and to continue supporting the Agreement in its new phase following entry into force.

Turning to the dates of the third session of the Preparatory Commission, we were pleased to confirm that the issue of potential overlap with other intergovernmental meetings, which was raised during the first session of the Commission, had been resolved, and the third session would be held from 23 March

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to 2 April 2026, noting that 3 April will be an official holiday at United Nations Headquarters.

Reflecting on the rich discussions that took place over the past two weeks, we wish to offer the following remarks.

At the commencement of this second session of the Preparatory Commission, we set two primary objectives for ourselves, namely to significantly advance work on certain issues to ensure that sufficient time could be allocated to other more complex issues at the third session of the Commission, and to make meaningful progress on those other issues which may require further in-depth consideration, including by establishing a clear way forward, in the intersessional period.

We are pleased to note that the Commission has made substantial progress on both points. We also wish to commend those States which have signed, or deposited their instrument of ratification, acceptance or approval of, the Agreement during the second session of the Commission. We can now realistically expect that the Agreement will enter into force in late 2025 or early 2026, with the first meeting of the Conference of Parties likely to follow in the second half of 2026. While these developments are certainly welcome, they also underscore the urgency of our task and the need to intensify the pace of our work.

Looking ahead, we wish to emphasize a few final points:

First, we must continue to engage in the work of the Preparatory Commission in an open and constructive manner. While convergence on all matters under consideration by the Commission may not be possible at this stage, it is essential that we listen to, and understand, each other to continue advancing our work.

Second, we must remain focused on the key issues. In this regard, we emphasize the importance of laying a strong foundation for the effective implementation of the Agreement, including by ensuring that all can meaningfully participate in and contribute to the realization of its objectives.

Third, it is critical to ensure that continued support, including through the provision of adequate financial resources, remains available with a view to providing all States with opportunities to actively engage in the work of the Preparatory Commission.

Finally, in fulfilling our mandate, we need to keep the Agreement as our guiding compass.

We wish to thank all of you for your meaningful cooperation and engagement. We appreciate your flexibility and willingness to adapt, to ensure that we were progressing in the most efficient manner. On behalf of the Commission, we also express our gratitude to Australia for generously covering the cost of webcast.

We also wish to thank the Secretariat for its work in preparation for and throughout the meeting, noting the huge amount of work carried out behind the scenes, our respective teams for joining forces in a combined effort to deliver on the responsibilities of the Co-Chairs, the interpreters for ensuring that all could meaningfully participate and the conference officers for their dedication and support.

While a considerable amount of work remains to be done, we stand ready to take on this task, and look forward to having you all accompany us along the way.

**Janine Coye-Felson**  
Deputy Permanent Representative of Belize to the United Nations

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Adam **McCarthy**  
Chief Counsel and First Assistant Secretary  
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