

**INTERVENTION BY BRAZIL ON BEHALF OF CLAM ON THE OPERATIONALIZATION OF
THE SPECIAL FUND**

Co-Chairs,

I have the honor to speak on behalf of the Core Latin American Group.

CLAM recognizes once again the relevant support the Global Environment Facility has provided during this initial phase of preparations for the entry into force of the Agreement.

We would like to take this moment to provide you with comments on your paper for “Elements of possible provisional guidance to the Global Environment Facility ninth replenishment process”.

Overall strategies and policies

The first message under this section should be that the GEF is a part of the financial mechanism of the Agreement under Article 52 and, as such, it shall function under the authority and guidance of the Conference of the Parties and shall be accountable thereto.

The second bullet point should read, from our view, “Assist all developing States Parties in implementing the Agreement, taking into account the special circumstances of small island developing States and of least developed countries”;

The following bullet should highlight the role of the special fund in the financial architecture of the agreement, and therefore include a reference to “ in particular the Special Fund” in the end.

CLAM will share with the co-chairs specific tweaks on language for the section on the “**Priority areas of support - programming directions**”, but we would like to highlight at this stage that this Preparatory Commission did not have the chance to adequately discuss substantive programming directions for the GEF regarding the BBNJ Agreement.

Although we see merit and want to discuss the appropriate avenues to fund pilot initiatives and the establishment of ABMTs, these elements should not be incorporated for early guidance to the GEF-9 process by this PrepCom.

CLAM believes that such detailed programming directions should be given by the COP, after thorough debate on the operationalization of the special fund and based on a common understanding of complementarity and coherence, including a division of labor between the GEF and the Special Fund.

Operational modalities

Additionally, CLAM sees value in exploring how the GEF can support the initial identification of needs and costs associated with the implementation of the Agreement by developing countries. This would build on the GEF's comparative advantage in enabling activities and institutional strengthening, as well as support the process of defining the initial resource mobilization as per Article 52.11 of the Agreement.

Finally, we are of the view that the PrepCom should seek clarity on the possibility of the BBNJ Agreement becoming a dedicated focal area under future GEF allocations. Such an arrangement would help prevent competition for already scarce International Waters Focal Area resources, which is currently the least funded under the GEF-8 process.

I thank you.

Elements of possible provisional guidance to the Global Environment Facility ninth replenishment process

Overall strategies and policies

- Function under the authority and guidance of the Conference of the Parties and shall be accountable thereto.
- Assist all developing States Parties in implementing the Agreement, taking into account the special circumstances of small island developing States and of least developed countries
- Ensure complementarity and coherence with other operating entities of the financial mechanism, in particular the Special Fund
- Ensure transparency and accountability, including in the transitional phase, until the Conference of the Parties is able to provide guidance as set out in article 52 (9) of the Agreement;

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Eligibility for financial support

- All developing States, in particular small island developing States, the least developed countries and landlocked developing countries
- Indigenous Peoples and local communities

Priority areas of support - programming directions

- Continued support for becoming a Party to, and preparation for the implementation of, the Agreement
- Support for enabling activities:
 - Needs assessments, including initial identification of needs and costs of developing countries associated with the implementation of the Agreement
 - Other enabling activities, such as studies, meetings and pilots that the COP may find useful for supporting the institutions established under the Agreement and the undertaking of activities under the COP and its bodies, including, support to the BBNJ secretariat and the COP in the process of developing the Clearing-House Mechanism, as well as support to the Scientific and Technical Body and other subsidiary bodies in engaging relevant experts in order to assist the performance of their functions

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- Assistance in the implementation of the Agreement
- Support for capacity-building and technology transfer
- Programmes for Indigenous Peoples and local communities, including women and youth
- Reporting under the Agreement [as per paragraph 9 of Article 52 of the Agreement](#)
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- Support the process of determining the initial resource mobilization goal referred to in article 52 (11) of the Agreement
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Deleted: Pilot or flagship initiatives for conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction to be defined by the COP at a later stage

Deleted: Support Parties in developing proposals for the establishment of area-based management tools, including marine protected areas

Operational modalities

- Dedicated focal area under GEF-9 for the BBNJ Agreement
- Simplified modalities for access to funding, including modalities for direct access by eligible States
- Reserve funds for future implementation