

Summary of the Third Session of the Preparatory Commission for the Entry into Force of the Agreement on Marine Biodiversity of Areas beyond National Jurisdiction: 23 March – 2 April 2026

“This is the beginning of a long journey.”

Fiji, speaking on behalf of the Pacific Small Island Developing States, in their closing remarks signaled the conclusion of the third meeting of the Preparatory Commission (PrepCom III) for the entry into force of the Agreement under the UN Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement). They simultaneously pointed toward the beginning of the journey of implementation, which officially started on 17 January 2026 when the BBNJ Agreement entered into force.

PrepCom III has the historic privilege to be the first meeting to be convened following the entry into force. As the last PrepCom meeting, it was also mandated to prepare the Commission’s report for consideration at the first meeting of the Conference of the Parties (COP1, which will take place “no later than one year after the entry into force of the BBNJ Agreement.”

Momentum was evident during the meeting, and was further amplified by the announcement that the Dominican Republic and Austria ratified the Agreement, bringing the number of Parties to 88.

The PrepCom’s mandate was to prepare a set of draft decisions and documents on institutional and financial matters paving the way for COP1 and the smooth operationalization of the Agreement. The outcome of the deliberations, however, left delegates and observers with mixed feelings. On the one hand, delegates reached agreement on a number of issues under consideration, including the processes for the operationalization of the Clearing-House Mechanism and the Special Fund, as well as the content of a draft memorandum of understanding between the COP and the Global Environment Facility Council. They also initiated the proceedings for the selection of the permanent seat of the Secretariat, holding interactive sessions with presentations by the three candidates—Belgium, Chile, and China—and agreeing on the decision-making modalities for COP1.

On the other hand, many delegates expressed disappointment about disagreements on the rules of procedure for the COP, the terms of reference for the subsidiary bodies, and the financial rules and regulations. The PrepCom forwarded bracketed provisions for the COP’s consideration, which means that COP1 will need to find landing zones for the remaining disagreements, in addition to its work on other agenda items, including area-based management

tools, including marine protected areas, and environmental impact assessments.

PrepCom Co-Chairs Janine Coye-Felson (Belize) and Adam McCarthy (Australia) thanked delegates and participants for their hard work and dedication during the PrepCom’s deliberations. They emphasized that the PrepCom’s report, including all of its outcome documents and draft decisions, will be forwarded to the COP. They reminded delegates that intersessional work will continue, noting that the PrepCom’s mandate ends upon the conclusion of COP1.

PrepCom III convened at UN Headquarters in New York from 23 March – 2 April 2026, bringing together more than 200 representatives of governments, civil society, and intergovernmental bodies with links to the process.

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A Brief History of the BBNJ Negotiations

The conservation and sustainable use of BBNJ increasingly attracts international attention, as scientific information, albeit insufficient, reveals the richness and vulnerability of such biodiversity, particularly around seamounts, hydrothermal vents, sponges, and cold-water corals, while concerns grow about the increasing anthropogenic pressures posed by existing and emerging activities, such as fishing, mining, marine pollution, and bioprospecting in the deep sea.

UNCLOS, which entered into force on 16 November 1994, sets forth the rights and obligations of states regarding the use of the Ocean and its resources and the protection of the marine and coastal environment. Although UNCLOS does not refer expressly to marine biodiversity, it is commonly regarded as establishing the legal framework for all activities in the Ocean.

Key Turning Points

Working Group: Established by General Assembly [resolution 59/24](#) in 2004, the Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of BBNJ met three times between 2006 and 2010 to exchange views on institutional coordination, the need for short-term measures to address illegal, unregulated, and unreported fishing and destructive fishing practices, marine genetic resources (MGRs), marine scientific research on marine biodiversity, marine protected areas (MPAs), and environmental impact assessments (EIAs).

The “Package”: The fourth meeting of the Working Group (31 May – 3 June 2011) adopted, by consensus, a set of recommendations to initiate a process on the legal framework for the conservation and sustainable use of BBNJ, by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under UNCLOS. The recommendations included a “package” of issues to be addressed in this process, namely:

- MGRs, including questions on benefit-sharing;
- area-based management tools (ABMTs), including MPAs;
- EIAs; and
- capacity-building and the transfer of marine technology (CB&TT).

A Legally Binding Instrument: Between 2014 and 2015, the Working Group engaged in interactive substantive debates on the scope, parameters, and feasibility of an international instrument under UNCLOS. At its ninth meeting, the Working Group reached consensus on recommendations for a decision to be taken at the 69th session of the UN General Assembly (UNGA) to develop a new legally binding instrument on BBNJ under UNCLOS, and to start a negotiating process to that end.

Preparatory Committee: Established by UNGA [resolution 69/292](#), the Preparatory Committee was mandated to make substantive recommendations on the elements of a draft text of an international legally binding instrument under UNCLOS, taking into account the various reports of the Co-Chairs on the Working Group’s work; and for the Assembly to decide at its 72nd session whether to convene an Intergovernmental Conference (IGC) to elaborate the text. It considered the scope of an international legally binding instrument and its relationship with other instruments, guiding approaches and principles, as well as the elements of the package. Despite diverging views, with a wide majority of countries arguing that the Committee had exhausted all efforts to reach consensus, the outcome, which was adopted by consensus, comprised:

- non-exclusive elements of a draft internationally legally binding instrument text that generated convergence among most delegations;
- a list of main issues on which there is divergence of views, with the indication that both do not reflect consensus; and
- a recommendation to UNGA to take a decision, as soon as possible, on convening an IGC.

UNGA [resolution 72/249](#) established the IGC with a mandate to meet for four substantive sessions and conclude its work by the first half of 2020.

IGC Organizational Meeting: The IGC organizational meeting took place from 16–18 April 2018. Delegates agreed to: focus IGC-1 on substantive discussions based on the elements of the package; take consensus-based decisions on the preparation process of a zero draft; and mandate newly-elected IGC President Rena Lee (Singapore) to prepare a concise document that identifies areas for further discussion, that does not contain treaty text, and that would not constitute a zero draft.

IGC-1-3: During the first three meetings of the IGC (September 2018, March – April 2019, and August 2019) delegates clarified positions on the package elements before deliberating on the IGC President’s Aid to Negotiations, which contained options structured along the lines of the 2011 package. At the third session, delegates began textual negotiations based on a zero draft containing treaty text, developed by IGC President Lee.

Virtual Intersessional Work: Due to the COVID-19 pandemic, delegates worked remotely from September 2020 to February 2022 via an online discussion platform to share views on the more contentious issues in the draft text. President Lee clarified that the intersessional work would not substitute for negotiations at IGC-4, but would allow for clarifying positions and enhancing mutual understanding.

IGC-4: Delegates reconvened in an in-person informal-informal setting governed by Chatham House rules from 7–18 March 2022. With COVID-19 restrictions only permitting two representatives per delegation in the room at one time and extremely limited observer participation, delegates addressed a revised draft text of the agreement. Diverging views still persisted on the establishment of an access and benefit-sharing (ABS) mechanism. On EIAs, delegates agreed to base future negotiations on a cross-regional proposal on a tiered approach to conduct EIAs, although they were unable to reach consensus on who would be ultimately responsible for decision making. On CB&TT, some delegates supported a capacity-building mechanism, with a regional group proposing a cooperation and coordination mechanism addressing all relevant sections of the agreement. Delegates also agreed to ask UNGA to extend the IGC’s mandate.

IGC-5.1: The first part of IGC-5, which convened from 15–26 August 2022, made notable progress in reaching agreement on some key issues. However, consensus could not be reached, and the session was suspended. Outstanding issues included: the establishment of an ABS mechanism; monetary benefit-sharing; intellectual property rights; decision-making; thresholds related to EIAs; and area- versus impact-based approaches.

IGC-5.2: The second part of IGC-5 convened from 20 February – 4 March 2023. After more than 36 hours in closed-door President’s consultations to hammer out the final articles, lasting well into the weekend, IGC President Lee emerged with the text of an agreement. Delegates agreed to establish an open-ended informal working group

to undertake technical edits to ensure uniformity of the text and harmonize the wording in all six UN official languages.

IGC-5.3: At the further resumed session of IGC-5, which took place at UN Headquarters from 19–20 June 2023, governments finally adopted the BBNJ Agreement. Delegations called on Member States to sign the Agreement, which was opened for signature on 20 September 2023. They called for the initiation of a preparatory process to pave the way for entry into force of the Agreement, alongside a pledging conference to mobilize the requisite resources for ratification and implementation.

In its resolution [78/272](#), adopted on 24 April 2024, UNGA established the Preparatory Commission for the entry into force of the Agreement and the convening of its first COP.

Organizational Session of the PrepCom: The [organizational session](#) of the PrepCom convened from 24–26 June 2024 at UN Headquarters to elect its Co-Chairs and Bureau members, adopt its programme of work, and schedule its future meetings.

PrepCom I: The [first session](#) of the PrepCom took place from 14–25 April 2025 at UN Headquarters. Discussions focused on the rules of procedure (RoP) of the COP; RoP and modalities of operation of the subsidiary bodies (SBs); arrangements for the Secretariat, including the selection of its seat; funding of the Secretariat, COP, and SBs; arrangements with the Global Environment Facility (GEF); and operationalization of the Clearing-House Mechanism (CHM).

PrepCom II: The [second session](#) of the PrepCom was held from 18–29 August 2025 at UN Headquarters. Delegates continued their deliberations on: governance issues around the COP, SBs, and the Secretariat; financial issues, including rules governing the funding of the Agreement's bodies, the operationalization of the Voluntary Trust Fund, and the relationship with the GEF; and data and information management, in particular the operation of the CHM.

PrepCom III Report

On Monday, 23 March, PrepCom Co-Chairs Janine Coye-Felson and Adam McCarthy welcomed participants, highlighting progress made during PrepCom II and invited delegates to resume deliberations in a spirit of flexibility and collaboration with a view to successfully fulfilling the PrepCom's mandate.

The Co-Chairs emphasized that, while the BBNJ Agreement is a much-needed “triumph of the UN system, multilateralism, and international cooperation,” real success lies in operationalizing its provisions, ensuring the conservation and sustainable use of the marine environment in the high seas. They urged delegates to “move from words on paper to implementation.”

The Co-Chairs stressed that the task at hand is to transmit clean documents to COP1 for adoption, noting that “there is no reason to expect that, if we cannot resolve our differences here on issues within our remit, it will somehow be easier to resolve them at COP1.”

They clarified that the intention is to produce a final report, containing all relevant documents as annexes, by the end of PrepCom III, accompanied by a closing statement by the Co-Chairs, which will serve as guidance to COP1. Emphasizing that a successful conclusion “will depend on the efforts of each and every one of you,” they urged delegates to engage in the negotiations in a constructive and focused manner in a spirit of flexibility and cooperation.

Steven Hill, Assistant Secretary-General for Legal Affairs, on behalf of Elinor Hammarskjöld, Under-Secretary-General for Legal Affairs and UN Legal Counsel, celebrated the entry into force of the BBNJ Agreement as a major achievement “for the UN, international cooperation, for the planet and our people.” He emphasized that achieving the objectives of the BBNJ Agreement is a “shared responsibility that can be realized only with broad and, ultimately universal, participation.”

Organizational Matters

Agenda: On Monday, 23 March, Charlotte Salpin, Meeting Secretary, provided a summary of the documents available on the [conference website](#).

Co-Chair Coye-Felson:

- reminded delegates that after 20 September 2025 or the date of entry into force of the BBNJ Agreement, the taking of decisions by the Commission shall only be by states that signed, ratified, approved, accepted, or acceded to the Agreement;
- recalled decisions adopted at the organizational session in June 2024, including on the composition of the Bureau of the Commission, stressing that the Commission took note that, on an exceptional basis and without setting a precedent, the three seats of the Asia-Pacific region on the Bureau would rotate among nine states, and welcomed Japan, the Philippines, and Singapore as Bureau members for PrepCom III;
- noted that observers' registration reached a new record, which is a testament to their continued strong interest but also raises capacity issues; and
- announced that, following consultations with the Bureau, the Co-Chairs will be recommending that COP1 be convened from 11–22 January 2027 at UN Headquarters.

Co-Chair Coye-Felson also reminded delegates that the Commission had agreed that there would be no general or opening statements and that the agenda ([A/AC.296/2025/L.1](#)) and programme of work ([A/AC.296/2025/L.2](#)) adopted at PrepCom I apply to the entire work of the Commission and are not specific for each session, and suggested adding an agenda item on the adoption of the PrepCom's report, to be discussed on the last day of the meeting, which was accepted.

Organization of work: On the proposed [organization of work](#), circulated on 5 March 2026, Co-Chair McCarthy emphasized the need for transparency, inclusivity, and meaningful participation, stressing that a maximum of two parallel meetings is envisaged. Co-Chair McCarthy underscored that deliberations will prioritize matters that need to be actioned at COP1 and noted that discussions on the three clusters of issues identified at the organizational meeting will take place in informal working groups focusing on issues pertaining to: governance; the operation of the CHM; and financial rules, resources, and the financial mechanism.

Co-Chair McCarthy noted that the work schedule for the second week of the meeting will be updated based on progress and announced that the three Parties that have expressed interest in hosting the Secretariat seat will be presenting their offers during PrepCom III to facilitate the selection process. Delegates approved the proposed organization of work.

Credentials: On Monday, 23 March, the Co-Chairs reminded delegates that PrepCom I and II had decided to postpone the appointment of members of the credentials committee to focus on substantive issues and offered to undertake the review of credentials and report to PrepCom III. Delegates agreed to this proposal.

On Thursday, 2 April, the Co-Chairs provided an oral report on credentials, noting that formal credentials were received from 100 states and the EU.

Rules of Procedure for the Conference of the Parties

The RoP for the COP are an essential part of the BBNJ architecture that should be in place prior to COP1. Delegates addressed this agenda item every day during PrepCom III in a working group and in plenary on the last day of the meeting, negotiating a range of provisions associated with the smooth running of the COP.

First Round of Discussions: On Monday, 23 March, Co-Chair McCarthy introduced the further revised aid to discussions and negotiations prepared by the Co-Chairs ([A/AC.296/2026/1](#)). He stressed the need to conclude the consideration of the RoP and suggested focusing on bracketed text, without prejudice to the right of any delegation to consider further any part of the provisions.

A group of countries reiterated their commitment to a general approach that fully respects the needs and priorities of developing countries and recognizes the special circumstances of small island developing states (SIDS) and least developed countries (LDCs) and reiterated their preferences on numerous provisions.

Discussions focused on meeting modalities and intersessional decision-making with respect to emergency measures, based on intersessional work led by Norway and Singapore. On **meeting modalities**, delegates prioritized in-person meetings and agreed that virtual meetings should take place in exceptional circumstances. On virtual meetings, a regional group suggested “bearing in mind the challenges that many developing countries face in accessing communication technology.” Others stressed the need to take into account time zones, cybersecurity, and the digital divide.

Regarding decision making at virtual meetings, many agreed it should be limited to budgetary matters and matters that are necessary to allow the Secretariat, the COP, and its SBs to “continue to function.” A group of countries suggested strengthening the provision, noting that the Agreement’s bodies must be able to continue “to exercise their mandate.” A delegation proposed explicitly stating that decision making at virtual meetings “shall not include substantive or policy decisions.” Another pointed to unique challenges associated with its participation in virtual meetings and proposed that any decision in a virtual setting be taken by consensus.

Many delegates supported that, in cases of proposed **adoption of emergency measures intersessionally** pursuant to BBNJ Article 24.3 (emergency measures), COP decisions may be taken at a virtual meeting, and relevant information shall be circulated to Parties at least 30 days before the virtual meeting is due to commence. Two regional groups and others highlighted the distinction between virtual and extraordinary meetings, noting that such a provision alone is not fit for purpose for operationalizing Article 24.3.

A delegate stressed that the appropriate procedure should be to first consider convening an extraordinary meeting in-person and then assess whether the circumstances necessitate a virtual meeting, further pointing out that the Scientific and Technical Body (STB), rather than the PrepCom, is mandated to elaborate procedures related to emergency measures. Others noted that the text does not prejudice the procedures and guidance for the establishment of emergency measures that will be elaborated by the STB.

Observer organizations expressed their strong support for the provision, stressing that Article 24 focuses on emergency situations,

pointing to cases where an extraordinary meeting may not be called in time.

On Tuesday, 24 March, discussions focused on provisions on dates of meetings and observers.

On **meeting dates**, many delegates favored holding the COP on an annual basis during the initial stage from COPs 1-3, followed by a biannual cycle thereafter. Noting that it is difficult to predict when the COP can meet less frequently, a group of countries suggested “unless otherwise decided by the COP, meetings of the COP shall be held on an annual basis.” Some preferred holding annual COPs.

Many supported that the holding of extraordinary COPs shall be decided either by a majority at an ordinary COP or at the written request of any Party supported by at least a majority of the Parties. Some noted that a one-third support threshold upon a written request would be more appropriate.

Discussions on **observers** at previous sessions were delicate and led to their categorization into: states that are not Parties to the Agreement; relevant global, regional, subregional, and sectoral bodies; Indigenous Peoples; local communities; the scientific community; civil society organizations; and other stakeholders with relevant expertise. A group of countries noted its opposition to such categorization, while others reiterated their concerns but expressed flexibility in the spirit of compromise.

Discussions focused on conditions for granting observer status to all categories of observers other than non-Parties, which are subject to prior written notification. Regarding relevant global, regional, subregional and sectoral bodies, many supported that observer status should be granted unless at least two-thirds of the Parties object.

On all other categories, many delegates supported that observer status should be granted on a non-objection basis. A group of countries and others emphasized that a single Party’s objection precluding the participation of an observer does not align with Article 48.4 (transparency), which provides that rules on observer participation “shall not be unduly restrictive.” Some noted that two-thirds of the Parties objecting to a request for observer status is an appropriate threshold, while a few delegates preferred one-third.

Delegates also discussed a provision noting that the participation of Indigenous Peoples shall be in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), with many requesting clarifications and a regional group explaining that this relates to speaking order, which is first afforded to Indigenous Peoples on Indigenous issues.

Civil society organizations thanked all that supported strong provisions on transparency and observer participation, suggesting a two-thirds threshold for any proposal to hold closed meetings, further noting that any decision to hold closed sessions should be temporary and reserved for extraordinary situations. They called for clear and distinct modalities for Indigenous Peoples’ participation and for incorporating intergenerational insights.

On Wednesday, 25 March, delegates turned their attention to rules on the agenda, officers, and SBs. On the **agenda**, discussions focused on whether to include explicit references to Article 6 (without prejudice) in various provisions. Many delegates suggested deletion, noting it is redundant, while a regional group and a few delegations preferred retaining the reference, noting it would ensure that COP agendas do not infringe on any area within national jurisdiction or a disputed area. A group of countries and a few delegations noted that the President, with the support of the

Secretariat, should be setting the agenda, ensuring a Party-driven process and accountability.

Regarding the **election of officers**, most delegates expressed either support or flexibility for a large Bureau, consisting of the President and 16 Vice-Presidents from the regional groups with dedicated seats for SIDS and LDCs. Discussions on a bracketed provision on the role of the rapporteur were productive. Views diverged on a provision introducing restrictions on Bureau participation for Parties with contributions in arrears.

On **SBs**, some delegates noted that discussions are intertwined with those on the RoP and terms of reference (ToR) of SBs. On decision making, the draft rules stipulated that members “shall make every effort to adopt recommendations to the COP by consensus,” resorting to a majority vote if the Chair of the SB “determines that all efforts to reach consensus have been exhausted.” Many delegations supported the provision, while a group of countries and others noted that since the aim is to reach consensus, in particular on scientific and technical matters, the decision-making threshold should be higher, set at a two-thirds or four-fifths majority. They added that different voting thresholds may be used for procedural and substantive matters.

Opinions diverged on whether the Chair of an SB will have the right to vote. Many delegates supported giving the SB Chair the autonomy to decide on the dates of SB meetings, with some emphasizing the need to give due regard to budgetary implications. Others preferred that the COP decide on the meeting dates of SBs. A regional group stressed the need for dedicated seats for SIDS’ representatives on all SBs’ bureaus.

Discussions on Thursday, 26 March, continued to focus on bracketed text. Delegates had an extensive discussion on the inclusion of a rule on **the application of BBNJ Article 18** (area of application) regarding the establishment of ABMTs. Many delegates opposed its inclusion, noting the text goes further than Article 18 in ways that undermine the Agreement. A regional group opposed two proposed options for the rule, stating that both options establish a veto mechanism for a single state over an ABMT, which they stressed compromises the entire Agreement. A regional group, supported by others, noted their desire to retain the rule, stating that its inclusion provides an important safeguard in line with the Agreement’s objective and purpose. Others, while preferring to delete the rule, expressed some flexibility.

On **voting thresholds**, delegates discussed two proposals for when a question arises as to whether a matter is of a procedural or substantive nature. In the first option, the COP President shall rule on the question, and in the second option, the question shall be treated as one of substance unless otherwise decided by a majority of the COP. Some delegations expressed support for the first option, noting that the language in the text is taken from UNCLOS Article 159 (composition, procedure, and voting) and reflects standard UN practice. Others supported the second option, stating that involving the President could create friction.

Delegates continued to make their way through the further revised aid on Friday, 27 March. On **method of voting for general matters**, delegates discussed bracketed text allowing Parties to request a secret ballot, and, if seconded, proceeding with the voting. Many delegations stated that a single Party seconding is too low of a threshold, with one delegation suggesting it be raised to at least ten Parties, in line with procedures established by the COP to the Convention on Biological Diversity.

Delegates discussed options for **amending the RoP** when efforts to reach consensus have been exhausted, with proposed text stating that the amendment shall be adopted by a two-thirds majority of the Parties present and voting. Many delegates disagreed and called for amendments to the RoP to be adopted exclusively by consensus.

On the **credentials committee**, a group of states emphasized that all Parties have the right to present nominees and that appointments should not be the function of the COP Chair.

Some delegations underscored that **Bureau** officers must reflect fair geographical representation, including LDCs and SIDS. On size, many expressed flexibility provided that the Bureau prioritizes the equitable representation of all Parties.

On the **functions of the Secretariat**, a group of countries, supported by others, urged that all documents of the meeting be published, distributed, and circulated, rather than only official documents, in line with the principle of transparency in the Agreement. A delegation disagreed, stating that published and circulated documents should be limited to public meetings.

On a proposed rule on COP sessions closed to observers if decided by a two-thirds majority, one delegation stressed that states that are not Parties to the Agreement should not be placed in the same category as observers.

Second Round of Discussions: On Monday, 30 March, Co-Chair McCarthy introduced a conference room paper (CRP) for consideration (A/AC.296/2026/CRP.1). Delegates engaged in extensive discussion on a rule that seeks to **operationalize BBNJ Article 18**. Many delegations expressed concerns regarding its operationalization in the RoP, stressing that the Article itself captures the delicate balance sought in the negotiation of the Agreement, and cautioned against the possibility of the COP becoming a forum for dispute resolution.

Others disagreed, stressing the importance of the effective operationalization of Article 18 in a manner consistent with the Agreement, with one delegation underscoring the need to ensure non-State Parties are not excluded from discussions pertaining to the establishment of ABMTs that may affect their sovereign rights or jurisdiction. On proposed text that would allow a state to veto the establishment of any ABMTs within its national jurisdiction or involves a claim to or a dispute on sovereignty, many Parties noted that such an option would be unacceptable.

Many delegates and a group of states rejected suggestions to the **inclusion of Article 6** (without prejudice) in several of the RoPs, stating that it does not relate to procedure and that it would affect agreed upon text in the Agreement. Others disagreed and called for its inclusion as essential to ensure the functioning of the COP remains anchored in the Agreement.

On **modalities of meetings**, many delegations expressed their support for virtual meetings that support the interactive participation of all Parties on an equitable basis. Others noted that they preferred virtual meetings to be held only in extraordinary circumstances. On this basis, delegates emphasized the importance of the RoP containing a provision for virtual meetings for intersessional decision-making on emergency measures.

On **observers**, specifically, the participation of Indigenous Peoples “with relevant traditional knowledge,” a delegation, supported by others, suggested deleting the qualifier that goes against articles in the Agreement that support inclusiveness and align participation with the UNDRIP. They further argued Indigenous Peoples should be treated as a separate group in the

context of their participation as observers and recognized as distinct from local communities.

Discussions with the view to finalizing the RoP continued Tuesday, 31 March. On **quorum**, a group of states suggested shifting text related to quorum for SBs to the SBs ToR, noting that it would be easier to modify the ToR for the SBs than the RoP for the COP. On election of officers, a group of countries underscored the importance of ensuring the RoP contains a provision and mechanisms to support the representation of landlocked developing countries (LLDCs).

On **amending the RoP**, delegates shared their views on a revised text that states, in cases where all efforts to reach consensus have been exhausted, amendments shall be adopted by a four-fifths majority. A group of delegations, supported by others, rejected this proposal, stating that the four-fifths majority proposed in the revised text would effectively give a small group of Parties a veto over procedural decisions. They further noted that such a threshold has no basis in the Agreement and expressed their flexibility to support a two-thirds majority. Some preferred a simple majority, while others stressed that amendments should only be adopted by consensus.

Delegates continued to diverge on the inclusion of references to Article 6 and Article 18 in the RoP and moved to informal discussions in an attempt to reach consensus.

Plenary: On Thursday, 2 April, SINGAPORE suggested compromise language from informal discussions to address the participation of observers, noting that, following consideration on a non-objection basis, a final decision will be made by the COP, constituting a question on procedure and following the corresponding rules.

NEW ZEALAND proposed resolving disagreements over a provision on determining quorum vis-a-vis the participation of a regional economic integration organization, by noting that “quorum shall be determined on the basis of the number of votes that are entitled to be cast on a decision.” Along the same lines, they proposed resolving disagreements on decision-making and voting modalities of regional economic integration organizations, stating that “the rights of the Parties to vote are as provided for in Article 64 (right to vote) of the Agreement.”

The Co-Chairs then opened the floor on interventions on the revised draft RoP (A/AC.296/2026/CRP.1. Rev.1).

Delegates expressed appreciation for the dedicated efforts to prepare the RoP and the endeavor to reach consensus on provisions that generated disagreements. Still, various Parties expressed reservations on certain rules.

BRAZIL, ARGENTINA, CHILE, EGYPT, INDIA, the PHILIPPINES, and SAUDI ARABIA reserved their position on Rule 39 bis (application of Article 18 (area of application)). BRAZIL and CHILE noted the provision was circulated at short notice, providing insufficient time for proper consideration, reserving their right to reopen discussions, taking into account that the final decision will be made at COP1. The PHILIPPINES stressed that any reference to Article 18 in the RoP does not create new rights nor introduce any form of veto.

JAPAN, ARGENTINA, EGYPT, and SAUDI ARABIA reserved their position on Rules 34.2 (quorum) and, with TÜRKİYE, 44.2 (right to vote). EGYPT noted that provisions of quorum should aim to ensure meaningful participation and insisted, with TÜRKİYE, that right to vote provisions include reference to members “present and voting.” JAPAN and TÜRKİYE added that Rule 51 (method

of voting for general matters) must include a provision on secret ballot, which may be requested by any Party, if seconded by 10 more Parties.

INDONESIA expressed reservations on Rule 6.1 (observers), noting that terminology issues around Indigenous Peoples and local communities should adhere to the formulation of BBNJ Article 48.4 (transparency) and other BBNJ Articles and not separate the two. TÜRKİYE reserved its position on Rule 6.2 regarding the non-objection procedure.

PARAGUAY, for 17 LLDCs, reserved their position on Rule 22.2 (election of officers), insisting on a seat on the Bureau for LLDCs. INDIA and SAUDI ARABIA reserved their position on Rule 60 (amending the RoP).

EL SALVADOR stressed that both Parties and non-Parties must be able to object to the establishment of ABMTs in areas under national jurisdiction where they claim sovereign rights or in areas where any dispute exists.

IRAN emphasized that the modalities do not allow non-Parties to participate in decision-making, noting that there is clear divergence of views on many issues.

The RUSSIAN FEDERATION noted that, if taking part in decision-making, they would disassociate from the consensus, stressing that the documents are imbalanced, strengthening the imbalance already enshrined in the BBNJ Agreement.

ICELAND, with AUSTRALIA, CANADA, NEW ZEALAND, and NORWAY, reminded delegates that the adoption of the BBNJ Agreement was the result of an approach in the spirit of consensus, which led all involved to “painful compromises.” They stressed that the Agreement is not up for renegotiation, including Article 64, which settles the issue of regional economic integration organizations, and emphasized the need to honor the entirety of the Agreement. They suggested to “proceed on the basis of what we have in front of us,” as the most beneficial option for the conservation and sustainable use of the marine environment.

Following discussions, the Co-Chairs suggested approving the RoP with brackets, underscoring that the PrepCom report, including all draft decisions and the other documents annexed to the report, are prepared for consideration by the COP. Delegates approved the RoP as agreed.

Final Outcome: The draft RoP (A/AC.296/2026/CRP.1. Rev.1), which includes bracketed provisions for further discussion as referred above, shall apply to any meeting of the COP in accordance with Article 47 and includes sections on:

- scope and definition;
- meetings;
- observers;
- officers;
- Secretariat;
- decision-making;
- elections; and
- amendments to the RoP.

The PrepCom recommends that COP1 decide, *inter alia*, that:

- the initial ordinary meetings of the COP shall be held on an annual basis, and shall thereafter be held every two years;
- the President, in consultation with the Bureau, may call a virtual meeting of the COP in order for a decision on an emergency measure may be taken by the COP;
- extraordinary meetings of the COP shall be held at such times as may be decided either by a majority of the Parties or at the

written request of any Party supported by at least a majority of the Parties;

- the following may participate as observers at meetings of the COP: states not Party to the Agreement; relevant global, regional, subregional, and sectoral bodies; Indigenous Peoples with relevant traditional knowledge; local communities with relevant traditional knowledge; the scientific community; and civil society organizations and other relevant stakeholders with an interest in matters pertaining to the COP;
- the provisional agenda of the COP shall be prepared by the Secretariat in agreement with the President after consulting with the Bureau, and shall include, among other things, the proposed budget and all questions pertaining to accounts and financial arrangements;
- each of the five UN regional groups shall be represented by three Bureau members. In addition, one Bureau member shall represent SIDS and one LDCs. These officers shall be elected taking into account gender balance, equitable geographic representation, and adequate representation of developing countries;
- the President shall not declare a session of the meeting of the COP open unless at least one-third of the Parties to the Agreement are present;
- the establishment of ABMTs, including MPAs, shall not include any areas within national jurisdiction and shall not be relied upon as a basis for asserting or denying any claims to sovereignty, sovereign rights or jurisdiction, including in respect of any disputes relating thereto;
- a State may send a written notification to the Secretariat indicating that it considers the proposal to raise concerns under Article 18 of the Agreement. Upon receipt of the notification, the Secretariat shall transmit it to all Parties and make it publicly available in accordance with Article 21, paragraph 3, of the Agreement;
- in accordance with Article 18, the COP can look at proposals but shall not decide on proposals referred to under Article 18, and in no case shall such proposals be interpreted as recognition or non-recognition of any claims to sovereignty, sovereign rights, or jurisdiction;
- the COP shall make every effort to adopt decisions and recommendations by consensus. If all efforts to reach consensus have been exhausted, all decisions and recommendations of the COP on questions of substance shall be adopted by a two-thirds majority of the Parties present and voting, and decisions on questions of procedure shall be adopted by a majority of the Parties present and voting; and
- the present RoP may be amended by a decision of the COP taken by consensus. In cases where the President decides, in consultation with the Bureau, that all efforts to reach consensus have been exhausted, the amendment shall be adopted by a decision of the COP adopted by a three-fourths majority of the Parties present and voting.

Modalities for the Operation of SBs

Deliberations in a working group addressed a range of considerations related to the proper functioning of the SBs, ranging from membership rules to confidentiality requirements.

First Round of Discussions: On Monday, 23 March, Co-Chair McCarthy introduced an aid ([A/AC.296/2026/3](#)) to discussions and negotiations on the ToR and RoP for the SBs and the selection process for the members of the STB and the other SBs. The aid

contained combined ToR and modalities for the operation of and RoP for SBs under the Agreement, including general terms for all SBs, as well as specific terms for each.

Co-Chair McCarthy suggested prioritizing issues that will allow the SBs to meet at COP1. Some delegates agreed that the issue of modalities can be left for SBs to discuss once they are established.

Many delegates agreed that the ToR should be detailed but flexible enough to remain adaptable over time and to allow for further developments. On **membership**, several delegates requested the deletion of bracketed text around the automatic election of members to SBs. Many delegates agreed that SBs should have large enough membership to ensure geographical representation and gender balance, while remaining efficient.

Regarding **eligibility criteria**, many delegates agreed that members should possess qualifications and expertise specific to each SB. Some underscored the importance of keeping eligibility criteria broad and flexible, noting that they may evolve over time. One delegate emphasized that disciplinary expertise should be geographically diverse to capture regionally specific knowledge pertaining to biodiversity and ocean sciences.

A delegate questioned a placeholder for the appointment of gender focal points to provide assistance to the capacity-building and transfer of marine technology committee on gender-related issues, noting that this is not part of the Agreement.

On Tuesday, 24 March, delegates focused on **cross-cutting modalities** for the operationalization of the SBs established under the Agreement. Co-Chair McCarthy noted the importance of striking a balance between establishing modalities of work under the authority of the COP and not micromanaging the SBs to allow them the flexibility to establish their own programmes of work.

Many delegations agreed, with a couple of regional groups noting that the COP would need to approve the financial arrangements supporting such work. On a placeholder on the special interests, needs, and priorities of developing states and inclusion of Indigenous Peoples and local communities, a regional delegation requested a separate placeholder be established for developing states, highlighting the distinct issues they face.

On **decision-making**, delegates discussed a placeholder for a “silence or non-objection procedure for decision-making for virtual/ intersessional work,” with some requesting further clarity on legal implications. On bracketed text noting that SBs shall ensure SIDS have adequate opportunity to present concerns regarding decisions that significantly affect their implementation capacity or require SIDS-specific responses, a delegation asked for additional clarity on what is considered an “adequate opportunity.”

A regional delegation noted, with support from other delegations, that in cases of confidential information, there needs to be an option for the non-disclosure of reports.

Regarding **experts**, a regional group, with support from other delegations, stated that they do not believe it is necessary for the COP to approve the roster of experts and suggested that SBs develop the rosters of experts. Some delegations noted the importance of ensuring gender balance and geographical representation in the roster of experts, while one delegation opposed the reference to gender balance, stating that the appointment of experts is a matter of technical and scientific knowledge.

On Thursday, 26 March, delegates resumed their discussions, focusing on, among other things: purpose and function, confidentiality, conflict of interest, and observers.

Two regional groups emphasized that **confidentiality** requirements should also bind observers. Some regional groups suggested amending the title “incompatible activities, conflict of interest, and confidentiality” to “incompatibilities,” while others suggested deleting the reference. A regional group urged determining what are considered “incompatible activities.”

A delegation questioned whether the COP is equipped to start a process on breaches, noting it is a political body called to initiate quasi-judicial procedures. A group of countries stressed that members of the Implementation and Compliance Committee shall not participate in deliberations that relate to the Party that nominated them.

Civil society organizations emphasized that the SBs, and not the COP, are best qualified to address individual cases of conflict of interest and suggested clarifying what information qualifies as “proprietary and confidential.”

On **purpose and functions**, delegates debated whether the SBs shall support the “implementation” or the “attainment of the objectives” of the Agreement. Many suggested combining both options, referring to supporting the implementation of the Agreement with a view to attaining its objectives. Delegates also debated whether to list specific BBNJ Articles that shall guide the work of the SBs.

Regarding **observers**, many delegates pointed to parallel discussions under the RoP for the COP and stressed the need for consistency. Many suggested removing language referring to relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs) and to include all observer categories.

On holding sessions closed to observers, many supported a two-thirds majority as a threshold for deciding on such closed sessions. A delegation suggested deciding on a simple majority, while some called for a higher threshold than two-thirds. Delegates also debated whether a specific provision on the participation of observers from intellectual property organizations should be included.

A group of countries suggested provisions clarifying that the Chair of the SB shall be responsible for ensuring the efficient, orderly, and purposeful conduct of meetings, including allocating time to observers to deliver statements, subject to time and agenda limitations, and that deliberations to prepare recommendations related to voting shall be closed to observers.

Civil society organizations emphasized that any decision to close a meeting should be time-bound and limited to exceptional circumstances.

On **general issues**, a delegate reiterated the proposal to establish two permanent working groups under the STB, one on ABMTs and the other on EIAs, open to experts nominated by Parties and observers.

Delegates further discussed:

- cases where the ToR of the SBs may be in conflict with any provision of the Agreement;
- in-person participation versus virtual or hybrid meetings, with a regional group underscoring that decision making should be limited to in-person sessions; and
- the composition of the finance committee, with a group of countries emphasizing the need for it to be concise.

Deliberations continued on Friday, 27 March, focusing on, among others, working modalities during the intersessional period, reporting timelines, and programmes of work.

Many Parties expressed their support for potentially holding **virtual** and hybrid meetings of the SBs, including intersessionally. Others, while noting some flexibility, expressed caution, and urged that in-person meetings should be the default format. Discussions fell along similar lines with regard to conducting work intersessionally over email.

Regarding a proposed rule for the preparation of **provisional agendas** for meetings of SBs, a delegation stated that SBs should produce their own agendas. On reporting, they emphasized the need to crosscheck and harmonize timelines between the COP and SBs to ensure the timely and efficient submission and receipt of documents.

On **SB membership**, delegates deliberated over the size of the STB, with many advocating for the largest possible size. A regional group noted their preference for 20–30 members, with an option for an additional 12 members in the future. A group of delegations emphasized that the participation of LLDCs is unique in the BBNJ, and that, in line with Article 7, their representation should be considered.

Second Round of Discussions: Delegates considered a CRP (A/AC.296/2026/CRP.2) on Monday, 30 March. Co-Chair McCarthy suggested focusing on “red lines.”

A regional delegation, supported by some and opposed by others, stated that **membership** on the finance committee should not include a seat for large financial contributors to the budget. On members of Indigenous Peoples and local communities on the STB, a group of states urged that such members cannot be nominated by Parties but rather should be self-nominated by the seven socio-cultural regions recognized by the UN. Several regional delegations and observers expressed their disappointment that a proposed advisory mechanism for Indigenous Peoples and local communities was not included and urged the development of a draft document. Some delegates proposed continuing conversations to establish this mechanism intersessionally.

On the **selection process** for members of the SBs, a group of states proposed interim arrangements to nominate candidates for SB membership in advance of COP1, without prejudice to formal election by the COP. They noted that such a proposal would enable the SBs to become operational immediately following COP1, allowing them to “hit the ground running.” Other delegations noted their openness to the suggested proposal, with one stating that the ToR will need to be adjusted to allow for this.

On meetings, many delegations expressed dismay at the deletion of text supporting virtual and hybrid forms of participation in the SBs, including intersessionally. Other delegations expressed some flexibility but noted their preference for in-person meetings.

Plenary: On Thursday, 2 April, the Co-Chairs introduced the draft ToR and modalities for the operation of, and RoP for SBs, noting it contains bracketed text. Delegates approved the document.

Final Outcome: The draft ToR and modalities for the operation of, and RoP for, the SBs (A/AC.296/2026/CRP.2/Rev.1/Corr.1) establish the purpose and functions of the SBs in relation to the Agreement, as well as their relationship with the RoP of the COP. The ToR includes sections on:

- membership;
- modalities for the operation of the SBs;
- cooperation and coordination;
- conflict of interest and confidentiality; and
- review and amendments

The PrepCom recommends that the COP decide, *inter alia*, that:

- under the authority and guidance of the COP, the SBs shall fulfil the functions assigned to them under the Agreement and any such other functions as may be determined by the COP, in order to support the implementation of the Agreement;
- in implementing their functions, the SBs shall be guided by Articles 5, 6, 7, and 8 of the Agreement, as well as any other relevant provisions in the Agreement;
- members of the SBs shall possess the necessary qualifications, experience or expertise;
- membership of the SBs, which remains in brackets, while varying between bodies, shall be composed of at least: two members from each of the UN regional groups, one member from SIDS, one member from LDCs, and one member from LLDCs;
- the finance committee shall, in addition to the above, be composed of one member from each of the five largest financial contributors to the budget of the Agreement;
- the members of the SBs shall be nominated by the COP, taking into account, among others, gender balance and equitable geographical distribution or representation;
- members shall serve for a term of four years and shall be limited to two terms;
- each SB shall elect a Chair and Vice-Chair from among its members, taking into account gender balance and equitable geographical representation, with due consideration given to geographical rotation, for a term of two years;
- each SB may, in addition to the modalities outlined in the ToR, develop specific additional modalities;
- the SBs may meet in person, virtually, or in a hybrid format, including intersessionally;
- meetings of the SBs and their ad hoc groups, working groups, or subcommittees shall be open to accredited observers unless the COP or SB concerned decides, by a two-thirds majority, that the meeting shall be closed;
- members of the SBs shall make every effort to adopt recommendations to the COP by consensus. If the Chair of the SB determines that all efforts to reach consensus have been exhausted, recommendations shall be adopted by a vote. When matters are subject to a vote, decisions shall be taken by a two-thirds majority;
- when decisions of the SBs will significantly affect any state, group of states, Indigenous Peoples and local communities, or traditional knowledge, the SBs shall make all reasonable efforts to consult with those affected before finalizing recommendations to the COP;
- the SBs may invite experts on an ad hoc basis, to participate in their work;
- the SBs may establish additional rosters of experts, including a general roster of expertise relevant to that SB, and a roster of experts on issues pertaining to Indigenous Peoples and local communities, and traditional knowledge; and
- the SBs shall seek to cooperate with other relevant IFBs, take into account their work, and seek to avoid duplication.

A list of appropriate qualifications and expertise for SB members in annexed to the draft ToR.

Arrangements for the Functioning of the Secretariat, including its Seat

This item was addressed in a working group. Presentations of the candidates for the permanent seat of the Secretariat by China, Chile,

and Belgium took place on 25 and 26 March, and 1 April. The final selection will take place at COP1.

First Round of Discussions: On Monday, 23 March, Co-Chair Coye-Felson introduced a note ([A/AC.296/2026/8](#)) on arrangements for the functioning of the Secretariat, including its seat. The note presents a non-exhaustive summary of the existing types of institutional relationships between the UN and specific entities. It also contains an outline of the arrangements associated with each type of relationship and briefly addresses the legal capacity of the Secretariat under the various relationships covered in the note. Co-Chair Coye-Felson underscored that PrepCom III must consider what will be required for institutional arrangements to be confirmed at COP1 and requested delegates be prepared to come to an agreeable consensus.

Many delegations expressed their support for an organizational model that is institutionally linked to the UN to ensure efficiency, credibility, and accountability, while also maintaining organizational and financial autonomy. Others noted their preference for a model tailored through decisions from the COP, with some pointing to the Convention on Biological Diversity and Minamata Convention as possible models. On Secretariat staffing, delegates highlighted that staffing should be subject to the Staff Regulations and Staff Rules of the UN, noting the cost and complexity of developing new rules and regulations.

On the appointment of the Head of Secretariat, several delegates stated that they should be appointed by the COP to ensure accountability, while some preferred appointment by the UN Secretary-General. Regarding legal capacity, delegates shared differing views as to whether it was necessary for the Secretariat to have international legal personality to ensure the exercise of its functions and the fulfilment of its purposes.

Deliberations resumed on Wednesday, 25 March, with delegations further questioning what an institutional linkage with the UN, while maintaining some degree of organizational, operational, and financial autonomy, would look like in practice and how such an arrangement could align with UN rules. One delegate pointed to the relationship the UN Framework Convention on Climate Change has with the UN as a useful model.

A group of states suggested that the Co-Chairs be given a mandate to send a letter to the UN Secretary-General (UNSG) to obtain advice on modalities that would need to be put in place to have a permanent Secretariat with institutional linkages to the UN, in addition to clarity on additional questions posed by delegations, including, among others, the benefits this linkage would provide.

Many delegates supported holding the head of the Secretariat accountable to the COP and called for a rigorous, transparent process for the head's appointment. A regional group, supported by several others, underscored the importance of ensuring geographical representation and gender balance. A delegation suggested that the text stipulate a periodic appointment of a head of Secretariat from a developing country. Another disagreed, noting that such qualifications are not appropriate for inclusion in the text and should be considered as relevant modalities at a later stage.

A delegation expressed hesitancy to support the Secretariat's need for international legal capacity, noting that the Secretariat can properly function without it.

Second Round of Discussions: On Monday, 30 March, Co-Chair Coye-Felson invited delegates to discuss a non-paper circulated by the Co-Chairs on Thursday, 26 March, containing a revised draft

decision for the COP on the relationship between the Secretariat and the UN, also pointing attention to the substantive content of a draft letter by PrepCom's Co-Chairs to the UNSG.

The revised draft decision contained two options on the Secretariat: one institutionally linked to the UN while retaining organizational, operational, and financial autonomy and the other noting that a relationship agreement will govern the relationship between the Secretariat and the UN. It also contained draft modalities for a process for the selection of the head of the Secretariat. The process included a round of Parties' nominations; election at a COP meeting; and appointment by the UNSG of the elected official.

The letter informs the UNSG of the "broad support for establishing an institutional linkage between the UN and the Secretariat under the Agreement, under which the Secretariat would be institutionally linked to the United Nations, while not being fully integrated in the work programme and management structure of any particular department or programme." It also invites the UNSG to suggest arrangements for consideration at COP1.

Many delegates supported a Secretariat institutionally linked to the UN and the process described for the selection of the head of the Secretariat and offered suggestions on the relevant language.

A regional group reiterated that "the head of the Secretariat should be elected and remain accountable to the COP both politically and administratively," noting that the decision to bring the head of the Secretariat's tenure to an end must also remain with the COP. They suggested exploring a relationship agreement between the Secretariat and the UN, opining that the 1946 Convention could be extended to the head of the Secretariat by a provision included in the relationship agreement.

A group of countries suggested a cooperative process with the UNSG for the selection of the head of the Secretariat with the following steps: Parties' nominations of candidates; a consultation process with the UNSG with the latter providing observations; COP consideration and election; nomination to the UNSG of a single candidate and request for their appointment; and appointment by the UNSG. They clarified that a separate PrepCom decision would be required for the selection of the first head of the Secretariat, which would initiate a process for COP consideration.

On the draft letter, many expressed general support for its content and offered suggestions for amendments. A group of countries noted that, given only preliminary legal advice had been provided at that point in time, all existing alternatives should be included, suggesting also including elements of a relationship agreement, for a fully informed decision at COP1.

A group of countries noted that the selection of the Secretariat seat should be addressed separately, including a draft decision and suggested following the model of the Convention on Biological Diversity, which involved voting by secret ballot if all efforts to reach consensus have been exhausted, using a two-thirds threshold.

On Friday, 27 and Monday 30, March, Charlotte Salpin, Meeting Secretary, provided informal, preliminary feedback on queries regarding the status of the Secretariat, clarifying, among other things, the application of the 1946 Convention on the Privileges and Immunities of the UN and modalities around the election of the Head of the Secretariat.

Third Round of Discussions: On Tuesday, 31 March, Co-Chair McCarthy invited delegates to discuss: the draft decision; the draft letter from PrepCom's Co-Chairs to the UNSG; and any

other proposals, including modalities for decision-making on the Secretariat's permanent seat.

Regarding the draft decision, delegations reiterated their proposals and their preferences regarding the Secretariat model. Some delegates underscored the need for a model institutionally linked to the UN while preserving the COP's authority over its functioning.

A regional group restated that establishing an international legal personality modeled after the UN Framework Convention on Climate Change is "not enough to safeguard Party-driven processes," noting the need to develop a clear understanding of how essential elements may be safeguarded through a relationship agreement with the UN. The group called for "prompt operationalization but not rushed decisions," suggesting leaving all options open for a fully informed decision at COP1. A delegate noted that "legal capacity comes with responsibilities" and suggested provisions to address cases of conflict of interest and financial management.

Many delegates expressed general support for the draft letter, with some noting that both options on institutional arrangements should be included. On next steps, following the advice of the UNSG, delegates suggested distributing the response to all Parties and seek clarifications, through the Bureau, on potential queries, with a view to operationalizing the institutional linkages at COP1.

Many delegates supported developing modalities for the selection of the Secretariat seat along the lines of the proposals tabled the previous day. A group suggested that, if all efforts to reach consensus have been exhausted, a secret ballot with a two-thirds majority requirement, including successive rounds of voting eliminating the one with the least votes.

Plenary: On Thursday, 2 April, MEXICO noted that delegates agreed, following informal consultations, to note that the head of the Secretariat "shall serve" for a four-year term rather than "shall be selected."

Regarding the draft letter to the UNSG on the selection of the head and on the two suggested approaches for the Secretariat's institutional arrangement, the EU noted that a revised draft letter was circulated.

Chile, for the CORE LATIN AMERICAN MEMBERS, thanked all for their commitment to reach a compromise. South Africa, for the AFRICAN GROUP, noted that they had shared further inputs on the revised draft letter.

Delegates approved two draft decisions for consideration at COP1. One concerning the relationship between the Secretariat and the UN (A/AC.296/2026/CRP.8) and the other on modalities for the decision on the seat of the Secretariat (A/AC.296/2026/CRP.9). Co-Chair Coye-Felson thanked all delegates for their flexibility and spirit of cooperation.

Final Outcomes: The draft decision concerning the relationship between the Secretariat and the UN (A/AC.296/2026/CRP.8) reflects options for the arrangements for the functioning of the Secretariat.

The PrepCom recommends that the COP consider, *inter alia*, two options:

- that the Secretariat shall be institutionally linked to the UN, while not being fully integrated in the work programme and management structure of any particular department or programme; and
- that the Secretariat shall enter into a relationship with the UN [on the basis of the draft relationship agreement between the

United Nations and the Secretariat contained in the annex to this decision] [in accordance with the terms of a relationship agreement to be concluded with the UN].

The PrepCom also recommends that the COP consider:

- that the Secretariat shall enjoy international legal personality, in addition to the legal capacity it shall possess in the territory of the host country in accordance with Article 50, paragraph 3, of the Agreement; and
- that the head of the Secretariat shall be selected for a four-year term, renewable for one additional term, at the level of Under-Secretary-General.

The draft decision concerning the modalities for the decision on the seat of the Secretariat (A/AC.296/2026/CRP.9) reflects that the COP, at its first meeting, shall make arrangements for the functioning of the Secretariat, including deciding on its seat.

The PrepCom recommends that the COP, *inter alia*:

- make every effort to reach a decision on the seat of the Secretariat by consensus;
- if all efforts to reach consensus have been exhausted, will take a decision, by secret ballot, by a two-thirds majority of the Parties present and voting; and
- if a two-thirds majority does not emerge for any one candidate after the first round of voting, successive rounds will be taken, the candidate receiving the least votes being eliminated after each round, until only two offers remain and one receives a two-thirds majority vote of the Parties present and voting.

Presentations of candidacies for the Secretariat seat: China kicked off the round of presentations, underscoring its sustainability efforts and its commitment to multilateralism, and urging for an equitable global marine governance system, highlighting the advantages of Xiamen, “a garden city on the sea,” for hosting the Secretariat.

Chile presented its bid to host the BBNJ Secretariat in Valparaíso, laying out three pillars for their proposal based on their commitment to the Law of the Sea, experience hosting UN offices and international conferences, as well as their physical and digital infrastructure.

Belgium’s presentation of its bid to host the Secretariat in Brussels, the “diplomatic heart of the Ocean,” highlighting operational readiness and independence; diplomacy of inclusion; and foundation of scientific excellence.

Arrangements to Enhance Cooperation with IFBs

First Round of Discussions: On Wednesday, 25 March, in the working group, Co-Chair McCarthy introduced the draft decision (A/AC.296/2026/4), and suggested opening up the document as a whole and focusing on major gaps and concerns.

A group of countries noted general alignment with the text, emphasizing that certain provisions could be strengthened, and made relevant proposals. These included adding references to: consultative processes, including with SIDS regional and sub-regional IFBs (relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies); interoperability; and COP guidance.

A regional group suggested keeping the guide broad to ensure all forms of flexible cooperation can be developed and proposed: facilitating the participation of relevant IFBs in the work of the COP and SBs; broadening cooperation arrangements beyond IFBs; and closely collaborating with IFBs to manage overlapping mandates.

Another regional group suggested ensuring consistency with UNCLOS, including with the competence of international organizations recognized by UNCLOS. They proposed:

- clarifying that observer participation should be in accordance with the RoP of the COP and SBs;
- proceeding with progressive cooperation activities, starting with IFBs that have mandates or competencies related to specific provisions of the Agreement;
- establishing clear procedures and strategies, in cooperation with IFBs to promote coordinated implementation;
- including informal modes of cooperation;
- invite IFBs’ Secretariats to provide contributions on how to strengthen cooperation while maintaining final consideration within the COP;
- developing rules for IFB participation in the process for ABMTs; and
- identifying relevant IFBs with respect to emergency measures.

A regional group suggested including language on the “institutionalization of consultations through dedicated procedural provisions to ensure continuity and effectiveness,” as well as ensuring that cooperation addresses governance gaps and does not undermine the Agreement’s objectives. They also suggested reference to “structured and predictable cooperation arrangements supported by adequate resources, including co-development and cooperation mechanisms that reflect the priorities of developing countries and structured platforms to identify and operationalize appropriate cooperation modalities.

A group of countries requested clear reference to BBNJ Article 8 (international cooperation), including a call to Parties to promote the Agreement’s objectives and strengthen cooperation when participating in meetings of relevant IFBs. They called for including provisions on cooperation and coordination with IFBs in the programmes of work of SBs, informing a joint programme of work for the entire Agreement, and further including points on cooperation in the SBs’ reports. They supported a “strategic and gradual approach,” and noted that IFBs’ work, rather than their mandate, may be the best criterion to determine the focus of cooperation activities. They further called for a standing point on cooperation in the Secretariat’s report to ensure accountability.

Other delegates suggested, among other things:

- recalling Article 5.3 on the legal status of non-Parties;
- emphasizing the principle of non-undermining, consistency, and coordination;
- clarifying that any Secretariat arrangements will be under Parties’ guidance;
- promoting transparency, including through the public dissemination of information and the facilitation of the participation and consultation with IFBs;
- including references to the UN Environment Programme, the Convention on Biological Diversity, and the Bern process of coordination and collaboration between biodiversity-related conventions; and
- clarifying the scope of the taskforce and workshop mentioned in the document.

The Secretariats of relevant conventions and bodies presented their respective mandates, areas of expertise and work, and provided overviews of their cooperation activities. Many underscored the importance of cooperation activities and the need to fully respect mandates and processes and develop strategies to avoid overlap.

Some highlighted the need to apply confidentiality and data protection requirements when necessary, as well as clarify how IFBs will engage with the COP and SBs.

An observer delegation suggested removing language in an operative paragraph calling for a gradual approach towards early cooperation arrangements, emphasizing the need for early, rapid, and timely cooperation. They also expressed their support for a proposal by a group of states to more clearly reference Article 8 (international cooperation) and recommended adding text to reflect the obligations of Parties set out in the Article.

Second Round of Discussions: On Wednesday, 1 April, delegates reconvened to discuss newly revised text (A/AC.296/2026/CRP.6) that represented a synthesis of the views expressed by Parties the previous week. Overall, delegates stated their satisfaction with the revised text, but noted some continued concerns, including:

- overly prescriptive language in an operative paragraph regarding the strategic prioritization of early cooperation arrangements that narrows the scope of cooperation to IFBs “whose mandates directly intersect with the objectives of the Agreement”; and
- operative paragraphs that decide Parties need to consult with IFBs on their capacities, resources, and operational limits, as well as coordinate with the work cycles of IFBs, underscoring that doing so would be burdensome and lack feasibility.

A group of states and observer delegations, noting the importance of cooperative arrangements for the Agreement, suggested bracketing the entirety of the text and taking up the issue at COP1.

Co-Chair McCarthy noted that a conference room paper would be circulated for consideration in plenary.

Plenary: On Thursday, 2 April, the Co-Chairs introduced a further revised draft decision, which was approved.

Final Outcome: In the draft decision (A/AC.296/2026/CRP.6/Rev.1), the PrepCom recommends that COP1 decide, *inter alia*, that all cooperation with IFBs shall be guided, as appropriate, by:

- the need for regular engagement and consultations with relevant IFBs on matters related to the Agreement and facilitation of their participation, as observers, in the work of the COP and its SBs;
- the need for a gradual approach towards and strategic prioritization of early cooperation arrangements with IFBs whose mandates directly intersect with the objectives of the Agreement;
- the recognition of mandate complementarity and various synergies between the Agreement and relevant IFBs by leveraging the expertise and best practices of IFBs and existing cooperation and coordination arrangements and platforms;
- the promotion of equity and inclusiveness, including by taking into account the needs and interests of all relevant stakeholders, as well as the prioritization of the full participation of developing states, in particular SIDS, LDCs, and LLDCs; and
- the need for a flexible approach to cooperation under the Agreement and the need to maintain a flexible approach to operationalizing such cooperation that allows for cooperation arrangements to adapt to emerging needs and priorities that evolve over time, while taking into account the practicality of arrangements and complementarity in activities, as well as existing legal obligations and standards.

Operationalization of the CHM

Discussions in the working group focused on the model, key parameters, and timeline for the development of a prototype for COP1.

On Wednesday, 25 March, deliberations began to operationalize the CHM under the Agreement. Co-Chair Coye-Felson introduced a consolidated [draft study](#) on the modalities of the CHM and provided three guiding questions to Parties to facilitate a discussion on the architecture of the CHM, the key parameters of its functionality, and the timeline for its operationalization.

Parties were presented with three options to **model** the CHM: a centralized system managed by the Secretariat that delivers baseline requirements quickly with minimal dependencies; a central system complemented by regional or subregional nodes for localized support, assisted workflows, and improved connectivity; or retrofitting an existing CHM. Many delegates favored a centralized CHM, with one regional group highlighting that such a configuration is needed at its launch for legal clarity, accountability, and confidentiality.

Some delegations who expressed support for this model suggested that the CHM should evolve to support a system of regional and subregional nodes, while noting that a focus on minimum required functionality should be the priority in the lead up to COP1. Others noted that a node-based system is necessary to support offline and low connectivity usage, which is critical for the participation of LDCs and SIDS. No Parties expressed support for retrofitting an existing CHM.

On **key parameters** for the functioning of the CHM, delegates identified the importance of, among others:

- establishing relevant metadata fields that are accessible and can be filtered for relevant queries;
- user role categories with different access types, with some delegations highlighting the importance of focal points for managing access;
- developing a proximity-based alert system to notify states of uploads relevant to their interests, and to support SIDS and developing countries that face monitoring constraints;
- interoperability with relevant systems; and
- the importance of cybersecurity, with an observer delegation cautioning against automated data inputting, AI model training, and data scraping, as well as calling for a rigorous auditing process to combat cyber- and bio-piracy.

Several delegations emphasized the importance of data sovereignty for Indigenous traditional knowledge. They underscored the need to adopt a rights-based approach, recognizing the different data governance needs for traditional knowledge, such as ensuring free, prior, and informed consent protocols are established as a baseline before accepting any uploads containing Indigenous knowledge.

On the **timeline** for the CHM’s operationalization, delegates shared their views on the phased approach outlined in the consolidated study. Many supported recommending the COP adopt a phased approach to the CHM’s operationalization and emphasized the value of leveraging existing global technical expertise.

Some delegations stated their preference for going through the discovery and “alpha phase” of CHM development following PrepCom III and before COP1, with the “beta phase” launched at COP1. A group of states noted that the development of some parameters will take longer than others and welcomed technical advice on how to operationalize the needs of various regions.

On Thursday, 26 March, the Intergovernmental Oceanographic Commission (IOC) of the UN Educational, Scientific and Cultural Organization (UNESCO) expressed their willingness to work as a

technical partner with the Secretariat and the Division for Ocean Affairs and the Law of the Sea (DOALOS) to develop the CHM. They proposed an 18-month pilot phase, with functionality by COP1 and a fully tested and operational CHM by COP2.

Many delegates welcomed this offer, with some underscoring the need to discuss what a formal operational agreement with the IOC would entail. Others stressed the need to establish a consultation process for the development of the CHM between PrepCom III and COP1.

A regional group expressed concerns about the development of a CHM prototype locking in design and governance choices that should be decided by the COP. The IOC emphasized that its role would be to execute the technical mandate given to it, not set policy direction.

A regional group stated that key issues regarding the parameters of the CHM's functionality need to be resolved before deciding on the appropriateness of any proposal from potential technical partners. Other delegations agreed, querying how the PrepCom and DOALOS will interface with a chosen technical partner intersessionally. One delegation suggested formally designating a technical partner by the end of the PrepCom.

Discussions on the CHM resumed on Tuesday, 31 March, with the Co-Convenors of two informal meetings providing an update on the state of negotiations. They proposed an outcome document to be appended to the Co-Chairs' report that would outline parameters that materially affect the architecture, functioning, and cost of the CHM, determine pathways to develop a prototype, and identify areas for guidance from the COP. With a view to finalizing the outcome document, discussions quickly moved back into an informal setting.

On Wednesday, 1 April, many delegates expressed broad support for the development of a prototype for COP1 and future steps, but concerns remained whether the procedure adequately reflects the necessary timelines for delivery at COP1. Many noted that the timeframe for undertaking a procurement process to select a partner to provide technical support for the design and development of a prototype has implications for the decision to be taken by the PrepCom, welcoming further advice from DOALOS. Delegates suggested a process on the modalities for the development of the prototype, including technical parameters, a detailed programme of work, and a summary report.

A regional group offered suggestions on: potential voluntary in-kind contributions for the prototype's development; engaging external expertise; the time-bound character of the collaboration with the technical partner; and property rights over the prototype. A delegation noted that the CHM should be an information network built around a central system linked with regional and national nodes and added the next phase should focus on system parameters and specific functions. Deliberations continued informally.

On Thursday, 2 April, in plenary, PALAU reported on informal discussions co-facilitated with New Zealand, noting that all remaining disagreements had been resolved and the only outstanding issue was the invitation for expression of interest for developing the prototype.

The Co-Chairs suggested that the co-facilitators' outcome document arising from the informal negotiations be appended to the Co-Chairs' report for further consideration by COP, including intersessional steps for the development of the prototype. Delegates approved the proposal.

Final Outcome: The PrepCom decided to forward to COP the draft outcome document arising from informal discussions, which *inter alia*:

- acknowledges the consolidated draft study on the technical aspects of the operationalization of the CHM;
- decides that the Co-Chairs of the PrepCom, in consultation with the Bureau and with the assistance of the Secretariat, will guide the development of an operational prototype of the CHM and report to COP1;
- requests that, subject to the availability of resources, the prototype optimally deliver on the functions of the CHM as articulated by the Agreement and the consolidated study;
- invites expressions of interests to provide technical support for the design and development of a prototype from all those potentially interested;
- requests that the work be undertaken without prejudice to the COP having the power to take decisions on the CHM as it sees fit;
- requests the Consultant tasked with the design and development of the prototype to take into account the parameters set out in the annex;
- requests that the Co-Chairs keep the PrepCom informed on the progress of the development of the prototype;
- requests that, as appropriate, the Consultant integrate capacity-building and training components into the consultation process; and
- requests the Consultant through the Co-Chairs to draft: a detailed programme of work; a consultation plan for the information gathering, usability testing, and the delivery of the prototype; a schedule of work; a summary report outlining the process toward the development of the prototype; and a work plan including cost estimates for a fully operational version of the CHM.

Reporting Requirements

Reporting requirements were addressed during the second session of the PrepCom. The Co-Chairs distilled the discussion in key messages, which will be transmitted to COP1.

Final Outcome: The text (A/AC.296/2026/CRP.7) reflects key points determined during delegates' exchanges, recommending that the COP consider, *inter alia*, the following approaches:

- striking a balance between ensuring transparency, accountability, and confidentiality in reporting, while not being onerous for Parties in terms of cost and time requirements;
 - developing reporting requirements that are streamlined and standardized, avoiding duplication between reporting procedures under the Agreement and those under other instruments; and
 - developing reporting requirements gradually as the implementation of the Agreement advances.
- In addition, the COP could consider, *inter alia*, when operationalizing reporting requirements:
- the possibility of aligning the interval of reporting for Parties, SBs, and the Secretariat with the meeting cycles of the COP and its SBs, as appropriate;
 - the use of user-friendly, multilingual and electronic submission modalities, while maintaining the possibility of offline submission of reports;
 - the possibility of developing simplified reporting formats or allowing Parties to submit joint or collective reports;
 - the possibility for developing countries to indicate in their reports data deficiencies or capacity gaps; and

- the role of the SBs, Secretariat and the CHM in reporting procedures, including in the submission, follow-up, and publication of reports of Parties.

Financial Rules Governing the Funding of the COP and the Funding of the Secretariat and any SBs

Discussions in the working group focused on, among other things, provisions on the budget, contributions, and funds.

First Round of Discussions: On Thursday, 26 March, Co-Chair Coye-Felson introduced the further revised aid to discussions and negotiations ([A.AC.296/2026/2](#)), noting it captures the state of discussions at the conclusion of PrepCom II trying to streamline options and ensure consistency, and suggested focusing on options and bracketed text.

A group of countries noted they are still considering various aspects of the financial rules, stressing the need to take into account the special requirements of developing countries and ensure adequate, accessible, new, additional, and predictable financial resources.

Delegates expressed general support for a provision on **scope**, noting that on matters not “provided for by the present rules, the Financial Regulations and Rules of the UN shall apply.” They also supported a biennium as a financial period, accommodating for COP1.

They also discussed provisions on the **budget**, where the main contentious point was the role of the finance committee in budget preparation. Some delegates envisaged a finance committee report, which, together with its recommendations, will be considered by the COP. Others noted that the functions of the finance committee under the Agreement do not include review of the budget, suggesting it can provide “non-binding observations or technical input” to the COP. Yet others suggested deleting the provision.

Co-Chair Coye-Felson noted that the discussion is interlinked with negotiations on the ToR of SBs, reminding delegates that the finance committee has not yet been established.

Delegates further addressed conditions for the submission of **supplementary budget proposals**, with some delegates emphasizing that such proposals should be avoided unless under exceptional and unforeseeable circumstances. Many supported the provision, while others underscored that supplementary budget proposals should be avoided through built-in flexibility.

On **funds**, delegates converged on an option where a general trust fund for the Agreement will be established or designated to fund the institutions established under the Agreement. They also discussed provisions on:

- maintaining a working capital reserve within the general trust fund, with many expressing support and others stressing that establishing such a reserve should be a possibility, not an obligation;
- the voluntary trust fund (VTF), noting interlinkages with discussions under the ToR for the VTF;
- separate budget lines for the funding of participation by developing States Parties for each body under the Agreement;
- potentially establishing a voluntary funding mechanism to facilitate the participation of representatives of Indigenous Peoples and local communities;
- potentially establishing additional administrative funds; and
- fund termination.

On Friday, 27 March, discussions focused on **contributions**, where delegates agreed that assessed contributions shall be

determined on the basis of an indicative scale adopted by the COP and based on the scale of assessments of the UN, which is adopted by the General Assembly.

They discussed provisions, noting that no contribution should exceed 20% or be less than 0.01% of the total. Some said a maximum cap may not be necessary or that it should be set at 22%, while others requested the exception of LLDCs from minimum requirements. A reference to the voluntary contributions to be made by the Party hosting the Secretariat remained bracketed.

Delegates also discussed the extension of payment deadlines, with some noting that such a provision is necessary for developing countries, particularly in cases of force majeure, while others noted that such decisions should be taken on a case-by-case basis. A debate took place on limitations posed to Parties in arrears. Some delegates supported that the maximum period to clear arrears should be two consecutive biennia, while others opposed rigid, punitive measures for Parties in arrears, calling for a support pathway.

Delegates also addressed rules on auditing and accounts; administrative support costs; and general provisions.

Second Round of Discussions: On Monday, 30 March, delegates addressed a CRP containing a revised draft decision circulated the previous day by the Co-Chairs ([A/AC.296/2026/CRP.3](#)).

On the **budget**, many delegates suggested deleting the provisions related to the budget and the finance committee, noting that the role of the finance committee is clearly articulated in Article 52.

Others diverged on two options where the budget proposal: may be reviewed by the finance committee, which may provide non-binding observations or technical input, for consideration by the COP; or shall be considered by the finance committee, which shall prepare a report on it, including its recommendations for COP consideration. A group of countries suggested deleting the qualifier “non-binding,” noting that observations are by definition non-binding.

On **contributions**, disagreements remained around potentially introducing a maximum contribution cap, while many delegates supported including reference to LLDCs, in addition to SIDS and LDCs, regarding a minimum contribution cap. Further discussion was needed on extension for payment deadlines in cases of force majeure and provisions on arrears, with two options in the text.

Delegates also addressed provisions related to supplementary budget proposals; appropriations; a working capital reserve; potential additional funds; administrative support costs; and general provisions.

On Wednesday, 1 April, delegates focused their efforts on remaining contentious text on supplementary budget proposals and arrears, with landing zones seeming attainable. They also addressed cross-cutting contentious references to potential budget-related functions of the finance committee.

During informal consultations, delegates developed the general common understanding that the finance committee’s role would be limited in an advisory role, providing inputs for the budget proposal, which shall be prepared by the Secretariat.

Plenary: On Thursday, 2 April, the Co-Chairs introduced the draft financial rules, noting some brackets remain in the document. Delegates approved the draft financial rules for further consideration at COP1.

Final Outcome: The draft financial rules ([A/AC.296/2026/CRP.3/Rev.1/Corr.1](#)) contain sections on:

- scope and the financial period, which shall normally be a biennium;
- budget, which shall be prepared by the head of the Secretariat, and includes provisions on the role of the finance committee to provide, where appropriate, observations or technical input, as well as on supplementary budget proposals and transfer within appropriation lines;
- funds, noting that a general trust fund for the Agreement shall be established or designated by the UNSG and managed by the head of the Secretariat to fund institutions established under the Agreement, also containing provisions on the working capital reserve;
- contributions, including provisions on assessed contributions, adjusted to ensure that no Party contributes less than 0.001% and no contribution exceeds 22% of the total amount, as well as arrears;
- auditing and accounts, with two options still in the draft rules; and
- administrative support costs and general provisions.

Arrangements with the GEF

Discussions focused on a draft Memorandum of Understanding (MoU) between the COP and the GEF.

First Round of Discussions: On Tuesday, 24 March, Co-Chair Coye-Felson introduced a revised aid to discussions ([A/AC.296/2026/7](#)) on the draft MoU, inviting delegates to focus on bracketed text.

Delegates expressed broad support for referencing BBNJ **Article 7** (general principles and approaches) in the preamble. Some delegates stressed the importance of referring to specific principles, such as fair and equitable benefit-sharing, as well as the Agreement's obligations to the rights of Indigenous Peoples or of, as appropriate, local communities. Others called for a streamlined general reference to Article 7.

On **guidance from the COP** to the GEF Council on overall strategies, policies, programme priorities, and eligibility for access to and utilization of financial resources, some delegates pointed to the MoU established between the Minamata Convention on Mercury and the GEF. Other delegations expressed reservations, stressing the need to build on the extensive experience of other multilateral environmental agreements, but that the MoU needs to be responsive and fit for purpose.

On additional arrangements between the COP and GEF, delegates discussed whether all changes would require formal amendments, with some delegations noting their support for changes that may not require the full procedural process of amendment.

On a paragraph pertaining to **funding decisions** for specific projects and activities, some delegates underscored the importance of including bracketed text on the inclusion of Indigenous Peoples or local communities. A regional delegation, while expressing their support for its inclusion, noted that current GEF policies do not allow for their direct participation in projects.

Delegates resumed their discussions on Thursday, 26 March, focusing on the content of **reports by the GEF Council** to the COP. Many supported the provisions, while some suggested deletions and amendments, cautioning against overburdening the GEF Secretariat with lengthy reports, diverting attention from supporting projects.

On Friday, 27 March, delegates addressed provisions on **monitoring and evaluation** with a regional group suggesting amending the section's title to "periodic review of the financial

mechanism and independent assessment of the GEF" and a group of countries proposing "monitoring and evaluation of the GEF's contribution to the financial mechanism."

Opinions diverged on a provision enabling the COP to commission an **independent assessment** of the overall performance of the GEF and the GEF Council, including with regard to the adequacy, effectiveness, and accessibility of financial resources. Many supported it, while others suggested deletion, noting that the GEF Independent Evaluation Office conducts such evaluations.

Delegates further debated provisions on:

- complementarity and coherence within the financial mechanism;
- cooperation between secretariats;
- reciprocal representation; and
- review and amendments.

Second Round of Discussions: On Monday 30, March, Co-Chair Coye-Felson invited delegates to resume considerations based on a CRP circulated by the Co-Chairs over the weekend (A/AC.296/2026/CRP.4), focusing on bracketed text.

On preambular paragraphs, delegates resumed discussions on the level of detail regarding reference to **Article 7**. Some supported a general reference, recalling Article 7, which "sets out the general principles and approaches by which Parties shall be guided." Others insisted on including explicit reference to the principle of equity and the fair and equitable sharing of benefits, the respective obligations relating to the rights of Indigenous Peoples, and the full recognition of the special circumstances of SIDS and LDCs and the special interests and needs of LLDCs.

Regarding the MoU's purpose to give effect to GEF-related BBNJ provisions to "ensure" the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, a group of countries, opposed by others, suggested "contribute to ensuring." A delegate proposed as a compromise "in support of" conservation and sustainable use.

Delegates debated whether **guidance from the COP** to the GEF Council should be "concise and operative." Some supported the addition, while many others suggested deletion. A compromise solution to retain "operative," garnered some support. Delegates agreed to include a reference to guidance, as appropriate, for Indigenous Peoples and local communities.

In a section on conformity with guidance from the COP, a group of countries, opposed by others, suggested deleting a provision, noting that the COP may ask the GEF Council to reconsider a project decision that the COP deems is inconsistent with the overall COP strategies.

Delegates had mixed reactions on a paragraph noting that "decisions will be aimed at ensuring efficient access to funding, including through simplified application and approval procedures, and at ensuring enhanced readiness of support for developing **States Parties**," also including provisions on expedited disbursement processes for SIDS, LDCs, and LLDCs.

Many supported the provision, noting it offers a bridge between BBNJ-related obligations and the GEF practice. Others suggested deletion, noting that "ensuring enhanced readiness of support" falls beyond the Agreement, and suggesting adding a qualifier "in line with GEF existing policies and guidelines."

Further disagreement arose on the inclusion of a provision noting that the GEF Council will encourage international organizations to grant preferential treatment to developing States Parties, in

particular SIDS, LDCs, and LLDCs. Some supported including the provision; others supported deletion; and yet others suggested removing reference to encouraging international organizations.

Delegates agreed on the **content of reports** from the GEF Council following informal consultations. They largely converged on a provision on the periodic review of the financial mechanism, while suggested compromise language on review modalities almost reached consensus, with the final obstacle being a reference to the COP taking into account, when preparing its review of the GEF Trust Fund, “new and additional” independent assessments.

On a section on **complementarity and coherence** within the financial mechanism, delegates agreed on the GEF avoiding duplication and promoting complementarity and coherence among the utilization of the funds in the financial mechanism. The introductory verb remained an obstacle with suggestions that the GEF “will operate to” avoid duplication, “will strive to operate,” or “shall seek to ensure.”

Following informal discussions, delegates agreed to delete a paragraph restating the role of the finance committee, agreeing it is unnecessary, as well as a provision on the COP sending the reports to the finance committee, noting it is an internal BBNJ matter.

On Wednesday, 1 April, Co-Chair Coye-Felson emphasized that the draft MoU between the COP and the GEF looks to be “in really good shape.” Delegates focused on remaining disagreements on the role of the COP in providing guidance to the GEF Council.

Following informal discussions, Parties agreed to delete provisions addressing internal matters for the BBNJ Agreement unrelated to its relationship with the GEF. A group of countries suggested compromise language, attracting positive reactions, noting that “the COP will conduct a periodic review of the financial mechanism, including the GEF Trust Fund, to assess the adequacy, effectiveness, and accessibility of financial resources, including for capacity-building and technology transfer, in particular for developing States Parties, as provided for in Articles 52.16, and taking into account, *inter alia*, considerations under 52.14 and 52.15.”

Delegates converged on reference to “all other relevant independent assessments.” A delegation noted that the COP and the GEF Council are not subjects of international law, and thus not in a position to sign an MoU, adding that many provisions provide for an overly complex mechanism.

Plenary: On Thursday, 2 April, the Co-Chairs introduced the draft MoU between the COP and the GEF Council, which was approved.

Final Outcome: The draft MoU (A/AC.296/2026/CRP.4/Rev.1/Corr.1) contains sections on:

- definitions and purpose;
- guidance from the COP to the GEF Council, including on overall strategies, policies, programme priorities, and eligibility for access to and utilization of financial resources;
- conformity with guidance from the COP, noting, among other things, that if a Party considers that a GEF decision regarding a specific project is not consistent with the guidance provided by the COP and the COP decides the concern has merit, it may seek clarification from the GEF Council and ask for a reconsideration of that decision;
- reporting, addressing the content of reports by the GEF Council to the COP;

- monitoring and evaluation, stating that the COP will conduct a periodic review of the financial mechanism, including the GEF trust fund, to assess the adequacy, effectiveness, and accessibility of financial resources, and noting that in preparing its review, the COP will, as appropriate, take into account the reports of the GEF Independent Evaluation Office, and the views of GEF, as well as all other relevant independent assessment(s);
- determination of funding needed and available;
- complementarity and coherence within the financial mechanism;
- cooperation between Secretariats, reciprocal representation; and
- termination.

Operationalization of Other Provisions on Financial Resources and Mechanism

Discussions under this agenda item focused on the VTF and the operationalization of the Special Fund.

Voluntary Trust Fund: On Tuesday, 24 March, Co-Chair Coye-Felson introduced the aid to discussions and negotiations prepared by the Co-Chairs ([A.AC.296/2026/5](#)). A group of countries emphasized that the VTF has been operational since the meetings of the Intergovernmental Conference, was extended to cover the PrepCom, and suggested streamlining the provisions. Another said that the content could be integrated into the financial rules. Discussions focused on eligibility, use, and consideration of applications.

Delegates generally agreed that the purpose of the VTF is to facilitate the participation of representatives of developing States Parties, in particular LDCs, LLDCs, and SIDS, in the meetings of the Agreement’s bodies. A delegate noted that “developing countries” is not a defined group and suggested adding a qualifier related to the level of income, which was opposed by others.

Many delegates supported that the VTF shall cover the costs of attendance for all meetings of all bodies under the Agreement. Some preferred referring to expenses related to ordinary and extraordinary COP meetings. They proposed extending the provision to SBs meetings, subject to availability of resources. A group of countries suggested deleting the provision.

A group of countries said that support should be limited to one representative per Party, reminding delegates of the voluntary nature of the support contemplated, which makes it conditional to resource availability. Many regional groups stressed that rigid limitations can be counter-productive, specifically in cases when technical expertise is required, and opposed introducing participation caps. Most delegates preferred that VTF support is limited to Parties, with a regional group suggesting to also include signatories.

Regarding guiding parameters for the consideration of applications for financial support, a regional group noted that the provisions are too detailed and suggested streamlining. Another queried whether the order of the provisions implies a prioritization-enabling hierarchy. Others proposed removing reference to the need to finance the participation of one participant per state per meeting, reiterating their opposition to caps.

On Tuesday, 31 March, delegates heard an update from informal discussions held on Friday, 28 March. These discussions confirmed that the contributions to the VTF are on a voluntary basis so any fund activity will be subject to fund availability. Delegates also informally converged on the fact that, for meetings of the COP and the SBs, the VTF should be able to provide financial support for the participation of at least one person per delegation.

A group of countries stressed that meetings of the COP and committees established under the Agreement should be prioritized for support, while other meetings could be considered according to fund availability. Further discussion will be required on the VTF's scope as some delegates cautioned against "tying our hands in terms of legal arrangements in that regard."

Delegates largely agreed that financial assistance should be limited to Parties and not include signatories. They also agreed on consultations with the Bureau if the need to evaluate requests for assistance and select recipients arises. A regional group questioned whether the sequence of parameters to be considered for financial assistance indicate a hierarchy, suggesting a general initial approach, applicable to everyone, followed by consideration of special circumstances.

Delegates also discussed alternative formulations around inviting Parties to contribute to the VTF, with some urging reflecting the contributions' voluntary nature. Co-Chair Coye-Felson invited informal deliberations on all remaining points of contention.

In plenary on Thursday, 2 April, the Secretariat reported on the financial status of the VTF. They noted that the VTF facilitated the participation of 33 representatives of delegations, 20 of whom were from LDCs, LLDCs, and SIDS. The Secretariat further noted that the balance of the VTF stands at USD 637,000 and encouraged Parties to continue contributing to the fund.

The Co-Chairs introduced the document containing the draft ToR for the VTF, which was approved.

Final Outcome: The draft ToR for the VTF (A/AC.296/2026/CRP.10) contain sections on: eligibility; definitions; use of the fund; application process; implementing office; status of the fund; financial rules; publicity; and revision.

Among other things, the draft ToR note that:

- the purpose of the VTF is to facilitate the participation of representatives of developing States Parties, in particular LDCs, LLDCs, and SIDS, in the meetings of the bodies established under the Agreement, including meetings of the ad hoc groups, working groups and subcommittees established under the COP or its SBs;
- requests for assistance from the fund are limited to one representative for each developing State Party and may be extended to up to two representatives for LDCs, LLDCs, and SIDS; and
- requests for financial assistance shall be considered by the Secretariat guided by: the need to give priority to representatives of LDCs, LLDCs, and SIDS; the need for equitable geographical representation; the timeliness and completeness of applications; and fund availability.

Special Fund: On Monday, 23 March, Co-Chair Coye-Felson invited delegates to consider the operationalization of the Special Fund, noting that a relevant draft decision is annexed to document [A.AC.296/2026/6](#). The Special Fund is part of the financial mechanism established under Article 52 (funding). It is designed to assist developing State Parties in implementing the Agreement, funding capacity-building, and supporting technology transfer. It is financed by contributions from developed parties, monetary benefits from marine genetic resources, and voluntary contributions.

A group of countries provided a general statement, emphasizing the need to operationalize the Special Fund as soon as possible, covering all necessary expenses of developing States Parties' representatives, in particular SIDS, LDCs, and LLDCs, in all

BBNJ meetings, while ensuring that any arrangements support capacity-building initiatives and assist developing States Parties in implementing the Agreement.

On preambular paragraphs, delegates disagreed on explicitly expressing the desire to give effect to the principle of full recognition of the special circumstances of SIDS and LDCs, acknowledging the special interests and needs of LLDCs. Many supported its inclusion, while others suggested either deleting it or referencing the entire Article 7 (general principles and approaches).

A group of countries said that the first operational paragraph, deciding to operationalize the Special Fund, should be reworded, noting that "the present decision describes a process for the Fund's operationalization," rather than operationalizing it. Many others, including three regional groups, supported retaining the original language.

The major contentious points were around the operational modalities of the work toward the operationalization of the Special Fund, namely whether it would:

- be performed by an open-ended ad hoc working group, open to participation by all Parties, or by an ad hoc committee with limited participation; and
- prepare operational documents, including a governing instrument, for the Special Fund for COP adoption or make recommendations to the COP, without prescribing the final outcome.

Many delegates supported establishing an ad hoc committee, noting it will allow for more focused, efficient, flexible, and cost-effective deliberations, stressing the need to operationalize the Fund in a timely manner.

Those who opted for a working group noted that it is more reasonable to have all Parties on board from the outset, avoiding objections raised at the COP and ensuring transparency, legitimacy and inclusivity.

The Parties who supported delivering a set of recommendations noted it is less restricting and prescriptive and does not prejudge the final outcome. Those who urged the preparation of operational documents, focusing on a governing instrument, emphasized that this path offers a time bound process with a clear mandate, which is necessary for the timely operationalization of the Special Fund.

A regional group emphasized the agreement under Article 52 (funding) to establish at least two entities, namely the GEF and the Special Fund, "not the Special Fund under the GEF." A group of countries reiterated their preference to provide the COP with different options accompanied by cost estimates.

Delegates also discussed modalities under each option, such as the number of meetings, observer and Indigenous Peoples' participation, contributions from experts and advisers, required financial resources and cost estimates, transitional arrangements, and the composition of the ad hoc committee.

On Tuesday, 24 March, delegates turned their attention to the ToR for the process or the ad hoc committee to assist in the operationalization of the Special Fund, contained, as an appendix, in document [A.AC.296/2026/6](#).

A group of countries, supported by some delegations, reiterated their preferred general direction, and suggested adding reference to "making recommendations containing operation cost-estimate options." Many others insisted on the need for operational documents, including a governing instrument, also calling for a provision on considering the work and taking and final decision on the operationalization of the fund at COP2.

A lengthy discussion took place on the content of the work. A group of countries suggested adding reference to access modalities. Another group suggested deleting references to the scope and guiding instruments as well as institutional arrangements. They further suggested adding:

- the estimation and comparison of the costs of relevant operational options, including options resting on existing institutions and structures;
- the ability to attract and receive contributions from all sources, including Parties and private entities wishing to provide financial resources in line with Article 52.4b; and
- the ability to use innovative financial tools to leverage additional resources.

Others underscored that further discussion is required on cost estimation, which they envisaged as part of the work of the committee but not as a deliverable, and opposed the additions, noting that the formulations go well beyond the Agreement.

Delegates also discussed the role of the committee's Co-Chairs and a proposal to add provisions on quorum and the power of the committee to invite experts. They exchanged views on the necessity of a provision noting that work will be guided by the use of the best available science and scientific information, with some noting it is redundant and others suggesting adding a reference to traditional knowledge, if retained.

On Friday, 27 March, delegates resumed their deliberations on the draft decision on the operationalization of the Special Fund based on a non-paper circulated by the Co-Chairs on Thursday, 26 March.

On preambular paragraphs, a group of countries suggested, as a compromise, recalling the general principles and approaches set out in Article 7, including the full recognition of the special circumstances of SIDS and LDCs. Some delegates supported the proposal, while others requested time to consider it.

Divergence of views persisted around establishing an open-ended ad hoc working group or an ad hoc committee to “operationalize the Special Fund established in Article 52.4.” A group of countries suggested establishing a “time bound, efficient, and cost-effective ad hoc committee to assist in the operationalization of the Special Fund referred to in Article 52.4.”

Others reacted to the modifications and requested clarifications. The group of countries in question argued that Article 52 establishes the financial mechanism, which includes the Special Fund yet to be operationalized. A delegate noted that sticking to the Agreement's text may help overcome the hurdle and proposed noting that the financial mechanism established under Article 52.3 shall include, according to 52.4, the Special Fund. Co-Chair Coye-Felson suggested informal consultations.

In an effort to bridge contrasting views on whether the working group or committee shall develop operational documents, including a governing instrument, or make recommendations for consideration and adoption by the COP, a group of countries suggested that “the ad hoc committee shall recommend, for decision by COP2, cost-effective, operational modalities, in accordance with the ToR contained in the appendix to the present decision to render the Special Fund fully operational.”

Regional group representatives and other delegates requested time to study the proposal, expressing initial concerns and insisting on the concept of a governing instrument. A group of countries proposed exploring the term “constituent instrument.”

Delegates also discussed the composition of the ad hoc committee, should it be selected as the way to proceed. Many reserved their position, with some supporting a two-level membership with Parties taking decisions and other stakeholders participating in the committee as non-voting members. Many expressed their preferences among observer categories, in particular including a seat for LLDCs, while a few preferred a strictly intergovernmental process.

On Tuesday, 31 March, delegates heard a report on informal discussions held the previous day. They noted general convergence on language around reference to Article 52. Disagreements on the body's output remain, but delegates agreed that the outcome should not be multiple recommendations to the COP. There were also discussions on a proposal for an intersessional study to be commissioned by the PrepCom's Co-Chairs to analyze costs of various options for the Special Fund's operationalization for the COP's consideration. Many delegates expressed preference for an ad hoc committee with differentiated membership between Parties and observers.

On deliberations on the draft decision and the ToR, delegations expressed general support for a study, noting that relevant ToR will need to be developed and stressed that further discussion will be needed on the committee's composition, if the PrepCom decides to proceed with that option. They agreed in principle on a maximum number of four in-person meetings, with a regional group insisting that the process should be open to observers, including from non-State Parties as well as to designated advisors.

On observer participation, many delegates supported the participation of representatives of Indigenous Peoples, expressing flexibility on their voting rights. A group of countries suggested establishing a standard advisory body rather than including advisors attached to each delegation.

Co-Chair Coye-Felson noted that issues around the composition remain and highlighted efforts to avoid prejudging the outcome of the work and general convergence on what the Special Fund should address.

On Wednesday, 1 April, delegates heard a report on informal discussions held the previous day. Parties converged on an ad hoc committee with limited membership, notwithstanding some Parties' continued preference for an inclusive working group setting. Delegates discussed: composition; differentiated membership; voting rights and modalities; ways to include the private sector; and the need to include Indigenous Peoples and local communities' representatives as core members. Disagreements persisted on the composition of the committee, in particular whether to follow a regional grouping approach or a structure according to the requirement for Parties to make annual contributions to the Special Fund.

In plenary on Thursday, 2 April, the Co-Chairs introduced the draft decision on the operationalization of the Special Fund, which was approved by delegates.

Final Outcome: In the final draft decision (A/AC.296/2026/CRP.11), the PrepCom recommends that the COP decide to establish a transparent, timebound and cost-effective ad hoc committee to assist in the operationalization of the Special Fund.

The PrepCom also recommends that the COP decide that the ad hoc committee shall, among other things:

- develop and recommend a constitutive document for the Special Fund for consideration and adoption at COP2;

- be composed of 35 members, possessing the necessary expertise, and provides for its composition according to regional groups with dedicated seats for SIDS, LDCs, LLDCs, Indigenous Peoples, and local communities; and
- have four in-person meetings, open to observers in accordance with the COP RoP as well as to designated advisers of the members, and may convene informal virtual consultations.

The annex to the draft decision contains the ToR for the ad hoc committee.

Adoption of the Co-Chairs' Report

On Thursday, 2 April, the Co-Chairs introduced the meeting report (A/AC.296/2026/CRP.5), noting it includes as annexes all the draft decisions prepared by the PrepCom for the COP's consideration, as well as the intersessional work on the CHM and Secretariat arrangements. They reminded delegates that the RoP for the COP, the ToR for the SBs, and the financial rules and regulations contain bracketed text for further consideration by the COP. Delegates adopted the report.

Closing Remarks

In closing remarks, representatives of regional and other groups expressed appreciation to the Co-Chairs for their hard work, dedication, and leadership over the course of the PrepCom, emphasizing their efforts were instrumental in advancing the negotiations. They also thanked the DOALOS Secretariat for their hard work and support.

Uruguay, for GROUP OF 77 and CHINA, underscored the need for equitable geographical representation in the institutional arrangements of the Agreement, including the importance of establishing the Secretariat in a developing country, noting that two out of the three proposals originate from among its members. They urged securing adequate, predictable, and accessible financial resources to enable the Agreement's implementation and the full participation of developing countries, underscoring the importance of inclusive selection processes and multilingualism.

Sierra Leone, for the AFRICAN GROUP, emphasized that effective implementation will depend on the quality and balance of the institutional framework. They underscored that "when there is political will and mutual respect, everything is achievable," and expressed their commitment to engage further and find landing zones on the operationalization documents.

Palau, for the ALLIANCE OF SMALL ISLAND STATES, expressed their disappointment, noting that "progress was less than the moment demanded," following "weeks of negotiating time that the biodiversity crisis cannot afford." They emphasized that they worked hard to move the process forward in good faith, accepting compromises and showing flexibility, but "red lines emerged suddenly and shifted." They lamented that many of the disagreements "had nothing to do with the Ocean, and we found ourselves considering disputes of other arenas." Stressing that "the Ocean is not collateral to other processes, nor a secondary consideration," they concluded that "we owe it to the Ocean and the people that depend on it to do better heading forward to COP1."

Fiji, for the PACIFIC SMALL ISLAND DEVELOPING STATES, stressed that they engaged constructively, including making significant concessions, to move the process forward, highlighting that the Ocean is central to their identity and development. Noting that the Agreement is "an ambitious undertaking and a promise of true global governance of the

Ocean," they urged all participants to "go over narrow interests and stop running down the clock, breaking down multilateralism." Expressing their disappointment, they emphasized that this is the beginning of a long journey and they will keep working diligently to ensure operational clarity for COP1.

Antigua and Barbuda, for the CARIBBEAN COMMUNITY, highlighted the spirit of compromise in many agenda items, expressing disappointment that consensus could not be reached on several issues. They emphasized that the operationalization of special circumstances of SIDS, LDCs, and LLDCs is "not a tool to seek additional benefits but a matter of equity," and looked forward to bridging remaining gaps for a robust institutional framework.

The EU welcomed and congratulated states that recently ratified the Agreement, underscoring the momentum growing behind this landmark instrument that ensures the conservation and sustainable use of the Ocean. They noted their regret that consensus could not be reached at this stage, but commended progress made and encouraged all Parties to continue engaging each other with openness and a sense of shared responsibility.

Norway, on behalf of AUSTRALIA, CANADA, ICELAND, and NEW ZEALAND, celebrated the progress made but acknowledged that "much regrettably remains for COP1." Noting they approached the BBNJ Agreement as "bridge builders," they urged everyone to "work together to bring this over the line at COP1."

The HIGH SEAS ALLIANCE emphasized that the Agreement has caught the attention of audiences far beyond these conference rooms because of the new tools it provides to support the conservation of marine biodiversity for all of humankind, while also representing a hopeful example of multilateralism. They urged that, with COP1 in view, "time is of the essence," and called for states to be guided by the spirit of compromise.

In concluding remarks, Co-Chairs Coye-Felson and McCarthy noted that: "We still have a ways to go, and we will be doing that with you. We are all committed to this Agreement that does so much, and, for the first time, seeks to systemically regulate half of this planet's surface and two-thirds of the Ocean. Particularly in this moment in history, we can show that the international system works. The UN members can come together and make progress for the planet and its people." They highlighted further steps and intersessional work, reminding delegates that the PrepCom's mandate ends upon the conclusion of COP1, and gavelled the meeting to a close at 6:15 pm.

A Brief Analysis of PrepCom III

"The ship has reached the shore." Those were the six words that marked a historic moment for all those negotiating the Agreement under the UN Convention on the Law of the Sea (UNCLOS) on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ Agreement). Uttered in June 2023 by Rena Lee (Singapore), the President of the Intergovernmental Conference at the time, they represented the successful conclusion of a 20-year long voyage for the international community. While the success was hailed as a historic landmark for the conservation of the Ocean and "testimony to the strength of multilateralism," as noted by UN Secretary-General António Guterres, it also signified the start of the real adventure—implementation—which officially commenced on 17 January 2026 when the BBNJ Agreement entered into force.

Before a ship sets sail on the open seas, extensive preparations are necessary. The ship needs to be well provisioned with supplies to ensure it is capable of reaching its destination. It also requires a skilled team with clear roles and responsibilities that can navigate the ship to its next port of call, fulfilling the objectives of its journey.

This was the task of the Preparatory Commission (PrepCom) for the entry into force of the BBNJ Agreement, where Parties to the Agreement, other states, and a record number of observers converged one final time with a view to fulfilling the PrepCom's mandate to prepare the provisions necessary for the orderly and effective implementation of the Agreement ahead of the first meeting of the Conference of the Parties (COP1).

This brief analysis will reflect on the third and final session of the PrepCom. It will also address the tasks that lie ahead to ensure the successful operationalization of the Agreement that seeks to systemically regulate almost half of the planet's surface and two-thirds of the Ocean.

Between Past Experience and Future Potential

In establishing a new multilateral agreement, Parties must strike a balance between lessons learned from previous agreements, while striving to be forward-looking by developing novel architecture that fits the specific mandate of the new agreement. This may be relatively straightforward in some respects, such as in certain provisions of the rules of procedure (RoP) for the COP, where standardized language on procedural issues adopted under other agreements can provide an option, without causing too much concern.

In other areas, however, such as the Clearing-House Mechanism (CHM) or the financial architecture, the balance may prove much more delicate. On the CHM, some Parties recognized the value of learning from existing platforms that facilitate information exchange, technical cooperation, and knowledge sharing, while also stressing that Parties have a "once in a lifetime opportunity" to develop an innovative platform that can address the unique characteristics of the BBNJ Agreement. Such a structure would include, for example, taking a distinctive, right-based approach to governing traditional knowledge, supporting metadata templates that both ensure standardization and interoperability with other platforms, while also capturing complex data on marine genetic resources, and ensuring efficient matchmaking of developing country Parties' needs with available providers, including in the transfer of marine technology.

Such a balance is contingent, in part, on the timeline to operationalize the CHM, as well as the expertise required of technical partners tasked with its design and development. Delegates at PrepCom III worked to reach agreement on the parameters for the operationalization of the CHM, including the development of a prototype for COP1, which will require intersessional work.

Discussion on the financial architecture followed a similar path, balancing past experience and the need to address new requirements. This was evident in working group disagreements on the process for the operationalization of the Special Fund. Some delegates' suggestions to follow the path that led to the establishment of the Global Biodiversity Framework Fund were met with stern opposition by others, who emphasized the need for a financial arm separate from the Global Environment Facility (GEF).

After successful deliberations, delegates agreed to establish a "transparent, timebound, and cost-effective" *ad hoc* committee for the Special Fund's operationalization, reaching consensus on its

composition only after lengthy negotiations. In a similar vein, they agreed on the content of a draft memorandum of understanding between the COP and the GEF Council, signaling, according to many delegates, that a balanced approach can be achieved.

Between Progress and Shortcomings

Progress during PrepCom III was not limited to the CHM and the financial architecture. Delegates also agreed on draft terms of reference for the voluntary trust fund, in addition to advancing deliberations on the institutional link between the Secretariat and the UN, and on cooperation with other bodies.

They further adopted decision-making modalities for the permanent seat of the Secretariat and held interactive presentations by Belgium, Chile, and China—the three countries who have expressed interest in hosting the Secretariat. Such interest in housing the Secretariat, according to a few delegates, "signifies the importance of the BBNJ Agreement."

Not everything was rosy, however. "Progress was less than the moment demanded," noted Palau, on behalf of the Alliance of Small Island States in their closing remarks, stressing that "red lines emerged suddenly and shifted during the negotiations." As many delegates admitted, shortcomings were evident, in particular during discussions on the RoP for the COP.

Despite strenuous efforts and informal deliberations until the very last minute to build bridges and find compromise proposals, many delegations still expressed reservations during the consideration of the draft RoP in plenary, leading to the subsequent bracketing of various rules for further consideration at COP1. Some delegates were still optimistic, noting that "with a bit of additional time, we will reach consensus at the COP." Others, after two intense weeks of negotiations, did not hide their disappointment, saying that the inability to reach consensus on the RoP for the COP was "a failure on behalf of the PrepCom."

To the dismay of many delegations, most of the contentious points "had nothing to do with the Ocean." As one delegate emphasized, many of the disagreements "are rooted in long-standing disputes and are not BBNJ-specific." She pointed to debates on the status of regional economic integration organizations or terminology issues around Indigenous Peoples and local communities spilling over into the PrepCom's negotiations. Another delegate agreed, adding that "while these disagreements are remnants of other negotiating processes, the challenges they create for the BBNJ Agreement are no less real."

In addition to these obstacles, additional focus will be needed on provisions operationalizing BBNJ Article 18 (area of application), which generated deep-rooted concerns due to potential territorial implications. The Article states that proposals to establish conservation tools, such as marine protected areas, shall not infringe upon the jurisdiction of states, including any disputed territories, and the COP shall not consider any such proposals. Further negotiations will also be required on the *modus operandi* of the subsidiary bodies as well as the financial rules and regulations that govern the COP, as both were approved with bracketed provisions.

Embarking on a New Adventure

"Sometimes the Co-Chairs prepare two speeches: one for success and one for failure. This time it looks like we are going to use neither, having worked down to the wire," concluded PrepCom Co-Chairs Janine Coye-Felson (Belize) and Adam McCarthy

(Australia). In fact, as they intimated, it is not easy to determine whether PrepCom III was successful.

The inability to agree on all items on the agenda left many delegates with a bittersweet taste as they left UN Headquarters. However, as a longstanding participant underscored, “While some time for reflection on the entire process is required, it will eventually become clearer that the PrepCom was a success.” It managed to ensure that the ship is equipped for the initial stage of its voyage. While its shortcomings cannot be contested, they do not indicate failure, but rather the need to redouble efforts toward ensuring further progress at the first resupplying dock, which will be COP1, scheduled for January 2027.

The intersessional period leading to COP1 will be important. As the PrepCom Co-Chairs indicated, the Committee’s mandate only expires at the conclusion of COP1, so its work is far from over. The PrepCom’s efforts, together with the spirit of solidarity, collaboration, flexibility, and compromise will ultimately decide whether this ambitious Agreement can deliver on its objectives for the benefit of the marine environment, all living species on the planet, and future generations.

Upcoming Meetings

Informal Consultations of States Parties to the UN Fish Stocks Agreement: The 19th round of informal consultations will focus on “The implications 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 for sustainable fisheries and the role of regional fisheries management organizations and arrangements in this respect.” **dates:** 20-22 May 2026 **location:** UN Headquarters, New York **www:** un.org/oceancapacity/content/unfsa-informal-consultations-states-parties

71st Meeting of the GEF Council and 8th GEF Assembly: The 71st meeting of the GEF Council and 8th meeting of the GEF Assembly will provide an opportunity for stakeholders to discuss governance and financing solutions for global environmental challenges and to forge new partnerships focused on addressing the drivers of ecological strains. **dates:** 30 May – 6 June 2026 **location:** Samarkand, Uzbekistan **www:** thegef.org/events/71st-gef-council-meeting

36th Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea: Among other matters, delegates will receive information provided by the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf on the activities of these bodies. **dates:** 15-19 June 2026 **location:** UN Headquarters, New York **www:** un.org/depts/los/meeting_states_parties/meeting_states_parties.htm

Our Ocean Conference 2026: The 11th Our Ocean Conference will focus on the theme, “Our Ocean, Our Heritage, Our Future,” to celebrate the living connection between people and the Ocean. The Conference aims to foster collaborative efforts and encourage the submission of clear and measurable voluntary commitments to protect and sustainably manage the world’s seas and oceans and their resources. **dates:** 16–18 June 2026 **location:** Mombassa, Kenya **www:** ouroceanconference.org

UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea: The 26th meeting of the Consultative Process will focus on the theme of marine ecosystem restoration.

dates: 22-26 June 2026 **location:** UN Headquarters, New York **www:** un.org/depts/los/consultative_process/consultative_process.htm

31st Session of the ISA Assembly and Council (Part II): The 31st Session of the International Seabed Authority (ISA) Assembly and Council (Part II) will include the meetings of the Legal and Technical Commission, the Finance Committee, the ISA Council, and the ISA Assembly. The ISA Council will meet from 13–24 July 2026, and the Assembly will convene from 27–31 July 2026. **dates:** 13–31 July 2026 **location:** Kingston, Jamaica **www:** isa.org.jm/sessions/31st-session-2026

17th meeting of the Conference of the Parties to the Convention on Biological Diversity: The 17th meeting of the COP to the CBD will convene alongside the 12th meeting of the COP serving as the meeting of the parties (MOP) to the Cartagena Protocol on Biosafety and the 6th MOP to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization. **dates:** 19–30 October 2026 **location:** Yerevan, Armenia **www:** cbd.int/meetings/COP-17

COP1 of the BBNJ Agreement: The historic first meeting of the COP to the BBNJ Agreement is expected to address institutional and financial arrangements as well as issues around MPAs and ABMTs. **dates:** January 2027 (TBD) **location:** UN Headquarters, New York **www:** un.org/bbnjagreement

For additional upcoming events, see: sdg.iisd.org

Glossary

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| ABMTs | Area-based management tools |
| BBNJ | Biological diversity of areas beyond national jurisdiction |
| CB&TT | Capacity-building and the transfer of marine technology |
| CHM | Clearing-House Mechanism |
| COP | Conference of the Parties |
| DOALOS | Division for Ocean Affairs and the Law of the Sea |
| EIAs | Environmental impact assessments |
| GEF | Global Environment Facility |
| IFBs | Relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies |
| IGC | Intergovernmental Conference |
| LDCs | Least developed countries |
| LLDCs | Landlocked developing countries |
| MoU | Memorandum of Understanding |
| MPAs | Marine protected areas |
| PrepCom | Preparatory Commission |
| RoP | Rules of Procedure |
| SBs | Subsidiary bodies |
| SIDS | Small island developing states |
| STB | Scientific and Technical Body |
| ToR | Terms of Reference |
| UNCLOS | United Nations Convention on the Law of the Sea |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| UNGA | United Nations General Assembly |
| UNSG | United Nations Secretary-General |
| VTF | Voluntary Trust Fund |