

Committee of the Permanent Representatives
Subcommittee meeting
Nairobi, 27 February 2025
10:00 – 13:00 and 15:00 – 18:00 (GMT+3)
Hybrid meeting
Conference Room 4 (in person)
and Microsoft Teams (online)

Agenda item 5: Briefing on the first session of the Preparatory Commission for the Entry into Force of the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) and early actions for the ratification and implementation of the Agreement.

This background document has been developed by the Secretariat of the United Nations Environment Programme (UNEP) and the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the United Nations Secretariat to update the Committee on the first session of the Preparatory Commission for the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ), which is scheduled to take place from 14 to 25 April 2025 at the United Nations Headquarters in New York.

Additionally, the note highlights the collaborative efforts between UNEP and DOALOS to support Member States in the ratification process and early action to support the implementation of the treaty.

Following the presentation, the Committee is invited to take note of the briefing and engage in an exchange of views with Committee members and the Secretariat.

Background Document

Committee of Permanent Representatives (CPR) subcommittee meeting, 27 Feb

Background Note for the CPR Briefing on the First Session of the Preparatory Commission for the Entry into Force of the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement) (New York, 14-25 April 2025)

I. Introduction

1. Biodiversity of Areas Beyond National Jurisdiction Agreement (reference to Annex 1)

On 27 February 2025, the United Nations Environment Programme (UNEP), in collaboration with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations (DOALOS), will provide a briefing at the subcommittee meeting of the Committee of Permanent Representatives (CPR) on 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 (BBNJ Agreement). The session aims to support Member States in preparing for the upcoming first session of the Preparatory Commission, scheduled to take place in New York from 14 to 25 April. It also aims to provide an update on the global status of ratifications and outline the respective support offered by UNEP and DOALOS.

2. The BBNJ Preparatory Commission

The BBNJ Preparatory Commission was established by the United Nations General Assembly on 24 April 2024 through resolution 78/272. Its mandate is to prepare for the entry into force of the BBNJ Agreement and the convening of the first meeting of the Conference of the Parties (COP). Pursuant to General Assembly decision 78/560 of 13 August 2024, the first session of the Commission will be held in person from 14 to 25 April 2025 at the United Nations Headquarters in New York.

- Formal meetings will be webcast, for viewing only, through UN Web TV: <https://webtv.un.org>.
- Registration for Member States will close on 28 March 2025 – further information [can be accessed here](#).
- Registration for non-governmental organizations opened on 10 February 2025 and will also close on 28 March 2025.
- Registration for interested intergovernmental organizations and other interested international bodies will open on 28 February 2025 and close on 28 March 2025.

The Provisional Agenda and Programme of Work of the Preparatory Commission at its first session can be found here: [First session | Agreement on Marine Biodiversity of Areas beyond National Jurisdiction](#)

II. UNEP and DOALOS support for Member States

1. UNEP's support

UNEP is closely coordinating with DOALOS and other UN Agencies, including via UN-Oceans and the GEF, to support ratification, early action, and future implementation of the BBNJ Agreement. The support is provided among others through: the GEF-8 replenishment fund, and other available funding sources; increased access to information and awareness about the Agreement; and providing enhanced legal and capacity support for Member States to ratify, including through needs assessments and national consultations for future implementation of the Agreement.

This work is part of UNEP's Medium-Term Strategy and Programme of Work and integrates existing ocean governance work streams within national jurisdiction and in areas beyond national jurisdiction. It is carried out in collaboration and aligned with the Regional Seas Conventions and Action Plans (RSCAPs). This support includes:

- Providing expertise on marine biodiversity conservation and ecosystem-based management approaches and area-based management tools.
- Highlighting linkages of BBNJ objectives with existing global biodiversity frameworks, including the Kunming-Montreal Global Biodiversity Framework, and the SDGs.
- Offering policy and legal guidance through the Regional Seas Programme to ensure regional coherence in implementation efforts.

GEF 8 Global/Regional Medium Size Project (MSP): UNEP is a co-implementing agency alongside FAO and UNDP for \$5M Global/Regional MSP. By design, this MSP raises awareness about the BBNJ agreement, provides capacity-building opportunities, and supports the development of management tools for BBNJ readiness while assisting coordination of national enabling activities. Methodological guides and templates for national use related to, inter alia, legislation, stocktaking, assessments, and implementation strategies will be developed according to needs identified through a gap analysis. To date, 23 countries have requested UNEP's support.

All GEF recipient countries that have signed or taken meaningful steps toward becoming a Party to the BBNJ Agreement are eligible for support upon request. Currently, the focus of GEF support is on country ratification towards achieving the required 60 countries for the Agreement to enter into force.

Interested Member States can email Hartwig Kremer, Chief of UNEP-GEF International Waters Unit at hartwig.kremer@un.org

[Read the full press release on the GEF website](#)

Agenda Items at the Preparatory Commission relevant to UNEP's Programme of Work:

Scientific and Technical Body and the other subsidiary bodies: UNEP has extensive experience and expertise on the establishment and operation of subsidiary bodies and is

ready to support the establishment of the subsidiary bodies under the BBNJ Agreement if requested.

These bodies include:

- the **Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)** that provides advice to the COP on implementing the Convention on Biological Diversity;
 - the **Intergovernmental Panel on Climate Change (IPCC)** that informs decision-making under the United Nations Framework Convention on Climate Change (UNFCCC);
 - the **Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)** that works to strengthen the use of science in policymaking;
 - and the **Scientific and Technical Advisory Panel (STAP)** that provides independent scientific and technical advice to the GEF on its policies, strategies, programs, and projects.
- **Secretariat of the Treaty:**
 - The document “Arrangements for the Functioning of the Secretariat, including its Seat (currently [advanced unedited version](#), to be processed as an official UN document) presents, among other things, two options for the establishment of the secretariat of the Agreement: a standalone secretariat or a secretariat linked or administered by the UN or an existing UN system entity. The second option covers a variety of situations where the treaty secretariat has an institutional linkage to the UN or is administered by an existing UN system entity.
 - UNEP has extensive experience administering and/or providing secretariat functions for over fifteen MEAs and Regional Seas Conventions and Action Plans (RSCAPs), as well as scientific bodies in the area of biodiversity such as the [Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services](#) (IPBES). UNEP’s experience is recognized in footnote 16 of the report, which lists an important number of MEAs administered by UNEP, including notably the biodiversity-relevant MEAs such as the Convention on Biological Diversity, Convention on Migratory Species, and the Convention on International Trade in Endangered Species and Wild Fauna and Flora.
 - Based on its extensive experience, UNEP, if requested, is prepared to support the establishment and function of the Secretariat, including providing capacity building and technical support, administrative and logistical support to the COP and its subsidiary bodies, arranging and servicing the meetings of the COP and its other bodies, circulating information relating to the implementation of this Agreement, and preparing reports on the execution of its functions under this Agreement.
 - As the host of other global biodiversity MEAs, UNEP is well positioned to promote synergies across multilateral biodiversity commitments including helping to gain efficiencies by supporting Parties to align actions on biodiversity commitments (for example 30x30 and access and benefit sharing). UNEP could also assist in resource

mobilization efforts to ensure adequate financial support for the establishment of the Secretariat.

- **Clearing-House Mechanism (CHM):**

In preparation for the first meeting of the BBNJ Agreement COP, Member States will discuss “*Modalities for the operation of the Clearing-House Mechanism (CHM)*” This CHM would serve as a global mechanism for transparency in exchanging and integrating key environmental information to support evidence-based policy and programme formulation and decision-making processes, impacting the effective implementation of the BBNJ Agreement. Based on UNEP’s diverse expertise on best practices in managing CHMs across several MEAs at national, regional, and global levels, Member States might consider UNEP to drive the establishment of the BBNJ-CHM and provide the following support.

- Technical support for the operationalization of the CHM through experience-sharing from existing UNEP-administered CHMs;
- Establishment of a Regional Advisors network of experts on biodiversity/biosafety issues across legal, information technology, biodiversity, biosafety, and biotechnology - that provide demand-based technical support to member states based on existing best practices;
- Capacity building training, tools and technology;
- Technical advice through the Informal Advisory Committees (with functions similar to that of the Access & Benefit Sharing Clearing House Committee) in continuous review; technical advice and guidelines on the progress of the CHM and its clearing houses;
- Facilitation of the development of human and technological networks to build capacity of Least Developed Countries and Small Island Developing States;
- Facilitation of resource mobilization (technical expertise, data, technology, and funding) through its convening role as well as host for IPCC, UNEP-CCC, WRP, CBD-SBSTTA, CTNC, UNEP-WCMC, etc.

- **UNEP will continue to support capacity-building and stakeholder engagement:**

- This includes organizing regional workshops to enhance national and regional capacities for ratification and implementation and supporting awareness-raising and knowledge-sharing initiatives to promote an inclusive approach to BBNJ governance.

2. DOALOS’s support

In accordance with article 50 of the Agreement and General Assembly resolution 77/321, the Division performs the secretariat functions in relation to the BBNJ Agreement until the secretariat is established under the Agreement and commences its functions.

The Division also acts as the secretariat for the United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations Fish Stocks Agreement and discharges the functions of the

Secretary-General both under UNCLOS and under General Assembly resolutions on oceans and the law of the sea and on sustainable fisheries.

It is mandated to promote a better understanding and wider appreciation of UNCLOS and its implementing agreements, including the BBNJ Agreement, and assist with their application and implementation through the provision of information, advice, and assistance to States and intergovernmental organizations.

Accordingly, in response to General Assembly resolution 77/321, the Division has developed a programme of activities to promote a better understanding of the BBNJ Agreement and prepare for its entry into force consisting of the following:

- the delivery of [regional workshops](#);
- the organization of [online briefings](#);
- the convening of side events at major intergovernmental meetings;
- the launch of a website for [the BBNJ Agreement](#);
- the publication of [factsheets](#) on the BBNJ Agreement; and
- the development, in cooperation with UNEP, of an [online introductory course on the BBNJ Agreement](#);

The Division, with the United Nations Legal Counsel, is the focal point for UN-Oceans, the inter-agency mechanism that seeks to enhance, strengthen and promote coordination, coherence and effectiveness of the activities of the United Nations system on ocean and coastal issues.

III. Key Areas for Discussion at the CPR subcommittee Meeting

The briefing session will provide an opportunity for Member States to:

- Receive information that will assist them with preparations for the upcoming First Session of the BBNJ Preparatory Commission
- Receive an update on the global status of BBNJ ratifications
- Gain insights into UNEP and DOALOS's respective support mechanisms available for Member States
- Discuss opportunities for further engagement and collaboration to advance the ratification and implementation of the Agreement.

IV. Expected Outcomes

The session aims to achieve the following outcomes:

- Understanding of the topics to be discussed at the First Session of the BBNJ Preparatory Commission
- Strengthening the capacity of and awareness about available resources for Member States in their efforts to become Parties to the Agreement.

ANNEX 1

The BBNJ Agreement Overview

The Agreement was adopted in New York on 19 June 2023 during the further resumed fifth session of the Intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The Agreement shall be open for signature in New York on 20 September 2023 and shall remain open for signature until 20 September 2025.

With the overall objective of the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, through effective implementation of the relevant provisions of the Convention and further international cooperation and coordination, the BBNJ Agreement calls for measures under four main areas:

- Marine genetic resources, including the fair and equitable sharing of benefits;
- Measures such as area-based management tools, including marine protected areas;
- Environmental impact assessments; and
- Capacity-building and the transfer of marine technology.

The Agreement also provides for institutional arrangements including a COP, subsidiary bodies, a Secretariat, a Clearing-House Mechanism, as well as a financial mechanism https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI10&chapter=21&clang=en.

The Agreement will play a crucial role in achieving global biodiversity and ocean-related goals, such as those contained in the Kunming-Montreal Global Biodiversity Framework (GBF) and the Sustainable Development Goals (SDGs), particularly Goal 14 on Life Below Water.

The Agreement has been open for signature by all States and regional economic integration organizations from 20 September 2023 for two years until 20 September 2025 and will enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance, or accession.

The General Assembly of the United Nations has called upon all States and regional economic integration organizations to consider signing and ratifying, approving, or accepting the Agreement at the earliest possible date to allow its entry into force and further emphasizing the importance of the early entry into force and effective implementation of the Agreement. As of 5 February 2025, 107 countries have signed the Agreement, of which 16 have ratified it.