Prompt operationalization and implementation of the BBNJ Agreement is essential to address the alarming decline in ocean health and resilience. The BBNJ Preparatory Commission (PrepCom) will be critical to preparing for the entry into force of the Agreement,¹ and to developing key documents and decisions that must be adopted at the first Conference of the Parties (CoP). The High Seas Alliance strongly recommends that the organizational meeting of the PrepCom - to be held 24-26 June 2024 at the UN Headquarters - decides on:

a) an ambitious schedule of PrepCom meetings that allows sufficient time to address the many issues that must be resolved prior to CoP1 (at least two sessions, each two weeks long, in 2025 and at least one additional two-week session in early 2026);

b) an ambitious program of work to facilitate early operationalization and implementation of the Agreement;

c) Working modalities that emphasize transparency and aim to minimize demands on small delegations while maintaining flexibility to engage in technical discussions where needed.

¹ The BBNJ Agreement will enter into force 120 days after 60 States have ratified, approved, accepted or acceded to it.
Background

The establishment of a PrepCom on 24 April 2024\(^2\), represents an important step towards operationalizing the BBNJ Agreement. It will be important in setting up key decisions and documents for adoption at the first meeting of the CoP, and for the early operationalization of the Agreement. These include elements explicitly identified in the Treaty text requiring consideration at CoP1, along with additional requirements that would greatly facilitate the prompt operationalization of the Agreement\(^3\).

Design for ambitious outcomes: the organizational PrepCom Meeting, 24-26 June 2024

UN General Assembly Resolution 78/272 calls for the organizational meeting of the PrepCom to address “organizational matters, including the election of the Co-Chairs and a Bureau […], the dates of the meetings of the commission and the programme of work of the commission”.

Deciding on the dates for future meetings and adopting a program of work, in particular, will be important indicators for the overall ambition of States for the PrepCom process. Not explicitly mentioned in the resolution, but equally important for the overall ability of the PrepCom to complete its work, will be agreement on the modalities of work.

Objective of the PrepCom

As it is not specified explicitly elsewhere, the organizational meeting of the PrepCom may wish to discuss and clarify its objective and mandate.

High Seas Alliance recommends that the objective and ambition of the PrepCom should be to prepare the early operationalization and implementation of the BBNJ Agreement. This will largely be achieved by preparing draft documents to be agreed, and attached to its report to CoP, at its final meeting for consideration of CoP1.

Program of work

Crucial issues will be determining the scope of work of PrepCom (its mandate), determining the timing of future meetings (how many and for how long); and determining the agenda of the first PrepCom.

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\(^2\) UN General Assembly resolution 78/272 (28 April 2024).
\(^3\) See HSA’s non-exhaustive list for consideration of the PrepCom.
The High Seas Alliance urges delegations to focus on the elements and decisions that are most needed to implement and operationalize the BBNJ Agreement as early as possible and in an equitable manner, including:

a) the establishment of all subsidiary bodies, not only those specifically highlighted for consideration at CoP1 and;
b) the key essential technical elements or processes necessary for the operationalization of the Agreement, such as the Clearing-House Mechanism. The Agreement foresees that the Clearing-House Mechanism will be able to receive various types of information\(^4\) after entry into force of the Agreement, yet its specific modalities are to be determined by CoP1. Other outstanding matters are, for example, the practical operationalization of the BBNJ Batch Identifier and the financial mechanism.\(^5\)

The PrepCom may further wish to consider mechanisms for cooperation with relevant global, regional, subregional, and sectoral bodies that would need to be in place for early operationalization of the Agreement.

**Modalities of work**

Learning from the modalities of work of the Intergovernmental Committee, the High Seas Alliance recommends that:

a) BBNJ should continue its tradition of transparency, and hold any working groups as well as the plenary in open session, using webcast if possible. We suggest breaking into small groups, where possible and appropriate, to report to the plenary.

b) The PrepCom should consider advancing work in focused sub-committees that report to the plenary. One approach that States could consider is combining the drafting of Rules of Procedure, Terms of Reference, and modalities for the CoP and subsidiary bodies into one working group. This is because the functioning of these bodies across the different areas of the BBNJ Agreement will have close linkages and inform each other. Another workstream could focus on early guidance and the decisions needed to operationalize the functions of different parts of the Agreement.

c) Given the highly technical discussions that are likely to be required for some elements of the Agreement, the PrepCom should also be able to create smaller technical working groups to report back to the fora that created them. Such working groups would benefit immensely from being able to continue their work intersessionally and virtually, but it will be important to ensure that smaller delegations are not disadvantaged.

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\(^4\) Other technical processes that may require consideration by the PrepCom include the BBNJ Batch Identifier or the practical operation of the agreements financial mechanism.

\(^5\) See the [High Seas Alliance finance briefing](https://www.highseasalliance.org/).
d) Some key elements of the Agreement may also benefit from additional technical studies and/or the development of prototypes, and the PrepCom should be empowered to request such activities from the interim Secretariat when needed. This could, for example, include a pilot phase of the Clearing-House Mechanism, learning from the precedents of the pilot phase clearing-house mechanisms of the Biosafety and Nagoya Protocol under the Convention on Biological Diversity.\(^6\)

e) The organizational meeting of the PrepCom should give a clear signal of time commitment and topic clusters for each future meeting of the PrepCom to help delegations prepare and determine the size and make-up of their delegations.

f) The PrepCom considers inter-sessional working groups to facilitate the progress of work.

**Dates and timing**

Given the large volume of work ahead for the PrepCom, and cognizant of the need to incorporate the costs of, and reserve rooms for future PrepCom meetings well in advance, the High Seas Alliance strongly recommends that dates for two meetings a year, each of two weeks duration, in 2025 and 2026, are agreed during the organizational PrepCom meeting. We share the ambition of many States to achieve at least 60 ratifications of the Agreement by the United Nations Ocean Conference in June 2025. This would mean the Agreement would enter into force in October 2025 (120 days after the 60\(^{th}\) ratification), and that CoP1 would be held before October 2026 (“no later than one year after entry into force”). We, therefore, recommend that the 2026 meetings of the PrepCom be scheduled as early as possible in 2026.

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