PREPCOM DEEP DIVES

Operationalizing the Clearing-House Mechanism
Supplementary update for PrepCom 2

Briefing: BBNJ PrepCom
August 2025

Executive Summary

This briefing provides specific recommendations on matters relating to the BBNJ Agreement's Clearing-House Mechanism (Cl-HM), set to be discussed at PrepCom 2 from 18 - 29 August 2025. It takes into account relevant discussions during PrepCom 1 in April 2025 and should be considered as a supplement to the High Seas Alliance Deep Dive briefing on Cl-HM.

At PrepCom 1, Parties converged on the importance of developing a pilot[1] or interim phase of the Cl-HM, given its central importance to implementing the Agreement. There was also some convergence of States' positions that the Cl-HM's operational framework should focus on the core functions needed to fulfill its role across the entire Agreement, rather than its role in individual sections.

The core functions of the mechanism include, at a minimum, user management[2], the submission of and access to information, and data security. These are necessary for State Parties to fulfill their basic obligations related to marine genetic resources (MGRs), environmental impact assessments (EIAs), and capacity-building and the transfer of marine technology (CBTMT), obligations that will accrue as soon as the Agreement enters into force.

Delegations also supported proposals to convene an informal group on the technical aspects (IGTA) of the operationalization of the Cl-HM, for which the Co-Chairs have developed draft Terms of Reference (ToR) for consideration and approval at PrepCom 2.

Recommendations:

Recognizing the urgency to operationalize an interim Cl-HM, the High Seas Alliance recommends the following for consideration:

- **Take early action** at PrepCom 2 to consider and rapidly adopt the ToRs so that the IGTA can start working immediately on the interim Cl-HM to ensure it is operational by entry into force of the agreement.
- **Limit the size** of the IGTA, while allowing for expert representation from the identified stakeholder groups, by supporting the option for the group to be 'composed of up to 50 experts' in paragraph five of the draft ToR and by supporting paragraph six bis.
- **Safeguard the IGTA's legitimacy and credibility** by ensuring its members serve in their expert capacity and in the best interests of the BBNJ Agreement.
- **Ensure the IGTA addresses the Cl-HM's core functions** needed to implement the entire Agreement as a matter of urgency. These include:
  - **Upload and download functions:** These provide a means of exchanging information and data among stakeholders and are central to an effective Cl-HM. In particular, the uploading of information (e.g., MGR notifications, EIA reports, and the supply and demand of CBTMT) will enable States to fulfill their obligations under the Agreement as soon as it enters into force and ensure that essential information is made available to other Parties and stakeholders.

[1] "Pilot phase" in this context is not intended to mean the building of a prototype that is then discontinued and replaced by a full version later, but rather an early version of the Cl-HM that can be incrementally built and expanded.

[2] User management refers to the process of creating, maintaining, and controlling user accounts and permissions within a system or network to ensure secure and appropriate access to resources.

- **An alert or notification mechanism:** This is essential to keep Parties and other stakeholders informed about relevant updates and newly uploaded information. Such a mechanism is particularly crucial when specific deadlines for action exist, such as comment periods under Part IV of the Agreement. For EIA elements, notifications should be sent in real time via system-generated emails.
- **Data security measures:** These are crucial for preserving information integrity and reliability. Parties must work towards implementing protections against unauthorized access, alteration, or disclosure, along with regular data backup protocols to mitigate risks of data loss due to cyber threats, technical failures, or natural disasters.

1. Considerations on the operationalization of the CI-HM for PrepCom 2

During PrepCom 1, there appeared to be general agreement on adopting an incremental and phased approach towards operationalizing the CI-HM, including the deployment of a pilot or interim phase, which some Parties expressed a willingness to support financially. There was convergence on the importance of establishing a dedicated intersessional working group to advance the operationalization of the CI-HM - and recognition of the PrepCom's mandate to establish such a working group - but leaving the exact size and composition of such a group, as well as the scope and modalities of its work to be considered and approved by PrepCom2. Furthermore, there was broad agreement that future work on the CI-HM should follow a functional approach, rather than prioritizing specific parts of the Agreement.[3]

One open question that Parties did not address in detail at PrepCom1 was the role of the CI-HM with regard to Part III of the BBNJ Agreement on area-based management tools (ABMTs).[4]

1.1 Terms of reference for the informal group on the technical aspects of the Clearing-House Mechanism

As agreed by Parties at PrepCom 1, the Co-Chairs have prepared draft ToRs for the IGTA.[5] Given its pivotal role in advancing and shaping the operationalization of the CI-HM, delegations at PrepCom 2 must approve this group's creation and dedicate sufficient time and attention to thoroughly consider its size and composition, as well as its scope and modalities of work, including its objectives, tasks, and working methods. Ensuring clarity and shared understanding on these points will be key to fostering a constructive and efficient process.

The IGTA will be operating under significant time pressure to establish an interim CI-HM so that Parties can meet their respective obligations once the BBNJ Agreement enters into force, which is likely to occur between the end of 2025 and early 2026. It is, therefore, particularly important to establish a solid foundation for its work from the outset to support progress within the limited timeframe, balancing inclusive participation with the advantages of working in a smaller group.

The IGTA will work intersessionally, including between PrepCom sessions 2 and 3, and provide recommendations to the PrepCom. These include:

- A **draft roadmap** for the phased operationalization of the CI-HM, including phases, goals, timelines, and resource needs.
- A **draft workplan** for the initial phase.
- Recommendations on **specific modalities** for CI-HM operation, particularly regarding:
  - The design and functionality of the web-based platform and interface
  - The functions and processes for matching supply and demand for capacity building and the transfer of marine technology
  - The mechanism's operational compatibility and alignment with existing platforms

[3] This section represents HSA's takeaways from PrepCom 1 discussions. For the oral reports of the Co-Chairs during PrepCom 1 see: https://www.un.org/bbnjagreement/sites/default/files/2025-04/20250425Cluster2Issue7Chm.pdf

[4] The Agreement specifies that the CI-HM will serve as a centralized platform for accessing, providing, and disseminating information on the establishment and implementation of ABMTs, including marine protected areas (MPAs) (Art. 51(3)(a)(ii)). Part III of the Agreement does not, however, specify when and how the CI-HM should perform this function, highlighting the need to clarify its role in this context.

[5] Document A/AC.296/2025/15, including its annex with the draft terms of reference for an informal group on the technical aspects of the operationalization of the Clearing-House Mechanism is available at: https://docs.un.org/en/a/ac.296/2025/15.

At PrepCom 2, delegations will be asked to consider and decide on the following matters:

1. **Size and composition of the informal group**
   a. Should the informal group be limited in size (e.g., 50 experts) or open to all experts?
   b. If the group is limited, an additional section (six bis - six quater) outlines nomination categories:
      - Up to 30 experts nominated by States (with regional balance)
      - Up to seven nominated by Indigenous Peoples and local communities (by sociocultural regions)
      - Up to seven nominated by relevant bodies (e.g., IOC-UNESCO, ISA, IMO, FAO)
      - Up to six nominated by civil society, academia, or the private sector

   c. How should the experts be nominated?
      - Will the experts be selected by the Co-Chairs (with or without Bureau consultation)?
      - Will the experts serve in their personal capacity or as official representatives?

2. **Meeting modalities**

The group will mainly work virtually, but in-person meetings and workshops are possible if funding allows. States may wish to further consider the following:

- Meeting formats and suggested frequency
- Funding mechanisms for in-person meetings and technical workshops
- Consultations to be undertaken with relevant stakeholders, especially in view of the need for transparency (see Annex in the Co-Chairs' draft ToR, paragraph 13)

3. **Additional participation by observers**

- States may wish to clarify observer participation (e.g., whether to include all interested State Members of the UN, members of specialized agencies, etc.)

1.2 Functional approach

The High Seas Alliance Deep Dive briefing on CI-HM for PrepCom 1 emphasized that, at the very least, an interim phase of the CI-HM needs to address: 1) the generation of the batch identifier in Part II of the Agreement, related to the monitoring of MGRs, 2) the matchmaking role for the CI-HM, envisioned in Part V for capacity building, and 3) the information sharing and notification tasks assigned to the CI-HM under Part IV, related to EIAs.

There was some convergence during PrepCom 1 that the operationalization of the CI-HM should follow a functional approach, rather than prioritizing specific parts of the Agreement. Should Parties decide to follow this approach, the basic functionalities required include, at a minimum, user management, submission of and access to information, and data security. These functions are necessary to effectively implement basic MGR, EIA, and CBTMT-related provisions when the Agreement enters into force.

2. Recommendations

The following recommendations for PrepCom 2 in August 2025 are supplementary to those in the High Seas Alliance Deep Dive briefing on CI-HM, which remain pertinent.

2.1 Terms of reference for the IGTA

Document A/AC.296/2025/15, prepared by the Co-Chairs, contains draft ToRs for an IGTA to advance the operationalization of the CI-HM. Based on these, the High Seas Alliance proposes the following recommendations:

- Following the original reasoning for the establishment of the IGTA, its membership should be limited to ensure its efficient functioning and coordination. At the same time, its limited size should not in any way exclude the valuable expertise and experiences of identified stakeholders. This will safeguard the group's legitimacy while ensuring it benefits from diverse knowledge and experiences.
- With this in mind, States should support the option 'composed of up to 50 experts' in paragraph five and the inclusion of paragraph six bis in the draft ToRs.

- Given the technical nature of the IGTA, its members should serve in an expert capacity and in the best interest of the Agreement. Such an approach would ensure that recommendations are grounded in technical expertise and enhance the group´s legitimacy and credibility, thereby contributing to the effective implementation of the BBNJ Agreement.
- Consideration should be given to the capacity constraints of smaller delegations, particularly in light of the frequency of meetings envisioned for the informal group. This is important to ensure the meaningful and equitable participation of all delegations, as it helps prevent smaller or resource-limited delegations from being disproportionately burdened and promotes a more balanced and inclusive decision-making process.
- Agreeing on the ToRs and starting the work of the IGTA should be an urgent priority so that the interim operation of the CI-HM can begin as soon as the Agreement enters into force. This will enable Parties to meet their information-sharing and notification obligations and provide the BBNJ CoP with valuable experiences to inform its discussions on specific modalities during its first meeting.

2.2 Functional approach

The initial operationalization of the interim CI-HM should focus on the following basic functions that feature throughout the BBNJ Agreement:

- Basic functionalities required include, at a minimum, user management, the submission of and access to information, and information sharing. These functions are necessary to effectively implement basic MGR, EIA, and CBTMT-related provisions as soon as the Agreement enters into force.
- Upload and download functions provide a means for exchanging information and data among stakeholders and are central to an effective CI-HM. In particular, the uploading of information (e.g., MGR notifications, EIA reports, and the supply and demand of CBTMT) will assist States in fulfilling their obligations under the Agreement as soon as it enters into force, ensuring that essential information is made available to other Parties and stakeholders.
- An alert or notification mechanism is essential to keep Parties and other stakeholders informed about relevant updates and newly uploaded information. This is particularly crucial when specific deadlines for action exist, such as comment periods under Part IV on AMBTs. For EIA elements, notifications should be sent in real time via system-generated emails.
- Functions related to data security measures are crucial for preserving information integrity and reliability. Parties must work towards implementing protections against unauthorized access, alteration, or disclosure, along with regular data backup protocols to mitigate risks of data loss due to cyber threats, technical failures, or natural disasters.

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High Seas Alliance

The High Seas Alliance is a group of 50+ non-governmental members who work together to inspire, inform and engage the public, decision makers and experts to support and strengthen High Seas governance and conservation.

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