



# The first substantive BBNJ Agreement Preparatory Committee: Preparing the ground for future implementation

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After more than a decade of discussions, the adoption in June 2023 of the international agreement on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (BBNJ Agreement) was celebrated as a victory for diplomacy and multilateralism. The international community is now pursuing two parallel objectives.

The first is to ensure the swift entry into force of the Agreement. The BBNJ Agreement was opened for signature on 20 September 2023 and, as of April 2025, there are 112 signatories and 21 Parties.<sup>1</sup> The ratification process involves complex and time-consuming national procedures, many of which have been delayed due to the numerous domestic elections in 2024. However, many States and stakeholders hope that the finish line of 60 ratifications can be reached by the third United Nations Ocean Conference (UNOC3) in Nice in June 2025. In parallel, informal State- and stakeholder-led initiatives are taking place to anticipate implementation challenges, including by preparing the first generation of high seas marine protected areas (MPAs).<sup>2</sup>

The second objective is to set up the institutions foreseen in the Agreement that will play important roles in its implementation. In this regard, discussions will be held at the UN headquarters for two weeks from 14 April 2025 onwards to prepare for the Agreement's implementation through a Preparatory Commission (PrepCom). This is the first of such meetings mandated by the UN General Assembly (UNGA) through resolutions establishing a PrepCom to prepare for COP1 and to provide guidance on the work of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs (DOALOS) that serves as the interim secretariat.<sup>3</sup>

This *Policy Brief* focuses on this important milestone, explaining the context, mandate and programme of work of the PrepCom as well as highlighting key recommendations.

- 1 Antigua and Barbuda, Bangladesh, Barbados, Belize, Chile, Cuba, France, Malawi, Maldives, Marshall Islands, Mauritius, Micronesia, Monaco, Palau, Panama, Seychelles, Singapore, South Korea, Spain, St. Lucia and Timor-Leste: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXI-10&chapter=21&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-10&chapter=21&clang=_en)
- 2 <https://www.iddri.org/en/publications-and-events/billet-de-blog/high-seas-treaty-one-year>
- 3 Resolutions A/RES/78/272 of 24 April 2024, A/RES/78/560 of 13 August 2024, and A/RES/79/271 of 4 March 2025.

## KEY MESSAGES

The PrepCom meetings will be crucial for laying solid foundations for the operationalization and implementation of the BBNJ treaty.

PrepCom1 will focus significantly on the five subsidiary bodies established under the BBNJ treaty. In this regard, States should consider best practices from subsidiary bodies already established under existing international frameworks and bodies (IFBs).

The Clearing-house mechanism (CHM) will play a pivotal role in the future implementation of the treaty, and discussions at PrepCom1 will center on its operational modalities. The diverse structures and functions of existing CHMs offer valuable insights for the development of a future BBNJ CHM.

Additionally, preparing the BBNJ financial mechanism will be a key priority during the PrepCom meetings. Beyond the arrangements with the Global Environment Facility (GEF), it is essential to explore modalities for the operationalization of the special fund established under Article 52 of the BBNJ Agreement.

## 1. ONGOING PREPARATIONS FOR COP1

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### 1.1. Organizational matters

The PrepCom held one organizational meeting in June 2024 during which delegates elected the Co-Chairs and 15 Vice-Chairs of the Bureau, and decided on the dates and the programme of work (PoW) of two substantive sessions taking place from 14 to 25 April and from 18 to 29 August 2025. The dates of a third session of two weeks in 2026 will be decided at a later stage. The provisional PoW of the PrepCom includes three clusters of issues, namely (1) governance issues, (2) issues pertaining to the operation of the clearing-house mechanism and (3) financial rules, and financial resources and mechanism. These issues include matters that are expressly set out in the BBNJ Agreement and additional matters identified during the organizational meeting as priorities to be addressed by the COP. The PrepCom may also “exchange views and information on any other issues of relevance for consideration by the first meeting” of the COP.<sup>4</sup>

### 1.2. Substantive discussions

The provisional PoW foresees that the first session of the PrepCom (PrepCom1) will consider the following issues: (i) Rules of procedure of the COP; (ii) Terms of reference (ToR), modalities of operation, rules of procedure and selection process of members of subsidiary bodies; (iii) Functioning of the secretariat, including its seat; (iv) Operational modalities for the CHM; (v) Financial rules governing the funding of the COP, the funding of the secretariat and subsidiary bodies; (vi) Arrangements with the GEF; and (vii) Exchange of views on issues for consideration at the second session in August 2025.

In February 2025, DOALOS released Notes to support the discussions, and the Co-Chairs circulated Aid to discussions and negotiations, which include draft text that could serve as the foundation for future text-based negotiations.<sup>5</sup> During PrepCom1, a preliminary exchange of views is expected to take place on these documents, with the aim of gauging delegations’ willingness to transition to more text-based discussions during PrepCom2.

## 2. THREE RECOMMENDATIONS FOR PREPCOM1

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### 2.1. Subsidiary bodies: building robust support mechanisms

Discussions during PrepCom1 will place a considerable focus on the five subsidiary bodies established under the BBNJ Agreement, namely the Access and Benefit-sharing Committee, the Capacity-building and Transfer of Marine Technology Committee, the Finance Committee, the Implementation and Compliance Committee and the Scientific and Technical Body (STB), as well as on the Rules of Procedure of the BBNJ COP. Key questions that States will deliberate on include whether the COP’s Rules of Procedure will be applied to the subsidiary bodies or tailored to their needs, and any special considerations of how the subsidiary bodies will function, including ToR and modalities. It is crucial that States consider some good practices from subsidiary bodies already established under existing IFBs, particularly with regard to the Implementation and Compliance Committee and the Scientific and Technical Body.

For the Implementation and Compliance Committee, experience with existing multilateral environmental agreements suggests that such a committee is “most effective when it takes a collaborative, transparent and non-confrontational approach, encouraging Parties themselves to seek assistance to implement their treaty obligations and inviting civil society to provide information”.<sup>6</sup> This is in line with what is envisioned in the BBNJ Agreement. The relationship between implementation and compliance committees and other bodies of their respective treaties varies. Some committees set out recommendations and leave final compliance decisions to the COP while others are fully independent and are empowered to take their own decisions.<sup>7</sup> There are also processes that take a middle-ground approach, where the committee can adopt some measures but the COP makes final decisions.<sup>8</sup> In case the BBNJ Implementation and Compliance Committee has the power to make decisions, some form of majority voting should be allowed where efforts to reach consensus have been exhausted. In terms of the composition of the Committee, Article 55(2) of the BBNJ Agreement specifies that the Committee will consist of members with “appropriate qualifications and experience” nominated by Parties and elected by the COP, with due consideration given to gender balance and equitable geographical representation. These members can be either representatives of Parties or experts acting in their personal capacity to reduce the risk that decisions are influenced by political considerations.<sup>9</sup> The COP could decide to allow civil society participation both as observers and as representatives on

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<sup>4</sup> <https://documents.un.org/doc/undoc/gen/n24/190/93/pdf/n2419093.pdf>

<sup>5</sup> <https://www.un.org/bbnjagreement/en/meetings/preparatory-commission/documents/first-session>

<sup>6</sup> Bouvet, M. *et al.* (2022). “Ensuring effective implementation of a high seas biodiversity treaty: Lessons learned and options for an implementation and compliance committee,” STRONG High Seas Project.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

the Committee. Lastly, Parties will need to decide who has the authority to trigger a compliance procedure in cases of suspected non-compliance (e.g. the Parties, the COP, the Committee or civil society) as well as the consequences of non-compliance.<sup>10</sup>

In terms of the STB, the BBNJ Agreement provides some guidance on its composition, but leaves decisions regarding the ToR and operational modalities to the first COP.<sup>11</sup> Recent research on existing scientific bodies identified eight qualities a fit-for-purpose STB should possess, namely multidisciplinary, inclusive, proficient, influential, de-politicised, transparent, synergistic and dynamic.<sup>12</sup> Implementing these qualities will require trade-offs as some of them are negatively correlated: for example, being influential within the decision-making process could lead to the politicisation of the STB.<sup>13</sup>

Last, the interaction between the different bodies under the BBNJ Agreement will also be a relevant cross-cutting topic for the PrepCom<sup>14</sup> that Parties may wish to address during discussions on the ToR and modalities of subsidiary bodies.

## 2.2. Clearing-house mechanism: an opportunity to reinvent data sharing on the high seas

The BBNJ Agreement establishes a CHM that will consist primarily of an open-access centralized platform.<sup>15</sup> The secretariat will manage the CHM and the COP will determine the operational modalities. The CHM will enable Parties to access, provide and disseminate information and to facilitate the matching of capacity-building needs. The varied structures and functionalities of existing CHMs (Table 1) provide important lessons for the development of a future BBNJ CHM.

While platforms such as the Convention on Biological Diversity and Global Biodiversity Information Facility excel in biodiversity data-sharing, they rely on national-level structures that would be unfeasible for the BBNJ Agreement, which focuses on areas beyond national jurisdiction. Similarly, the UNFCCC's climate reporting platforms demonstrate strong technical support and transparency mechanisms, but their fragmented nature lacks a centralized hub. The Nairobi Convention CHM, despite its strengths in marine data management, highlights the challenges of national-regional cooperation and trust in data-sharing. The European platforms (BISE, Climate-ADAPT)

showcase policy-driven information systems but lack robust capacity-building matchmaking.

**TABLE 1. Strengths and weaknesses of selected clearing-house mechanisms**

CHM	Strengths	Weaknesses
United Nations Framework Convention on Climate Change (UNFCCC)	Comprehensive climate reporting tools; open-access help desk	No centralized CHM; limited capacity-building matchmaking
Convention on Biological Diversity (CBD)	Extensive biodiversity data; structured matchmaking for capacity-building	National CHMs often incomplete; accessibility challenges in least developed countries
Nairobi Convention	Strong marine data repository; interactive mapping tools	Weak national-regional integration
Biodiversity Information System for Europe (BISE) (European Environment Agency)	Rich EU biodiversity datasets; policy-linked reporting	No explicit capacity-building matchmaking; regional tool
Global Biodiversity Information Facility (GBIF)	Global biodiversity data-sharing; open standards	Requires institutional endorsement; not focused on policy support
Basel, Rotterdam, Stockholm Conventions	Targets hazardous chemical policies; regulatory tools	Narrow focus; limited interactive support

To ensure that the BBNJ CHM effectively supports the treaty's implementation, it must address key challenges, such as interoperability, capacity-building, and data integration. Drawing from existing CHMs, the following reflections and recommendations outline essential elements for the design of a BBNJ CHM:

- **A regional approach:** Unlike the CBD, which consists of national CHMs, the BBNJ CHM must operate beyond national jurisdiction. A decentralized, regional structure—similar to the Nairobi Convention CHM—could be beneficial but will need to overcome trust and data-sharing issues. A practical approach would involve dividing the high seas into distinct geographic regions and establishing regional hubs or nodes. These hubs could bring together key institutions—such as research organizations, Regional Fisheries Management Organizations (RFMOs), and regional conventions—to ensure that data collection and dissemination are well-coordinated and representative of each region's unique ecosystem. A mechanism will be needed to recognize and address biological and physical connectivity across regions.
- **A user-based approach:** The usability challenges faced by platforms like the CBD CHM underscore the importance of designing a system tailored to its users. Instead of aggregating vast amounts of data without structure, the BBNJ CHM should prioritize user needs and data accessibility. Who will be the primary users of the BBNJ CHM? What specific information will they need, and in what format? How can the CHM ensure that data presentation

<sup>10</sup> Ibid.

<sup>11</sup> BBNJ Agreement, Article 49.

<sup>12</sup> Gaebel, C. et al. (2024). "Institutionalising science and knowledge under the agreement for the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ): Stakeholder perspectives on a fit-for-purpose Scientific and Technical Body," *Marine Policy* 161.

<sup>13</sup> Ibid.

<sup>14</sup> Harden-Davies, H. (2024). "First to finish, what comes next? Putting Capacity Building and the Transfer of Marine Technology under the BBNJ Agreement into practice," *NPJ Ocean Sustainability*, 3; Gottlieb, H.M., Ardron, J.A., Brown, A.E.L. (2025). "BBNJ Agreement: A New Infrastructure to Foster Benefit Sharing of Marine Genetic Resources," in: Humphries, F. (eds) *Decoding Marine Genetic Resource Governance Under the BBNJ Agreement*, Sustainable Development Goals Series, Springer, Cham.

<sup>15</sup> BBNJ Agreement, Article 51.

and organization support decision-making? Will the CHM actively provide notifications required under the Agreement or will it be a passive source of information?

- **Connecting with experts:** One limitation of existing CHMs is their lack of direct expert engagement. The Climate Helpdesk under the UNFCCC, while effective, operates separately from a centralized CHM. The BBNJ CHM could incorporate a built-in advisory mechanism. A moderated, human expert network within the CHM could enable users to ask technical or legal questions, supporting real-time engagement and knowledge exchange. An effective CHM will also require sufficient capacity in terms of funding, time and expertise,<sup>16</sup> so this needs to be kept in mind during discussions about the budget and the composition of staff. As first steps to get to the operationalisation of the CHM, a multidisciplinary team will need to be brought together to oversee the process, including technical experts that can guide software development.
- **Ensuring FAIR data management:** Data-sharing mechanisms like GBIF highlight the importance of standardized metadata and interoperability. The BBNJ CHM should follow the highest standards of FAIR (Findable, Accessible, Interoperable, Reusable) data principles. The CHM should integrate long-term and standardized data depositories while ensuring that metadata is FAIR-compliant. Consulting with data management experts, such as those at the PANGAEA data center, could provide guidance. To help facilitate access to the materials used and produced by the STB, it is important that the CHM makes science coming out of the STB available to everyone.<sup>17</sup> An exploration of existing infrastructures, such as the DOALOS website, can also help determine the content of the CHM. It is also worth thinking about how to overcome challenges of accessing data coming from other IFBs, as most of the data belongs to their contracting parties and not all of them would like this information to be shared publicly.<sup>18</sup>
- **Innovation & engagement:** To ensure sustainability and long-term use, the BBNJ CHM must be designed with innovation in mind. Youth engagement and creative approaches—such as hackathons—could enhance platform design. Organizing a software development hackathon could bring fresh perspectives and innovative solutions for structuring and visualizing the CHM.
- **Expanding stakeholder involvement:** Many CHMs primarily rely on government and scientific institutions for data contributions. The BBNJ CHM should actively engage industry (e.g. fisheries, tourism cruises, etc.) and non-governmental stakeholders (e.g. crowd-sourcing citizen science such as birder observations and private sailors), who could

provide valuable data and resources. As one of the functions of the CHM is to facilitate the matching of capacity needs, State and non-State actors could use the CHM as a platform to search for or offer opportunities to transfer marine technology and facilitate access to know-how or expertise. This multi-stakeholder approach could help in particular with the enforcement of area-based management tools established under the BBNJ Agreement.<sup>19</sup>

An additional challenge to consider is the timeline for establishing the CHM. Given its central role in the BBNJ Agreement, the CHM will need to be operational in some capacity from the outset. However, the Agreement also specifies that the COP, which will meet for the first time within a year of entry into force, should adopt the modalities for the CHM. In the secretariat's note on the CHM, a pilot phase or interim operation of the CHM is proposed. This could serve as an effective way to bridge that gap and allow Parties to gain initial experience with the CHM's operation, which can then inform decisions at COP1.

### 2.3. Financial arrangements: ensuring the effectiveness of the treaty

There are at a minimum two very different timeframes concerning funding arrangements. Before entry into force, the financial mechanism of BBNJ does not exist and any funding for ratification and early implementation support needs to come from different sources. Table 2 provides a non-exhaustive overview of funding dedicated to help the ratification process of the BBNJ Agreement.

After entry into force, the BBNJ Agreement's finance mechanism will legally exist, but it will require additional operationalization. Beyond the arrangements with the GEF, it is crucial that PrepCom meetings also explore modalities for the operationalization of the special fund established under Article 52 of the BBNJ treaty. The contributions to the special fund will be composed of i) annual contributions by developed Parties, ii) payments coming from the sharing of monetary benefits from the utilization of marine genetic resources (MGRs) and digital sequence information on MGRs of ABNJ and iii) additional contributions from Parties and private entities wishing to provide financial resources. The GEF trust fund and the special fund will be used to 1) fund capacity-building projects, 2) assist developing States Parties in implementing this Agreement, 3) support conservation and sustainable use programmes by Indigenous Peoples and local communities, 4) support public consultations and 5) fund the undertaking of any other activities as decided by the COP. The Finance Committee will provide recommendations in this regard.

<sup>16</sup> Gaebel, C. et al. (2024). "Institutionalising science and knowledge under the agreement for the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ): Stakeholder perspectives on a fit-for-purpose Scientific and Technical Body," *Marine Policy* 161.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Cremers K. et al. (2024). Monitoring, control and surveillance of future high seas MPAs: what role for emerging technologies? IDDRI, Study N°06/24.

**TABLE 2. Selection of funding commitments for ratification of the BBNJ Agreement**

Commitment by	Amount	What for (if targeted)?
European Union	€40 million	Ratification of BBNJ agreement by non-EU States
GEF	US\$700,000	Ratification and implementation readiness in the Marshall Islands, Palau, Solomon Islands, and Vanuatu
	US\$29 million	Ratification and implementation readiness
	US\$5 million	Development of global and regional projects to complement national-level funds for country assistance
Bloomberg Philanthropies, Bezos Earth Fund, Blue Nature Alliance, Gordon and Betty Moore Foundation, Minderoo, Oceankind, Oceans 5, Paul M Angell Family Foundation, Vere Initiatives (joint pledge)	US\$10 million +	Ratification and early implementation

## CONCLUSION

While awaiting the entry into force of the BBNJ Agreement, the PrepCom meetings provide an opportunity to anticipate decisions that will need to be taken during COP1 and beyond. These meetings can also help generate momentum for more States to ratify the BBNJ Agreement. UNOC3, taking place between the two scheduled substantive PrepCom meetings in 2025, offers an opportunity for France and Costa Rica, as co-hosts, to encourage States to ratify in order to ensure the rapid entry into force of the Agreement. States and other stakeholders can also use the

opportunity of the two PrepCom meetings this year to meet in the sidelines and advance on issues that are not directly part of the PoW. For instance, they can start preparing proposals for area-based management tools and identify opportunities, best practices and obstacles to cooperation among relevant sectoral and regional organizations potentially through anonymous interviews. Needs assessments and capacity-building efforts prior to entry into force will help States fast-track implementation. As the BBNJ Agreement aspires to achieve universal participation, we need all hands on deck to ensure the conservation and sustainable use of marine biological diversity of ABNJ.

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