



Intervention of Delegation of Australia on Institutional Arrangements

BBNJ meeting, New York, 25 March to 5 April 2019

Statement delivered on 3 April from 5.33 pm to 5.39 pm

IV. Institutional Arrangements

As a general comment, we will need to come back to this section when we have settled functions in the agreement, in line with the 'Canadian Triple F Principle.'

1. Decision-making body/forum

In relation to paragraph (1), we are inclined towards OPTION I, Option A. We think the functions of this instrument are broad ranging and require its own body.

As we have gone through the functions of the instrument, we have not heard any rationale to create a Council and Assembly structure, and so do not support OPTION II.

We also think this section may need to cover what we need to do so that a first meeting can take place – for example, to specify that the body will meet regularly, with precise timing decided by the COP at its first meeting.

In relation to paragraph (2), we think this list should be shorter and more high-level, and focus on how the institutional architecture will function. Possible functions could include to:

- (a) Adopt rules of procedure by consensus
- (b) Make decisions and recommendations as set out in the instrument
- (c) Adopt a budget at each ordinary meeting for the financial period until the next ordinary meeting
- (d) Receive and disseminate information related to the implementation of this agreement
- (e) Promote cooperation and coordination with other relevant global, regional and sectoral bodies
- (f) Establish *ad hoc* working groups or committees as are necessary for the performance of its functions, in a cost effective manner
- (g) Other functions as set out in this instrument

I note that we would have reservations about some of the functions in paragraph (2), particularly where they pre-judge other issues which are under discussion. Given time constraints, I will not go through them in detail.

As we do not see a need for a Council, we do not support paragraph (3).

2. Scientific/Technical Body

We support having an *ad hoc* Scientific Committee to provide scientific advice to the decision-making body. This could be on request of the decision-making body or as otherwise specifically provided for in the instrument. We think the benefit of the science function relates mainly to the use of area-based management tools.

We think there are a range of possibilities for composition and are not in a position to endorse any of the specific options set out in paragraph (1). There are a range of models we could use, including a model where committee members meet in parallel to the COP.

We have an open mind on whether we use existing bodies or create a new *ad hoc* body.



In relation to paragraph (2) - the functions of the body - we recommend setting out high-level functions rather than specifying an exhaustive list. For this body, we see its role as outlined in paragraph (a) – providing scientific advice to the decision-making body. We think the focus should be on area-based management tools, and would essentially involve the scientific body assessing whether proposals are based on the best-available science.

We do not support it having functions as described in (b) to (m). We would be wary of having the scientific body to undertake political tasks, which is likely to undermine its ability to function.

3. Other subsidiary bodies

We do not think it is necessary to create and set out the functions of subsidiary bodies under this instrument. We would prefer to leave this to the COP. We would see that a function of the COP could be to establish *ad hoc* working groups and committees, and we think this is sufficient. We do not support the establishment of the range of bodies as set out in this part.

We support OPTION II: No text.

4. Secretariat

In relation to paragraph (1), we do not have a final view on which body should act as the secretariat, but are open to OPTION II and OPTION III.

We note OPTION II is the approach taken in the CBD. We will need someone to help organise the first COP if we take this approach.

Regarding the functions of the secretariat, as set out in paragraph (2), we support a short list.

This would include a shorter list of the things identified in the subparagraphs:

- We agree with (c) – it could convene and service meetings. We think this covers (a) so do not need a separate (a).
- We do not support (b), which is too broad a function for the secretariat. Instead, we think there is value in a provision, such as the one contained in Article 24 of the CBD, which states it will 'prepare reports on the execution of its functions under this convention and present them to the COP'.
- We support (d) and (e).
- We do not see it is necessary to include the functions set out in (f)-(k).
- We could support (l).