



**High Seas Alliance  
Cross-cutting Intervention  
April 3, 2019**

Thank you Madame President.

This intervention is on behalf of the High Seas Alliance.

This Agreement is a once-in-a-lifetime opportunity to establish a robust institutional framework that underpins and supports all elements toward implementation of its provisions. At a minimum, we support the establishment of decision-making body that should be in the form of a Conference of the Parties, as well as a body that provides scientific advice, a body responsible for ensuring implementation, a well-funded Secretariat, as well as an option to create further subsidiary bodies.

With respect to IV, Paragraph 1., like many others (including the African Group, AOSIS, EU, Caricom, PSIDs, Canada and Monaco) we support **Option I, Option A.**

For sub-paragraph 2, we believe there should be some elaboration of the specific functions of the decision making body. So while we prefer **Option I**, we support streamlining subparas (a) through (i), and further support subpara (v) here in order to provide the COP with the flexibility necessary to ensure protection of marine biodiversity in ABNJ well into the future. We suggest subparas (j) through (u) be addressed in the context of other sections of the agreement.

Concerning Paragraph 2 on a **Scientific/technical body**, under subpara 1, we recommend **Option I**. We think that of the specific functions listed under subpara 2, (a) and (n) should be retained, but suggest streamlining (b) through (n) to say the body shall “carry out functions and provide scientific advice on MGRs, ABMTs including MPAs, EIAs, and CBTT and other scientific issues related to the conservation and management of marine biodiversity in ABNJ”. We believe the Scientific body should be able to establish ad hoc working groups, but further elaboration of this body’s terms of reference, organization and operation could be elaborated by the COP.

Moving to Paragraph 3 on **Subsidiary bodies**, we support the G77 in that the COP should be able to establish additional *ad hoc* bodies as necessary to implement the agreement. Implementation and compliance are critical to the effectiveness of the new BBNJ Agreement and we urge that a dedicated subsidiary body is established to address these issues. To this end, we suggest that subpara (7) deserves its own section in the new agreement. The implementation body should be accessible, facilitative, non-judicial and assistance-oriented, and there should be consultative procedures for reviewing compliance with the provisions of the Agreement. In the interest of time, we will submit our suggested language regarding proposed functions of this body to PaperSmart [see below].

Regarding Paragraph 4, we think there should be a dedicated Secretariat and do not support **Option II**.

Thank you very much.

Suggested new text for a Compliance/Implementation Committee

**1. Compliance [Implementation] body**

1) A Compliance [implementation] committee is hereby established.

2) The functions of the Compliance [Implementation] Committee shall be to:

- (a) monitor and review the implementation of, and compliance with, decisions and measures adopted under this Instrument and provide advice and recommendations to the Conference of the Parties;
- (b) provide such other information, technical advice and recommendations as it considers appropriate or as may be requested by the Conference of the Parties relating to the implementation of and compliance with the provisions of this Instrument and decisions and measures adopted, or under consideration, by the Conference of the Parties; and
- (c) review the implementation of cooperative measures for monitoring, control, and surveillance and enforcement adopted by the Conference of the Parties and provide advice and recommendations to the Conference of the Parties.

3) The Compliance [Implementation] Committee shall adopt non-confrontational, non-judicial, assistance-oriented and consultative procedures for reviewing compliance with the provisions of this Instrument. These arrangements shall allow for appropriate stakeholder involvement and may include the option of considering communications from stakeholders on matters related to this Instrument.

**Precedent:** Aarhus Convention Article 15

4) The Compliance [implementation] Committee procedures shall be without prejudice to the settlement of disputes provisions in Article [] of the instrument.

*Precedent: Espoo Decision III/2*