

## **Oral report of the Co-Chairs of the BBNJ Preparatory Commission**

### ***Informal Working Group I - Governance issues***

#### **Terms of Reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies; Selection process for the members of the Scientific and Technical Body and the other subsidiary bodies**

**Delivered on 21 April 2025**

Informal Working Group I considered the Terms of Reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies and the selection process for the members of the Scientific and Technical Body and the other subsidiary bodies on 15, 16 and 17 April. This was on the basis of a Note by the Secretariat (A/AC.296/2025/4) and the guiding questions that we circulated on 25 March. The Preparatory Commission started with commonalities across subsidiary bodies under the Agreement, then moved to a body-by-body discussion, beginning with the Scientific and Technical Body and Finance Committee. We will continue this week with the other bodies, starting with the Capacity Building and Transfer of Marine Technology Committee next.

On commonalities across all bodies, there seemed to be convergence towards a nomination of members by Parties and election by the Conference of the Parties (COP), as well as the need for equitable geographical representation and gender balance in membership. A variety of views were expressed regarding the modalities for representation of developing States, particularly small island developing States, least developed countries, and land-locked developing countries, and holders of traditional knowledge.

There seemed to be some convergence towards limited membership for most bodies, with the size and composition of each body adapted to its specific functions. There was also support expressed for universal membership of the Scientific and Technical Body. There seemed to be convergence towards members being experts serving in their individual or personal capacity, with a tailored approach needed to define relevant expertise for each body. A number of States expressed hesitation, however, at documenting in a prescriptive way the expertise required for the subsidiary bodies, and this is an issue which the Co-Chairs would be interested hearing more on this, this week. Support was expressed for staggered elections, the possibility of one re-election for members, term limits, and a maximum of two terms. The need to define rules for observer participation was noted.

The need to define modalities for cooperation among institutional arrangements under the Agreement as well as with other relevant instruments, frameworks and bodies was emphasized. There was also support for defining modalities to allow drawing on outside expertise. There seemed to be convergence towards subsidiary bodies having autonomy from the COP to set their own work programmes, with some States noting the

COP's supervisory role, including in setting budgets, and the need for subsidiary bodies to report to the COP on their work.

A variety of views were expressed concerning applying the rules of procedures for the COP *mutatis mutandis* to all subsidiary bodies. A number of States supported the application of the rules of procedure of the COP, but with some different views emerging as to whether the first the COP would need to agree additional tailored rules, or whether additional rules could be considered at a later stage. Support was also expressed for capturing additional rules of procedure, terms of reference and modalities in one document.

Discussions on the Scientific and Technical Body emphasized finding the optimal size for membership, including a possible flexible model to allow for changes in size as the workload of the Body increases.

Additional elements for inclusion in terms of reference and modalities of, and rules of procedure for, the Body were discussed and included: working groups and sub-committees; a roster or pool of experts; external expertise; conflicts of interest and confidentiality; meeting frequency and modalities, including virtual participation; documentation; transparency; decision-making and recommendation procedures, including reflection of minority views if consensus is not reached; budgetary elements; funding for developing States' participation in meetings; and election of the chair.

Discussions on the Finance Committee emphasized the many commonalities with other bodies as outlined above. Support was expressed for establishing the Committee at the first meeting of the COP. Additional emphasis was placed on interaction with other bodies under the Agreement, in particular the Capacity-building and Transfer of Marine Technology Committee in light of their related mandates in needs assessments, and further clarification of the scope of these related roles may be necessary. Different views were expressed concerning decision-making, the number and qualifications of members, and participation of and allocation of seats to different categories of States in the Committee, such as dedicated seats for small island developing States, least developed countries and landlocked developing countries, or for the largest contributors to the budget. Support was expressed for including rules on conflicts of interest for the Committee.