



**STATEMENT ON BEHALF OF THE CARIBBEAN COMMUNITY  
(CARICOM)**

**DELIVERED BY THE DELEGATION OF JAMAICA**

**AT THE FIRST MEETING OF THE PREPARATORY COMMISSION  
FOR THE ENTRY INTO FORCE OF THE BBNJ AGREEMENT ON  
ITEM 5 (CLUSTER I, ISSUE 1) – RULES OF PROCEDURE OF THE  
CONFERENCE OF THE PARTIES**

**14 April 2025**

## **First Round Intervention – Rules of Procedure**

**14 April 2025**

Thank you, Co-Chair.

I deliver this statement on behalf of The Caribbean Community (CARICOM).

At the outset, we align ourselves to the statements of AOSIS and G77 and China. CARICOM takes this opportunity to commend you on the hard work put into developing the aid to discussions and negotiations, as well as the draft rules of procedure for the Conference of the Parties to the BBNJ Agreement.

The document does not only illustrate the creativity applied in the drafting process, but also reflects the Co-Chairs' approach to take into account issues raised during consultations with delegations, and drawing on good practices where they exist without 'reinventing the wheel'. CARICOM will engage in these discussions constructively and looks forward to interacting with other delegations, with a view to contributing effective, efficient and prescient rules of rules of procedure for the Conference of the Parties.

CARICOM has reviewed the draft and wishes to indicate its preliminary views on the document, while we continue to reflect on the content of the document and listen to the views expressed in the room.

### **1. Is the structure of the document fit for purpose?**

On your first question, CARICOM takes the view that the structure of the document is fit for purpose. The structure is in line with the structure used for rules of procedure across many treaty bodies, instruments and multilateral processes, as indicated at footnote 2 of the Aid. The document is not unnecessarily lengthy, taking into account the rules of procedure in other fora. Each rule is titled and addresses specific issues and practices, which makes the document

coherent, streamlined, reader friendly and the current structure facilitates ease of browsing when pressed to locate specific provisions in a timely manner. The paragraphs are concise, clear and use simple language to avoid misinterpretation and conflation. The paragraphs are, therefore, comprehensible, even to those who are not experts in the field. This is critical to one of our key objectives, that is, fostering inclusive engagements with and among a diverse range of stakeholders in the BBNJ implementation process.

## **2. What missing elements, if any, might usefully be included in the document?**

Regarding your second question, CARICOM has concluded that the document is fairly comprehensive and captures many of the essential features of documents of its nature. There are a few elements that could be considered for inclusion in the document to enhance its utility. These include provisions that could:

- Facilitate the subsidiary bodies interacting with each other;
- Allow voting by proxy;
- Request that the head of the Secretariat reports to the Conference of the Parties on the intercessional work of and developments affecting to the functioning of the Secretariat, including the management of Secretariat resources, which could be reflected at Rule 31. Such reporting could be integrated with the reporting required under Rule 15.

This would be separate from the report of the UN Secretary General to the General Assembly on the work of the BBNJ Secretariat, if the Secretary General becomes mandated to report to the General Assembly on the implementation of the Agreement;

- Address the nexus between voting rights and the accumulation of arrears by parties, which could be reflected at Rule 44;

- Allow Parties to speak before observers during meetings, perhaps by way of an amendment to Rule 35.
- CARICOM takes note of Article 24 of the BBNJ Treaty that the COP has to adopt measures to be applied on an emergency basis to ensure that serious or irreversible harm is not exacerbated in the event of natural phenomena or a human-caused disaster.

While the Rules of Procedure, as currently drafted, contain provisions for convening extraordinary meetings at Rules 4, 5, 14 and 22, the document does not specifically indicate how to operationalise Article 24 of the Treaty.

The draft Rules presume that all CoP decisions are to be taken in person. CARICOM invites additional reflection on how the draft Rules can be amended to facilitate the CoP having the means to take a quick decision on emergency measures.

- We support the idea of a dedicated seat for SIDS on the bureau, as there are precedent for this and given the significant benefits to be derived from such an approach for SIDS

### **3. What elements, if any, could be left out of the document?**

Turning to our responses to Question 3, CARICOM is of the view that all the elements included in the document are necessary for the optimum functioning of the machinery that propels the effective and efficient implementation of the BBNJ Agreement. We will pause here and listen to the perspectives of colleagues before providing our views on questions 4 and 5.

I thank you, Co-Chair.

## Second Round Intervention – Rules of Procedure

14 April 2025

Thank you, Co-Chair.

### **4. What substantive elements of the document do delegations agree or disagree with?**

I take the floor on behalf of CARICOM. We continue to align with the statement of AOSIS and G77 and China. Please allow me to flag that we are still processing today's interventions by, and ideas from, delegations and we will revert in a timely manner after further internal consultations within CARICOM. In the meantime, we take the floor to share the outcome of CARICOM's preliminary reflections on your fourth and your fifth question.

On question 4, that is, the substantive elements of the document we agree or disagree with, CARICOM welcomes the draft document and regards it as a good basis to commence negotiations. As indicated earlier, most elements of the document are agreeable to our Group. There are some substantive elements that could be further streamlined to bring about greater clarity and to better facilitate the implementation process. These elements include:

- One, removal of the square brackets in Rule 3 provides needed flexibility for varying the venue and format of meetings of the CoP.
- Two, as it relates to Rule 4, CARICOM is of the view that annual, rather than biennial, meetings of the Conference of the Parties would provide a better framework to accelerate the implementation process; sustain and generate greater interest in activities within the scope of the Agreement; and foster closer networking and working relationships among the parties and critical stakeholders. We stand ready to engage constructively on this issue in light of interventions from other delegations.

- Three, On Rule 19, clarity is required as to whether credentials are required to be submitted to the Secretariat electronically or physically. We are well into the 21<sup>st</sup> century, which gives us a unique opportunity to draft our rules to respond to our times. If physical submission is required, consideration should be given to allowing delegates to submit their credentials up to the penultimate or last day of the meeting. This would render credentials admissible by the Credentials Committee, in cases where delegates are not able to attend the meeting for the entire duration due to financial or other constraints; in which case, delegations may be able to attend only the final days of the meeting. Our strong preference is, therefore, to allow for delegations to submit their credentials electronically. If, however, a physical copy is also needed, this could be submitted up to the last day of the Conference.
- Four, for Rule 28, CARICOM is of the view that the subsidiary bodies should be given sufficient flexibility to choose appropriate dates for their meetings, either at the CoP or for intercessional meetings, while the Conference would take note of those dates.
- Five, in relation to Rule 29, further reflection is required to ensure that term limits for officers of subsidiary bodies allow the officers to undertake substantive work, build capacity, and create room for other experts in their respective regions to sit on the subsidiary bodies. A term comprising 4 to 6 years could achieve this objective. In this regard, CARICOM would not have an issue with a two-term limit.
- Six, on Rule 34, there are concerns over whether the absence of a quorum could inadvertently frustrate the work of the CoP. Consideration should be given to lowering the two-third threshold requirement. If there are crucial decisions to be taken, then Parties would need to be present. Hence, where key decisions are to be put forward for adoption, CARICOM's preference is for those meetings to be convened in New York to address possible concerns over issues related to quorum.

## **5. What substantive elements of the document are the most important and why?**

Turning to Question 5, Co-Chair, CARICOM considers all elements of the document to be of critical importance. CARICOM takes particular note of Rules 9 to 15 which address the setting of agenda for meetings. For CARICOM, this is crucial for many reasons, including the time provided and issues identified so as to adequately coordinate discussions around the items on the agenda, and for us to include items we believe are necessary for a discussion on the agenda. The provisions guiding the election of officers in Rules 22 and 25 are essential for CARICOM. CARICOM places priority on the composition of the officer corps for the implementation of the BBNJ Agreement.

We re-iterate the necessity of SIDS being represented on all bodies constituted under the Agreement in order to engender inclusivity and representivity in the implementation process, both in terms of decision making and cultivating the benefits to be derived to SIDS in the implementation process.

It is in this regard that CARICOM also emphasises the significance of Rules 26, 27 and 29 dealing with the application of rules to subsidiary bodies, the establishment of subsidiary bodies and election of officers, respectively. The functioning of the Secretariat and the provisions for voting are also indispensable in the process of ensuring that the Agreement redounds to the benefit of all Parties, especially SIDS.

I thank you, Co-Chair