



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

**DELIVERED BY THE DELEGATION OF BARBADOS
AT THE FIRST MEETING OF THE PREPARATORY COMMISSION
FOR THE ENTRY INTO FORCE OF THE BBNJ AGREEMENT
ITEM 5 (CLUSTER I, ISSUES 2 & 3) – TERMS OF REFERENCE
AND MODALITIES FOR THE OPERATION OF, AND RULES OF
PROCEDURE FOR, THE ACCESS AND BENEFIT SHARING
COMMITTEE AND SELECTION PROCESS FOR THE MEMBERS
OF THE COMMITTEE**

23 April 2025

Subsidiary Bodies – Access and Benefit Sharing Committee

23 April 2025

Thank you, Co-Chair,

As this is the first time my delegation is taking the floor since the passing of His Holiness Pope Francis, permit me to convey our heartfelt condolences to the Government and people of Argentina, the Holy See and the broader Catholic community on his passing.

Co-Chairs,

I am pleased to take the floor to share CARICOM's preliminary views on the **Terms of Reference and Modalities for the Operation of and the Rules of Procedure for the Access and Benefit Sharing Committee, including the Selection Process for its Members.**

CARICOM aligns itself with the interventions of AOSIS.

At the outset, let me also thank the Secretariat for its Note and the Co-Chairs for their Guiding Questions. CARICOM believes that the Guiding Questions are a useful and helpful tool to focus our discussions during the first session of the Preparatory Commission.

As indicated earlier by the Chair of the G77 and China, CARICOM supports the view that **form follows function.**

Nature and Scope of Work

Accordingly, on the question of the **nature and scope of work** of the Access and Benefit Sharing Committee, CARICOM is of the view that the answer to this question can be found in Article 15 (1) of the Agreement and may be broadly summarised as comprising:

- Establishing guidelines for benefit-sharing
- Providing transparency, and
- Ensuring the fair and equitable sharing of both monetary and non-monetary benefits

Functions

In this regard, we posit that the **functions** of the ABS Committee can be largely found in the following provisions of the Agreement:

Article 15 (1) which speaks to the Committee establishing guidelines for benefit-sharing in accordance with Article 14 of the Agreement on the fair and equitable sharing of benefits;

Article 15 (3) which calls for the Committee to make recommendations to the COP on a non-exhaustive list of issues including:

- The Guidelines/Code of Conduct for activities (collection, access and utilisation of marine genetic resources and digital sequence information on marine genetic resources)
- The Measures (modalities) to implement decisions
- The Rates or mechanisms for sharing monetary benefits
- The Relationship with the Clearing House Mechanism
- The Relationship with the Financial Mechanism, including the Special Fund and the GEF
- And any other matters assigned by the COP

Article 15 (4) on receiving information from the Clearing House Mechanism;

Article 15 (5) on consulting and facilitating the exchange of information with IFBs;

Article 15 (6) on making recommendations to the COP with respect to information received in accordance with 15 (5);

Article 16 (2) on receiving reports from the Parties; **AND**

Article 16 (3) on preparing reports including those based on comments received from the Parties and the Clearing House Mechanism and then submitting reports to the Conference of Parties for its consideration

Operational Modalities

With regard to the Operational Modalities, CARICOM sees them as including –

The nomination and selection (election) of the members of the Committee with due regard to term limits, relevant qualifications, gender balance, and the inclusion of experts from SIDS, LDCs and LLDCs.

We are also of the view that as part of the nomination and selection criteria for the Committee, States could be encouraged to consider nominating Early Career Ocean Professionals (ECOPs) to the Committee.

Like others, we see the value and importance of promoting a horizontal relationship with IFBs, the Clearing House Mechanism and the other Subsidiary Bodies, in particular the STB, the Finance Mechanism, the CBTMT Committee, and the Implementation and Compliance Committee - including scope for the holding of inter-sessional online meetings with these bodies.

We note that in keeping with its mandate, the ABS Committee will need to develop modalities for consultations with Parties and for the compilation, submission and publication of reports.

Additionally, modalities will need to be developed to inform their interface with the Clearing House Mechanism, particularly as it relates to the use and application of the BBNJ Batch Identifier and the pre and post collection notifications.

Modalities will also have to be developed with regard to the ABS Committee's engagement with National Focal Points – including maintaining an up-to- date listing (in keeping with Art. 15 (4) (b) of the Agreement.

And last, but not least important, the guidelines for the eventual sharing of monetary benefits.

Interaction with other Bodies/Committees

On the question of the interaction with other bodies and committees, as previously stated, we recognise the need for a horizontal (direct and interactive) relationship with the Secretariat, the Clearing House Mechanism and other Subsidiary Bodies such as the STB, the Finance Mechanism, the CBTMT Committee, and the Implementation and Compliance Committee.

Interaction with other IFBs

Similarly, we note that the ABS Committee will need to be able to consult with relevant IFBs, in accordance with Article 15 (5). This could be done in a variety of ways - including inviting them to serve as Observers or Ex Officio members of the Committee.

Should the Rules of Procedure for the Conference of Parties apply *mutatis mutandis* to subsidiary bodies, unless decided otherwise?

Regarding the application of the rules of procedure of the COP *mutatis mutandis* - yes, we support this approach as a failsafe. We, however, accept that each body will need to develop their own working methods and applicable rules of procedure. The Committee should have the flexibility to do so and amend them as needed in accordance with the relevant Rules of Procedure on decision making and amendments.

What should be the eligibility criteria, qualifications and expertise of members?

As we have previously indicated, CARICOM is of the strong view that the members of subsidiary bodies should serve in their personal/individual capacity. With regard to the Access and Benefit Sharing Committee, we believe that members of the Committee should have expertise in the **natural and social sciences, law, data science, biotechnology and related fields of expertise, namely academic or professional experience.**

We would again like to recall our proposal that States could be encouraged to consider nominating Early Oceans Professionals to sit on the ABS Committee.

CARICOM is also of the view that the ABS Committee should have the flexibility to establish an Ad Hoc committee of experts to provide advice on specific issues, if and as needed. Consideration could also be given to allowing for minority views to be reflected in the ABS Committee's recommendations to the COP, where consensus is not possible.

Given the highly technical nature of the ABS Committee, we reiterate the view that the election of members should be staggered to support the institutional knowledge of the Committee.

We also support the view that persons should only be able to serve two terms.

Number of members

On the question of numbers, the Committee would comprise fifteen (15) members in accordance with Article 15 (2) with due regard to gender balance, and the inclusion of experts from SIDS, LDCs and LLDCs.

Selection process

Further, in keeping with the provisions of Agreement, the members of the Committee would be nominated by States and elected by the Conference of Parties. These elections would be held biennially or triennially depending on the length of terms and the frequency of the COPs.

In addition, CARICOM is of the view that the members of the Committee should elect the Chair/Co-Chairs.

Terms of Office

Again, given the highly technical nature of the work to be undertaken by the ABS Committee, we would like to propose that their term of office should be between 4 and 6 years.

Renewal modalities

With regard to renewal modalities, CARICOM believes that Members of the ABS Committee may be elected to serve a second term.

In closing, CARICOM notes that our intervention is without prejudice to future comments. We also look forward to engaging with you and other delegations on these issues, which are of importance to the Group.

Thank you, Mr. Co-Chair.