



ALLIANCE OF SMALL ISLAND STATES

15TH APRIL 2025

CONFERENCE ROOM 3

INTERVENTION ON AGENDA ITEM 5

TERMS OF REFERENCE AND MODALITIES FOR THE OPERATION OF, AND RULES OF PROCEDURE FOR, THE SUBSIDIARY BODIES (CLUSTER I: ISSUE 2); SELECTION PROCESS FOR THE MEMBERES OF THE SCIENTIFIC AND TECHNICAL BODY AND OTHER SUBSIDIARY BODIES (CLUSTER I: ISSUE 3)

In approaching these matters, AOSIS maintains our long-standing position that in order to ensure effective universal participation in the implementation of the Agreement, operationalizing the principle of special circumstances for Small Island Developing States (SIDS) must be meaningfully embedded across all aspects of the Agreement's implementation. Our unique vulnerabilities, ecological fragility, limited capacities, and disproportionate reliance on ocean resources necessitate specific considerations throughout all subsidiary bodies. Without structured mechanisms ensuring SIDS perspectives are properly integrated and addressed, our ability to effectively implement the Agreement will be severely compromised.

In order to effectively operationalize the special circumstances of SIDS in the implementation of the Agreement, the following elements must be reflected across all bodies established under the Agreement, with some needing to be tailored for each body:

1. **Ensure SIDS representation:** We strongly support equitable geographic representation and distribution. We believe that dedicated seats in subsidiary bodies support the operationalization of the "full recognition" of SIDS special circumstances called for in Article 7.m. of the BBNJ Agreement. Geographic

representation through UN regional constituencies alone is insufficient, as SIDS face distinct challenges even within our regions. Without dedicated seats, SIDS perspectives risk being marginalized in technical discussions. SIDS, through AOSIS, are recognized as an established category of countries with special circumstances, which explains the strong precedent for dedicated SIDS seats in matters relating to global commons, capacity building, technology transfer, financing, implementation, and compliance. While the exact formula will need to be determined for each subsidiary body, taking into account its intended mandate, scope of work, and functions, we strongly support that each subsidiary body should have at **least one seat for SIDS**.

2. **Specific agenda item or work program for SIDS issues:** This ensures adequate recognition of the special circumstances of SIDS, as provided by Article 7.m, strengthening legitimacy and effectiveness. There could be specific agenda items or work programs for each committee, the possibility of joint work programs on SIDS issues, or a hybrid approach. A tailored approach to SIDS implementation is the only effective and efficient way to address our special circumstances. Reports from committees/bodies should include focused sections on SIDS-related issues.
3. **Allow flexible organization of work:** It is important to permit virtual meetings when necessary, though these should be exceptions rather than the rule. We strongly support effective implementation of the Agreement, which entails limiting unnecessary delays. Therefore, we suggest allowing flexibility for various bodies to determine their meeting dates, frequency, modalities for virtual meetings, and possibilities for intersessional work.
4. **Working groups:** Subsidiary bodies should also have the autonomy to determine whether they need to establish working groups.
5. **Transparency:** As provided for in Article 48 of the Agreement, we strongly support meetings being open to observers/public as the standard practice, with committees determining exceptions when necessary.
6. **Conflict of interests/ incompatible activities:** We recognize the importance of preventing and addressing potential conflicts of interest and incompatible activities among committee members.

7. **Budget:** To ensure effective participation of SIDS representatives in relevant bodies, adequate and dedicated funding to support participation from members is needed. We note that we will revisit this issue during financial rules discussions.
8. **Recommendations:** When committee members cannot agree on a recommendation, all views expressed should be captured and forwarded to the COP. This could be accomplished by annexing inputs from relevant members to the report, as practiced in other bodies such as the IMO.
9. **Decision making:** To ensure implementation of the Agreement operationalizes Article 7.m, any decision or recommendation that could significantly impact SIDS implementation capacity or require SIDS-specific responses must provide adequate opportunity for SIDS to present concerns and alternatives before finalizing recommendations to the COP. This will ensure that any recommendation or decision taken in the context of the Agreement will not represent a disproportionate burden on SIDS.
10. **Promote gender balance:** We fully support ensuring gender balance in the membership of all subsidiary bodies and are keen to explore ways to achieve this.
11. **Consider early career ocean professionals:** Consideration should be given to representation for early career ocean professionals.

These are general common elements and those needing further tailored approaches for the relevant bodies. For the Implementation and Compliance Committee, there should be flexibility to draw on the expertise of other experts as needed. Similarly, the Scientific and Technical Body has the mandate to develop a roster of experts to support some Parties in EIA development and assessment. Similarly, there could be consideration for the STB to draw on other expertise in implementing its work. This could also be through interactions with other relevant instruments, frameworks and bodies.

2ND INTERVENTION

Limited membership: Limited membership for all bodies contributed to ensuring the institutional arrangements are effective and responsive. The size of the membership shall be tailored to each body and will depend on the mandate, scope of work, and intended functions.

Qualification: We support relevant expertise consistent with the mandates and functions of the relevant subsidiary bodies.

Selection: We support that members of all subsidiary bodies should be selected by Parties and elected by the COP.

Individual experts capacity: We support having members of subsidiary body serve in their individual expert capacity.

Terms and renewal: While acknowledging that the terms of members serving on subsidiary bodies are inherently connected to the frequency of COP meetings, we might consider staggered elections and introducing a provision that would allow members to be re-elected only once, in the interest of balancing continuity with opportunities for broader participation