



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

**DELIVERED BY THE DELEGATION OF TRINIDAD & TOBAGO
AT THE FIRST MEETING OF THE PREPARATORY COMMISSION
FOR THE ENTRY INTO FORCE OF THE BBNJ AGREEMENT ON
ITEM 5 (CLUSTER I, ISSUE 3) – SELECTION PROCESS FOR THE
MEMBERS OF THE SCIENTIFIC AND TECHNICAL BODY AND
THE OTHER SUBSIDIARY BODIES**

16 April 2025

Scientific and Technical Body

16 April 2025

Thank you Chair for giving me the floor. Good afternoon everyone, I hope we are all doing well!

Let me thank the Secretariat for their excellent note which helped deliberations.

On Scientific and Technical Body matters, I have the honour to speak on behalf of 14 Member States of CARICOM and we align with the statements delivered by Iraq on behalf of G77 and China and Palau on behalf of AOSIS.

1. For each of the subsidiary bodies, what are the most important elements relating to: nature and scope of work; functions; operational modalities, including interaction with other bodies/committees established under or pursuant to the Agreement (including the COP); and cooperation with relevant instruments, frameworks and bodies (IFBs)?

The Scientific and Technical Body is established in Part VI of the BBNJ Agreement under Article 49. It is here that its mandate is outlined. Acting under the authority and guidance of the COP, the STB is tasked with providing scientific and technical advice to the COP and providing reports to the COP on its work, as well as performing the functions assigned to it under the BBNJ Agreement. These defined functions are numerous but are mainly concentrated in Part III (ABMTs) and Part IV (EIAs) of the Agreement. Roles and functions include, among other things: reviewing, providing views on and assessing ABMT proposals; recommending emergency measures as well as elaborating procedures and guidance for the establishment of emergency measures; further elaborating modalities for the consultation and assessment process for establishing ABMTs; monitoring and periodically reviewing ABMTs established; considering and evaluating reports emanating from the EIA process; providing recommendations on planned activities and also approved activities; and developing a slew of standards or guidelines related to EIA. CARICOM is of the view that consideration of these ascribed roles and functions should primarily guide the form that the STB will take. It is also worth noting that the roles of the STB are very similar to those of the Legal and Technical Commission established under the ISA, so when thinking of the form and structure of the STB, perhaps the LTC model may be a logical starting point.

With regard to interactions with other committees/bodies established under the Agreement, it is clear from the Agreement that the STB, in providing its scientific and technical advice, will answer to the COP and must provide reports to the COP on its work. It is also clear that, in addition to the functions already ascribed under the Agreement, the COP may assign other functions to the STB as it sees fit. That being said, the STB will also undoubtedly need to have interaction with the other committees and bodies established under the Agreement not least of which will be the Secretariat, who will service the STB and its meetings, and the Clearing House Mechanism, which will be integral to information dissemination and realising transparency under the Agreement. But apart from the Secretariat and Clearing House Mechanism it is conceivable that the STB will, to varying degrees, need to interact with the Access and Benefit sharing Committee, the Capacity Building and Transfer of Marine Technology Committee, the Implementation and Compliance Committee and the Finance Committee. In their work, and definitely with a view to efficiency, it will be important for the subsidiary bodies established

under the Agreement to have the ability to interact seamlessly and expeditiously, perhaps through their respective Chairs, but without the need to channel communication through the COP.

Lastly, given its roles and functions, the STB will undoubtedly have to interact with, collaborate and cooperate with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies that regulate activities in areas beyond national jurisdiction or protect the marine environment. Indeed, this is in a broad sense, but it is also specifically mandated under Article 29 of Part IV of the Agreement. Again, it would be important for the STB to have the ability to communicate with other IFBs directly, perhaps through the BBNJ Secretariat, but without the need to channel communication through the COP. For the STB, Rules of Procedure on interaction with relevant IFBs would therefore also need to be established.

2. What are the commonalities across all bodies, and where are more tailored elements required?

There will be many commonalities or cross cutting elements as it relates to the subsidiary bodies and this may inevitably be reflected in them having similar rules of procedure. With regard to the STB however, and this may indeed be applicable to some other subsidiary bodies as well, CARICOM believes that there may be the need to develop elements regarding conflict of interest and confidentiality including what may happen if these particular obligations should be breached.

3. In the Co-Chairs aid to discussions on rules of procedure for the COP, draft rule 26 proposes that the rules of procedure for the COP will apply mutatis mutandis to subsidiary bodies established under the Agreement, unless decided otherwise.

- a. Should the rules of procedure for the COP apply to all the subsidiary bodies?
- b. Should certain bodies have their own or additional rules of procedure, where this is not already stipulated in the Agreement (see Art. 55(3) concerning the Implementation and Compliance Committee)? If so, what specific features should they contain?

As alluded to in previous interventions by CARICOM there will be many commonalities or cross cutting elements as it relates to the subsidiary bodies and this may inevitably be reflected in them having similar rules of procedure in these regards. However, latitude must be afforded for States Parties to tailor rules of procedure to the specific circumstances and working models of each particular Subsidiary Body and to have rules of procedure which better align with their respective envisaged roles and functions.

For the Scientific and Technical body, the rules of procedure and terms of reference may have additional considerations such as rules relating to confidentiality, conflict of interest and the capacity in which members serve. On the latter point, it is already written into the Agreement that members of the STB will serve in their expert capacity and in the best interest of the Agreement, but it may be worth reaffirming that members serve in their personal capacity in the ROPs and/or TORs.

Moving on, CARICOM is of the opinion that it would also be useful for scope to be given for the Scientific and Technical Body to meet intersessionally and virtually as needed, outside of the regular, ordinary in-person meetings of the Body. This may need to be explicitly outlined in a specific rule.

Regarding the nature of its meetings, CARICOM is certainly supportive of having meetings of the STB be open to observers. This is essential to fostering transparency, building legitimacy and maintaining trust in the Body. However, we do think that given the fact that sensitive, confidential or proprietary information may at times be the subject of discussion in this Body, there should be the ability for the STB to host closed meetings. Of course, it is also important that clarity be provided regarding under what circumstances meetings of the STB can and should be closed.

On another point, given the fact that some of the decisions of the STB, will need to be taken expeditiously, such as those on emergency measures, it may also be necessary for consideration to be given on including additional rules regarding a silence procedure and conditions for its use.

As was already mentioned, given that the STB is mandated to cooperate with relevant IFBs, rules of Procedure governing these interactions may also be needed.

Lastly, regarding election of the Chair of the Scientific and Technical Body, CARICOM is of the view that the members of the Body themselves should elect the Chair and should only have to inform the COP of their decision. It seems a bit far removed to have the COP elect the Chair of the STB as currently proposed under Rule 29 of the Co-chairs' aid to negotiations on the draft rules of procedure.

4. Having regard to the Agreement, what should be the eligibility criteria, qualifications and expertise of members, number of members, selection process, term of office and renewal modalities for each of the subsidiary bodies? How may the selection process work?

In the BBNJ Agreement it is outlined that STB members should have suitable qualifications, that the Body should be made up of multidisciplinary expertise including scientifically, technically and in the sphere of Traditional Knowledge of Indigenous Peoples and local communities, and that there should be gender balance and equitable geographical distribution. CARICOM considered all these factors in seeking to respond to this guiding question.

On eligibility criteria and qualifications and expertise of members, CARICOM is of the opinion that members of the STB must be nominated by States Party to the Agreement, be appropriately qualified in topics that have some bearing to the objective of the Agreement and which fall under the ambit of the STB, and that these appropriate qualifications may entail a mix of proven academic proficiency and practical experience in the discipline in question.

On what type of expertise may be required, the initial STB membership could include persons appropriately qualified in relevant fields such as Environmental Policy (e.g. marine environmental planning, marine conservation management); Law (e.g. international law, maritime law; environmental law, law of the sea specialists); Natural Science (e.g. marine ecology, marine biology, marine chemistry, oceanography, climatology); and Social Science (e.g. marine anthropology, social-ecology, economics). Of course, relevant traditional knowledge holders and/or experts must also have representation. The composition of the STB and its representativeness across required disciplines and knowledge systems should be periodically reviewed and assessed.

With regard to number of members, CARICOM recognises that a balance should be struck between wide participation and representation and effectiveness. Our group envisions the STB to initially comprise of 27 members, serving in their personal capacity, with five seats allocated to each UN Regional Group, one additional seat for a member with expertise in relevant traditional knowledge of Indigenous Peoples and local communities and also an additional seat for a dedicated SIDS representative. This number is based on experience from the ISA's Legal and Technical Commission where it was identified that that body functioned most efficiently and effectively with 24 members. The number of members also bares in mind that the Agreement provides for the STB having the ability to draw on appropriate advice emanating from relevant IFBs as well as from other scientists and experts, as may be required. Of course, there needs to be a provision included where, through the COP, the size of STB can be adjusted if necessary.

On selection process, as was said, CARICOM envisions each UN Regional Group being allocated five seats. Importantly, we think that candidates should be nominated through their regional groups.

Election will take place through the COP. Also, in striving for gender balance we are of the opinion that a set number of candidates from each regional group must be female.

For terms of office, considering the need to enhance institutional memory and continuity, whilst allowing for new perspectives, CARICOM proposes that the STB have five-year terms of office with the opportunity for members to serve one additional term. Also, there should be staggered terms to enable an appropriate mix of more experienced members and newer members at any given period in time. Anticipated programmes of work and the profiles of the members who are continuing on the Body can provide the basis for determining the recommended characteristics of new membership nominees e.g. areas of expertise, gender, geographic origin.

5. Do States support the Co-Chairs to prepare a draft text/s reflecting relevant elements for consideration at the second Preparatory Commission meeting?

Yes, the Co-chairs have CARICOM's full support and confidence to do this.