

**CLAM**  
**Subsidiary bodies**

<b>GENERAL COMMENTS ON ALL BODIES</b>	
Core functions	<p>The nature, functions, operational modalities, member selection, and working methods should be clearly defined by the PrepCom.</p> <p>This can be done through a single document per body, regardless of whether it is called “terms of reference” or “modalities”.</p>
Nature and character	<ul style="list-style-type: none"> <li>• Legal ambiguity and institutional fragmentation should be avoided</li> <li>• Legal clarity and institutional robustness are key</li> <li>• The name of the document is secondary to its substantive content.</li> </ul>
Application of COP Rules	<ul style="list-style-type: none"> <li>• The rules of procedure of the COP should apply <i>mutatis mutandis</i>.</li> <li>• Additional, body-specific rules will be needed.</li> </ul>
Composition and membership	<ul style="list-style-type: none"> <li>• The size and structure should be aligned with the functions of each body.</li> <li>• Equitable geographical representation and gender balance must be ensured.</li> </ul>
Relationship with other bodies	<ul style="list-style-type: none"> <li>• It is essential to ensure communication among subsidiary bodies, and among each body and the COP, the Secretariat, the CHM, and relevant IFBs.</li> </ul>
Participation	<ul style="list-style-type: none"> <li>• CLAM proposes considering financial mechanisms to enable effective participation of experts from developing countries.</li> </ul>

<b>FINANCE COMMITTEE ON FINANCIAL RESOURCES</b>	
Core functions	<ol style="list-style-type: none"> <li>a. Mobilize funding to implement the Agreement.</li> <li>b. Assess Parties’ needs, with a focus on developing countries.</li> <li>c. Monitor availability, disbursement, and transparency of resources.</li> <li>d. Promote accountability among recipient States.</li> </ol>
Nature and character	<ul style="list-style-type: none"> <li>• A central technical body within the financial architecture of the Agreement.</li> <li>• Its work directly impacts the viability of all other bodies.</li> </ul>
Application of COP Rules	<ul style="list-style-type: none"> <li>• COP rules apply <i>mutatis mutandis</i> but they must reflect the Committee’s specific functions.</li> <li>• CLAM prefers that the rules and terms of reference are adopted at the first COP.</li> </ul>
Composition and membership	<ul style="list-style-type: none"> <li>• Limited-size body</li> <li>• Comprised of technical experts serving in their personal capacity.</li> </ul>
Relationship with other bodies	<ul style="list-style-type: none"> <li>• Should coordinate with the CHM and potentially with international financial bodies like those under UNFCCC or ISA.</li> </ul>
Participation	<ul style="list-style-type: none"> <li>• The Committee must ensure that developing countries’ needs are properly assessed.</li> <li>• It should facilitate timely and transparent access to financial resources.</li> </ul>

<b>IMPLEMENTATION AND COMPLIANCE COMMITTEE (ICC)</b>	
Core functions	<ul style="list-style-type: none"> <li>a. Facilitate and promote compliance with the Agreement.</li> <li>b. Address both individual (case-specific) and systemic (general) issues</li> <li>c. Provide periodic recommendations to the COP.</li> </ul>
Nature and character	<ul style="list-style-type: none"> <li>● Not punitive or contentious functions. It is facilitative, non-adjudicative, and preventive</li> <li>● Inspired by models such as the Nagoya Protocol, Paris Agreement, Aarhus Convention, and Montreal Protocol.</li> </ul>
Application of COP Rules	<ul style="list-style-type: none"> <li>● COP rules apply <i>mutatis mutandis</i></li> <li>● The Committee also requires its own rules of procedure and modalities to be adopted by the COP.</li> </ul>
Composition and membership	<ul style="list-style-type: none"> <li>● CLAM prefers 15 full members.</li> <li>● Equitable representation from UN regional groups.</li> <li>● Multidisciplinary expertise: science, technical, economic, and legal.</li> <li>● 4-year terms, renewable once, with staggered terms.</li> </ul>
Relationship with other bodies	<ul style="list-style-type: none"> <li>● May draw on information from other Agreement bodies and international frameworks.</li> <li>● May propose actions, guidance, recommendations, and support to Parties.</li> </ul>
Participation	<ul style="list-style-type: none"> <li>● Must take into account national circumstances of developing countries.</li> <li>● Its approach should be collaborative and supportive, not confrontational.</li> </ul>

<b>CBTMT COMMITTEE (CAPACITY-BUILDING AND TRANSFER OF MARINE TECHNOLOGY)</b>	
Core functions	Support the implementation of the Agreement through: <ul style="list-style-type: none"> <li>a. Capacity-building.</li> <li>b. Marine technology transfer.</li> <li>c. Operational interaction with the Finance Committee and the CHM.</li> </ul>
Nature and character	<ul style="list-style-type: none"> <li>● An operational body essential to implementation, particularly for Developing Countries</li> <li>● Holds a technical and practical mandate.</li> </ul>
Application of COP Rules	<ul style="list-style-type: none"> <li>● COP rules apply <i>mutatis mutandis</i></li> <li>● Must maintain technical autonomy in accordance with its mandate (Article 45.2 of the Agreement).</li> </ul>
Composition and membership	<ul style="list-style-type: none"> <li>● 18 members:               <ul style="list-style-type: none"> <li>- 3 from each UN regional group.</li> <li>- 1 SIDS, 1 LDC, 1 LLDC.</li> </ul> </li> <li>● Broad expertise: i.e. science, law, policy design, project management.</li> <li>● 4-year term, renewable once, with staggered terms for continuity</li> </ul>
Relationship with other bodies	<ul style="list-style-type: none"> <li>● Close coordination with the Finance Committee and the CHM</li> <li>● Contributes to identifying Developing Countries needs and linking them with resources.</li> </ul>
Participation	<ul style="list-style-type: none"> <li>● The Committee should be a key space for ensuring effective Developing Countries' participation</li> <li>● It is mandated to identify, support, and facilitate their specific needs.</li> </ul>

<b>SCIENTIFIC AND TECHNICAL BODY (STB)</b>	
Core functions	<ul style="list-style-type: none"> <li>a. Provide scientific and technical advice to the COP and other bodies</li> <li>b. Its functions are distributed across more than 10 articles of the Agreement (e.g., ABMTs, EIAs, emergency measures, traditional knowledge, etc.).</li> </ul>
Nature and character	<ul style="list-style-type: none"> <li>● A technical, multidisciplinary body.</li> </ul>
Application of COP Rules	<ul style="list-style-type: none"> <li>● COP rules apply <i>mutatis mutandis</i></li> <li>● May adopt its own working rules.</li> </ul>
Composition and membership	<ul style="list-style-type: none"> <li>● Possibility of thematic sub-groups, expert panels, or technical committees.</li> <li>● Appropriate qualifications and commitment to serve in the Agreement's best interest.</li> </ul>
Relationship with other bodies	<ul style="list-style-type: none"> <li>● Should cooperate with the COP, CHM, other subsidiary bodies, and relevant IFBS.</li> <li>● May meet before or after COP sessions.</li> </ul>
Participation	<ul style="list-style-type: none"> <li>● Must ensure participation of developing countries experts.</li> <li>● CLAM stresses the need to secure funding and full inclusion.</li> </ul>

<b>ACCESS AND BENEFIT-SHARING COMMITTEE (ABS COMMITTEE)</b>	
Core functions	<ul style="list-style-type: none"> <li>● According to Article 15 of the BBNJ Agreement, the Committee shall: <ul style="list-style-type: none"> <li>a. Establish guidelines for sharing both monetary and non-monetary benefits (in line with Article 14).</li> <li>b. Ensure transparency.</li> <li>c. Guarantee a fair and equitable distribution of benefits derived from marine genetic resources.</li> </ul> </li> <li>● Its functions are essential to the effective implementation of Part II of the Agreement</li> </ul>
Nature and character	<ul style="list-style-type: none"> <li>● CLAM considers the Committee to hold a highly technical and specialized mandate</li> <li>● It requires flexibility to evolve as unresolved aspects (such as Digital Sequence Information – DSI) continue to be developed. <ul style="list-style-type: none"> <li>- Inspired by mechanisms such as: ABS Clearing-House (Nagoya Protocol), ITPGRFA Committee (Plant Genetic Resources Treaty), Advisory group of the Influenza Pandemic Preparedness Framework.</li> </ul> </li> </ul>
Application of COP Rules	<ul style="list-style-type: none"> <li>● COP rules should apply <i>mutatis mutandis</i>, but:</li> <li>● The Committee should have autonomy to adopt more specific rules.</li> <li>● CLAM supports the adoption of a single legal instrument combining modalities, functions, and internal rules (as in other multilateral treaties)</li> <li>● Rules must incorporate flexibility for future functions yet to be defined.</li> </ul>
Composition and membership	<ul style="list-style-type: none"> <li>● Size already defined by the Agreement, but: <ul style="list-style-type: none"> <li>- Equitable representation of UN regional groups must be ensured</li> <li>- Members should have relevant technical qualifications linked to effective implementation of Part II.</li> <li>- Although not expressly required by the Agreement, members should act in the best interest of the Agreement.</li> </ul> </li> <li>● Proposed term: 4 years, renewable once</li> <li>● Staggered terms are recommended to preserve institutional memory.</li> </ul>
Relationship with other bodies	<ul style="list-style-type: none"> <li>● ABS Committee functions are interconnected with the CHM and potentially with other bodies.</li> </ul>
Participation	<ul style="list-style-type: none"> <li>● Participation of developing countries is implicit in the Committee's mandate, as its focus on fair and equitable benefit-sharing necessarily involves addressing developing countries needs and priorities.</li> </ul>