

Canada's input on the operationalization of the Scientific and Technical Body

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Canada would like to prioritize the operationalization of the Scientific and Technical Body. This subsidiary body is referenced the most in the BBNJ Agreement text (41 references) and has been assigned numerous specific functions and tasks across the various parts of the Agreement (~27), notably in the ABMT and EIA provisions, with a key mandate to provide expert advice and recommendations to the COP. It is understood that while STB carries no specific role in the MGR part, the COP may assign further functions to the STB as deemed necessary.

In early years, the STB can focus on the core functions it has been assigned thereby focusing the expertise on ABMT and EIA related matters. Regardless, given a large volume of work to be advanced intersessionally and a risk of overloading this body with heavy agenda from its early days, and to enable STB to undertake its multiple functions, many of which involve development of guidance, standards, and advice, there may be a need for the STB to establish informal ad-hoc technical expert groups. As such, besides operationalizing a roster of experts under the STB that is intended to assist developing countries on the implementation of the EIA provisions, Canada would support enabling the STB to establish a limited number of such groups to work on specific priority issues towards advancing its mandate with respect to relevant parts and provisions of the Agreement. This would be similar to the practice of several other relevant IFBs, including the Convention on Biological Diversity¹.

To be able to draw on appropriate advice emanating from IFBs, the STB should be enabled to cooperate with other relevant IFBs under the guidance of the COP. As a new advisory body within the larger institutional framework, effective and efficient cooperation and exchange with relevant IFBs would enhance the comprehensiveness, robustness and practicability of the SBT advice, building upon extensive experience and available knowledge. It would be helpful to enable the STB to provide majority and minority opinions or views to the COP, which may help overcome instances where consensus cannot be reached amongst all members². Overall, the effectiveness and productivity of STB will need to be well supported by key institutions, particularly the COP (including with respect to ensuring that the STB has the financial resources required for the implementation of its mandate as prescribed in the Agreement), Secretariat, and the Clearing-House Mechanism.

¹ The CBD is a prominent example, with its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) frequently utilizing this mechanism. Similarly, the UNFCCC and its subsidiary bodies also utilize ad hoc expert groups. The Montreal Protocol on Substances that Deplete the Ozone Layer also relies on expert groups for scientific and technical assessments.

² A precedent for such approach comes from the South Pacific Regional Fisheries Management Organization (SPRFMO) whereby "the rules of procedure of the Commission shall provide that where the Scientific Committee is unable to provide its advice by consensus, it shall set out in its report the different views of its members".

Canada prioritizes the inclusion of expertise in traditional knowledge of Indigenous Peoples respecting the need for considering parity between how Indigenous Knowledge and science are considered within the STB. Indigenous Knowledge holders should be included as full members with equal standing to participate as scientific and technical experts, and not just in an advisory capacity. Additionally, Indigenous Peoples should be able to self-select in both knowledge and representative roles on the BBNJ subsidiary bodies.

STB Selection process. The Scientific and Technical Body shall be composed of members serving in their expert capacity and in the best interest of the Agreement, nominated by Parties and elected by the Conference of the Parties, with suitable qualifications, taking into account the need for multidisciplinary expertise, including relevant scientific and technical expertise and expertise in relevant traditional knowledge of Indigenous Peoples, gender balance and equitable geographical representation. The terms of reference and modalities for the operation of the Scientific and Technical Body, including its selection process and the terms of members' mandates, should be determined by the Conference of the Parties at its first meeting.