

High Seas Alliance
Tuesday 19 August afternoon
Item 5 Rules of Procedure

Good afternoon delegates. Since this is the first time we are taking the floor, we'd like to thank the co-chairs for your hard work and that of DOALOS.

We will address matters arising under questions 1 and 2

On Rule 6 - Observers

We thank the many delegates, recently ROK and Norway, who have supported transparency and who continue to support strong and transparent provisions on observers, consistent with article 48 of the Agreement. That reads, and I quote, "the rules of procedure of the Conference of the Parties shall provide for modalities for such participation and shall not be unduly restrictive in this respect. The rules of procedure shall also provide for such representatives to have timely access to all relevant information."

Modalities should accordingly favor observer participation in the CoP's Rules of Procedure, and the exclusion of observers should only occur if two-thirds of Parties agree to such exclusion, to reflect the historically high standard of transparency incorporated throughout the BBNJ Agreement. For further details we have a briefing available on our High Seas Alliance website under policy briefs.

Specifically, and in line with your request for text, co-chairs, we suggest for Rule 6 paragraph 1 bis that two thirds be retained as the threshold for objections to observer applications.

On Rule 3 bis

For paragraph 9 of rule 3 bis, we suggest that the suggested maximum period should be four hours rather than two so it should read:

"The duration of online sessions should preferably be limited to **four** consecutive hours per day."

On Rule 4

We have some suggestions for rule 4 paragraph 1 and more specifically we recommend that COPs be held on an annual basis for at least the first five years - so suggest inserting "for the first five years" in the bracket - and in paragraph 2, to add the words "and venue" after "duration" and after 'at a time' so paragraph 2 would read:

"At each ordinary meeting, the Conference of the Parties shall decide on the date, duration [and venue] of the next ordinary meeting. The Conference of the Parties should endeavour

not to hold such meetings at a time [and venue] that would make the attendance of a significant number of delegations difficult.”

For paragraph 3 of Rule 4, we suggest that the period for calling an extraordinary meeting be 60 days, rather than the 90 day or 6-month options currently provided in the draft, and support a threshold of $\frac{1}{3}$ of the Parties rather than a majority.

On Rule 26,

we suggest adding c ter) to read

“In the event that urgent decisions cannot wait until the next scheduled meeting, they may be taken intersessionally by the subsidiary body.” We recommend the procedure for such intersessional decision making be set out in the modalities or Rules of Procedure of the respective subsidiary body.

On Rule 27

On Rule 27, paragraph 2 we strongly recommend stating that meetings can only be closed “in exceptional and time-bound circumstances” and “by a two-third majority vote”

So it would read:

“Meetings of subsidiary bodies shall be held in public, unless in exceptional and time-bound circumstances the Conference of the Parties decides otherwise by a two third majority vote”

Finally on Rule 8 bis,

Since this was raised on Monday by a number of delegations, we observe that the term used in article 47 paragraph 6 subparagraph c are cooperation and coordination rather than consultation, so suggest deletion of the word “consultation” to bring into alignment with Article 47 (6) (c)

By way of explanation, the BBNJ Agreement uses four terms in various contexts to determine institutional engagement: those terms are cooperation, coordination, collaboration, and consultation. While cooperation, coordination, and collaboration are often ongoing processes, particularly in the way they are operationalized, consultations tend to be discrete events on specific issues or processes. Consultations stand apart as timebound, procedural requirements and would be better elaborated elsewhere. This is important as the term used in the all-important objective in article 2 are “further international cooperation and coordination.”

Thank you co-chairs