

## **High Seas Alliance Interventions Subsidiary Bodies**

### **BBNJ Item 5 Subsidiary Bodies CR 2 High Seas Alliance**

18 August 2025

Thank you Mr Co-chair

We do want to thank the co-chairs and DOALOS for their hard work and customary transparency.

On Question 1:

We support applying the CoP's rules of procedure *mutatis mutandis* for an initial period to save negotiating time.

If applying a differentiated approach, we suggest that the Implementation and Compliance Committee (ICC) and the Scientific and Technical Body (STB) would in particular benefit from the development of additional procedures.

On Question 2:

We recommend allowing for intersessional decision-making by subsidiary bodies, in particular the STB.

Mr Co-Chair, we have some specific recommendations on the STB.

First, we note that COP ROP Draft Rule 29 specifies that officers of subsidiary bodies should not serve more than two consecutive terms, which we support. With regard to the duration of terms, we recommend that STB members should serve staggered terms of two to four years each with the possibility for renewal for one additional term to ensure fresh members as well as continuity. This could be specified within ROPs for the STB or, if that duration feels appropriate for other SBs, this could be specified within Part VII of the COP's RoPs.

Second, we note that the credibility and legitimacy of the STB's advice is essential to its effective functioning. Therefore, in order to safeguard that credibility and legitimacy, the ToRs for the STB should include a provision on the conflict of interest, which would oblige STB members to disclose financial or any other interest which could impair their impartiality, objectivity or independence.

Third, given the broad scope of the STB's responsibilities and the need for timely fulfillment of its tasks to ensure the effective implementation of the BBNJ Agreement, we propose that the STB be permitted to meet intersessionally, with the authority to take decisions between COP sessions. This is particularly important for regular, time-sensitive tasks such as the initial assessment of ABMT proposals and review of draft EIAs. The STB should meet at least twice between COP sessions. We recommend that this language be reflected in the STB's ToRs, RoPs and Operational modalities. Language affirming the ability of all subsidiary bodies to meet intersessionally should be included as an addition to Rule 26 of the CoP RoPs, under a new Rule 26(c) *ter*, stating: AND I QUOTE

“In the event that urgent decisions cannot wait until the next scheduled meeting, they may be taken intersessionally by the subsidiary body.” END QUOTE

Next, the STB should also have flexibility in its meeting formats—whether in-person, virtual, or hybrid—and should determine the format and frequency based on operational needs. We recommend that this flexibility be reflected in the STB's ToRs, RoPs and Operational

modalities. We support the proposed Rule 3bis.5, which affirms that all subsidiary bodies with limited membership may use flexible meeting formats.

We recall that Article 49 paragraph 3 empowers the STB to draw upon advice of external experts, including from IFBs. We believe this is an important element and recommend that this be reflected in the RoPs or Operational modalities for the STB. There could be several options for specific modalities which would allow such external advice, including inviting external experts to attend meetings of the STB, or any working groups it may establish, in an advisory, non-voting capacity.

Finally, but importantly, we encourage delegations to consider the timing of elections of members of subsidiary bodies, in particular the STB. The STB plays a critical role in many aspects of the agreement and should be functional as soon as possible. The HSA recommends that it should meet well prior to COP2. In order for the STB to be operational and its members confirmed prior to COP2, however, some sort of special arrangements will need to be made—either to have some mechanism which would allow for nominations to be considered at COP1 (which would necessitate nominations being made prior to COP1) or the process for nominations and selections should be adopted at COP1 and special arrangements made to consider and elect STB members intersessionally.

Thank you