



Statement of Hiroko Muraki Gottlieb

Head of Delegation and Representative for the Ocean, International Council of Environmental Law

Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction and the Convening of the Second Meeting of the Conference of the Parties to the Agreement (Second Session)

Item 5: Rule of Procedure for the Conference of the Parties to the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction

New York, Friday, 29 August 2025

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Mr. Co-Chair,

ICEL appreciates many delegations that have cited Article 48 on the importance of an inclusive participation of various entities in the meetings of the COP and those of its Subsidiary Bodies.

ICEL proposed last week to consider an inclusive approach, without an approval process. Such a concept is clearly articulated in Rule 18 of the Rules of Procedure of the Meeting of States Parties to the United Nations Convention on the Law of the Sea (UNCLOS) and bearing in mind that the BBNJ Agreement is under UNCLOS, ICEL continues to believe in the critical importance of observer participation without undue burden.

With respect to Option I - the least restrictive of the three options - ICEL considers that the following elements would better align with the BBNJ Agreement:

- With respect to IFBs, ICEL supports the proposal made by Iceland, Switzerland, and the UK that includes a wide participation with no approval process.
- With respect to NGOs, we consider it important to distinguish between those NGOs that are accredited by ECOSOC and should be accorded observer status, and those NGOs that are not accredited. With respect to the latter category, that is non-accredited NGOs, ICEL supports the process for approval set out in Option I, Rule 6, paragraph 1bis, but with a requirement that two-thirds of Parties present would need to object to the participation of an NGO, as supported by the UK. We strongly support those delegations that do not support a non-objection procedure being introduced in the Rules of Procedure.

In addition to transparency, we note that observers are partners of capacity building as envisioned in Article 41.2, and are included in the wide call to voluntarily provide financial contributions in support of the implementation of the Agreement, pursuant to Article 52. However, should the delegations agree that an observer approval process must be introduced, ICEL considers that Option I, para. 1bis would require redrafting to exempt certain categories of observers from an approval process as we proposed.

Thank you.

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