



PHILIPPINES

STATEMENT

Item 5 (continued)

**Terms of Reference and modalities for the operation of, and rules of procedure
for, the subsidiary bodies
(Cluster I: Issue 2)**

**SECOND PREPARATORY COMMISSION
Delivered by Director Marco AFL Lopez
DFA-Maritime and Oceans Affairs
Office**

18 August 2025

Excellencies, colleagues,

Thank you, Co-Chairs.

The Philippines aligns itself with the G77 and China, and conveys in particular its agreement to its statement that the form should follow the function. As such, there should be common elements as well as unique features for each subsidiary body.

It is on this point that we are honored to deliver this statement in our national capacity.

The Preparatory Commission should work towards draft terms of reference (ToR) and modalities for all subsidiary bodies established under the BBNJ Agreement to ensure that the first COP can operationalize them without delay. This will help build early momentum for implementation, particularly on key priority areas such as area-based management tools (ABMTs), environmental impact assessments (EIAs), capacity building and technology transfer (CBTT), and the clearing-house mechanism.

The Philippines would like to see the following common elements across all subsidiary bodies:

- a. For inclusivity and transparency, we espouse the dedicated seats for developing States, including LDCs, SIDS, and LLDCs; and [where appropriate](#), specific representation from archipelagic States, as well as the participation of observers.

- b. Recognizing the importance of coordination, the subsidiary bodies must be able to interact with each other, with States and with subsidiary bodies of other relevant instruments, as well as with the COP, the Secretariat and the CHM;
- c. For adaptability and flexibility, we support the holding of periodic reviews of the rules of procedure and their implementation. Subsidiary bodies should have the ability to revise their ToRs periodically based on guidance from the COP or changing scientific and policy needs.

On this note, the Philippines would be open to a combined document—as long as it is clearly structured by the subsidiary body, with distinct sections outlining mandates, composition, reporting lines, and modalities of work, with due regard to the uniqueness in functions and purpose. It must be stressed that clarity should be maintained to ensure that each body's function and membership are distinctly defined. The commonalities or general aspects of the subsidiary bodies, such as reporting mechanisms, should likewise be reflected in the Rules of Procedures.

Further, the Philippines expresses its appreciation for the matrix prepared of Eligibility Criteria for the different subsidiary bodies. The list captures the relevant expertise required by the subsidiary bodies.

We are inclined to support the proposal that this should be an indicative list, rather than a definitive list of qualifications. It is on this note that the Philippines would like to see the following key elements reflected in the Co-Chairs' draft text/s for subsidiary bodies:

- Equitable geographic representation and balanced expertise in the selection of members, especially ensuring participation of SIDS, LDCs, and, [as appropriate](#), archipelagic states.
- Transparent and merit-based selection processes, with clear criteria including regional balance, gender representation, scientific and technical qualifications, and experience in capacity building or traditional knowledge.
- Operational modalities for inclusive participation, including remote or hybrid modalities, translation services, and financial support for participation of developing country experts.
- Defined reporting and coordination channels with the COP and other relevant bodies, especially to avoid siloed decision-making.
- Mandates aligned with the BBNJ objectives, including promotion of cooperation, best available science, and knowledge sharing, particularly for ABMTs and EIAs.
- Provision for ad hoc working groups or technical panels to respond to emerging issues or knowledge gaps, particularly on ocean science, benefit-sharing, and monitoring.

These elements go beyond what is currently reflected in the draft Rules of Procedure for the COP, as noted in the Co-Chairs' comparative matrix, particularly with regard to the selection process for members, procedural safeguards for inclusivity, and specific coordination roles of the subsidiary bodies.

On the length of term, we support the proposition that it will be renewable for a limited amount of time and for staggering to retain knowledge in the subsidiary body while allowing to bring in fresh ideas.

The Philippines emphasizes that these structures must be designed to enable effective participation of developing coastal and archipelagic states, to ensure the Agreement delivers on its capacity building and equity commitments.

Thank you. END.