



**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 First Meeting of the Conference of the Parties to the Agreement**

Second session – New York, 18-29 August 2025

**MODEL TERMS OF REFERENCE - SCIENTIFIC AND TECHNICAL BODY  
(25-27 August)**

Thank you co-chair,

In the islands, we are taught that if we are taken by the current, it may be imprudent to resist but rather swim with it. Therefore, on behalf of AOSIS, I shall make the best attempt to follow the work method, noting that we were really under the expectation of a revised document. With that said, we will engage on this document.

We further note that there are overlaps with the discussions taking place in the room regarding the Rules of Procedure. For AOSIS, we will be remaining consistent on what is said there and what is said here, so the Co-chairs may want to consider having the relevant ROP imported here once those are concluded under the ROP discussion - unless of course, delegations see a different rule applying.

**Part I. Scope of Work**

AOSIS is unclear about reflecting functions in the scope of work when there is a dedicated element for functions. To avoid repetition, we suggest that consideration can be given to merging “Scope of Work” and “Functions”.

The STB should also be able to cooperate and support the work of the BBNJ SBs. So we can agree to lifting the brackets around ‘and its subsidiary bodies.’

**Part V. Functions**

Thank you co-chairs, I am speaking on behalf of AOSIS. My colleagues tell me even the technology is recognising our special circumstances by having reflected twice. In the case of purpose and functions, the substance of these will be different for each body.

But what we do see as similar across all the bodies, though, is the inclusion of paragraph 9, which explicitly reflects Article 7(m) of the Agreement.

We will consider the new importations from the Agreement as proposed by CLAM, but see it as separate from this paragraph. In addition, AOSIS suggests adding in paragraph 10 after the best available science “**and relevant traditional knowledge of Indigenous Peoples**” in performing its functions.

## **Part VI. Membership**

AOSIS proposes we track the phrase more closely to the text of Article 49 paragraph 2 and should read: “The members of the Scientific and Technical Body shall serve in their expert capacity and ~~will be elected in their personal and individual capacity on the basis of their scientific and technical expertise, and serve in the best interest of the Agreement.~~ Members will not represent any organization or government in their capacity as a member of the Scientific and Technical Body.”

Similarly, in paragraph 12, as with all parts of the BBNJ Agreement, we would need to see the side-by-side reflection of best available science and “relevant traditional knowledge.”

**On Eligibility Criteria in paragraph 13**, this morning, I turned to the dictionary to look up the word equity: dealing fairly with all concerned and fair in a way that accounts for and attempts to offset disparities in the way people are treated. Then I looked up the word equality, and the definitions are not the same. In this paragraph, which is aligned with language in the Agreement, we would just highlight that our understanding of “equitable geographical representation” includes a dedicated seat of SIDS.

**On Number of Members in paragraphs 15-17**, AOSIS will not comment on numbers, but we maintain that the STB should have at least one dedicated seat from small island developing States. The STB will make critical decisions regarding ocean areas that directly abut the EEZ of SIDS, making it unacceptable for an STB where SIDS are not directly represented in these key discussions. Direct representation of SIDS in the STB in these key decisions is thus crucial for comprehensive ocean governance. The UN regional grouping system has not always adequately served to ensure SIDS representation in crucial matters that affect us.

The Agreement’s Article 28 explicit references to the SC SIDS, particularly anchored in Article 7m, create not merely aspirational language but a legal foundation requiring meaningful SIDS participation in all implementation mechanisms, including in the STB. This legal obligation reflects a practical necessity: **expertise and understanding of the SIDS-specific characteristics and contexts cannot be adequately represented by proxy**. Some grand vacation in Waikiki, Palau, Seychelles or Antigua does not make one an expert on SIDS. Only experts who live and work within SIDS contexts possess the nuanced understanding of SIDS’ unique challenges and the potential burdens that this Agreement will place on them. This is essential for sound technical advice by the STB.

Given the current uncertainties, unknowns surrounding the consultation process, including unclear scope and nature of consultations to be established, inadequate resources for comprehensive consultation processes, uncertainty about GEF funding for consultation activities, and we have yet to speak of the Special Fund, SIDS cannot rely solely on extraneous consultation mechanisms for meaningful participation.

For these reasons, SIDS have advocated for a comprehensive approach: a dedicated PoW on SIDS to be implemented jointly by the BBNJ SBs. A dedicated seat on the STB serves as a

critical element of this approach, ensuring that SIDS-specific considerations are consistently reflected across all SBs while enabling coherent integration between the STB's advice and the work of other SBs. This would ensure the alignment of the provision of advice with adequate capacity needs and benefit-sharing arrangements.

Article 7m provides a legal rule which must guide the implementation of the Agreement. It is not just something we think about once in a while; it must be considered at every step of the implementation of this Agreement. Without guaranteed SIDS representation on the STB, the Agreement risks failing to achieve its conservation and sustainable use objectives in the very ocean areas where SIDS expertise is most essential.

We are pleased to see the reflection of the early-career ocean professional members. We lament the absence of gender balance in this paragraph and ask that it be captured.

**On Selection Process in paragraph 18(a)**, AOSIS values the importance of the role and mammoth task that the STB will have, and therefore, is considering how to have the issuance of an early invitation letter for submission of nominations, so that COP1 will be the moment to elect the nominees to the STB to ensure an expeditious start of its work.

**On Term of Office in paragraphs 19-20**, we would prefer a term limit of no more than two consecutive terms. We are happy with the formulation of capturing staggered terms. We would flag, like others, that any term duration should align with the frequency of COP meetings.

**On Replacement of Members**, in paragraph 21 in the event of replacement of members, the balance of the body should be maintained. Therefore, we would support that any replacement to a member should be from the particular group or category of States. In paragraph 22, AOSIS prefers an option that is most efficient and provides the STB with some autonomy in this intersessional period; so we are considering having the STB do this.

**On the question of Officers**, we note that this is another example of a provision that is also, under discussion in the room on Rules of Procedure - AOSIS continues to strongly support ensuring SIDS representation in the bureaus of all subsidiary bodies. If subsidiary bodies are to have officers, one seat should be a dedicated SIDS seat.

## **Part VII - Modalities**

### **1. Program of work**

AOSIS continues to support an agenda item and work programme on SIDS, as well as a joint work programme on SIDS across SBs, as respectively reflected in para 30 and 31 as we've said in the Reporting and COP RoPs sessions. The following text could be used:

**The programme of work shall include a standing agenda item on "the needs, priorities and other matters relating to Small Island Developing States," in relation to the functions of the STB.**

**In collaboration with other subsidiary bodies and the secretariat, the STB and its work program shall contribute to the development and implementation of a joint work program to identify and address the needs, priorities and other matters relating to small island developing States**

**across all subsidiary bodies.**

## **2. Meetings**

On frequency of meetings in paragraph 32, the meetings of the STB should take place as necessary and sufficiently in advance of each regular meeting of the COP, for a duration to be determined by the COP which should not normally exceed X days. The number and length of the meetings and activities of the STB and its sub-committees (if applicable) should be reflected in the budget adopted by the COP or other sources of extra-budgetary funding.

On Notification of Meetings, in paragraph 33, in general, as Small Island Developing States with limited capacity and resources, AOSIS would generally favour longer timelines and notice periods. On 33bis, in order to remain flexible and be able to adequately respond to real-time emergencies, we suggest remaining flexible on the number of days for notification, noting the need for sufficient advance notification time.

On Documentation in paragraph 37, we think it may be efficient to entrust the Chair with these functions unless the STB members decide otherwise. That said, the Chair should be able to delegate work to other members of the STB. We think the Chair can enjoy that flexibility.

For in-person, online or hybrid participation, we also wonder whether there should be provisions that allow the STB to complete procedural tasks in the intersessional period, which may not warrant a meeting, but could be completed by emails, for instance, such as those related to Article 20 of the Agreement.

For Observer participation in paragraph 42, for AOSIS, as a general rule, STB meetings will be open. Should it decide that there needs to be a closed meeting, then, in line with our previous position on giving the STB some autonomy, we could be comfortable with letting the STB decide what meetings should be closed, as appropriate.

We support para 43 regarding participation from the Chairs of other subsidiary bodies. This is particularly relevant in the conduct of a joint program of work on SIDS.

## **3. Decision-Making**

In line with previous AOSIS proposals, which have not been well captured in this section, we resubmit the following text to add at the end of paragraph 45:

**When decisions significantly impact SIDS implementation capacity or require SIDS-specific responses, the Committee shall ensure SIDS representatives have adequate opportunity to present concerns and alternatives before finalising recommendations to the COP.**

In addition, AOSIS proposes to add the following further **"recommendations to the COP shall include information on how such recommendations would impact SIDS implementation capacity."**

## **5. Reporting Requirements**

On paragraph 49, AOSIS does not see a need for having the template and format of the SBs reports approved by the COP. On the timeline for submitting their reports, we suggest that they

be submitted in advance of the COP with sufficient time for parties to consider and prepare. In the last sentence, there is a requirement for copies of the report to be transmitted to members of the STB. We are not clear on the intention of specifically stating this, but we have no major concerns since it is in line with transparency. We are also fine with this happening at the same time as when the report is transmitted to the COP.

On paragraph 50, we would seek clarification on the intention. We understand “the work” of the STB to cover all activities conducted, including through working groups. We also note that the period covered by the report isn’t mentioned. We would suggest that the period is from the previous report. In this paragraph there could be a placeholder for reporting by the STB on its interactions with the STBs of IFBs, possibly by cross-referencing the current para 62.

For para 51, AOSIS is supportive of transparency and therefore, can support that the report shall be made public once adopted. AOSIS continues to support the placeholders in paragraphs 52 and 53, for a standing SIDS section and a placeholder for joint reporting of subsidiary bodies.

#### **6. Establishment of ad-hoc groups, working groups or subcommittees**

AOSIS is open to the STB having the discretion to establish ad-hoc groups, working groups or subcommittees on specific issues. We would not see a need for the qualifier of a limited number at the start of the paragraph. Our view is that the STB should be able to establish these groups without such a decision being subject to COP approval, in order to give the STB more flexibility.

As indicated previously, we support giving Subsidiary Bodies, including the STB, some autonomy. Therefore, we support the STB to determine the composition and TOR of such ad-hoc groups, working groups or subcommittees. We would not expect that it would need to come back to the COP on these. We assume the groups would be composed of the members of the STB and, if applicable, experts from the roster.

#### **7. Engagement with the IPLC Advisory Group**

AOSIS can support the invitation to experts in para 58, but it may be too prescriptive to already prescribe a set number, especially as we do not know the different situations in which this need may arise. For paragraph 59, the Agreement in article 31(3) does not prescribe the COP to approve the roster of experts. These experts should be selected based on similar criteria to the STB members and also abide by the elements captured in paragraphs 65 - 70. As a reminder, this roster of experts is to provide support for Parties with capacity constraints to provide advice and assistance under Part IV of the Agreement.

### **Part VIII. Cooperation and Coordination**

As we have said previously, this is a discussion taking place in other rooms, and we may want to import what we agree to there.

I thank you

(Attch: Annex A)

## **Annex A to AOSIS Submission on STB Model TORs**

### **AOSIS Textual proposal for paragraphs 30 and 31:**

The programme of work shall include a standing agenda item on "the needs, priorities and other matters relating to Small Island Developing States," in relation to the functions of the STB.

In collaboration with other subsidiary bodies and the secretariat, the STB and its work program shall contribute to the development and implementation of a joint work program to identify and address the needs, priorities and other matters relating to small island developing States across all subsidiary bodies.

### **Rationale:**

As part of the programme of work of the STB, we are of the view that there will be a standing agenda item and work program on "Matters relating to Small Island Developing States" where the STB will consider matters relating to SIDS in the functions of their work. These findings and recommendations will then inform and feed into the joint work programme in collaboration with the other subsidiary bodies. For example, if the STB finds that SIDS are having challenges with meeting the requirements for a submission of an ABMT, then the STB will identify this capacity gap and provide this information to the other subsidiary bodies as part of the Joint Work Programme. This could, for example, inform the work of the CBTMT Committee or the Implementation and Compliance Committee. The JWP is necessary to ensure that information on needs and priorities identified by one SB, can be shared with another SB, and addressed in a cross-cutting manner in recommendations that the SBs may then place before COP for adoption.