

**AG statement on Model ToR for Scientific and Technical Body (STB)**  
**Delivered by Seychelles on behalf of the African Group**  
**26 and 27 August 2025**

**Dear Chair, distinguished delegates,**

The AG would like at first to thank the Secretariat for the quality of the document submitted to our analysis. For The AG the structure proposed for the terms of reference of the STB is satisfying as it addresses most points we raised as important during Prep Comm1. The AG would like to emphasize on some of these points and provide its suggestions to complete the document.

The African Group considers the STB as an expert advisory body to the COP and to the parties to be of critical importance. Talking about the selection process of its member, including expertise, eligibility, composition, participation, meeting arrangement and functioning modalities among others, the AG reiterates the following:

**Relationship with COP Rules of Procedure (para. 2)**

The AG supports the formulation that the COP Rules of Procedure apply *mutatis mutandis*. With the caveat that in case of divergences, the ROP shall prevail. We offer the following textual proposal

*“The Rules of Procedure of the Conference of the Parties shall apply, mutatis mutandis, to all matters not specifically dealt with under these Terms of Reference and modalities for the operation of the Scientific and Technical Body, in accordance with rule [26] of the Rules of Procedure of the Conference of the Parties. In the event of any divergence between these Terms of Reference and modalities and the Rules of Procedure of the Conference of the Parties, the Rules of Procedure of the Conference of the Parties shall prevail, unless otherwise decided by the Conference of the Parties.”*

**Definitions (paras. 3–6)**

The AG recognizes the draft list but prefer to expand it further to include terms such as “best available science,” “cooperation and coordination,” and “traditional knowledge.” This list should remain open for evolution as the work of the STB develops.

**Functions (paras. 8–10)**

The AG prefer that the functions of the Scientific and Technical Body be explicitly listed in full, to avoid narrowing the mandate as provided in the Agreement.

Guidance for the functions should derive from Article 7 in its entirety, and not only from subparagraph (m). We offer the following textual proposal:

*“In implementing its functions, the Scientific and Technical Body shall be guided by Article 7 of the Agreement in its entirety, giving due regard to the principles of best available science, equity, capacity building, and the special circumstances of developing States, in particular small island developing States and least developed countries as well as the special interests and needs of landlocked developing countries.”*

### **Membership – Capacity of Members (paras. 11–12)**

The AG agrees that members should serve in their personal capacity and act impartially. To reinforce the integrity of the STB, we propose that confidentiality obligations be added as a core duty of members as follows:

*“In the exercise of their functions, members shall uphold the highest standards of integrity and impartiality and shall maintain the confidentiality of any information designated as confidential, including scientific, technical, or proprietary data, both during and after their term of service.”*

### **Eligibility Criteria (paras. 13–14alt)**

The AG is leaning more towards Option I, which provides a detailed list of expertise. This list should be non-exhaustive, with flexibility for the COP to expand as the Agreement evolves. For this reason, we propose the addition of a new paragraph to read as follows:

*“The Conference of the Parties shall review the list of areas of expertise prior to each election, with a view to including any additional competencies necessary for the effective performance of the functions of the Scientific and Technical Body.”*

This will ensure that the STB remains fit-for-purpose and able to adapt to the evolving needs of the Agreement.

Depending on how this evolves we can explore adding some elements of option II.

### **Number of Members (paras. 15–17)**

The number of members in the STB should take into account the equitable regional representation as practiced by the UN. The composition of the STB should be open to participation by all Parties in line with the practice for STBs under other arrangements and instruments such as CBD and UNFCCC.

The STB should operate on a rotating expert system, allowing for both continuity and renewal, and that it integrates regional centers of excellence and traditional knowledge holders.

### **Selection Process (para. 18)**

Experts of the STB must be selected on the basis of demonstrated competence and relevant qualifications through a **standardized, merit-based nomination process with** clarity on the eligibility criteria for experts serving on more than one SBs.

The selection process should also include dedicated seats to ensure the representation of LDCs and SIDS into the STB.

It is essential that the STB's composition reflects equitable geographical representation, gender balance, and incorporates traditional and local knowledge. It should also include interdisciplinary expertise, especially in oceanography, marine ecology, marine biodiversity, marine environment, marine science and marine conservation, data science, and socio-economic dimensions of biodiversity.

On timeline for completion of this process: Recognising the important role of the STB, AG also agrees with other delegation in giving due consideration to a timeline that favours the full establishment of the STB at the earliest possible.

#### **Term of Office (para. 19–20)**

Provision for regional balance with guarantees for African representation in the bureau must be made.

*Subject to paragraph [20], members shall serve from the close of the ordinary meeting at which they are elected for a term of 2 meetings or 4 years from the date of appointment, and shall be limited to one re-election, no more than two consecutive terms and at least two intersessional periods.*

#### **Replacement Members (paras. 21–22)**

We support the procedure outlined, opening the bracket on representing the same regional group or category of States. We would propose the following language on para 22:

*If the vacancy arises inter-sessionally, the Secretariat may make an interim appointment for time left from the nominations received, in consultation with the relevant regional group or category of States, subject to confirmation by the Conference of the Parties at its next meeting.”*

#### **Election of Chairs (paras. 23–25)**

We recommend considering the election of chairs during the COP in accordance with the practices in other treaties. The STB can also identify the (other) Chairs from within their members. Chairs should not be granted the right to vote to ensure impartiality and transparency.

#### **Quorum (para. 34)**

The African Group supports a quorum threshold of two-thirds of Parties present and accredited at the session, in line with MEA practice, to ensure both legitimacy and functionality of the COP.

“Minority” views should be included in STB instances where advice or a recommendation by consensus is not possible.

### **Working Languages (para. 35alt–35alt ter)**

#### **The AG support Option II:**

The meetings of the Scientific and Technical Body will be held, and reports and other documents shall be produced pursuant to *Option II*, 35alt., 35 alt. is and 35 alt ter in all the six official languages of the United Nations with Interpretation shall be offered at least in all working languages during meetings of the STB and reports and other documents will be made available in all official languages.

### **3. Decision-Making (paras. 45–47)**

The STB should be responsive, flexible and adapting to evolving needs and hence should be striving on consensus from majority of members. Para 45 no major objections

The STB should be able to make decisions up to certain levels on some issues and then report to COP for endorsement. Minority views also to be included properly in the report. The STB must maintain its independence for upholding the precautionary principle and for ensuring integrity in processes such as EIA evaluations.

For Paragraphs 46 and Paragraphs 47 -AG is still considering these two sections.

### **Reporting (paras. 49–53)**

The reporting procedures of the STB to the COP must be established, with standardized timeframes and formats where appropriate.

The reporting templates should be accessible and not unduly rigorous for developing countries.

Provisions need to be made for funding/financial support for Developing Countries where needed.

### **Section VIII- Cooperation and Coordination (paras. 62–64)**

The African Group support cooperation with IFBs and other relevant global, regional, and sectoral bodies. This cooperation is essential to the effective implementation of the Agreement and should therefore be mandatory rather than optional to be observed by the STB. We therefore propose that in paragraph 62, the operative language use the term “*shall*” instead of “*may*”.

Subject to the consensus being reached on the discussions on cooperation with IFBs, we offer the following language:

*“Clear mechanisms and specialized protocols shall be developed for the Scientific and Technical Body to collaborate with other relevant scientific bodies and intergovernmental frameworks and bodies, particularly in relation to Environmental Impact Assessments and Area-Based Management Tools. This cooperation shall be operationalized through memoranda of understanding and structured scientific dialogues with relevant institutions, including the CBD Subsidiary Body on Scientific, Technical and Technological Advice, the IOC/UNESCO, and the Legal and Technical Commission of the International Seabed Authority.”*

**Review & Amendment (para. 74–75alt2)**

**Option III- Textual proposal (replace 75alt2):**

*“The Scientific and Technical Body may review these Terms of Reference and make recommendations for amendments, which shall be submitted to the Conference of the Parties for approval prior to their implementation.”*