

BBNJ IGC 4, Agenda item 6. Informal informals on Cross cutting issues – Institutional Arrangements. 14 March 2022, WWF International STATEMENT

Distinguished delegates,

WWF wishes to share a few thoughts and suggestions we hope will be useful for delegates on **Part VI – Institutional Arrangements**.

It is important not only that a Conference of the Parties (COP) is established but that it is strong and effective in helping and coordinating States. **The COP needs to have legal personality, to act as the world’s voice for the ocean.**

A BBNJ COP, for instance, rather than the UNGA, would also be the appropriate body to receive and consider reports from the Regular Process for Global Reporting and Assessment of the State of the Marine Environment. There are numerous other marine monitoring and reporting processes for which the BBNJ COP should become the appropriate global focus, including the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS). Significant synergies and opportunities to avoid duplication are to be had.

A crucial part of the institutional arrangements needs to be a provision in the BBNJ ILBI that gives the COP global ‘enhanced cooperation’ cross-sectoral oversight responsibilities.

Article 48 needs expanding to more clearly and comprehensively set out the powers, mandate and responsibility of the COP (especially, for instance, in being able to designate MPAs and adopting management plans for them).

Decision making on substantive issues: All reasonable efforts on substantive issues should be made to achieve consensus, and if exhausted, decision making should be through a qualified majority vote. The voting rules should be included in the ILBI and not left to the COP.

Secretariat: A stand-alone Secretariat needs to be established to appropriately support the COP in the implementation of the ILBI.

Subsidiary body on scientific and technical advice (SBSTA): To give substance and status to this voice for the ocean, the COP needs its own, dedicated, subsidiary body on scientific and technical advice (SBSTA). The advisory body to be established by **Article 49** needs to explicitly and clearly be a ‘subsidiary body’ of the COP – a SBSTA to work in parallel and cooperation with the CBD SBSTTA

It is important that the SBSTTA has some autonomy and we suggest a paragraph like CCAMLR’s Article XV.2 “(e) *transmit assessments, analyses, reports and recommendations to the Commission as requested or on its own initiative*”

Regional implementation arrangements: In addition to a provision in the BBNJ ILBI that gives the COP global ‘enhanced cooperation’ cross-sectoral oversight responsibilities, WWF

suggests that a special part of the ILBI be included that **allows for the COP to devolve some or all of such responsibilities to a 'regional implementation arrangement' to establish a regional oversight framework within which 'enhanced cooperation' can be made to happen in practice.**

A key provision in this 'devolution' part of the ILBI would be an open invitation for States with a real interest in the conservation and sustainable use of the biodiversity of a region, to cooperate in preparing and presenting a devolution proposal to the COP for its consideration.

In effect, such a regional arrangement would be empowered to act on behalf of the COP to implement the BBNJ ILBI in its designated region. While it would be up to champion States to propose a regional arrangement, WWF envisages that such regions would be oceanic in scale – seven regions covering all the world's ABNJ. These regions would have a number of sub-regional seas arrangements around the edges of each of them, many of which already exist as regional seas organisations (RSOs) including UNEP's network of Regional Seas Conventions and Action Plans (RSCAPs). These would continue to focus on neighbourly cooperation between adjacent coastal States – including engagement in BBNJ matters, as appropriate. This is where the issue of '**adjacency**' would be discussed and resolved to regional satisfaction. It is also important to note that many of the threats faced by marine species populations are often regional or sub-regional, and that threats can be different from region to region.

It has been suggested that the mechanism to establish such an oceanic regional arrangement could be modeled on Articles 8 & 9 of the UN Fish Stocks Agreement (whereby champion States can engage with any other States with a real fisheries interest in the area to negotiate an agreement to set up an RFMO or similar arrangement). WWF is supportive of this suggestion. Such a process could be used to establish BBNJ ILBI regional arrangements with membership **open to any State with a 'real interest' in the conservation and sustainable use of biodiversity in the BBNJ of a particular region.**

Establishing the purpose of such a regional arrangement, however, is a much more important consideration. For WWF, the key purpose needs to be to establish the appropriate level of oversight needed to ensure delivery of the necessary cross-sectoral and cross-jurisdictional cooperation needed to deliver ecosystem-based, integrated ocean management. States with a declared interest in a region would be encouraged to develop oversight arrangements uniquely tailored to the ecologies, cultures, uses and values of their region. This would deliver the holistic management the UNGA says it wants of a BBNJ ILBI. Effective outcomes inevitably involve cross-jurisdictional cooperation involving adjacent coastal States as well as cooperation between sectors sharing use of the same ocean space.

WWF's 'IGC4 Shadow Outcome' brief can be found [here](#). WWF's BBNJ Library of documents for IGC4 is [here](#).

Thank you.