PREPCOM DEEP DIVES

Briefing: BBNJ PrepCom
February 2026

The Scientific and Technical Body: priority issues to be addressed at PrepCom 3

Article 49 of the BBNJ Agreement establishes the Scientific and Technical Body (STB) and requires the first Conference of the Parties (CoP1) to determine the STB's terms of reference (ToRs) and modalities, including the selection and tenure of its members. Based on extensive research into comparable bodies under relevant international instruments and arrangements (see Annex 1), the Natural Resources Defense Council (NRDC)[i], Pew[ii], the High Seas Alliance[iii], and OceanCare have identified best practices relevant to the issues Parties will address at PrepCom3 as they develop recommendations on the SBT's ToRs and modalities, and the election of its members, for consideration at CoP1.

The recommendations in this briefing paper are based on, and respond to, the draft provisions introduced in the aid to discussions and negotiations on the ToRs, modalities, and rules of procedure (RoPs) for the subsidiary bodies (SBs) (hereafter "draft SBs' ToRs/RoPs"), as well as the further revised aid to discussions and negotiations on the CoP RoPs, prepared by the Co-Chairs and circulated on 12 January 2026 (hereafter "revised CoP RoPs").

Timing of STB members election

Given the many urgent and time-sensitive tasks assigned to the STB under the BBNJ Agreement, it is critically important that STB members are elected at CoP1 or shortly thereafter. **PrepCom 3 should develop recommended modalities for the nomination and early election of STB members for adoption at CoP1.**

Intersessional work and flexible meeting formats

Given the significant workload assigned to the STB, its **ToRs should set out modalities that enable the STB to work intersessionally, including for intersessional decision-making on the adoption of recommendations and advice.** This is especially important for time-sensitive tasks, such as the preliminary review of area-based management tool (ABMT) proposals (Art. 20) or comments on draft environmental impact assessment (EIA) reports (Art. 33(3), Art. 33(4)). Several comparable SBs provide for intersessional work[iv].

To ensure the STB can work intersessionally through flexible formats, the High Seas Alliance recommends that PrepCom 3:

1. **Remove the brackets in paragraph 50 of the draft SBs' ToRs/RoPs** so that meetings can be held in person, virtually, or in a hybrid format during regular sessions and intersessionally and add a sentence empowering the SBs to decide on the format and timing of intersessional meetings.
2. **Ensure that the decision-making procedures set out in paragraphs 56–58 of the draft SBs' ToRs/RoPs apply to all SB decision-making processes, regardless of meeting format** (in-person, hybrid, or virtual) **or location**, provided that a quorum is met in accordance with draft Rule 26, paragraph 1(a) of the revised CoP RoPs.
3. **Strike the bracketed placeholder paragraph 59 and instead provide specific modalities for intersessional decision-making via electronic means only, avoiding reliance on a non-objection procedure** that would allow a single objection by one SB member to stall the entire decision-making process. Establishing clear modalities for intersessional decision-making by electronic means would help ensure the smooth and effective functioning of the STB during intersessional periods. This could include defined timeframes for acknowledging receipt of any request for a vote and clarifying how this affects quorum; setting the timeframe after which the outcome of an electronically conducted vote is determined; and designating responsibility for the ascertainment and transmission of decisions to all members (for example, the SB Chair or the Secretariat)[v].

4. **Remove the brackets around paragraph 51**, thereby allowing intersessional work to be carried out by email. The addition of "or other forms of communication" would help future-proof the ToRs.

Size

To maximize the timely and efficient delivery of scientific advice, **the BBNJ STB should not exceed 35 voting members**, taking into account the importance of geographical representation and breadth of expertise, **and be authorized to involve additional non-member experts as needed to inform and advance its work**. Non-member experts should be able to attend the STB's subcommittee meetings, and engage in discussions and technical work, but not be permitted to vote[vi]. A "committee of the whole" should be avoided due to time and resource constraints and the inability of such committees to deliver timely, specific, and actionable advice to the CoP.

The High Seas Alliance recommends that PrepCom 3:

1. **Adopt Option I in paragraph 12** of the draft SBs' ToRs/RoPs, which establishes a limited-size body, rather than Option II, which proposes the STB is composed of representatives from all State Parties.
2. **Adopt paragraph 75 and remove the brackets** around the modalities for external experts' participation in the work of STBs' working groups and subcommittees. Access to external expertise will be particularly important for the STB to ensure it has the up-to-date knowledge and experience required to provide accurate and scientifically robust recommendations to the CoP.
3. **Adopt paragraph 76**, establishing a roster of experts to support States in the EIA process, and **assign responsibility for establishing the roster to the STB**, which is better placed than the CoP to determine which expertise it requires and to develop guidance on its membership selection.
4. **Replace "shall" with "may" in the first sentence of paragraph 77,** which would make the establishment of an additional general roster of experts optional. Paragraph 75 already allows for the ad hoc inclusion of external experts, and the Agreement, together with draft paragraph 76, already mandates the creation of an EIA-related roster of experts. Requiring the STB to establish an additional general roster and to develop selection criteria and review procedures would impose a substantial workload on a body already charged with extensive responsibilities. Moreover, where specific expertise is lacking, the STB would still need to invite experts on an ad hoc basis.

Tenure

To balance continuity with fresh perspectives and inclusivity, **members of the STB should have staggered terms of no more than four years each, with the possibility of one consecutive re-election[vii].**

The High Seas Alliance recommends that PrepCom 3:

1. **Lift the brackets around the words "one half of" in paragraph 15, adopt paragraphs 14 and 15**, and include the word "consecutive" in draft paragraph 14 ("...and shall be limited to [x] **consecutive** terms").

Qualifications

Article 49 of the Agreement requires that qualifications be "suitable", taking into account the need for gender balance, equitable geographical representation and multidisciplinary expertise – including relevant scientific and technical expertise and the knowledge of Indigenous Peoples and local communities – without specifying the exact fields of expertise. Many STBs under relevant legal instruments and frameworks, and relevant global, regional, subregional, and sector bodies (IFBs) reviewed take a similar approach[viii].

To future-proof access to the expertise the STB may require, the High Seas Alliance recommends that PrepCom 3:

1. **Remove the bracketed text in STB 10.1** or, if that text is retained, keep the list of areas of expertise indicative rather than definitive.
2. **Delete bracketed paragraph 11,** at least for the STB. The STB, not the CoP, should be responsible for reviewing the list of areas of expertise prior to each election and determining what additional competencies are necessary.

Expert capacity

Article 49 of the Agreement provides that members serve "in their expert capacity and in the best interest of the Agreement". **To ensure the STB's legitimacy and credibility, its ToRs should elaborate that serving in an "expert capacity" means acting in an individual capacity based on professional expertise, not representing any organization or government[ix].** CITES' AC and PC and the CMS's SC are also independent in practice, although their members are formally linked to specific regions[x].

The High Seas Alliance recommends that PrepCom 3:

1. **Remove the brackets in paragraph 7 around the text requiring that** "members will not represent any organization or government in their capacity as members of the subsidiary bodies".

Conflicts of interest

To safeguard the impartiality and independence of the STB's advice, the ToRs should establish clear procedures for identifying and managing conflicts of interest. **Members should be required to disclose any financial or other interests, including perceived conflicts of interest, that could affect their objectivity at each meeting and to abstain from voting where a potential conflict of interest exists[xi].**

Part VI of the draft STB ToRs/RoPs – which addresses conflicts of interest and confidentiality – provides a solid foundation but would benefit from greater clarity on the consequences of an alleged breach of conflict-of-interest obligations.

The High Seas Alliance recommends that PrepCom 3:

1. **Amend paragraph 90** to clarify that, at least in the case of the STB, **individual conflict-of-interest cases involving both invited experts and members should be decided by the SB** rather than the CoP. The CoP should be involved only if the SB is unable to reach a decision and requests guidance.
2. **Remove the brackets around paragraph 93 and amend it to clarify that, in the event of an alleged conflict of interest, members** of an SB, at least in the case of the STB, **should abstain from voting and that the SB, rather than the CoP, should decide on the appropriate course of action.** This may include determining whether the conflict of interest should preclude a member not only from voting but also from participating in discussions.
3. **Amend paragraph 92 by removing the words "any data which are transferred to the SB in accordance with the Agreement"** so that the paragraph applies only to "any confidential or proprietary information". This would prevent the ToRs and modalities from being overly broad and potentially treating all data as confidential. Limiting the provision to confidential or proprietary information is sufficient to avoid inadvertent breaches of confidentiality.
4. **Amend paragraph 1bis of draft Rule 28bis of the revised CoP RoPs to include** the words **"potential conflict of interest"** after "as well as," so that the election of members of the SB, at least in the case of the STB, takes into account potential conflicts of interest alongside gender balance, equitable geographic representation, and other considerations set out in the Agreement.

Decision-making

The BBNJ Agreement assigns the STB with a long list of tasks that require timely consideration, including the review and provision of recommendations on draft and final EIA reports (Arts. 33(3), 33(4), 33(6)) and EIA monitoring reports (Arts. 36(2), 36 (3)), the preliminary review and final assessment of ABMT proposals (Arts. 20, 21(7)), and recommendations on emergency measures (Art. 24(3)). To facilitate the timely completion of these and other tasks, the **STB ToRs should provide for voting on the adoption of advice and recommendations by a two-thirds majority, and on procedural matters by a simple majority, once all efforts to reach consensus have been exhausted.**

While all comparable bodies under the IFBs reviewed strive to achieve consensus, several have voting procedures for instances when consensus cannot be reached[xii]. As there is substantial evidence that relying solely on consensus can lead to limited or unclear outputs, providing for voting to resolve technical matters, even if rarely used, will help ensure timely action. Dissenting views should be included in any recommendations to the CoP[xiii].

To ensure this, the High Seas Alliance recommends that PrepCom 3:

1. **Amend paragraph 1(c) of draft Rule 26 of the revised CoP RoPs to require that decisions of** subsidiary bodies, at least in the case of **the STB, be taken by a two-thirds majority** of members present and voting, rather than by a simple majority, **except for decisions on procedural matters**, which should be taken by a simple majority, and **adopt the remainder of the Rule as drafted, with all brackets removed.**
2. **Adopt paragraph 56 with all brackets removed.**

Quora

A quorum of 50% of the BBNJ STB members present and voting should be required for formal debate and formal decisions or recommendations[xiv].

The High Seas Alliance recommends that PrepCom 3:

1. **Adopt draft Rule 26, paragraph 1(a), of the revised CoP** RoPs, noting that the STB should not be open-ended for the reasons set out in the section on size, above.

Working groups

To tackle its significant workload and accommodate the potentially wide range of expertise required, **the BBNJ STB should be able to establish both standing and temporary subsidiary entities that can meet intersessionally in flexible formats and can include external, non-voting experts[xv].**

The High Seas Alliance recommends that PrepCom 3:

1. **Remove the following bracketed text from paragraph 72:** "A limited number of"; "internally"; "only when necessary"; and "under the [guidance] [approval] of the Conference of the Parties". Remove **the remaining brackets and adopt the paragraph** in the following form**: "Ad hoc groups, working groups or subcommittees on specific issues and tasks may be established by the subsidiary bodies, as required, to provide advice and recommendations".** This would allow SBs to establish sub-entities as needed and prevent work from being delayed by the need for CoP approval of each ad hoc group.
2. **Adopt paragraph 73 with the bracketed text included** so that invited experts can participate in the work of SB subcommittees and working groups.
3. **Remove the bracketed text in the first sentence of paragraph 74** to ensure that the STB can determine the composition of its SBs independently of the CoP, considering the time-sensitive nature of its work. **Remove all brackets in the second sentence of paragraph 74 and retain the text.**
4. **Adopt paragraph 75 by retaining the bracketed phrase "to participate in their work or that of their ad hoc groups, working groups and subcommittees, as needed"** and **removing all other bracketed text.**

Participation of observers

Inclusivity and transparency are central to the BBNJ Agreement. To that end, **all STB meetings and documents, including working group documents, should be open to observers.**

If delegates consider it necessary to include an objection procedure regarding the participation of relevant stakeholder entities as observers in meetings of SBs, **any decision to uphold such an objection should require a two-thirds majority. Any decision to close a meeting to all observers should require a two-thirds majority and be limited to exceptional circumstances[xvi].**

The High Seas Alliance recommends that PrepCom 3:

1. **Support the two-thirds majority threshold in draft Rule 6, paragraph 2(c), of the revised CoP RoPs and support the inclusion of paragraph 3(c) in draft Rule 6** to ensure that any modalities for observer participation in SB meetings are no more restrictive than the relevant CoP RoPs.
2. **Either amend draft Rule 33 of the revised CoP RoPs to apply to meetings of SBs as well as the CoP and add the phrase "limited to exceptional circumstances"** at the end of the paragraph to ensure that any decision to close a meeting is both time-bound and exceptional, **or amend paragraph 52 of the draft SBs' ToRs/RoPs by deleting the bracketed language limiting observers to relevant IFBs and removing the brackets around "by a two-thirds majority."**
3. If draft Rule 33 of the revised CoP RoPs is amended to cover SBs, **paragraph 52 of the draft SBs' ToRs/RoPs should either be deleted or revised as follows:** "Access to meetings of the subsidiary bodies and their ad hoc groups, working groups or subcommittees shall follow the procedure set out in Rule 33 of the CoP RoPs".

Authors: Lisa Speer, Ingrid Banshchikova, Daniel Kachelriess, and Johannes Müller.

Annex 1

To identify best practices relevant to the issues PrepCom 3 will address as it develops STB recommendations for consideration at CoP1, the NRDC, Pew, the High Seas Alliance, and OceanCare conducted extensive research into comparable bodies under the following international instruments and arrangements.

CBD: Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)
CCAMLR: Scientific Committee (SC)
CCSBT: Extended Scientific Committee/Scientific Committee (ESC/SC)
CITES: Animals and Plants Committees
CLCS: Commission on the Limits of the Continental Shelf
CMS: Scientific Council (SC)
EMA: Committees for (i) Medicinal Products for Human Use (CHMP), (ii) Pharmacovigilance Risk Assessment (PRAC), and (iii) Herbal Medicinal Products (HMPC)
GFCM: Scientific Advisory Committee (SAC); Scientific Advisory Committee on Aquaculture (CAQ)
IATTC: Scientific Advisory Committee (SAC); ICCAT: Standing Committee on Research and Statistics (SCRS)
IOTC: Scientific Committee (SC)
ISA: Legal and Technical Commission (LTC)
IWC: Scientific Committee (SC)
NAFO: Scientific Council (SC)
NPFC: Scientific Committee (SC)
SEAFO: Scientific Committee (SC)
SPRFMO: Scientific Committee (SC)
Ramsar Convention on Wetlands: Scientific and Technical Review Panel (STRP)
Vienna Convention / Montreal Protocol: Technology and Economic Assessment Panel (TEAP), Scientific Assessment Panel (SAP), and Environmental Effects Assessment Panel (EEAP)
WCPFC: Scientific Committee (SC)
WMO: Research Board and Scientific Advisory Panel (SAP)

Other instruments and bodies considered include ICES, IPBES, IPCC, COSEWIC, IAEA, ICAO. These latter bodies differ from the STB under the BBNJ Agreement structurally and functionally but have specific characteristics that are relevant for the BBNJ STB. (Hitziger 2025).

[i] NRDC commissioned a briefing paper, *Towards the STB that the High Seas Treaty needs! Precedents, trade-offs and best practice for institutionalizing salience, legitimacy and credibility in the scientific and technical advisory body*. Hitziger, 2025, unpublished.

[ii] The Pew Charitable Trusts prepared a compilation of STB resources that highlights lessons learned and best practices from relevant scientific and technical bodies under other IFBs.

[iii] The High Seas Alliance prepared a briefing on the STB for PrepCom 1 and a supplementary update for PrepCom 2.

[iv] The Convention on the Conservation of Migratory Species of Wild Animals (CMS) Scientific Council (ScC) and the Convention on International Trade in Endangered Species (CITES) Animals and Plants Committees (AC and PC) meet intersessionally to develop work plans, agenda items, modalities for intersessional working groups, and ToRs for commissioned studies. Subsequent intersessional meetings review the available information and develop recommendations for consideration by the next CoP. A significant portion of the International Whaling Commission (IWC) Scientific Committee's (SC) work is carried out between meetings through intersessional working groups and workshops. Remote participation, including for voting, is provided for in CMS ScC, and in European Medicines Agency (EMA) Committees. The option to conduct some work by correspondence, particularly in urgent situations, is permitted by the CITES AC and PC, as well as several regional fisheries management organizations (RFMOs), including the South Pacific Regional Fisheries Management Organization's (SPRFMO) SC, the Western and Central Pacific Fisheries Commission's (WCPFC) SC, and the Indian Ocean Tuna Commission's (IOTC) SC. See CITES AC RoPs, Rule 19.1; PC RoPs, Rule 19.1; SPRFMO RoPs, Regulation 7.6; WCPFC RoPs, Rule 30.1, In consultation with the Commission Secretariat, the Chairperson of IOTC's SC may initiate and direct SC work to be carried out via correspondence (IOTC SC ToRs and RoPs, Rule 11).

[v] For instance, in NAFO's SC (NAFO SC RoPs, Rule 2.6; 2.7) and SPRFMO's SC (SPRFMO Commission RoPs, Regulation 7, para 6-11), a lack of response from a Contracting Party within the intersessional voting period via electronic means is recorded as an abstention and counted toward the quorum.

[vi] A similar approach, where STBs have a limited number of members with the option of drawing on external experts, is used by CITES, the Commission on the Limits of the Continental Shelf (CLCS), CMS, the International Seabed Authority (ISA), the Ramsar Convention on Wetlands, and the World Meteorological Organization (WMO). CITES' AC and PC each include 10 members, with seats allocated across the six regions, along with 10 alternates and one nomenclature specialist (AC RoPs, Rule 1.1; PC RoPs, Rule 1.1; Res. Conf. 18.2, Annex 2.5); CLCS is normally composed of 21 members, but currently has only 20 (UNCLOS, Annex II, Article 2); CMS Committees have 24 voting members (…); the ISA's LTC currently has 41 members, even though UNCLOS provides for a 15-member body, because it has the ability to expand its composition (UNCLOS, Article 163(2)); Ramsar has 18 voting members (…); WMO's SAP and RB have 15 and 25 members, respectively (...).CITES AC and PC and ISA LTC may form intersessional subgroups that include external experts (AC RoPs, Rule 17; PC RoPs, Rule 17); CLCS may consult specialists in any field relevant to its work and can decide how these consultations will be carried out (CLCS RoPs, Rule 57).

[vii] CLCS follows similar practices by using limited tenures and specifying re-election arrangements. CLCS members are elected for five-year terms and may be re-elected for a further term (UNCLOS, Annex II, Art. 2(4); UNCLOS, Art. 163(6)).

[viii] E.g., Montreal protocol's SAP and EEAP (...); CCAMLR's SC (CCAMLR Convention, Art. XIV); CCSBT's ESC/SC (CCSBT Convention, Art. 9.5(a)); IATTC's SAC (Antigua Convention, Art. XI.1; SAC RoPs, Rule I); IOTC's SC (IOTC Commission's RoPs, Annex IV, SC ToR and RoPs, para 3); SEAFO's SC (SC RoPs, Rule 1). Only a few, such as CLCS, outline specific areas of expertise for their members. CLCS members should be experts in the field of geology, geophysics or hydrography (UNCLOS, Annex II, Art. 2). Candidates nominated for ISA's LTC must have appropriate qualifications in areas such as mineral resource exploration and processing, oceanography, marine environmental protection, or legal and economic aspects of ocean mining (UNCLOS, Art. 165(1)). The candidates for CITES AC/PC members should "ideally" be associated with a Scientific Authority, have "adequate knowledge" of CITES and receive sufficient institutional support to carry out their duties (Res. Conf. 18.2, Annex 2.10 (c)).

[ix] The Montreal Protocol's Technology and Economic Assessment Panel (TEAP), the Ramsar Convention's Scientific and Technical Review Panel (STRP) and the CLCS take this approach. The Montreal Protocol TEAP ToRs state that "members function on a personal basis as experts, irrespective of the source of their nominations and accept no instruction from, nor function as representatives of Governments, industries, non-governmental organizations (NGOs) or other organizations" (TEAP ToRs, para 3.5). Although CLCS members are elected by the States Parties to UNCLOS from among their own nationals, they serve in their personal capacity (UNCLOS, Annex II, Article 2). In carrying out their duties, CLCS members must not seek or accept instructions from any government or external authority (CLCS RoPs, Rule 11). Although ISA's LTC members are nominated by States Parties, they are elected by the ISA Council to serve in their individual capacities. Before taking office, each member must submit a written declaration—witnessed by the Secretary-General or their representative—pledging to perform their duties impartially and conscientiously (LTC RoPs, Rule 11.2).

[x] CITES' AC and PC members are drawn from the six major regions: Africa, Asia, Europe, North America, Central and South America and the Caribbean, and Oceania (AC RoPs, Rule 1.1; PC RoPs, Rule 1.1; Res. Conf. 18.2, Annex 2.5). They are expected to act with impartiality and base their judgments and opinions on objective, scientific assessment of the available evidence, to the best of their ability (Res. Conf. 18.2, Annex 2.13(a)).

[xi] CITES' AC and PC members, the EMA's Committee members and the International Council for the Exploration of the Sea's (ICES) Advisory Committee (ACOM) and Science Committee (SCICOM) members must declare relevant financial interests at the start of each meeting in relation to any agenda item. EMA Committee members are prohibited from accepting instructions from Member States that conflict with their duties. CLCS and the IWC's SC also have organization-specific provisions on conflicts of interest. For instance, CLCS members who are nationals of the coastal State making a submission, or who have provided that State with scientific or technical advice on its delineation, cannot serve on the sub-commission reviewing that submission. The CLCS must also identify additional members who may have a potential conflict of interest, including members from a State with an opposite or adjacent coast or from a State that may be in dispute with the submitting coastal State (UNCLOS, Annex II, Art. 5; CLCS RoPs, Rule 42(b)). In case of CITES' AC and PC, this declaration must be made using the standard disclosure form approved by the Standing Committee and made available to the AC/PC Chair, all Committee Members, and the Chair of the Standing Committee (AC RoPs, Rule 12; PC RoPs, Rule 12; Res. Conf. 18.2, para 8). For EMA Committees, all indirect interests of members and alternates that could create a potential conflict must be recorded in a register and made accessible to the public. Declarations of Interest for members and alternates must also be published on the Agency's website. The ICES Code of Ethics and Professional Conduct includes a dedicated section on conflicts of interest under which all experts are expected to maintain independence, integrity, and impartiality. Meeting chairs must highlight the Code before and at the start of each meeting and members are required to declare any conflicts of interest before the meeting or the start of their work (ICES Guidelines and Policies, 2022, Code of ethics and professional conduct).

[xii] This includes CITES' AC and PC, the CMS SC, the EMA's Committees, and the CLCS. Most rely on a simple majority, with the CLCS as the sole exception, requiring a two-thirds majority. The CBD and the Ramsar Convention also have voting procedures in their governing documents, although they are not applied in practice. See EMA's CHMP RoPs, Art. 8.2; CITES AC RoPs, Rule 15, PC RoPs, Rule 15; CMS SC RoPs, Rule 15 and 16; CLCS RoPs, Rule 35, Rule 36, Rule 37, CBD COP's RoPs, Rule 26.5(c).

[xiii] E.g., according to the SPRFMO Convention, "where the Scientific Committee is unable to provide its advice by consensus, it shall set out in its report the different views of its members". The reports of the Scientific Committee shall be made publicly available (SPRFMO Convention, Art. 10.3). The SEAFO's Scientific Committee adopted the same approach (SEAFO SC RoPs, Rule 5), as well as the IATTC Scientific Advisory Committee, with the addition that any SAC member may request that their views be reflected in all or any part of the reports (Antigua Convention, Article XI.7).

[xiv] Several of the IFBs reviewed have defined quora. Some require 50% of committee members to be present and voting, including the CMS's ScC, the Montreal Protocol's TEAP, and the WMO's Research Board (RB), while others require a higher percentage. For example, CITES requires six out of 10 voting members from four of six regions, while the EMA, the CLCS, the Inter-American Tropical Tuna Commission's (IATTC) Scientific Advisory Committee (SAC), and the Northwest Atlantic Fisheries Organization's (NAFO) SC require two-thirds of members. See CLCS RoPs, Rule 24; Antigua Convention Art. VIII.3; IATTC SAC Rule VI(b)) and NAFO Convention, Art. VII.6. Others require a lower quorum, e.g. CBD CoP's RoPs, rule 26.5(a); CITES AC RoP, Rule 13, PC RoPs, Rule 13. A few bodies, such as CITES, require a quorum whenever the body is in session (i.e., for any formal debate) while others, such as the CMS's ScC, only require a quorum when the body makes a formal decision or recommendation.

[xv] Most of the STBs reviewed have the authority to establish working groups or similar subsidiary entities. These could be standing working groups or committees with a permanent or long-term mandate, ad hoc technical working groups created to address specific issues within a limited timeframe, or both. Almost all RFMOs have intersessional work carried out by their sub-bodies (e.g., small scientific committees, technical working groups, or task teams) that include non-member experts and meet anywhere from once to several times a year to conduct the intersessional work required to deliver timely assessments and technical advice (see RFMO factsheet, Pew 2025.) EMA Committees, the SAP and EEAP under the Montreal Protocol, the CBD's SBSTTA, CCAMLR's SC, ICES' SCICOM and others include provisions allowing external experts to participate in their work without decision-making authority.

[xvi] Allowing observer participation without voting rights is standard practice across the IFBs reviewed, and any objection to an observer's participation is subject to approval by the members. For example, NPFC, SEAFO, SPRFMO, and WCPFC require support from a simple majority of Parties, while CBD, CITES, CMS, and ICCAT require support from one third.

The High Seas Alliance is a group of 70+ non-governmental members who work together to inspire, inform and engage the public, decision makers and experts to support and strengthen High Seas governance and conservation.

highseasalliance.org