



LDAC ADVICE

Preparation of Resumed IGC5 on UN BBNJ Treaty (20 February-3 March 2023)

Date: 16th of January 2023

Ref. R-01-23/WG5

Status: Adopted by LDAC ExCom

BACKGROUND (extracted from <https://www.un.org/bbnj/>)

In its resolution 72/249 of 24 December 2017, the UN General Assembly decided to convene an Intergovernmental Conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee established by resolution 69/292 of 19 June 2015 on the elements and to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible.

In accordance with resolution 72/249, the Conference held a three-day organizational meeting in New York, from 16 to 18 April 2018, to discuss organizational matters, including the process for the preparation of the zero draft of the instrument.

The first session was convened from 4 to 17 September 2018, the second session from 25 March to 5 April 2019 and the third session from 19 to 30 August 2019. The fourth session, which was postponed by decisions 74/543 and 75/570 owing to the COVID-19 pandemic, was convened from 7 to 18 March 2022. A fifth session of the Conference was convened from 15 to 26 August 2022 pursuant to General Assembly decision 76/564 (available at [A/76/L.46](#)).

In terms of public opinion, Governments were called to come together at the United Nations in New York for a fifth session of the international conference to conclude the negotiations and adopt a Treaty. The meeting did not conclude and the fifth IGC session will be resumed in 20 February-3 March 2023.



Moreover, at the IGC fifth session in New York, FAO highlighted its supporting role¹ in terms of facilitating cooperation, management and data collection and analysis in ABNJ:

- *“FAO provides a global forum, in particular the Committee on Fisheries (COFI) and other processes, where Member Nations discuss fisheries and aquaculture issues, negotiate and adopt international instruments to promote global cooperation, and foster global, regional and national sustainable development initiatives to secure responsible fisheries and aquaculture worldwide, including in the ABNJ.”*
- *“The BBNJ process may additionally benefit from FAO’s work in regional fisheries governance, through the regional fishery bodies (RFBs), particularly regional fisheries management organizations and arrangements (RFMOs).”*
- *“FAO works extensively with data related to ABNJ (FAO, 2021a). Furthermore, as the only intergovernmental organization formally mandated to undertake the worldwide collection, compilation, analysis and diffusion of data and information on fisheries and aquaculture (FAO, 1994), FAO can provide unique ad hoc information and technical advice to support the BBNJ process.”*

The LDAC has contributed informally during bilateral meetings with DG MARE unit in charge of negotiations for the preparations of previous IGCs of BBNJ and reiterates its wish and commitment to provide a technical advice containing general recommendations and specific comments for negotiators.

¹ FAO. 2022. *FAO and the marine biological diversity beyond national jurisdiction (BBNJ) process. Information package for BBNJ delegates.* Rome.



GENERAL REMARKS

- ***How would BBNJ will relate to the current existing international regulations/instruments?***

It is essential for the LDAC that the “*no undermining principle*” is fully respected, in light of existing international legal instruments including conventions, regulations and resolutions from UN (UNCLOS, UNFSA...) IMO (SOLAS, MARPOL...), RFMOs/RSCs (on VMEs) or ISA, amongst others.

- ***Which activities will be subject to Environmental Impact Assessments (EIA)?***

Clarity and legal certainty are necessary to have a clear understanding of the scope of application of this Treaty, namely if it will be activity based, covering only human activities carried out and pressures exerted in Areas Beyond National Jurisdiction (high seas); or impact based, e.g., either land based or marine based activities within national jurisdiction waters of a State having effects on ABNJ (e.g., due to climate change). The LDAC has preference that it is activity-based approach on EIA.

It is also important to clearly precise what are the links with the Continental Platform Convention, and look at impacts produced in the water column from the seafloor as a result of activities on the extended continental shelf, i.e., beyond 200 nautical miles up to 350.

- ***How internationalisation of EIA systems would be possible?***

This debate seems to be linked both to the administrative and decision-making structure of the constituent bodies of BBNJ and to the debate on setting minimum global standards for EIA.

Pending to see the structure and competencies of the Technical and Scientific body, the LDAC would like that either DOALOS (the Secretariat), FAO or an intergovernmental marine science organization would be potential candidates and that it should not be a sectorial based organisations representing extractive activities (e.g., extractive activities such as oil and gas, deep-sea mining, etc.) as it could incur in conflict of interests. Yet, for EIAs that have already been conducted by an already existing institution, such as an RFMO, the BBNJ Agreement should recognize such agreements and avoid duplication.

The LDAC would also prefer to have a clear set of guidelines internationally agreed rather than minimum global standards, permitting a stepwise approach which takes into account capacity and resource constraints of SIDS and small states, while encouraging those State parties who wish so to go further either in their domestic/national legislations or at regional/subregional level by regional groups of states. There is a successful example in international law of this approach in the regulation of deep-sea access in the high seas on FAO guidelines for deep sea fishing bottom trawling.



- ***How cumulative impacts could be included into the new instruments?***

The LDAC considers cumulative impacts a key element for the successful implementation of the objectives of the treaty and to achieve the objective of conservation and sustainable use of the high seas in ABNJ.

The LDAC believes that all environmental, economic, social and cultural impacts have to be considered, and further work must be developed on setting criteria to measure effects of different pressures combined over a same habitat or feature to protect. In this sense, existing knowledge must be taken into account when carrying out such exercise, including for example scientific and ecosystem work underpinning closed areas to fishing in RFMOs such as NAFO or VMEs in NEAFC/OSPAR. In these areas, however there is activity from other marine activities such as cabling, shipping, or oil and gas prospections that has not been assessed by an independent body; same applies to the EEZs of MS such Seychelles with MPAs linked to “blue bonds” where there are closed areas for fishing activities but not to other marine uses.

- ***How Strategic Environmental Assessments (SEA) should be included in the process?***

The LDACs supports the view of the EU that SEAs are key for planning of EIAs system particularly at ecosystem level / region. We support therefore the EU approach to make more visible and present the SEA across the language of the Treaty.

However, we envisage that there might be problems in agreeing which entity or body is responsible to mandate a SEA for a given activity. This could be potentially a grey area giving certain discretionary power to the contracting parties to appoint different bodies. Inter-agency cooperation and coordination between different competent bodies here should be a condition sine qua non for effective performance of SEA.

- ***What would be the role of RFMOs and RSCs within BBNJ?***

The draft BBNJ text does refer to respecting the mandate of existing organisations thorough its articulate. Therefore, BBNJ aims to 'fill the gaps' not covered by existing instruments (including RFMOs and RSCs) in matter of international ocean governance in the high seas, and not to replace them.

RFMOs are mentioned several times in the text (e.g., Intro, 1; definition in Article 4.3 or international cooperation on Art. 6.1; Part III on Area Based Management Tools), although their role is not entirely clear.

There is also another network of international organisations, namely the regional conventions on the sea (RSC). One of the main differences between RFMOs and RSCs is that, whilst RFMOs are primarily focused on conservation and management of fishing resources, RSCs are mainly concerned with the protection and conservation of ecosystems.



Another difference is that RSCs are normally constituted only by Contracting Parties (MS) with no indirect representation of stakeholders and their resolutions are not binding as a general rule.

However, RFMOs do include under the CPCs delegations all stakeholders in the area (including distant water fleets) and take binding decisions (unless a State decides not to implement them).

There is already existing memorandum of understanding (MoUs) between some RFMOs and RSCs: NEAFC/OSPAR, SIOFA/CCAMLR (CCAMLR which is both an RFMO and a Regional Sea Convention).

It might be useful to consider how RFMOs could be given mandates in relation to cross-cutting issues such as biodiversity. It will also be necessary to ensure that all parties are present at BBNJ, at least the same as those present at the Montego Bay Convention.

Considering that RFMOs have greatly advanced the science in the last decades, there would be a great gain for BBNJ to benefit from scientific cooperation on the scale of the oceans, and even globally, on the subject of biodiversity combined with existing RFMO knowledge on fisheries management strategy evaluations and harvest control rules.

With regard to MPAs, the Convention on Biological Diversity could develop areas of interest for the establishment of marine protected areas on the high seas, which would then be considered by existing international organisations. In particular, RFMOs must retain competence to assess its relevance and applicability for fisheries governance in the area of its competence and, where appropriate, adopt and enforce management measures in designated MPAs.

RFMOs seem to be well placed for an active role given their robust governance structure (including for most their own scientific, control and compliance committees), their experience and knowledge in the area of fisheries management, and their growing competencies in the area of marine biodiversity, for example in the protection of vulnerable marine ecosystems (VMEs).

It is worthwhile to remind that RFMOs are the only international sectorial marine organisations that, in compliance with the UN Fish Stocks Agreement Review Conference held in May 2006, have undergone independent performance reviews with a number of recommendations that have been implemented and monitored recently. Furthermore, the existence of the Regional Fishery Body Secretariat Network at the FAO and the Kobe Process for tuna RFMOs² allows for the transfer of knowledge and exchange of good practices to tackle transoceanic issues in the high seas. As an example, RFMOs have initiated cooperation and harmonisation of measures in the domain of fight against IUU fishing, VMS data, catch documentation, technical knowledge on FADs, etc.

² All main tuna RFMOs were involved with the exception of WCPFC which has decided to be excluded voluntarily of the process.



In addition, RFMOs have made it possible to set up databases that are extremely useful for research and management, which are widely shared and facilitate cooperation, capacity building in coastal countries in terms of monitoring, surveillance and control, and the development of their fisheries sectors.

Last but not least, it should also be noted that RFMOs play an extremely important role in capacity building, particularly of nationals from developing countries.

LDAC SPECIFIC CONSIDERATIONS FOR EU NEGOTIATORS ON REVISED DRAFT OF BBNJ TREATY FOR IGC5 (NYC, February-March 2023)

**Further refreshed draft text of the Treaty (EN) – 26 August 2022 – Ref.
A/CONF.232/2022/CRP.13**

PART I – GENERAL PROVISIONS

Article 1 – Use of terms

The LDAC would like to see adding to the text “Area-based management tool, including a marine protected area”, the wording “and other effective conservation measures” (OECM) following the definition of CBD³ and underpinned by the wording enshrined in Aichi Target 11. This definition is also being used by IUCN and FAO to develop specific guidelines and, in May 2021, ICES created a joint workshop with IUCN-CEM Fisheries Expert Group (FEG) on testing OECM practices and strategies⁴.

In view of the options proposed by the Presidency, the LDAC notes its general preference for the wording and use of terms formulated in option A with the caveat of the addition indicated above, namely the inclusion of the wording “OECMs” as a part of MPAs. The LDAC is of the opinion that option B has a narrower scope and that all fisheries area-based management tools (ABMT) would be presumably left out.

The LDAC agrees with the definition of sustainable use as defined in Article 1.16 of the Further Refreshed Draft Text and supports the deletion of brackets in the aforementioned provision, namely:

“Sustainable use” means the use of components of biological diversity in a way and at a rate that does not lead to a long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

³ DECISION ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY 14/8. Protected areas and other effective area-based conservation measures. Fourteenth meeting Sharm El-Sheikh, Egypt. Agenda item 24 – Ref. CBD/COP/DEC/14/8 - 30 November 2018

⁴ ICES WKTOPS - Scientific Reports volume 3, issue 42 - <https://doi.org/10.17895/ices.pub.8135>
The aim of this group was to investigate how to evaluate areas with spatial fisheries measures in place as OECMs, aided by IUCN/CEM/FEG Guidance on OECMs in Fisheries. Six case studies from the North Atlantic were evaluated, differing in size, biodiversity features, types of measures in place, jurisdictional authority, and expected biodiversity benefits.



Article 2 – General objective

The objective of this Treaty is to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. This text must remain and be consistent through the provisions of the text.

The LDAC agrees with the general objective as defined in Article 2 of the Further Refreshed Draft Text, namely:

The objective of this Agreement is to ensure the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the Convention and further international cooperation and coordination.

Article 3 – Application

We reiterate the need for clarity on type of activities to be included (e.g., similar to those under FAO Blue Transformation) and where they occur, looking also at transboundary impacts.

The LDAC would ask the EU to seek clarification on the meaning of the wording under [2] as follows: “*This Agreement does not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service*”.

It seems that under “other vessels” could be included for example “oceanographic vessels” or even commercial fishing vessels engaged in scientific trials or campaigns as well (e.g., whaling for scientific reasons by Japan).

Article 4 – Relationship between this Agreement and the Convention and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies

The LDAC believes it is important to acknowledge or make here some specific reference or acknowledgement to the role of Regional Fisheries Management Organisations (RFMOs) and Regional Seas Conventions (RSC) in the conservation and sustainable use of marine species and habitats in the high seas.

Article 5 – General Principles and Approaches

Regarding to (h), *the use of best available science and scientific information*, some linkage has to be made to new data/information coming as a result of projects and campaigns derived from initiatives from UN Decade of Marine Science (2021-2030).

Article 6 – International cooperation

The LDAC reiterates the **importance and role of the Regional Fisheries Management Organisations (RFMOs) and Regional Seas Conventions (RSC)** to be considered and included as “*one of the relevant global, regional, subregional and sectoral bodies [and members thereof] in the achievement of the objective of this Agreement*”.



PART II – MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF THE BENEFITS

Article 7 – Objectives

The LDAC agrees with the content of this article and has no further comments as it provides a clear outline of the content and is fully coherent with the material scope and sections under this draft Treaty.

Article 8 – Application

The LDAC is content to see in the negative listing or exclusion “*the use of fish (and other biological resources) as a commodity*” as laid out in Art 8.2.

The LDAC would like to get a clear understanding that the negative listing also comprises fishing or fish catching activities and therefore they are excluded from the applications of provisions of this part.

The LDAC agrees that the provisions of Part II of the Treaty shall not apply to fishing activities. However, fisheries organizations, including regional ones, should be recognized and included under Part III, Area-Based Management Tools including MPAs (ABMTs) and Part IV, Environmental Impact Assessments (EIAs).

Article 9 – Activities with respect to marine genetic resources of ABNJ

The LDAC is against an overly prescriptive closed list of activities (i.e., “*numerus clausus*”). Therefore, the LDAC advocates a “*numerus apertus*” list that includes a certain level of detail and description of human activities that will be appended as annexes and form an integral part of this Agreement.

The LDAC is in favour of the inclusion of reference to “*marine scientific research*” before the term “*activities*”, so it can be linked to no beneficiary, but for that the beneficiary scheme needs to be defined in the first place.

Article 10 – Collection *in situ* of marine genetic resources of areas beyond national jurisdiction

The LDAC has a remark on point 6: “*Parties shall take the necessary legislative, administrative or policy measures, as appropriate, to ensure that activities with respect to marine genetic resources of areas beyond national jurisdiction that may result in the utilization of marine genetic resources found in areas both within and beyond national jurisdiction are subject to the prior notification and consultation of the coastal States and any other relevant Parties concerned with a view to avoiding infringement of the rights and legitimate interests of those Parties*”.



We are reluctant that this wording is appropriate as it might lead for some CPCs to invoke the principle of adjacency. In fact, the term “*adjacent coastal states*” is reflected 7 times in the text in several articles. The LDAC notes that this principle is not recognized by UNCLOS and could be in collision with the principles of freedom of the seas and common heritage of (hu)mankind. **The LDAC prefers the term “*all (States) Parties*” thorough all the legislative text for the sake of consistency.** Otherwise said, only the utilization of marine genetic resources found in areas within national jurisdiction should be subject to the prior notification and consultation of the relevant coastal States.

Article 10 bis – Access to traditional knowledge of indigenous people and local communities associated with marine genetic resources of areas beyond national jurisdiction

The LDAC supports the content of this article as this is in line with language of CBD. However, we would like to note that this traditional and indigenous language should only apply for those areas where it is relevant, such as the Arctic communities.

However, in vast areas of the high seas it remains to be seen its effective application and that there is a direct or legitimate interest – one interesting example to be considered could be the small-scale high sea fishing in Peru, from the local community with port base of Ilo.

More info: <https://www.icsf.net/en/samudra/article/EN/48-3106-Towing-the-Line.html>

An important question to be addressed is how will be this traditional knowledge integrated into the peer reviewed scientific advisory processes and shaping of scientific advice for EIA.

The LDAC is of the opinion that this knowledge might be useful for Part III. ABMTs, but it is more difficult to understand that it applies to Part II on Marine Genetic Resources.

PART III – MEASURES SUCH AS AREA-BASED MANAGEMENT TOOLS, INCLUDING MARINE PROTECTED AREAS

General comments for arts 14-21

The LDAC reiterates its plea to *add reference to “Other Effective Conservation Measures”* to the wording here linked to MPAs. It is also important not to decouple conservation from management here and once again not to undermine the work already carried out in this field by RFMOs and RSC in their Convention Areas in the high seas.

The LDAC also advises the EU to actively promote to strengthen exchange of information on marine science and knowledge transfer.

Art 17 – Proposals

The LDAC is in favour of this article but has a note of caution regarding points 3-5 on not being too specific and prescriptive in the proposals. ***It is our opinion that any finer level of detail should go under Annexes and not in the article itself.***



Furthermore, existing marine knowledge could help to develop indicative criteria for the identification of areas requiring protection as described in Annex I. ***For example, we already have well established guidelines for establishing MPAs/EBSAs, etc. there are monitoring and performance evaluations, perhaps they could be adapted from existing work.***

There are also specific examples related to UN Resolution 61/105 on prohibition of bottom trawling in VMEs with scientific projects carried out by fisheries and oceanographic institutes such as IEO on extensive seabed mapping of the high seas carried out by IEO projects aimed to identify VMEs in areas of the high seas such as NAFO (NEREIDA project), NEAFC (ECOVUL/ARPA) or the Atlantic South West FAO 41 (ATLANTIS).

For more info, the LDAC advice on this subject can be read here:

https://ldac.eu/images/documents/publications/EN_LDAC_Letter_on_Protection_of_VMEs_in_SW_Atlantic.pdf

Article 18 – Consultation and assessment of proposals

The LDAC would like to see that for the assessment the same criteria are used that for the identification for coherence.

Moreover, the LDAC agrees with the latest version. However, an explicit mention in the text on RFMOs would be advisable.

Article 19 – Decision-making

The LDAC is uncertain about the powers of the CoP in relation to options and consultations on proposals for ABMT. In particular, it is not clear if Parties will act on their own capacity or will rely in their consultation with external stakeholders. The delimitation of powers must be clear and explained to avoid the risk of becoming a process where external pressure from civil society makes CPCs to establish targets (such as increase the number of MPAs) before consulting the regional mechanisms (e.g., RFMOs).

In Article 19.1(b), the LDAC supports the wording “*complementary to*”. Furthermore, the LDAC would like to propose adding “*only after consulting*” before “*relevant legal instruments*”. Therefore, the article would read as follows:

1 (b) “*May take decisions on measures complementary to those adopted by and only after consulting relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies; and*”

In Article 19.2, the LDAC would favour the wording “*must recognize*” instead of the current “*may recognize*” in the current text. Therefore, the article would read as follows:

2 “*The Conference of the Parties must recognize, in accordance with the objectives, criteria and decision-making process laid down in this Part, area-based management tools, including, marine protected areas, established under relevant regional, subregional and sectoral bodies, or Parties authorized to act on its behalf...*”



The LDAC does not support the wording “at the request of that body...” so as to ensure a closer interaction between the BBNJ Agreement and existing regional instruments.

Moreover, the LDAC would like to reiterate the need for delegations to agree on the procedures as mentioned in Art. 19.2 before the adoption of the BBNJ Agreement, and not leave it to the COP to decide on such an important matter.

In Article 19.3, the LDAC would like to suggest the removal of the brackets and therefore support the inclusion of "not undermine".

Article 20 ante

The LDAC generally supports the introduction of emergency measures but is seriously concerned about the potential implications that this article might have. In fact, this article may be used by some Parties or observers to politicize decisions within the BBNJ Agreement and undermine other bodies' already-established procedures and decision-making processes.

The LDAC recommends that, in any case, the emergency measures should not be conflictive with provisions and processes already adopted or initiated in the framework of other international bodies competent in the subject covered.

PART IV. ENVIRONMENTAL IMPACT ASSESSMENTS

Article 21 bis – Objectives

The LDAC supports the content of this article as it strengthens the importance of conduction and consideration of cumulative impacts.

Article 22 - Obligation to conduct environmental impact assessments

The LDAC supports the content of this article.

The LDAC is of the view that Option I would give the possibility for BBNJ Parties to better regulate activities within national jurisdiction while avoiding administrative burden for both competent authority and operators.

Article 23 – Relationship between this Agreement and environmental impact assessments processes under other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

The LDAC considers these provisions very important to not undermining existing provisions of RFMOs. We are worried with some academic current of thought expressed at the EC Workshop held in January 2020 whereby the BBNJ could be a mean to modernise/adjust legal instruments *a posteriori* out of the decision of the constituent bodies of the existing international organisations.



In terms of which wording to select for point 3, we are inclined to talk about guidelines and therefore are in favour of removing reference to global minimum standards across the article.

In Article 23.4, the LDAC is in favour of Option 1. The LDAC is of the view that Option 1 would give the possibility for BBNJ Parties to better regulate activities within national jurisdiction while avoiding administrative burden for both competent authority and operators.

Article 24 – Thresholds and [criteria] [processes] for environmental impact assessments

The LDAC supports the EU views on *setting clear criteria first agreed by all parties* to discern and determine what is considered to cause “*substantial pollution of or significant and harmful changes*” to the marine environment; and what is likely to have “*more than a minor or transitory effect*” on the marine environment.

It is not very clear for us what other State parties mean by tiered-approach on the thresholds and careful consideration must be given to the examples provided by the Antarctic treaty. This Treaty also says that where there are provisions of CCMLAR the thresholds will not apply. This could set a precedent for extending this interpretation to RFMOs in ABNJ as well in.

The LDAC believes that Option B guarantees a reasonable degree of environmental protection while avoiding additional bureaucratic burden.

Article 30 - Process for environmental impact assessments

Option 1 makes sure that the Treaty remains Party-driven while being supported with the necessary evidence and expertise. However, the LDAC would like to stress the need to avoid an “EBSA-like model”, where the overpoliticization of the process undermines progress.

Article 41 ter – Strategic Environmental Assessments

The LDAC supports giving more weight to article 28 on SEA, for example by defining who is the responsible actor/authority beforehand. Also, any future compositions of a panel of international experts must count with participation of experts in the various disciplines and activities concerned including *fisheries experts*.

PART V. CAPACITY BUILDING AND TRANSFER OF MARINE TECHNOLOGY

The LDAC would like to know that the EU brings a clear position to IGC5 on this. This is a highly controversial issue due to divisions in areas north and south, and funding or who is going to provide and pay for this to foster participation and implementation of capacity building.

The LDAC is in favour that these funds are mandatory for the establishment of the Treaty but voluntary for the implementation as a compromise.



PART VI. INSTITUTIONAL ARRANGEMENTS

Article 49. The Scientific and Technical Body

The LDAC wishes to express its support to the existing text of this article as it stands.

As a general comment, the LDAC notes with approval the evolution from Scientific and Technical “*network*” (more informal) to a more formal structure of a “*body*” (appointed by Parties) and the acknowledgement on its composition for “*multidisciplinary expertise*”. However, clarity regarding its terms of reference, modalities for the operation of the Body (including composition and competencies) will be clearly specified by the CoP, ensuring presence of multidisciplinary independent experts. Besides scientific and technical expertise, social science and legal expertise should also be included here. It is important not to exclude experts with knowledge on fisheries where relevant.

Article 50- Secretariat

The LDAC is in favour of DOALOS acting as permanent Secretariat of the BBNJ Treaty, in line with the wording of Option B of point 1: “*The secretariat functions for this Agreement shall be performed by the Secretary-General of the United Nations, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat*”. The LDAC also agrees with the tasks allotted to the Secretariat in Art. 50.2.

Article 51 - Clearing-house mechanism

The LDAC supports that this mechanism does not turn into a static website or repository of data submitted by State parties but a dynamic database. It also needs to ensure that all relevant sectors (not only information on fisheries) are duly completed and reflected.

END

DISCLAIMERS FROM LDAC NGO MEMBERS

STATEMENT FROM THE PEW CHARITABLE TRUSTS

Since the outset of the process, the Pew Charitable Trusts has been working closely with state parties on the BBNJ treaty negotiations. In our view, the adoption of an instrument with a strong remit in the area of areas beyond national jurisdiction for highly and fully protected marine protected area (MPA) establishment and management, as well as a process for ensuring robust environmental impact assessments (EIAs), will be of critical importance in order allow states to fulfil their multilaterals commitments and obligations, and to address the continued loss of biodiversity and increase ocean resilience against climate change. Recognizing the divergence of views with the LDAC, Pew decided not to participate in the drafting of the LDAC advice on this subject, and reserves the right to engage in the process independently without being associated with the LDAC advice.



STATEMENT FROM ENVIRONMENTAL JUSTICE FOUNDATION (EJF), OCEANA, SEAS AT RISK (SAR), SWEDISH SOCIETY FOR NATURE CONSERVATION (SSNC) AND WORLD WILDLIFE FUND (WWF)

Recognizing the divergence of views with the LDAC, the NGOs EJF, OCEANA, SAR, SSNC and WWF decided not to participate in the drafting of the LDAC advice on this subject. This means that it does not object to the LDAC advice but it reserves the right to engage in the process independently without being associated with it.
