



An International Instrument on Conservation and Sustainable Use of Biodiversity in Marine Areas beyond National Jurisdiction

Exploring Different Elements to Consider

PAPER XII

International Procedures to Ensure Science-based Decision-making^{*}

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^{*} DISCLAIMER: The views expressed in this paper do not necessarily reflect those of the German Federal Agency for Nature Conservation or the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety.

1. Background

The institutional framework of a future international instrument for ABNJ should reflect this situation. In essence, the exchange of information and dialogue on marine activities in ABNJ and related sciences will need to be strengthened between governments, the scientific community, and all other stakeholders. At the same time, the scientific community will need to understand the needs of decision-makers better in order to deliver relevant information in the appropriate form and at the right time. This could be achieved through a mechanism embedded in the institutional framework of the instrument and structured in a way that it is recognized by both the scientific and policy communities.

3. International Policy Processes and their Advisory Bodies

In order to inform different international policy processes, various intergovernmental scientific advisory bodies have already been created from which lessons can be drawn. These include the Intergovernmental Panel on Climate Change (IPCC), the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD), or the World Heritage Committee (WHC) under the World Heritage Convention. The structures and procedures of these bodies could provide interesting ideas to create an institutional framework that supports informed, science-based decision-making in relation to conservation and sustainable use of biodiversity in ABNJ.

Furthermore, existing bodies and decision-making processes in the marine field could be explored in order to identify commonalities or even synergies. These include, amongst others, the UN Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, the Joint Group of Experts on the Scientific Aspects of Marine Environment Protection (GESAMP), and decision-making structures within the Intergovernmental Oceanographic Commission (IOC) as well as the International Seabed Authority (ISA). An overview of the different objectives, structures and procedures of these bodies is provided in Annex I of this paper.

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Another way to judge the political influence of these intergovernmental scientific advisory bodies is to evaluate their outcomes in light of their objectives. For example:

- x Reactions to the IPCC Assessments range from approval to criticism for being either too conservative or too alarmist. Regardless, their conclusions greatly influence climate change policy from the local to international level, from the creation of the United Nations Framework Convention on Climate Change (1992) to the more recent focus on the need for location-specific climate adaptation strategies.
- x A recent evaluation on the effectiveness of the SBSTTA found its objectives to provide

- x All assessments, reports, and similar work products should be subject to peer review by experts and stakeholders.
- x The goal of review processes should be consensus; however, any uncertainties, controversial opinions, and gaps in knowledge and/or capacities must be acknowledged and addressed.
- x Results should be policy-relevant rather than policy-prescriptive, and be widely disseminated in an understandable, easily accessible manner.

To render policy advice more relevant to developing countries, a stronger focus on the socio-economic issues that influence global environmental change

Annex I: Overview of Different Scientific and Decision-making Bodies

Intergovernmental Panel on Climate Change (IPCC)

The role of the IPCC is to provide the world with a clear, scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts for adaptation and mitigation.

Structure

The IPCC aims to reflect a range of views and expertise via voluntary contributions from thousands of scientists all over the world. As an intergovernmental body, the IPCC is open to all UN Member States. The IPCC structure comprises a Plenary, a Bureau, and an Executive Committee; three Working Groups and one Task Force on different thematic issues with Technical Support Units; a Secretariat providing overall management support; as well as Authors, Contributors and Reviewers who are identified by governments, observer organizations, and the Working Group/Task Force to work on different IPCC reports. A Conflict of Interest Policy aims to ensure the integrity of the IPCC process. The IPCC considers those involved in the preparation of its reports and activities through special attention to issues of independence and bias to ensure that IPCC reports are neutral yet relevant to policy.¹⁰

Procedures

The IPCC reviews and assesses the most recent scientific, technical and socio-economic information produced worldwide relevant to the understanding of climate change without conducting its own research or monitoring climate-related data or parameters. While reports should be neutral with respect to policy, they may need to deal objectively with scientific, technical and socio-economic factors relevant to the application of particular policies.¹¹ Reports and summaries are prepared based on all relevant and available scientific, technical and socio-economic information with priority given to peer-reviewed scientific, technical, and socio-economic literature. These reports and summaries go through a multi-stage review process by both experts and governments. Three levels of endorsement are foreseen: Approval [meaning that the material has been subjected to detailed line by line discussion and agreement (procedure used for the Summary for Policymakers of the Reports); Adoption [meaning a process of endorsement section by section (used for the Synthesis Report and Overview Chapters of Methodology Reports); and Concurrence [signifying that the material has not been subject to line by line nor section by section discussion and agreement, but nevertheless presents a comprehensive, objective and balanced view of the subject matter. The validity of a finding may be limited, [uncertain] or unclear.

confidence can be qualified as

prepares a synthesis report. Working Groups assess the full scientific, technical, and socio-economic aspects of the assessment. The Plenary assesses Synthesis Reports written in a non-technical format for policymakers. In preparation of a final draft report, all draft versions, review comments, and other relevant information are made available to all Parties. Finally, IPBES works with the Executive Director to ensure that the assessment may be agreed by the Working Group or Plenary to consider a complex issue useful for the work plan.

Subsidiary Body on Scientific, Technical and Policy Advice to the Convention on Biological Diversity (CBD)

Article 25 of the CBD establishes the SBSTTA, an open-ended, intergovernmental scientific advisory body which provides the Conference of the Parties with timely advice relating to the implementation of the Convention.

Structure

The SBSTTA shall be composed of government representatives from States Parties. The SBSTTA shall cooperate with international, regional and national organizations and encourage the contribution of non-governmental organizations in performing its functions. In addition to the SBSTTA, Ad Hoc Technical Groups may be established by the CBD for limited duration to provide scientific and technical advice and recommendations. These groups shall not exceed fifteen members, shall be nominated by Parties and shall be competent in the relevant field of expertise. Consideration shall be given with regard to gender, geographical representation, the special conditions of developing countries, and relevant organizations.²¹

Procedures

Scientific and technical assessments shall be regionally based and carried out in an objective and authoritative manner.

United Nations Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects

At the 2002 World Summit on Sustainable Development, States agreed to establish a **Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, both current and foreseeable, building on existing regional processes** (Regular Process).³¹ The Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (Ad Hoc WG of the Whole) was established by the UNGA in 2008 to make recommendations regarding the key features, institutional arrangements, financing, and other modalities for implementation of the Regular Process.³²

Structure

The Ad Hoc WG of the Whole is composed of UN Member States. A Bureau composed of 15 Member States (three from each regional group) implements decisions of the Ad Hoc WG of the Whole during intersessional periods. In 2010, the UNGA established a Group of Experts to assist in the preparation of the first global integrated marine assessment. The Group of Experts are nominated and appointed by States according to the following criteria: Internationally recognized expertise; demonstrated

Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP)

GESAMP, established in 1969, is jointly sponsored by nine United Nations organizations³⁴ as an advisory body on the scientific aspects of marine environmental protection.

Structure

GESAMP consists of 30 experts from a wide range of disciplines relevant to marine environmental protection who act in an independent and individual capacity and not as representatives of their home institutions, governments, or associations. Experts must be willing to serve on a **pro bono** basis and declare any current or potential conflicts of interests. Governments, intergovernmental and regional organizations, scientific bodies, international NGOs, and other groups may nominate experts and propose and/or sponsor GESAMP projects.³⁵ Studies and assessments are carried out by working groups who are not sitting members of GESAMP. Both experts and working group members are selected for geographical and gender balance. The GESAMP Executive Committee

Intergovernmental Oceanographic Commission (IOC)

Objective

The IOC promotes international cooperation and coordination of marine research, services, observation systems, hazard mitigation, and capacity development in order to improve the governance, management, institutional capacity, and decision-making processes of Member States with respect to marine resources, climate variability and sustainable development of the marine environment.³⁹

Structure

The Assembly, Executive Council, and Secretariat are the governing bodies of the IOC and open to all UN Member States. IOC Member States designate representatives, alternates, and advisers for each session of the Assembly. IOC subsidiary bodies include Scientific and/or Technical Committees; Sub-commissions and Committees for a particular region; Task Teams; and Groups of Experts that act in

International Seabed Authority (ISA)

The ISA was established under Part XI of the UNCLOS to organize and control exploration for, and exploitation of, mineral resources of the deep seabed beyond the limits of national jurisdiction.

Structure

The ISA structure includes an Assembly, Council, Secretariat, Finance Committee, Legal and Technical Commission, and Observer States. The Assembly includes all 165 States Parties to UNCLOS. The Council consists of 36 members elected by the Assembly according to

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