Contribution from the International Maritime Organization (IMO) to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea topic "Capacity building and the transfer of marine technology: New developments, approaches and challenges"

IMO

IMO is the United Nations specialized agency responsible for developing and adopting measures to improve the safety and security of international shipping and to prevent marine and atmospheric pollution from ships. IMO conventions, upon entry into force, cover all ships above a certain size operating internationally, regardless of the flag they fly. Ships of non-convention States entering the waters or ports of convention States are subject to the "no more favourable treatment principle", which is embedded in IMO treaties. In other words, this principle allows for a level playing-field so that ship operators cannot cut corners or compromise on safety, security and environmental performance. This approach is also a vehicle for innovation and efficiency within the shipping and maritime industries.

IMO currently has 176 Member States and more than 130 observers from international intergovernmental organizations and NGOs representing all maritime interests. IMO has adopted over 50 treaties, the vast majority of which are in force and are globally binding. In addition, to supplement these treaties, numerous measures such as guidelines, guidance, unified interpretations, recommended practices and codes have been agreed. Some of these are dealing directly with the protection of biodiversity in areas beyond national jurisdiction.

While States may realize certain benefits by becoming Parties to IMO mandatory instruments aiming at promoting maritime safety and the prevention of pollution from ships, these desired benefits can only be obtained when all Parties concerned fully carry out their obligations as required by the conventions, and the ultimate effectiveness of any convention depends upon all States.

Some States encounter difficulties in fully implementing IMO instruments. Reasons for these difficulties include shortage of finances and qualified personnel, lack of technical expertise, absence of oversight of delegation of authority etc. In this respect, IMO has an extensive technical cooperation programme which concentrates on the self-sustainable development of beneficiary countries. It focuses on capacity building through maritime training and similar activities as well as transfer of marine technology, as appropriate.

Capacity building and transfer of marine technology

Article 266 of UNCLOS on the promotion of the development and transfer of marine technology sets out that States "cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions" and "endeavour to foster favourable economic and legal conditions for the transfer of marine technology".

While IMO is not a direct commissioner of marine science and marine technology, it is a beneficiary and end-user of marine science and technology and therefore recognizes the essential role science and technology play in the process of developing and adopting global regulations to ensure the safety, security and efficiency of ships and the protection of the environment, both marine and atmospheric, from shipping operations. Available and affordable marine science and technology also play a central role in the implementation of global regulations on the prevention of marine pollution from dumping of wastes and other matter at sea (London Convention and Protocol)[1].

[1] https://www.imo.org/en/OurWork/Environment/Pages/London-Convention-Protocol.aspx

IMO unites the global maritime industry in exploration and development of new maritime technologies, the topic of the twenty-third ICP[2], for greener shipping and recognises and supports the role they play and will continue to play in underpinning IMO's commitment to provide the institutional framework necessary for a green and sustainable global maritime transportation system.

IMO's technical cooperation programme is instrumental in supporting safe, secure and efficient shipping; preventing marine and atmospheric pollution from ships; and building capacities of countries in these areas. In that respect, the outcomes from audits of Member States under the IMO Member State Audit Scheme (resolution A.1067(28)), which are mandatory under nine mandatory IMO instruments relating to safety and the protection of the marine environment, are used in the planning and delivery of targeted technical assistance to Member States.

The vision for the Scheme is to promote the consistent and effective implementation of applicable IMO instruments and to assist Member States to improve their capabilities, whilst contributing to the enhancement of global and individual Member States' overall performance in compliance with the requirements of the instruments to which they are Party. A total of 132 audits of Member States have been conducted so far in the current audit cycle, which started in 2016. More specifically, paragraph 5 of the audit standard (IMO Instruments Implementation Code (III Code, resolution A.1067(28)) – stipulates "In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transfer one type of pollution into another".

In relation to SDG14, a global portfolio of projects is also supporting IMO Members States' implementation needs, especially in relation to sea-based marine litter (through the GloLitter, RegLitter and ProSeas projects), underwater noise (GloNoise project), biofouling (GloFouling and TEST Biofouling projects) and ship recycling (SENSREC project).

IMO's Member States have underlined the importance of receiving, in addition to traditional capacity building, more on the ground, operational and technical deployment support, including the development of innovative affordable solutions to sustainably treating marine plastic litter.

The importance of monitoring and data availability for impactful capacity building support has also been highlighted, including developing systems to quantify and monitor marine plastic litter in oceans and establishing underwater noise (URN) monitoring stations to improve scientific data collection.

Technology deployment and piloting new technologies has become an integral part of capacity building support in IMO in recent years as developing countries are greatly interested in technology demonstrations.

Many Member States have recognized the importance of sustainability of technology deployment and pilots and requested more capacity building, specifically on how to develop bankable project proposals and understanding relevant financial processes and application requirements of international financial institutions. This has been integrated in capacity building programmes as much as possible and work on developing innovative financial solutions is also ongoing in the IMO-EBRD-World Bank FINSMART Roundtable.

[2] https://www.un.org/Depts/los/consultative_process/contribution23/IMO.pdf

IMO's World Maritime Day theme for 2025 is "Our Ocean, Our Obligation, Our Opportunity"[3]. The theme emphasizes the link to wider global efforts to protect the ocean including the conclusion of the UN Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement), the negotiation of a new instrument to address plastic pollution and the third UN Ocean Conference in June 2025.

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[3] https://www.imo.org/en/About/Events/Pages/World-Maritime-theme-2025.aspx