



## OceanCare Contribution to the report of the UN Secretary-General on oceans and the law of the sea, pursuant to General Assembly resolution 79/144 of 12 December 2024, entitled "Oceans and the law of the sea"<sup>1</sup>

### **Theme for the twenty-fifth session of the United Nations Open-ended Informal Consultative Process on the Oceans and the Law of the Sea (ICP-25), which will be held in New York from 16 to 20 June 2025: "Capacity Building and the Transfer of Marine Technology: New Developments, Approaches, and Challenges."**

Wädenswil/Switzerland, 20<sup>th</sup> January 2025

OceanCare welcomes the opportunity to contribute to the report of the UN Secretary-General on oceans and the law of the sea, pursuant to General Assembly resolution 79/144 of 12 December 2024, entitled "Oceans and the law of the sea". It also conveys its gratitude to UNDOALOS for encouraging the submission of a contribution on the topic of "Capacity Building and the Transfer of Marine Technology: New Developments, Approaches, and Challenges," which will be addressed at the 25th meeting of the UNICPOLOS in June.

As a preliminary and procedural consideration, OceanCare would like to emphasise the importance of all contributions to the report of the UN Secretary-General submitted by parties, stakeholders, and actors interested in the thematic debates of the UNICPOLOS. In this regard, the decision not to make all contributions to this report available verbatim and in full on the UNDOALOS website is regrettable. All contributions received from relevant experts to this meeting should be treated in accordance with the principle of equality, and civil society organisations like OceanCare, which actively contribute to the work of the UN in line with its ECOSOC status, should be uploaded with those submitted by States and intergovernmental organisations. OceanCare has a strong and consistent track record of participation in UNICPOLOS meetings over the 24-year lifespan of this forum. We therefore believe that we have significant experience and knowledge to contribute to the discussions of UNICPOLOS and we strongly encourage that our contribution be published in due course on the website of UNDOALOS. This is because, among other things, this contribution sheds light on the efforts, present and ongoing, of our organisation in promoting capacity building and the transfer of marine technology, including for the benefit of developing countries we currently support with our expertise and activities.

In an attempt to streamline these efforts, the inputs are provided through this contribution under three separate entries, reflecting the relevant work undertaken by OceanCare in relation to the topic of the 25th meeting of the UNICPOLOS.

#### **1. OceanCare position on capacity building and the transfer of marine technology**

OceanCare, in its mission and effort to protect the ocean and its ecosystems and biodiversity from anthropogenic threats in the framework of the triple planetary crisis of climate change biodiversity loss and pollution, has always been mindful of the need to level the playing field. Ultimately, such need has been stressed when adopting the BBNJ Agreement and throughout the negotiating process for this agreement OceanCare, like other civil society organisations, has called on the international community to bridge the divide between developed and developing countries. Without serious efforts to promote capacity building and the transfer of marine technology, the very implementation of the BBNJ Agreement will be undermined and it is therefore contingent upon those countries that have the

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<sup>1</sup> Link to the resolution: [N2339733.pdf \(un.org\)](#)



respective research capacity, knowledge, and technology to facilitate and advance capacity building and the transfer of marine technology.

At the same time, the BBNJ Agreement is the first global instrument on ocean governance that does not see the provision of capacity building and the transfer of marine technology as an exclusive prerogative of developed countries, or countries in general. This agreement, which has been celebrated as the first to ever have been concluded with such a critical and decisive contribution from civil society organisations. Equally so, the success of the Agreement relies on such organisations to do what they can do in order to support capacity building and the transfer of marine technology. While we certainly intend to advocate for countries to deliver on the pledge they made to protect the ocean when adopting the BBNJ Agreement, and assist developing countries in meaningfully implementing the BBNJ Agreement, we have also identified specific areas where OceanCare can directly contribute, based on our expertise, to providing capacity building opportunities to developing countries.

In respect to the BBNJ Agreement, OceanCare will, as a first step, focus its efforts on awareness-raising, disseminating knowledge on the obligations arising from the BBNJ Agreement and, specifically, on provisions under its Parts III and IV. We believe that critical concepts and principles enshrined in the Agreement require further elaboration and should be implemented and interpreted in a way that will improve the restoration of healthy marine ecosystems. This is the case, most notably, for the precautionary principle, given the continuous and alarming attempts to push for the indiscriminate application and expansion of marine geoengineering techniques as potential types of capacity building and the transfer of marine technology. Such techniques have become extremely popular recently and include the adding nutrients into the ocean to enhance natural processes that draw carbon from the atmosphere. Such processes have falsely been promoted as an effort to counter climate change. OceanCare joins the petition by those scientists in the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) that, in a recent report, warned on the negative impacts that such techniques might have and urged the application of a precautionary principle towards these techniques, as they involve deliberate large-scale manipulation of the marine environment. It is the firm view of OceanCare that any efforts aimed at promoting capacity building and the transfer of marine technology should not result in the scaling up and uptake of marine geoengineering techniques and/or any other type of capacity building which do not pass the rigorous test of the precautionary approach.

As OceanCare will intensify its knowledge-based efforts to contribute to a better understanding of the BBNJ Agreement, we want to draw the attention of UNCIPLOS to the fact that promoting capacity building and the transfer of marine technology should be mediated by careful analysis and preliminary assessment first, specifically when there could be potential negative effects on the marine environment resulting from any marine technology transferred to developing countries. In other words, the provision of capacity building and the transfer of marine technology should not become an automatic "passe-partout," for lack of a better word.

## **2. OceanCare's commitment to advancing capacity building and the transfer of marine technology**

OceanCare has encouraged technological innovation - in parallel to operational measures - in support of the conservation of marine ecosystems and marine wildlife found therein. Among several examples that could be provided, two seem to be particularly fitting to inform discussions at the 25th meeting of UNCIPLOS. The first is the SAvE Whales project, narrowing in on the application of high-tech to protect sperm whales in the Mediterranean Sea. This project has led to the establishment of the first ever integrated acoustic observatory to locate sperm whales in real-time and inform ship captains so they can impose operational measures to avoid potential collisions with the whales. In situations when it would not be possible to prevent ship strikes simply by relocating shipping lanes and by avoiding the whales' habitats, technological solutions, like those successfully tested under this project by OceanCare, can be used to warn ship captains to slow down and/or change course. OceanCare believes that, based on the precedent of the work done in the Eastern Mediterranean, its "System for the Avoidance of ship strikes



with Endangered Whales”, aka SAve Whales can benefit marine regions where similar challenges occur. In this regard, OceanCare is willing to promote capacity building and the transfer of marine technology to those developing countries that need help in putting in place a system that prevents endangered marine mammals from ship collisions.

OceanCare is equally committed to promoting the use of E-DNA, namely biological material containing uniquely identifying genetic information such as DNA, which can be collected from water, soil and even the air. Specifically, the organismal DNA that is obtained from these environments, known as ‘environmental DNA’, has become a powerful non-invasive tool for identifying and monitoring species in their natural habitats and, consequently, deterring poaching. OceanCare has therefore been advocating for the use of E-DNA to detect the presence of different species in the environment, without relying on traditional methods such as physically observing or entrapment. Furthermore, OceanCare intends to initiate work on analysing the DNA that organisms shed into their surroundings, in particular in marine ecosystems. Techniques for the collection and analysis of E-DNA samples, as it is known, require sophisticated training, which can take place online. This is one way that OceanCare has advanced capacity building and the transfer of marine technology in the field of collection and analysis of E-DNA, namely preparing training materials to be posted online, including in close cooperation with select partners and scientific institutions.

### **3. Desired outcomes of capacity building and the transfer of marine technology**

OceanCare is intent on supporting widespread availability to capacity building and the transfer of marine technology for the benefit of developing countries against the broader framework of the BBNJ Agreement and in relevant IFBs concerned by the application of its provisions. In addition to advocating for capacity building and the transfer of marine technology at the 25th meeting of UNICPLOS, we will remain vocal on the importance of such a powerful tool at the level of the BBNJ preparatory committee. At the same time, relying on our ongoing cooperation with a number of IFBs, specifically IMO and FAO, we will encourage tailored efforts by these organisations to scale up their commitments to building countries’ capacity. In the case of the IMO, for instance, OceanCare would like to see capacity building and the transfer of marine technology revolving around generating knowledge on complex topics such as ships biofouling and underwater noise at the level of developing countries and with the involvement of the industry. This is because the industry must be a part of the solution to some of the problems that it has created over the years and that the BBNJ Agreement intends to address. Transparency and accountability are key principles of the BBNJ Agreement and must be at the forefront of implementation.

In light of the above, the only acceptable outcome of providing developing countries with capacity building and transfer of marine technology opportunities is to accompany them in progressively achieving the global commitments they have signed up to under momentous initiatives, such as the Kunming-Montreal Global Biodiversity Framework and the UN SDGs, especially their targets/goals related to the protection of the marine environment. Since this is expected to happen by 2030, at the very latest, efforts to deploy capacity building and the transfer of marine technology pursuant to the BBNJ Agreement cannot wait for this instrument to enter into force. The responsibility for protecting the ocean is upon all of us. OceanCare remains ready to support developing countries in building their capacity toward the conservation of the ocean.

#### **For further information:**

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### **About OceanCare**

OceanCare was founded in Switzerland in 1989 and is an international marine conservation non-governmental organisation. The organisation pursues the protection and restoration of the marine environment and marine wildlife with a strong policy focus, combining research, conservation projects and education. OceanCare's remit includes marine pollution, climate change, marine mammal hunting and the environmental consequences of fisheries. Its work is supported by a team of scientific, legal and policy experts, and involves strategic collaboration with a number of partner organisations and affiliation with many international bodies.

OceanCare holds Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC) and Observer Status at the United National Framework Convention on Climate Change (UNFCCC). OceanCare has also been accredited as part of the Major Group 'Science & Technology' to the United Nations Environment Assembly (UNEA), which is the governing body of UNEP and is a part of the UNEP Global Partnership on Marine Litter.

OceanCare is an accredited Observer to the Convention on Biological Diversity (CBD), the International Whaling Commission (IWC), the International Seabed Authority (ISA), and the London Convention/London Protocol (LC/LP). Moreover, the organisation is a Partner of the Convention on Migratory Species (CMS), and the UNEP/CMS Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), the Barcelona Convention (UNEP/MAP), as well as the General Fisheries Commission for the Mediterranean (GFCM).

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