

# **Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction**

## **Initial survey of capacity-building and technical assistance needs**

### **Compilation of results**

#### **I. Introduction**

In [resolution 77/321 of 1 August 2023](#), the General Assembly approved the assumption by the Secretary-General of the functions assigned to him under the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (the 'BBNJ Agreement'), including the performance, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations ('DOALOS'), of secretariat functions until such time as the secretariat to be established under the BBNJ Agreement commences its functions. In light of this, DOALOS is implementing a programme of activities to promote a better understanding of the Agreement and prepare for its entry into force, which includes capacity-building and technical assistance activities.

In accordance with article 52 of the BBNJ Agreement, which provides for the inclusion of the Global Environment Facility (GEF) trust fund in the financial mechanism under the Agreement, the GEF Council authorized the use of up to \$34 million for the funding of ratification support and early action activities for the Agreement. DOALOS and the GEF Secretariat are thus working closely together to ensure coordination of efforts and the efficient use of resources.

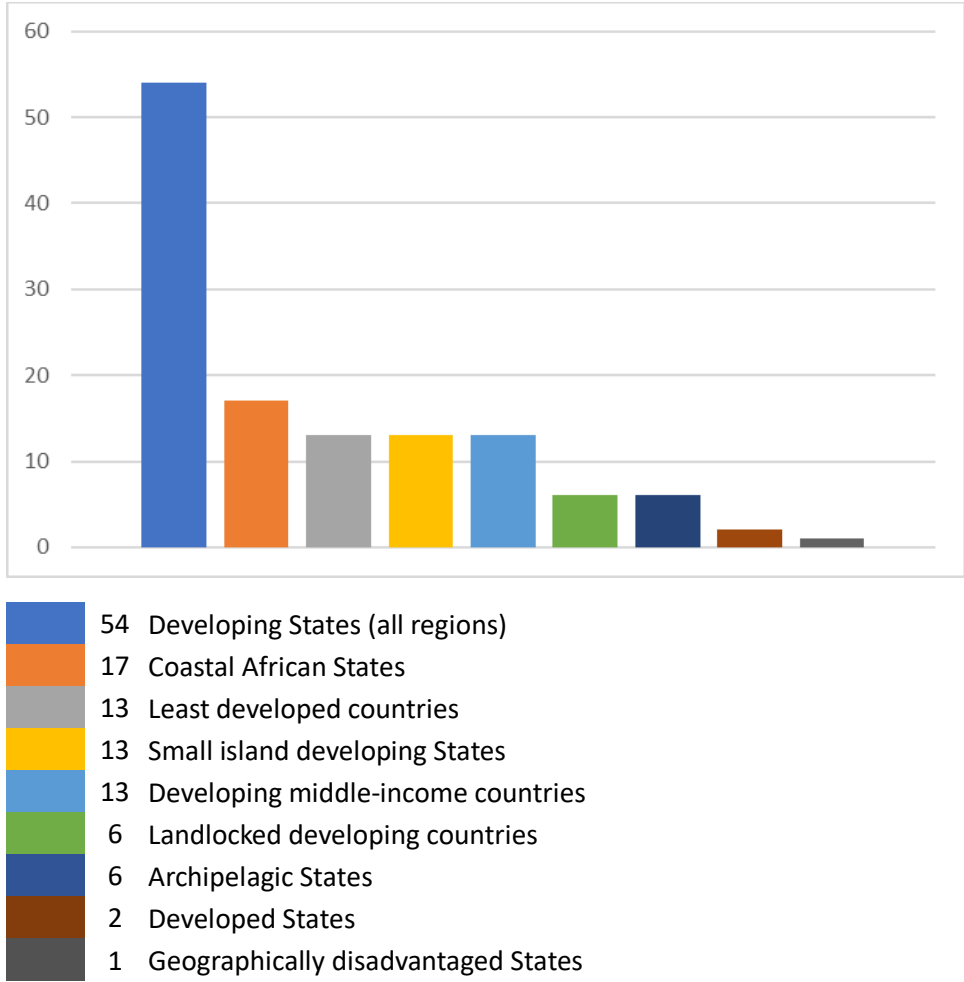
As a first step, DOALOS and the GEF Secretariat have conducted a survey of capacity-building and technical assistance needs, to provide States with an initial opportunity to inform the development of future assistance from DOALOS and the GEF in support of becoming party to the Agreement and early implementation.

The survey comprised eight questions and was open from 17 January to 26 February 2024. A total of 80 responses were received. The results are set out below.

## II. Survey questions and responses

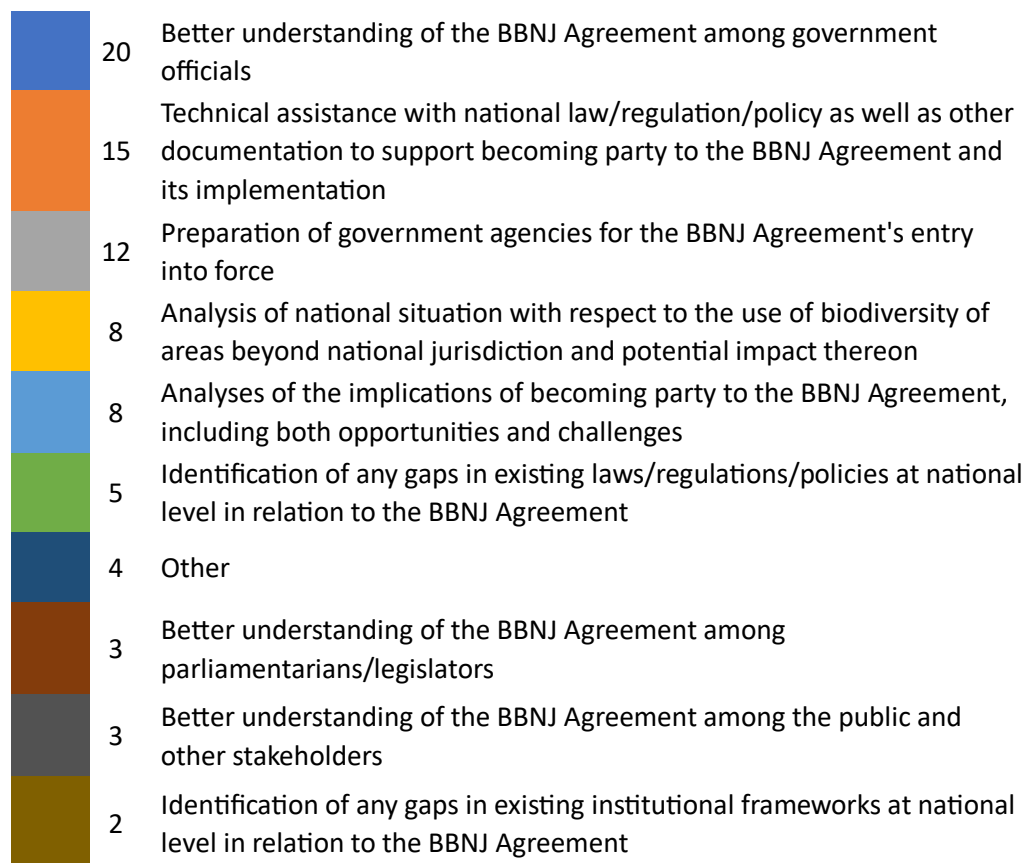
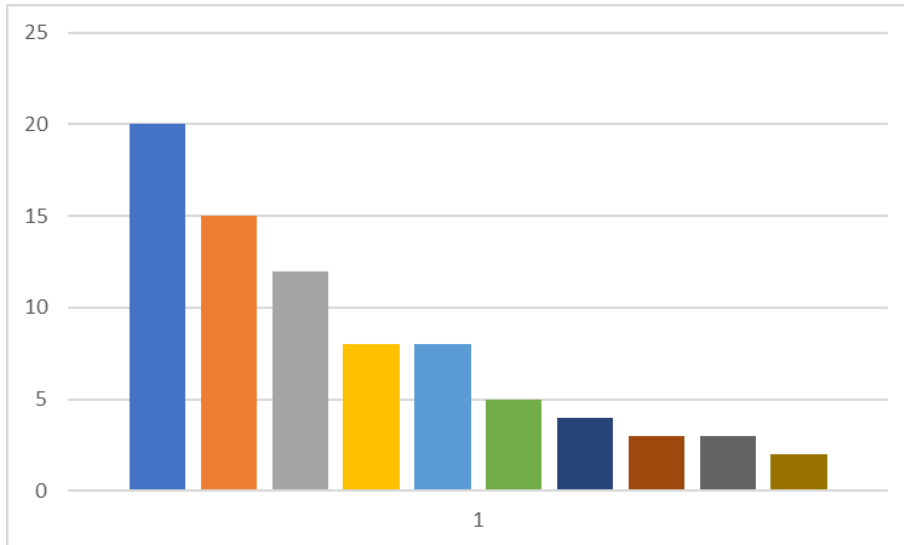
### 1. Which category of State do you represent?

Question 1 set the context by setting out which categories of States participated in the survey. Since more than one of the listed categories can apply to a State, multiple responses were allowed. The vast majority of the 80 respondents were developing States, while two developed States participated. The second largest group were coastal African States, followed by least developed countries, small island developing States and developing middle-income countries.



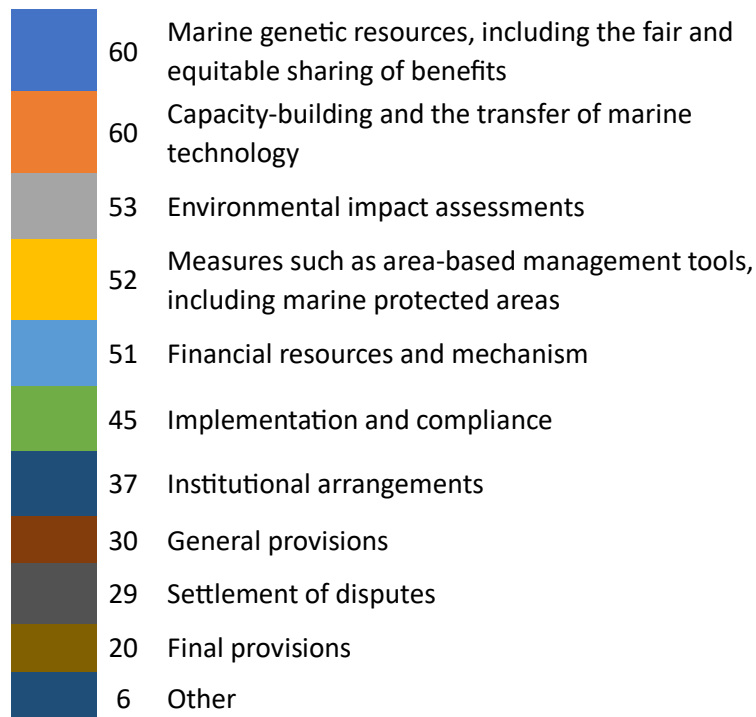
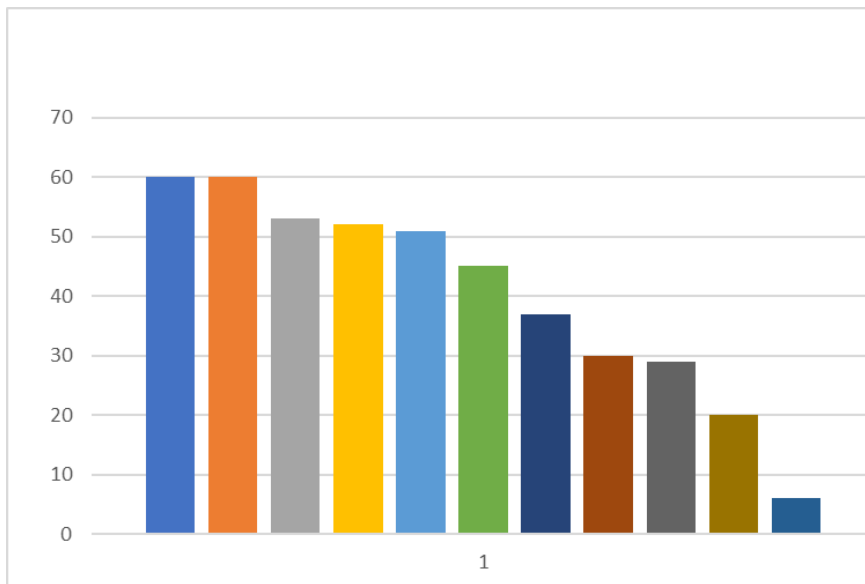
## 2. What are the capacity-building priorities of your State in respect to the BBNJ Agreement?

Question 2 generated 80 responses and allowed respondents to select only one option out of the list, thus prompting them to choose their most important capacity-building priority. The need to improve understanding of the BBNJ Agreement among government officials ranked highest, followed by demands for technical assistance with national law/regulation/policy, and for the preparation of government agencies for the BBNJ Agreement’s entry into force.



### 3. On which specific areas of the BBNJ Agreement would your State most urgently require capacity-building?

Question 3 generated 80 responses as well. It allowed multiple responses, enabling respondents to select all areas of the BBNJ Agreement they require capacity-building support with. Overall, the interest in capacity-building activities relating to specific areas of the Agreement seemed high, since many respondents selected various options. Marine genetic resources, including the fair and equitable sharing of benefits and capacity-building and the transfer of marine technology ranked highest, followed by environmental impact assessments, measures such as area-based management tools, including marine protected areas, and financial resources and mechanism.



#### **4. Do you have any suggestions with regard to future capacity-building and technical assistance activities in relation to the BBNJ Agreement?**

This open question gave respondents the opportunity to elaborate on their individual capacity-building needs. It generated 39 responses - about half of the survey participants. Several respondents repeated aspects of question 2; those responses are not included in this summary to avoid duplication.

##### ***General***

It was emphasized that capacity-building and technical assistance activities should take place as soon as possible and be streamlined to ensure they are reaching the necessary audience and are building on previous activities. Other general aspects raised included involving the youth, offering capacity-building activities to participants of all ages, and offering activities in French.

Below is an overview of the types of activities that were suggested:

- Training programmes, including publicly available trainings and online courses
- Regional workshops, seminars and trainings, tailored to specific regional contexts
- Public awareness campaigns
- Technical guidance documents
- Capacity-building and technical needs assessments
- Targeted technical assistance, including technical assistance missions
- Multidisciplinary working groups
- Joint scientific research and development
- Peer-to-Peer learning networks
- Capacity-building grants and fellowships
- International cooperation through partnerships among countries, regional and global organizations, academic institutions, and the private sector
- Management of capacity-building and technical assistance activities including coordination, prioritization, monitoring and evaluation

In terms of substance, most suggestions for capacity-building and technical assistance activities fit into three broad categories: (1) implementation of the BBNJ Agreement at the national level; (2) implementation at the regional level; (3) suggestions with regard to certain substantive aspects of the Agreement. These are described below, followed by a summary of other suggestions that did not fit into those categories.

##### ***Suggested activities to support the implementation of the BBNJ Agreement at the national level***

- Design comprehensive training programmes for a variety of stakeholders, including government officials, scientists, NGOs, and the private sector, on key aspects of the BBNJ Agreement such as MGRs, ABMTs, and EIAs, to enhance their overall understanding of the Agreement and the implications of its implementation.
- Conduct trainings and interactive workshops tailored to different government authorities at the national level, including trainings addressing the specific challenges faced by the different categories of developing States, to improve States' understanding of the provisions, obligations, opportunities and implementation mechanisms of the BBNJ Agreement, and to enhance their ability to participate effectively in marine biodiversity conservation, the sharing of benefits

arising from activities with respect to marine genetic resources, and the transfer of marine technology.

- Provide targeted technical assistance supporting countries in developing national legislation, policies, and national action plans for the effective implementation of the BBNJ Agreement, and aligning such legislation, policies and action plans, as well as institutional frameworks, with the requirements of the Agreement.
- Provide practical information on pros and cons of acceptance of the BBNJ Agreement to relevant national institutions.
- Develop and disseminate tools for the implementation at the national level, for example technical guidance documents, toolkits, and manuals, and provide instructions for data compilation, monitoring and evaluation, or other stocktaking activities.
- Assess existing capacities as well as capacity needs for the effective implementation of the Agreement.
- Facilitate access to financing mechanisms to support the implementation of the BBNJ Agreement, especially for developing countries.
- Include higher education institutions and governmental research institutions in capacity-building activities.

#### ***Suggested activities to support the implementation of the BBNJ Agreement at the regional level***

- Organize regional workshops and seminars for relevant stakeholders to facilitate knowledge exchange, including sharing of best practices, lessons learned, and technical expertise, and promote networking among countries.
- Strengthen access to technology and regional partnerships for monitoring and assessment of the state of the marine environment to enable countries (and regions) to participate in the BBNJ Agreement with the best available information.
- Appoint a regional lead agency that coordinates with States in the region.

#### ***Suggestions relating to substantive aspects of the BBNJ Agreement***

##### *Marine genetic resources, including the fair and equitable sharing of benefits*

- Facilitate workshops and training programmes enhancing the skills of scientists at the national level to identify and assess marine genetic resources.
- Foster collaboration between national and international institutions to guarantee equitable access to marine genetic resources.
- Support national marine science research institutions to access funding for upgrading their facilities in order to enhance their research capabilities related to marine genetic resources.
- Support joint scientific surveys on marine genetic resources and deep-sea biodiversity in areas beyond national jurisdiction, and research and development of in-situ collection technologies and their application potential.
- Generate, in a collaborative manner, technical guidelines to access marine genetic resources, and provide training for technical advisors on such guidelines.

##### *Measures such as area-based management tools, including marine protected areas*

- Facilitate workshops and training programmes enhancing the skills of scientists at the national level to establish area-based management tools, including marine protected areas.
- Support developing countries with the creation and sustainable use of marine protected areas surrounding their territory.
- Generate, in a collaborative manner, technical guidelines to substantiate area-based management tools, and provide training for technical advisors on such guidelines.

*Environmental impact assessments*

- Generate, in a collaborative manner, technical guidelines to conduct environmental impact assessments, and provide training for technical advisors on such guidelines.
- Support environmental baseline studies in areas with high levels of human activities, and the establishment of a global deep-sea environment baseline public database.

*Capacity-building and the transfer of marine technology*

- Focus on transferring marine technology that assists with addressing pollution and wildlife crimes.
- In the context of the transfer of marine technology, explore and promote the use of innovative technologies, such as satellite monitoring and other types of remote surveillance, artificial intelligence, and modeling tools, to enhance data collection, marine surveillance and marine resource management.
- Offer capacity-building grants, fellowships, and scholarships to support individuals and organizations from developing countries in participating in training programmes, attending conferences, conducting research, and implementing BBNJ-related projects.
- Coordinate capacity-building and technical assistance activities; integrate existing projects into new activities if possible; identify the areas in which the Agreement has the greatest impact and prioritize activities accordingly; and monitor and evaluate activities to ensure that they achieve their objectives.

*Cross-cutting issues*

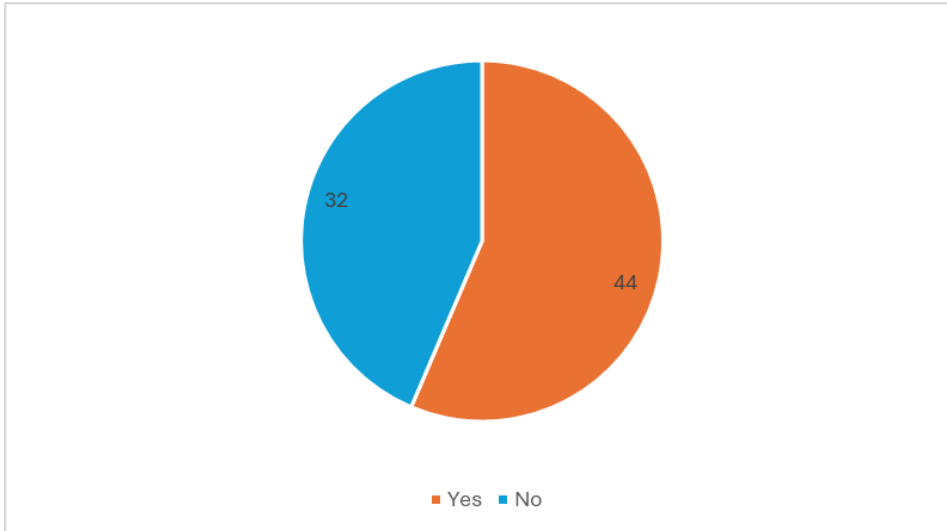
- Offer training in dispute resolution methods, including practical exercises and case studies in the context of marine biodiversity disputes.

***Other suggested activities***

- Establish peer-to-peer learning networks or communities of practice, using virtual platforms and online forums to facilitate collaboration, exchange of knowledge and best practices, and mutual support among countries and stakeholders working on BBNJ-related issues.
- Include the BBNJ Agreement in university curriculums where relevant.
- Provide information on the relationship of the BBNJ Agreement with other law of the sea instruments and other areas of international law.

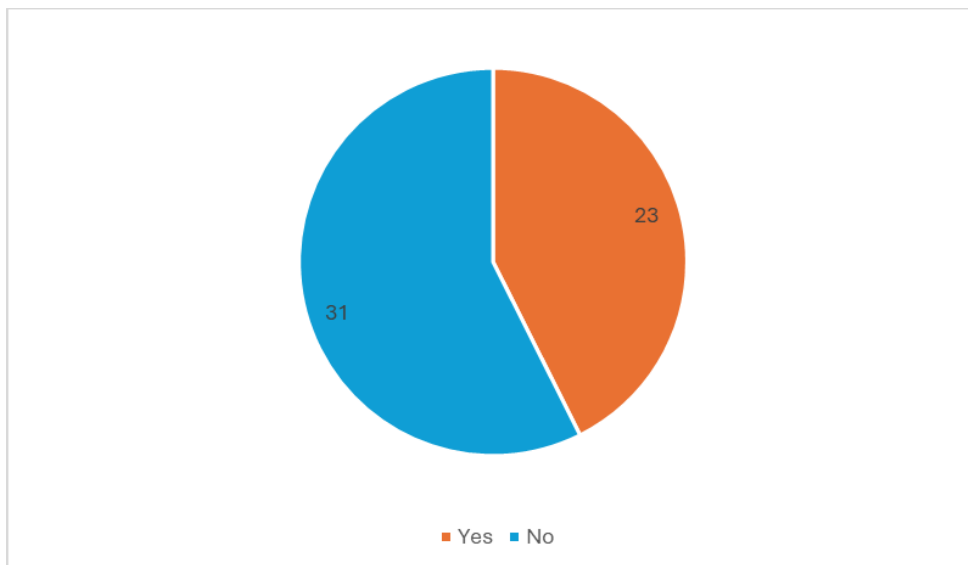
### 5. Has your State signed the BBNJ Agreement?

From a total of 76 respondents, 44 (which equals 58 per cent) indicated that their State had signed the BBNJ Agreement.



### 6. If you answered 'yes' to question 5, has your State begun the process of ratification, acceptance or approval of the BBNJ Agreement?

Question 6 was answered by 54 participants; 67.5 per cent of all respondents, and ten more than the 44 who answered 'yes' to question 5 above. This means that the question may have been answered by some participants whose States have not yet signed the BBNJ Agreement. Nevertheless, more than half of the States who signed have not yet begun the process of ratification, acceptance or approval of the BBNJ Agreement, possibly indicating that, besides the required internal steps within the national legal system which may take time in some cases, capacity-building activities may be useful.





**7. If you answered 'yes' to question 6, please provide any additional information on your State's process of ratification, acceptance or approval of the BBNJ Agreement that may be relevant to its capacity-building needs.**

In the 21 responses received to this question, respondents described the processes required for ratification under their national laws and reported on the current status as well as the next steps required to become Party to the Agreement. Most respondents are in the early stages of the ratification process; they are, for example, conducting internal consultations, evaluating cost implications, preparing for legislators' initial debate, preparing draft instruments of ratification, or are in various stages of seeking cabinet approval before sending the Agreement to their parliaments for ratification. One respondent reported that they had deposited their instrument of ratification with the UN.

Respondents also elaborated on their capacity-building needs in the context of the ratification process. Several respondents pointed out the need for parliamentarians/legislators to get a better understanding of the BBNJ Agreement in order to mobilize their support as well as the budget for the Agreement's implementation. Two respondents explained that moving ahead with the signature or ratification process requires them to identify gaps in existing laws, thus trainings on the BBNJ Agreement and in particular on how to identify gaps in national laws would be helpful.

Some responses were relevant for question 4 rather than question 7; those were included in the description of the results for question 4.

**8. Does your State plan to request GEF support for ratification and implementation readiness, noting the eligibility criteria set out in paragraph 29 of the GEF Council document GEF/C.64/12/Rev.02?**

The high number of participants responding with "do not know" indicates that many States have not yet evaluated whether they will need GEF support or their eligibility for GEF support.

