

Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument 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.

Fourth session, 10 to 21 July 2017, UNHQ, New York

SIDE EVENT ON

Capacity Development in Areas Beyond National Jurisdiction (ABNJ): Experiences, Lessons, Possible Ways Forward

July 17, 2017, 1:15 PM to 2:45, Conference Room 2

The United Nations held the fourth meeting of the Preparatory Committee established by the General Assembly resolution 69/292: Development of an international legally binding instrument 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 (BBNJ PrepCom 4) at the United Nations Headquarters in New York from 10 to 21 July 2017. In parallel to this important effort to strengthen legal institutions around ABNJ, the **Global Ocean Forum, the Food and Agriculture Organization of the United Nations (FAO), UNEP World Conservation and Monitoring Centre (WCMC), Intergovernmental Oceanographic Commission (IOC-UNESCO) and the Ocean Policy Research Institute of the Sasakawa Peace Foundation** co-organized the side event *Capacity Development in Areas Beyond National Jurisdiction (ABNJ): Experiences, Lessons, and Possible Ways Forward on July 17, 2017*. The side event focused on modalities, experiences, and lessons learned in existing efforts at capacity development in ABNJ, and explored possible ways of moving forward on this central issue in the BBNJ process. 13 speakers presented their perspectives on the capacity development discussions in the BBNJ process thus far, best practices from existing capacity development efforts, and options for future capacity development in ABNJ to over 60 attendees.

Co-Chair Blaise Kuemlangan, FAO opened the meeting, welcoming participants and noting that the aim of the meeting was to discuss, in very tangible ways, possible modalities for capacity development and technology transfer under the BBNJ agreement. He noted, as well, that a number of the presentations would focus on the capacity development experiences and lessons learned from the GEF/FAO Common Oceans Program (www.commonoceans.org). **Co-Chair Biliانا Cicin-Sain, Global Ocean Forum**, on behalf of the Co-Chairs, provided stage-setting remarks for the Side Event. By way of background, Dr. Cicin-Sain noted that there is an existing and impressive “architecture” already in place on capacity building and technology transfer, emanating from the UNCLOS stream (1982 Convention, 1994 and 1995 implementing agreements), the UNCED stream (1992 UNCED, 2002 WSSD, 2012 Rio+20, Agenda 2030), as well as in related agreements—the 1994 Convention on Biological Diversity, the 2014 Samoa Pathway, the 2012 Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and the 2015 Paris Agreement.



While this “architecture” of capacity development and technology transfer is excellent, there has been limited implementation of these provisions. In most cases, implementation has not been tied to a funding mechanism, nor to a follow-up mechanism to assess progress and impact. As well, more attention/work has been focused at the *individual* level of capacity development (training individuals), with less attention/work focused on building *institutional* and *societal* capacity.

The major challenge thus is not to reconstruct these global prescriptions in the context of the ABNJ, but instead to build a tangible system of capacity development and technology transfer, focusing especially on what modalities could be employed, and what funding and follow-up mechanisms could be constructed.

Reflecting on the experiences gained through the GEF/FAO/GOF capacity project, Cicin-Sain noted, as well, that expressed needs for capacity development vary considerable from region to region of the world, and that nations make clear linkages regarding capacity development along the continuum of coastal zones, Exclusive Economic Zones, and Areas Beyond National Jurisdiction—efforts to build capacity regarding ABNJ must benefit EEZ and coastal management at the national level as well.

Dr. Cicin-Sain then set forth the major questions to be addressed at the Side Event:

--What lessons are/have we learned from existing efforts at Capacity Development in ABNJ, both from cross-sectoral and from sectoral efforts?

--What should be the relationship between Capacity Development and Technology Transfer?

--Regarding Modalities, Funding Options, and a Clearinghouse Mechanism, what might be some useful models in other relevant areas?

--What process might be mobilized to further identify and evaluate the pros and cons of various options on the above?



Biliana Cicin-Sain

Dr. Marjo Vierros, Global Ocean Forum, continued the presentations by describing ongoing policy research by the Global Ocean Forum (associated with the Communities of Practice of the GEF/FAO/GOF Capacity Project) on capacity development pathways, and giving an overview of the goals of the new legally binding instrument. She emphasized the importance of making capacity development needs-based and flexible, with support across sectors, both governmental and non-governmental. Dr. Vierros pointed to ongoing skill building,

regular review of needs, regional centres of excellence, and spreading development from the local to the global scale as best practices relevant to the BBNJ deliberations.



Merete Tandstad, Blaise Kuemlangan, Leah Karrer, and Harriet Harden-Davies

The discussion moved to some specific examples of capacity development efforts and the lessons drawn from them as **Alejandro Anganuzzi of FAO** highlighted the work of the GEF/FAO Tuna Project. Mr. Anganuzzi stated that Regional Fisheries Management Organizations can be essential points of collaboration in ABNJ, and strengthening their capacity and coverage could be a vital part of sustainable management of BBNJ. He reiterated the importance of consistency and follow-up in long-term capacity development efforts, and mentioned the particular need to increase communication between scientists and policy-makers.



Alejandro Anganuzzi and Marjo Vierros

Hannah Thomas, UNEP WCMC, and Merete Tandstad, FAO presented practical examples of regional experiences in area-based planning and management in ABNJ. Ms. Thomas described testing and development of area-based planning in ABNJ by the GEF/FAO Deepsea Project in the Western Indian Ocean and Southeast

Pacific. She described the process of identifying suitable areas for area-based management in ABNJ and the development and sharing of tools to implement this management. Ms. Tandstad discussed the important work of Regional Seas programs, and emphasized the need to move toward cross-sectoral management. She pointed to FAO's work at the regional level in successfully assessing capacity needs, and their forthcoming work testing potential management tools.



Merete Tandstad, Hannah Thomas, and Marjo Vierros

Leah Karrer of the Global Environment Facility (GEF) continued the discussion of capacity development examples by presenting the capacity development work of GEF in other conventions which might provide useful models for the new BBNJ instrument. Ms. Karrer highlighted GEF's work with the UN Framework Convention on Climate Change (UNFCCC) in three areas: institutional capacity building and human resource growth, vulnerability assessments, and research and technology support. She stated that the partnership between GEF and the UNFCCC has been enabled by strong and clear institutional frameworks. She also pointed to strengthening of national institutions as a key element of capacity development.



Leah Karrer and Hannah Thomas

Harriet Harden-Davies, IOC-UNESCO and the University of Wollongong, then focused on defining best practices of technology transfer and capacity growth in the area of ocean science and management. She described the need to define what types of technology are needed and where they are needed, and the importance of international scientific collaboration to develop new technologies. Ms. Harden-Davies moved on to describe the essential nature of access to knowledge for developing countries as they grow their human resources and ability to sustainability utilize ABNJ/BBNJ. Finally, she highlighted the benefits of distance learning while noting that countries need infrastructure in order to participate.

The co-chairs moved on to the next session, which was a discussion among various Member State experts on possible ways forward. The first speaker in this session was **Rena Lee, Singapore, and Facilitator of the Informal Working Group on Capacity Building and Transfer of Marine Technology**. Speaking in her personal capacity, she observed the importance of learning from and using existing capacity building frameworks and efforts, rather than repeating work. She emphasized that there is no one-size-fits-all method of addressing capacity development, and efforts must be targeted to individual needs of countries and regions. Ms. Lee noted that many are calling for capacity development efforts to extend beyond the public sector into academia and the private sector. Finally, she discussed the need for a practical and useable clearing-house mechanism.

T. Suka Mangisi, Deputy Permanent Representative of the Kingdom of Tonga to the UN, speaking in his personal capacity, continued the discussion by pointing to the problem of losing trained individuals from the national level as they often move to regional or international institutions. He stated that expanding national capacity could help with this issue. Mr. Suka Mangisi emphasized that capacity development and technology sharing could be implemented in a mutually beneficial manner, giving examples of successful country-to-country partnerships. He closed by discussing the need for strong institutions and enforcement ability, and the importance of a clearing-house mechanism.



Sunami Atsushi and T. Suka Mangisi

The next speaker, **Marc Richir of the European Commission**, speaking in his personal capacity, pointed to regional collaboration as an important part of successful efforts. He discussed the importance of moving from needs assessments to the utilization and implementation of the results of such assessments, mentioning that efforts seem to stop at needs assessments all too frequently. Mr. Richir discussed some of the needed elements of a successful clearing-house mechanism, which have been established in other successful projects, and how they might be brought into the capacity development efforts in BBNJ.

Alice Revell, New Zealand, and Facilitator of the Informal Working Group on Area-Based Management Tools including Marine Protected Areas, speaking in her personal capacity, discussed the usefulness of area-based management tools in ABNJ and the need to support capacity of nations to use these tools. She expressed concern about the sectoral nature of their application and stated the need to make efforts cross-sectoral. Ms. Revell concluded by stating that area-based management tools are becoming more frequently applied within national jurisdictions, and the lessons from these experiences could be expanded into ABNJ.



Rena Lee, Marc Richer, and Alice Revell

Co-chair Mr. Kuemlangan, FAO, summarized the main points discussed by the panelists. He noted that this session revealed many strong capacity development efforts, but cautioned that these separate efforts would be most successful if they collaborate and communicate going forward. Although all the speakers were representing their personal views rather than those of their organizations or nations, Mr. Kuemlangan praised the variety and thorough nature of the perspectives and discussions. The co-chair highlighted the fact that many speakers recommended all capacity development efforts be needs-based and flexible, so that they could adapt to changing needs across local, national, regional, and global scales. He pointed out that nearly every speaker mentioned the difficulty of building and maintaining appropriate funding mechanisms, stating that it would be easier to expand and draw from existing funding mechanisms rather than starting from scratch. Finally, Mr. Kuemlangan reiterated the speakers' point that lessons can be drawn from capacity development efforts in areas within national jurisdiction; indeed, it would be useful to expand such efforts into ABNJ because there are ecological connections across these boundaries.

Sunami Atsushi, President of the Ocean Policy Research Institute (OPRI) of the Sasakawa Peace Foundation, Japan, provided closing remarks. Mr. Atsushi thanked the panelists for their excellent contributions, and described the need to take lessons from existing efforts into the BBNJ instrument. He pointed to the efforts of OPRI in capacity development, particularly with small island developing states. He praised the collaborative efforts occurring at this side event and at the BBNJ PrepComs in general.

Note to Readers:

Please note that the Report on the Survey on Capacity Development in ABNJ by the GOF as part of the GEF/FAO/GOF Common Oceans Program was distributed to participants. This report summarizing the results of a capacity needs assessment given to 138 regional and national decision-makers to understand gaps in sustainable management of ABNJ is available at the Common Oceans website: http://www.fao.org/fileadmin/user_upload/common_oceans/docs/FinalEmailVersionCapacitySurvey_em_071617b.pdf Please note that the Powerpoint presentations by speakers of the Side Event will be posted on the Common Oceans Website and the Global Ocean Forum Website (<http://www.globaloceanforum.com>) by 25 July 2017.