

# UN SIDE EVENT ON BBNJ Capacity Development in the Context of Climate Change:

## *Possible Modalities for Implementing BBNJ Capacity Development Regarding Area-based Management, Environmental Impact Assessment, and Marine Genetic Resources*

**Tuesday, March 26, 2019, 1:15 to 2:30 PM, Conference Room A**

Co-Organized by International Coastal and Ocean Organization (Secretariat of the Global Ocean Forum), Permanent Mission of Monaco to the United Nations, the Food and Agriculture Organization (FAO) of the United Nations, The Intergovernmental Oceanographic Commission (IOC) of UNESCO, ATLAS, Ocean Policy Research Institute of Sasakawa Peace Foundation, Japan

The Side Event showcased a new draft Policy Brief on Capacity Development for Implementing the BBNJ<sup>1</sup> Agreement regarding marine genetic resources (MGRs), area-based management tools (ABMTs) and environmental impact assessments (EIAs) (<https://bit.ly/2CxDv3>). The ultimate purpose of the Side Event was to be of assistance to States in the BBNJ process in crafting an effective and well supported system of BBNJ capacity development and technology transfer—with beneficial linkages to EEZ<sup>2</sup> management—bringing together global, regional, and national levels of governance. The side event was well attended by approximately 80 people including speakers, delegates, IGO and NGO members.

Co-chair, Dr. Biliiana Cicin-Sain, President, Global Ocean Forum/International Coastal and Ocean Organization, and Project Manager, GEF/FAO/ GOF ABNJ Capacity Development Project (<https://bit.ly/2GeEEes>), gave opening remarks. The Side Event was organized because capacity development will be the mainstay of the new Agreement, and it is capacity development that will enable the implementation of the Agreement in the three main focal areas of area based management, environmental impact assessment, and marine genetic resources area (MGRs, ABMTs and EIAs). Capacity development is especially aimed at the developing world and SIDS, but is also aimed at all leaders and peoples around the world. While BBNJ is a new

realm for most people, it is important that everyone comes to understand the profound importance of ABNJ processes and resources. Therefore, we must spend much time and effort in figuring out how capacity development might work, what processes and linkages among national regional and global levels need to be developed, building on existing institutions whenever possible.

An earlier Policy Brief involving 38 contributors from around the world, *Capacity Development as a Key Aspect of a New International Agreement on Marine Biodiversity Beyond National Jurisdiction (BBNJ)*, was presented at the last BBNJ meeting (<https://bit.ly/2C0FuvD>). This Policy Brief presented a general model for how institutional and societal capacity regarding BBNJ could be developed at global, regional, and national levels, including global guidance from the global level, national level mobilization on the ABNJ issues and ties to EEZs, and the regional level, bringing the various regional actors in collaborative planning and management of multiple resources and uses in ocean areas. The Policy Brief underscored that a well-structured capacity building system involving global, regional, and national levels and with adequate and stable financial support will be essential for achieving the major purposes of the Agreement. Some major points from the first Policy Brief included: moving away from the main reliance on capacity development at the individual level to institutional and societal capacity development, with

<sup>1</sup> Marine biological diversity beyond areas of national jurisdiction (BBNJ)

<sup>2</sup> Exclusive economic zone (EEZ)

more emphasis on cross-sectoral rather than mainly sectoral issues; benefiting ABNJ and the adjoining EEZs; stable public financing as a key component of the Agreement, especially highlighting that LOS does not have a standing public financing mechanism and has mainly relied on voluntary contributions to Voluntary Trust funds and to the Assistance Fund, which have not provided sufficient funding for the implementation of the Convention; and a supportive clearing-house mechanism with the appropriate processes and flow of information.

There are two main purposes of the Policy Brief presented at the Side Event: 1) to dig deeper and in a more detailed way and to examine what capacity is needed on each of the three main focal areas of the agreement—area-based, EIA, MGR, and 2) to incorporate issues of climate change into the discussions of capacity development. As the scientists on the panel demonstrated, the implications of climate change for resources and processes in the ABNJ are profound and pose many policy implications for each of the three focal areas—for example, area-based management might be built on the basis of flexible boundaries to encompass shifts in resources and processes.



Dr. Cicin-Sain posed two main questions for discussion at the Side Event. Will the institutional frameworks be the same or different for each of the three focal areas? For example, for ABM and EIA, similar institutional frameworks may be needed. Regarding MGRs, there may be similar processes regarding conservation of MGRs, however for the exploitation of MGRs, the capacity to bring products to market, etc., will likely involve additional institutions and processes. Additionally, the larger point is that Climate Change needs to be incorporated into the

Agreement. There has not yet been systematic examination of these issues in the BBNJ process, and while at the national level under the UNFCCC convention process, we have the Nationally Determined Contributions, there is no one in charge of looking at these issues in ABNJ. Do we perhaps need to develop “Nationally Determined Goals” for ABNJ that would demonstrate the great value of the ocean and its resources as the driver of the climate system?

Dr. Cicin-Sain thanked the audience and panelists for joining the Side Event, and turned to co-chair Florian Botto.



Co-chair, Mr. Florian Botto, Permanent Mission of Monaco to the United Nations, highlighted Monaco’s commitment to contribute to important issues such as BBNJ, climate change actions, and protection of oceans. Positive benefits of capacity building for individuals (ex. marine managers with better knowledge), and institutions were emphasized. The new instrument plays a crucial role, and inter-linkages between capacity building and other elements of the negotiation should be sought. Monaco envisions the particular importance of the following issues: 1) capacity building and transfer of technology should assist developing states based on their needs, 2) the Agreement should speak to Part 13 and 14 of UNCLOS, which already include relevant provisions, 3) capacity building should protect and contribute to the social economic states of developing states, and 4) synergy and coordination are critical.

Dr. Marjo Vierros, Global Ocean Forum, began the interventions by explaining the new draft *Policy Brief on Capacity Development for Implementing the BBNJ Agreement: Possible Modalities for Addressing Area-Based Management, Environmental Impact Statement, and Marine Genetic Resources in the Context of*



*Climate Change* (<https://bit.ly/2CxxDv3>). The aim of the Policy Brief is to understand capacity building needs and possible modalities to implement these needs, to be presented at the third session of BBNJ in August, 2019. It is important that capacity building is implemented increasingly at the institutional and cross-sectoral levels to promote a holistic approach, as highlighted in President's aid to negotiations (<https://undocs.org/A/CONF.232/2019/1>).

On capacity development and ABMTs, efforts should be inclusive, participatory and based on national needs. Measures are to be applied in the broader context using an ecosystem based approach. At the global level, principles, criteria and standards are likely to be established. At the national level, identification of areas, implementing national plans, monitoring and review should be carried out. At the regional level, coordination among regional organizations should take place, and regional organizations can perform the function of capacity providers. There are existing experiences in implementing ABMTs by RFMO, CBD, Regional Seas Programme, etc., therefore any new initiative should build on these examples.

On capacity development and EIAs, participation of all States and stakeholders in implementing EIAs and strategic environmental assessments are important at the global level. At the regional level, collaboration to handle data becomes essential, and regional organizations serve as primary capacity providers. Implementation of EIAs and strategic environmental assessments happens at the national level.

On capacity development and MGRs, in general, equitable participation of all states in accessing and developing MGRs should be secured, and relevant activities should contribute to national blue economies by building on existing experience and scientific collaboration. At the global level, open access to data and samples should be facilitated, and there

should be relevant capacity building opportunities. At the regional level, there is a need to build institutional capacity through centers of excellence on this new topic. At the national level, accessing and developing MGRs will be carried out.

Climate change is already impacting ABNJ in different ways, which requires special arrangements for ABMTs, for instance, to be flexible in defining boundaries, to enhance current understanding, and to develop data and modeling. In terms of financing, in addition to public financing, other innovative sources of financing should be looked into such as fees by ocean users of EIAs. The private sector should be included in this framework. Institutional framework for clearing-house mechanisms should be considered, which is likely to include focal area nodes as well as regional nodes. **Comments on the draft Policy Brief are welcomed. Please email comments ([bilianacicin-sain@globalocean.org](mailto:bilianacicin-sain@globalocean.org), [mvierros@shaw.ca](mailto:mvierros@shaw.ca)) by May 1, 2019.**



**Dr. Alejandro Anganuzzi, GEF/FAO, Common Oceans program**, presented on “capacity development and coordination on ABMTs” by reflecting on the lessons learned from the 5-year experience of the program. The goal of the program is to improve governance structure through a harvest control rule, implementation of the precautionary approach, and for tuna regional fisheries management organizations (RFMOs) to implement an ecosystem-approach. The ‘eco-labeling’ approach worked well. Regarding the harvest control approach, there was not enough knowledge at the beginning, however it proved useful to package relevant information succinctly for policy makers. The key is to be concise and to formulate information in an actionable manner. It was essential to maintain consistency in terms of concepts and methodologies across national, regional and global spheres, and from one RFMO to another.

There are 5 tuna RFMOs beginning new harvest control using the precautionary approach, and further work is to be carried out.

The Ocean Policy Research Institute of the Sasakawa Peace Foundation, Japan was represented by Dr. Yoshihisa Shirayama and Dr. Miko Maekawa.



Dr. Shirayama presented on “Threats to Coastal and Marine Ecosystems, and Conservation of the Ocean Environment – with Special Attention to Climate Change and Marine Plastic Waste.” Major threats to the oceans were outlined, such as sea level rise, change in ocean surface pH, and loss of biodiversity and ecosystems. Particular attention was drawn to evidence indicating ocean acidification affecting a micro zooplankton, in which dissolution of pteropod shells was found in the Arctic Ocean. There are three major ocean observation techniques: ship-based, moored buoy, and drifting float. Thanks to a global array of free-drifting profiling floats, the Argo, a comprehensive ocean observation is carried out, which allows, for instance to predict El Niño 6 months in advance. There was a point in which data transmission by Argo was suspended in EEZs, however, currently Argo can be deployed within EEZs without any application, which is contributing to better understanding of the oceans. Recently, Science 20 (G20 Academies of Sciences) called for an evidence-based assessment of the marine environment. The importance of ocean observation was also confirmed by the Cabo Verde Declaration on Ocean Observations issued by the Partnership for Observation of the Global Ocean (POGO) in January, 2019. Dr. Shirayama concluded that ocean observation in ABNJ is essential for understanding global climate change, and it can be done through international collaboration. The new instrument should encourage the scientific activities in ABNJ to ensure wise policy choices to fight against the climate change based on evidence based scientific knowledge.

Dr. David Johnson and Dr. Murray Roberts, ATLAS, presented on understanding deep and open ocean ecosystems: the ATLAS and iAtlantic projects. Impacts of climate change on deep-sea benthic ecosystems in the Atlantic ocean were examined as part of the ATLAS project, and a decline in pH was observed, among other changes. There is a decline in food supply for deep water sponges, which create deep sea habitats. Focusing on the North Atlantic, by monitoring larval dispersal potential (floating) and connectivity, it became evident that ocean circulation became increasingly lower due to climate change. As the study was carried out on an ocean basin-scale,



spatial management can be done based on these findings, yielding a published paper to be released soon. The Convention on Biological Diversity (CBD) also acknowledged a rapid change in pH across the global ocean since the industrial revolution. Based on the Belém statement on Atlantic Research and Cooperation among the European Union, South Africa and Brazil, iAtlantic projects-Integrated assessment of Atlantic marine ecosystems in space and time, are being carried out. The objectives include: ocean observation, ocean mapping, ecosystem assessment, capacity building and sustainable management. The current iAtlantic project, 2019 – 2023, involves 34 partners and a €10.6M budget. Dr. Murray concluded that it is critical to understand the implications of climate change, including ocean circulation,

and understand details (e.g. larval behaviors) to create ecologically coherent ABMTs. When designating ABMTs, it is crucial to take into account rapid rates of ocean change and locate future climate refugia, and to invest in the human element throughout the science-to-policy process. Dr. Johnson supplemented by pointing out the importance of dialogue and trust-building in capacity building, including an information-sharing mechanism. Atlantic fellows work collaboratively across borders and sectors.

**Dr. Ariel Troisi**, Servicio de Hidrografía Naval, Argentina, and Vice-Chair, IOC/UNESCO spoke about how the clearing-house might address ABMTs, EIA, MGR. The dictionary definition of a clearing-house is “an informal channel for distributing information or assistance.” The clearing-house offers a way to exchange information. The fundamental functions of a clearing-house are to provide access to data, to build institutional capacity, and to facilitate monitoring. Individuals can also report, notify, and monitor via clearing-house. Guidelines could be found on the clearing-house, and it could also provide a match-making function, which is difficult currently. Clearing-houses should be scalable, taking a step-wise approach, and also understand capacity needs and what providers can offer. Clearing-houses should be interoperable, responsive, and the information must be valid to be authoritative. According to a survey conducted by IOC, a hybrid clearing-house model is preferred vis-a-vis a central and regional model. A prototype of the IOC clearing-house will be presented at the up-coming IOC Board. It is likely to include geo spatial and other information on an open source portal with no fee attached.

#### *Discussion of Key Elements for Effective Capacity Development Under the New Agreement*

**Mr. Mehdi Remaoun**, First Secretary, Permanent Mission of Algeria to the United Nations, stated the usefulness of the side event and also referred to his attendance at the last Side Event on Capacity Building at BBNJ IGC1 (<https://bit.ly/2C0FuvD>). Capacity building is a cross-cutting issue that relates to all the elements of the package, and should incorporate climate change. Capacity building is needed to enable developing countries to assume the

obligations of the Agreement and to conserve and sustainably use marine biodiversity. Needless to say, without proper funding, capacity building will not work. The draft Policy Brief highlights existing funds in a table located in the annex section. Additionally in a section of the draft Policy Brief on climate change and MGRs, of 100 billion dollars dedicated to MGRs, only a small portion was attributed to ABNJ, and it will be helpful to know on what basis this was calculated. There are also interesting findings in the ABMT and EIA sections, and Mr. Remaoun tends to agree with these sections. Reflection of the “interoperable” concept mentioned earlier by IOC/UNESCO would benefit the draft Policy Brief.



**H.E. Ambassador Serge Segura**, Ministry of Foreign Affairs, Government of France, pointed out that capacity building is very much a cross-sectoral issue, which requires actions of cooperation. Coordination in the high seas is still missing. Every state has a role to play in implementing the new agreement. The balance between conservation and sustainable use should be addressed in capacity building aspects of the agreement. Focus should be on the needs expressed by states, including developed countries, leading to higher efficiency. Clearing-house mechanisms have the potential to be a useful tool, and could perform the function of a database for MGRs, could inform when EIA is to be carried out, and to solicit partners in setting up marine protected areas (MPAs), etc. Linking capacity building, technology transfer and climate change is useful, because there is a direct link between the oceans and the climate system. Naturally, capacity building efforts should take into consideration the fight against climate change, for instance, when establishing MPAs. Additionally, maritime NDCs might be a good idea to be examined.



**Professor Robin Warner, Australian National Centre for Ocean Resources and Security, University of Wollongong, spoke about International Law Framework for the BBNJ Instrument. It is getting close to the 40th year anniversary of UNCLOS entering force. Potential objective of an international legally-binding instrument (ILBI) could be drawn from Article 205 and 206, in Part XII–Protection and Preservation of the Marine Environment of UNCLOS. However, currently EIA is not conducted much. A favorable environment should be created for marine scientific research (MSR) and to make the knowledge available for all, under the new Agreement, as stipulated in UNCLOS. We are facing a historic chance for implementing capacity building, and it will take courage, energy, vision and ambition, but we owe it to the oceans, especially beyond national jurisdiction.**



*Dr. Miriam Balgos and Ms. Alexis Maxwell, Global Ocean Forum*



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