



Food and Agriculture
Organization of the
United Nations

WORKSHOP REPORT

**Workshop on Capacity Development to
Improve the Management of Marine Areas
Beyond National Jurisdiction (ABNJ):
Needs, Experiences, Options, and Opportunities**

May 18–21, 2016

St. George's, Grenada



GLOBAL ENVIRONMENT FACILITY
INVESTING IN OUR PLANET

Workshop on Capacity Development to Improve the Management of Marine Areas beyond National Jurisdiction (ABNJ): Needs, Experiences, Options, and Opportunities

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St. George's, Grenada

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INTRODUCTION

Importance of marine areas beyond national jurisdiction (ABNJ)

The sustainable management of fisheries and the conservation of biodiversity in marine areas beyond national jurisdiction (ABNJ) is challenging because the ecosystems of the ABNJ are located far from coastal areas, as well as being located throughout the water column and the seabed of the high seas. The ABNJ make up 64 percent of the ocean's surface, and the ecosystems found within it contain a great deal of marine resources and biodiversity of ecological, socioeconomic, and cultural importance. Biodiversity in ABNJ is very high, exhibiting long-lived and slow-reproducing species with unique features and adaptations. There are unique ecosystems in ABNJ, which have yet to be fully studied and understood. Essential economic activities take place in ABNJ, including fishing, shipping, scientific research, bioprospecting, telecommunications, with newer activities on the horizon, including seabed mining, oil and gas development, renewable energy, and geoengineering.

Management of the ABNJ is currently done on a sectoral basis, through both global and regional sectoral authorities. Major challenges in the next phase are to move towards more integrated, ecosystem-based management of ABNJ – as has been done in ocean areas under national jurisdiction over the past twenty years – following the prescriptions of the UN Convention on the Law of the Sea and of the sustainable development summits, and to craft a regime that ensures the protection of marine biodiversity.

The important need to understand and advance capacity development of nations and people is therefore clear, with the aim of achieving the 17 goals set in the 2030 Agenda for Sustainable Development,¹ such as: moving to a low-carbon global economy, stewardship role over our ocean and resources, achieving social and economic benefits for people and communities through Blue Growth.

As laid out in Chapter 37 of Agenda 21 (UNGA, 2015) to build a country's human, scientific, technological, organizational, and institutional and resource capabilities, we must address three general levels:

- the societal (the enabling environment)
- the institutional (institution building and strengthening), and
- the individual level (human resource development).

Capacity building occurs by various means and at various levels, including through programmes of cooperation and assistance – including financial assistance, collaborative arrangements and partnerships – and through technology cooperation and transfer of technology and know-how.

Given the regional and global nature of sustainable ABNJ management, lessons must be learned, knowledge acquired and experiences facilitated from the various regional initiatives in fisheries management and biodiversity conservation in ABNJ. These existing initiatives in various ABNJ regions – including the Northeast Atlantic, the Sargasso Sea, the Pacific Islands, and the Indian Ocean – are moving towards an ecosystem-based management of ABNJ and use tools like multiple-use, area-based management and environmental impact assessments. There is widespread agreement in the international community that the conservation and sustainable use of ABNJ resources needs to be improved, emphasizing the need for the proliferation of best practices across regions. The GEF/FAO programme on *Global Sustainable Fisheries Management and Biodiversity*

¹ See <https://sustainabledevelopment.un.org/>

Conservation in the ABNJ (Common Oceans Program) addresses this need specifically, among several other objectives.

Focusing on tuna and deep-sea fisheries, in parallel with the conservation of biodiversity, the ABNJ Program aims to promote efficient and sustainable management of fisheries resources and biodiversity conservation in ABNJ to achieve the global targets agreed in international fora. A wide range of partners from governments, regional management bodies, civil society, the private sector, academia and industry come together under the Common Oceans Program to reach the shared goal of sustainable use and conservation of biodiversity and ecosystem services in the ABNJ.

The Common Oceans Program is made of four projects, including the GEF/FAO/GOF project on *Strengthening Global Capacity to Effectively Manage Areas Beyond National Jurisdiction* (ABNJ Capacity Project). Aimed at facilitating global and regional cross-sectoral policy dialogue and coordination, this project is co-executed by the Global Ocean Forum (GOF) and the Food and Agriculture Organization of the United Nations (FAO). Ultimately, the project intends to improve knowledge management and sharing while contributing to increased capacity for decision-making at various levels of ABNJ oversight.

Box 1.1

Project partners of the GEF/FAO/GOF project on *Strengthening Global Capacity to Effectively Manage Areas Beyond National Jurisdiction*

- Convention on Biological Diversity Secretariat
- Deep Sea Conservation Coalition
- Government of France (French Marine Protected Areas Agency)
- Government of the Republic of Korea (Korea Institute of Ocean Science and Technology)
- Institute for Sustainable Development and International Relations (IDDRI), France
- International Maritime Organization
- International Ocean Institute
- Nausicaa (Centre National de la Mer), France
- Partnerships in Environmental Management for the Seas of East Asia
- SeaOrbiter
- UN Division for Ocean Affairs and the Law of the Sea
- UNESCO (Intergovernmental Oceanographic Commission)
- UNESCO (Natural Sciences)
- University of Delaware
- Vietnam National University
- Western Indian Ocean Marine Science Association
- World Ocean Network

Overview of the workshop

As a part of Grenada's Blue Week 2016 and Investment Conference², the GOF, FAO, the University of Delaware's Gerard J. Mangone Center for Marine Policy, and the project partners of the ABNJ Capacity Project (Box 1.1) organized a workshop on *Capacity Development to Improve the Management of Marine Areas beyond National Jurisdiction (ABNJ): Needs, Experiences, Options, and Opportunities*, held from May 18–21, 2016 in St. George's, Grenada. The workshop brought together 55 participants representing various stakeholders, including governments, international organizations, civil society, and national and regional ocean leaders, in order to:

² <http://www.bluegrowth.org/>

1. discuss and exchange information and perspectives towards a broader understanding of the needs and opportunities in the development of capacity regarding ABNJ;
2. contribute information on capacity development to the global deliberations towards a legally-binding international instrument on BBNJ under UNCLOS; and
3. formulate the next steps towards advancing capacity development regarding ABNJ, building on past and ongoing initiatives and experiences (especially the outputs of the GEF/FAO Common Oceans Program), and responding to global prescriptions on capacity development in relation to marine resources and their management.

The main focus of this workshop was to better understand what is needed to develop the capacity of nations and peoples to be good stewards of the ABNJ and to benefit from the sustainable development of their resources, while ensuring the ecological integrity of marine biodiversity and of the distinctive ecosystems found in ABNJ.

In particular, the workshop aimed to review:

- needs, from various perspectives (national, regional, and global);
- experiences, especially from the perspective of different regions, Latin America and the Caribbean, Africa, Asia, and the Pacific Islands;
- options for enhancing capacity development; and
- opportunities for advancing this issue at global, regional and national levels.

The workshop results are expected to raise awareness of the importance and great values of the ABNJ among countries and regions, as well as contribute to ongoing discussions towards a legally binding international instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) under UNCLOS.

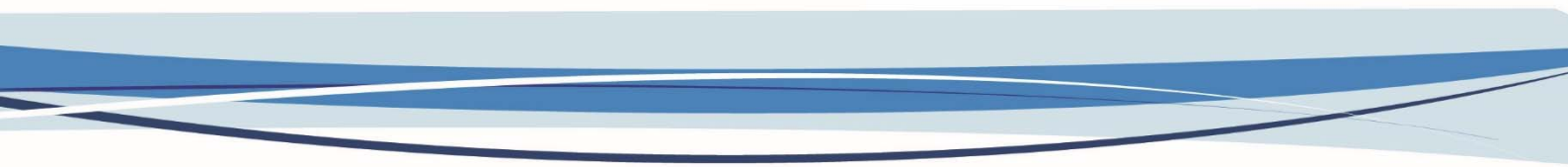
The workshop consisted of six sessions:

1. The centrality of capacity development in new developments in Marine Areas beyond National Jurisdiction (ABNJ) and to promote Blue Growth.
2. The evolution of global provisions on capacity development on oceans towards enhanced implementation.
3. Capacity development regarding area-based management in ABNJ.
4. Mobilizing for capacity development implementation in ABNJ
5. Capacity development in ABNJ: What possible modalities for area-based Management in ABNJ and requisite capacity development at the regional levels?
6. Towards enhancing capacity development regarding area-based management in ABNJ: next steps on options and opportunities.

Overview of the report

This report is organized into sections which draw on the six sessions that took place during the workshop. Each section provides an overview of the remarks made during the session or sessions relevant to the topic of that section and, where applicable, the discussion that followed.

- **Section 1** begins with an introduction to the Common Oceans Program and establishes the importance of capacity development in the ABNJ.
- **Section 2** provides an overview of the global provisions that already exist in relation to capacity development, identifies gaps in provisions at various levels, and outlines the current BBNJ PrepCom process.
- **Section 3** focuses on area-based management techniques relevant to ABNJ and touches on capacity development needs in this area.

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- **Section 4** provides the outcomes of a capacity needs survey as a baseline for needs and opportunities, and discusses possible actions for the near future to mobilize capacity development implementation in ABNJ.
 - **Section 5** presents questions on needs, experiences, and opportunities for regional leaders, then provides an overview of the findings and discussions by regional groups on these matters.
 - **Section 6** concludes the workshop with a summary of the remarks and discussions, with an emphasis on potential next steps for this group and any stakeholders in ABNJ management.

The references cited, a full workshop agenda, a list of additional sources and links to the presentations given during the sessions, can be found at the end of this report.

1. INTRODUCTION TO ABNJ AND THE CENTRALITY OF CAPACITY DEVELOPMENT TO PROMOTE BLUE GROWTH IN ABNJ

Uses, trends, and threats to ABNJ

There are many important uses of ABNJ which support human life and livelihoods. Fishing, shipping, deep-sea mining, and marine genetic resource research (pharmaceuticals, antifreeze proteins, seaweeds for biofuel, anti-ageing products) all take place within the ABNJ (Vierros, 2015). Offshore renewable energy, submarine cables and pipelines, land reclamation, tourism, mariculture, the dredging of sand and gravel, and dumping are additional uses of the ABNJ (Campbell, 2015; Johnson, 2015). Deep-sea oil and gas mining have grown in significance as technological advancements allow offshore mining of minerals such as Ni, Co, Cu, Au, Zn, and Ag (Johnson, 2015).

Fisheries are particularly vital in maintaining the global food supply, and both discrete stocks and highly migratory species are harvested from ABNJ (Sanders, 2015). The management of ABNJ fisheries involves coordination of many socio-economic factors. Effective management involves knowledge of fishery timescales, appropriate fleet technology, environmental constraints, and ecological connections (Sanders, 2015). Several binding international instruments must be taken into consideration, including UNCLOS, the UN Fish Stocks Agreement, and the Port State Measures Agreement. Significant non-binding instruments include various UNGA resolutions, the FAO Code of Conduct for Responsible Fisheries, the Johannesburg Plan of Implementation, and FAO International Guidelines (Sanders, 2015).

Beyond providing irreplaceable food resources, ABNJ is also important for the global economy due to its role in shipping and global communications. Shipping covers 80 percent of world trade and includes raw materials, food, fuel, and manufactured products (Haag, 2015). As a transport system, shipping is relatively safe and environmentally friendly. The control of issues such as underwater noise, excessive discharge, emissions, waste disposal, and the protection of Particularly Sensitive Areas, can be guided by the International Maritime Organization (IMOs) conventions but must be carried out by flag and port states (Haag, 2015). Submarine cables and pipelines also support the global economy; there is no one overarching cable network, but a group of 4 to 30 private companies controls a system of cables that are not flagged to a single state (Burnett, 2015).

There are numerous threats to the stability of the aforementioned ABNJ resources and uses. Illegal, unreported, and unregulated (IUU) fishing, marine debris and pollution, ocean fertilization, shipping discharge, extractive activities, and increased fishing pressure on highly migratory stocks are some of the often cumulative negative impacts on the ABNJ (Turner, 2015; Vierros, 2015). One of these threats is the fragmented legal and policy framework which regulates ABNJ in itself. Although principles like ecosystem-based management, area-based management, and EIA/SEA are valuable tools, they are inconsistently incorporated in international instruments and are practised in an incomplete, patchy framework (Turner, 2015; Vierros, 2015). The aforementioned challenges are further complicated by the size and remote nature of ABNJ.

Definitions and possible approaches to ABNJ management

A range of management approaches and principles are applied in ABNJ. Although sectoral management is currently the most common method of applying management techniques, there is growing recognition of the need to adopt integrated coastal and ocean management (ICM), ecosystem-based management (EBM), and marine spatial planning (MSP) in ABNJ. These approaches bring together multiple uses and emphasize area cohesion. The following section provides short definitions of several terms frequently used in the context of ABNJ management.

Ecosystem-based management (EBM) is defined by the Convention on Biological Diversity (CBD) as, “a strategy for the integrated management of land, water, and living resources that promotes conservation and sustainable use in an equitable way” (CBD, 2000). EBM takes into account the various living and non-living components of an ecosystem, as well as socio-economic implications. It recognizes the interconnected nature of ecosystems. The ecosystem approach to fisheries (EAF) is a similar concept, applied specifically to the fisheries sector. FAO defines this approach as, “taking into account the knowledge and uncertainties about biotic, abiotic, and human components of ecosystems and their interactions and applying an integrated approach to fisheries within ecologically meaningful boundaries” (FAO, 2003).

Integrated coastal and ocean management (ICM) brings together multiple sectors in the management of coastal areas and EEZs. ICM became particularly common in developing countries beginning in the 1990s, and can be defined as, “a continuous and dynamic process by which decisions are taken for the sustainable use, development, and protection of coastal/marine areas and resources.” (Cicin-Sain and Knecht, 1998)

Marine spatial planning (MSP) allocates parts of the three-dimensional marine space for specific uses in order to achieve ecological, economic, and/or social objectives (UNESCO, 2006). Like ICM, the application of MSP in coastal areas and EEZs can be used to inform applications in the ABNJ. Transboundary MSP will require multilateral institutions and sectoral organizations such as IMO, RFBs, FAO, and ISA.

In a sector-specific context, area-based management techniques (ABMTs) divide the marine environment into spatial units, and there are several types of ABMTs that are commonly applied in different sectors or by different stakeholders. Vulnerable marine ecosystems (VMEs) meet a set of criteria used by FAO and NEAFC. VMEs are assessed based on uniqueness, functional significance, fragility, life-history characteristics of important species, and structural complexity (FAO, 2009). Particularly Sensitive Sea Areas (PSSAs) and Special Areas are designated through the IMO, and the term refers to ecosystems where shipping would pose a threat either to stability or a particular species (UNEP, 2008). None have been identified in ABNJ so far. Special Areas are defined by MARPOL 73/78, which requires special methods to prevent sea pollution in those areas.

Areas of particular environmental interest and reference zones (APEIs) are a representative network of “areas of particular environmental interest” designated by the International Seabed Authority (ISA) as part of the comprehensive environmental management plan to ensure effective protection of the marine environment from harmful effects that may arise from activities in that part of the Area known as the Clarion-Clipperton Zone (ISA, 2012).

Marine protected areas (MPAs) were adopted as a tool for preserving marine and coastal biodiversity by the CBD. Regional organizations have designated MPAs consistent with international law, which is based on scientific information and targets unique or sensitive areas such as seamounts, hydrothermal vents, cold-water corals, and vulnerable ecosystems in the Mediterranean, Arctic, and Antarctic (CBD 2005). Ecologically or biologically significant marine areas (EBSAs) are also associated

with the CBD, which defined them as areas “in need of protection, in open ocean waters and deep sea habitats” according to seven criteria. Two hundred and four (204) EBSAs have been described, and the EBSA identification process often informs MSP and other management activities in coastal areas, EEZs, and ABNJ (Ferreira de Souza Dias, 2015).

Environmental Impact Assessments (EIAs) originated in the United States in the 1970s, and have since expanded to a number of nations and international organizations. EIA is designed to predict and describe the environmental and social impacts of certain activities, allowing decision-makers to decide whether to carry out that activity. UNCLOS generally requires such assessments in cases where it can be reasonably supposed that an activity will impact on the marine environment, but the requirement is poorly implemented (Druel, 2013).

The GEF/FAO Common Oceans Program: an overview

Presented during the Opening Session by Nicole Glineur, Program Manager, Biodiversity and Private Sector, Global Environment Facility

The *Global sustainable fisheries management and biodiversity conservation in the Areas Beyond National Jurisdiction Program* was approved by the Global Environment Facility (GEF) in 2012 under the leadership of the Food and Agriculture Organization of the United Nations (FAO) and in close collaboration with two other GEF agencies, the United Nations Environment Programme (UNEP) and the World Bank, as well as other partners.

The ABNJ Program goal is to promote effective management of areas beyond national jurisdiction (ABNJ) to ensure sustainable fisheries and conservation of globally significant biodiversity in the oceans, thus achieving the global targets agreed in international fora. The five-year ABNJ Program consists of four projects that bring together governments, regional management bodies, civil society, the private sector, academia and industry to work towards ensuring the sustainable use and conservation of ABNJ biodiversity and ecosystem services. The programme is designed to meet the many challenges of managing ABNJ, the world’s last true global commons. The ecosystems in the ABNJ are complex, and there are many stakeholders with different agendas involved in the management of both the ecosystems and their resources.

The Common Oceans Program consists of mutually-reinforcing interventions across four projects:

1. Sustainable management of tuna fisheries and biodiversity conservation
2. Sustainable fisheries management and biodiversity conservation of deep-sea living marine resources and ecosystems in the ABNJ
3. Ocean partnerships for sustainable fisheries and biodiversity conservation: models for innovation and reform
4. Strengthening global capacity to effectively manage ABNJ.

On the Tuna project:

The focus of the tuna project is the sustainable management of tuna fisheries and biodiversity conservation, creating transformational change over time. The project pushes for a significant progression from the use of fisheries management systems and fishing practices that do not fully take into account the status of existing stocks, as well as their sustainable levels and impacts on ecosystems – resulting in fishers competing harmfully for the largest catches – to the adoption of management systems based on clear and fair fishing rights established in accordance with a rigorous ecosystem approach, ensuring efficient and sustainable fishing through:

1. sustainable management of tuna fisheries, based on an ecosystem approach, improved and broadened throughout the five tuna Regional Fisheries Management Organizations (t-RFMOs);
2. a pilot tuna fisheries sustainable management system implemented in at least one t-RFMO;
3. Monitoring, Control, and Surveillance (MCS) of Illegal, Unreported, and Unregulated (IUU) fishing strengthened and harmonized over all five t-RFMOs, with the number of illegal vessels operating in one pilot t-RFMO reduced by 20 percent from the baseline at project start;
4. bycatch mitigation: best technologies and practices adopted by at least 40 percent of the tuna vessels operating in the areas under the jurisdiction of at least two t-RFMOs.

Under this project, a framework that enables states to update their national legislation and regulation to become party to the Port State Measures Agreement (PSMA) was successfully developed. Cabo Verde, Sri Lanka, Thailand and Tonga were among the that benefitted from this initiative. The creation of a consolidated list of authorized vessels (CLAV), guidelines for catch documentation schemes as well as a reduction in sharks and albatrosses bycatch are other successful outcomes of this project.

On the Deep-Sea project:

This project foresees a significant improvement in the capability of competent authorities and the fishing industry to apply best practices in deep-sea fisheries management and biodiversity conservation, including better protection of Vulnerable Marine Ecosystems (VMEs) and Ecologically or Biologically Significant Marine Areas (EBSAs), as well as the harmonization of these two conservation measures. One of the ongoing issues in ABNJ management is the overlaps and gaps created by different, but often related, conservation approaches from various groups.

Transformational change in sustainable fisheries management and the conservation of deep-sea ecosystems' biodiversity will require significant improvement in the capability of competent authorities and fishing industry for applying best practices in deep-sea fisheries management and biodiversity conservation, including better protection of VMEs and EBSAs through:

1. Decision-making by RFMO/As, member countries, relevant Convention on Biological Diversity (CBD) countries, Regional Seas Programs, flag and port states substantially improved by virtue of a more systematic application of management tools and methods.
2. Improved management of deep-sea fisheries in high seas areas as a result of the application of an ecosystem approach, also leading to reduced impacts on deep-sea habitats.
3. Deep-sea fisheries management and biodiversity conservation practices, including protection of VMEs and EBSAs, substantially improved in the Southern/Western Indian Ocean and Southeast Atlantic regions, covering an area of 4.3 billion hectares of seascapes.
4. Efficient area-based planning tools and methodologies tested and available to Regional Seas Programs and RFMO/As

On the ocean partnership project:

The transformative impact of the ocean partnership programme is one of the key outcomes of this project, where the transformation is not only about fish, but it is about people's livelihoods, trade, sustainability, future generations and opportunities. The project foresees the moving away from the "race to fish" towards efficiency, conservation and less destructive exploitation, through the demonstration of the effectiveness of fisheries management in the following priority seascapes: the Caribbean, the Bay of Bengal, the Western and Eastern Pacific. The project also aims to shift the discussions about ocean governance from supplying niche, small upscale markets for sustainable fish or applying command-and-control paradigms, to fostering efficient management systems to drive economic growth in developing countries, protect food security and save biodiversity.

The models for innovation, reform, and transformational change set out in the ocean partnership project for sustainable fisheries and biodiversity conservation are built around:

1. Development, testing and implementation of various types of seascape protection, leading to sustainable conservation in close collaboration with countries, fishers and the private sector;
2. Moving away from the “race to fish” towards efficiency, conservation and less destructive exploitation, through the demonstration of fisheries management effectiveness in five priority seascapes: the Caribbean, the Bay of Bengal, the Western and Eastern Pacific;
3. Shifting the discussions about ocean governance from supplying niche, small upscale markets for sustainable fish or applying command-and-control paradigms, to fostering efficient management systems to drive economic growth in developing countries, protect food security and save biodiversity.

On the Capacity Development in ABNJ project:

This project works to strengthen global capacity to effectively manage ABNJ through transformational changes in:

1. Removing barriers to efficient international and cross-sectoral sharing of information and experiences concerning fisheries and ecosystems in the ABNJ by providing integrated information systems, advocacy platforms and social networks, and facilitating enhanced dialogue and better coordination between the global and regional levels.
2. Increased transparency in regional management and decision-making processes.
3. Improvement in the interest and capability of high-level government officials and other participants to better advocate their interests in global and regional ABNJ processes.

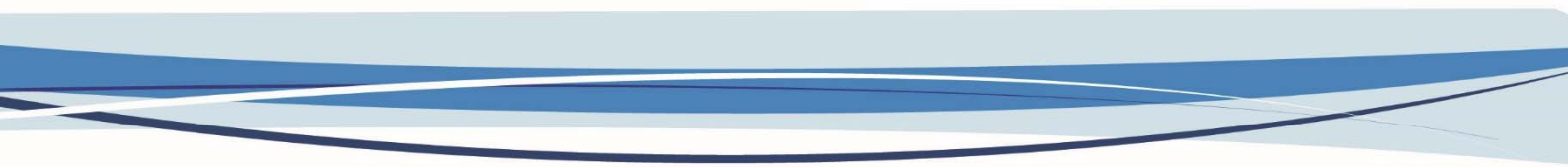
Capacity development as a common thread through the GEF/FAO Common Oceans Program

Presented during the Opening Session by Jacqueline Alder, Fish Code Manager, Fisheries and Aquaculture Department, FAO

Each of the four Common Oceans projects requires an element of capacity development in order to achieve transformational change in their respective focus areas.

The tuna project needs capacity building in order to achieve the programme component dedicated to strengthening MCS, in order to reduce IUU fishing. The project will use a global certification programme for MCS officers, support compliance improvement in eligible t-RFMO members, produce Port State measures template legislation for countries to use, complete pilot trials in electronic monitoring on board vessels, and promote the sharing of best practices in MCS and market controls. The capacity building in this area will allow the tuna project to achieve its overarching goal of sustainable and profitable tuna fisheries while conserving biodiversity through improved fisheries management.

The deep seas project aims to achieve efficiency and sustainability in the use of deep-sea living resources and improving biodiversity conservation in the ABNJ through the systematic application of an ecosystem approach. One of the components of this work will be to develop and test a methodology for area-based planning, which will help improve organizations’ capacity to utilize this technique. The project will also develop capacity by demystifying existing policy and legal frameworks, improving the application of management tools, improving area-based planning tools and practices, and assisting technical exchange.



The ocean partnerships project will catalyse pilot investment into selected transformational public–private partnerships that mainstream the sustainable management of highly migratory stocks, spanning areas within and beyond national jurisdictions. Much of this project is built around capacity development, since it will require the development of business plans for long-term transformational pilot projects for sustainable fisheries in priority ocean areas. The project will also facilitate interregional coordination and provide implementation support; both key components of capacity development.

The ABNJ Capacity Project is the crux of the Common Ocean Program’s capacity development efforts. The main objective is to promote effective global and regional linkages with regards to ABNJ, through information exchange, capacity development and an enhanced engagement of stakeholders at the global, regional and national levels during policy dialogue on ABNJ. All the project components listed in the previous section involve capacity development aspects. This project will develop capacity by organizing cross-sectoral, multistakeholder workshops and high-level policy dialogue, establishing a public outreach network and an ABNJ information web portal, as well as the development of ABNJ regional leaders through the ABNJ Regional Leaders Program. The ABNJ Regional Leaders Program aims to prepare regional leaders for participation in the global ABNJ process, giving them the tools they need to promote sustainable management of ABNJ and BBNJ in their regions and globally. The ABNJ Capacity Project will also facilitate the creation of Communities of Practice on fisheries, biodiversity, and climate change, and on multisector area-based planning.

Capacity development and the Blue Economy

Presented by Indumathie Hewawasam, Senior Policy Advisor, Global Ocean Forum



Indumathie Hewawasam, GOF

In order to achieve blue growth,³ there is a need to improve the understanding of the interconnectedness of ecosystems from the near shore to the EEZs and then to the ABNJ. Assessing the real value of the blue capital is key for the ocean economy.⁴ It is also paramount when assessing the cost of capacity development needs to achieve blue growth in different regions.

Financing can be a particular challenge when developing capacity for sustainable development. Some progress has been made, but ocean health is still far from achieving WSSD targets and Agenda 21 actions (Cicin-Sain *et al.*, 2011). The costs of rebuilding and regulating fisheries are likely underestimated; rebuilding ocean fisheries alone is estimated to be USD 200 billion, and although many groups have responded since Agenda 21 was introduced, financing goals have not been met (Sumaila *et al.*, 2012). In order to achieve SDG 14, the following must be accomplished and appropriately financed:

- prevent and significantly reduce marine pollution of all kinds by 2025;
- sustainably manage and protect marine and coastal ecosystems by 2020, including restoration, in order to achieve healthy and productive oceans;

³ Blue Growth is the long-term strategy to support sustainable growth in the marine and maritime sectors as a whole (European Commission, no date. Available: https://ec.europa.eu/maritimeaffairs/policy/blue_growth_en.)

⁴ Blue capital consists of the marine ecosystems that constitute the natural capital in a blue economy. See WWF, no date. What a 'blue economy' really is – WWF's perspective. (available at wwf.panda.org/homepage.cfm?249111/What-a-blue-economy-really-is)

- effectively regulate the harvesting of fish stocks and end overfishing, IUU fishing by 2020 (including prohibiting subsidies that contribute to overfishing), in order to restore fish stocks in the shortest time feasible to levels that can produce the maximum sustainable yield;
- conserve at least 10 percent of coastal and marine areas by 2020;
- increase the economic benefits to SIDS from sustainable use of ocean resources by 2030.

There is still a financial barrier to enabling these actions. The total cost of supporting these achievements in developing countries is still unknown, as are their complete capacity needs. The costs can be considered public good costs, since they will benefit communities which rely on ocean resources globally and regionally. Financing is needed for capacity development efforts in education and training programmes, the running of centres of excellence and research institutes, enhancing public agency staff and resources, and miscellaneous costs such as those related to technology transfer.

Financing for developing countries can come from concessionary public finance or grants (e.g. GEF–IW with some USD 450 million over a four-year cycle), public borrowing (e.g. regional development banks or the World Bank, with some USD 1 billion committed to fisheries and related ecosystems), or private finance (e.g. sovereign debt). These financing avenues are targeted to assist nations in the management of their EEZs, as there is currently no global financing mechanism attached to UNCLOS or implementing agreements for the ABNJ.

Examples of capacity needs for the blue economy include capacity for achieving blue growth by optimizing benefits from oceans with environmental and social safeguards, promoting entrepreneurship, and improving understanding of the connections between EEZs, regional coordination and ABNJ. There is also a need to assess the values of the blue economy; the real value of blue capital and low carbon options is unknown. The cost of capacity development needs to achieve blue growth in different regions must also be assessed.

Capacity development strategies should focus, *inter alia*, on the long-term needs of countries, in particular developing countries, delivered in partnership with regional and national organizations. Capacity development is needed to understand which information should be collected, how to collect that type of information, and how to communicate the information needs in ABNJ management effectively (O’Brien,).

In the case of the South West Indian Ocean, fisheries is one of the main sectors of the blue economy, including in the SIDS. Management of migratory species such as tuna is a challenge as a result of: IUU fishing, piracy, lack of quota systems, dependence on license fees, inadequate research, inadequate ports and harbours for big vessels to land the catch, and inadequate coordination at the regional level.

With regards to South Asia, it is important to note the conflicts on fisheries in South India and Sri Lanka. The cessation of hostilities between the government of Sri Lanka and a separatist group resulted in the opening up of the Palk Strait for fisheries. In this case, it should be noted that while merchant-class fishermen from India use state-of-the-art technology, Sri Lankan fishermen use more traditional equipment. In this scenario, fishermen from both countries also encroach on the EEZs of other countries.

In this area of the world the allocation of fishing rights in the EEZs is an issue. There is not yet a serious engagement in ABNJ, which means there is a need to improve the understanding of it in order to be able to show to states how much they stand to gain (or lose) by working (or not working) on ABNJ-related matters. This very important step, which applies not only to this particular area but globally, will secure the ownership and interest of states that is currently lacking.

Special address: The Importance of Wise EEZ and ABNJ Management

A summary of the Special address by H.E. Dr Caleb Otto, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Palau to the United Nations, during the Opening Session of the workshop

The Pacific SIDS (PSIDS) community comprises 22 nations and territories, 35 million people and over 1 500 languages. The territories covered by this community is 98.5 percent water and encompass 38 000 000 km², which is equal to one-third of the earth's surface. We are the people of the Pacific. Our ocean has carved our identity and ingrained our cultures with respect for its strength, its abundance, and its life-giving qualities. We are on the front lines and weep with our ocean as we witness the ravages caused by the relentless pursuit of unsustainable development. We are the guardians of our ocean and we are determined to leave a healthy home for future generations. The Pacific States have a lot of political will and commitment to the oceans, and this commitment is reflected by the creation of a wide network of large protected areas covering 15 million km² within the region's EEZs.

Pacific SIDS have also developed a series of domestic measures aimed at ensuring the conservation and sustainable use of the fisheries resources, such as: sustainable fishing and species-specific protection measures (i.e. shark sanctuaries), Environmental Impact Assessment (EIA), marine spatial planning, research and monitoring, and enforcement measures.

To face the current needs and standards of the new 2030 Agenda for Sustainable Development, the PSIDS are focusing on: legal capacity (domestic and regional), institutional capacity (national and regional network coordinating and supporting ocean processes), human resource capacity (integrate the professional knowledge of the region into global processes), technical capacity and transfer of marine technology (facilitate access to data and information and technology) and financial capacity (access to opportunities and sustainable financing systems). The strong community support, the national, regional and global commitments on ocean-related matters, as well as the lessons learned from the management of sectoral activities in the EEZs, are some of the key enabling factors that drive this community to move forward and address the needs of its people, while at the same time respecting global standards.

Among the PSIDS' capacity building priorities is the translation of oceanic knowledge into policy and management actions, climate change impacts and resilience, ecosystem health, food security (including fisheries), and cultural and societal bonds to the ocean. The PSIDS community has been on the front lines in addressing these issues, and has learned by doing. We know that appropriate ocean management requires the integration of disciplinary skills, advanced observational techniques, state-of-the-art infrastructure, partnerships at the national, regional and global levels, and partnerships between the public, academic and private sectors.

Successful capacity building in the PSIDS community demands that member countries play a central role, backed by a proper level of regional coordination. It is also important to secure consistent and predictable funding to address the special needs of the community, which is composed of vulnerable states fully dependent on ocean-related resources. It is vital these states should not have to bear a disproportional burden in the management of ocean resources. In this regard, it is important to note that states in the region are willing to take part in capacity-building programmes on these matters. However, the complexities and required expertise make it difficult for these states to participate in discussions of this kind.

2. THE PAST, PRESENT AND FUTURE OF GLOBAL PROVISIONS ON CAPACITY DEVELOPMENT IN ABNJ

This section covers an overview of existing global provisions, an introduction to the current BBNJ PrepCom context and process, and a discussion of the importance of capacity building in current and future economic developments in the ABNJ. Presentations and discussions on this topic were guided by the following questions:

- *To what extent (if any) are the global provisions on capacity development regarding oceans generally consistent with one another?*
- *To what extent (if any) is there information on the extent of the implementation of the provisions? Are there assessments of resources deployed, results achieved, problems faced, lessons learned?*
- *To what extent (if any) have gaps in implementation been identified?*
- *What lessons (if any) might be learned from these global provisions related to capacity development on oceans relevant to the crafting of new global provisions on capacity development on oceans specifically related to ABNJ area-based planning and management?*

Existing global provisions on capacity development in ABNJ

The text draws on material presented by Dr Biliana Cicin-Sain, President, Global Ocean Forum in Sessions 1 and 2 of the workshop, with contributions from Mr Marco Boccia, Fishery Liaison Officer, FAO, on the Law of the Sea provisions related to capacity development

With the pressure caused by current and future activities at sea, and their adverse impacts on the marine environment – especially in ocean areas beyond national jurisdiction, which covers 64 percent of the Earth’s surface – the international community has pledged to develop, as part of the UNGA process, a new legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. To this end, a number of gaps and challenges have been identified and reflected in a 2011 package deal comprising aspects related to capacity development.

Global provisions on capacity development in ABNJ

The issue of capacity development has been underscored in a number of global instruments and provisions, including UNCLOS (1982, 1994, 1995), Agenda 21 (UNCED), Johannesburg Plan of Implementation (JPOI) (WSSD 2002), Rio+20 Conference (2012), Convention on Biological Diversity (1992), Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (2012), SIDS Samoa Pathway (2014), 2030 Agenda for Sustainable Development, and the Paris Climate agreement (2015). For a complete list of provisions which are relevant to capacity development in the following global instruments, see Annex III.

UNCLOS (1982, 1994, 1995)

The United Nations Convention on the Law of the Sea (UNCLOS), which sets out the legal framework within which all activities at sea must be carried out, is one of the most comprehensive and widely ratified global agreements in the world. It is supplemented by the 1994 Agreement relating to the implementation of its Part XI and the 1995 Fish Stocks Agreement. At the time UNCLOS and its implementing agreements were negotiated, capacity development was not understood in the same way as it is understood today. This is why UNCLOS does not explicitly refer to capacity development. However, it requires states to promote: programmes of scientific, educational, technical and other assistance to developing states (Section 3, Part XII); development of the marine scientific and technological capacity of developing states (Part XIV); international cooperation (individually and in cooperation with other states and with competent international organizations) vis-à-vis marine scientific research outside (Article 242) and within the international seabed Area (Part XI).

Agenda 21 (UNCED)

Agenda 21, which was established at the United Nations Conference on Environment and Development (UNCED), is a commitment to sustainable development. It represents an impressive set of capacity development provisions related to the integrated management and sustainable development of coastal and ocean areas and their associated institutions, with emphasis on the needs of developing countries and SIDS. These provisions focus on all three levels: public involvement (through public access and opportunities for consultation and participation (17.5)); human resources development and training (17.6); together with regional centres, education and training (through the creation or strengthening of centres on coastal ocean science, technology, and management of a regional basis (17.1234) as well as training programmes (17.135), public education, awareness and information programmes (17.6)).

Johannesburg Plan of Implementation

The 2002 Johannesburg Plan of Implementation (JPOI) was adopted at the World Summit on Sustainable Development (WSSD) with the purpose of reaffirming sustainable development goals and building on the achievements made since the United Nations Conference on Environment and Development (UNCED). JPOI put an emphasis on the need to provide support (10f) and assist developing countries in the management of natural resources as well as coordinating policies and programmes at the regional and sub-regional levels (30g). It also placed additional emphasis on paying attention to the needs of developing countries with regard to capacity building (33a), strengthening institution building, in particular the institutional and human capacity of developing countries (33b), the use of traditional and indigenous knowledge (37f), and the need to provide support, including for capacity building, and assist small island developing countries in mobilizing adequate resources and partnerships for their adaptation needs (58j).

Rio+20 Conference

The 2012 United Nations Conference on Sustainable Development (Rio+20) was aimed, *inter alia*, at securing global political consensus and commitment to sustainable development. In the Rio+20 outcome document “The Future We Want”, the importance of capacity development is underscored, especially in relation to the need to build the capacity of developing countries to promote sustainable development. For this purpose, the document provides for action items related to capacity development on oceans, coasts, and SIDS, notably the need for enhanced technical and scientific cooperation with developing countries.

Convention on Biological Diversity

Chapter 15 of Agenda 21 seeks to improve the conservation of biodiversity, the sustainable use of biological resources as well as to support the United Nations Convention on Biological Diversity (CBD) adopted at the 1992 Rio Earth Summit. In terms of capacity development, Agenda 21 provides that (15.11): existing institutions should be strengthened or new ones should be established; building capacity for the conservation of biodiversity and the sustainable use of biological resources should continue; and the capacity of governmental and private institutions should be enhanced.

Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services

Established in 2012, the Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services (IPBES) is the leading intergovernmental body for assessing the state of the planet’s biodiversity, its ecosystems and the essential services they provide to society. IPBES has been mandated to integrate capacity building into all relevant aspects of its work and to undertake capacity-building activities that address the priority needs identified to implement the Platform’s work programme.

SIDS Samoa Pathway

In 2014, the Third International Conference on Small Island Developing States (SIDS) produced an outcome document, SIDS Accelerated Modalities of Actions (Samoa Pathway). The Samoa Pathway covers capacity development provisions including, *inter alia*, building resilience against the impacts of climate change and improving nations’ adaptive capacity (44 (a)); addressing remaining gaps in capacity in order to gain access to, and manage, climate finance (44 (d)); and increasing technology, finance and capacity building support to enable an increase in mitigation, ambition and adaptation actions (39).

2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development is a plan of action adopted at the 2015 United Nations Sustainable Development Summit, and includes 17 Sustainable Development Goals (SDGs), 11 of which

have provisions on capacity development. SDG 14, on the conservation and sustainable use of the oceans, seas and marine resources, emphasizes the need to increase scientific knowledge, develop capacity building and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular SIDS and least developed countries.

Paris Agreement

The Paris Agreement, which was adopted at the 2015 Paris Climate Conference, is the first universally, legally binding global instrument on climate change. As part of its features, it provides for provisions on capacity development including, *inter alia*, capacity building for enhancing the capacity and ability of developing country parties – in particular least developed countries and SIDS – to take effective climate change action. The Paris Agreement also established the Paris Committee on Capacity Building that aims to address gaps and needs in implementing capacity building in developing country parties.

Addressing questions

A. Are they consistent with one another?

The reviewed global instruments and provisions are consistent in the sense that they form a great architecture of global commitment to capacity development on oceans, and aimed at all three levels: societal, institutional, and individual.

B. Are they ambitious?

The reviewed global instruments and provisions are very ambitious, as demanded by the need for capacity development in ABNJ.

C. To what extent have they been implemented, and what major modalities have become evident?

The extent of implementation of global instruments and provisions on capacity development is not known. Anecdotal/informal information suggests limited implementation. Most of the global provisions (except for the Paris Agreement and IPBES) are not associated with a follow-up, mechanism/procedures, nor with a funding mechanism. The 2010 report from the eleventh meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP-11) revealed problems in the analysis of the implementation of instruments, notably due to the lack of a comprehensive needs assessment, limited information exchanged, absence of comprehensive outcome assessments, and low levels of coordination among the various entities involved. The ICP-11 report also highlighted the lack of sufficient funds, lack of sufficient understanding of existing international instruments, weak institutions, lack of ocean governance and legal specialists. Furthermore, the ICP-11 report noted the general view that capacity building is essential to ensuring that all states are able to: (1) effectively implement UNCLOS; (2) participate in global and regional forums; and (3) benefit from the sustainable development of the oceans. The report also noted the difficulty that developing countries face in exercising their rights to benefit from the oceans under UNCLOS. To this end, the report stressed that UNCLOS is the legal framework through which to address capacity building.

D. What are the gaps in implementation?

It appears that more attention is currently paid to individual aspects, rather than the enabling environment and institutional strengthening; to the sectoral capacity building, and less on the cross-sectoral aspects. As a result, an accurate assessment of financial investments is needed, and a strategic approach to capacity development must be put forward at the global level and in various

regions. A strategic approach would encompass training in both the overall vision related to oceans/climate/biodiversity (the integrated approach) and training in specific sectors. It should also develop and/or strengthen mechanisms for the sharing of training materials and curricula, as well as provide for a periodic assessment and tracking of the overall efforts and expenditures in capacity development.

Capacity development: some ideas

In order to move forward on the issue of capacity development, Dr Cicin-Sain noted that capacity should be built for integrated ocean and coastal management in a transformative era, towards the Blue Economy and Blue Society. To this end, long-term capacity development in Integrated Coastal Management (ICM) and Ecosystem Based Management (EBM) should be provided, including climate change issues and biodiversity issues, and incorporating ocean leadership training in order to: enhance the capacity for exercising leadership in high-level, national ocean decision-makers and Ocean Parliamentarians; strengthen or create university programmes to educate the next generation of leaders; enhance the capacity of local decision-makers, as well as share best practices and experience on management, networking and other measures. In this vein, a network of National Ocean Officials should be promoted. In addition, a certification of good practices in line with the PEMSEA (Partnerships in Environmental Management for the Seas of East Asia) model should be considered.

Dr Cicin-Sain noted that Ocean Leadership is particularly important. The goal of ocean leadership capacity is the development of a broad vision and skills to be able to address thorny issues related to oceans, coasts, small island developing states, biodiversity and climate in an integrated manner, and increase the understanding of the interrelated nature of these issues, as well as the impacts of uses and activities on the marine environment and each other.

The ocean leader will have: a deep appreciation of the meaning of ocean stewardship, of the public benefits of sustainable ocean use, and of his/her personal responsibility to future generations, to his/her nation, and to the global community in this regard; the capacity to think, act, and negotiate strategically to advance the stewardship of oceans at national and international levels; the capacity to negotiate strategically with other countries and the private sector to ensure that the ocean resources in the areas of his/her national jurisdiction are used sustainably and for the benefit of the country's public – and especially of its coastal – communities; sufficient knowledge and understanding of marine science, economics, public administration, and politics, to enable him/her to formulate and implement ocean policies in an effective and efficient manner, and with lasting benefits to the public and to coastal communities.

E. What lessons, if any, may be learned of relevance to ABNJ?

ABNJ policy and legal framework are embodied in UNCLOS. UNCLOS provides two separate legal regimes for governing ABNJ: the freedom of the high seas and the common heritage of mankind. The principle of the common heritage of mankind (Part XI) applies in the international seabed Area. As regards the principle of the freedom of the high seas, it applies to the surface of the sea and the water column immediately above the seabed (Part VII). The progress made, over the last four decades, in the field of marine science and technology has led the way for the emergence of new commercially-oriented activities, including the access and use of marine genetic resources (MGRs) in ABNJ (e.g. bioprospecting/biodiscovery). Currently there is no legal regime governing the access and use of MGRs in ABNJ. Although at the UN level – more specifically in the UNGA – the world's states are in the process of developing a new international, legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity in ABNJ, there is still significant disagreement between industrialized and developing countries regarding the legal status of MGRs in ABNJ. For

developing countries, MGRs should fall within the regime of the common heritage of mankind, while for some developed countries they should fall within the principle of the freedom of the high seas. Other countries suggest the possibility of hybrid approaches to this question.

Why do ABNJ matter?

ABNJ provide unique ecosystems that still need to be discovered and understood. They also provide critical ecosystem services, and constitute a habitat, par excellence, for rare and exceptional marine species, including microorganisms living in the ocean's depth at extreme temperatures, which represent a significant interest for the biotechnological industry in terms of developing new products (e.g. pharmaceuticals, anti-cancer and anti-viral medicines). It is therefore important to develop and adopt a new legal regime for the access and use of MGRs in ABNJ. Otherwise, without a sound policy framework, the tragedy of the commons, or the first come, first served rule, will apply and lead to irreversible damage to the marine environment, its ecosystems and marine resources.

Capacity in ABNJ – General Consideration

There are capacity needs to consider in ABNJ, in the context of an ecosystem-based approach, as a continuum from the coastal zone, EEZ, out to ABNJ, and needs related to integrated governance and sectoral capacity. Furthermore, it is of paramount importance that cross-sectoral capacity for achieving ICM/EBM of ABNJ takes place at all levels: global, regional, national and general public.

Possible future directions and concluding remarks

In a nutshell, a global strategy on capacity development for ocean management should be developed and implemented. It is important not to consider ABNJ in isolation and to take into consideration the broader issues of capacity development in ocean management, the linkages between ABNJ and EEZ, and the existing global instruments and provisions on capacity development.

Overview of the Preparatory Committee (PrepCom) process

Summary of remarks presented by Thembile Joyini, Counsellor (Legal Advisor/Sixth Committee), Permanent Mission of South Africa to the United Nations, entitled, "Overview of the Preparatory Committee (PrepCom) process in the development of an international, legally-binding instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity from areas beyond national jurisdiction."

In November 2004 the United Nations General Assembly adopted Resolution 59/24, which established an Ad Hoc Open-ended Informal Working Group (WG) to study the feasibility of an implementing agreement and an international legally binding instrument (ILBI), under UNCLOS, for the conservation and sustainable use of marine biological diversity from areas beyond national jurisdiction (BBNJ). The WG agreed on a set of recommendations provided in Resolution 69/292 of June 2015 to develop an implementing agreement on BBNJ. The first session of the Preparatory Committee (PrepCom) was held from 28 March to 8 April 2016 and the second session will be held from 26 August to 9 September 2016.

The PrepCom is to consider the four elements of the '2011 Package' identified in the annex of Resolution 66/231, namely: Marine Genetic Resources (MGRs); Area Based Management Tools (ABMT) including Marine Protected Areas (MPA); Environmental Impact Assessments (EIA); and Capacity Building and Transfer of Technology.

The Chair's summary of PrepCom 1 will be circulated before the next session, together with an

indicative list of substantive issues put forward during PrepCom 1 based on the discussions in the informal working groups and plenary sessions. PrepCom 1 also decided to create another informal working group to deal with the cross-cutting issues, including the scope of the Implementing Agreement. It is expected that another procedural preparatory meeting will take place before PrepCom 2.

At the second session of the PrepCom, States are expected to pursue discussions on the objective, scope, guiding principles, and the four core elements of the implementing agreement listed in the 2011 package, building on the discussions which took place during PrepCom 1. It is expected that this coming PrepCom will have a very short plenary session, concentrating all the efforts into the discussions of the informal working groups, which will discuss the four elements of the 2011 Package, including scope. Towards the end of the series of PrepCom sessions, a Drafting Committee will ensure that what was discussed and agreed is properly drafted.

It should be noted that this new international legal framework could entail further responsibilities for flag states, which could in turn have an impact on the ability of coastal states to manage fish stocks. In view of this, RFBs could play an important role in this process.

Overview of ongoing discussions on capacity development in the BBNJ Prepcom process

Presented by Prim Masrinuan, Counsellor, Permanent Mission of Thailand to the UN

As noted, the Preparatory Committee (BBNJ Prepcom) has been established by UNGA to make substantive recommendations to elements of a draft text on the future international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. As requested by UNGA, the first session of the BBNJ Prepcom took place in New York, from 28 March to 8 April 2016.

General overview of the discussions on capacity development in the BBNJ PrepCom process

During its first session, BBNJ Prepcom started to “unpack” the issues contained in the 2011 package. More specifically, it focused on issues related, but not limited, to capacity development. Capacity building and transfer of marine technology are essential tools when it comes to promoting the development of marine science. They also form a strong basis for developing non-monetary benefit-sharing mechanisms. There is, however, a need to make an inventory of existing capacity building/initiatives and try to identify priorities. There already exist a certain number of initiatives to address BBNJ issues, but these are more sectoral in nature. Accordingly, capacity building should cut across other topics of the 2011 package. The full package includes special measures such as area-based management tools (e.g. marine protected areas), environmental impact assessment, capacity building and transfer of marine technology. Furthermore, emphasis was also put on the need of effective capacity building to implement the new instrument on BBNJ as well as other goals and objectives of sustainable development, in particular with regards to promoting capacity development for developing countries.

Gaps in implementation of the existing provisions

The first session of the PrepCom has identified the different existing provisions of UNCLOS related to marine scientific research (MSR), capacity building and transfer of technology. It also has made reference to soft law documents, including the relevant provisions on capacity development in, for instance, the 1992 Rio Declaration on Environment and Development, 2002 Johannesburg

Declaration on Sustainable Development, and the sustainable development goals embodied in the 2030 Agenda for Sustainable Development. Furthermore, it took into consideration the IOC Criteria and Guidelines on the Transfer of Marine Technology.

The session highlighted that new elements will need to be identified and incorporated in the future legally binding instrument under UNCLOS. These include identifying: the type of specific and general measures on capacity development, modalities (e.g. bilateral cooperation), capacity needs for developing countries, funding and institutional mechanisms, repository database and access ex-situ and ex-silico, and the objective of conservation and sustainable use. They also include creating a voluntary trust fund with possible voluntary contributions. For this reason, it is important that a significant number of States participate in the fund to promote capacity development, including capacity building and transfer of technology. MSR will also need to be understood and effectively defined.

Promoting capacity building and the role of Regional Fisheries Management Organizations is essential to ensure the enforcement of rules at sea, since developing states lack the necessary resources and capacity building. It is apparent that capacity development has only been partially implemented due to a lack of a number of financial funds and mechanisms, especially in SIDS (e.g. capacity management in SIDS was integrated into the 2005 Mauritius Strategy of Implementation, but it lacked the financial resources and capacities for pursuing monitoring and enhancing surveillance in their EEZs).

However, under the 1995 UN Fish Stocks Agreement (FSA), states are placed under a legally binding obligation to assist developing states to enable them to participate, including facilitate access, in high seas fisheries (Part VII of the 1995 Fish Stock Agreement (FSA) (Article 25)). Developing States also have access to a special assistance fund (Article 26). Indeed, states are under a legally-binding obligation to set up special funds to assist developing states to implement FSA. This fund is managed by the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), which provides legal and technical support to other UN bodies, including UNGA, BBNJ PrepCom and Fish Stocks Agreement, and promotes capacity building as well as international cooperation through the principles embodied under UNCLOS (e.g. Part XII UNCLOS, Section 3 on "Technical Assistance", Part XIII on "MSR").

It is also important to understand and encapsulate a full picture of what is really happening as far as implementation efforts are concerned. In this vein, capacity development efforts to address the lack of knowledge in various marine ecosystems must be strengthened. As the global provisions on capacity development will need to evolve, it is particularly important to adopt a holistic approach, in order to secure blue growth. There is also a need to communicate with the relevant bodies (e.g. Coastal Chief Officer) in order for the information and knowledge to be effective. Knowledge is key to capacity development efforts, especially in SIDS.

There is currently a discussion in CARICOM through GEF about building a new RFMO for the Caribbean that would have a mandate to implement capacity development, in particular EBM. There is also a need, as reflected in the discussion, for capacity management at the national level.

Other gaps identified

There is a need for long-term commitment to financing existing gaps in capacity development. It has also been noted that where there are existing efforts (e.g. Caribbean Regional Fisheries Mechanism), it is important to enhance support through technical exchanges, such as those carried out by Universities. There is also a need for greater coordination among international entities, UN bodies, business partners and multilateral mechanisms. Coordination can be improved through

clearing house mechanisms. Clearing house mechanisms are not new and already exist in the IOC, UNESCO, and should be incorporated effectively into the new implementing agreement under UNCLOS. It would also be important to introduce a responsibility or accountability mechanism for the management of funds received to implement capacity development. In this regard, donors and recipients should be held accountable with respect to the way they manage the funds. The principle of accountability should apply for funds or money received in connection to capacity building and transfer of technology. It is also important to update and assess new needs.

The ISA and capacity as an essential element of new developments in ABNJ

Presented by Sainivalati S. Navoti, Senior Legal Officer, International Seabed Authority

The International Seabed Authority (ISA) was established on 16 November 1994. Its Headquarters are in Kingston, Jamaica. ISA members comprise all the 167 states party to UNCLOS. Its main functions are to regulate deep seabed mining, ensuring an equitable sharing of benefits; protect the marine environment; distribute revenues under Article 82 of UNCLOS; and promote and encourage marine scientific research in the Area. The Assembly is the supreme organ of the Authority and has the power to establish general policies on any question or matter within the competence of the Authority.

The Council is the executive organ of the Authority and it establishes specific policies in conformity with the Convention and the general policies set out by the Assembly. It supervises and coordinates implementation of the elaborate regime established by UNCLOS to promote and regulate exploration for and exploitation of deep-sea minerals by states, corporations and other entities. Under this system, no such activity may legally take place until contracts have been signed between each interested entity and the Authority. The Council's task is to draw up the terms of contracts, approve contract applications, oversee implementation of the contracts, and establish environmental and other standards.

The Council consists of 36 members elected by the Assembly in the following order: 4 major consumers (currently China, Italy, Japan, Russian Federation); 4 major investors (currently France, Germany, India, Republic of Korea); 4 major exporters (currently Australia, Canada, Chile, South Africa); 6 members from among developing state parties, representing special interests (currently Bangladesh, Brazil, Egypt, Fiji, Jamaica, Uganda); 18 members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole (currently Argentina, Cameroon, Côte d'Ivoire, Czechia, Guyana, Indonesia, Kenya, Mozambique, Mexico, Namibia, the Netherlands, Nigeria, Poland, Senegal, Spain, Sri Lanka, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, Viet Nam).

The Legal and Technical Commission (LTC) is an organ of the Council of the International Seabed Authority and currently consists of 24 members who are elected by the Council for a period of 5 years on the basis of personal qualifications relevant to the exploration, exploitation and processing of mineral resources, oceanography, economic and/or legal matters relating to ocean mining and related fields. This commission is also carrying out the functions of the Economic Planning Commission which is currently not operational.

The Secretariat consist of 40 professionals and technical staff and provides, *inter alia*, secretariat services to the Assembly, the Council, the Legal and Technical Commission and the Finance Committee, providing information and advice to the bureau of those organs and bodies and to delegations; and assisting in planning the work of the sessions, the conducting of proceedings and

in drafting reports. The Secretariat is currently performing the functions of the Enterprise which is the organ of the Authority which shall carry out activities in the Area directly.

With regard to ISA's training and capacity building in relation to activities in the Area, article 143 (2) of UNCLOS provides that, "The Authority shall promote and encourage the conduct of marine scientific research in the Area, and shall co-ordinate and disseminate the result of such research and analysis when available". Moreover, article 144 (2) of UNCLOS states that "the Authority and State Parties shall cooperate in promoting the transfer of technology and scientific knowledge relating to activities in the Area".

The ISA provides two types of training: The pioneer investors (Enterprise) training and the Contractor's (Exploration) training. The pioneer investors (Enterprise) training stems from Resolution II, para. 12 (a)(ii), which states that:

In order to ensure that the Enterprise is able to carry out activities in the Area in such a manner as to keep pace with States and other entities; (a) every registered pioneer investors shall: (ii) provide training at all levels for personnel designated by the Commission.

This training aims at providing participants in all the disciplines and techniques required by the future Enterprise, with the level and scope of training equal to those found among registered pioneer investors.

The training programmes released by the pioneer investors and their respective certifying states comprise the following: France, Japan, Russian Federation, India, China, Inter-ocean Metal Joint Organisation and the Republic of Korea. Twenty-seven (27) training courses have been conducted so far: Africa benefited from 8 training courses; Asia benefited from 15 training courses; Eastern European benefited from 2 training courses; and Latin America and the Caribbean States benefited from 2 training courses. The field of training ranged from marine geology and marine geophysics to metallurgical engineering, marine ecology and electronic engineering.

With regard to the Contractor's (Exploration) training programme, it is important to recall that according to article 143 (2) of UNCLOS, "the Authority may carry out marine scientific research [...] and may enter into contracts for that purpose". Moreover, Annex III of UNCLOS provides the basic conditions for activities in the Area (prospecting, exploration and exploitation) and its article 15 states that:

The contractor shall draw up practical programmes for the training of personnel of the Authority and developing States, including the participation of such personnel in all activities in the Area which are covered by the contract, in accordance with article 144, paragraph 2.

Active training opportunities include the ones from GRS (two-year master's programme); COMRA (at-sea training); JOGMEC (at-sea training); and IFREMER (internships). Training opportunities under implementation include: a PhD programme at UKSRL, at-sea training at BGR, fellowship training at COMRA and at-sea training at TOML.

The required qualifications include, for candidates from developing countries: a Bachelor's degree/Master's degree in geology, geophysics, marine environment (including biology or ecology), or an equivalent education; good written and spoken English; good state of mental and physical health, suitable to working at sea; under 45 years of age; scientific research ability or marine management ability; seagoing experience recommended.

Among the selected 45 candidates: 16 were from the African group (Burkina Faso, Cameroon, the Democratic Republic of the Congo, Egypt, the Gambia, Ghana, Madagascar, Mauritius, Namibia, Nigeria, South Africa and Zambia), 14 from the Asian and Pacific Group (Bangladesh, Cook Islands,

Fiji, India, Indonesia, Kiribati, Papua New Guinea, the Philippines, Singapore, Solomon Islands, Thailand), 1 from the Eastern European Group (r), and 14 from the Latin American and Caribbean Group (Argentina, Brazil, Colombia, Cuba, Jamaica and Mexico).

The ISA Endowment Fund was established in 2006 with an initial capital of USD 2 631 803, to promote and encourage the conduct of marine scientific research in the Area for the benefit of mankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and by providing them with opportunities to participate in international technical and scientific cooperation, including through training, technical assistance and scientific cooperation programmes.

As of 20 May 2016, a total of 111 scientists and government officials from 45 countries have been beneficiaries of financial support from the Endowment Fund. The recipients were from: Angola, Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Cook Islands, Costa Rica, Egypt, Fiji, Greece, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Micronesia (Federated States of), Namibia, Nigeria, Palau, Papua New Guinea, Peru, the Philippines, the Russian Federation, Sierra Leone, South Africa, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkey and Viet Nam.

The ISA also provides an internship programme through which students and young government officials from diverse academic backgrounds gain exposure to the work and functions of the Authority to enhance their educational experience and/or gain experience in the work of the Authority. Nine such seminars were held in the period from 2007 to 2015 period: Manado, Indonesia (2007), Rio de Janeiro, Brazil (2008), Abuja, Nigeria (2009), Madrid, Spain (2010), Kingston, Jamaica (2011), Mexico City, Mexico (2013) United Nations Headquarters in New York, USA (2010, 2012, 2014), Pretoria, South Africa (2015), and Chile (2015).

3. CAPACITY DEVELOPMENT REGARDING AREA-BASED MANAGEMENT IN ABNJ

This chapter focuses on discussions and presentations that took place during session 3, which was guided by the following questions:

- *What challenges/issues are posed when applying area-based management tools (cross-sectoral and sectoral) to ABNJ?*
- *What are the capacity needs that should be addressed to support the application of area-based management tools (cross-sectoral and sectoral in ABNJ)? At what level? National? Regional? Global?*
- *What are special capacity needs that should be addressed to support the protection of marine biodiversity in ABNJ?*
- *What factors/conditions are useful to facilitate inter-organizational collaboration on area-based planning and management in ABNJ?*
- *What initiatives may be fruitful to continue enhanced harmonization and coherence of existing efforts/programmes relating to the application of area-based approaches to ABNJ?*

Overview of the application of area-based management approaches and tools to ABNJ (cross-sectoral and sectoral): challenges, lessons learned, possible future directions

Marjo Vierros, Senior Adjunct Fellow, United Nations University Institute for the Advanced Study of Sustainability

To start with a concrete example, Playa Grande National Park is one of the largest leatherback turtle nesting sites in the world, located in Costa Rica. The park practises species conservation and benefits the local economy. However, there is still a high mortality rate for returning adult leatherback turtles. This may be partly attributable to fisheries bycatch, plastics, shipping, or climate change. Currently, there is no single instrument that exists to manage all of these threats as a whole.

Examples like Playa Grande National Park teach us that species do not recognize boundaries, and human impacts do not recognize boundaries. There needs to be a framework with an ecosystem approach that treats environment management in a holistic manner. The cumulative impacts of these threats cannot be managed individually. There must be a balance between the use of resources, with the need to maintain the integrity of ocean ecosystems for the future, with an understanding of stewardship and intergenerational equality.

Global commitments for marine conservation are numerous, starting with the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, which called for states to “protect and preserve the marine environment” (Art. 192), “including protecting rare or fragile ecosystems and habitats” (Art 194.5). The 1992 United Nations Conference on Environment and Development (UNCED), called for integrated and precautionary approaches. The 2002 World Summit on Sustainable Development (WSSD), called for ecosystem approaches by 2010 and representative marine protected area (MPA) networks by 2012. The 2010 Biodiversity Target calls for at least 10 percent of coastal and marine areas to be conserved through effective and

equitable management, ecologically representative and well connected systems of protected areas by 2020. This was also reiterated in Goal 14 of the Sustainable Development Goals.

There are many different ecosystem approaches that exist including the Convention on Biological Diversity (CBD) ecosystem approach, the Food and Agriculture Organization of the United Nations (FAO) ecosystem approach to fisheries, and integrated coastal and ocean management (ICM).

The United Nations General Assembly established an ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of biodiversity in areas beyond national jurisdiction (BBNJ), and called upon states and international organizations to address destructive practices that have adverse impacts on marine biodiversity and ecosystems. This resulted in a 2011 “package” of elements including marine genetic resources (MGR) covering questions on benefit sharing, area-based management tools, including MPAs, environmental impact assessments (EIA) and capacity building, as well as the transfer of marine technology.

There is no universally accepted definition of area-based management, but it can incorporate, in an integrated manner, the following: (1) marine spatial planning (MSP) to operationalize an ecosystem approach, provide for the involvement of stakeholders to develop a common vision, and plan for conservation outcomes and sustainable human uses; (2) marine protected areas to protect key areas, habitats of migratory species, replenish species, provide for precaution, and build resilience; (3) sectoral approaches to mitigate impacts of sectors; and (4) EIA/SEA to assess impacts of new activities, and cumulative impacts. As it stands, there is experience of sectoral approaches in ABNJ, some limited experience of MPAs in ABNJ, and little experience of MSP in ABNJ.

Current efforts towards area-based management include the CBD ecologically or biologically significant marine areas in need of protection (EBSAs), the FAO vulnerable marine ecosystems (VME), the International Maritime Organization (IMO) particularly sensitive sea areas (PSSA), the International Seabed Authority (ISA) preservation reference areas (PRA), and regional seas conventions and action plans (MPAs). While most of these efforts are compatible and share similarities in their criteria, most efforts are still sectoral and/or geographically limited and overarching coordination is lacking.

In conclusion, the key challenges that exist are: (1) recognizing the ecological interconnectedness of the ocean; (2) understanding the global scale of activities and impacts; (3) the current largely sectoral governance; (4) understanding that modern governance principles and area-based management tools cannot be consistently applied; and (5) acknowledging that new uses are not always covered. Moving forward, there is a need to move beyond solely sectoral approaches to cross-sectoral and integrated approaches. There are lessons to be learned from the application of integrated ocean and coastal management that can be transferred to ABNJ. There needs to be collaboration and coordination between different approaches. Finally, there needs to be participation, support and ownership of management measures by a wide range of stakeholders. These steps will only be achieved with targeted capacity building. There needs to be capacity building that links multiple scales of ocean governance/management, including the livelihoods of local communities to conserve and sustainably use key species and habitats in ABNJ. There needs to be capacity building undertaken as part of practical conservation and management resources (for example, the Sargasso Sea Commission). Sustained capacity building which bring about long-term benefits for countries and regions is what is required.

Collaboration among regional institutions on area-based management in the Mediterranean

Presented by Daniel Cebrian Menchero, Strategic Actions Programme Officer, Mediterranean Action Plan, Regional Activity Center for Marine Protected Areas, Tunisia



Daniel Cebrian Menchero, UNEP/MAP-RAC/SPA

In Article 117, UNCLOS mandates the duty of states to adopt measures for the conservation of the living resources of the high seas with respect to their nationals, while in Article 118 it calls for the cooperation of states in the conservation and management of living resources. In this regard, a Joint Strategy between ACCOBAMS, FAO/GFCM, UNEP/MAP-RAC/SPA and IUCN, and with the collaboration of MedPAN for the spatial conservation and sustainable use of the marine environment in the Mediterranean Sea, was launched in 2015 and is currently in the process of being finalized. The joint strategy is intended to: (1) strengthen their collaboration, focusing on how to address the issues of common interest, as it relates to the adoption of spatial-based management and conservation measures; (2) harmonise their activities regarding marine spatial management more effectively; (3) benefit from the existing structures and work, performed in a cooperative and inclusive manner; and (4) allow the future declaration of spatial based management and conservation measures to benefit from a solid synergy, notably in the open seas, including the deep seas. The elaboration of the strategy is being conducted in three main steps: (1) preparation of a background document on the mandates, activities and programmes of the five organisations; (2) analysis of commonalities and identification of suitable areas for joining efforts, strengthening collaboration and harmonisation; and (3) drafting of the joint strategy focusing on the open seas, including the deep seas.

Currently in the Mediterranean, spatial management is carried out at regional and sub-regional levels: (1) SPAMIs declared under UNEP/MAP context; (2) FRAs established by GFCM (including an area in which towed dredges and trawl nets beyond 1000 m deep are banned); (3) Natura 2000

sites of the European Union; (4) Emerald network under the Bern Convention; (5) RAMSAR sites; (6) World heritage sites and the UNESCO Biosphere reserves; and (7) A wide network of sites declared as specially managed or protected at the national level. Candidates for a SPAMI list will be priority conservation areas in the open seas, including the deep seas.

Some challenges that have arisen include the clear definition of steps, taking into account each mandate and making them all compatible, as well as ensuring a smooth overlapping of procedures. There are also challenges in enhancing the capacity of regional/national institutions to work in a coordinated way and coordinate annual programmes. The key to success is to have a coordinating mechanism that integrates all of these parts.

Overview of ongoing discussions on area-based management in the BBNJ PrepCom process

Presented by Lizanne Aching, Second Secretary, Permanent Mission of the Republic of Trinidad and Tobago to the United Nations

Discussions which emerged at the First Session of the Preparatory Committee – established, pursuant to resolution 69/292, to make substantive recommendations to the General Assembly on the elements of a draft text of an international, legally-binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction – discussed the following material. During the plenary session, states noted that there should be clearly defined objectives for ABMTs and MPAs and the level of protection should be proportionate to objectives. The process to establish the ABMT should be guided by the best available science, and special attention should be paid to needs of coastal states as well as landlocked states, noting the rights of states over the continental shelf should be fully respected when establishing MPAs. Finally, the experience of Regional Fisheries Management Organisations (RFMOs), as well as Ecologically and Biologically Significant Marine Areas (EBSAs) identified under the Convention on Biological Diversity (CBD) should be taken into account.

With respect to defining terms, the definitions of “protected areas” in Article 2 of the CBD, as well as the definition of MPA by the International Union for Conservation of Nature (IUCN), could prove useful in arriving at a suitable definition of MPAs. It was noted that area-based management tools are more than just MPAs, so consideration should be given to other kinds of tools – such as marine spatial planning – which would take into account the presence of multiple users of the ocean, thereby facilitating a balanced approach to ecological and social interests.

With respect to objectives and principles, these should be clear, and the process to establish ABMTs should be guided by the ecosystem-based approach, precautionary principle, polluter pays principle, the obligation to protect and preserve the marine environment (Article 192 of the UNCLOS) and the best available science, as well as transparency and accountability. It is important to maintain an effective balance between high seas freedom and the duty to protect and preserve the marine environment.

With respect to the criteria for establishing MPAs, internationally recognized criteria for area-based conservation measures should include: (1) CBD criteria for ecologically or biologically significant marine areas (EBSAs); (2) FAO criteria for vulnerable marine ecosystems (VMEs); (3) criteria established by Regional Seas Conventions such as OSPAR and the Barcelona Convention, as well as the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); and (4) IMO Criteria for Particularly Sensitive Sea Areas (PSSAs).

With respect to governance and institutional mechanisms, mechanisms for monitoring, compliance

and review, cooperation and coordination should be established – but should not undermine the roles of other entities. Some states cautioned against establishing a new structure and recommended heavy reliance on existing structures to avoid unnecessary costs or duplicating efforts. An overarching global body could be established to oversee the process, develop management plans, and deal with accountability and compliance. To this end, it would be important to consider the experience and expertise of existing frameworks, such as RFMOs and other regional and sectoral bodies. Overall, the new agreement should complement and not substitute or undermine any existing arrangements.

Open-ended dialogue between participants and panellists

Discussions opened on the need for a basis in the form of institutions and policy within countries before developing capacity in people. (A specific example of capacity development could be pilot programmes to help countries go through a policy cycle.) Furthermore, the needs of states have to be clearly understood. Without understanding needs, there is no way to build capacity effectively. It was noted that capacity building happens at different processes and levels, including engaging in discussions on ABNJ as well as implementing policy. A special note was made with respect to small governments (like the Pacific Small Island Developing States, PSIDS), for whom synergies are crucial to the successful implementation of policy. There needs to be a discussion of what role countries want to have in implementation and objectives must align with implementation. It was also noted that there needs to be a basic policy structure, outlining the elements to be operationalized, and that current views of area-based management are very narrow and focus mainly on MPAs. However in ABNJ there are multiple uses, which need to be harmonized. There is much to be learned from the successes of area-based management in the exclusive economic zones (EEZs), underlining the need to discuss the connectivity of the EEZs and ABNJ with respect to policy. In EEZs, there are overarching frameworks of ICM within which MSP and MPAs are nested. Literature shows that if MPAs are not coordinated, they will not be as successful.

The importance of understanding countries' individual priorities was also acknowledged. All actors and stakeholders must come together to shape or modify national policy to reflect national priorities with management goals for ABNJ. It was noted that there is often a lack of data and information regarding ABNJ. It is important to be aware of the level of knowledge countries have, and find ways to disseminate information, as it does not always flow to those who need it the most. With respect to this, it was noted that the success of regional bodies such as RFMOs hinges on the respective country representatives having the same data and information as their negotiating colleagues. Further to this, it was noted that a starting point could be the UN organizations that are introducing all these different instruments for managing ABNJ in different regions. There also needs to be a mechanism(s) to bring all of these different instruments together. Concluding remarks noted that the current negotiations on ABNJ should not be looked at as detracting from ongoing work in the EEZs. Building capacity in ABNJ can trickle down to building capacity for EEZ management. The emphasis on capacity development for ABNJ is strong at the global level and will boost EEZ management. It is important, again, to note that EEZ and ABNJ represent a continuum of issues.

4. IDENTIFYING NEEDS AND MOBILIZING FOR THE IMPLEMENTATION OF CAPACITY DEVELOPMENT IN ABNJ

This section, based on discussions and presentations which took place during Sessions 4 and 5 of the workshop, provides perspectives on broad conceptual needs in capacity development, as well as specific information on capacity needs in ABNJ. In particular, the results of a capacity needs assessment survey conducted as part of the ABNJ Capacity Project are discussed, including preliminary outcomes covering capacity needs for tools and approaches in ABNJ management, capacity needed to reduce constraints on the management of ABNJ at the national and regional levels, and approaches for furthering capacity building at the national and regional levels. The outcomes of the survey provided a major input for the breakout group discussions at the workshop, which focused, among other topics, on how countries could be better equipped to participate effectively in ABNJ discussions at different levels, and to cooperate on ABNJ initiatives, such as the updating of national laws and policies that help support the management of ABNJ.

Possible mechanisms for mobilizing on capacity development in ABNJ and in EEZs

Presented by John Virdin, Director, Oceans and Coastal Policy Program, Nicholas Institute for Environmental Policy Solutions, Duke University

Considerations around mobilizing finance for Agenda 21 started in 1992 and since then many groups have actively responded. These include bilateral donors and UN entities, in particular the GEF and the World Bank. In spite of these efforts, the estimated cost of Agenda 21 had been underestimated.

With regard to the new 2030 Agenda for Sustainable Development, it is important to note that no costing estimates for the implementation of SDG 14 have been developed. This is very important when considering that almost two thirds of 54 of the world's low and lower-middle income coastal/island countries' total territory is ocean, and that they depend on achieving this goal.

It is worth mentioning here that USD 24 to 26 billion were committed to the oceans in 2014. USD 3 billion were committed to coastal protection and infrastructure, of which USD 700 million (3 percent) went to capacity building. The bulk of the funding went to water supply and management, and agriculture forestry.

Sources of finance for nations in EEZs range from concessionary public finance/grants from entities such as GEF-IW, public borrowing from regional development banks and the World Bank, and private financing. It is important to note that there is not a global financing mechanism attached to UNCLOS or its implementing agreements for ABNJ. However, the ongoing discussions on the development of an international, legally-binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction foresee the creation of such a financial mechanism (Freestone). This new financing mechanism could build on existing funding or envision the creation of a new funding mechanism (Freestone). It is important to note that a global funding mechanism can be seen as a key element in securing proper implementation of the capacity development component and needs envisioned in the 2011 "package" (Joyini).

It is also worth noting that there is no specific mention of ABNJ in SDG14, although the structure of this goal covers that particular issue (Freestone).

Some of the options to remedy this situation can be found through the enhancement of national investment (domestic resources, coordination facility), global grant/finance mechanisms (ocean fund/trust and climate funds), and private capital through the blue economy. Financial resources from climate funding could be directed to ABNJ-related aspects. At the same time, it is important to note the difficulties that SIDS and other developing countries will encounter in getting into the plethora of all these funding mechanisms which would require additional capacity development specifically designed for this purpose (Brierley, Head). The possibility of creating a funding mechanism, such as a trust fund, for broader issues than the one envisioned in the Implementing Agreement – so as to attract more potential donors – could be another way forward in this process (Teleki). In this regard, it would be important to involve the private stakeholders who operate in that environment in the ABNJ discussions so that they can provide additional values based on their experience on the ground (Teleki). In fact, many of these companies are looking at the SDGs framework to align themselves with that structure, as they will need to operate in that space (the oceans) because of their interests – which in turn are connected to national interests, because they are the issues that make the economy run (Teleki). In future it will also be important to add the issue of intellectual and knowledge capital to discussions (Teleki).

If the principles of ownership, alignment, harmonization (so that multiple donors do not provide the same funds), joint ownership of results, and mutual accountability were to be applied, a more equitable outcome would be realized than may be otherwise (Head).

ABNJ capacity project survey on ABNJ capacity needs

Presented by Erica Wales, University of Delaware, and Miriam Balgos, Global Ocean Forum

As part of the GEF/FAO/GOF Project on Strengthening Global Capacity to Effectively Manage ABNJ under the GEF/FAO Common Oceans Program, a survey to determine existing capacity as well as the desired capacity in the management of ABNJ across regions has been carried out, especially for developing countries and small island developing states. Target informants were decision-makers at the global, regional, and national levels serving in positions relevant to ABNJ issue areas, such as fisheries, biodiversity, ocean management, environmental management, and climate change (see Table 1 and Table 2 for percentage composition of informants). A questionnaire was used to assess existing awareness and skills related to ABNJ and indicate the level and scope of capacity development required. In addition, the survey collected information on individuals (mainly decision-makers) and organizations who will benefit from a capacity development programme on ABNJ, and the potential for such individuals to influence the thinking in his/her organization and in the region as a whole.

Two hundred fifty (250) global, regional, and national decision-makers were sent a letter of introduction and a link to the online survey, hosted on Qualtrics, in June–July 2016. As of autumn 2016, 138 respondents had been included in the survey result report, indicating a response rate of 55 percent. The following provides an initial analysis of the survey results.

Table 1: Categorization of organizations the survey respondents represented

Type of organization	Percentage
National	38%
Regional	32%
Global	17%
Other	17%

Table 2: Position held by the respondent

Position of respondent	Percentage
Officers/Advisors/Counsel	33%
Executive Secretary/Director	28%
Coordinator/Manager	16%
Scientist/Specialist	12%
Professors/Fellows	11%

National organization respondents came from various offices in government agencies/ministries, including but not limited to: Foreign Affairs, Marine Affairs, Fisheries, Justice, and Sea/Ocean. Regional respondents came from: fisheries organizations (such as RFMOs and RFBs), regional environment conventions (such as the Abidjan and Nairobi Conventions), and other regional organizations (such as CARICOM, Permanent Commission for South Pacific, Sargasso Sea Commission).

Table 3: Use of legal and policy frameworks in ABNJ

Legal or Policy Framework	Use to do my job	Use regularly or sometimes	Use rarely/never	Want more information
United Nations Convention on the Law of the Sea (UNCLOS) (1982)	40%	60%	8%	3%
Agreement relating to the implementation of Part XI of the UNCLOS of 10 December 1982 (1994)	19%	46%	39%	8%
1995 UN Fish Stocks Agreement	30%	54%	20%	8%
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention/Protocol) (1972)	10%	48%	42%	8%
The International Convention for the Prevention of Pollution from Ships (MARPOL)	10%	49%	40%	8%
Convention on Biological Diversity (CBD) (1992)	23%	58%	16%	6%
FAO Code of Conduct for Responsible Fisheries	29%	50%	19%	10%
International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, Unregulated Fishing	27%	45%	25%	12%
FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas	25%	36%	30%	16%
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	21%	49%	24%	11%
Regional Seas Conventions and Action Plans	26%	36%	29%	16%
Large Marine Ecosystem and associated frameworks	18%	54%	24%	15%

Table 4: Use of tools and approaches for management of ABNJ

Tool or approach	Use to do my job	Use regularly or sometimes	Use rarely/ never	Want more information
Integrated ocean management approach (multisector)	32%	47%	15%	11%
Ecosystem-based approach	51%	37%	7%	11%
Ecosystem approach to fisheries (under FAO)	30%	53%	18%	7%
Sector-led area-based management approaches	12%	48%	26%	26%
Vulnerable marine ecosystems (under FAO)	18%	49%	26%	11%
Particularly Sensitive Sea Areas (under the International Maritime Organization)	5%	43%	40%	18%
Special areas (International Maritime Organization/ MARPOL)	5%	42%	47%	14%
Areas of Particular Environmental Interest (under the International Seabed Authority)	8%	36%	49%	15%
Marine Protected Areas under the regional seas conventions	23%	42%	30%	11%
Ecologically or biologically significant marine areas (under CBD)	21%	48%	25%	11%
Marine spatial planning	21%	49%	24%	13%
Environmental impact assessment/ Risk assessment/Strategic environmental assessment	25%	52%	20%	10%

Respondents report using UNCLOS the most to “carry out essential functions” of their jobs, with 40 percent reporting UNCLOS as an essential framework for their work. MARPOL and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention/Protocol) (1972) were the least used to “carry out essential functions” of their jobs, with 10 percent of respondents reporting this to be the case. The highest reported use of tools/approaches were ecosystem-based, ecosystem-based approach to fisheries, integrated ocean management, and environmental impact/risk assessments. This suggests that these approaches are already commonly used by those most likely to be involved in the future management of ABNJ.

Table 5: Level of constraint for ABNJ management at the *national* level

Is capacity a critical constraint to the management of ABNJ at the <i>national</i> level?	
Answer	Percentage
Major constraint	59%
Something of a constraint	22%
Minor constraint	3%
No constraint	10%
N/A	5%

Table 6: Level of constraint for ABNJ management at the *regional* level

Is capacity a critical constraint to the management of ABNJ at the <i>regional</i> level?	
Answer	Percentage
Major constraint	45%
Something of a constraint	38%
Minor constraint	5%
No constraint	0%
N/A	13%

Respondents were asked to provide a free response detailing the types of constraints related to ABNJ management that they considered most significant. The following is a list of selected responses:

- *“Available funding, legal uncertainty, limited number of scientific experts, conflicting priorities for key individuals.”*
- *“Lack of capacity in terms of human resources, infrastructures, and training.”*
- *“Resource limitations including funding and human, scientific, policy and technical capacity combined with the remoteness and logistical challenges.”*
- *“Sector-based interest for research/fisheries/conservation. No integration and poorly framed basis for collaboration.”*
- *“Lack of in-country coordination and awareness of issues.”*
- *“We work with countries and fishery institutions where human and financial resources are very limited. How to finance fishery management is the main challenge.”*

Table 7: Factors constraining collaboration in ABNJ among organizations at the regional level

Constraining factors for collaboration	Percentage
Financial	24%
Capacity/human	17%
Technical/scientific	16%
Lack of collaboration/information sharing	10%
Awareness	8%
Lack of interest or political will	3%
Conflicting or varied priorities/mandates; lack of trust	3%
None/not specified	5%
Other	14%

Table 8: Inclusion of the transfer of marine technology in national planning

Is the transfer of marine technology included in national strategic planning?	
Answer	Percentage
Yes	48%
No	52%

Respondents were asked to provide a free response to the questions “is tech transfer and collaboration part of national plans?” The following is an illustrative selection of responses:

- *“Particularly information and data, guidelines, standards, sampling and methodology equipment, observation facilities and equipment --in fact most of the above is included in national strategic planning in the region (but possibly not all countries, just the larger economies).”*
- *“Mainly exchange of information and data and other relevant materials. Bilateral and multilateral collaboration for research with more developed countries.”*
- *“For more developed countries in the region at least.”*

Table 9: Use of the IOC-UNESCO Criteria and Guidelines on the Transfer of Marine Technology

How, if at all, has your institution utilized the IOC-UNESCO's Criteria and Guidelines on the Transfer of Marine Technology (Guidelines) for ABNJ activities at the national level?	
Answer	Percentage
Would like to know more	65%
Have not used the Guidelines	52%
Received requested marine technology after submitting the Transfer of Marine Technology Application	5%
Submitted a Transfer of Marine Technology Application	2%
Donated requested marine technology after receiving the Transfer of Marine Technology Application	2%
Received technical training from the IOC concerning the transfer of marine technology	2%

Only one respondent reported receiving marine technology or information through the IOC-UNESCO guidelines. Other respondents, when asked to elaborate on their responses to the question in Table 9, largely reported that they had not been implemented in their national frameworks or that they had not even heard of the guidelines.

Table 10: Capacity needed to reduce constraints on the management of ABNJ at the *national* level

What capacity is needed to reduce constraints at the national level?	Percentage
Scientific/technical	23%
Policy/legal	18%
Awareness/understanding	18%
Human resources	17%
Financial	13%
Enforcement	6%
Education	3%
Other	3%

Table 11: Capacity needed to reduce constraints to the management of ABNJ at the *regional* level

What capacity is needed to reduce constraints at the regional level?	Percentage
Scientific/technical	18%
Policy/Legal	16%
Does not apply or not specific	16%
Financial	13%
Human resources	10%
Awareness/understanding	10%
Enforcement	3%
Education	1%
Other	12%

Respondents were asked to elaborate on their capacity needs. The following is an illustrative list of responses:

- *"....the information on ABNJ is not well shared especially outside of the ocean community".*
- *"First the country needs to set [a] clear legal framework, followed by human resources training."*
- *"Governments do not invest sufficiently in fisheries management generally, let alone to increase engagement on ABNJ issues. Training and capacity building is not approached at a strategic level though mainstream opportunities to target national officers at all stages of their careers. Administrations are too small to face the growing global and regional workload."*
- *"Limited HR available, career track not available... limited educational opportunities in universities in the region."*

Table 12: Approaches to furthering capacity development at the *national* level

Approaches to furthering capacity development at the <i>national</i> level	Percentage
Awareness raising	30%
Workshops/Technical Training programmes/Internships	22%
Technical and scientific tools (information/data, scientific research, management tools)	14%
Academic programmes	10%
Other	10%
Legal/policy training/capacity building	9%
Access to manuals/documentation	4%

Table 13: Approaches to furthering capacity development at the *regional* level

Approaches to furthering capacity development at the <i>regional</i> level	Percentage
Workshops/Training programmes/Internships	28%
Collaboration/partnership mechanisms/methods of exchange	20%
Other	13%
Technical tools (information, data, management tools)	11%
Awareness raising	9%
Academic programmes	7%
Legal/policy development and discussion	7%
Funding	4%

Table 14: Approaches to building capacity

In your view, what specific types of capacity development approaches would be useful?	% of Responses
A short course on ABNJ held at the regional level	78%
A primer on ABNJ issues (including socio-economic aspects) and frameworks aimed at decision-makers	74%
Policy dialogue among global, regional, and national decision-makers focusing on developments in ABNJ at global, regional, and national levels	71%
Policy dialogue among different regions to compare different approaches and lessons learned from different regions working on ABNJ management	67%
An academic course on ABNJ	57%
Discussion of a code of stewardship ethics toward the ABNJ for decision-makers and the public	53%
Ways of involving the public in deliberations on ABNJ	52%
A short course on ABNJ held at the global level with participants from various regions	48%
Other (specify)	16%

When respondents were given a set of approaches, they responded that the most useful approaches would be a short course on ABNJ held at the regional level, a primer on ABNJ issues, and a policy dialogue among global, regional, and national decision-makers focusing on developments in ABNJ. Responses indicated that if there was more awareness and understanding of ABNJ issues at the national level, then decision-makers, policy makers, and negotiators would better be able to connect EEZ management with ABNJ management and build better legal frameworks and policies. Respondents were also asked to provide examples of capacity development approaches that they would find most useful in a free response format, and the following is a list of example responses:

- *“Regional training and seminars on combating IUU, PSMA, ecosystem approach in fisheries, fisheries management plan development and implementation”.*
- *“The regional fisheries and oceans organizations ...can conduct workshops, develop training manuals, guidelines and implement programmes to demonstrate what can be accomplished.”*
- *“In both regional and national cases, would like to see much greater emphasis on fellowships/scholarships, etc. for degrees towards ocean governance and resource management.”*
- *“Linking training to actual ABNJ-related projects on the regional level to provide “hands-on” experience and furthering area-based management of priority areas. Linking improved management of ABNJ with improved coastal livelihoods (projects creating a linkage between the two).”*
- *“Also, training related to legal aspects to allow countries to participate in negotiations effectively, and to draft or update national laws and policies that help support national implementation of the new agreement once it has concluded.”*

5. REGIONAL PERSPECTIVES ON CAPACITY DEVELOPMENT NEEDS AND OPPORTUNITIES

This section reports discussions from Session 5, breakout group discussions on capacity development in ABNJ: What possible modalities for area-based management in ABNJ and the requisite capacity development at regional levels?

Questions for breakout discussion

During Session 5 of the workshop, participants broke into small groups based on region. Each group was asked to consider the following list of questions, and return to the larger group with their thoughts and responses.

1. What is the situation in your region in terms of:
 - cross-sectoral training/education with regards to EEZ management, as applicable to ABNJ management;
 - sectoral training with regards to specific resources/uses in EEZs, ABNJ.
2. What is the situation in your region regarding capacity needs relevant to area-based planning and management of ABNJ?
 - What kind of issues related to multiple use management in ABNJ regions have you encountered?
 - What kind of issues related to the protection of marine biodiversity in ABNJ have you encountered in your region?
 - What have various regional or national institutions in the region done to address the issues noted above?
3. What are the priority capacity development needs relevant to ABNJ in your region? To what extent, if any, are these also relevant to EEZ management?
 - What are the three main priorities from the perspective of countries in the region?
 - What are the three main priorities from the perspective of the RFMOs in the region?
 - What are the three main priorities from the perspective of the Regional Seas Program in the region?

Regional Perspectives: Pacific

Participants:

- Elizabeth Brierley, Senior Ocean Analyst, Office of the Pacific Ocean Commissioner/Pacific Island Forum Secretariat (**Chair**)
- Perry Head, Director, Corporate Services, South Pacific Forum Fisheries Agency
- Salote Tagivakatini, Principal Foreign Service Officer, Ministry of Foreign Affairs, Fiji
- Joeli Veitayaki, School of Marine Studies, University of the South Pacific (**Rapporteur**)
- KerriLynn Miller, Officer, Protecting Ocean Life on the High Seas, Pew Charitable Trusts

- Sai Navoti, Legal Adviser, International Seabed Authority
- Joe Appiott, Secretariat for the Convention on Biological Diversity
- Marjo Vierros, United Nations University

In the Pacific, there are nine regional organizations that support Member States with technical and political advice, five of which have mandates that include some aspect of ocean governance. The Office of the Pacific Ocean Commissioner, housed in the Pacific Islands Forum Secretariat, coordinates not only these agencies, but also links stakeholders with an interest in the sustainable development, management and conservation of oceans at the national, regional and international levels.

1. What is the situation in your region in terms of:

- cross-sectoral training/education with regards to EEZ management as applicable to ABNJ management
 - The Secretariat for the Convention on Biological Diversity (CBD) is running a series of workshops on cross-sectoral planning and management through the Sustainable Ocean Initiative – primarily EEZ management but also applicable in ABNJ (regional); Samoa (national level).
 - The Pacific Community (SPC) maritime boundaries project, funded out of the Australian Aid Government Partnership for Development facility, engages a consortium of partners that provide technical and legal assistance to countries to delimitate maritime boundaries and work on developing marine cadasters for national administration and planning.
 - The region's Pacific Ocean Alliance was established as a platform for all stakeholders with an interest in the sustainable development, management and conservation of the Pacific Ocean and its resources, in order to discuss issues of common interest. The first big meeting of the Alliance was held in May 2015 on ABNJ. The objective was to share information to facilitate a common understanding of the importance and relevance of ABNJ to the Pacific Islands. A smaller, follow-up technical working group of Alliance partners also met and a technical report on BBNJ was developed that now forms the basis of regional discussion on this issue. Alliance partners, coordinated through the Office of the Pacific Ocean Commissioner, continue to contribute to advice and technical support for Pacific Island countries in BBNJ negotiations.
 - The University of the South Pacific (USP) includes a number of formal and long-term undergraduate programmes that are relevant for ABNJ, including ICZM training, fisheries resources, marine spatial planning, economics, law of the sea. USP has focused attention on bringing in students and working them up to undergraduate level by starting at certificate level, moving on to diplomas and then into a bachelor's degree: the idea being to attract early school leavers that have been working for a while. There is now a recognized need to build on this to focus on master's and PhD students in order to train the next era of academics and leaders in this field.
 - The Secretariat of the Pacific Regional Environment Programme (SPREP) works with partners to provide training and capacity support on ecotourism, waste management, and has developed EIA guidelines and an EIA practitioners' network for the sharing of information and support between EIA practitioners in the region.
- There is no shortage of training, but there is a major lack of human capacity to implement training initiatives due to retention issues (training provides the opportunity to move to jobs that offer better conditions – e.g. from national to regional/international) and the absolute number of people available in administrations for training is quite limited – the amount of training does not allow for effective implementation and institutional capacity building sectoral training with regards to specific resources/uses in EEZs, ABNJ

- SPC conducts scientific stock assessments for species in the region and is a hub for in-zone biodiversity research – it runs workshops with members to assess data which provides exposure, if not capacity.
 - USP also run short-term targeted training sessions for specific issues, such as stock assessments and monitoring, control and surveillance.
 - The Forum Fisheries Agency manages train-the-trainer programmes and SPC delivers the observer training.
2. What is the situation in your region regarding capacity needs relevant to area-based planning and management of ABNJ?
- While there are many capacity-building initiatives in the region, they are generally narrow in approach rather than cross-sectoral (e.g. fisheries). Training invitations often go directly to line area ministries, which results in a lack of cross-sectoral buy-in. Invitations for cross-sectoral training need to go through central agencies, but the need for this type of training is yet to be understood and accepted.
 - The region is starting to recognize the need to centralize ocean coordination in PM/President offices (e.g. PNG, Cook Islands).
 - Movement of staff after specialized training results in loss of effectiveness of training.
 - Lack of coordination at the regional level impacts on the national level.
 - At the national level – “regional” means different things to different countries
 - The Pacific can offer experience to other regions on the role of traditional knowledge in marine planning and management.
- What kind of issues related to multiple use management in ABNJ regions have you encountered?
- Lack of understanding about what AMBTs are and how planning tools (e.g. MSP and EIAs) relate to management tools.
 - Artificial regulatory boundaries do not reflect ecological realities.
 - There is a lack of understanding of the purpose of regulation/new regime in ABNJ. Need a common understanding of what is being achieved.
 - Often capacity is built through regional/international training programmes that are not applicable to the systems for implementation at the national level (i.e. it is not appropriate). Although a matter of technical capacity, manual systems cannot, solely by themselves, implement training.
 - Need to understand objective for capacity building – where do countries want to be in terms of capacity? This is a decision for states and not trainers/development partners to make.
 - Need to understand the management requirements within administration to effectively implement multiple use management and capacity to understand the implications of different governance models. Need for coordinated approaches in managing different ocean areas.
 - Lack of understanding about the roles of consultation and science in decision-making – need to consider traditional knowledge in definition of science.
 - Potential impact of shipping on oceans through ship strikes, plastic pollution, underwater noise, climate change.
 - Plastics are becoming an increasing problem.
- What kind of issues related to the protection of marine biodiversity in ABNJ have you encountered in your region?
- What have various regional or national institutions in the region done to address the issues noted above?

- Political decision-making vs inclusive decision-making vs science-based decision-making (including traditional knowledge);
 - need to build capacity of resource owners vs managers
 - issue of IUU fishing and fishing on high seas seamounts: the protection of seabirds, sharks and other species in conservation and management measures of WCPFC;
 - Noumea Convention allows for protection of high seas pockets, but it is a weak instrument insofar as it has few signatories and cannot override pre-existing regulation.
 - Seabed mining interests – who does assessment of environmental impacts? We do not understand potential impacts of DSM activities. SPC contracting study into fisheries and DSM interactions/impacts;
 - issue of external actors (e.g. DWFNs) and their impact on biodiversity in ABNJ;
 - maritime boundaries (EEZ demarcation) as a basis for effective governance;
 - lack of understanding on what is there – do not have resources to conduct marine surveys so require access to research outcomes and information;
 - climate change (ocean acidification) impacts on marine biodiversity. SPC studied whole impact of climate change in Pacific.
3. What are the priority capacity development needs relevant to ABNJ in your region? To what extent, if any, are these also relevant to EEZ management?
- What are the three main priorities from the perspective of countries in the region?
 - Capacity building needs to be relevant, sustainable and appropriate (very relevant to EEZ);
 - Institutional understanding is needed to support cross-sectoral management – e.g. foreign or central ministry leadership for interagency coordination (very relevant to EEZ);
 - Building capacity at the national level is important to ensure sovereignty issues are protected and there is ownership for implementation.
 - What are the three main priorities from the perspective of the RFMOs in the region?
 - Clarifying issue of common heritage of mankind and how it will impact on existing management;
 - Extension and enforcement of conservation and management measures in the high seas areas;
 - Support regional agencies to be able to represent regional perspectives in RFMOs.
 - What are the three main priorities from the perspective of the Regional Seas Program in the region?
 - Harmonization across artificial boundaries and across sectors – Noumea Convention covers high seas pockets – need a better understanding of strengths and weaknesses of this regime;
 - Understanding what marine biodiversity is in ABNJ – data and information;
 - Mainstreaming biodiversity in all sectors (very relevant to EEZ).

Possible options:

- Support USP build training capacity for ABMT in ABNJ – not project-specific like other CROP approaches.

Regional Perspectives: Asia

- Indumathie Hewawasam, Global Ocean Forum (**Chair**)
- Ram Boojh, UNESCO, New Delhi, India (**Rapporteur**)
- Prim Masrinuan, Counsellor, Thailand Permanent Mission to the UN
- Yuhei Murakami, Ocean Policy Research Institute, Japan
- Angela Martin, Blue Climate Solutions

- Valentina Germani, UN Division of Ocean Affairs and the Law of the Sea
 - Chris O'Brien, FAO
 - Marco Boccia, FAO
 - Tracy Haines, Australian High Commission.
1. Cross-sectoral training/education with regard to EEZ management as applicable to ABNJ management includes: the CTI (Coral Triangle initiative), BOBLME (Bay of Bengal Large Marine Ecosystem Project), UN & Nippon Foundation Fellowship (30 alumni from the Asia region trained to date) and PEMSEA (Partnership for Environmental Management of Seas in Southeast Asia). Sectoral training with regard to specific resources/uses in EEZs, ABNJ sector-specific training, especially in the fisheries sector, are being conducted in many countries by line Ministries and organizations as well as research and educational institutions. For example, the National Institute of Oceanography (NIO) Goa India, the Indian National Centre for Ocean Information Services, India, and fisheries research centres in Sri Lanka and Maldives. A good model for such training is delivered by the Indian Ocean Tuna Commission (IOTC).
 2. Regarding capacity needs relevant to area-based planning and management of ABNJ in Asia, the following issues were discussed:
 - Multiple use management in ABNJ regions;
 - lack of awareness at the community level, policy and decision makers, user groups (industries). Fishermen are either unaware of or intentionally ignore EEZ/ABNJ boundaries;
 - lack of coordination among various agencies and stakeholders within countries and the region on ABNJ;
 - lack of specific recognition of marine biodiversity in ABNJ;
 - lack of resources and know-how;
 - lack of understanding about roles and responsibilities.
 3. Actions taken to address the issues noted above include establishing the South East Asian Marine Science Centre in Bangkok and the Regional Seas Program. UNESCO designated sites e.g. Biosphere Reserves and World Natural Heritage sites along the Spice Route (including within the EEZ and ABNJ) could be a good example; the South Asia Regional Marine Biodiversity Strategy, (an inter-sectoral strategy for Bangladesh, India, Maldives, Pakistan and Sri Lanka), is about migratory species management, without mention of ABNJ.
 4. Priority capacity development needs relevant to ABNJ identified by the group were:
 - a. From the perspective of countries in the region:
 - understanding the relevance of ABNJ to national interests – often policymakers do not see the need and thus lack will to focus on conservation and management of resources in ABNJ;
 - improving coordination within the country, both within ministries and across sectors, so that national representatives engaging with the ABNJ process understand priorities for all relevant ministries/sectors;
 - improving coordination with stakeholders/user groups, so that national representatives engaging with the ABNJ process understand user-group needs.
 - b. From the perspective of the RFMOs in the region: (The group felt that these four points were applicable to all entities, not just RFMOs)

- raising awareness of the ABNJ process and opportunities for greater engagement within the RFMO;
 - enhancing RFMO understanding of their role in raising awareness of the ABNJ process with RFMO members;
 - coordination with other industries/user groups;
 - greater clarity in the responsibilities of the RFMO and member nations regarding coordination and engagement on ABNJ – i.e. should the RFMO take the initiative to coordinate with other industries, or should it let members know that this is an option for the RFMO?
- c. From the perspective of the Regional Seas Program in the region:
- the programme lacked resources, particularly financial resources and capacity to meet its own mandate;
 - intersectoral cooperation;
 - political will to contribute to the programme;
 - need for a centralized information resource base for the region.

Full text:

1. What is the situation in your region in terms of:
 - sectoral training with regards to specific resources/uses in EEZs, ABNJ
 - sector-specific training, especially fisheries, not specific to ABNJ
 - Indian Ocean Tuna Fisheries Commission (good model).
 - cross-sectoral training/education with regards to EEZ management as applicable to ABNJ management
 - Ecosystem Based Approach with some ABNJ components:
 - CTI (Coral Triangle Initiative)
 - BOBLME (Bay of Bengal Large Marine Ecosystem Project)
 - UN & Nippon Foundation Fellowship (30 from Asia trained)
 - PEMSEA (Partnership for Environmental Management of Seas in SE Asia).
2. What is the situation in your region regarding capacity needs relevant to area-based planning and management of ABNJ?
 - What kind of issues related to multiple use management in ABNJ regions have you encountered?
 - Lack of awareness at the level of community (fishermen), policy and decision-makers, user groups (industries).
 - Lack of coordination among various agencies and stakeholders within countries and the region.
 - What kind of issues related to the protection of marine biodiversity in ABNJ have you encountered in your region?
 - Lack of recognition of marine biodiversity by countries;
 - lack of resources and knowhow;
 - understanding about roles and responsibilities.
 - What have various regional or national institutions in the region done to address the issues noted above?
 - S E Asian Marine science centre, Bangkok
 - Regional Seas Program

- UNESCO sites, biosphere reserves and world natural heritage sites
 - South Asia Regional Marine Biodiversity Strategy- intersectoral five countries, could not go beyond EEZ.
3. What are the priority capacity development needs relevant to ABNJ in your region? To what extent, if any, are these also relevant to EEZ management?
- What are the three main priorities from the perspective of countries in the region?
 - Understanding of relevance of ABNJ to national interests;
 - coordination within the country- interministerial, intersectoral;
 - coordination with stakeholders/user groups.
 - What are the three main priorities from the perspective of the RFMOs in the region?
 - Role in raising awareness
 - Limitations within RFMO
 - Coordination with other industries/user groups
 - Awareness of options for coordination.
 - What are the three main priorities from the perspective of the Regional Seas Program in the region?
 - Resources – particularly finance – political will
 - Need to build their own capacity
 - Intersectoral cooperation
 - (Other entities?)
 - All entities need central source of information.

Regional Perspectives: Africa

- Abou Bamba, Regional Coordinator, Abidjan Convention Secretariat
 - Julius Francis, Executive Secretary, Western Indian Ocean Marine Science Association (**Rapporteur**)
 - Thembile Joyini, Counsellor (Legal Advisor/Sixth Committee), Permanent Mission of South Africa to the United Nations (**Chair**)
 - Jean Richard Payandee, Commissaire de la Pêche, Rodrigues Regional Assembly, Mauritius
 - Daniel Cebrian Menchero, Strategic Actions Programme Officer, Mediterranean Action Plan, Regional Activity Center for Marine Protected Areas, Tunisia
 - John Virdin, Director, Oceans and Coastal Policy Program, Nicholas Institute for Environmental Policy Solutions, Duke University.
- Preamble
 - Decision CP8/5: Agenda 2063 and the Africa Integrated Maritime Strategy 2050:
 - to urge Contracting Parties to implement the Cairo Declaration of the 15th Session of the African Ministerial Conference on Environment (AMCEN) in the Africa Integrated Maritime Strategy 2050 and Agenda 2063 on ecosystem-based management approaches for marine resources in the exclusive economic zones and adjacent waters and inform on progress at AMCEN sessions;
 - to request the Secretariat, in collaboration with the Barcelona Convention, Abidjan Convention, Jeddah Convention, with the support of the United Nations Environment Programme, to contribute to the development of an African strategy on ocean governance in the context of the African Integrated Maritime Strategy 2050 and Agenda 2063.

- Key observations:
 - think broadly in terms of ocean capacity building rather than just ABNJ;
 - link the ABNJ discussions with blue economy/poverty reduction;
 - Africa should have a strategy on blue economy as is not covered by AIMS;
 - any planned capacity building initiatives should be linked with existing organizations, networks etc;
 - investing in a few individuals/institutions could make a major difference;
 - the creation of a conducive, enabling environment at the institutional level is critical to retaining staff and to encourage those who have left for further study to return;
 - limited involvement of African countries in activities of ISA.
- Components and activities of the programme
 - A. Supporting decision-making processes
 - enhance African involvement in the BBNJ/ISA processes;
 - support relevant expert to provide technical support to negotiators;
 - build a network of African negotiators;
 - raise awareness in countries, region on ocean issues;
 - publication: 'What does ABNJ means to Africa';
 - identification of ambassadors/champions: e.g. Trevor Manual;
 - support their participation at the African Summit, AMCEN, ADB annual meeting.
 - B. Building capacity: African education/training institutions on ocean matters
 - specialized short-term training on legal matters regarding ABNJ;
 - long-term term course curricula on deep-sea biodiversity/genetic resources;
 - continuing Education on area-based planning tools;
 - link with universities – online programme: resource centre capturing research, policies info;
 - scholarships/grants.
 - C. Building a Strategic Partnerships for management of ABNJ
 - Building capacity of countries to participate in the planning and management of the high seas.
 - D. Create conditions for retaining young leaders in their professional career
 - Retention strategy – paid research positions e.g. postdoc for 5 years.

Regional Perspectives: Latin America and Caribbean

- Lizanne Aching, Second Secretary, Trinidad and Tobago Permanent Mission to the UN (**Chair**)
- Jennifer Alexis, Managing Director, Pure Cerulean, Grenada
- David Freestone, Executive Secretary, Sargasso Sea Commission
- Olivier Yambo, PhD Student in International Environmental Law and Ocean Governance, University of Dundee
- Jenny Sharyne Bowie Wilches, Third Secretary, Ministry of Foreign Affairs, Colombia
- Safiya Sawney, Policy Strategist - Oceans, Climate and SIDS, Blue Growth, Grenada
- Michelle Walker, Head, Legal Unit, Ministry of Foreign Affairs and Foreign Trade, Jamaica
- Amrikha Singh, Senior Project Officer, Sustainable Development, CARICOM Secretariat
- Raymon Van Anrooy, Fishery and Aquaculture Officer, FAO Subregional Office for the Caribbean
- Manuel Perez Moreno, Coordinator, Caribbean Billfish Project, FAO Subregional Office for the Caribbean

- Julián Augusto Reyna Moreno, Secretary General, Comisión Permanente del Pacífico Sur
- LaVerne Walker, Senior Project Officer, Caribbean Sea Large Marine Ecosystem Project (**Rapporteur**)
- Susan Singh-Renton, Deputy Executive Director, Caribbean Regional Fisheries Mechanism (CRFM) Secretariat (**Rapporteur**)
 - Guiding Principles
 - Capacity building has to lead to genuine development of human resources across different sectors and improved intersectoral coordination.
 - Cross-Sectoral Training/Education
 - Many opportunities of formal training exist e.g. UWI courses, Nippon Fellowship, SPIMCAM, ComSec Training;
 - learning by doing – several cases of extensive experience at regional level with int’l fora and negotiations re ABNJ issues;
 - instances of national intersectoral coordination (e.g. National Council for Oceans and Coastal Zone Management);
 - learning through project experience – certain projects require intersectoral cooperation because of straddling objectives e.g. CLME+ and SPS Projects.
 - Sectoral Training/Education
 - Again opportunities for formal training exist e.g. ComSec and UN training opportunities on UNCLOS, CRFM short courses in various aspects on fisheries and oceans management, Rhodes Academy training on UNLOS;
 - learning by doing –several cases of extensive experience at regional level with int’l fora and negotiations re ABNJ issues e.g. CRFM’s participation in ICCAT.
 - Recommendations
 - Capacity to delimit EEZs in needed, including courses to enable capacities to be built (technical, legal and diplomatic dimensions);
 - support RFMO discussion in the region for an RFMO with intersectoral coordination already incorporated;
 - undertake assessment of existing capacities in the region as existing strengths should be used to inform ABNJ process.
 - Capacity Needs Relevant to ABNJ
 - Capacity-building measures should be carefully tailored to the needs of each region; they should address both human and institutional aspects and should not place undue burden on SIDS and LDCs.
 - Capacity building is needed in several areas, including protected area management, marine spatial planning, research and development of marine genetic resources, as well as other areas which inform decision-making on conservation and sustainable use of marine biodiversity in ABNJ.
 - Clearing house mechanism for the sharing of data and research results.
 - Capacity Needs Relevant to ABNJ
 - Development of a mechanism for the effective implementation of Part XIV of UNCLOS; this compliance mechanism which would ensure that obligations were met, such as cooperation in MSR and information exchange.
 - A need for consistent and reliable funding: suggestion to establish a global funding mechanism based on both voluntary and mandatory proceeds.
 - Funding for the participation of scientists from developing countries in research;
 - the operationalization of the IOC Guidelines on the Transfer of Marine Technology;

- development of regional and local centres;
- need for support mechanisms to facilitate access to research vessels, transfer of MSR, especially in relation of MGRs (in situ, ex situ and in silico), training, including for SIDS scientists, scholarship and research opportunities, including exchanging research visits and strengthening of local institutions.
- National Priorities
 - education and awareness;
 - marine scientific research and innovation (data information and knowledge management);
 - institutional capacity, legal and policy frameworks.
- RFMO priorities
 - develop new fishing methods and technologies for deep sea fisheries;
 - coordinate research and assessment for straddling stocks and associated ecosystems;
 - capacity building for a legal and policy framework for economic activities in the high seas.
- Regional Seas Priorities
 - marine conservation;
 - development of policy for ABNJ management and research;
 - international cooperation.
- CARICOM (other entities)
 - raising awareness for decision-makers;
 - coordinating regional institutions to build on existing capacities.

Summary

Based on remarks by Mr Joseph Appiott, Associate Programme Officer, Convention on Biological Diversity (CBD) Secretariat.

During this session, the chairs of the breakout groups (Africa, Latin America and the Caribbean, Asia and the Pacific) reported on their discussions and outputs, highlighting the unique challenges, priorities and perspectives from the various regions with regards to needs and opportunities for capacity development with respect to ABNJ.

The Africa group produced a proposal for a programme focused on the development of African Ocean Leaders. The group emphasized the need to think broadly in terms of capacity development, beyond simply for ABNJ and focusing on capacity development that clearly links to poverty reduction and also with existing organizations and initiatives. The group noted the clear opportunity and added value of investing in a few individuals and creating conducive learning environments at the institutional level, in order to both retain staff and to encourage staff to return to their countries to allow the countries to benefit from their skills and knowledge. In this regard, their proposed plan focuses on the development of Ocean Ambassadors and an Ocean Youth Programme, including through scholarships, short-term training programmes and post-graduate research positions, supported by resource mobilization and strategic partnerships.

The Latin American and Caribbean group took as its guiding principle that capacity development must lead to a genuine development of human resources across different sectors and the improvement of intersectoral coordination. The group cited the many existing sectoral training and learning opportunities (e.g. CRFM, ICCAT) and cross-sectoral training opportunities in the region (e.g. University of the West Indies, the Commonwealth Secretariat, the Nippon Foundation and SPINCAM). The group outlined some key regional recommendations and priorities for capacity development focused on, *inter*

alia, EEZ delimitation, effective engagement in global and regional intergovernmental processes, marine scientific research, development of institutional capacity and legal and policy frameworks. The group further stressed the need for capacity development to be tailored to the needs of each region and supported by consistent and reliable funding, including through a potential global funding mechanism based on voluntary and mandatory contributions.

The Asia group also noted the existence of training opportunities in the region, in particular sectoral training through the IOTC and cross-sectoral training through the Coral Triangle Initiative, the Bay of Bengal Large Marine Ecosystem Project, the Nippon Foundation and the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA). In their findings and recommendations, the group noted the lack of coordination among various agencies and stakeholders within countries and the lack of awareness at the community level as well as among policy- and decision-makers and various user groups. The group also highlighted some key opportunities to explore synergies between various initiatives in the region, including the Southeast Asia Marine Science Center, the Regional Seas Programmes, UNESCO World Heritage Sites, Biosphere Reserves and the South Asia Regional Marine BD Strategy.

As with the other regional groups, the Pacific group noted the existence of many training opportunities in the region (including those provided by the University of the South Pacific as well as various regional organizations), highlighting that a key problem is not the lack of training but the lack of sustained resources to support implementation based on the training. The group outlined the regional dynamics of the Pacific, including the robust regional framework under nine regional organizations that support Pacific nations in enhancing implementation of conservation and sustainable use of marine resources, and described the role of the Office of the Pacific Ocean Commissioner in providing a link between those organizations as well as with stakeholders at the national, regional and local levels. The group also described the efforts under the Pacific Ocean Alliance, which is working to support Pacific island countries to strategize their approach to ABNJ issues at the global level. The group also stressed the importance retaining skills and knowledge within the countries.

In the ensuing discussion, the many areas of commonality but also the clear diversity of perspectives between the regions emerged, and also touched on the need to think about how global-level issues would translate to the regional level. There was also discussion on the need for improved clarity regarding the concept of blue growth, as this means different things in different parts of the world. In this regard, the participants highlighted the importance of SDG 14.7, focused on increasing the economic benefits to Small Island developing States and least developed countries through the sustainable use of marine resources.

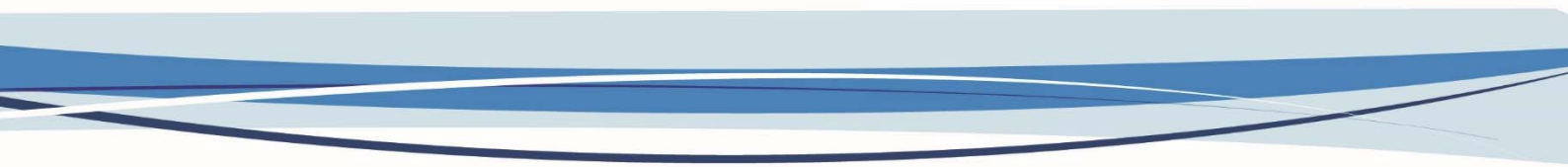
6. NEXT STEPS AND CONCLUDING OBSERVATIONS

This section summarizes presentations and closing remarks from Session 6: Workshop conclusion and Closing Session.

Ms Michelle Walker, Head of the Legal Unit in the Ministry of Foreign Affairs and Foreign Trade of Jamaica, noted the various existing capacity development efforts – a number of which have been highlighted during the workshop – that could support enhanced conservation and the sustainable use of biodiversity in ABNJ. She further noted, however, that there has been little to no accounting of these different efforts and opportunities, and that undertaking accounting of these various efforts and opportunities remains a key challenge in order to make the best use of existing resources, and identify clear gaps where further capacity development efforts are needed. She stressed that we can only accomplish our goals with the tools and resources we have, and that without the appropriate capacity we will not be able to achieve the goals that we have collectively agreed to.

Ms Lizanne Aching, Second Secretary of the Permanent Mission of Trinidad and Tobago to the UN, laid out some key observations from the workshop discussions. She echoed Ms Walker's call for an assessment of existing capacity development efforts and opportunities to allow a clear understanding of where potential gaps may lie and where efforts need to be strengthened. She also touched on the need for an integrated approach both to capacity development and to the conservation and sustainable use of marine biodiversity in ABNJ. Ms Aching also highlighted the lack of implementation of existing commitments and agreements in ABNJ, and that capacity development should focus on supporting countries in living up to their commitments under these various agreements. Finally, she touched on the need to foster greater awareness and education, and that targeted efforts should be undertaken to enhance the understanding and appreciation of ABNJ issues for a range of stakeholders, including for the public and for policymakers. She also outlined the importance of transfer of technology – a key tenet of the UNCLOS capacity development provisions – as an important approach to enabling developing countries to adequately take part in conservation and sustainable use of biodiversity in ABNJ. Furthermore, Ms Aching stressed the importance of capacity development being supported by sustainable and consistent financing to enable countries where these efforts are focused to retain the knowledge, skills and resources that have been developed.

Ms Lisa Svensson, Special Representative for the Minister of Foreign Affairs of Sweden, emphasized that capacity development for ABNJ should not be delineated too distinctly from capacity within EEZ – as the oceans have no borders – and she encouraged consideration of how ABNJ issues are linked not only to EEZ, but also to coastal and land-based issues as well, taking an integrated and holistic approach. She stressed the need to look outside the environment box and to recognize marine ecosystems as a foundation for blue growth. She highlighted the need to consider the human dimensions of ABNJ and developing a concrete understanding of the tangible benefits that ABNJ ecosystems provide to people. Ms Svensson also highlighted the importance of empowering developing countries and building in-country capacity to realize their own benefits from marine resources as a much better alternative to continued provisioning of piecemeal external funding and support. She also called for the designation of ocean champions around the world and at various levels to spearhead and catalyse much-needed attention on these important issues, including a United



Nations champion for oceans. She noted the need to work across the borders of science, policy and business and clearly articulate the importance of ABNJ issues, often to already overburdened policymakers. She also pointed out the interests of land-locked countries in ABNJ and that we should not forget such nations in consideration of the common heritage of mankind.

Ms Salote Tagivakatini, Principal Foreign Service Officer, Ministry of Foreign Affairs of Fiji, provided an update on the planning processes for the UN Conference to Support the Implementation of SDG 14, expected to take place in Fiji from 5 to 9 June 2017, including the establishment of a national organizing committee, preparatory meeting among the Pacific Small Island Developing States and further engagement with relevant agencies and organizations at the national, regional and global levels (the venue of the conference was subsequently changed to New York).

Ms Tina Farmer, Lead Technical Officer, Office of the Deputy Director-General, Food and Agriculture Organization of the United Nations, emphasized the need to focus on the diverse range of capacity development issues which emerged from the workshop in the context of the wider global agenda. Recalling the ambitious commitment of the international community to 'leave no one behind', she noted the strong linkages across all the Sustainable Development Goals, the Paris Agreement and funding mechanisms, underlining that successful capacity development in ABNJ hinges on strengthened global cross-sectoral cooperation and information-sharing.

Dr Biliiana Cicin-Sain then closed the meeting thanking all the participants for their excellent contributions. She conveyed the gratitude of all the organizers for the important advances in our collective thinking that took place during the workshop, and pledged that the ABNJ Capacity Project would continue to advance the consideration of tangible options for the further development of capacity efforts, including regarding specific modalities, options for a clearinghouse mechanism, and a financing mechanism.

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ANNEXES

I. Workshop agenda

Workshop programme

Wednesday, 18 May 2016

6:30–8:00 PM

Welcome Reception hosted by the Government of Grenada

Thursday, 19 May 2016

8:30–8:45 AM

Registration

All participants should be seated by 8:45 AM

9:00-10:30 AM

SESSION 1. OPENING SESSION: THE CENTRALITY OF CAPACITY DEVELOPMENT IN NEW DEVELOPMENTS IN MARINE AREAS BEYOND NATIONAL JURISDICTION (ABNJ) AND TO PROMOTE BLUE GROWTH

This session provides an overview of ABNJ as well as an overview of the workshop, its scope and goals in the context of current and emerging problems, constraints, and opportunities in the management of ABNJ, especially in light of current opportunities for developments in ABNJ at the global level, in particular, the ongoing discussions towards the development of a legally-binding international instrument on BBNJ under UNCLOS. Leaders discuss capacity development needs in ABNJ from the national, global and regional perspectives, providing a vision of challenges and opportunities.

CO-CHAIRS:

H.E. Dr Angus Friday, Ambassador of Grenada to the United States, Mexico, and the Organisation of American States

Biliana Cicin-Sain, President, Global Ocean Forum and Professor and Center Director, University of Delaware

Welcome and Introduction to the Workshop

Nicole Glineur, Program Manager, Biodiversity and Private Sector, Global Environment Facility

The GEF/FAO Common Oceans Program

Jacqueline Alder, Fish Code Manager, Fisheries and Aquaculture Department, FAO

Capacity Development – A Common Thread through the GEF/FAO Common Oceans Program

Special Address: H.E. Dr Caleb Otto, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Palau to the United Nations

The Importance of Wise EEZ and ABNJ Management

Thembile Joyini, Counsellor (Legal Advisor/Sixth Committee), Permanent Mission of South Africa to the United Nations

Overview of the Preparatory Committee (PrepCom) process in the 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

Sainivalati S. Navoti, Senior Legal Officer, International Seabed Authority

Capacity as an Essential Element of New Economic Developments in ABNJ

10:30-11:00 AM
COFFEE BREAK

11:00 AM-12:30 PM
SESSION 2. THE EVOLUTION OF GLOBAL PROVISIONS ON CAPACITY DEVELOPMENT ON OCEANS TOWARD ENHANCED IMPLEMENTATION

This session analyses the evolution of capacity development provisions, frameworks, and strategies emanating from the major international agreements related to oceans, including, inter alia, the UN Convention on the Law of the Sea and related agreements, the sustainable development summits (UNCED, WSSD, and Rio+20), the SIDS Samoa Pathway, Convention on Biological Diversity decisions, Agenda 2030, the Paris Climate Agreement, and the ongoing BBNJ deliberations, focusing especially on possible lessons that may be learned from associated implementation processes. Following two stage-setting presentations, the session will be run as an interactive panel discussion.

Chair: David Freestone, Executive Secretary, Sargasso Sea Commission
Biliana Cicin-Sain, Global Ocean Forum and University of Delaware

Overview of the Global Provisions in Capacity Development on Oceans and Their Implementation

Prim Masrinuan, Counsellor, Permanent Mission of the Kingdom of Thailand to the United Nations

Overview of Ongoing discussions on Capacity Development in the BBNJ PrepCom Process

Interactive panel

Valentina Germani, Legal Officer, United Nations Division for Ocean Affairs and the Law of the Sea (UN DOALOS)

Marco Boccia, Fishery Liaison Officer, Fisheries and Aquaculture Department, FAO

Joseph Appiott, Associate Program Officer, Convention on Biological Diversity Secretariat

Amrikha Singh, Senior Project Officer, CARICOM

Questions for discussion

- *To what extent (if any) are the global provisions on capacity development regarding oceans generally consistent with one another?*
- *To what extent (if any) is there information on the extent of implementation of the provisions? Are there assessments of resources deployed, results achieved, problems faced, lessons learned?*
- *To what extent (if any) have gaps in implementation been identified?*
- *What lessons (if any) might be learned from these global provisions related to capacity development on oceans relevant to the crafting of new global provisions on capacity development on oceans specifically related to ABNJ area-based planning and management?*

12:30-1:30 PM

LUNCH BREAK

1:30-3:30 PM

**SESSION 3. CAPACITY DEVELOPMENT
REGARDING AREA-BASED
MANAGEMENT IN ABNJ**

**Chair: Jacqueline Alder, FishCode
Programme Manager, Fisheries and
Aquaculture Department, FAO**

**Marjo Vierros, Senior Adjunct Fellow,
United Nations University Institute for
the Advanced Study of Sustainability**

*Overview of the Application of Area-based
Management Approaches and Tools to ABNJ
(Cross-sectoral and Sectoral), Challenges,
Lessons Learned, Possible Future Directions*

**Daniel Cebrian Menchero, Strategic
Actions Programme Officer,
Mediterranean Action Plan, Regional
Activity Center for Marine Protected
Areas, Tunisia**

*Collaboration Among Regional Institutions on
Area-Based Management in the
Mediterranean*

**Lizanne Aching, Second Secretary,
Permanent Mission of the Republic of
Trinidad and Tobago to the United
Nations**

*Overview of Ongoing Discussions on Area-
Based Management in the BBNJ PrepCom
Process*

Interactive Panel

**Chris O'Brien, Coordinator, ABNJ Deep
Seas Project, FAO**

**Sainivalati S. Navoti, Senior Legal
Officer, International Seabed Authority,
Jamaica**

**Joseph Appiott, Associate Programme
Officer, Convention on Biological Diversity
(CBD) Secretariat**

**Abou Bamba, Regional Coordinator,
Abidjan Convention, UNEP**

**Julián Augusto Reyna Moreno, Secretary-
General, Comisión Permanente del Pacifico
Sur**

**Elizabeth Brierley, Senior Ocean Analyst,
Pacific Islands Forum Secretariat**

**Julius Francis, Executive Secretary,
Western Indian Ocean Marine Science
Association**

Questions for discussion

- *What challenges/issues are posed when applying area-based management tools (cross-sectoral and sectoral) to ABNJ?*
- *What are the capacity needs that should be addressed to support the application of area-based management tools (cross-sectoral and sectoral in ABNJ)? At what level? National? Regional? Global?*
- *What are special capacity needs that should be addressed to support the protection of marine biodiversity in ABNJ?*
- *What factors/conditions are useful to facilitate inter-organizational collaboration on area-based planning and management in ABNJ?*
- *What initiatives may be fruitful to advance enhanced harmonization and coherence of existing efforts/programmes related to the application of area-based approaches to ABNJ?*

3:30-4:00 PM
COFFEE BREAK

4:00-5:30 PM
**SESSION 4. MOBILIZING FOR CAPACITY
DEVELOPMENT IMPLEMENTATION IN ABNJ**

This session addresses general considerations in capacity development in ABNJ in support of decision making processes.

*Linking capacities for ABNJ and EEZ--
Formulation and implementation of national
ocean policies and formulation of
transboundary regional ocean policies and plans
for ABNJ regions.*

**Chair: Abou Bamba, Regional Coordinator,
Abidjan Convention, UNEP**

**Indumathie Hewawasam, Senior Policy
Advisor, Global Ocean Forum**
Capacity Development and the Blue Economy

**John Virdin, Director, Oceans and Coastal
Policy Program, Nicholas Institute for
Environmental Policy Solutions, Duke
University**
*Possible Mechanisms for Mobilizing on Capacity
Development in ABNJ and in EEZs*

Interactive panel

**John Tanzer, Director Marine, WWF
International**

**Kristian Teleki, Senior Marine Adviser,
Prince of Wales' International
Sustainability Unit, UK**

**Perry Head, Director, Corporate Services,
Forum Fisheries Agency**

**Raymon Van Anrooy, Fishery and
Aquaculture Officer, Subregional Office for
the Caribbean, FAO**

5:30-6:15 PM
**SIDE EVENT: The Sargasso Sea
Commission: An Innovative Approach to
the Conservation of Areas
*Beyond National Jurisdiction***

II. List of workshop participants

Ms Lizanne Aching

Second Secretary
Permanent Mission of the Republic of Trinidad
and Tobago

Dr Jacqueline Alder

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Associate Scientist, University of Delaware
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Mr Abou Bamba

Regional Coordinator
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Food and Agriculture Organization of
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Dr Julius Francis

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Dr David Freestone

Executive Secretary
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Mr Martin Ziegler

Ingwerk Ag

III. List of provisions on capacity development in international instruments

- UNCLOS (1982, 1994, 1995): CD is not explicit, but the following provisions are relevant:
 - Part XII on the “Protection and preservation of the marine environment” in Section 3 on “Technical assistance” recognizes the need for scientific and technical assistance and requires states to promote programmes of scientific, educational, technical and other assistance to developing states for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution, including through training, infrastructure and equipment support;
 - Part XIII on “Marine scientific research” (MSR), requires states to promote international cooperation (article 242), including individually and in cooperation with other states and with competent international organizations,
 - Part XIV on the development and transfer of marine technology requires states to promote the development of the marine scientific and technological capacity of developing states
 - Part XI on “the Area” provides for the promotion of international cooperation, including by encouraging cooperation in marine scientific research in the Area by personnel of different countries and of the Authority.
- Agenda 21 (UNCED, 1992)—Capacity provisions related to integrated management and sustainable development of coastal and ocean areas and associated institutions, with emphasis on the needs of developing countries and SIDS. Focus on all three levels:
 - Public involvement: provide access for concerned individuals, groups and organizations to relevant information and opportunities for consultation and participation in planning and decision-making related to integrated management and sustainable development of coastal areas. (17.5)
 - Human Resources Development and Training: infrastructure adaptation, alternative employment, human resource development and training as part of coordinating mechanisms for integrated management and the sustainable development of coastal areas. (17.6)
 - Regional centres, education, training:
 - Creation (or strengthening) of centres on coastal ocean science, technology, and management on a regional basis (17.1234); training programmes in integrated coastal area management and development (17.135); and public awareness programmes (17.135)
 - Public education, awareness and information programmes as part of coordinating mechanisms. (17.6)
 - Facilities, centres of excellence, pilot demonstrations: full cooperation should be extended, upon request, to coastal states in their capacity-building efforts and, where appropriate, capacity building should be included in bilateral and multilateral development cooperation. Coastal states may consider, *inter alia*:

- (a) ensuring capacity building at the local level;
 - (b) consulting on coastal and marine issues with local administrations, the business community, the academic sector, resource user groups and the general public;
 - (c) coordinating sectoral programmes while building capacity;
 - (d) identifying existing and potential capabilities, facilities and needs for human resources development and scientific and technological infrastructure;
 - (e) developing scientific and technological means and research;
 - (f) promoting and facilitating human resource development and education;
 - (g) supporting "centres of excellence" in integrated coastal and marine resource management;
 - (h) supporting pilot demonstration programmes and projects in integrated coastal and marine management (17.17).
- Financial and technical resources
 - Special arrangements will be needed to provide adequate financial and technical resources to assist developing countries in preventing and solving problems associated with activities that threaten the marine environment. (17.41)
 - Special support to enhance the capacities of developing countries in terms of data and information, scientific and technological means, as well as human resource development, in order to participate effectively in the conservation and sustainable utilization of marine living resources in the high seas and under national jurisdictions. (17.69, 17.96)
 - Providing national planning and coordinating bodies with the capacity and authority to review all land-based activities and sources of pollution for their impacts on the marine environment, and therefore to propose appropriate control measures. (17.39)
 - Research facilities and systematic observations
 - Strengthening or development in developing countries of research facilities, for the systematic observation of marine pollution, environmental impact assessments and development of control recommendations, managed by local experts. (17.40)
 - Particular attention paid to the problems of developing countries that would bear a disproportionate burden because of their lack of facilities, expertise or technical capacities related to marine environment protection. (17.43)
 - Institution building, national oceanographic commissions
 - Cooperation among states to develop or upgrade systems and institutional structures for monitoring, control and surveillance, as well as the research capacity for the assessment of marine living resource populations. (17.68)
 - Development of research capacities for the assessment of marine living resource populations and monitoring; providing support to local fishing communities; establishment of sustainable aquaculture development strategies; development and strengthening of institutions capable of implementing the objectives and activities related to the conservation and management of marine living resources in coastal states. (17.95)

- Strengthening or establishment of national scientific and technological oceanographic commissions to develop, support and coordinate marine science activities and work with international organizations. (17.114)
- Capacity in the natural and social sciences
 - Development of marine environment knowledge, exchange of information, organization of systematic observations and assessments, and the most effective use of scientists, facilities and equipment; in addition, cooperate on the promotion of endogenous research capabilities in developing countries. (17.115)
 - Need for information on coastal and marine physical systems and their uses, information on both natural science and social science variables (17.8), education and training in integrated coastal and marine environment. (17.15)
 - Capacity building in the marine sciences for coastal and island states (17.104, 17.113 and elsewhere).
- Special capacity needs of SIDS
 - Restructuring existing capacity in SIDS to meet the immediate requirements for sustainable development and integrated management efficiently; and strengthening the full range of human resources to implement sustainable development plans. (17.136)
 - Small island developing states, with the assistance of the international community, are called upon to: conduct studies of island environments; determine carrying capacity; prepare plans for sustainable development; adapt coastal area management techniques to the special characteristics of small islands; review and, where appropriate, reform existing institutional arrangements to provide for the effective implementation of sustainable development plans; design and implement responses to impacts of climate change; and promote environmentally sound technology for sustainable development. (17.129)
 - International organizations are called upon to recognize the special development requirements of small island developing states and give adequate priority (to them) in the provision of assistance. (17.1322)
 - Increasing the capacity of very small populations to meet their needs by employing new technologies; fostering of development and application of traditional knowledge to improve the capacity of countries to implement sustainable development. (17.137)
- Traditional knowledge
 - Need to include traditional ecological knowledge and sociocultural values as an input to management and of the importance of coastal areas for indigenous peoples (for example, pars. 17.15, 17.3, 17.6).
- Fisheries and aquaculture – technology transfer
 - Technology transfer of environmentally sound technologies to develop fisheries and aquaculture, particularly to developing countries. (17.93)
- Johannesburg Plan of Implementation (JPO) (WSSD 2002)
 - Support and cooperation

- Provide support for natural resource management for creating sustainable livelihoods for the poor. (10(f))
- Assist developing countries in coordinating policies and programmes at the regional and subregional levels aimed at the conservation and sustainable management of fishery resources, and implement integrated coastal area management plans, including through the promotion of sustainable coastal and small-scale fishing activities and the development of related infrastructure. (30(g))
- Facilitate partnerships, scientific research and the diffusion of technical knowledge; mobilize domestic, regional and international resources; and promote human and institutional capacity building, paying particular attention to the needs of developing countries. (33(a))
- Institution building
 - Implement the work programme arising from the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity from the Convention on Biological Diversity, including through the urgent mobilization of technological assistance and the development of human and institutional capacity, particularly in developing countries. (32(b))
 - Strengthen the capacity of developing countries in the development of their national and regional programmes and mechanisms to mainstream the objectives of the Global Programme of Action and to manage the risks and impacts of ocean pollution. (33(b))
- Traditional knowledge
 - Encourage the dissemination and use of traditional and indigenous knowledge to mitigate the impact of disasters and promote community-based disaster management planning by local authorities, including through training activities and raising public awareness. (37(f))
- SIDS
 - Provide support, including for capacity building, for the development and further implementation of components specific to small island developing states within programmes of work on marine and coastal biological diversity. (58(c))
 - Assist small island developing states in mobilizing adequate resources and partnerships for their adaptation needs in relation to the adverse effects of climate change, sea level rise and climate variability, remaining consistent with commitments under the United Nations Framework Convention on Climate Change. (58(j))
- Rio+20 Conference (2012)
 - The word “capacity” appears 47 times in the Rio+20 outcome document “The Future We Want.” The term “capacity-building” or its various forms (enhancing/strengthening/improving/developing capacity) is mentioned 40 times in the same document, which reveals the importance of this cross-cutting aspect of sustainable development.
 - Action items related to CD in oceans, coasts, and SIDS
 - Cooperate in MSR to implement the provisions of UNCLOS and outcomes of major summits on SD;

- cooperate with developing countries to systematically identify needs and build capacity, including support for MCS and enforcement systems to prevent and combat IUU fishing;
 - significantly improve the implementation of IWRM at all levels through, among other things, capacity building;
 - enhance support for sustainable tourism activities and relevant capacity building in developing countries.
- o Convention on Biological Diversity (CBD) (1994)
 - Capacity building
 - 15.11. There is a need, where appropriate, to:
 - (a) strengthen existing institutions and/or establish new ones responsible for the conservation of biological diversity and to consider the development of mechanisms such as national biodiversity institutes or centres;
 - (b) continue to build capacity for the conservation of biological diversity and the sustainable use of biological resources in all relevant sectors;
 - (c) build capacity, especially within governments, business enterprises and bilateral and multilateral development agencies, in order to integrate biodiversity concerns, potential benefits and opportunity cost calculations into project design, implementation and evaluation processes, as well as to evaluate the impact on biological diversity of proposed development projects;
 - (d) enhance the capacity of governmental and private institutions, at the appropriate level, responsible for protected area planning and management to undertake intersectoral coordination and planning with other governmental institutions, nongovernmental organizations and, where appropriate, indigenous people and their communities.
 - o Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (2012)
 - Deliverable 1(b): capacities needed to implement the Platform's work programme developed.
 - IPBES has been mandated to integrate capacity building into all relevant aspects of its work and to undertake capacity-building activities that address the priority needs identified in order to implement the Platform's work programme.
 - Activities are to include: technical assistance, training workshops, fellowship and exchange programmes and support for the evolution of national, subregional and regional science-policy networks, platforms and centres of excellence and including, where appropriate, consideration of indigenous knowledge systems. These activities would constitute an integrated part of the processes for delivering the assessments, data management and policy support tools set out in other deliverables of the work programme.
 - This deliverable is also implemented through the task force on capacity building, which is to be supported through – and build on – a geographically broad network of institutions and initiatives.

- o SIDS Samoa Pathway (2014)
 - Capacity development provisions include, among many others:
 - Fostering entrepreneurship and innovation
 - supporting national, regional and international capacity development initiatives on financial services industry in SIDS;
 - design and implement participatory measures to enhance employment opportunities in sustainable tourism.
 - Increase technology, finance and capacity-building support; increase mitigation and adaptation actions;
 - build resilience to the impacts of climate change and to improve nations' adaptive capacity;
 - address the remaining gaps in capacity for gaining access to and managing climate finance;
 - undertake marine scientific research and develop the associated technological capacity of SIDS;
 - support investment SIDS initiatives, in particular the SIDS DOCK.
- o Agenda 2030 (2015)
 - SDGs adopted by countries in September 2015 as part of 2030 Agenda for Sustainable Development.
 - 11 of SDGs have provisions on capacity development.
 - SDG 14 on Oceans and Seas:
 - 14.a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, particularly small island developing states and least developed countries.
 - UN DESA divisions working in an integrated manner to assist nations in CD through capacity-building workshops, national training sessions together with UN Country Teams and UNDP.
 - Pilot process identified some observations:
 - some already have CD strategies in place, need additional support;
 - most countries challenged by "how to" - learn from the example of others;
 - need to build ownership of SD and mobilize stakeholders;
 - implementation at the subnational and sectoral levels remains to be developed;
 - many need strengthening in statistical capacity;
 - for all countries the Means of Implementation targets remain a pressing challenge.

- Paris Agreement (2015)
 - Capacity-building for climate action: Paris Agreement, Article 11
 - 1. Capacity-building should enhance the capacity and ability of developing country Parties, in particular LDCs and SIDS, to take effective climate change action;
 - 2. Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties;
 - 3. All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement
 - 4. All Parties should regularly communicate CD actions or measures on capacity building
 - 5. Capacity-building activities shall be enhanced through appropriate institutional arrangements to support implementation
 - Established Paris Committee on Capacity-building
 - Aims to address gaps and needs in implementing capacity building in developing country parties
 - The Durban Forum on Capacity-building is an annual, in-session event organized under the auspices of the SBI that brings together stakeholders involved in building the capacity of developing countries to mitigate and adapt to climate change.



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As a part of Grenada's Blue Week 2016 and Investment Conference, the Global Ocean Forum, FAO, and the project partners of the Common Oceans ABNJ Capacity Project organized a workshop on Capacity Development to Improve the Management of Marine Areas beyond National Jurisdiction (ABNJ): Needs, Experiences, Options, and Opportunities, held from May 18–21, 2016 in St. George's, Grenada. This report is organized into sections which draw on the six sessions that took place during the workshop. Each section provides an overview of the remarks made during the session or sessions relevant to the topic of that section and, where applicable, the discussion that followed.

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