Healthy Oceans Resilient Islands

SIDS Capacity Development Aspects in the BBNJ process

Belgium 7-9 March 2017

As a contribution to a fruitful third Preparatory Committee on marine biological diversity beyond areas of national jurisdiction to be held in March-April 2017, the Government of Belgium and UNESCO-IOC co-organized a workshop on the various aspects of implementing capacity-development and technology transfer, related to the following elements of a new international instrument for the conservation and sustainable use of marine biodiversity beyond national jurisdiction (BBNJ): marine protected areas, environmental impact assessments and marine genetic resources.

This informal workshop took place from March 7th to 9th under the Chatham House Rule and brought together representatives of SIDS with a special interest and expertise in the BBNJ process. The workshop aimed at providing a unique opportunity to substantially discuss capacity-building needs and priorities of SIDS concerning biodiversity and oceans.

The list of participants, the program of the workshop, with all the presentations and other related documents, pictures and videos can be found on the website of the workshop : sidsworkshop.be.

Take-Away Document

BBNJ workshop part 1 - *Capacity Development and Transfer of Marine Technology, link with SDG 14 and introduction to IOC office and programmes*

Capacity building (CB) and transfer of marine technology (TMT), pursuant to UNCLOS, is occurring. It was observed that TMT is broad in scope and that there are specific challenges SIDS face in respect of CBTMT.

Notwithstanding CBTMT underway, it is not having optimal impact for SIDS. IOC, including its criteria and guidelines, initiatives for data management, the OBIS, presents a platform from which to build. It will be necessary in doing so to reflect on the particular challenges of SIDS - small size of population, limited human capacity and skills to analyse, use and create with the data, scale, geographic dispersion, and for some lack of infrastructure.

There is therefore a need or acknowledgement of the need for a SIDS specific model for CB and TMT. Engagement with SIDS at relevant decision making fora is also important to ensure that SIDS can

integrate their interests in relevant strategies for CBTMT. IOC can support SIDS, including through support for regional cooperation in SIDS regions, SIDS-SIDS cooperation, and SIDS-other cooperation.

Critical to any CBTMT framework is access to finance recognizing the heterogeneity of SIDS which include least developed countries and middle income countries amongst them.

In the end, it was generally agreed that partnership and solidarity are critical components for addressing our common responsibility for the conservation and sustainable use of the oceans.

BBNJ workshop part 2 - *Capacity Development and Marine Biodiversity Conservation*

Environmental Impact Assessment (EIA)

The trend of Environmental Impact Assessment (EIA) was observed as it was widespread and growing rapidly. It was added that the extension of EIAs in ABNJ is logic and at the same time encouraged. In this connection, it was strongly stressed that establishing a robust EIA process for ABNJ will be crucial to ensuring conservation and sustainability. However, there are challenges associated with EIAs, such as the complexity of marine EIAs, research is more difficult and expensive, highly variable and poor understanding of the environment. The challenges are both technical and financial.

EIAs also pose challenges to SIDS, including the likelihood to be subject to new obligations, having the capacity to carry out EIAs in ABNJ, the high capacity of development needs and the potential race to the bottom or EIAs of convenience: some proponents may go to some countries that have less oversight.

At the same time EIAs provide opportunities for SIDS in building a strong agreement to maximize participation, (consultation, transparency, information sharing), EIAs as a lever for capacity building and technology transfer, funding for EIAs or potential for new financing mechanism (e.g financing/technical support in developing reviewing EIAs).

The role of Marine Protected Areas (MPAs)

There are challenges currently faced by the oceans caused by overfishing, lack of good management and climate change, to name a few. It was argued that having Marine Protected Areas in ABNJ would confront and overcome these challenges.

In a few jurisdictions that have MPAs it has proved that marine reserves are effective and have produced successful results as a way of safeguarding ocean productivity, having fish to eat and build up biomass of fish for spillover effect benefiting high seas fishing fleet. It was observed that high seas MPAs can bolster protection and promote sustainability for the region.

It was agreed that there are declining species in the oceans and some of this species are near extinction. Protection is desperately needed if these species and others are to be saved. Targeted protection can therefore deliver significant benefits and the good news is that MPAs pay off for the fishing industry.

BBNJ workshop part 3 - *Capacity Development and Sustainable Use of Marine Biodiversity*

Oceans are important for fishing and tourism – but there is more out there, including the new horizons on marine genetic resources (MGRs).

There is no definition of marine scientific research in UNCLOS – very difficult to differentiate 'pure/basic' from 'applied' science (hence difficult to differentiate science from bioprospecting/biodiscovery). It is difficult to separate in practice and presenters raised the question of whether it is desirable to draw those lines.

Issues related to MGRs are complex and constantly evolving, as science is progressing rapidly. Data is also held in various places, including *in situ*, *ex situ*, and *in silica*. It is a trackable process, but better databases are needed. Traceability will turn up, as well, once the timeline of traceability is established.

Benefit scenarios should encompass non-monetary, as well as monetary, especially in line with the timeline of discovery, which can be very long for monetary benefits to start flowing and may not be substantial. MGRs are also being used in non-pharmaceutical products (nutra- and cosme-ceutical) and we should look at benefit sharing from these areas as well.

It was suggested that we need mechanisms to track technology developments and outcomes of scientific research based on MGRs/biodiversity. A clearing house mechanism as a portal could enable access but would be a massive undertaking.

Genetic research is also creating new tools to understand ocean health (eDNA), which can help also with conservation.

With regard to capacity building and technology more specifically, common domain/open access to information could be a start, but SIDS will need capacity building and technology transfer to ensure fairness so that we can understand/use/exploit/benefit.

A possible way forward for building relevant science and technology capacity for SIDS could be to: Concentrate capacity; Institutional structures: i.e. regional research and organizations; multiple research objectives & broad application, for example USP center for drug discovery and conservation.

A gap identified was knowing what training is available in this area and it would be beneficial for SIDS to have better access to this information so they can be integrated early in process.
It is worthwhile to consider existing instruments such as the Nagoya protocol and the benefit of harmony from regime to regime to eliminate forum shopping.

IP sharing can be decided after the ABS agreement signed (i.e. a regime which allows research initially with an agreement that, if it leads to monetary benefits, we will decide a fair allocation at a later point). Scientists propose a light touch regime based on current good practice and to encourage continued scientific discovery. IA needs to be flexible to accommodate rapid progress in science.