

FAO Statement on capacity building and transfer of marine technology in particular 6.2 “Modalities”

2 April 2019

Thank you Madam, Facilitator.

I would like to draw the delegations attention to one point only, which is a missing element in our view. This element is **to ensure that we continue, encourage or build on relevant existing capacity building and transfer of technology strategies, programmes and related initiatives.** I would like to put this in context.

As delegations may know, FAO and its partners including States represented here, have been involved for some time now, decades in some cases, in relevant capacity building and technology transfer for BBNJ. Examples of FAO’s past and continuing Strategies, Programmes and initiatives include:

- the GEF Funded Common Oceans or Areas Beyond National Jurisdiction (ABNJ) Programme in particular
 - the ABNJ Deep-Seas Project (supported by Japan, France, Norway and other donors) and executed by FAO and UN Environment and implemented in collaboration with Southern Indian Ocean Fisheries Agreement (SIOFA),
 - the ABNJ Tuna Project (collaborating with WWF and Tuna RFMOs and States among others); and
 - the ABNJ Capacity Project;
- the Norwegian funded Nansen Programme which has been running for over 40 years now which, among others, have carried benthic surveys with developing coastal States using the Dr. Fridtjof Nansen Research Vessel in collaboration with the Norwegian Institute of Marine Research,;
- the Japan funded Projects on EAF and *Improved fisheries management for sustainable use of marine living resources in the face of changing systems*;
- the multilateral fund Project for Implementing Port States Measures Agreement supported by the European Union, Sweden, Korea, Norway, the US and Japan.

These projects have at their core, capacity building and transfer of technology objectives, including ensuring that the objective of biodiversity conservation and sustainable use for food security is attained. Technical Assistance for capacity building under those projects are provided at the request of countries in accordance with their Country Programme Frameworks, the priorities set out in those CPFs and FAO’s strategic objectives. We believe the beneficiaries of the kind of strategies, programmes and projects referred to would like for such initiatives, albeit in a particular sector, to be continued and built upon, to contribute to conservation and sustainable use of BBNJ.

We have tried to find where, in the text, this element may have been referred to, but while we think there may be some very indirect or implicit reference, we could not identify a particular provision that refers to the issue of ensuring that we continue, encourage or promote and build on existing capacity building strategic programmes, partnerships, projects and other initiatives for capacity building and technology transfer. Associated to this is the issue of collaboration between existing strategies, partnerships and programmes and - the new ones specifically developed for BBNJ under the new instrument.

In this regard we propose some language to be added to the text (not sure exactly where it could go to, but at this time we think it could be included for consideration under modalities), and that text could be to the following effect:

PROPOSED TEXT

*Borrowing the language of **OPTION II**, paragraph (2) under “Modalities”:*

(2) Capacity-building and the transfer of marine technology shall [may], as appropriate:

- *~~Continued, promoted and~~ build on existing capacity building and transfer of technology strategic programmes and partnerships, projects and other initiatives, including the strategic programme, partnerships and initiatives of existing international sectoral organizations, frameworks and mechanisms; and,*
- *be delivered in a collaborative manner including through existing inter-sectoral collaboration in delivery of capacity building and transfer of technology strategic programmes, partnerships, and other initiatives.*

FAO’s RESPONSE TO FACILITATOR’S REQUEST TO REACT TO THE MENTION OF THE PSMA ON OPTIONS FOR CAPACITY BUILDING AND TRANSFER OF TECHNOLOGY MODALITIES

I believe the delegation of Norway was referring to the approach and methodology for assessing needs –in this case the special requirements of developing States – and options for financing support for building capacity to address the identified needs – and this can be found in **Article 21 – Requirements of Developing States**.

The basic elements or components of Article 21 of the PSMA are:

- providing CLEAR OBJECTIVES;
- providing for NEEDS BASED ASSISTANCE;
- providing for A LIVING PROCESS OF ASSESEMENT OF NEEDS AND TYPES OF CAPACITY BUILDING;
- providing a MECHANISM or METHODOGY to DELIVER ON THESE ELEMENTS (i.e. THE AD HOC WORKING GROUP)

The objectives for addressing special requirements of developing States are found in **Art. 21 – Para 1. Objectives**. The objectives are:

- Develop legal basis and capacity for implementation (of effective PSMS)
- Effective participation in international organizations for development and implementation of (port state measures)
- Technical assistance to strengthen development and implementation (of PSMS) in coordination with international mechanisms;

The assessment of special requirements are found in **Article 21 – para 3 - Assessment of special requirements** - directly or through FAO.

The methodology for continued assessment and funding options are found in **Article 21 – paragraphs 4, 5 and 6. Funding options and mechanisms** – which does not identify the funding mechanism as such but provides a pathway for allowing the Parties on determining how to fund and what kind of funding mechanism is appropriate and what to take into account in making such determinations.

.....

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing

Article 21

1. Parties shall give full recognition to the special requirements of developing States Parties in relation to the implementation of port State measures consistent with this Agreement. To this end, Parties shall, either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations and bodies, including regional fisheries management organizations, provide assistance to developing States Parties in order to, *inter alia*:
 - (a) enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;
 - (b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
 - (c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.
2. Parties shall give due regard to the special requirements of developing port States Parties, in particular the least-developed among them and small island developing States, to ensure that a disproportionate burden resulting from the implementation of this Agreement is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, Parties shall cooperate to facilitate the implementation by the relevant developing States Parties of specific obligations under this Agreement.
3. Parties shall, either directly or through FAO, assess the special requirements of developing States Parties concerning the implementation of this Agreement.
4. Parties shall cooperate to establish appropriate funding mechanisms to assist developing States in the implementation of this Agreement. These mechanisms shall, *inter alia*, be directed specifically towards:
 - (a) developing national and international port State measures;
 - (b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
 - (c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
 - (d) assisting developing States Parties with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Agreement.
5. Cooperation with and among developing States Parties for the purposes set out in this Article may include the provision of technical and financial assistance through bilateral, multilateral and regional channels, including South-South cooperation.
6. Parties shall establish an ad hoc working group to periodically report and make recommendations to the Parties on the establishment of funding mechanisms including a scheme for contributions, identification and mobilization of funds, the development of criteria and procedures to guide implementation, and progress in the implementation of the funding mechanisms. In addition to the considerations provided in this Article, the ad hoc working group shall take into account, *inter alia*:
 - (a) the assessment of the needs of developing States Parties, in particular the least-developed among them and small island developing States;
 - (b) the availability and timely disbursement of funds;
 - (c) transparency of decision-making and management processes concerning fundraising and allocations; and
 - (d) accountability of the recipient developing States Parties in the agreed use of funds.

Parties shall take into account the reports and any recommendations of the ad hoc working group and take appropriate action.