



PHILIPPINE STATEMENT

WORKING GROUP ON CAPACITY BUILDING AND TRANSFER OF MARINE TECHNOLOGY First Session

Intergovernmental Conference on 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 of the Intergovernmental Conference (BBNJ)

Conference Room 3, UN Headquarters, New York, 4-17 September 2018

6.1. Objective

At the outset, we wish to congratulate Palau for steering the informal working group's work on CB/TMT, a very important enabling component of this agreement. We align ourselves with the statement put forward by the representative of Egypt on behalf of the Group of 77 and China.

In line with the questions on the aid to discussions, we wish to reiterate our support for the establishment of a robust capacity building and transfer of marine technology mechanisms, as necessary foundations to support the achievement of conservation and sustainable use of marine biodiversity in ABNJ. The new instrument would provide for general and specific objectives relating to capacity building and transfer of marine technology in accordance with the Convention to give developing States, especially small island developing states, middle income countries, and environmentally vulnerable states based on the CBD, effective leverage to be able to exercise their rights under the law of the sea, including through fair and equitable access to resources in the ABNJ.

On the manner in which the objectives of capacity-building and the transfer of marine technology would be included in the instrument: We wish to underscore that while these two aspects are related, their objectives are distinct from each other.

With regard on how the instrument address and reflect the need to develop and strengthen the capacities of States in particular developing States that need and request it: We propose that the new instrument should define the general obligations for all Parties to cooperate directly and through international and regional institutions and organizations in capacity building and transfer of marine technology. The instrument should promote the capacity of States to implement and comply with the Agreement including through the development and enforcement of national legislations, administrative policies and measures, as well as to enhance their capacity to develop marine scientific research capabilities.

The new instrument should provide flexibility to adapt to the changing needs and priorities and endeavor to foster economic and legal conditions for the transfer of marine technology for the benefit of all parties on an equitable basis in accordance with the Convention. Transfer of marine technology should be conducted on fair and reasonable terms and conditions.

6.2 Types of modalities for capacity-building and the transfer of marine technology

We align with the statements delivered by Egypt on behalf of the Group of 77 and China, and by Maldives on behalf of AOSIS. On (6.2 a), the instrument should include an indicative and non-exhaustive list of broad categories of CB TMT. On (6.2.a.i), the list should be developed and updated on a regular basis in consultation with State Parties. It should build on other existing instruments such as those found in the IOC, ISA, and CBD, among others.

Madam Chair, we also find merit in initiating discussion on the difference between capacity building and capacity development, as stated by Mauritius, with a view towards better understanding of the concepts, and in particular their scope and coverage.

Still on 6.2.a.i, in terms of its scope, CB TMT should address the following:

- Access, collection, analysis and use of data, samples, publications and information
- Development of MSR and promotion of technology transfer in developing States
- Access and benefit sharing
- Development, implementation, and monitoring of ABMTs, including MPAs
- Conduct and evaluation of EIAs

On 6.2.b, we support collaboration and partnerships at all levels (global and regional; north-south, south-south and triangular cooperation; with IGOs, NGOs, scientific community and the private sector). In addition to the types of cooperation already mentioned, it is important that we include development of joint research projects in cooperation with institutions in developing States and the establishment of national and regional scientific centers of excellence, including data repositories.

On (6.2.c) Modalities should be transparent, simple, operable and consultative with stakeholders including relevant global, regional, sub-regional organizations. It should be long-term, sustainable, country-driven, contextualized and responsive to human resource and institutional needs of States. Terms and conditions should be fair and reasonable. It should build on existing modalities and delivery models for CB TMT, such as those of the IOC, UN DESA and ISA.

6.4 Monitoring and review

We align with the statements delivered by Egypt on behalf of the Group of 77 and China, and Maldives on behalf of AOSIS. Monitoring and review of CB & TMT should be gauged against a defined set of objective performance indicators. There should be a means of analysis and verification and a structured periodic review by a

conference of State Parties or related institutional arrangement. The process of monitoring and review should be designed in consultation with State Parties and carried out in a collaborative effort at the national, regional and global levels.

6.5 Issues from cross-cutting elements

We align with the statements delivered by Egypt on behalf of the Group of 77 and China, and Maldives on behalf of AOSIS, and Papua New Guinea.

6.5.1 Use of Terms

This delegation supports that a list of definition of terms should be included in the instrument, drawing upon terms from existing instruments and bodies developed by the CBD and IOC.

6.5.2 Relationship to the Convention and other instruments and frameworks and relevant global, regional and sectoral bodies

The instrument should enhance, address the gaps and complement and not undermine existing instruments, mechanisms, processes and frameworks and relevant global and regional and sectoral bodies.

6.5.4 International cooperation

On 6.5.4, the instrument should set out the obligation of States in accordance with the Convention, which provides that international cooperation for the development and transfer of marine technology shall be carried out, where feasible and appropriate, through existing bilateral, regional or multilateral programs, and also through expanded and new programs in order to facilitate marine scientific research, the transfer of marine technology, particularly in new fields, and appropriate international funding for ocean research and development.

6.5.5. Institutional arrangements

On 6.5.5., many delegations have expressed ideas and proposals on the institution that will safeguard the BBNJ, many of which draw on the experience of other global institutions and bodies. We do not intend to add to those that were mentioned but we wish to highlight that the establishment of the institution must be guided by the principles of inclusiveness, efficiency and transparency.

6.5.6 Clearing-house mechanism

We support the establishment of a clearing-house mechanism which will facilitate access to relevant sources information and expertise, scientific and technical and financial cooperation, and organization of conferences or meetings, among other functions. We support the development of a “network model” that can foster cooperation and collaboration with relevant organizations.

END.