



## Agreement 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

2024/Factsheet 5

# Capacity-building and the transfer of marine technology

## Introduction

The [Agreement 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](#) (“BBNJ Agreement”) was adopted on 19 June 2023. It addresses a package of issues under the overall objective of ensuring the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long term, through effective implementation of the relevant provisions of the [United Nations Convention on the Law of the Sea](#) and further international cooperation and coordination.

These issues are:

- I marine genetic resources, including the fair and equitable sharing of benefits;
- II measures such as area-based management tools, including marine protected areas;
- III environmental impact assessments; and
- IV capacity-building and the transfer of marine technology.

This factsheet focuses on **capacity-building and the transfer of marine technology** (“CB&TMT”) (Part V of the BBNJ Agreement).

The objectives of the Agreement can most effectively be achieved if all States are able to implement its provisions and participate in the activities undertaken under it. The provisions of the Agreement on CB&TMT make important strides towards strengthening the capacity of States to that end.

## What are the objectives of the Agreement in relation to capacity-building and the transfer of marine technology?

The objectives of the Agreement in relation to CB&TMT include to:

- Assist Parties in implementing the Agreement, to achieve its objectives;
- Enable inclusive, equitable and effective cooperation and participation in the activities undertaken under the Agreement;
- Develop the marine scientific and technological capacity, including with respect to research, of Parties, with regard to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;

- Increase, disseminate and share knowledge on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; and
- Support developing States Parties in achieving the objectives of the Agreement relating to: marine genetic resources, including the fair and equitable sharing of benefits; measures such as area-based management tools, including marine protected areas; and environmental impact assessments.

In giving effect to Part V, Parties are required to give full recognition to the special requirements of developing States Parties to the Agreement, in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, coastal African States, archipelagic States and developing middle-income countries.

## What is capacity-building and the transfer of marine technology?

The Agreement does not define “**capacity-building**” or “**transfer of marine technology**”. However, it speaks generally of capacity-building and the transfer of marine technology as including, but not being limited to, support



for the creation or enhancement of the human, financial management, scientific, technological, organizational, institutional and other resource capabilities of Parties. It also provides a non-exhaustive list of types of capacity-building and of the transfer of marine technology, including:

- Sharing and use of relevant data, information, knowledge and research results;
- Information dissemination and awareness-raising, including with respect to relevant traditional knowledge of Indigenous Peoples and local communities;
- Development and strengthening of relevant infrastructure, including equipment and capacity of personnel for its use and maintenance;
- Development and strengthening of institutional capacity and national regulatory frameworks or mechanisms;
- Development and strengthening of human and financial management resource capabilities and of technical expertise through exchanges, research collaboration, technical support, education and training and the transfer of marine technology;
- Development and sharing of manuals, guidelines and standards;

- Development of technical, scientific and research and development programmes; and
- Development and strengthening of capacities and technological tools for effective monitoring, control and surveillance of activities within the scope of the Agreement.

The Agreement defines “**marine technology**” as including, inter alia:

- Information and data, provided in a user-friendly format, on marine sciences and related marine operations and services;
- Manuals, guidelines, criteria, standards and reference materials;
- Sampling and methodology equipment;
- Observation facilities and equipment for in situ and laboratory observations, analysis and experimentation;
- Computer and computer software, including models and modelling techniques;
- Related biotechnology; and
- Expertise, knowledge, skills, technical, scientific and legal know-how and analytical methods related to the conservation and sustainable use of marine biological diversity.





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## How does the Agreement promote capacity-building and the transfer of marine technology?

CB&TMT are promoted under the Agreement in several ways.

First, through **enhanced cooperation**:

- Parties must cooperate at all levels and in all forms to assist Parties, in particular developing States Parties, in achieving the objectives of the Agreement through CB&TMT.
- They must also cooperate to achieve the transfer of marine technology, particularly to developing States Parties that need and request it.

Second, through **modalities for capacity-building**:

- Parties, within their capabilities, are required to ensure capacity-building for developing States Parties.
- Within their capabilities, they are required to provide resources to support CB&TMT and to facilitate access to other sources of support.

Third, through **modalities for the transfer of marine technology**:

- The transfer of marine technology under the Agreement must take place on fair and most favourable terms, including on concessional and preferential terms, and in accordance with mutually agreed terms and conditions as well as the objectives of the Agreement.
- The transfer of marine technology must take into account all rights over such technologies and be carried out with due regard for all legitimate interests.
- The marine technology transferred must be appropriate, relevant and, to the extent possible, reliable, affordable, up to date, environmentally sound and available in an accessible form.

Fourth, through **institutional support**:

- A capacity-building and transfer of marine technology committee (“CB&TMT committee”) is established under the Agreement to, among others, carry out the monitoring and review of CB&TMT.
- The Clearing-House Mechanism established under the Agreement will perform functions relating to CB&TMT, including to facilitate the matching of capacity-building needs with the support available and with providers for the transfer of marine technology.
- The financial mechanism established under the Agreement will provide funding for CB&TMT.

## How is capacity-building and the transfer of marine technology delivered?

The Agreement provides that CB&TMT should be a country-driven, transparent, effective and iterative process that is participatory, cross-cutting and gender-responsive.

There are three major steps in the process for obtaining and providing CB&TMT under the Agreement:

## Needs assessments

CB&TMT are to be based on and responsive to the **needs and priorities of developing States Parties**. In order to identify such needs and priorities, the Agreement envisages **needs assessments** on different bases:

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| • Individually | • Subregionally | • Regionally |
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Needs and priorities can be assessed in different ways:

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| • By States themselves | • Facilitated through the CB&TMT committee and the Clearing-House Mechanism established under the Agreement |
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The Agreement envisages the mobilization of **funding** for conducting needs assessments.

## Provision of support

Developing States Parties that need CB&TMT can request it. Parties to the Agreement are to **cooperate in providing CB&TMT at all levels and in all forms**, including:

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| • Directly | • Through relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies | • Through partnerships with and involving all relevant stakeholders |
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Parties are to **provide resources within their capabilities** for CB&TMT. The **financial mechanism** established under the Agreement will also provide funding for CB&TMT, including through:

- |   |  |
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| • A <b>voluntary trust fund</b>                     | • This fund is to facilitate the participation of representatives of developing States Parties in the meetings of the bodies established under the Agreement.  |
| • A <b>special fund</b>                             | • These funds are to, among others, fund capacity-building projects under the Agreement, assist developing States Parties in implementing the Agreement, support conservation and sustainable use programmes by Indigenous Peoples and local communities, and support public consultations at the national, subregional and regional levels. |
| • The <b>Global Environment Facility trust fund</b> |  |

## Monitoring and review

The Agreement sets out a mechanism for monitoring and reviewing CB&TMT undertaken under the Agreement. The CB&TMT committee is to:

- Assess and review needs and priorities of developing States Parties in terms of CB&TMT;
- Review support required, provided and mobilized, and gaps in meeting assessed needs of developing States Parties;
- Measure performance on the basis of agreed indicators and review results-based analyses; and
- Make recommendations for follow-up activities, including on how CB&TMT could be further enhanced.

Parties are to submit **reports** to support the monitoring and review of CB&TMT.



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## Contact

For further information on the BBNJ Agreement, including with respect to [capacity-building and technical assistance](#) available to States in becoming parties to the Agreement and in relation to its implementation, contact the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations:

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## Disclaimer

The present factsheet is intended to promote a better understanding of the BBNJ Agreement and does not purport to be exhaustive. It should be read in conjunction with the full text of the Agreement, the certified true copy of which is available on the website of the United Nations Treaty Collection (<https://treaties.un.org/>)