



**INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(of UNESCO)**

**Eleventh Intergovernmental Session of the IOC Sub-  
Commission for the Western Pacific (WESTPAC-XI)**

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Item **3.3.3** of the Provisional Agenda

**IOC AND BIOLOGICAL DIVERSITY  
BEYOND AREAS OF NATIONAL JURISDICTION (BBNJ)**

In its resolution 69/292 of 19 June 2015, the United Nations General Assembly decided to develop an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

IOC has been engaged in relevant activities these days. This document was prepared, aiming to update the Sub-Commission on the progress IOC has been made, and invite the Sub-Commission to provide further directives and suggestions.

## UNCLOS/BBNJ

1. The United Nations General Assembly (UNGA resolution 69/292 on 19 June 2015) established a Preparatory Committee (PrepCom) on the development of a new legally-binding instrument under the UN Convention on the Law of the Sea to conserve and sustainably use marine biodiversity of areas beyond national jurisdiction (BBNJ). Four BBNJ PrepCom meetings are organized at the UN in NY in 2016-2017.
2. The 49th IOC Executive Council (June 2016) established an Intersessional Working Group (IWG) on the IOC relevant issues related to the PrepCom with the tasks to examine the possible contribution of the IOC in relation to BBNJ, particularly in areas related to marine scientific research, capacity development and transfer of marine technology, as well as data and information management, with a view to informing the participation of the IOC representative in the BBNJ process. The IWG has representatives from 25 Member States.
3. So far, for the first 2 PrepCom meetings, the IOC was represented by several IOC officers, including the IOC Chair Peter Haugan, supported by IOC Staff. Two side events on CD/TMT and MSR were organized, together with the missions of Belgium, Fiji and Belize to the UN. A news item summarizing the first side event was published on the [IOC website](#). The second side event will take place 3 April 2017.
4. The IOC secretariat also facilitated a BBNJ workshop for SIDS organized by Belgium's Foreign Affairs, on 7-9 March 2017 at the IOC project office for IODE, Oostende (Belgium). This informal workshop brought together representatives of SIDS in New York and Brussels 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. A take-away outcome document is posted on the DOALOS/BBNJ website and on <http://sidsworkshop.be>. The document says IOC, including its criteria and guidelines, initiatives for data management, the OBIS, presents a platform for BBNJ from which to build. In addition, it suggests IOC can support SIDS including through support for regional cooperation in SIDS regions, SIDS-SIDS cooperation, and SIDS-other cooperation (twinning).
5. On Friday, 28 October 2016, a survey was released to the members of the IOC BBNJ IWG. The Secretariat received 15 responses corresponding to 13 Member States and the IODE Steering Group for OBIS. The survey results are summarized as follows:
6. Regarding data and information: there is general agreement in the IWG that data management and data exchange constitute one of the areas of IOC's potential contribution to BBNJ. IODE and OBIS are regarded to be uniquely positioned to provide expertise in data curation, data integration, standards and open and free access to data, information, data products and services. It is also pointed out that capacity development on data standards, metadata and best practices is of great importance. Nevertheless, there is a call for a seamless query of associated data from other global repositories.
7. The creation of new mechanisms or structures with similar functions and roles should be avoided. However, some IWG members pointed out that both IODE and OBIS would require additional resources both in terms of financial and human. In addition, as for areas or topics for improvement, the IWG raises the need to improve the awareness of IODE and OBIS work, services and potential, as well as a widespread promotion to encourage submission of data to existing repositories. Some Member States indicated that interaction with user communities should be pursued, while others indicated the importance of capacity development.
8. The IODE Steering Group for OBIS (SG-OBIS) also discussed the potential role of OBIS in BBNJ and concluded that OBIS could provide foundational technology and methodology for robust data integration, products, and services, and in fundamentally being a science mission can serve as

a neutral party with regard to laws and regulations. However, while OBIS already provides much of the capability that a BBNJ data system can use, there are several areas that would require supplemental funding to focus on BBNJ-specific needs. The OBIS network, both applicable nodes providing data from areas beyond national jurisdiction and the international OBIS secretariat, will need to be further expanded with new resources to address the specific requirements for using OBIS in a legal instrument context. Increased scrutiny needs to be applied to flag data appropriate or inappropriate for specific uses in consultation with legal experts and communicate uncertainty in ways consumable by non-scientist users. In addition, support for developing training packages and for organizing training workshops will also be needed. The SG-OBIS identified that the OBIS secretariat will require up to 3 extra staff members for coordination, training and product development as well as funding to assist the deep-sea and other key OBIS Nodes through a targeted funding program.

9. Regarding Capacity Development: The general trend indicated that capacity development efforts should be demand driven taking into account global, regional and sub-regional cooperation mechanisms and possibilities. Some responses indicated the need to better communicate and publicize on-going activities (e.g. courses, training activities, data access). The possibility of developing training packages, organizing workshops, and promoting the establishment of incentives to students (e.g. scholarships) was also mentioned.

10. In order to respond to regional needs, it was further stated that the role of IOC Regional Subsidiary Bodies and Training Centres were key elements. On the other hand, to ensure that capacity development filtered down to national and local scales, several responses indicated the need for better coordination and cooperation with the ocean research communities, an increased interaction between national coordinating bodies and IOC, as well as building an effective human network with national experts.

11. As for areas or topics for improvement, there were specific mentions to big data analysis, understanding ecosystem functions, data analysis for assessment and reporting, biodiversity management, ecological niche assessments and modelling, and outreach programmes to promote science literacy in BBNJ issues.

12. Regarding Transfer of Marine Technology: This section was intimately related to the IOC/INF-1203 IOC Criteria and Guidelines on the Transfer of Marine Technology (IOC CGTMT). There was general agreement indicating that such document is still relevant and applicable to the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Nevertheless, it was also pointed out that awareness had to be raised as for the existences of such criteria and guidelines, whilst some parts have to be properly implemented and operationalized (clearing-house). One Member State indicated that IOC could help setting up a specific fund for the purpose of transfer of marine technology.

13. Most of the responses to the question "Should IOC tailor the existing IOC CGTMT to provide a comprehensive list of examples of marine technology and options for TMT in the context of BBNJ as input to the PrepComm process" showed that such a development was considered helpful. Some Member States, on the other hand, considered that it was either not needed or that the focus should be on procedures, structures and mechanisms rather than on concrete examples.

14. According to the results of this survey, the main barriers to TMT resulted from the existence of heterogeneity of capacities among the beneficiaries or recipients of the transfer, and the high costs of tools and equipment. The main enablers for TMT are the willingness of the research community to participate and cooperate, the existence of the IOC CGTMT, and the current focus of political leaders on ocean matters.

15. It was stressed that, in order to improve the implementation of the IOC CGTMT, further efforts should be made to publicize and implement its provisions and mechanisms, including organizing trainings and side-events.

16. Regarding Marine Scientific Research: the IWG agreed that IOC was in position to offer lessons learned for coordinating international cooperation, capitalizing on its extended experience and wide expertise and provided as reference some illustrative examples (i.e. IODE, GOOS, GOSR, IIOE-2, CSK). IOC Regional Subsidiary Bodies and regional activities were pointed out as examples of IOC guidance on regional marine science and technology cooperation.

17. With regard to specific new research relative to BBNJ, some Member States expressed that IOC was well positioned to lead, or play a strong role, in integrating full-spectrum ocean science, promote research on HAB (Harmful Algal Bloom), TMO (Toxic Marine Organisms), DOOS (Deep Ocean Observing Systems), and data integration and analysis.

18. There was general agreement on the need to prevent possible disincentives to MSR. It was further indicated that IOC was well placed to organise a dialogue on risks associated with or to research and means to minimize them; as well as, in its role of competent intergovernmental organization for the promotion and coordination of MSR, to articulate positions of the MSR community.