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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 – Second substantive session

Item 6: Informal Working Group on capacity building and transfer of marine technology (point 6.4)

**Intervention by Mr. Leonito Bacalando Jr.
Assistant Attorney General**

New York, 3 April 2019

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Madame Facilitator,

- Good morning, Ambassador! Thank you for facilitating this informal working group on capacity building and transfer of marine technology. Since this is the first time that we speak on this topic, we would like to express our warm congratulations and gratitude for your leadership of this informal working group. Be assured that the delegation of your next-door neighbor in the Pacific is in full support of your role as facilitator, and we are confident on your ability to lead the work of this informal working group to a successful conclusion.
- We align our intervention this morning with the views previously expressed on behalf of G77 and China, on behalf of AOSIS, and on behalf of PSIDS. We wish to elaborate further in our national capacity.
- Before going into the details of 6.4, we would like to express our general perspective on Capacity Building and Transfer of Marine Technology. Firstly, capacity building and transfer of marine technology is among the critical benefits under this BBNJ instrument. Many States, including, in particular, Small Island States, would need it as a matter of urgency.
- Secondly, the ability of Small Island States to participate in the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction depends, in large part, upon the opportunities for capacity building made available to them. As Small Island Developing State, our existing capacity is obviously insufficient, which effectively prevents us from participating in the conservation and sustainable use

of BBNJ. This condition needs to change. We need to establish a practical, systematic and efficient capacity building program that benefits developing states, especially, Small Island Developing States.

- Thirdly, for this capacity building program to work, States Parties must commit themselves together. States Parties must be ready to convey unequivocal signal through this BBNJ instrument on their definite commitment and unquestionable willingness to assume a critical obligation that will materialize Capacity Building and Transfer of Marine Technology as a benefit.
- Turning to the specific provisions of 6.4, we see some of our objectives and national preferences reflected on the text, but not sufficiently though, in our view.
- As expressed on behalf of PSIDS, our collective preference is Option B under section 1. However, we wish to clarify that under this option, the question on whether or not SIDS do need some improvement in the area of capacity building and transfer of marine technology is no longer an issue. It is already a matter of fact. So the relevant question that should be asked under this option is—how capacity building and transfer of marine technology could take place. Taking this into consideration, we suggest improving the language of Option B in order to better reflect two separate but complementary ideas concerning the review and monitoring of Capacity Building and Transfer of Marine Technology: First—whether the needs of SIDS towards meeting their obligations under this instrument and towards being able to exercise their rights to participate in the conservation and sustainable use of resources in the ABNJ were met; and, Second—Ways to further improve the mechanisms and the modalities in addressing these needs of developing states, including SIDS. In our view, these two criteria should be reviewed and monitored pursuant to the section under consideration.
- We could also explore other elements under section 1 with the view towards incorporating or merging the ideas there with the preferred option that we previously expressed. For instance, “Measure objective performance indicators” under (b) is something that we could consider supporting.
- We are sympathetic towards the review of the support required, provided and mobilized, and, in particular, the “gaps” in meeting these requirements, as stated in (c). We could support this.
- We could also support (e) regarding “review results-based analysis” and recommendations of follow-up activities.
- We could also support “review progress and output delivered, effectiveness of capacity building and transfer of marine technology activities,” etc., under (f). We would suggest further addition to this language under (f)—something to the effect that gives States Parties, including developing states, especially SIDS, the opportunities to indicate their respective views regarding best practices and well as challenges encountered and their preference towards addressing and overcoming such challenges in relation to Capacity

Building and Transfer of Marine Technology. Our intention behind this suggestion is to tailor the capacity building in a manner that makes it State-driven, based upon the needs as expressed by recipient States, and on the objective of enabling them to monitor and review Capacity Building in light of that intention.

Thank you.