PREPCOM DEEP DIVES

High Seas Alliance

Capacity Building and Transfer of Marine Technology Committee

Briefing: BBNJ PrepCom April 2025

Executive Summary

The Agreement under the UN Convention on the Law of the Sea (UNCLOS) on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) was adopted on 19 June 2023.

To prepare for the Treaty's entry into force and its first Conference of the Parties (CoP), a UN Preparatory Commission (PrepCom) will meet twice in 2025 (14-25 April and 18-29 August), and at least once in 2026. During these meetings, Parties will develop the operational framework for the Agreement to ensure it can function and work effectively, and prepare recommendations for the CoP. Well-structured, fair, and efficient institutions will shape the Treaty's long-term success and determine how quickly we can turn global ambition into tangible results for ocean protection.

This briefing paper examines the BBNJ Capacity-Building and Transfer of Marine Technology (CB&TMT) Committee and highlights key areas for discussion during PrepCom 1 in April 2025.

Key takeaways:

The CB&TMT Committee is established under Article 46 of the BBNJ Agreement. Its purpose is to assist all States with implementing its provisions and participating in activities undertaken to fulfill its objectives.

- The Committee is assigned functions relating to: monitoring and reviewing CB&TMT; facilitating the assessment of needs and priorities of developing States; and submitting reports and recommendations to the BBNJ CoP on issues such as reporting, funding, and reviewing Annex II of the Agreement (Arts. 42, 44, 45, 46, 52).
- In fulfilling its mandate, the Committee could serve additional functions, such as fostering cooperation through partnerships and stakeholder engagement and convening working groups or studies on relevant topics. This could include providing guidance on key performance indicators for monitoring CB&TMT. It could also promote scientific capacity development and knowledge-sharing relating to a) marine genetic resources (MGRs), b) area-based management tools (ABMTs), including marine protected areas (MPAs), and c) environmental impact assessments (EIAs) (Arts. 9, 17, 27, 40).
- The Committee will probably need to interact with all other bodies under the BBNJ Agreement to ensure that CB&TMT is streamlined.[1]
- The first CoP will define the terms of reference and operational modalities for the CB&TMT Committee (Art. 46(2)). The PrepCom's provisional program of work includes several relevant issues such as procedures, selection processes, Clearing-House Mechanism (Cl-HM) modalities, financial rules and modalities, and initial discussions on cooperation.
- Additional issues requiring consideration include: the role of the Cl-HM in facilitating needs assessments and information-sharing; the role of the Financial Mechanism in supporting needs assessments and CB&TMT; cooperation with relevant institutions, frameworks, and bodies (IFBs) and stakeholders in CB&TMT; and the implementation of provisions relating to the special circumstances of small island developing States (SIDS) and least developed countries (LDCs).

[1] 'Streamlined' refers to: efforts that are well-coordinated, with efficiently allocated resources; aligned initiatives within existing international frameworks to maximize impact; and reduced reporting burdens in terms of cost and time (Art. 45(3)).

1. Purpose and main functions of the CB&TMT Committee

Primary functions

The CB&TMT Committee is established under Article 46 of the BBNJ Agreement. Its mandate spans implementation, facilitative, and advisory roles relating to CB&TMT[2] under Part V of the Agreement (Arts. 40-46). Its key responsibilities include:

- Monitoring and review (Art.45(2)): to review any support that is provided; to identify funding gaps; to measure performance using agreed indicators; and to recommend follow-up activities that will enhance the effectiveness of CB&TMT.[3]
- Assessing needs and priorities (Art. 42(4)): to facilitate needs assessments (with the CI-HM) for developing States, with special consideration for SIDS and LDCs.
- Reporting and making recommendations to the COP (Art. 46(3)) on topics such as the CB&TMT's reporting formats (Art. 45(3)); the periodic review of Annex II (Art. 44(3)); and the initial resource mobilization goal, through 2030, for the Special Fund (Art. 52(11)).

Additional considerations

In fulfilling its primary functions, the Committee might also serve to:

- Promote economic and legal conditions for technology transfer, such as incentives for enterprises and research institutions (Art. 43(3)).
- Foster multi-level cooperation through partnerships and stakeholder engagement (Art. 41(2)).
- Convene working groups or studies on CB&TMT, share best practices from other legal frameworks (Art. 45(3)), and enhance coordination among global and regional bodies (Art. 44(2)).
- Support the broader objectives of Part V, including equitable cooperation, scientific capacity development, and knowledge-sharing to aid the implementation of the Agreement relating to MGRs, ABMTs (including MPAs), and EIAs (Arts. 9, 17, 27, 40).

2. Relevant items on the PrepCom agenda

The first COP will define the terms of reference and operational modalities for the CB&TMT Committee (Art. 46(2)).
To prepare for this, several relevant issues are reflected in the PrepCom provisional program of work (PPW) (A/AC.296/2025/L.2).

PrepCom 1 (April 2025) will address: a) the rules of procedure of the COP (PPW Item I(1)), which Parties could decide to apply mutatis mutandis to the subsidiary bodies, b) additional or separate subsidiary body procedures (PPW Item I(2)), c) selection processes (PPW Item I(3)), d) CI-HM modalities (PPW Item 1(5)), e) financial rules (PPW Item 1(6)), f) Global Environment Facility (GEF) arrangements (PPW Item I(7)), and g) initial discussions on cooperation with external relevant IFBs, reporting, and the financial mechanisms for the COP (PPW Item I(8)).

PrepCom 2 (August 2025) will a) continue deliberations, as needed (PPW Item I(1)), b) further develop cooperation frameworks (PPW Item I(2)), c) refine reporting requirements (PPW Item I(3)), and d) operationalize financial resource mechanisms (PPW Item I(4)). These sessions will be critical to paving the way for the effective implementation of the BBNJ Agreement, including for CB&TMT.

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[2] CB&TMT under the Agreement relates to human, financial, scientific, technological, organizational, and institutional support (Art. 44(1)). Examples of the types of CB&TMT provided are: sharing information, knowledge and data; awareness raising including with respect to traditional knowledge; infrastructure; institutional capacity; human and financial management; manuals, guidelines and standards; development of technical, scientific and research and development programs; capacities and technological tools for effective monitoring control and surveillance (Art 44).
A non-exhaustive list is presented in Annex II of the Agreement.
[3] This could include, among others: recommend performance indicators; streamline reporting; and tailor needs assessments for SIDS and LDCs (Arts. 45(2)(a), 45(2)(d), 45(2)(e), 45(3)).

3. Connection with the COP and other subsidiary bodies

The CB&TMT Committee will operate under the COP (Arts. 46, 48). It will submit reports and recommendations to the COP (Art. 46(3)), which will provide guidance on priorities, define operational modalities, and ensure alignment with the broader goals of the BBNJ Agreement (Art. 47(6)). Structured interactions may include regular reporting, decision-making meetings, and feedback loops.

The Agreement seeks to ensure effective support for developing States by drawing clear linkages between the CB&TMT Committee, the CI-HM, and the Financial Mechanism. Assessments of CB&TMT needs and priorities may be facilitated through the CI-HM (Art. 42(4)), and the Financial Mechanism will assist in identifying and mobilizing funds for the implementation of CB&TMT (Art. 45(2)(c)).

In addition to the direct links with the CI-HM and the Financial Mechanism, the CB&TMT Committee will probably need to interact with the other subsidiary bodies under the BBNJ Agreement (Table 1). Such interactions will be important to promote and ensure integrated, coherent, and coordinated implementation. Potential examples include making sure that CB&TMT a) supports, and is supported by, MGR benefit-sharing, b) is aligned with scientific needs and advice, c) that stakeholders are informed about the latest research, and d) is sufficiently funded. Furthermore, the CB&TMT Committee should ensure that gaps and needs are adequately identified, and promote the sharing of knowledge, best practices, and resources.

It will be important to streamline interactions[4] by, for example, taking a structured approach through joint meetings or working groups, collaborative initiatives, shared funding proposals, and integrated reporting mechanisms. The CB&TMT Committee could submit progress reports to the COP that incorporate data from the ICC on how CB efforts are improving State compliance with the BBNJ Agreement. Consideration could be given to providing some level of procedural autonomy to the Committee. Furthermore, Chairs of subsidiary bodies could be authorized to represent their Committees and to convey requests and share information in meetings of other bodies.

Expertise within the BBNJ Agreement's subsidiary bodies will be distributed based on their specialized functions and focus areas. Where there are overlaps, bodies could share insights and coordinate activities. For example, the CB&TMT Committee could consult the STB on scientific advancements relevant to training programs. The COP could provide oversight to prevent duplication and ensure harmonized implementation, while information and expertise could be shared transparently through the CI-HM, enabling subsidiary bodies to access relevant data.

[4] i.e., Efforts are well-coordinated, resources are efficiently allocated, initiatives align with existing international frameworks to maximize impact, and reporting requirements are made less 'onerous' regarding cost and time (Art. 45(3)).

Table 1: Potential interactions between the CB&TMT and other subsidiary bodies under the BBNJ Agreement

Subsidiary Body	Potential interactions: CB&TMT Committee & Subsidiary Body	Articles
Access and Benefit-Sharing (ABS) Committee	Cooperation (e.g. via workshops, studies, and capacity-building (CB) activities) on topics such as ABS regulations, enabling researchers to engage in MGR projects under equitable terms set by the ABS Committee. Exploring synergies between benefit-sharing and CB&TMT.	15(1); 46; 47(6)(c)
Scientific and Technical Body (STB)	The STB may provide data on emerging marine technologies and identify data gaps, while the CB&TMT Committee can ensure that CB programs integrate these advancements for effective knowledge and technology transfer. CB&TMT Committee could identify partnerships between the Parties to fill gaps, promote CB&TMT initiatives, and enable STB participants to have the necessary support to engage effectively. The STB could contribute to designing research programs, developing technical standards, and assessing the effectiveness of those carried out within the framework of CB&TMT.	46; 47(6)(c); 49
Finance Committee	The Finance Committee may collaborate with the CB&TMT Committee to facilitate the structuring and operationalization of the funds established to support developing countries in implementing the Agreement.	46; 52
Implementation and Compliance (ICC) Committee	The ICC could identify gaps and capacity needs for States to implement and comply with the Agreement. The CB&TMT Committee could help connect needs with opportunities.	46; 47(6)(c); 55
Clearing-House Mechanism (CIHM)	The CB&TMT Committee might upload guidelines, information papers, and reports relating to the monitoring and review of CB&TMT, or details about CB&TMT activities, enabling stakeholders to easily find and participate in relevant programs. Other bodies could use the CI-HM to share information, needs, reports, opportunities, and resources.	42(4); 46; 47(6)(c); 51

4. Considerations for PrepCom 1

In its note on the BBNJ's subsidiary bodies[5] (A/AC.296/2025/4), the interim BBNJ Secretariat, the Division of Oceans and Law of the Sea (DOALOS), offers general considerations on a) rules of procedure, terms of reference and modalities for subsidiary bodies (paragraphs 6-23), b) general aspects with regards to membership (paragraphs 24-31), and c) specific considerations for the CB&TMT Committee (paragraphs 40-48).

One question raised by the Secretariat is whether the COP's rules of procedure will apply *mutatis mutandis* to some or all of its subsidiary bodies or whether specific rules of procedure will be adopted for each body (paragraph 7). Draft rules of procedure for the COP are contained in the Annex to the Co-Chairs to aid discussions (A/AC.296/2025/3). If Parties choose this pathway, draft rule 26 would allow subsidiary body-specific considerations to be reflected in the COP's rules of procedure.

Applying the COP's rules of procedure to the CB&TMT Committee could enhance consistency and procedural efficiency. However, certain adjustments may be necessary to ensure broad stakeholder participation and meaningful engagement with technical experts, and to clarify the Committee's interaction with the COP, including whether or not it will operate with procedural autonomy.

4.1 Terms of reference for CB&TMT Committee:

The following issues should be considered when formulating the terms of reference for the CB&TMT Committee:

- Structure and composition, including processes to ensure it has access to the expertise[6] required and has full representation of and participation from developing States, particularly from SIDS, LDCs and landlocked developing countries (LLDCs).
- Mandate and purpose, including the extent to which it has a mandate to serve proactively by bringing issues to the attention of the COP and formulating working groups to explore pertinent issues within its remit.
- Operational procedures for decision-making, reporting to the COP, and determining its meeting frequency.
- Processes to coordinate with other subsidiary bodies.
- Monitoring and review mechanisms to track progress and assess effectiveness.
- Strategies for stakeholder engagement to determine how the Committee will interface with other relevant bodies and organizations. For example, the Committee may need to engage with Intellectual Property (IP) fora, such as the World Intellectual Property Organization, to inform the implementation of provisions that have a relation to their mandates (e.g., Art. 43 (2)).
- Flexibility and adaptability of provisions are necessary so that the Committee's activities and modalities can evolve.

4.2 Interactions between the CB&TMT Committee and other bodies and mechanisms:

The following issues deserve consideration in formulating the terms of reference for the CB&TMT Committee, in terms of interactions with, and the functions of:

- The CI-HM with respect to CB&TMT to, for example, a) ensure that needs are matched with support, b) promote collaboration (Art. 51), c) facilitate needs assessments (Art. 42(4)), and d) ensure there is the sufficient human capacity to fulfill the roles of the CI-HM.
- The Financial Mechanism with respect to CB&TMT to, for example, determine how the Committee will identify financial needs and work with the Finance Committee to secure resources, including (where appropriate) with the GEF, including with respect to mobilizing resources for needs assessments.
- Potential interactions with the ABSC Committee, the STB, the ICC, and the Finance Committee (see Table 1).

[5] "Terms of reference and modalities for the operation of, and rules of procedure for, the subsidiary bodies established under 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, including the selection process for their members: Note by the Secretariat". At https://www.un.org/bbnjagreement/sites/default/files/2025-02/20250205BBNJPrepCommSubBodsAdvancedUnedited.pdf.

[6] Consideration for composition could include experts in marine science, technology transfer, finance, and policy to align CB&TMT efforts with international frameworks and funding mechanisms.

4.3 Implementing Part V of the BBNJ Agreement

The following issues should be considered when looking ahead to the role of the Committee in supporting the implementation of Part V of the Agreement:

- The special needs and circumstances of developing States, particularly SIDS and LDCs, (e.g., by ensuring non-onerous reporting requirements).
- How to foster cooperation and collaboration with stakeholders such as the private sector, civil society, Indigenous Peoples, local communities, regional and sub-regional bodies, IFBs, marine technology holders, suppliers, and recipients.
- The extent to which the differentiated obligation of Parties in relation to CB and TMT might influence the monitoring and review processes, given that Parties "shall ensure CB and shall cooperate to achieve TMT" (Art. 42(1)). It might be of value to reflect this in the Committee's terms of reference by, for example, mandating studies on CB&TMT and particular modalities for TMT.
- The provision of guidance on the different objectives of CB and TMT, and the various modalities that could be adopted to achieve this.

5. Recommendations

Given the COP has a time-bound obligation to establish terms of reference for both the STB and the CB&TMT Committee at its first meeting, we recommend the following priorities for PrepCom 1 in relation to the CB&TMT Committee:

1. **Preparatory work:** Emphasize and encourage the critical need for comprehensive preparatory work and the importance of defining the relationships and interconnections between the CB&TMT Committee and other subsidiary bodies.
2. **Mandate and operational scope:** Emphasize that the Committee's mandate under Article 45 on monitoring and review encompasses functions to undertake, as well as promote, implementation relating to CB&TMT. This includes the CB&TMT Committee's mandate to mobilize funds, identify CB&TMT follow-up activities, and monitor and review implementation. Advocate for terms of reference that will empower the Committee to establish and convene working groups, recommend studies to the COP, and ensure appropriate resourcing.
3. **Monitoring and review approaches:** Advocate for the early identification of progressive, best-practice approaches to monitor and review CB&TMT, building support among Parties for the development and adoption of guidelines on this topic.
4. **Committee composition:** Support the implementation of Article 46(2) by ensuring gender balance and representation from SIDS, LDCs, and LLDCs, including consideration of the potential capacity and resource needs of members to participate equitably and include representation of IPLCs in the Committee.
5. **Resource mobilization:** Encourage the availability of funds for needs assessment (Art. 42(4)) and promote an ambitious and realistic resource mobilization target to the COP for the Special Fund through 2030 (Art. 52(11)) including, for example, by exploring specific capacity needs for ABMTs and EIAs and giving consideration to how cooperation in CB&TMT "at all levels and in all forms" (Art. 41) might work in practice.
6. **Traditional knowledge:** Welcome the recognition of knowledge of Indigenous Peoples, and traditional knowledge of local communities as a type of CB&TMT and advocate for the full implementation of Article 44(1).

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Annex: Text

Article 46:

Capacity-Building and Transfer of Marine Technology Committee

1. *A capacity-building and transfer of marine technology committee is hereby established.*
2. *The committee shall consist of members possessing appropriate qualifications and expertise, to serve objectively in the best interest of the Agreement, nominated by Parties and elected by the Conference of the Parties, taking into account gender balance and equitable geographical distribution and providing for representation on the committee from the least developed countries, from the small island developing States and from the landlocked developing countries. The terms of reference and modalities for the operation of the committee shall be decided by the Conference of the Parties at its first meeting.*
3. *The committee shall submit reports and recommendations that the Conference of the Parties shall consider and take action on as appropriate.*

High Seas Alliance

The High Seas Alliance is a group of 50+ non-governmental members who work together to inspire, inform and engage the public, decision makers and experts to support and strengthen High Seas governance and conservation.