



Ministerie van Infrastructuur
en Waterstaat



A Regional Capacity Building Workshop on Biodiversity Beyond National Jurisdiction Agreement (BBNJ)

FROM RATIFICATION TO IMPLEMENTATION: Challenges and Opportunities for the Conservation and Management of the High Seas in South and South East Asia

The Trident Hotel, Chennai, India | August 27-28, 2024

Workshop Report





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FROM RATIFICATION TO IMPLEMENTATION: **Challenges and Opportunities for the Conservation and Management of the High Seas in South and South East Asia**

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Workshop Report prepared by:
Bay of Bengal Programme Inter-Governmental Organisation

With significant inputs from High Seas Alliance
and technical presentations made during the Workshop on BBNJ
The images of the event are available
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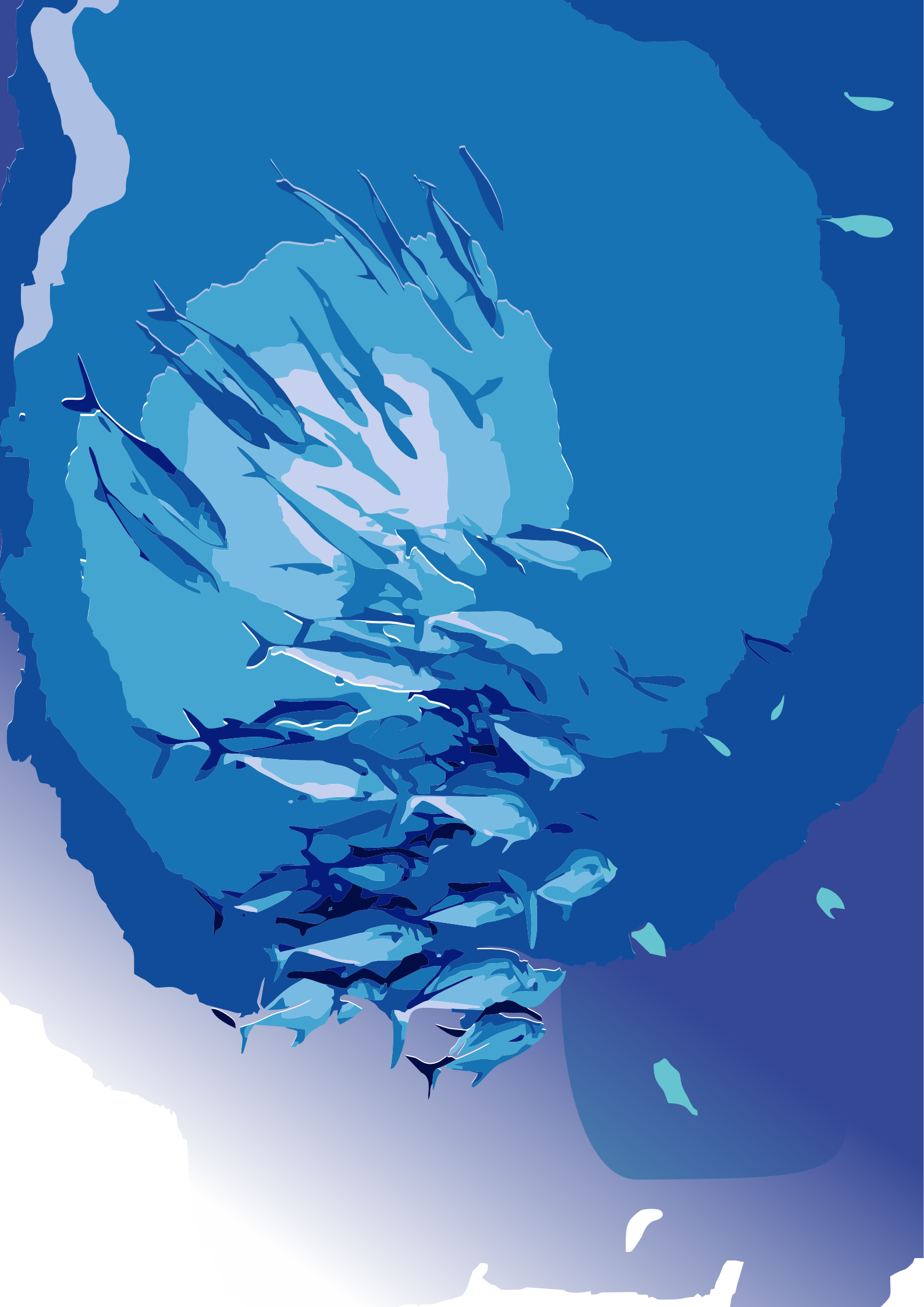
Preferred Citation

BOBP-IGO. (2024). From Ratification to Implementation: Challenges and Opportunities for the Conservation and Management of the High Seas in South and South East Asia. Report on Regional Capacity Building Workshop on Biodiversity Beyond National Jurisdiction Agreement (BBNJ). Bay of Bengal Programme Inter-Governmental Organisation, p38.



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1

Introduction

After 19 years of negotiations, a legally binding instrument was adopted 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). This important agreement is key to not only protect the ocean but also to tackle environmental degradation, prevent biodiversity loss in the high seas, promote equity and fairness, and combat climate change. Therefore, understanding of the salient points of the BBNJ Agreement is crucial to capacitate relevant ministries and agencies to ratify the Agreement and prepare for its implementation. In this context, a regional capacity building workshop for select countries in South and Southeast Asia has been organized to raise awareness, increase understanding of the salient points of the BBNJ Agreement, and capacitate relevant ministries and agencies to ratify the Agreement and prepare for its implementation.

The workshop was organized by High Seas Alliance (HSA), in collaboration with the Bay of Bengal Programme - Inter Governmental Organization (BOBP - IGO) and RISE UP, with support from the Government of Netherlands. Senior government officers / policy makers from South and Southeast Asia viz., Bangladesh, India, Maldives, Sri Lanka, Cambodia, Thailand, Indonesia, Bhutan, Myanmar, Timor-Leste, and Nepal were the participants of the workshop. With the influence of the above countries in the region and history of positive support to previous discussions and negotiations, the regional workshop aimed to sustain the momentum for the signing and ratification of the agreement and facilitated its early entry into the force.

There were a total of 54 participants from the aforementioned countries and representatives of national, regional and international organizations such as International Union for Conservation of Nature, Indian Ocean Rim Association, World Bank, National Maritime Foundation, WWF India, Tamil Nadu National Law University, ThinkOcean (High Seas Youth Ambassador), Department of Foreign Affairs and Trade (Australian Government), and the Consulate General of the Royal Kingdom of Netherlands in Bengaluru, that attended the workshop.

Among the participating countries, Indonesia, Nepal, and Timor-Leste are signatories of the BBNJ agreement. Countries like Bangladesh, India, Cambodia, Maldives, Sri Lanka, and Thailand have not signed the agreement yet, but they are all positive towards signing and ratifying the agreement in the near future. Bhutan and Myanmar have not taken any stand yet on signing and ratifying the Treaty. The results of the capacity needs survey conducted prior to the workshop showed that around one-third of the participants had low awareness about the treaty. Each country had different levels of capacity needs on the key provisions of the BBNJ agreement, which are the Marine Genetic Resources (MGR), Environment Impact Assessment, Area-based management tools, and Capacity-building and transfer of marine technology.



2 Objectives & Agenda of the Workshop

The Workshop was expected to:

- Raise awareness and understanding of the BBNJ Agreement among government officials / policymakers from relevant ministries and agencies including fisheries, environment (ocean affairs, coastal and marine) and foreign / external affairs in South and SouthEast Asia;
- Define the need of the South and South East Asian countries in signing and ratifying the Agreement and preparations for PrepCom and COP1, and propose strategies to address these needs;
- Encourage increased participation from the region in the preparatory meetings for the Agreement to enter into force;
- Provide an opportunity for experience and knowledge sharing among the participating countries from the region; and
- Promote and encourage South and South East Asian countries to become leaders in Asia.



3 Overview and Preliminaries

The workshop was conducted in six sessions. After the inaugural program and the delivering of statements from the Mission officials of the participating countries, the workshop commenced with an introductory session on the BBNJ agreement and the health of the ocean. It provided a birds eye view of the BBNJ agreement, its provisions, and briefly explained about the ratification process and its current status. Session two of the workshop focussed on Part II of the Agreement: Marine Genetic Resources (MGR) and the explanation of access and benefit sharing involved as part of the agreement. This was followed by a detailed presentation on the chapters from the BBNJ agreement that deal with MGR. This session also had a presentation of utilizing the marine genetic resources inclusively for the sustainable development of the Indian ocean region.

The third session on Part 4: Environmental Impact Assessments (EIA) has explained the EIA provision in the BBNJ agreement. This was further enriched by the example from the Netherlands where environmental impact assessment has been implemented in the context of the BBNJ agreement.

The fourth session on Part 3: Area-based Management Tools was presented on the basis of the ABMT provision in the BBNJ agreement and the session also discussed why the High seas Marine Protected Areas (MPA) are essential in achieving the global biodiversity framework targets and other ocean conservation agreements. This session was particularly important as it discussed the example of Saya del Malha as an example suitable to be called as a High seas MPA.

The fifth session was Part V: Capacity-building and Transfer of Marine Technology (CBTMT) of the BBNJ agreement. This session covered salient points of the CBTMT chapter and how to potentially put them into practice. The open forum followed by the session dug deep into the matter of the practical challenges and difficulties involved in the technology transfer and capacity building process, especially for the developing countries.

The workshop concluded with a closing session summarizing the institutional arrangements needed for the BBNJ agreement and the way forward with the BBNJ priorities in Asia by the third UN Ocean Conference.

Each session included a one-hour presentation followed by a one-hour open forum. Each speaker was allocated 20-25 minutes to present their assigned chapter or topic. While most sessions featured two panelists, the fourth session included three. After the panelists' presentations, an open forum was held, allowing participants to raise questions, voice concerns, and engage in discussions. Participants were then divided into subgroups to brainstorm on a set of questions related to the session's theme. A rapporteur was assigned to each subgroup to document the discussions.

3.1. Part 1: Inaugural Programme

Dr. P. Krishnan, Director, Bay of Bengal Programme Inter-Governmental Organization welcomed the participants to the workshop. He emphasized the importance of having a regional dialogue and cooperation in the process of signing and ratifying the BBNJ Agreement. Ms. Rebecca Hubbard, Director of the High Seas Alliance, presented on the need for BBNJ and the importance of early entry into force of the Treaty. She gave an overview of HSA -



Rebecca Hubbard, Director, High Seas Alliance lightning the lamp in the presence of honorary guests of the event and Dr. P. Krishnan, Director, BOBP-IGO

its objectives and operations. She also stressed the major challenges faced by high seas including climate change, illegal fishing, pollution, deep-sea mining and poor governance. She mentioned the need for 60 countries to ratify the BBNJ agreement for it to enter into force in 2025. Ms. Rizza Sacra-Dejucos, Asia Regional Coordinator of HSA presented the objectives of the workshop and its relevance to Asian countries.

The workshop organizers, the guests of honor, and Mission officials of Bangladesh, Myanmar and Sri Lanka come together for a snap while concluding the inaugural function of the workshop.

3.2. Guest of Honour Address

Mr Ewout de Wit, Consul General of the Consulate General of the Kingdom of the Netherlands in Bengaluru emphasized how Netherlands has always stood for international legal agreements. He stressed the importance of protecting the ocean for its biodiversity and its important role of food and lives. A global legal framework is hence needed to protect oceanic resources. He also mentioned the BBNJ agreement is crucial in achieving the 30x30 target, and promoting regional cooperation is the main factor that should be looked at to ensure ocean protection. He expressed the Netherlands' willingness to proceed the efforts forward with the international community.



Dr. David Eggleston, Deputy Consul General of the Australian Consulate - General in Chennai emphasized the role of the High Seas Treaty in securing the world's ocean. He also noted that this treaty is a crucial juncture on the grounds of the United Nations Convention on the Law of the Sea. He explained how the Australian Government is promoting the ratification efforts of the BBNJ Agreement. Dr. Eggleston mentioned that this is a highly ambitious treaty for all themarine countries. Free and fair consciousness from the indigenous people is also important in the ratifying process.



Cdr. P. K. Srivastava, an Advisor and Scientist from the Ministry of Earth Sciences of the Government of India noted in his address that the Government of India will be signing the BBNJ Agreement in the upcoming United Nations General Assembly with the Union Cabinet's approval. . He also said that the Ministry of Earth Sciences will establish a dedicated institutional mechanism to oversee the developments regarding the Agreement. He informed that this authority will deal with the necessary regulations, studies and other activities related to the Treaty. There is a need for detailed discussions and modification to existing legislation to ensure compatibility with the requirements for the effective implementation of

the Treaty. He emphasized the importance of raising awareness and developing capacity for the bureaucrats and the general public about BBNJ.

He further stated that the limited capacity to implement the provisions of BBNJ, for example, conducting research in the marine genetic resources, is a major challenge for countries like India. India looks forward to establishing a national authority, which would be a single point agency to implement BBNJ.

Implementing a monetary mechanism to protect ocean health is one of the many major discussion areas India is currently looking at very seriously but needs further discussions and collaborations, capacity building, etc. He also added that there is a strong need to leverage regional partnership between the South and South East Asian countries for capacity building in this direction.



Dr. Grinson George, the director of ICAR - Central Marine Fisheries Research Institute (CMFRI), Kochi said India, through CMFRI, is conducting research and data collection on the territorial waters and in the high seas, to an extent for the last few years. He stressed the importance of acquiring enough data and being capable with scientific research on the high seas. Dr Grinson explained the versatility of Indian fisheries and how Indian fishermen are taking different gears to the sea, how the country is more focused on small-scale, sustainable fishing in comparison with industrial fishing. He also pointed out India's carbon emission during the fishing activities is 17.7% lesser than the global average. He explained the intensity of climate

change and its serious impact in the North Indian Ocean. He wrapped up the speech by stressing the need for robust data sets and how it can support policy decisions.

3.3. Briefing of Mission officials from Bangladesh, Myanmar and Sri Lanka



Mr. Md. Arifur Rahman, First Secretary and Head of Chancery, Deputy High Commission of Bangladesh, Chennai stated that they were one of the first signatories of the BBNJ Agreement and they are committed to fulfilling the treaty.





Dr. J. Ranganathan, Honorary Consul General of Myanmar, Chennai said that for Myanmar, this workshop is the need of the hour, to have a broader understanding on the provisions of the BBNJ Agreement. He also acknowledged the opportunity to participate in the regional workshop and have a better understanding to protect the biodiversity of the high seas through this Treaty. The consul general also stressed the importance of having as many ideas as possible for the conservation of the environment in general and the ocean in particular.



Mr. Supun Deshaprema, First Secretary, Sri Lanka Deputy High Commission in Chennai stated that the BBNJ Agreement is a scope for the Asian countries to work together to protect biodiversity. He also said that the Sri Lankan government principally agreed to sign the Treaty soon.

Conclusion

The inaugural session ended with Dr P. Krishnan, director of the BOBP-IGO, delivering the vote of thanks. While thanking the participants and the supporters of the workshop, he expressed his gratitude for the Government of India for moving positively towards signing the BBNJ Agreement. After the inaugural session, the workshop moved to detailed sessions on the BBNJ Agreement, its key provisions, and the challenges and opportunities for Asian countries to sign, ratify and prepare for early implementation.



Part 2: What are the salient points of the BBNJ agreement and what does it mean for South and Southeast Asia and the Indian Ocean Rim region?

4.1. Session 1 - The BBNJ agreement and the health of our ocean

Introduction: This session gave an overview on the salient features of the BBNJ agreement and its implications for the South and Southeast Asia region.

Moderator: Dr. P. Krishnan, Director, BOBP-IGO

Speakers:

- Ms. Rebecca Hubbard, Director, HSA
- Mr. Duncan Currie, Expert on the Law of the Sea/Steering Committee Member, HSA

Why do we need the BBNJ agreement? - *Ms. Rebecca Hubbard, Director, High Seas Alliance*

Ms. Rebecca Hubbard highlighted the pressing need for the BBNJ Agreement, emphasizing that the high seas are under severe threat from various factors, including climate change, pollution, shipping, noise, deep-sea mining, geoengineering, and poor governance. These issues collectively jeopardize the health and sustainability of the high seas, necessitating immediate international cooperation and governance reforms. Ms. Hubbard noted that a significant milestone was reached on March 4, 2023, when the BBNJ Agreement was agreed upon, offering hope for more effective management and conservation of the high seas. The journey towards this treaty began in 2002 with the United Nations Informal Consultative Process (UN ICP) on oceans and the law of the sea, with the goal of having the treaty ratified by 60 countries by 2025, thus making it an international law. Hubbard stressed the particular importance of the BBNJ Agreement for Asia, citing its biological and geopolitical significance, its potential to secure the blue economy, protect marine areas, reinforce national management decisions, contribute to regional peace and cooperation, and provide access to capacity-building support and marine genetic resources, both monetary and non-monetary. At the time of the workshop, 91 countries had signed the Treaty, while eight countries had ratified it, with the HSA ratification tracker being regularly updated. The key decision emphasized was the need for continued and concerted efforts to encourage more countries, particularly in Asia, to ratify the Treaty by the 3rd UN Ocean Conference in June 2025.



An overview of the BBNJ agreement - *Mr. Duncan Currie, Steering committee member, HSA*



Mr. Duncan Eric James Currie provided a concise overview of the key provisions of the BBNJ Agreement, emphasizing the Treaty's objective to promote equity in the access and use of marine genetic resources. The treaty outlines clear rules and processes for establishing area-based management tools (ABMTs), including marine protected areas (MPAs). Specifically, Part III of the Agreement sets forth the objectives to create interconnected networks of MPAs and delineates the procedures for their establishment. Key articles such as Article 23, Article 17, Article 24, and Article 19 focus on ensuring accountability and the sharing of traditional knowledge in the management of these areas.

The process for creating MPAs was discussed, highlighting the steps involved, including the proposal stage and subsequent evaluations. Articles such as Article 31 emphasize the need for assessments and management measures to avoid, mitigate, and manage any significant effects on the marine environment, while Article 32 mandates detailed public notice for transparency and community involvement. Additional provisions are covered under Article 33, Article 38, and Article 320.

He also touched upon the scope of Environmental Impact Assessments (EIA) in Article 28 and Article 29, with EIA thresholds set forth in Articles 30 and 31 to trigger the screening process. The EIA process itself involves several stages: screening, scoping, assessments and evaluation, public notification, and consultation to ensure thorough environmental protection measures are in place. Lastly, the Agreement places a strong emphasis on equity and benefit-sharing, particularly concerning marine genetic resources (MGR). Article 17 underlines the commitment to achieving greater equity in the distribution of benefits derived from these resources.

Key decisions included the importance of establishing clear guidelines for the creation and management of MPAs and ensuring that the EIA process is rigorous and transparent to safeguard marine biodiversity and promote sustainable use of ocean resources. Additionally, it was emphasized that promoting equity in access to and benefits from marine genetic resources remains a central tenet of the agreement.

Open Forum for Session 1

During the Open Forum for Session 1, participants from various national level research organizations emphasized several key points including the lack of data and information calling for enhanced scientific research. Additionally, the need for national interests such as benefit-sharing, capacity building, and maintaining a strong scientific position on global platforms was discussed, with an emphasis on balancing exploitation with conservation efforts.

Participants raised the question on the challenges faced by the developing countries regarding Capacity Building and Transfer of Marine Technology (CBTMT). This includes the challenge to identify specific capacity needs, lack of institutions to receive technology, and harmonizing technology to access the benefits of the BBNJ agreement.



Economic conditions of a country, the role of Regional Fisheries Management Organisations (RFMOs), the management of MPAs, legal and institutional framework at the domestic level, environmental vulnerability, lack of information and data on accessing potential resources in the high seas, and the impact of such access to the marine biodiversity, etc. are some of the internal and external factors pointed out by the participating countries of BBNJ workshop that can influence a country's position on BBNJ. Countries also pointed out that they are mainly concerned about the financial obligations when they become a Party to the BBNJ Agreement.



Protection of marine biodiversity, conservation of ecosystem, access to MGR and equitable sharing of benefits, regional and global cooperation, against climate change, adaptive management of marine resources, contribution to global environment goals, alignment with the UN Sustainable Development Goals (SDG) and global commitments, especially SDG 14 & 15 are some benefits listed by these countries if they become a Party to the Agreement.



Most of the countries have the opinion that the access to data sets and involvement of the scientists and experts through CBTMT would be beneficial. Meanwhile they also conveyed their concerns about at what degree these capacity building and collaborative research works will take place once the agreement is ratified.

Countries also opined that the BBNJ Agreement can contribute to achieving conservation objectives and targets under global instruments like the Kunming-Montreal Global Biodiversity Framework.

4.2. Session 2 - BBNJ Workshop - Marine Genetic Resources and access - benefit sharing

Introduction: The session focused on the details of the Marine Genetic Resources and access - benefit sharing as dealt in the treaty and also shared a practical example of utilizing marine science in inclusive sustainable development in the Indian ocean.

Moderator: Rizza Sacra-Dejucos, Asia Region Coordinator, HSA

Speakers:

- Amb. Janine Felson, Co-chair BBNJ Preparatory Commission, Deputy Permanent Representative of Belize to the UN
- Ms. Sheena Talma, DPhil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles

Understanding part two of the BBNJ agreement - *Amb. Janine Felson, Co-chair of the BBNJ preparatory commission*

Ambassador Janine Felson provided a comprehensive explanation of the chapter on Marine Genetic Resources (MGR) and Access-Benefit Sharing (ABS) as outlined in the BBNJ Agreement through ZOOM. The discussion emphasized the importance of ensuring fair and equitable sharing of benefits derived from MGR, particularly in the context of capacity building and the transfer of knowledge.



The relevant provisions of the Agreement are detailed in Articles 9 through 16. Article 9 sets out the objectives, which include the fair and equitable sharing of benefits, capacity building, and the transfer of knowledge. It was noted that MGRs and digital sequence information (DSI) represent two critical types of marine technology addressed in the agreement, although it was highlighted that there was no internationally agreed definition yet for DSI.

Article 10 outlines the scope of application for the agreement, which is divided into material and temporal scopes. The material scope pertains to activities related to MGRs and DSI, while the temporal scope addresses the issue of utilization, particularly the use of genetic resources and digital sequences over time.

Exceptions to the application of the BBNJ Agreement were discussed, particularly those related to fishing regulations under other international laws, military activities, and government vessels and aircraft engaged in non-commercial services.

Article 11 covers activities related to MGR in areas beyond national jurisdiction. It was emphasized that all parties are allowed to engage in such activities, but when these activities occur in situ, Parties must respect the rights and legitimate interests of others. Additionally, no state can claim rights or sovereignty over MGR in these areas.

Finally, Article 14 addresses the fair and equitable sharing of benefits from the utilization of MGR. This article distinguishes between two types of benefit-sharing modalities: non-monetary and monetary. The modalities for non-monetary benefit-sharing include the transfer of knowledge and capacity building, while the modalities for monetary benefit-sharing involve financial compensation derived from the utilization of MGR.

Key decisions highlighted in the session include the need to establish clear guidelines for the equitable sharing of benefits related to MGR, ensuring that all parties, particularly those in developing nations, have access to both non-monetary and monetary benefits. Additionally, it was underscored that no state should assert sovereignty over MGRs in areas beyond national jurisdiction, maintaining the principle of shared resources for the common good.

MGRs in practice: Using knowledge and marine science for inclusive/sustainable development - *Ms. Sheena Talma, Dphil fellow, Oxford university*

Ms. Sheena Talma focused on the science of and practical applications and challenges associated with MGR in the context of high seas activities, including fishing, cable wiring, tourism, and shipping. A key reference was made to the scientific journal article titled "The Blue Acceleration: The Trajectory of Human Expansion into the Ocean," which highlights the rapid increase in human activities in marine environments.



MGRs were discussed in terms of their various forms, such as DNA, RNA sequences, toxins, and extracts from marine organisms. It was noted that the development of products from MGRs often requires significant time and investment. However, funding is increasingly being directed towards research that aims to replicate or imitate these natural resources. For instance, the pharmaceutical extract from the Horseshoe crab, which was once essential, has now been largely replaced by synthetic alternatives.

A comparative analysis of global research efforts in MGR sequencing was presented, revealing that the United States accounts for 24% of such research, while India's contribution stands at a mere 1%, with no associated patents. This disparity underscores the need for greater investment and innovation in countries with lower participation in MGR research. The discussion also highlighted the types of benefits that can be derived from MGRs, categorized into monetary and non-monetary. Monetary benefits include the development of pharmaceutical drugs and skincare products. Non-monetary benefits include access to research vessels and opportunities for both long-term and short-term courses in related fields.

Key decisions emphasized during the session included the need for increased investment in MGR research, particularly in countries with low current participation, to ensure equitable access to the benefits of marine biotechnology. Additionally, the importance of balancing monetary and non-monetary benefits was highlighted, with a focus on ensuring that the global community can access and benefit from the advancements in MGR-derived products and knowledge.

Open Forum for Session 2

During the Open Forum for Session 2 on MGR and ABS, participants discussed the opportunities and challenges associated with MGR research in Areas Beyond National Jurisdiction (ABNJ). Opportunities such as discovering novel molecules, biotechnological advancements, and scientific progress were highlighted. The discussion also touched on the challenges like high costs, logistical difficulties, and ensuring equitable access during this process. Participants emphasized the role of regional cooperation mechanisms, including Inter Governmental Organisations and RFMOs like Indian Ocean Tuna Commission (IOTC) and Southern Indian Ocean Fisheries Agreement (SIOFA), in promoting MGR-ABS provisions. They also discussed how existing national policies could be aligned with MGR provisions for effective implementation.

None of the participating country representatives were aware of any active MGR research in areas beyond national jurisdiction near their EEZ and no participating countries have any existing national policies on MGR. Countries pointed out the opportunities in MGR research including establishing clear procedures for MGR, advancement in science, and leveraging the biodiversity for CBTMT. Countries also identified a list of scientific bodies that could be potential partners in active MGR research. Fisheries bodies like BOBP-IGO, Indian Ocean Rim Association (IORA), and IOTC can help in regional capacity building, a few countries stated. They also suggested a centralised body could coordinate the responsibilities. Countries also called for regional cooperation to advance the MGR-ABS provisions in the Agreement. They suggested that such cooperation can develop regional agreements, regional action plans, joint research initiatives, establishing regional platforms for sharing data and information related to MGRs, activities promoting CBTMT, regional benefit sharing schemes, monitoring and compliance, representation in global fora, regional partnerships, and managing transboundary resources.



4.3. Session 3 - Environmental Impact Assessments

Introduction: This session discussed the Chapter on Environmental Impact Assessment and offered an insight to an Strategic Environmental Assessment implementation in the Netherlands in the context of the BBNJ Agreement.

Moderator: Dr. Sivaja Nair, Senior Campaigner, RISE UP

Speakers:

- Dr. Aline Jaeckel, Associate Professor, Australian National Centre for Ocean Resources and Security, University of Wollongong
- Mr. Arthur Neher, Technical Secretary International, Netherlands Commission for Environmental Assessment

Environmental Impact Assessments and the BBNJ agreement - *Dr Aline Jaeckel, Associate professor, University of Wollongong*

Dr. Aline Jaeckel, provided the details and nuances of EIA in the BBNJ Agreement. The session covered the stages of screening, scoping, impact assessment, decision-making, monitoring, and reviewing involved in the EIA process. It also argued that the uncertainties should be included in the EIA report as it should be considered political decision-making. The speaker stressed the need of including traditional knowledge throughout the process along with ensuring transparency. The session also provided information on the funding support for conducting the EIA process and the capacity building it requires. Article 31(2) and (3) of the BBNJ Agreement deal with the funding, human resources within government, scientific expertise, and resources for public consultations etc., that are required while conducting an EIA.



Strategic Environmental Assessment implementation in Netherlands in the context of BBNJ Agreement - *Mr Arthur Neher, Technical Secretary International, Netherlands Commission for Environmental Assessments.*

Mr Arthur Neher explained in detail the need for an EIA assessment and its differences with the Strategic Environmental Assessment (SEA) approach. The speaker began his talk with an account of how Netherlands Commission for Environmental Assessment (NCEA) functions and what are the major areas of focus of NCEA. The speaker brought examples from the Netherlands on how the country has implemented SEA through



Marine Spatial Planning (MSP). The speaker focussed on how EIA or SEA can be used in the BBNJ framework to achieve the goal of conserving and sustainably using the oceans and its marine resources for sustainable development.

The speaker also explained how SEA contributes to the progress of ocean science by establishing a baseline of background information, such as the location and characteristics of ecologically and biologically sensitive areas, as well as patterns of multi-sectoral use. The SEA effectively addresses the cumulative effects of multiple human activities occurring within the same region, ensuring a comprehensive understanding of their combined impacts. By identifying potential overlaps between conservation efforts and resource use, SEA can prevent conflicts, such as those seen in recent cases where applications for phosphate seabed mining overlapped with areas protected from bottom trawling. He wrapped up the session by stating that the SEA is instrumental in the process of selecting 30% of sea areas for Marine Protected Areas, contributing to global conservation goals. Thus, SEA is a fundamental tool for the effective implementation of the BBNJ Agreement, ensuring the protection and sustainable use of marine biodiversity. Open Forum for Session 3

During the Open Forum for Session 3, participants discussed the existing EIA regime, noting that while it is comprehensive and well-integrated into national policies, it currently applies only within the country's territorial jurisdiction and not to areas beyond national jurisdiction (ABNJ). They also discussed possible amendments that could include expanding the scope of the current EIA regime to cover ABNJ, contingent on the ongoing BBNJ ratification process. Participants also highlighted the potential for regional collaboration and expertise exchange to streamline EIA policies in line with BBNJ.

Few countries brought the examples based on fishing related conflicts that led to bilateral agreements between the countries, and discussed the potentials of such bilateral and multilateral co-operations. Countries also discussed blue economy developments and how they could be considered through the EIA process.

The South Asia Cooperative Program (SACEP) was identified as a potential platform for regional cooperation on EIA policies related to marine biodiversity. SAARC's environmental ministry could facilitate workshops with a focus on the BBNJ agreement. Most of the countries who attended the BBNJ workshop reported that there is no ongoing review of EIA policies and practices in their country to align with BBNJ.



5 Part 3: What are the opportunities and obligations under the BBNJ agreement to improve the conservation measures of the world's marine biodiversity?

5.1. Session 4 - Area based Management Tools (High Seas Marine Protected Areas (MPA) / Large - scale MPAs)

Introduction: This session discussed the chapter on Area-based Management Tool of the Treaty and the importance of high seas MPAs in achieving the Kunming-Montreal Global Biodiversity Framework (GBF) targets and other ocean conservation agreements.

Moderator: Dr. P. Krishnan, Director, BOBP-IGO

Speakers:

- ● Amb. Ryan Keightley, Assistant Director, International Ocean Section Department of Climate Change, Energy, the Environment and Water
- ● Dr. Asha de Vos, Founder, Oceanswell
- ● Ms. Sheena Talma, DPhil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles

Chapter on Area-based management tools explained - *Amb. Ryan Keightley*

Ryan Keightley provided an in-depth analysis of the High Seas Biodiversity Treaty, focusing on Area-Based Management Tools (ABMT) and Marine Protected Areas (MPA) as critical components of ocean conservation. He emphasized that the high seas, which constitute over 60% of the world's oceans, present significant challenges and opportunities in addressing gaps in international law and strengthening legal frameworks for ocean governance.



The discussion highlighted the importance of ABMTs and MPAs in conservation efforts, with references to regional organizations such as the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Oslo-Paris Convention (OSPAR) as examples of effective management within Areas Beyond National Jurisdiction (ABNJ). The BBNJ Agreement provides crucial tools for the protection of the world's oceans, offering a comprehensive framework for the establishment and management of ABMTs and MPAs.

The BBNJ ABMT and MPA framework was outlined, comprising key elements such as consultation and review processes, decision-making structures, objectives, monitoring and review mechanisms, and emergency measures. It was emphasized that the Conference of Parties (CoP) decisions must respect the competences of existing relevant frameworks and avoid undermining them.

Regarding ABMT/MPA proposals, Ambassador Keightley stressed that they must be grounded in scientific knowledge, including traditional knowledge where applicable. He also highlighted the

importance of incorporating a precautionary approach and ensuring the ecosystem's availability for protection.

In the context of decision-making, Article 22 of the Treaty was discussed, which covers decisions related to the establishment of ABMTs and MPAs, the compatibility of measures, and recommendations to parties and intergovernmental bodies (IFBs). The inclusion of an objection procedure with adequate safeguards was identified as a critical element of the treaty, ensuring that decisions are made transparently and fairly.

Key decisions included the importance of raising awareness about the treaty to facilitate its ratification and ensuring that regional preparations are in place for its implementation. Ambassador Keightley emphasized that these steps are crucial for the successful adoption and execution of the treaty's provisions in the relevant regions.

Why are the High Seas MPAs essential to achieving GBF targets and other ocean conservation agreements? - *Dr. Asha De Vos*



Dr. Asha de Vos delivered a compelling talk on the critical role that MPAs in the high seas play in achieving the GBF targets and supporting other ocean conservation agreements. She emphasized the importance of protecting migratory species such as whales, leatherback turtles, and tunas, which frequently cross-national jurisdictional boundaries and rely on the high seas for their survival.

Dr. de Vos highlighted that ABMT, particularly MPAs, are essential for reaching the GBF goals. The process of identifying, implementing, and monitoring MPAs in the high seas was discussed, with a focus on the importance of carefully selecting the locations for these protected areas. She shared insights from Oceanswell's exploration efforts, which included a 10-day expedition that led to the discovery of seamounts and the identification of four dolphin species beyond the national waters of Sri Lanka. This exploration underscores the necessity of adequate funding to support such expeditions and the ongoing identification of critical areas for MPA designation.

The concept of seasonal and dynamic MPAs was introduced, recognizing that as climate change alters migratory patterns, feeding grounds, and ocean currents, MPAs must adapt accordingly to remain effective. Dr. de Vos also stressed the importance of considering large-scale Marine Protected Areas, such as those encompassing hydrothermal vents and seamounts, and questioned whether conservation measures outside of traditional boundaries are equally effective.

Collaboration in the establishment and management of MPAs was identified as a key area of focus, particularly in relation to fisheries and the integration of scientific knowledge across borders. Dr. de Vos pointed out the opportunities and challenges in these collaborations and the need for long-term, sustainable funding to ensure the success of MPAs. She acknowledged the difficulties in monitoring MPAs, even within national borders, and emphasized the role of Vessel Monitoring Systems (VMS) as a tool for sustainable management. However, she cautioned that technological solutions must be continually updated as individuals find ways to bypass them.

Key decisions highlighted in the discussion include the need for increased and sustained funding for high seas exploration and MPA monitoring, the development of adaptive management strategies to respond to the impacts of climate change on migratory species, and the importance of collaborating with technology developers to enhance the effectiveness of conservation tools like VMS. Dr. de Vos concluded by stressing that ongoing scientific research and monitoring are essential to evaluate the outcomes of MPAs and to ensure that they contribute meaningfully to global conservation goals.

High Seas MPA: Is Saya Del Malha suitable? - *Ms. Sheena Talma, Dphil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles*



Ms. Sheena Talma addressed the suitability of Saya de Malha Bank as a potential Marine Protected Area (MPA) in the high seas. Saya de Malha Bank is jointly managed by Seychelles and Mauritius and has been noted for its significant biodiversity, with 47 encounters involving 10 different species of whales and dolphins documented.

Historical context was provided regarding past expeditions in the region, particularly those conducted by Russian scientists in 1981. Unfortunately, the data and samples from these expeditions were lost during the Soviet Union period, which has limited the historical scientific record for this area.

Talma outlined the scientific criteria established by the Convention on Biological Diversity (CBD) for identifying ecologically or biologically important areas, referencing Annex 1 which details the process for such identification. The procedure for submitting a proposal for MPA designation includes several key steps: submission to the Secretariat after stakeholder consultation, preliminary review by the Secretariat with the proposal made open access, consultation with relevant stakeholders, Scientific and Technical Body (STB) review, CoP review, and ongoing monitoring and review.

In terms of implementation, Talma emphasized the need for fairness in the process to ensure that no undue burden is imposed on the countries involved. The implementation should promote cooperation among nations and encourage compliance with conservation measures.

Key decisions highlighted include the necessity for a comprehensive review and consultation process to ensure that the proposal for Saya de Malha Bank as an MPA is based on solid scientific evidence and stakeholder input. Additionally, it is crucial that the implementation of the MPA designation process is fair and equitable, fostering international collaboration and adherence to conservation standards.

Open Forum for Session 4

During Session 4 on ABMT, participants discussed the potential to link existing Marine Protected Areas (MPAs) within national jurisdictions to high seas MPAs, noting that while this expansion could be beneficial, it may face challenges such as conflicts with industries like shipping and deep-sea exploration. The discussion highlighted that engaging all stakeholders is crucial to balancing conservation with other





economic interests. Participants also emphasized the benefits of a regional approach in South and Southeast Asia, particularly through technology sharing, joint research, and capacity building. Countries discussed the role of ABMTs in regulating Illegal, Unreported, and Unregulated Fishing (IUUF) and human trafficking in the high seas. The session also explored how BBNJ could support broader conservation targets like the 30x30 ocean targets under the Kunming-Montreal Global Biodiversity Framework (KMGBF), and the integration of ABNJ provisions into national Biodiversity Strategies and Action Plans (NBSAPs). Regional seas programs such as BOBLME, BOBP, and SACEP were noted as platforms where ABNJ priorities could be further promoted.

A few countries also raised their concern over extreme protection measures since they have considerable populations depending on activities like fishing. In addition, they also stated the need for a strong scientific background and they asked who is responsible for providing and acquiring this scientific background. Additionally, how will the 30x30 conservation target be shared, and who will benefit from it, were also some questions raised by country representatives. The participants also explored the possibilities of alternate conservation measures like Other Effective Area-Based Conservation Measures (OECMs).

Countries also suggested that the data on ecologically and biologically significant areas, which are important for marine mammals, can be used to identify potential MPAs. If Marine Spatial Planning is developed in high seas, then potential MPA can be identified. In continuation, they also discussed potential MPA sites in the Indian ocean region. Addressing transboundary issues and managing shared resources, mitigating cumulative impacts, capacity-building and knowledge sharing - Learning from best practices are the way forward, they stated. Potential coordination with RFMOs were discussed, especially in the context of monitoring and surveillance.

Participants opined that States can access funds from BBNJ and increase the regional capacity to improve Monitoring Control Surveillance.

5.2. Session 5 - Capacity Building and Transfer of Marine Technologies

Introduction: This session focused on the 5th chapter, i.e., Capacity-building and Transfer of Marine Technology in the BBNJ Agreement.

Moderator: Dr. Sivaja Nair, Senior Campaigner, RISE UP

Speakers:

- Amb. Janine Felson, Co-chair BBNJ Preparatory Commission, Deputy Permanent Representative of Belize to the UN
- Ms. Sheena Talma, DPhil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles

Chapter on Capacity building and transfer of Marine technology explained - Amb. Janine Felson

Speaker: Amb. Janine Felson

presented the fifth part of the BBNJ Agreement. The Article 40 of the Agreement covers the objectives of Capacity Building and Transfer of Marine Technologies (CBTMT), which advise that the developing states should be assisted in implementing the BBNJ Agreement. Article 41 explains enabling cooperation and equity while undertaking the activities under the agreement is needed. Enhance the marine scientific and technological capacity, with a special focus on supporting the needs of developing States Parties, especially least developed countries, landlocked and geographically disadvantaged States, small island and coastal African States, archipelagic States, and developing middle-income countries—in achieving the objectives of MGR, ABMTs, and EIAs.



The presentation also mentioned that the CBTMT process should be a country-driven, transparent, effective, and iterative process that is participatory, cross-cutting, and gender responsive, according to the Article 42. Article 43 says that the transfer of marine technology and knowledge should be in accordance with mutually agreed terms and conditions. This part of the Agreement also mentioned the monetary incentives to enterprises and industries, especially from the developing states for transferring marine technologies. It also demands that the marine technology be appropriate, relevant and, to the extent possible, reliable, affordable, up to date, environmentally sound, and available in an accessible form for developing States Parties. Article 45 of the Agreement focuses on the monitoring and reviewing by the CBTMT committee. The capacity-building and marine technology transfer committee will assess the needs of developing States, especially SIDS and LDCs, review the support provided, identify gaps, and mobilize funds to implement initiatives. They will measure performance, analyze results, and recommend follow-up actions. Parties must report their progress to the committee. Article 46 further explains that this committee will be in charge of conducting the need assessments and the elaboration of types of capacity-building and transfer of marine technology.



Capacity Building and Transfer of Marine Technology: How to put it into practice? - Ms. Sheena Talma, DPhil fellow, Oxford University & Dr. Asha De Vos, Founder, Oceanswell

The second speaker, **Ms. Sheena Talma**, further explained how we can put CBTMT into practice. She explained the fair participation of all State Parties in the CBTMT process and thereby achieving the objectives of the BBNJ Agreement. She provided a picture of contemporary academic research in this area. She stressed the need for full

and fair participation from all the parties in science, technology, policy, institutional, and finance grounds.

Ms. Talma also provided a brief understanding of the scope of CBTMT in a practical sense. She has narrated the different components of CBTMT like institutional capacity where physical infrastructure on

information and communication technologies are required in order for Parties to conduct marine scientific research such as laboratory equipment and underwater vehicles. Aerial and underwater equipment – both manned and unmanned – are crucial to monitoring, controlling, and surveillance methods and studies. This also emphasized the need for capacity development on human resources such as researchers and experts. She has also introduced a few resource groups and platforms like 'Ocean Voice' and, 'Meerwisse,n' which are taking co-production and skill sharing seriously. Open Forum for Session 5

The open interaction based on the above presentation has mainly focussed on the need assessment strategies each country can adopt. The discussion shed some light on the special needs of developing countries and the importance of addressing those needs CBTMT is operationalised.

The participants discussed the immediate support their countries would need once the BBNJ Agreement enters into force including developing monitoring systems of both infrastructure development and vessels in ABNJ as well as implementing management measures for highly migratory fish stocks in the high seas. Many participating countries noted their capacity as a potential recipient and provider in the CBTMT across other issues included in the package such as MGR, EIA, and ABMT.

Participants also pointed out the current lack of the capacity to fulfill the identified priorities including institutional and personnel requirements. Participants reiterated the need for national dialogue and workshops to determine the benefits and required support, i.e., how can State Parties become more involved in the development process, considering the importance of a needs assessment.

Among the capacity-building that they identified were:

- Upgrade of skills among available human resources
- National legislation for budget appropriate and to strengthen conservation efforts
- Institutional strengthening to incorporate BBNJ provisions in the current legislation and programmes of the national governments
- Opportunities for regional and international cooperation
- Funding for research
- Use of and access to data and availability of national and regional experts

In addition, support for public awareness campaigns to educate stakeholders including local communities and indigenous people should be included in the organization of workshops and training sessions to build the capacity of national stakeholders.

Countries also explored potentials of bilateral support, regional collaborations and discussed examples of south - south triangular cooperation.

5.3. Session 6 - Conclusion and Next Steps

BBNJ agreement: Institutional arrangements (PrepCom, COP1, Financial mechanism) -
Mr. Fernando Cabrera Diaz, Legal officer,
UN, DOALOS

Mr. Fernando Cabrera Diaz shared the legal, cross-cutting issues under the BBNJ Agreement. He emphasized the salient points of the Preamble to general provisions.

Article 1 of the BBNJ Agreement explains the use of terms while Article 2 elaborates the general provisions of the Agreement; whereas Article 3 explains the scope of application. In Article 4t, one could find the exceptions such as any warship or



military aircraft will be exempted from the BBNJ Agreement provisions. In Article 5, relationship between the Agreement and UNCLOS and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs) is explained in detail.

Article 6 ensures that the Agreement shall be without prejudice. The 14 principles and approaches, which shall guide the State Parties are elaborated in Article 7. Article 8 ensures enhanced cooperation and promotes cooperation in the decision making process.

The Part 6 of the Agreement, highlighted the institutional arrangements created under the Conference of Parties and the subsidiary bodies including the Scientific and Technical Body, Access and Benefit-Sharing Committee, Implementation and Compliance Committee, Capacity-Building and Transfer of Marine Technology Committee, and Finance committee.

Mr. Fernando further explained the duties and responsibilities of CoP and the Secretariat as well as the mechanism for reaching a decision. The Clearing House Mechanism (CHM) is another institutional arrangement explained in his presentation.

The CHM will disseminate information on activities under the Agreement, match capacity-building needs with support providers, link to other clearing-house mechanisms of IFBs, enhance transparency and accountability of State Parties, and foster international cooperation. It will also perform additional functions as assigned. Managed by the Secretariat, CHM will cooperate with relevant IFBs as needed. It will address the special needs of developing States and the unique circumstances of small island developing States. Confidentiality of information and associated rights will be fully respected.

Mr. Fernando also focused on explaining about the funding mechanism of the BBNJ Agreement which consisted of a Voluntary Trust Fund to facilitate the participation of Parties in the meetings of the bodies, a special fund, and the Global Environment Facility trust fund. The CoP may explore establishing additional funds for rehabilitation and ecological restoration, with an initial mobilization goal through 2030. The mechanism will operate under the authority and guidance of the CoP, and be accountable to it. Developing States Parties can access funding based on need, and the CoP will establish a finance committee to oversee financial resources.

This session also provided an overview of the implementation of the Agreement by the State Parties and their compliance, as explained in Article 55.. To facilitate and promote compliance with the Agreement, a facilitative and transparent process will be established, consisting of qualified members nominated by the Parties and elected by CoP. This body will address implementation and compliance issues, report periodically, and make recommendations to the CoP, considering national circumstances. Modalities and rules of procedure will be set by the CoP in its first meeting. Under Articles 56 to 60, the Agreement also included provision on the settlement of disputes that arose between parties.



In Article 62, the Agreement asks that the State Parties shall encourage non-parties to become Parties to the Agreement and to adopt laws and regulations consistent with its provisions. Article

63) says that the State Parties shall fulfill in good faith the obligations assumed under the Agreement and exercise the rights recognized therein in a manner that would not constitute an abuse of right.

The presentation wrapped with the final provisions of the agreement and the steps we need to taken next such as entry into force and convening of COP-1, establishment of preparatory commission, DOALOS to perform the secretariat functions until the secretariat to be established under the Agreement commences its functions, Promoting a better understanding of the agreement and facilitating inter-agency coordination and cooperation of the UN system in supporting the entry into force and implementation of the Agreement, including through UN- Oceans.

Way forward: BBNJ priorities in Asia by the 3rd UN Ocean Conference - *Mr. Duncan Currie, Expert of the Law of the Sea/ Steering committee member, HSA*



Mr. Duncan Currie provided synthesis of the sessions, briefly explaining the major themes and focus areas relevant to the countries in the Asian region. Under the theme of area-based management tools, he pointed out addressing climate change, strengthening regional cooperation; establishing MPAs - identification and protection of ecologically significant areas; developing enforcement mechanisms to ensure compliance; financing, etc. Working with RFMOs, especially SIOFA on MPAs, would be beneficial for the countries. Partnerships with NGOs, regional seas programmes; scientific establishments are also needed. He informed that the countries can check Article 31 of the BBNJ Agreement to see the roster of experts who have the expertise in building capacity for the EIA.

Mr. Currie pointed out that the countries should do needs assessments, enhance technical and scientific capabilities, and provide training and resources for local communities, governments, and other authorities. Vessels/labs/UAVs for/monitoring and surveillance should be prioritized. Harmonizing national laws with BBNJ provisions is also a priority to ensure effective implementation.. On This applies to several provisions including MGR and EIA.

Promoting awareness campaigns on the importance of BBNJ and involving local communities, governments, and private sectors is important and necessary. The synthesis also mentioned some challenges in the region including resource constraints, geo-political tensions,,lack of translation of the technical materials, etc. But it also emphasized on the opportunities including knowledge-sharing and cooperation,contributing to regional peace and cooperation, multilateral decision-making, access to data and research opportunities, and reinforcing better marine management decisions for national waters. The speaker briefly elaborated the general nature of the PrepCom and next steps for the participants.



Wrapping up and Conclusion

The South and Southeast Asia Regional Capacity Building Workshop on the BBNJ Agreement highlighted the critical role of regional cooperation in addressing shared environmental challenges and advancing conservation goals. Through active discussions, participants recognized the need for enhanced scientific research, pro-active policy discussions, technological advancements, and data-sharing to address the lack of information, particularly in developing countries. The workshop underscored the importance of aligning national policies with international frameworks like the BBNJ and Kunming-Montreal Global Biodiversity Framework.

The workshop also reinforced the need for capacity building and technology transfer, particularly for developing nations, to ensure equitable participation in the high seas discussion. Moving forward, sustained dialogue and workshops at both national and regional levels are vital to support the agreement's implementation, foster regional leadership, and promote a collaborative approach to high seas conservation and governance.

In his concluding remarks on behalf of Dr. P. K. Srivastava, Advisor at the Ministry of Earth Sciences, Dr. P. Krishnan, Director of BOBP-IGO, mentioned that the Government of India and HSA had a meeting in Delhi regarding the works necessary to ratify the BBNJ Agreement once India signed the Treaty. He also emphasized the need for HSA and BOBP-IGO to finalize the institutional mechanism to continue technical and policy support for early implementation of the BBNJ Agreement in India and South Asia in general.

Country-specific Takeaways

Maldives: BBNJ Agreement has been approved by the Maldives Parliament for ratification, and they look forward to depositing the instrument soon. The country needs to conduct a needs assessment to identify the needed support to prepare for early implementation of the Agreement including on model laws and legal aspects.

Sri Lanka: The BBNJ agreement is still under consideration by the Cabinet, and they look forward to its approval. There is a need to organise a national-level workshop that includes all relevant ministries to raise awareness about the BBNJ agreement. There was a request for support from the High Seas Alliance (HSA) and BOBP-IGO in clarifying the legal aspects of the agreement.

Myanmar: Faces challenges related to managing its marine protected areas (MPAs), particularly given the impact of climate change and the complexities of high seas management. The country is exploring technology and strategies to address these issues, though current practices do not align with BBNJ provisions including the EIA chapter. Myanmar is actively involved in conservation through partnerships with organizations such as the Wildlife Conservation Society, FFI, and Istituto Oikos, and has enacted marine fishery laws and an Integrated Coastal Management plan. The country representatives recommended increasing capacity building for understanding and implementing BBNJ agreements to enhance information sharing and international cooperation. Organizing a national-level workshop will offer valuable opportunities to enhance understanding and share knowledge with stakeholders, including members of developing departments and parliamentarians.

Nepal: As a landlocked country, Nepal's interest in BBNJ is limited while its primary focus has been on freshwater species. However, it has been active in the BBNJ negotiation contributing to the provisions that will give special consideration for landlocked countries. There is a need to improve awareness among Parliamentarians and other government ministries and officials to better understand the opportunities and benefits of becoming a Party to the BBNJ Agreement. Despite recent changes in the ministry, there is a commitment that Nepal will proceed with ratification.

Bhutan: As another landlocked country, Bhutan faces unique challenges in aligning their national priorities with the BBNJ Agreement. The country has not yet signed the Agreement and lacks a clear position on it. Bhutan's focus has been on setting carbon emission goals and managing freshwater ecosystems. There is a need to increase information awareness and understanding on BBNJ among government ministries to explore the possibility of joining CoP. Conducting national capacity-building workshops to understand and implement BBNJ requirements can help in this regard.



Waves of Art

The sixth edition of Waves of Art, a flagship program of Bay of Bengal Programme - Inter Governmental Organisation was held as part of the regional capacity workshop on Biodiversity Beyond National Jurisdiction (BBNJ), held in Chennai, August 2024. The event provided a platform for art enthusiasts and Workshop participants to engage in sketching focussed on the theme of 'Marine Life'. Nine artists working acrylic on paper and acrylic on canvas from the South Indian city of Chennai joined the initiative. The team of artists consisted of art teachers and art students (from College of Arts, Chennai). The main attraction of the event was fabric/acrylic paints of T-shirts based on the theme 'Marine life'. Around 50 t-shirts were painted as part of the art live painting event and several participants of the workshop, especially the international participants were attracted by the event. Many of them have visited the Waves of Art stall, interacted with the artists and they even picked up the t-shirts. The artists team was led by two ambassadors of Waves of Art, namely Sheela Maradi and Dhiyaneswaran.



The workshop ended with Cultural programmes and informal dinner where participants continued their discussions on the potential opportunities and challenges associated with the ratification of the BBNJ treaty.



6 List of Participants

I. Special Invitees for the Inauguration Session

Guests of Honour

1. **Mr. H. Ewout de Wit**
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IV. Speakers

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1.	Dr. Aline Lene Jaeckel Associate Professor, Australian National Centre for Ocean and Security, University of Wollongong, Australia. Email: aline@uow.edu.au	
2.	Dr. Fernando Cabrera Diaz Legal Officer, UN Division of Ocean Affairs Law of the Sea (DOALAS), Canada. Email: fernando.cabrera@un.org	
3.	Mr. Duncan Eric James Currie Expert Law of the Sea, HAS Steering Committee Member, New Zealand. Email duncanc@globelaw.com	
4.	Ms. Sheena Claudia Aisa Lydie Talma Marine Scientist/Science Programme Manager, Nekton Foundation, Seychelles. Email: sheenatalma@gmail.com	
5.	Dr. Asha de Vos Oceanswell Founder Executive Director, Oceanswell, Sri Lanka. Email: asha@oceanswell.org	
6.	Dr. Arthur Neher (Virtual) Technical Secretary International, Netherlands Commission for Environmental Assessment, Netherlands.	
7.	Amb. Ryan Paul Keightley (Virtual) Assistant Director, International Environment, Reef & Ocean Division, International Environment Branch, Australia. Email: ryan.keightley@dcceew.gov.au	
8.	Amb. Janine Coye – Felson (Virtual) Deputy Permanent Representative, Belize Permanent Mission to the UN.	

IV. Speakers

No.	Organisation	Participant Name and Details
1.	High Seas Alliance	Ms. Remelizza Joy Dejucos Asia Regional Coordinator, High Seas Alliance, Philippines Email: rizza@highseasalliance.org
2.		Dr. Rebecca Hubbard Director, High Seas Alliance, Australia. Email: rebecca@highseasalliance.org
3.		Ms. Sarah Marie Bevis Operations Manager, High Seas Alliance, Australia. Email: sarah@highseasalliance.org
4.		Dr. Ajay Swant High Seas Youth Ambassador, Earth Echo International Think Ocean Society, Mumbai, India. Email: ajay@thinkoceansociety.org
5.	RISE UP	Dr. Sivaja Nair Senior Campaigner, RISE-UP, Chennai, India. Email: snair@seas-at-risk.org
6.	BOBP-IGO	Dr. P. Krishnan Director, BOBP-IGO, Chennai, India. Email: krishnanars@bobbigo.org
7.		Dr. E. Vivekanandan Sr. Scientific Consultant, BOBP-IGO, Chennai, India. Email: evivekanandan@hotmail.com
8.		Dr. R. Soundararajan Sr. Scientific Consultant, BOBP-IGO, Chennai, India. Email: rsundar8@yahoo.com
9.		Mr. Rajdeep Mukherjee Policy Analyst, BOBP-IGO, Chennai, India. Email: rmukherjee@bobbigo.org
10.		Dr. S. Jayaraj Publication Officer, BOBP-IGO, Chennai, India. Email: s.jayaraj@bobbigo.org
11.		Mr. M. Krishna Mohan IT Officer, BOBP-IGO, Chennai, India. Email: krishnamohan@bobbigo.org
12.		Ms. V. Cheryl PS to Director, BOBP-IGO, Chennai, India. Email: v.cheryl@bobbigo.org
	Rapporteur Team	Dr. Velumani, Dr. Nirmala, Dr. Anisha, Ms. Sindhu & Ms. Kavayani Project Scientists/Research Associates from BOBP-IGO

Part 1: Inaugural Programme

Master of Ceremony:

Dr. Sivaja Nair, *Senior Campaigner of RISE UP*

09:00 - 09:10 Registration of the Participants

09:10 - 09:15 Lighting of the Lamp

09:15 - 09:25: Welcome Address

Dr. P. Krishnan

Director, BOBP-IGO

Dr. Rebecca Hubbard

Director, High Seas Alliance

09:25 - 09:35: Workshop Objective Setting - Context, Agenda, and House Rules

Ms. Rizza Ssacra-Dejucos

Asia Regional Coordinator, High Seas Alliance

09:35 - 10:00: Guest of Honour Address

Mr. Ewout de Wit

Consul General, Consulate General of the Kingdom of the Netherlands, Bengaluru

Dr. David Eggleston

Deputy Consul General, Australian Consulate-General, Chennai

Cdr. P.K. Srivastava

Advisor/Scientist 'G', Ministry of Earth Sciences, Government of India, New Delhi

Dr. Grinson George

Director, ICAR-Central Marine Fisheries Research Institute (CMFRI), Kochi

10:00 - 10:20: Statement from the Mission Officials of the Participating Countries

Bangladesh Mr. Shelley Salehin

Dy. High Commissioner, Deputy High Commission of Bangladesh, Chennai

Myanmar Dr. J. Ranganathan

Honorary Consul General of Myanmar, Chennai

Sri Lanka Mr. Supun Deshaprema

First Secretary, Sri Lanka Deputy High Commission, Chennai

Thailand Ms. Pornpan Jankrajang

Deputy Consul General, Royal Thai Consulate General, Chennai

10:20 - 10:25 Vote of Thanks

Dr. P. Krishnan, *Director, BOBP-IGO*

10:25 - 10:45 Group Photo followed by Health Break

Part 2. What are the salient points of the BBNJ Agreement and what does it mean for South and Southeast Asia and the Indian Ocean Rim region?

10:45 - 12:45

Session 1: The BBNJ Agreement and the Health of Our Ocean

Moderator:

Dr. P. Krishnan, *Director, BOBP-IGO*

Why do we need the BBNJ Agreement?

Dr. Rebecca Hubbard, *Director, HSA*

Key Provisions of the BBNJ Agreement and the Status of Ratification

Mr. Fernando Cabrera Diaz

Legal Officer, UN, DOALOS

Open Forum for Session 1

Discussion points for participants:

- What are the internal and external factors that highly influence the country's position on BBNJ?
- What are the benefits of becoming a Party to BBNJ?
- Which countries have signed the BBNJ Agreement and what was the rationale and decision-making process for signature?
- How can the countries benefit from the projects in the high seas near their respective EEZs?
- What are the prevailing (national) interests from each country to support the ratification?
- What are synergies between the BBNJ agreement and relevant existing multilateral environmental agreement (MEAs) in which the country is also a Party?
- How can the Agreement contribute to the achievement of other MEA commitments/targets (BSAP, CMS, KMGBF)?

12:45 - 13:45 Lunch Break

13:45 - 14:45

Session 2: Marine Genetic Resources and Access-Benefit Sharing

Moderator:

Rizza Sacra-Dejucos, Asia Region Coordinator, HSA

Chapter on Marine Genetic Resources and Access-Benefit Sharing explained






Amb. Janine Felson, Co-chair BBNJ Preparatory Commission, Deputy Permanent Representative of Belize to the UN 

Utilizing marine science/knowledge in inclusive sustainable development in Indian Ocean

Ms. Sheena Talma, DPhil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles

14:45 - 15:45 **Open Forum for Session 2**

Discussion points for participants:

-  Are there any examples from your countries/region of active MGR research in ABNJ - what do you see as opportunities and challenges?
-  Who are the active research bodies that have interest or are currently exploring MGR in the Indian Ocean and the high seas near your national waters?
-  How can the existing regional cooperation mechanisms help advance the MGR-ABS provisions in the Agreement?
-  Are there countries in Asia who have existing national policies on MGR? What are those (if there are examples to cite)?
-  Under what common national policies can MGR provisions be aligned or incorporated?

15:45 - 16:00 **Health Break**



16:00 - 17:00

Session 3: Environmental Impact Assessments


Moderator:

Dr. Sivaja Nair, Senior Campaigner, RISE UP

Chapter on Environmental Impact Assessment explained









Dr. Aline Jaeckel, Associate Professor, Australian National Centre for Ocean Resources and Security, University of Wollongong

Environmental Impact Assessment implementation in Netherlands in the context of BBNJ Agreement

Mr. Arthur Neher, Technical Secretary International, Netherlands Commission for Environmental Assessment 

17:00 - 18:00 **Open Forum for Session 3**

Discussion points for participants:

-  Are the existing policies or EIA regime in your country aligned with BBNJ EIA provisions? If not, how do the countries proceed with compliance and implementation?
 -  If there are amendments to be done on the current EIA regime, identify those areas.
 -  In South Asia, are there situations where there is mutual agreement or cooperation in between, at least, two countries to align their EIA policies?
 -  Are there potential points of collaboration (or learning exchange, etc.) in the region to streamline EIA policies vis-a-vis BBNJ?
- What are the most common marine or ocean related activities in your country that require an EIA?
-  Is there an on-going review of EIA policies and practices in your country to align with BBNJ or other IFBs?
 -  If yes, can you share the initial findings/results?
 -  If none, do you think your country needs one?
 -  Will a model legislation for EIA vis-a-vis BBNJ be helpful to implement the EIA provisions?

18:30 **End of Day 1**

19:00 - 21:00 **Social Event and Dinner**

Part 3. What are the opportunities and obligations under the BBNJ Agreement to improve the conservation measures of the world's marine biodiversity?


09:00 - 10:00

Session 4: Area-based Management Tools (High Seas Marine Protected Areas (MPA) / Large-Scale MPAs)

Moderator:

Dr. P. Krishnan, *Director, BOBP-IGO*

Chapter on Area-based Management Tool explained

Amb. Ryan Keightley, *Assistant Director, International Ocean Section Department of Climate Change, Energy, the Environment and Water* 

Why are the High Seas MPAs essential to achieving GBF targets and other ocean conservation agreements?

Dr. Asha de Vos, *Founder, Oceanswell*

High Seas MPA: Is Saya del Malha Suitable?

Ms. Sheena Talma, *DPhil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles*

10:00 - 11:00 Open Forum for Session 4

Discussion points for participants:

- Can the existing network of MPAs within the national jurisdiction be linked to potential high seas MPA?
- If there is no potential high seas MPA, how can countries implement ABMT in the region?
- How do countries benefit from the regional approach in South and Southeast Asia?
- Is there any potential proposal for large-scale/high seas MPA from your country or in the region? If yes, what are the current efforts (e.g., science-based assessment tools) that can help advance the proposal?
- What will be the relation or coordination mechanism with RFMOs?
- Does ABMT help regulate reporting and monitoring of IUUF in the high seas?

- How will the proposal, establishment, implementation, and monitoring of HSMPA be carried out vis-a-vis IFBs where the countries are a member to?
- How can BBNJ pave the way to achieving 30x30 ocean targets under KMGBF?
- How can ABNJ be integrated in updating the country's NBSAP?
- Are there regional seas programme that your country is a member/partner to? If yes, has there been any interest to include ABNJ in the priority action plans?

11:00 - 11:15 Health Break

11:15 - 12:15

Session 5: Capacity Building and Transfer of Marine Technology

Moderator:

Dr. Sivaja Nair, *Senior Campaigner, RISE UP*

Chapter on Capacity Building and Transfer of Marine Technology explained

Amb. Janine Felson, *Co-chair BBNJ Preparatory Commission, Deputy Permanent Representative of Belize to the UN*

Capacity Building and Transfer of Marine Technology: How to put it into practice?

Ms. Sheena Talma, *DPhil Fellow, Oxford University; Science Programme Manager, Nekton Foundation, Seychelles*

12:15 - 13:30 Lunch Break

13:30 - 14:30 Open Forum for Session 5

Discussion points for participants:

- What immediate support (in terms of capacity building) does your country need once the BBNJ Agreement enters into force?
- How can your country benefit from the CBTMT? What can your country contribute to CBTMT?
- How do you think the CBTMT further advances south-south cooperation in the region?
- Are there any priorities that you would like to raise?
- Under what capacity do you see your country's role in CBTMT (e.g., as recipient partner of marine technology)?

- Would the CBTMT Committee benefit from expertise from your country?
- What are the special considerations for SIDS, landlocked countries, and developing countries under CBTMT?

14:30 - 15:30

Session 6: Conclusion and next steps

Moderator:

Ms. Rizza Dejudos, *Asia Regional Coordinator, HSA*

BBNJ Agreement: Institutional Arrangements (PrepCom, COP1, Financial Mechanism)

Mr. Fernando Cabrera Diaz

Legal Officer, UN, DOALOS

Way Forward: BBNJ priorities in Asia by the 3rd UN Ocean Conference

Mr. Duncan Currie, *Expert on the Law of the Sea/Steering Committee Member, HSA*

15:30 - 15:45 Health Break

15:45 - 16:45 Open Forum for Session 6

Discussion points for participants:

- What support does your country need to (sign and) ratify BBNJ?
- What are the factors that can help your country increase its engagement in the PrepCom meetings and COP1?
- Do your country consider forming a multi-agency/technical working group to help increase awareness and level off on understanding on BBNJ among different ministries/agencies?
- What are the financial implications and opportunities under the BBNJ Agreement?

16:45 - 17:30 Wrap-up

17:30 End of Day 2 / Workshop



The agenda for the regional workshop will be refined after the capacity needs assessment and concurrent discussion between the organisers to shape a more contextualized set of discussion points. The assessment will also allow organisers to determine the technical assistance and capacity needed by each country to ratify the Treaty and to prepare for the implementation and COP1 by 2025.

Field Visits

29 Aug 2024 | 9:00 - 13:00

Participants can select the package of their choice for field trips

Option 1

National Institute of Ocean Technology (NIOT)



NIOT has state-of-the-art research facility for ocean research. It focuses on developing technologies for harvesting non-living and living resources; harnessing ocean renewable energies, exploration of deep ocean mines, and also on designing new autonomous ocean observation technologies within India's Exclusive Economic Zone (EEZ). NIOT aims to provide competitive value added technical services and solutions to organisations working in the oceans.

National Centre for Coastal Research (NCCR)



NCCR is a premier research institute under MoES, mandated to promote research addressing issues related to coastal processes, ecosystems, shoreline erosion, pollution, hazards and vulnerability. The Centre is envisaged to develop and improve nation's capabilities in addressing the challenging problems prevailing in the coastal zone, which have societal, economical and environmental implications.

Option 2

ICAR - Central Institute of Brackishwater Aquaculture (ICAR-CIBA)



CIBA is a premier national research organization under the Indian Council of Agricultural Research (ICAR) which undertakes basic, strategic and applied research to promote techno-economically viable and sustainable brackishwater fish culture. It also contributes towards capacity building, skill development, and policy advocacy concerning the sector.

National Centre for Sustainable Coastal Management (NCSCM)



NCSCM is a national research laboratory with world-class research facility to undertake futuristic research related to coastal systems. It provides research inputs, policy advocacy and technological solutions to mainstream integrated management of the coastal and marine environment for livelihood security and sustainable development in India.

Option 3

Visit to UNESCO Heritage Site



Mahabalipuram, also known as Mamallapura, is renowned for its ancient temples and rock-cut sculptures, which stands as a testament to the architectural prowess of the Pallava Dynasty that ruled the region between the 3rd and 9th centuries CE.

Kovalam Beach



Kovalam Beach is the famous tourist destination near Chennai. The localities are diverse in flora and fauna and blends the elements of greenery and the expanse of water perfectly.



Bay of Bengal Programme
Inter-Governmental Organisation

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