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Capacity Building: Measures to Improve Compliance and Lessons from the IMO

Implementation and Compliance under the BBNJ Agreement Workshop

29 October 2026

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Centre for International Law (CIL)

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OUTLINE

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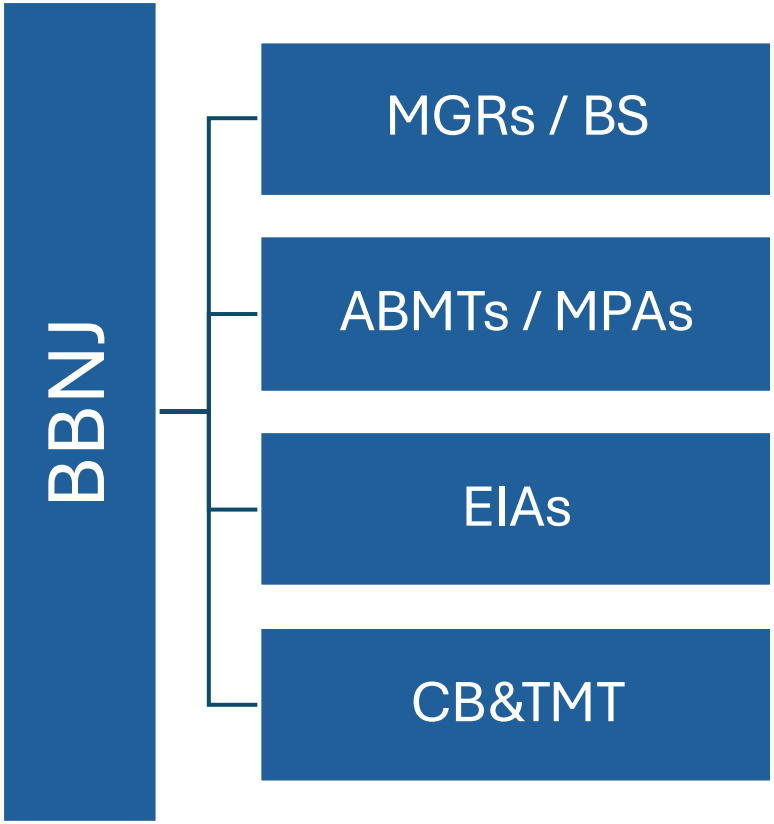
I) The Critical Role of CB&TMT for BBNJ Implementation

II) The Legal Framework of the IMO

III) IMO Capacity Development Mechanisms

IV) Potential Lessons for the BBNJ Capacity Building Implementation

Part I The Critical Role of CB&TMT for BBNJ Implementation



CB&TMT is an enabling foundation for all three pillars that support States Parties from capability gaps to equitable participation and sustainable implementation

Part I The Critical Role of CB&TMT for BBNJ Implementation

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- The BBNJ Agreement's general objective is conservation and sustainable use of biodiversity in ABNJ
- The achievement of the objective depends on the inclusive, equitable and effective cooperation and participation in the activities undertaken under this Agreement
- Part V responds to uneven access to science, technology, infrastructure, data, expertise, and governance capacity
- CB&TMT is country/needs driven, for the purpose of implementing the provisions and achieving the objectives of the Agreement
- CB&TMT must be supported by sustainable finance mechanisms
- Capacity refers to the ability of individuals, institutions and societies to perform functions, solve problems, and set and achieve objectives in a sustainable manner (UNDP)

Articles	Occu.	Associated wording or context
Preamble	1	Support for developing States Parties through CB&TMT
Article 14(2)(f)	1	Non-monetary benefits, including financing research programmes and partnership opportunities
Article 17(e)	1	Support for developing States Parties in developing, implementing, monitoring, managing and enforcing ABMTs
Part V heading	1	“Capacity-building and the Transfer of Marine Technology”
Article 40(e)	1	Support for achieving objectives relating to MGRs, ABMTs and EIA
Article 41, incl. heading	4	Cooperation; assistance; provision of CB; avoiding onerous reporting requirements
Article 42, incl. heading	7	Modalities; ensuring CB; supporting resources; process characteristics; lessons learned; needs and priorities; Committee
Article 44, incl. heading	5	Types of CB; Annex II; Committee recommendations; review and development of the indicative list
Article 45	11	Monitoring and review; needs and priorities; funding; performance and effectiveness; follow-up; reporting; Committee
Article 46, incl. heading	2	Name and establishment of the Committee
Article 51(3)(a)(iv) and (b)	2	Requests and opportunities; matching CB needs with available support
Article 52(3), (6)(a), (11) and (16)	4	Funding support; projects; Committee information; review of financial resources
Annex II	2	Types of CB ; CB&TMT initiatives

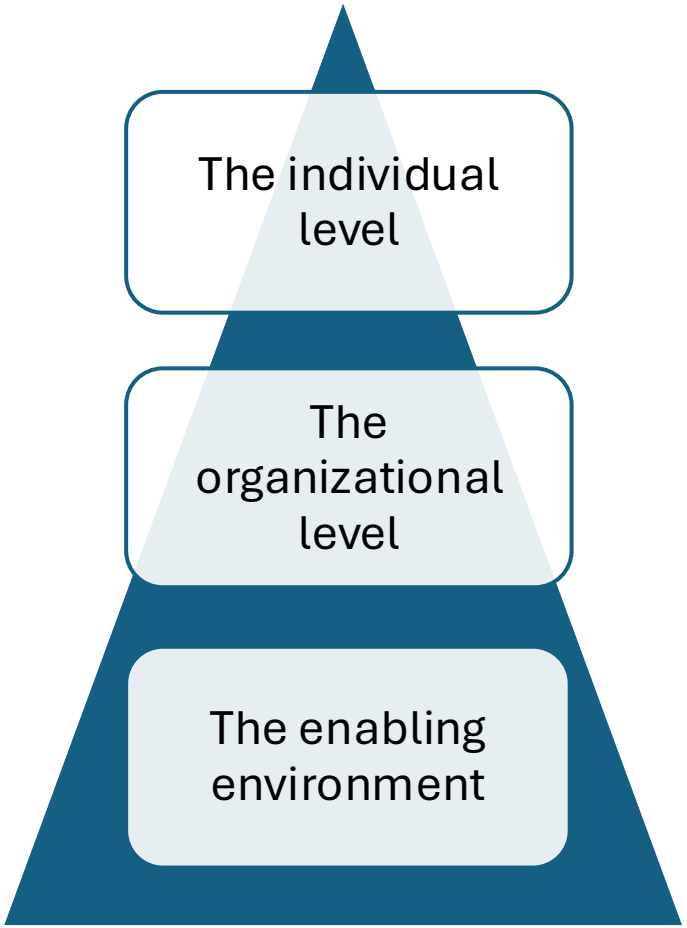
Part I The Critical Role of CB&TMT for BBNJ Implementation

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Article 44 – Types of CB&TMT + Annex II

- The sharing and use of relevant data, information, knowledge and research results
- Information dissemination and awareness-raising
- The development and sharing of manuals, guidelines and standards
- The development of technical, scientific and research and development programmes
- The development and strengthening of
  - relevant infrastructure
  - institutional capacity and national regulatory frameworks or mechanisms
  - human and financial management resource capabilities and of technical expertise
  - capacities and technological tools for effective monitoring, control and surveillance of activities

Part I The Critical Role of CB&TMT for BBNJ Implementation



An **integrated system** of capacity development where three levels influence each other in a fluid way, the strength of each depends on, and determines, the strength of the others

- **Environment**: the broader system within which people and organizations function
- **Organization**: the internal structure, policies and procedures that determine an organization's effectiveness
- **Individual**: skills, experience and knowledge that allows each person to perform

Capacity Development: A UNDP Primer (2009)

Part II The Legal Framework of the IMO

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@IMO

International Shipping

- Maritime transport is a backbone of the global economy, a significant driver of world trade development and a key component able to boost efficiency of global supply chains
- Shipping carries over 80% of global merchandise trade by volume and around 70% by value (UNCTAD 2025)
- Shipping connects all nations worldwide through various interests: country or territory of fleet ownership, flag of registration, country of seafarers, exporting, importing, ports, transportation hub, ship industries (including building, financing, legal, insurance, classification, certification, service, recycling)

International Maritime Orgnization

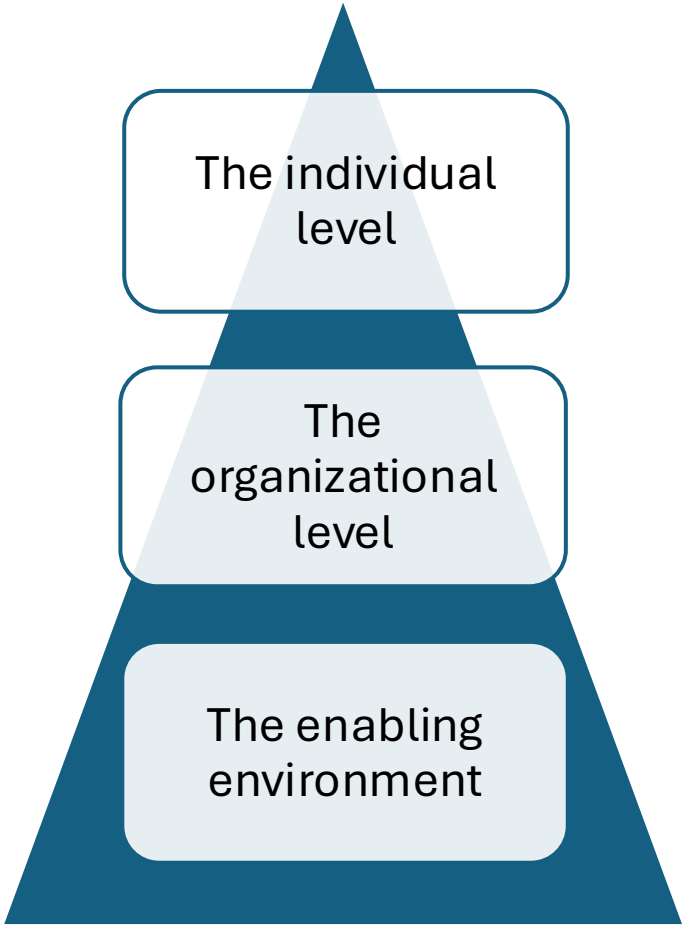
- United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships
- Competence International Organizaiton under UNCLOS for shipping
- 176 Member States and three Associate Members, with 68 IGOs having observer status and 98 NGOs having consultative status
- Consists of an Assembly, a Council and five main Committees: the Maritime Safety Committee; the Marine Environment Protection Committee; the Legal Committee; the Technical Cooperation Committee and the Facilitation Committee and a number of Sub-Committees

Part II The Legal Framework of the IMO

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- **The Technical Cooperation Committee (TC)** oversees IMO's capacity-building programme and the implementation of technical cooperation projects for which the Organization acts as the executing or cooperating agency
- **Sub-Committee on Implementation of IMO Instruments (III)** brings together flag, port and coastal States to consider implementation issues, including the analysis of consolidated audit summary reports from the mandatory IMO Member state Audit Scheme
- **Integrated Technical Cooperation Programme (ITCP)**: To help developing countries improve their ability to comply with international rules and standards relating to maritime safety and the prevention and control of maritime pollution, giving priority to technical assistance programmes that focus on human resources development and institutional capacity-building

Part III IMO Capacity Development Mechanisms



- **Environment**: the broader international level enabling environment, regional coordination, and national system
- **Organization**: national agencies, civil societies, industries, and recognized organizations (ROs)
- **Individual**: formal education, professional training, networks, and less represented groups

Part III IMO Capacity Development Mechanisms

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III Sub-Committee

- 1992-2013 Sub-Committee on Flag State Implementation (FSI): focused primarily on flag State performance, surveys, certification, casualty investigation, and port State control
- Renamed Sub-Committee on Implementation of IMO Instruments (III) as part of IMO's restructuring, which reports to both MSC and MEPC
- The change reflected a shift from a mainly flag-State focus to "shared responsibility" among the three categories of States of their implementation of IMO mandatory instruments, including through national legislation, surveys and certification, casualty investigation, port State control, and audit-related follow-up

Part III IMO Capacity Development Mechanisms

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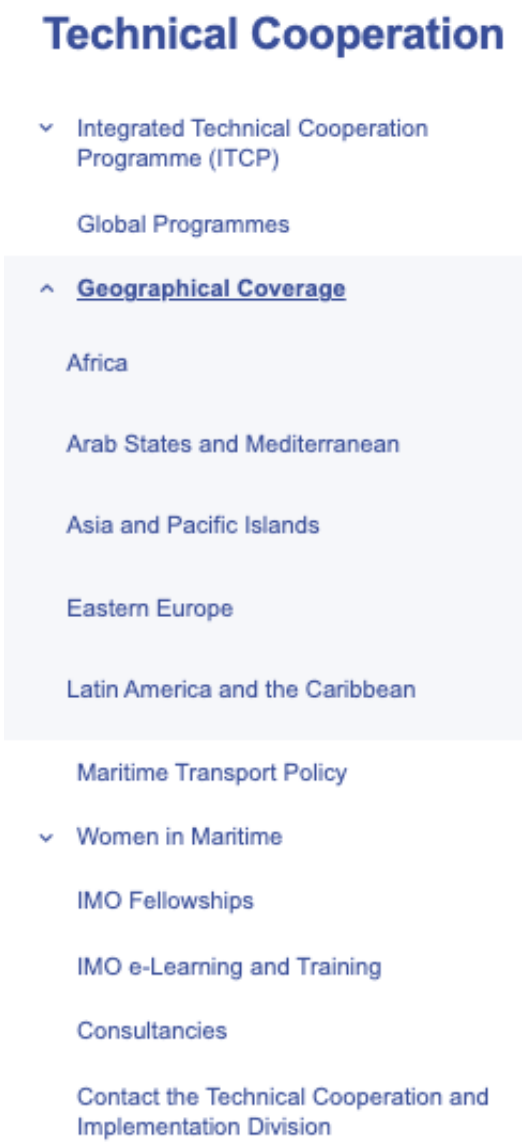
- **High ratification rate of IMO binding instruments** – MARPOL 78/73 162 parties; SOLAS 168; STCW 168; COLREG 165
- **Implementation of instruments support** – III Sub-Committee; Communications/Reporting through the Global Integrated Shipping Information System (GISIS)
- **Complementary global and regional programmes** – specific technical issues for global concerns; Regional Presence Scheme, Regional Coordinators and Technical Cooperation Officer to facilitate IMO's input into national and regional development policies and providing active field-level participation in delivering ITCP
- **IMO Member State Audit Scheme** – IMO Instruments Implementation Code (III Code); effective from 2016; every 9 years; anonymous consolidated audit summary report (CASR); audit findings and consolidated lessons can inform corrective action, technical assistance and further regulatory development

Part III IMO Capacity Development Mechanisms

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IMO ITCP

- Established in the 1960s, reformed during the 1990s to increase its effectiveness
- Key Principles:
  - Ownership of the programme rests with the recipient countries
  - Integrate regulatory priorities
  - Develop human and institutional resources on a sustainable basis
  - Promotes regional collaboration and technical cooperation
  - Build partnerships with governments, industry and others to secure funding
- The total expenditure on technical cooperation activities in 2024 had reached $21.5 million of the $32.9 million budget



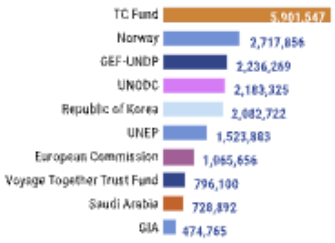
Technical Cooperation

Year 2024 in numbers

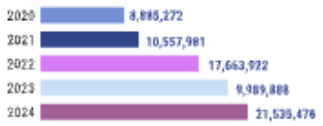
Activities	DISCIPLINE	Expenditure
46	Environment	11,728,671
41	Safety	1,782,183
34	General	2,398,909
22	Security	2,937,880
17	Facilitation	742,054
9	Audit	205,225
9	Training	1,659,260
3	Legislation	81,294
181	Total	21,535,476

Activities	REGIONS	Expenditure
36	Africa	3,410,752
16	Arab States and Mediterranean	2,705,427
22	Asia	1,412,192
11	Caribbean	605,300
8	Eastern Europe	201,031
23	Latin America	595,422
12	Pacific Islands	609,258
53	Global	11,996,094
181	Total	21,535,476

Donor expenditure over $400,000

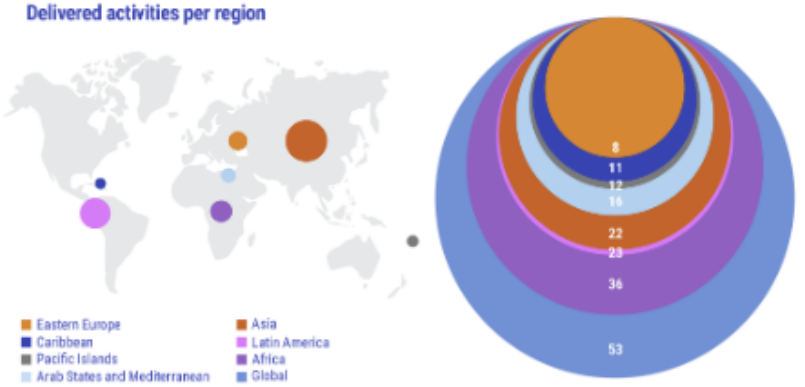


Technical cooperation expenditure



+ 400,000
Donor expenditure

Delivered activities per region

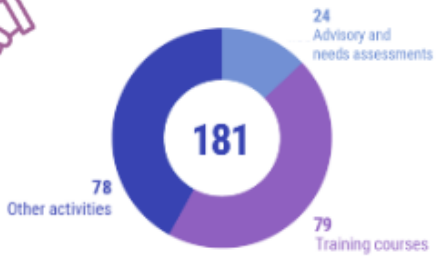


181 Total activites delivered

Fellowships



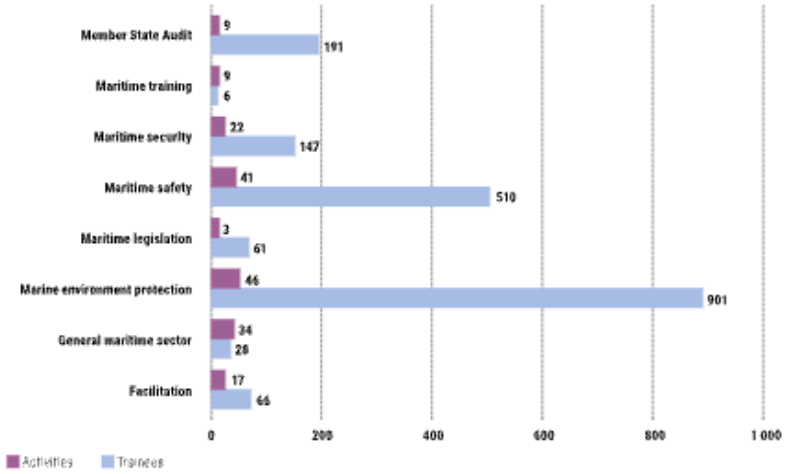
Activities delivered



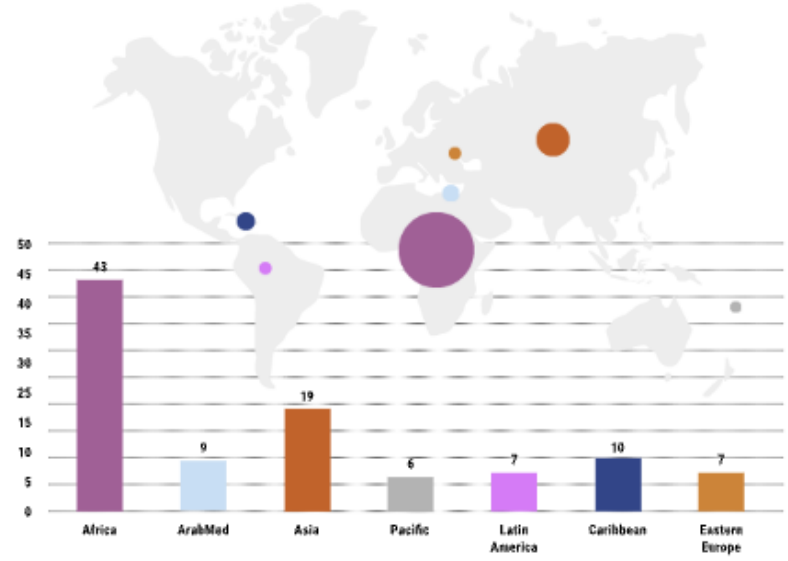
People trained



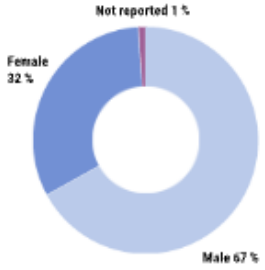
Integrated Technical Cooperation Programme (ITCP) total activities and trainees by maritime discipline, 2024



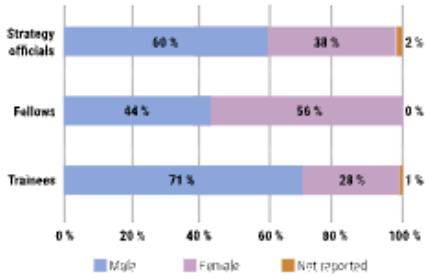
IMO-sponsored fellowships, by region



2024 ITCP participants by gender



2024 ITCP gender by type of participants

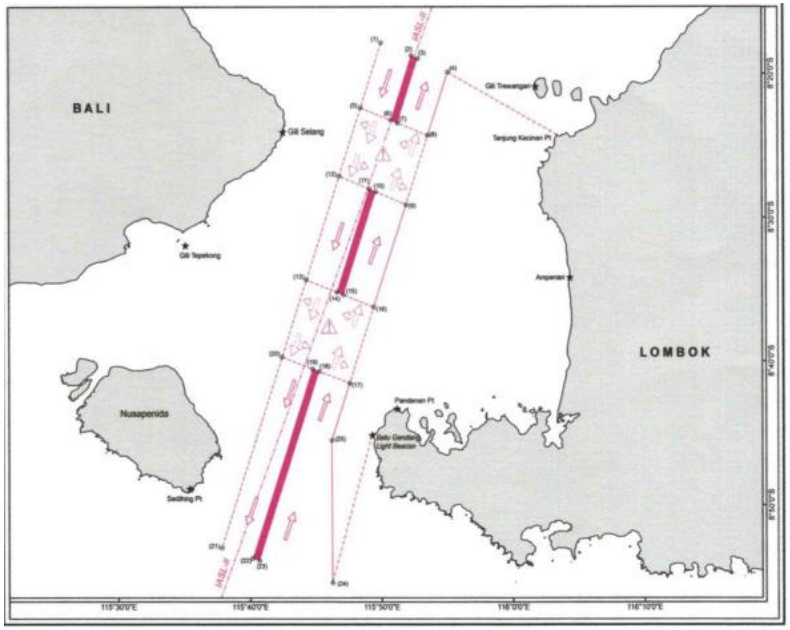


Global technical cooperation programmes in 2024

- Technical Advisory Services
- Support to SIDS and LDCs for their special shipping needs
- Women in maritime
- Capacity-building and training
- Supporting climate action and clean air in shipping
- Enhancement of Maritime Security
- IMSAS — IMO Member State Audit Scheme (IMSAS)
- Technical cooperation outreach and emerging issues
- Promotion of London Protocol

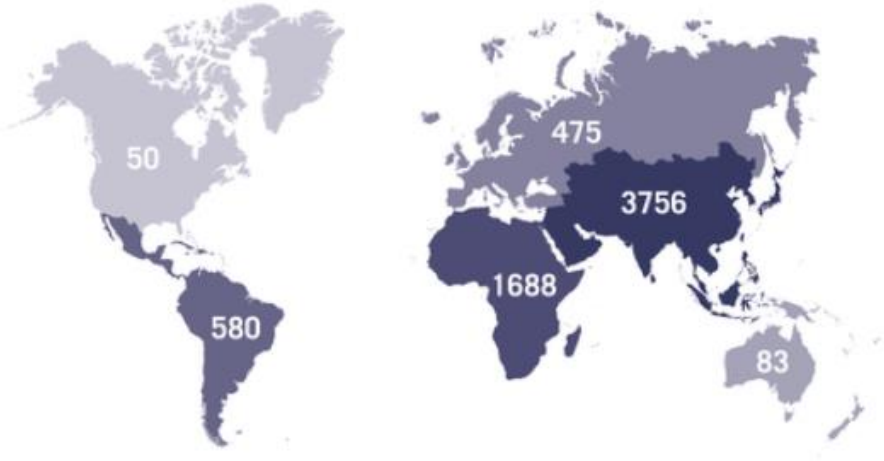
Part III IMO Capacity Development Mechanisms

IMO - Marine environment projects funded by the Norwegian Agency for Development Cooperation (NORAD)





Part III IMO Capacity Development Mechanisms



World Maritime University

- Established in 1983, with 9 MSc programmes, MPhil, and PhD Degrees, professional development programmes
- By 2025, 6632 alumni from 171 countries and territories
- Alumni serve as senior maritime officials in ministries, agencies and companies, including staff at the IMO



Part III IMO Capacity Development Mechanisms

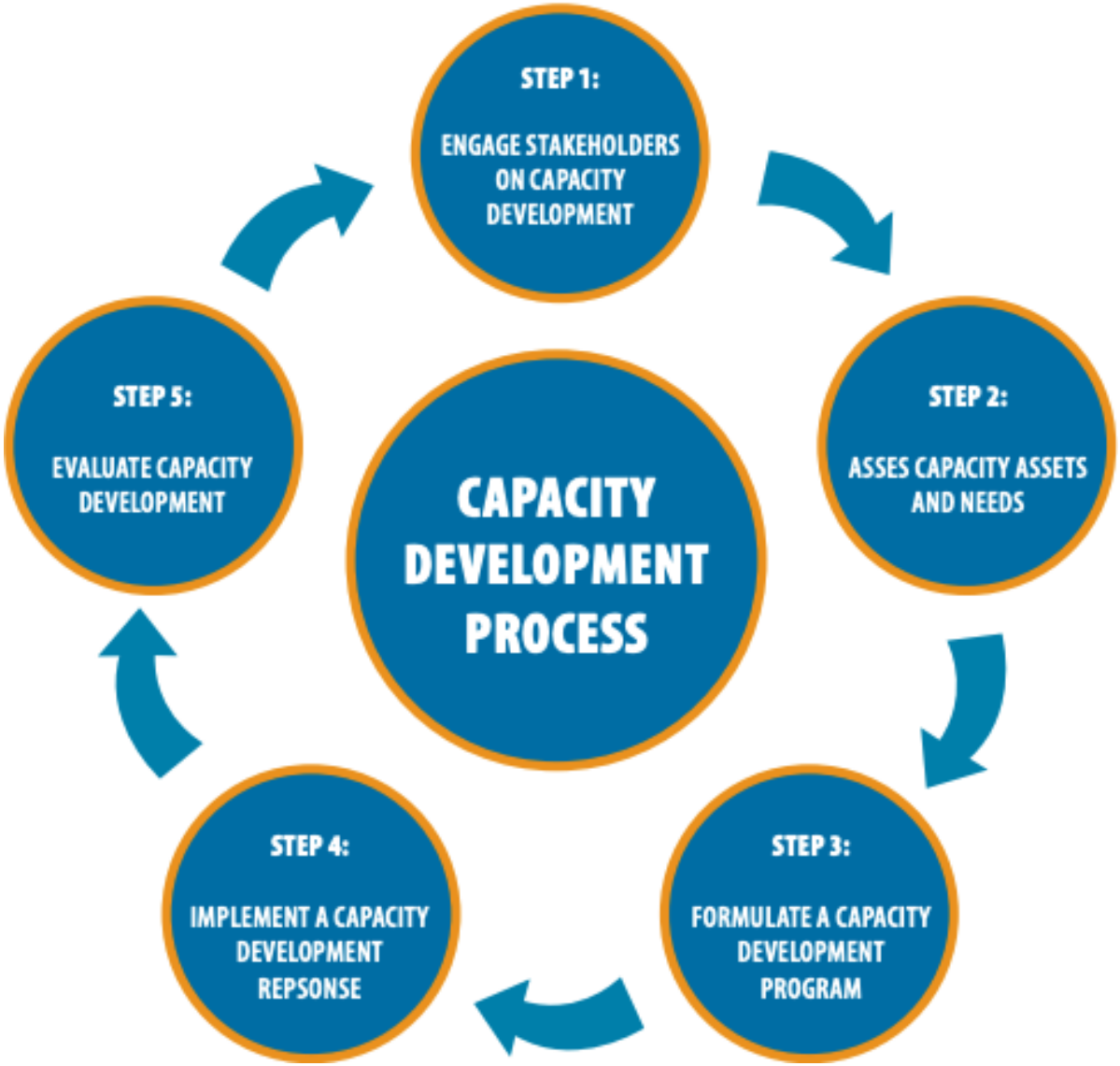


IMO International Maritime Law Institute

- Established in 1988 with the main purpose to train officers, principally from developing countries, in international maritime law
- By 2026, IMLI has trained close to 1,247 maritime experts from 155 States who are at the forefront in the codification and progressive development of international maritime law and are actively contributing to their countries' development



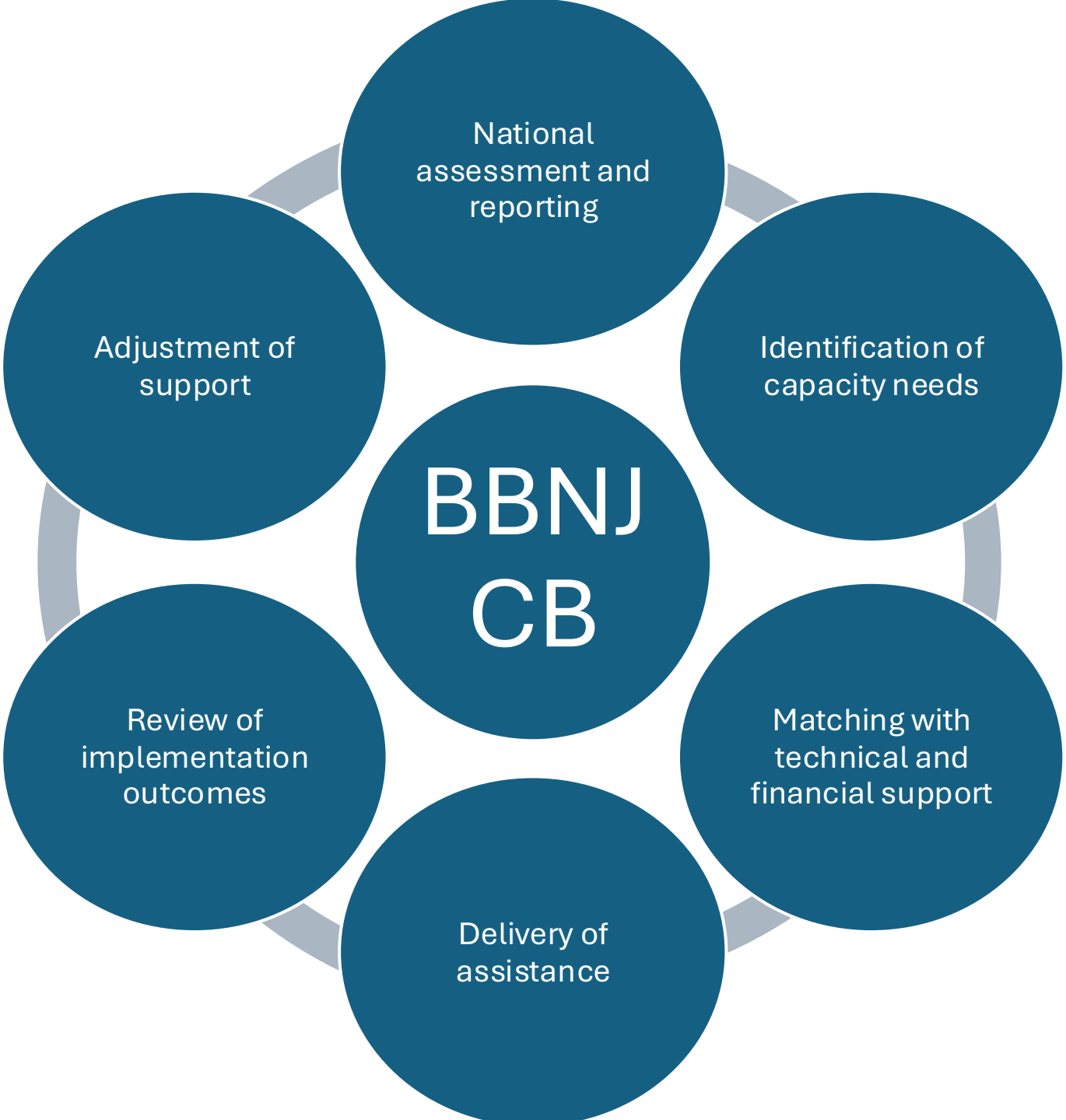
Part IV Potential Lessons for the BBNJ Capacity Building Implementation



IMO's capacity development activities are designed and delivered with the core objective of assisting countries in building up their human and institutional capacities for uniform and effective compliance with the Organization's regulatory framework

Capacity Development: A UNDP Primer (2009)

IMO experience	Potential BBNJ application
Technical assistance informed by implementation gaps	Use self-assessments, national reporting and appropriate committee findings to identify support needs
Integrated technical cooperation programmes	Develop country-driven, multi-year support linked to specific implementation tasks
GISIS reporting and information infrastructure	Use the Clearing-House Mechanism to improve access to information and match needs with support, while respecting its treaty mandate
Professional education and institutional networks	Combine training with institutional retention, peer learning and practical implementation support
Audit follow-up and consolidated lessons	Develop feedback between implementation review and assistance


National assessment and reporting
Identification of capacity needs
Matching with technical and financial support
Delivery of assistance
Review of implementation outcomes
Adjustment of support
BBNJ CB

Takeaways

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- Capacity-building is an enabling condition for fulfilling BBNJ obligations and achieving equitable participation
- IMO's experience illustrates the value of connecting clear obligations, national institutions, implementation assessment and targeted technical assistance
- Support should address nationally identified tasks and strengthen people, institutions and the enabling environment together
- BBNJ reporting, review and capacity-building processes should inform one another, while respecting the distinct mandates of the relevant bodies
- Success should be measured by sustained implementation outcomes, not simply the number of workshops, participants or equipment transfers

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Thank you

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