

GEF-8 REQUEST FOR International Waters enabling activity

Proposal for Funding Under the GET
Processing Type: Expedite

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SECTION 1: ENABLING ACTIVITY SUMMARY

Enabling Activity Title

Enabling Activities to Support the ratification and early implementation of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Areas Beyond National Jurisdiction (EA-BBNJ)

Country(ies)	GEF Enabling Activity ID
Regional	11656
GEF Agency(ies):	GEF Agency Enabling Activity ID
FAO	
Submission Date	Expected Implementation Start
6/7/2024	9/1/2024
Project Executing Entity(s):	Executing Partner Type
RMI Environmental Protection Authority (Marshall Islands) Ministry for the Environment, Climate Change, Disaster Management and Meteorology (Solomon Islands) Ministry of Foreign Affairs and External Trade (Solomon Islands) Department of Environmental Protection and Conservation (DEPC) (Vanuatu) National Executing Agency (TBD) (Palau)	Government Government Government Government Government
GEF Focal Area (s)	Expected Duration (In Months)
International Waters	24
Type of Report(s)	Expected Report Submission to Convention
BBNJ Ratification Support	12/31/2025

A. Funding Elements

GEF-8 Program	Trust Fund	GEF Financing (\$)
IW-2	GET	700,000.00
Total Enabling Activity Cost		700,000.00

Does the enabling activity deviate from typical cost ranges? Yes No

If yes, please describe

B. Enabling Activity Summary

Enabling Activity Objective

The objective of this Enabling Activity (EA) grant is to support countries in: (a) assessing the extent to which their current legal, policy and institutional framework allows for promptly becoming parties to the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) and enables their implementation of the Agreement; (b) carrying out preparatory work in the context of their ratification, approval, acceptance or accession process towards becoming parties to the BBNJ Agreement; and (c) supporting their readiness to implement the BBNJ Agreement.

Enabling Activity Summary

The UNCLOS, adopted in 1982, sets out the legal framework within which all activities in the oceans and seas must be carried out. Up to now it was supplemented by two implementing agreements. Although UNCLOS contains provisions for the protection and preservation of the marine environment and the sustainable management of ocean resources, the UN General Assembly recognized that there was a need for the comprehensive legal regime under UNCLOS to better address the conservation and sustainable use of marine biodiversity of ABNJ. Ultimately, this recognition culminated in the adoption of 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” (the BBNJ Agreement) on 19 June 2023, after nearly two decades of negotiations under various format.

The BBNJ Agreement is the outcome of a long, iterative process that was initiated by the United Nations General Assembly (UNGA) in 2004. This process, as detailed in GEF Council document GEF/C.64/12/Rev.025, was completed with the adoption of the Agreement at the further resumed fifth session of the Intergovernmental conference on an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in June 2023. The BBNJ Agreement is the third implementing agreement to the UNCLOS. The Agreement opened for signature on 20 September 2023 and, as of 10 June 2024, has 90 signatories, including [46] countries currently supported by the GEF. Seven of those signatories have deposited their instrument of ratification with the Secretary-General of the United Nations. Sixty instruments of ratification, approval, acceptance or accession are required for the Agreement to enter into force. The UNGA, in its resolution 78/272, emphasized the importance of the early entry into force and effective implementation of the Agreement. To this end, timely support to national processes towards becoming parties to the Agreement and implementation readiness is critical.

This EA will address the need to facilitate the rapid entering into force and early implementation of the BBNJ Agreement. The EA builds upon the previous experiences of the GEF in providing national ratification support to developing countries for several Multilateral Environmental Agreements, including the Nagoya Protocol to the Convention on Biological Diversity (CBD) and the Minamata Convention on Mercury, and in supporting some countries, as part of regular projects and programs for the International Waters focal area, in the context of their efforts to become parties to the United Nations Fish Stocks Agreement and the FAO Port State Measures Agreement.

This EA has been developed in line with the GEF-8 Programming Directions and GEF Council Decision 14/2023 and is consistent with the initial guidance document GEF/C.66/07. It will be implemented in parallel with other pre-ratification support provided by the GEF through FAO, UNEP and UNDP through the MSP 'Global and regional support to the BBNJ Agreement ratification process', also developed in line with document GEF/C.66/07.

Supported countries will prepare an initial BBNJ assessment, including, as appropriate to the country: (1) an overview of the country's situation with respect to the conservation and sustainable use of BBNJ and its potential impacts; (2) an overview of the institutions and legal and regulatory frameworks already in place in relation to the BBNJ Agreement; (3) progress towards ratification, approval, acceptance or accession, including the identification of legal or regulatory gaps that need to be addressed prior to ratification, approval, acceptance or accession; and (4) main challenges to ratification, approval, acceptance or accession and future implementation, including priority capacity-building needs, as detected via the overviews required.

National-level support to develop this initial BBNJ assessment, carry out the ratification process and support implementation readiness will be provided as a menu of options and could include (1) the determination of national situation with respect to the conservation and sustainable use of BBNJ and potential impact; (2) a national legal, regulatory, and policy gap assessment; (3) drafting of national legislation and regulations; (4) awareness raising and targeted outreach on opportunities, rights and obligations under the Agreement; (5) development of national implementation readiness strategies; and (6) other national-level activities identified by countries that are demonstrably required to support ratification, approval, acceptance or accession and/or implementation readiness in a given national context.

Each national-level grant should not exceed USD 175,000 (including project management costs).

ENABLING ACTIVITY COMPONENTS

Component 1: Creating the enabling conditions for the Agreement's swift entry into force and initial implementation

GEF Enabling Activity Financing (\$): 601,364.00

Outcome:

Outcome 1: Participating countries are better positioned to ratify the Agreement and have implementation readiness.

** The above Component and M&E totals are for all participating countries. Each national-level grant should not exceed USD 175,000, including M&E and Project Management Costs*

Output:

Output 1.1

A BBNJ initial assessment conducted and reported for each participating country, which will include, as applicable to the specific context:

- i. An overview of the country situation with respect to the conservation and sustainable use of BBNJ and potential impact thereon;
- ii. An overview of the institutions and legislative and regulatory framework already in place in relation to the Agreement;

- iii. Progress towards ratification, approval, acceptance or accession, including identification of legal or regulatory gaps to be addressed prior to ratification, approval, acceptance or accession;
- iv. Main challenges to ratification, approval, acceptance or accession and future implementation, including priority capacity building needs.

Output 1.2

Participating countries may select from a menu of options, which best respond to specific needs, for national support to carry out the ratification, approval, acceptance or accession processes and support implementation readiness. These activities may feed into the development of the Output 1.1 BBNJ initial assessment:

- a. Documented assessment of national situation with respect to the conservation and sustainable use of BBNJ and potential impact thereon (e.g., mapping of relevant stakeholders and activities under the country's jurisdiction or control; of relevant traditional knowledge of Indigenous People and Local communities; inventory of repositories, databases and national research and utilization capacities associated with marine genetic resources in ABNJ).
- b. National legal, regulatory, and policy gap assessment, and/or governance, institutional and administrative capacity gap assessment, and/or scientific, technical and infrastructure capacity gap assessment for the implementation of the country's obligations under the BBNJ Agreement, including with regards to:
 - i. Notification on activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction.
 - ii. The fair and equitable sharing of benefits arising from these activities, including gender equality considerations.
 - iii. Traditional knowledge of Indigenous Peoples and local communities associated with marine genetic resources in areas beyond national jurisdiction.
 - iv. Monitoring of activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction.
 - v. The development of proposals, consultations on and assessment of proposals, and implementation of area-based management tools, including marine protected areas, and related measures.
 - vi. The conduct of environmental impact assessments according to the process established by the BBNJ Agreement, and monitoring and review of impacts of authorized activities.
 - vii. Monitoring of implementation and reporting.
- c. Drafting national legislation and regulations, including through inclusive and gender-responsive national stakeholder consultation processes, as required by national ratification, approval, acceptance, or accession processes.

d. Awareness raising and targeted gender-responsive outreach products on opportunities, rights, and obligations under the Agreement, including within the legislative and executive branches of governments. As appropriate, national implementation readiness strategies, for addressing identified needs and gaps for implementation.

e. Other national-level gender-responsive activities/products identified by countries that are demonstrably required to support ratification, approval, acceptance, or accession and/or implementation readiness in a given national context.

M&E

GEF Enabling Activity Financing (\$): 35,000.00

Outcome:

Outcome:

Effective project implementation based on adaptive management and lessons learned.

*** The above Component and M&E totals are for all participating countries. Each national-level grant should not exceed USD 175,000, including M&E and Project Management Costs**

****:** *The allocation for M&E will be discussed with the countries and the selected National Executing Agency (NEA) at the disbursement stage. However, the M&E budget will be no more than 5% of the total available grant (USD 175,000).*

Output:

Output:

A gender-sensitive project M&E system designed and operational.

Component Balances

Project Components	GEF Enabling Activity Financing (\$)
Component 1: Creating the enabling conditions for the Agreement's swift entry into force and initial implementation	601,364.00
M&E	35,000.00
Subtotal	636,364.00
Project Management Cost	63,636.00

Total Enabling Activity Cost

700,000.00

Please provide justification

SECTION 2: ENABLING ACTIVITY SUPPORTING INFORMATION

C. Eligibility Criteria

Please provide eligibility information for this enabling activity.

The BBNJ Agreement provides that “Eligibility for access to funding under this Agreement shall be open to developing States Parties on the basis of need” (Article 52, paragraph 12). Until the Conference of the Parties (COP) to the Agreement, or the Preparatory Commission established by UN General Assembly resolution 78/272 to prepare for the entry into force of the Agreement and the convening of the first meeting of the Conference of the Parties to the Agreement, provides guidance to the GEF on eligibility criteria to be applied for the purpose of the BBNJ Agreement, GEF grants are to be in accordance with eligibility criteria stated in paragraph 9(b) of the GEF-8 Instrument.

The GEF support for ratification and implementation readiness will thus be provided upon request, as expressed through a Letter of Endorsement signed by the GEF Operational Focal Point, to developing countries that:

- (a) have signed the BBNJ Agreement, or have taken meaningful steps towards becoming a Party to it, as evidenced by a letter from the relevant minister to the head of the BBNJ Secretariat and, in the interim, to the United Nations Legal Counsel, and to the CEO and Chairperson of the GEF; and
- (b) are eligible for World Bank (IBRD and/or IDA) financing or eligible recipients of UNDP technical assistance through its target for resource assignments from the core (TRAC).

D. Institutional Framework

Describe the institutional arrangements for implementation of the enabling activity.

Project execution at the national level

The government national ministry(s) responsible for responsible for BBNJ Agreement ratification, approval, acceptance or accession, or its implementation in each participating country, or otherwise appointed by the Ministry, will be the National Executing Agency (NEA). The NEAs will coordinate the activities of the EA within each country.

Through the Global/Regional MSP “Global and regional support to the BBNJ Agreement ratification process” FAO, UNEP and UNDP, UNDP, in collaboration with the secretariat to be established under the BBNJ Agreement, and in the interim, with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations (UNDOALOS), will be able to provide technical assistance to the NEAs to enhance States’ implementation readiness capacity and share awareness raising and outreach materials on the BBNJ Agreement.

Countries are expected to involve a **wide multi-sectoral group of stakeholders** in the various stages of execution of the EA. FAO will provide the Countries with assistance on stakeholder engagement so that indigenous peoples and local communities (IP&LCs), women, women’s group, gender experts, youth, academia, and other typically marginalized stakeholders are engaged in the stakeholder consultation process from the outset. At a minimum, the following sets of actors should be engaged:

1. Relevant national and local ministries, multisectoral government ministries, and other government authorities responsible for the BBNJ Agreement;
2. Non-government national stakeholders including academia, women groups, and civil society organizations;
3. IPLCs;
4. Private sector entities;
5. International governmental and non-governmental organizations

Gender mainstreaming is an important aspect of the BBNJ agreement. FAO will ensure that key dimensions of gender are integrated into the project, including improving understanding of the gender-related linkages with marine Areas Beyond National Jurisdiction (ABNJs) to support more sustainable outcomes; understanding the steps related to gender equality and women's empowerment; identifying opportunities for women that make use of their specific knowledge; and strengthening efforts to involve women in the ratification and implementation of the BBNJ Agreement.

During the implementation of the EA, countries will ensure that its implementation benefits all people, including women, equally and equitably. The EA project will address gender mainstreaming by:

1. Ensure that decision-making processes are inclusive and representative of diverse perspectives.
2. Conduct regular gender analyses and monitoring to identify potential impacts on women's lives and livelihoods in all sea-related activities.
3. Develop capacity building and training programs that prioritize gender equality and women's empowerment.
4. Encourage inclusive stakeholder engagement and participation from diverse groups.
5. Address intersectional issues that affect women's lives.

The role of GEF Agencies in project implementation

The implementing agencies will disburse funds to each country. Each GEF implementing agency will process the proposals, legal instruments and disbursements to the countries according to existing protocols for each implementing agency. Funds will be disbursed upon signature of legal agreements, which will include detailed deliverables, timelines, risk mitigation plans and fiduciary requirements, roles and responsibilities for progress and financial reporting, and detailed descriptions of roles and responsibilities for supervision, monitoring and verification. Funds will be disbursed on a quarterly or semi-annual basis against requests for funds, which are prepared against work plans and budgets, and financial and narrative progress reports.

Financial management of GEF resources is carried out in accordance with the rules and procedures of the agencies. The NEA are responsible for achieving the agreed project results and for the effective use of funds provided by the Agencies. Financial management and reporting of the transferred funds will be carried out by the executing partners in accordance with the terms, conditions, formats and requirements of the Agencies, as detailed in the contractual agreements. The management of funds received from the Agencies by the EAs shall be carried out in accordance with its own financial regulations, rules and procedures, which shall provide for adequate controls to ensure that the funds received are properly managed and expended. The EAs shall keep accounts in accordance with generally accepted accounting standards.

E. Monitoring and Evaluation Plan

Describe the budgeted M&E plan.

The EA will implement a monitoring and evaluation (M&E) Plan that adheres to GEF and the FAO/UNDP/UNEP requirements, enables effective evaluation of project progress and impact, reflects the needs of women, youth, IP&LCs, and other stakeholder groups, and will effectively monitor social and environmental safeguards risks. These activities will ensure that the project monitoring system operates effectively, systematically provides information on progress, and informs adaptive management to ensure that the intended outcomes are achieved.

The following section details the M&E requirements of each GEF Agency, that will be applied according to the choice of the countries in term of Implementing Agency.

FAO

The project will follow FAO and GEF minimum requirements for project monitoring, reporting, evaluation processes and procedures.

The project results, as outlined in the table detailing the EA component, outcome and outputs, will be monitored regularly, reported annually and assessed during project implementation to ensure the project effectively achieves these results. Monitoring and evaluation activities will comply with agencies' and GEF's policies and guidelines for monitoring and evaluation. A project M&E system will be developed to assess progress towards achieving expected results in a timely manner and to facilitate learning, replication of the project's results and lessons which will feed the project's knowledge management strategy.

Monitoring Arrangements

Project oversight and supervision will be carried out by the Budget Holder (BH) and Lead technical Officer (LTO), with the support of the Project Task Force (PTF) members: LTO and Financial Liaison Officer (FLO), the GEF Technical Officer (GTO), and relevant technical units in FAO headquarters. Oversight will ensure that: (i) project outputs are produced in accordance with the project results framework and leading to the achievement of project outcomes; (ii) project outcomes are leading to the achievement of the project objective; (iii) identified, as well as unidentified, risks are continuously monitored and appropriate mitigation strategies are applied; and (iv) agreed project global environmental benefits / adaptation benefits (specify as appropriate) are being delivered.

The Project Task Force will convene backstopping meetings on a regular basis and will carry out monitoring missions as and when required. It will monitor project performance through the annual Project Implementation Reports (PIRs) and six months Progress reports providing information on narrative and financial performance of each country agreement. Project performance will be monitored using the project results matrix, including indicators (baseline and targets) and annual work plans and budgets. At inception phase, the results matrix will be reviewed to finalize the identification of i) outputs ii) indicators iii) targets and iv) any missing baseline information. A plan for operationalizing the project's M&E plan, which builds on the results matrix and defines specific requirements for each indicator (data collection methods, frequency, responsibilities for data collection and analysis, etc) will be developed during project inception by the executing agency together with FAO.

The FAO GEF Coordination Unit will provide overall Project cycle management services and will coordinate corporate oversight functions in close coordination with Decentralized offices, HQ Technical Units involved and Centralized unit providing corporate services.

The FAO will sign a Letter of Agreement (LoA) with each National Executing Agency (NEA) that will prepare and submit technical and financial periodic reports describing the progress according to the work-plan and budget, identifying obstacles that occurred during implementation and the remediation actions to be taken. Disbursements will be scheduled accordingly and based on progress.

At completion, the project will follow the GEF's Guidelines for Reporting on Completed Enabling Activities (2023) and submit a completion memorandum (Global Environment Facility Independent Evaluation Office (GEF IEO), *Guidelines for Reporting on Completed Enabling Activities, Washington, DC: GEF IEO, 2023*).

SECTION 3: INFORMATION TABLES

F. GEF Financing Resources Requested by Agency, Country and Programming of Funds

GEF Agency	Trust Fund	Country/ Regional/ Global	Focal Area	Programming of Funds	GEF Enabling Activity Financing (\$)	Agency Fee (\$)	Total (\$)
FAO	GET	Marshall Islands	International Waters	International Waters: IW-2	175,000.00	16,625.00	191,625.00
FAO	GET	Solomon Islands	International Waters	International Waters: IW-2	175,000.00	16,625.00	191,625.00
FAO	GET	Vanuatu	International Waters	International Waters: IW-2	175,000.00	16,625.00	191,625.00
FAO	GET	Palau	International Waters	International Waters: IW-2	175,000.00	16,625.00	191,625.00
Total GEF Resources					700,000.00	66,500.00	766,500.00

Sources of Funds for Country Star Allocation

GEF Agency	Trust Fund	Country/ Regional/ Global	Focal Area	Sources of Funds	Total(\$)
Total GEF Resources					0.00

G. Rio Markers

Climate Change Mitigation	Climate Change Adaptation	Biodiversity	Desertification
Significant Objective 1	No Contribution 0	Significant Objective 1	No Contribution 0

H. Record of Endorsement of GEF Operational Focal Point(s) on Behalf of the Government(s):

Please attach the *Operational Focal Point endorsement letter(s)* with this template.

Name	Position	Ministry	Date (MM/DD/YYYY)
Moriana Phillips	General Manager - GEF Operational Focal Point for Marshall Islands	RMI Environmental Protection Authority	5/27/2024
Chanel Iroi	Deputy Secretary - GEF Operational Focal Point for Solomon Islands	Ministry of Environment, Climate Change, Disaster Management and Meteorology	6/4/2024

Esline Garaebiti	Director General - GEF Operational Focal Point for Vanuatu	Ministry of Foreign Affairs, International Cooperation and External Trade	5/31/2024
Charlene Mersai	National Environment Coordinator - GEF Operational Focal Point for Palau	National Environmental Protection Council	6/13/2024

ANNEX A: RESPONSES TO STAKEHOLDER COMMENTS

Describe how the enabling activity has addressed comments from stakeholders, including Council Members, Convention Secretariats, and STAP (if applicable).

N/A

ANNEX B: PROJECT BUDGET TABLE

Attach the project budget table.

To be defined at disbursement stage according to the countries' choice in terms of activities. This will be reflected in both the budget for the GEF and the legal agreement with FAO.

Component 1 (USD)							
Expenditure Category	Detailed Description incl. unit costs	Outcome 1.1			M&E	PMC	Total USD
		Output 1.1.1	Output 1.1.2	Sub-Total			
Personnel (international consultants)	10000/p/m	30,000	20,000	50,000		10,000	60,000
Personnel (national consultants)	7000/p/m	12,000	12,500	24,500			24,500
Support staff	5000/p/m			-	8,750	5,000	13,750
Contracts	5000/contract	10,000	14,000	24,000			24,000
Travel	3000/trip	14,750	15,000	29,750			29,750
Training, Workshops, meetings	3000/event	7,000	8,000	15,000			15,000
Expendable procurement (publications etc)	Lumpsums	3,000	2,000	5,000			5,000
Other operating costs			2,091	2,091		909	3,000
Total		76,750	73,591	150,341	8,750	15,909	175,000

ANNEX C: ENVIRONMENTAL AND SOCIAL SAFEGUARDS

Attached any screening documents or other ESS related documents (if applicable). ESS screening is not required for EAs but should be included if its available.

Check this box is ESS screening is not required per Agency's regulations

