



# Assembly

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## Twenty-sixth session

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Item 9 of the provisional agenda\*

**Annual report of the Secretary-General under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea**

### **Summary report on the outcomes of the workshop on capacity development, resources and needs assessment, Kingston, 10–12 February 2020**

#### **Note by the secretariat**

## **I. Background and rationale**

1. The entry into force of the United Nations Convention on the Law of the Sea 25 years ago created enabling conditions for the operationalization of the regime of the international seabed area (the Area). Through the Convention, the international community decided that at least one part of the global commons, the mineral resources of the deep seabed and subsoil thereof, should be managed for the benefit of all of humanity. The International Seabed Authority was established and has been entrusted with specific responsibilities to achieve that objective. Its core mandate is to regulate and manage the access and use of deep seabed mineral resources while ensuring the protection of the marine environment. It is also mandated to ensure the equitable sharing of benefits derived from the conduct of activities in the Area to all humanity, including through the development of specific programmes aimed at strengthening the capacities of developing States and technologically less developed States.

2. In the strategic plan of the Authority for the period 2019–2023 (ISBA/24/A/10), the Authority's duty to ensure that a variety of capacity-building mechanisms are implemented for developing States is explicitly recognized. Such mechanisms should not only facilitate the transfer of technology to developing States<sup>1</sup> but also increase opportunities for participation in activities in the Area.<sup>2</sup> In the light of that, States members of the Authority have identified that the challenge for the Authority is to identify mechanisms, including capacity-building programmes, for ensuring fully

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\* ISBA/26/A/L.1.

<sup>1</sup> See United Nations Convention on the Law of the Sea, arts. 144, 273 and 274.

<sup>2</sup> Ibid., art. 148.



integrated participation by developing States in activities in the Area at all levels. Strategic direction 5, Build capacity for developing States, and strategic direction 6, Ensure integrated participation by developing States, are aimed at achieving that objective.

3. As indicated in the high-level action plan relating to the implementation of the strategic plan for the period 2019–2023, adopted by the Assembly of the International Seabed Authority in August 2019 (ISBA/25/A/15), specific actions need to be taken by the secretariat of the Authority by 2020. Of particular importance is assisting developing States, in particular geographically disadvantaged States, small island developing States, least developed countries and landlocked developing countries, in identifying their needs (high-level action 5.1.1).

4. To carry out that important action, the secretariat organized a workshop in Kingston from 10 to 12 February 2020 on capacity development, resources and needs assessment.

5. The workshop was facilitated by the Deputy Director General of Diplomatic Training, Research and Development at the Department of International Relations and Cooperation of South Africa, Mathu Joyini, and was attended by official representatives of members of the Authority (Algeria, Argentina, Brazil, Chile, China, Cook Islands, Costa Rica, Ecuador, Egypt, Ghana, Guatemala, Indonesia, Jamaica, Mexico, Myanmar, Nauru, Nigeria, Republic of Korea, Sierra Leone, South Africa, Tonga, Trinidad and Tobago, Uganda and the European Union); experts from international and regional organizations (the African Union, the Commonwealth, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the National Deep Sea Centre (joint training and research centre), the National Oceanography Centre, the Department of Economic and Social Affairs, the United Nations Environment Programme, UNESCO, the United Nations Children’s Fund (UNICEF), the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the Technology Bank for the Least Developed Countries and the World Maritime University); observers to the Authority (Ethiopia, the Durham University Centre for Borders Research, InterRidge and the Pew Charitable Trusts); contractors (the China Ocean Mineral Resources Research and Development Association (COMRA), the Deep Ocean Resources Development Co. Ltd., the Federal Institute for Geosciences and Natural Resources (BGR), the Global Sea Mineral Resources NV (GSR), the Oil, Gas and Metals National Corporation (JOGMEC), Nauru Ocean Resources Inc. (NORI), Tonga Offshore Mining Limited (TOML) and UK Seabed Resources Ltd.); and national experts from Ghana, India, Kiribati and Togo.

6. The workshop on capacity development, resources and needs assessment provided participants with an opportunity to have an exchange and discussions on a number of issues associated with the implementation by the Authority of various capacity-building programmes and initiatives. The workshop also contributed to:

(a) Clarification of the nature and objectives of the capacity-building and technical assistance provided by the Authority in the context of part XI of the Convention;

(b) Discussions on the key findings of the draft assessment undertaken by the secretariat on:

(i) Capacity-building initiatives and programmes currently being implemented by the Authority, with a view to assessing their effectiveness and impact;

(ii) Resources available to the Authority to address such needs;

(c) Identification of the core elements for designing and developing a dedicated strategy for capacity-building and capacity development activities that would measurably contribute to increasing the capacities of member States of the Authority in specific areas.

## II. Summary of the discussions

7. Each session of the workshop was designed to examine the key findings of the draft assessment report prepared by the secretariat, with a view to assessing the impact and effectiveness of the capacity-building programmes and initiatives implemented by the Authority. In each session, particular attention was also paid to discussing the challenges identified and exploring potential solutions.

### **Session I: Key findings of the assessment of the capacity-building programmes and initiatives implemented by the International Seabed Authority**

8. The aim of the first session was to provide participants with a common understanding of the objectives of the workshop and an overview of the key findings of the draft assessment report prepared by the secretariat.

9. Ms. Joyini highlighted the objectives and expected outcomes of the workshop, following which the Senior Policy Officer at the Authority and Special Assistant to the Secretary-General, Marie Bourrel-McKinnon, provided an overview of the legal and strategic framework within which the Authority operates when developing and implementing capacity-building programmes and initiatives.

10. Participants agreed on the importance of the Authority continuing its efforts to organize awareness-raising seminars and disseminate information on the results of capacity development activities implemented by the Authority.

### **Session II: Key findings of the assessment of the contractor training programme**

11. The second session was chaired by the Head of Stakeholder Engagement at NORI, Corey McLachlan. The Chief of the Contract Management Unit at the Authority, Chapi Mwango, acted as rapporteur. The theme of the session was “Key findings of the assessment of the contractor training programme”.

12. The session started with a presentation by Mr. Mwango on the key findings of the draft assessment report prepared by the secretariat on the contractor training programme. That was followed by a presentation by the manager of exploration and polymetallic nodules at TOML, John Parianos, on perspectives on capacity-building. The exploration manager and marine geologist at GSR, Francois Chalet, delivered the third presentation, on the assessment of the GSR training programme. That was followed by a presentation by the Deputy Permanent Representative of China to the Authority, Jun Jiang, on behalf of COMRA, on the assessment of the COMRA training programmes. Two additional presentations were delivered by two former trainees of the JOGMEC training programme, the first by a geochemist at the Ghana National Petroleum Corporation, Judith Owusu, and the second by a geologist at the Ministry of Transport and Mining of Jamaica, Hank Hedge.

13. Participants considered the recommendations listed in the draft assessment report prepared by the secretariat and suggested that:

- In recommendation 4, the Legal and Technical Commission “should” (and not only “could”) take into account the list of priority needs identified by developing States and regularly updated by the Authority when making its recommendations.

- Consideration be given to expanding the contractor training programme during the exploitation phase.

### **Session III: Key findings of the assessment of the Endowment Fund for Marine Scientific Research in the Area**

14. The third session was chaired by the Head of the International and Strategic Partnerships Office of the National Oceanography Centre, Alan Evans, with support provided by a Foreign Service Officer from the Directorate for Legal Affairs and Territorial Treaties of the Ministry of Foreign Affairs of Indonesia, Gulardi Nurbintoro. The theme of the session was “Key findings of the assessment of the Endowment Fund for Marine Scientific Research in the Area”.

15. Two presentations were delivered, the first by a consultant to the Authority, Tearinaki Tanielu, on the key findings of the draft assessment report, and the second by a senior researcher at the Institut de Physique du Globe de Paris and the National Centre for Scientific Research, Jérôme Dymont, on the theme “Capacity-building, capacity development and academic research: an experience through InterRidge and beyond”.

16. The session entailed detailed discussions on taking into consideration the needs of developing States members of the Authority with regard to the Fund; attracting potential donors, including by exploring the possibility of allowing contractors who had not been able to select trainees to reallocate the unused training funds to the Fund; addressing the difficulty in attracting interest from potential donors because of the limitations imposed on the use of the Fund; and the issue of reallocating unspent interest of the Fund to support activities or requests that are independent from the objectives assigned to the Fund.

17. Participants expressed some concerns that the current restrictions imposed for the disbursement of funds from the Fund (i.e. only interest on the capital can be used) prevented the Authority from fulfilling its obligations under the Convention, while at the same time discouraging potential donors from contributing to the Fund. Participants therefore agreed that the development of a more programmatic approach by the Authority could effectively increase the impact of the Fund by ensuring that available funding was used to meet the priority needs identified by developing States members of the Authority.

18. Participants also considered the recommendations listed in the draft assessment report prepared by the secretariat.

### **Session IV: Key findings of the assessment of the internship programme**

19. The fourth session was chaired by the Seabed Minerals Commissioner of the Cook Islands, Alex Herman. The alternate representative of Mexico to the Authority, Antonio Cruz Diaz, acted as rapporteur. The theme of the session was “Key findings of the assessment of the internship programme”.

20. A presentation was delivered by Kayon Wray, Senior Training Assistant at the Authority, on the key findings of the draft assessment report prepared by the secretariat, followed by a presentation by the Registrar of the International Tribunal for the Law of the Sea, Ximena Hinrichs Oyarce, on the different capacity-building initiatives implemented by the Tribunal. Jessica Howley, Associate Legal Officer at the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat, provided an overview of the capacity-building and fellowship programmes implemented by the Division. The final presentation of the session, delivered by a surveyor at the Oceanographic Institute of the Navy of Ecuador, David Garzón Pico, focused on how he had benefited from his internship at

the secretariat in 2017. Former interns noted that the experience gained during internships had proved very valuable.

21. Several elements of the presentations were discussed by the participants, including the importance for the Authority to explore options to increase outreach and dissemination of internship opportunities through social media; secure financial contributions to ensure that all interns from developing States are provided with stipends; and develop a specific internship module with other institutions, including those associated with the United Nations-Nippon Foundation of Japan Fellowship Programme.

22. Participants considered the recommendations listed in the draft assessment report prepared by the secretariat.

#### **Session V: Towards a more programmatic approach to enabling the Authority to deliver capacity development activities**

23. The fifth session was chaired by the Permanent Representative of Brazil to the Authority, Carlos den Hartog, supported by Mr. Tanielu.

24. The first presentation, delivered by the Secretary-General of the Authority, was on the theme “The Authority’s programmatic approach: context and suggested way forward”. The Chief of the Small Island Developing States Unit at the Department of Economic and Social Affairs, Sai Navoti, presented the objectives and preliminary results of the abyssal initiative project implemented in partnership with the Authority. The acting director of the African Minerals Development Centre, Paul Msoma, and Ms. Bourrel-McKinnon delivered the third presentation, on the Africa deep seabed resources project implemented jointly by the Authority, the African Union and the Norwegian Agency for Development Cooperation.

25. Several elements were discussed in the break-out group, in particular in relation to the need for the Authority to develop a strong programmatic approach to capacity development; strengthen the capacity of secretariat staff to deliver results using the programmatic approach and mobilize resources; and foster strategic partnerships.

#### **Session VI: Potential contribution of regional centres to the achievement of Sustainable Development Goal 14**

26. The sixth session was chaired by Nyan Lin Aung, Counsellor at the Permanent Mission of Myanmar to the United Nations. The head of the Ore Deposit Geology and Analytical Fingerprint Section at BGR, Ulrich Schwarz-Schampera, acted as rapporteur.

27. After the Chair had provided an overview of articles 275 and 276 of the Convention, which highlight the importance of establishing marine scientific centres and of technology transfer, in particular for developing countries, the Director of the Office of Environmental Management and Mineral Resources of the secretariat of the Authority, Jihyun Lee, delivered a presentation on the context, development and future prospects of the International Seabed Authority-China joint training and research centre.

28. In addition, Mr. Jiang delivered a video presentation on the joint training and research centre.

29. The session was followed by an interactive break-out group discussion facilitated by Mr. Aung. Participants made the following recommendations:

- Consideration should be given by the Authority to forming strategic partnerships with existing national and regional institutions in order to create platforms for strengthening international cooperation on capacity-building, capacity

development and the transfer of marine science technology, instead of establishing new regional centres in each region.

- Consideration should be given by the Authority to exploring opportunities to ensure sustainable funding for the functioning of regional centres, including with regard to the arrangements necessary for joint funding with respective regional institutions.
- Consideration should be given to establishing an online training platform to enable the sharing of information and the outcomes of marine scientific research cruises and programmes.
- Consideration should be given to establishing an audiovisual library for the Authority, through which to raise awareness about the role and functions of the Authority and the critical issues discussed by the Council and the Assembly of the Authority.

### **Session VII: Assessment of capacity needs and priorities**

30. The seventh session was held in two segments: from 4 to 5 p.m. on Tuesday, 11 February 2020, and from 9 to 9.45 a.m. on Wednesday, 12 February 2020. The theme was “Assessment of capacity needs and priorities”. The session was chaired by the Legal Adviser to the Permanent Mission of Uganda to the United Nations, Duncan Laki. Mr. Navoti was the Rapporteur.

31. The first presentation was made by the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, Fekitamoeloa ‘Utoikamanu, on the importance of capacity-building for the least developed countries, landlocked developing countries and small island developing States in the context of the 2030 Agenda for Sustainable Development and other high-level frameworks. The second presentation, a case study entitled “Overview of the Technology Bank for the Least Developed Countries”, was presented by the Director of the Technology Bank, Joshua Setipa. Ms. Bourrel-McKinnon made the third presentation, on the theme “Identification of capacity development needs and priorities by developing States: what methodology?”. The fourth and final presentation of the first segment of the seventh session was a case study entitled “Overview of the potential future capacity needs in deep sea research related to the protection of the marine environment”. This comprehensive brief was delivered by an environmental analyst at the Authority, Luciano Genio.

32. The second segment of the session started with a presentation by the Director of the World Maritime University-Sasakawa Global Ocean Institute, Ronan Long, and focused on the activities undertaken by the entity to enhance the role of women in marine scientific research. That was followed and complemented by a presentation in which Ms. Bourrel-McKinnon provided further details on the Authority’s engagement in enhancing the participation of women in deep sea research.

33. Participants acknowledged the work undertaken by the secretariat to increase the participation of women in marine scientific research and improve gender parity, and suggested stepping up measures to increase the participation of women in capacity-building opportunities, including by implementing specific outreach activities.

34. Following discussions held during an interactive break-out group session chaired by Mr. Laki, which focused on the specific needs of the least developed countries, landlocked developing countries and small island developing States, participants made several suggestions, including regarding the possibility of the secretariat developing a matrix or a databank containing information supplied by member States and other stakeholders listing the capacity priorities and needs of the

least developed countries, landlocked developing countries and small island developing States; and information on existing institutions and frameworks and on all mechanisms to which developing countries currently have access, including the Technology Bank for the Least Developed Countries.

**Session VIII: Building strategic partnerships in support of capacity development programmes and initiatives of the International Seabed Authority**

35. The eighth session was chaired by the Permanent Representative of Costa Rica to the Authority, Gina Guillén-Grillo. Mr. Msoma acted as rapporteur.

36. The representative of the Intergovernmental Oceanographic Commission of UNESCO, Cesar Toro, gave a presentation in which he highlighted the importance of building synergies and creating opportunities through the United Nations Decade of Ocean Science for Sustainable Development in order to enhance the capacity development programme and initiatives of the Authority. That was followed by a presentation by the Secretary-General of the Authority on the future of capacity development and technology transfer in meeting the needs of developing States.

37. The session was followed by an interactive break-out group discussion facilitated by Ms. Guillén-Grillo, during which participants made the following recommendations:

- Consideration should be given by each Member of the Authority to identifying a national focal point for the dissemination of information on capacity development opportunities created by the Authority. The details of the national focal points should be updated regularly. The secretariat was invited to develop terms of reference with the roles and responsibilities of national focal points, to be submitted for consideration by the Assembly.
- Consideration should be given by each member of the Authority to identifying potential partners at the national level with which the Authority could develop, in close cooperation, specific training and capacity development initiatives.
- Consideration should be given to ensuring that, through a programmatic approach, the Authority conducts seminars in all regions to raise the awareness of national and regional representatives about the Authority's role and responsibilities and about how to increase engagement in activities undertaken in the Area.
- Consideration should be given by the Authority to strengthening the network for the dissemination of information on training opportunities.
- Consideration should be given to developing and sharing a framework on partnership with the Authority.
- Consideration should be given to taking into account the existing initiatives and networks of other United Nations entities, including the Technology Bank, for disseminating information on capacity development programmes and initiatives to be implemented by the Authority.

### III. Outcomes and the way forward

38. The discussions held during the sessions of the workshop provided the secretariat of the Authority with the relevant elements to start designing a dedicated strategy with a view to enabling the Authority, in cooperation with all relevant stakeholders, to develop and implement the programmes and initiatives required to meet the specific needs and priorities of developing States members of the Authority, in particular those of the least developed countries, landlocked developing countries and small island developing States.