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Fostering international and regional cooperation in support of the stewardship of the Area

Memorandum of understanding between the International Seabed Authority and the National Institute of Oceanography and Fisheries of Egypt concerning the establishment of a joint regional training and research centre

Note by the Secretary-General

1. On 13 June 2023, the Secretariat received the note verbale attached as annex I from the Permanent Mission of Ghana to the United Nations, in its capacity of coordinator of the African Group in the Authority. The note conveys the support of the African Group for the establishment of a training and research centre in the African region to support capacity development through tailor-made programmes that meet the specific needs of Member States in the region.
2. Article 276 of the Convention provides that States, in coordination with the Authority and national marine scientific and technological research institutions, shall promote the establishment of regional marine scientific and technological research centres, particularly in developing States, in order to stimulate and advance the conduct of marine scientific research by developing States and foster the transfer of marine technology.
3. Building on Section 5, paragraph 1 of the Annex to the Agreement relating to the implementation of Part XI of the Convention as well as the adoption of the Action Plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development (ISBA/26/A/17) and the Capacity Building Strategy (ISBA/27/A/11), the Secretariat and the National Institute of Oceanography and Fisheries of Egypt initiated discussions with a view to formalizing their cooperation for promoting and encouraging the conduct of marine scientific research in the Middle East and Africa through the development and implementation of training and capacity-building opportunities for developing countries, in particular through international cooperation, and the development of technological knowledge and research. According to the draft memorandum of understanding (annex II), the joint regional training and research centre is to be established by the National Institute of Oceanography and Fisheries of Egypt in coordination with the Authority to support the fulfilment of the Authority's responsibilities and obligations in relation to capacity-building, marine scientific research and international cooperation for the development

* [ISBA/28/A/L.1](#).

of marine technology, as well as the implementation of the strategic directions identified in the Authority's strategic plan for the period 2019-2023 and its revised version.

4. The joint regional training and research centre will be affiliated to the National Institute of Oceanography and Fisheries of Egypt and established in the regional office of the Institute located in Alexandria. The National Institute of Oceanography and Fisheries of Egypt will provide offices, conference rooms, supplies, equipment and supporting staff for the joint regional training and research center and funds would be derived from funds and grants provided by development partners and voluntary contributes and donations.

5. The main functions of the joint regional training and research centre will include the following:

a. Provision of training programmes in marine science and technology, as well as in techniques for marine scientific research, that are designed to facilitate the full participation of developing States in activities in the Area, including, where appropriate, training programmes to be provided by contractors under exploration or exploitation contracts with the Authority;

b) Conduct of collaborative research programmes related to the latest developments and trends concerning activities in the Area;

c) Organization of conferences, seminars, workshops and symposiums relating to marine scientific research in the Area and activities in the Area;

d) Prompt dissemination of the results of marine scientific and technological research in easily accessible publications;

e) Foster technical cooperation with other States, especially with developing countries including Least Developed Countries; Landlocked Developing States and geographically disadvantaged States and Small Island Developing States;

f) Other functions as agreed by both parties.

6. A steering committee is to be established to provide advice and guidance to the director of the joint regional training and research centre, who will represent the centre and be responsible for its daily operations.

7. The memorandum of understanding does not create legally binding rights or obligations for its parties, nor would either party have the authority to act on behalf of or otherwise bind the other party. Neither the Authority nor any of its members would bear any liability for any activities of the joint regional training and research center.

8. Article 160, paragraph 2 (j), of the Convention, provides that the powers and functions of the Assembly include initiating studies and making recommendations for the purpose of promoting international cooperation concerning activities in the Area. Accordingly, the Assembly is invited to consider and approve the draft memorandum of understanding submitted by the National Institute of Oceanography and Fisheries of Egypt to the Authority with the support of the African Group and to authorize the Secretary-General to sign the memorandum of understanding.

Annex I

Note verbale dated 13 June 2023 from the Permanent Mission of the Republic of Ghana to the United Nations

The Permanent Mission of the Republic of Ghana to the United Nations presents its compliments to the Secretariat of the International Seabed Authority and, in its capacity as Coordinator of the African Group of the International Seabed Authority, has the honour to refer to Articles 276 and 277 of the United Nations Convention on the Law of the Sea on the establishment of regional marine scientific and technological research centres and to the Capacity Development Strategy of the Authority adopted by the Assembly in 2022 (ISBA/27/A/11) aiming, inter alia, at enhancing regional and national ownership through the establishment of regional training and research centres.

The African Group attaches great importance to long-term cooperation between the Authority and its members and further recognizes the need to enhance deep-sea scientific research in developing countries, in accordance with the Strategic Plan of the Authority for the period 2019-2023 (ISBA/24/A/10), the High-Level Action Plan of the Authority for the period 2019-2023 (ISBA/25/A/15) and the Action Plan on Marine Scientific Research in support of the United Nations Decade of Ocean Science for Sustainable Development (ISBA/26/A/17).

The African Group further recognizes the importance of establishing joint training and research centres in the African region to support capacity development through tailor-made programmes that meet the specific needs of Member States in the region.

In that regard, the African Group conveys its support for the establishment of a training and research centre jointly managed by the International Seabed Authority and the National Institute of Oceanography and Fisheries (NIOF) of Egypt with its seat in Alexandria, in accordance with the terms of draft Memorandum of Understanding to be signed between the Authority and NIOF attached in Annex 1 of this note.

The Permanent Mission of the Republic of Ghana in its capacity of Coordinator of the African Group respectfully requests that this note, and its attachments, be submitted to the Assembly of the Authority for consideration and adoption under agenda item 13 "Fostering international and regional cooperation in support of the stewardship of the Area" (ISBA/28/A/L.1).

The Permanent Mission of the Republic of Ghana to the United Nations, in its capacity as Coordinator of the African Group, avails itself of this opportunity to renew to the Secretariat of the International Seabed Authority the assurances of its highest consideration.

Annex II

Draft Memorandum of Understanding between the International Seabed Authority and the National Institute of Oceanography and Fisheries (NIOF) of Egypt concerning the establishment of a Joint Training and research center

The purpose of the present memorandum of understanding is to specify the scope of cooperation between the National Institute of Oceanography and Fisheries (hereinafter referred to as "NIOF") of Egypt and the International Seabed Authority (hereinafter referred to as "the Authority*") with a view to promoting and encouraging the conduct of marine scientific research in the Middle East area and Africa.

This memorandum of understanding aims to create training and capacity-building opportunities for developing countries in particular through international cooperation; the development of technological knowledge and research and through the establishment of a joint training and research center.

Whereas

NIOF is a governmental, non-profit scientific institution with its headquarters in Cairo, functioning under the Ministry of Higher Education and Scientific Research in Egypt, and is primarily engaged in basic and applied research and training in the fields of physical, chemical, geological, geophysical and biological oceanography as well as fisheries, fish biology, and other interdisciplinary fields such as environment, coastal processes and aquaculture in fresh and marine waters. NIOF performs duties that include surveying, monitoring and evaluation of marine natural resources and is engaged in the promotion of international cooperation, especially with developing countries and international organizations;

The Authority is the competent organization with its headquarters in Kingston, Jamaica, through which States parties to the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") shall, in accordance with Part XI of the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted, on 28 July 1994, by the General Assembly of the United Nations in its resolution 48/263 (hereinafter referred to as "the 1994 Agreement"), organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area, as defined in article 1 paragraph 1(1) of the Convention;

The Authority has a duty to develop and implement mechanisms to build capacity for developing States in accordance with its mandate under the Convention and the 1994 Agreement¹;

The Authority promotes and encourages the transfer of technology to developing States and expansion of opportunities for their participation in activities in the Area in line with its Strategic Plan² and its revised version, and High-Level Action Plan

¹ See United Nations Convention on the Law of the Sea, arts. 144, 148, 273 and 274.

² See ISBA/24/A/10, annex.

for the period 2019-2023³, the Action Plan of the Authority in Support of the UN Decade of Ocean Science⁴ and the Capacity development strategy⁵;

Both the Authority and NIOF wish to continue and further deepen their cooperation in matters related to the implementation of Part XI of the Convention and the 1994 Agreement;

1. Both the Authority and NIOF ("the parties") hereby agree to enter into a memorandum of understanding to:

- a) Promote international and regional cooperation in marine scientific research in the Area,
- b) Coordinate the planning and implementation of the activities of the joint training and research center in such a way as to stimulate and advance the conduct of marine scientific research by, and for the benefit of, developing States, particularly those from the African continent including least developed, landlocked developing States and geographically disadvantaged States, as well as small island developing States, with a view to fostering international and regional cooperation in marine scientific research and technological development;

2. The joint training and research center is to be established in Alexandria in one of the regional offices of NIOF in coordination with the Authority to support the fulfilment of the latter's responsibilities and obligations in relation to capacity-building, marine scientific research and international cooperation for the development of marine technology, as well as the implementation of the strategic directions identified in the Authority's strategic plan for the period 2019-2023 and its revised version.

3. The mission of the joint training and research center is to:

- a) Promote training and capacity-building opportunities and programmes developed for nationals of developing States in activities relating to the seabed;
- b) Stimulate and advance the conduct of marine scientific research by developing States;
- c) Foster cooperation in marine scientific research and technological development, including, where feasible and appropriate, the transfer of marine technology;
- d) Increase the participation of developing States in activities in the Area;
- e) Develop and implement specific activities and programme to advance women's empowerment and leadership in deep-sea research.

4. The main purpose of the joint training and research center will include the following:

- a) Provision of training programmes in marine science and technology, as well as in techniques for marine scientific research, that are designed to facilitate the full participation of developing States in activities in the Area, including, where appropriate, training programmes to be provided by contractors under exploration or exploitation contracts with the Authority;
- b) Conduct of collaborative research programmes related to the latest developments and trends concerning activities in the Area;
- c) Organization of conferences, seminars, workshops and symposiums relating to marine scientific research in the Area and activities in the Area;

³ See ISBA/25/A/15, annex I.

⁴ See ISBA/26/A/17, annex.

⁵ See ISBA/27/A/5, annex I.

- d) Prompt dissemination of the results of marine scientific and technological research in easily accessible publications;
- e) Foster technical cooperation with other States, especially with developing countries including Least Developing States; Land -locked Developing States and geographical disadvantaged States and Small Island Developing States;
- f) Other functions as agreed by both parties.

5. A steering committee is to be established to provide advice and guidance to the director of the joint training and research center on the following matters:

- a) Planning and implementation of the training and research programmes of the center;
- b) Annual work plan of the center on training and research programmes;
- c) Reports on the work of the center;
- d) Fundraising for the training and research programmes of the center,
- e) Other matters as agreed by both parties.

6. The steering committee should be composed of two members nominated by the Authority, two members nominated by NIOF, including the director of the joint training and research center. The chair of the steering committee should be elected by the members of the committee from among the members other than the director. The chair should rotate between the Authority and NIOF every two years.

7. The steering committee should meet at least once a year at a place to be decided upon by the committee. Additional meetings may be held as necessary, including by other remote means such as teleconference.

8. The steering committee will adopt its rules of procedure. Decision-making in the committee shall be by consensus. If all efforts to reach a decision by consensus in the committee have been exhausted, the committee will submit the matter to both parties for further consultation.

9. The director of the joint training and research center shall be nominated jointly by NIOF and the Authority for five years. The director may be reappointed.

10. The director will represent the joint training and research center and be responsible for the daily operations of the center.

11. The director will be responsible for and should seek the advice of the steering committee on the following matters:

- a) Preparing an annual work plan on training and research programmes;
- b) Implementing the training and research programmes of the center;
- c) Preparing reports on the work of the center;
- d) Fundraising for the training and research programmes of the center.

12. NIOF will provide offices, conference rooms, supplies, equipment and supporting staff for the joint training and research center.

13. Training programmes provided by the joint training and research center are to be carried out for the benefit of developing States, in particular Least Developing States, Land-locked Developing States and geographically disadvantaged States as well as Small Island Developing States. In granting training opportunities, due regard should be paid to gender balance and equitable geographical distribution.

14. Training programmes should be carried out at all levels on various aspects of marine scientific and technological research, in particular but not limited to marine biology, oceanography, hydrography, engineering, geological and geophysical exploration of the seabed, mining and metallurgical technologies, where feasible and practicable.

15. Research programmes supported by the joint training and research center may include research relating to:

- a) Policies, technologies, best practice and applicable international legal frameworks related to the protection and preservation of the marine environment, including the prevention, reduction and control of marine pollution;
- b) Monitoring trends and development in deep sea mining technology, in particular technology relating to the protection and preservation of the marine environment.

16. The funds of the joint training and research center may come from:

- a) Operational funds provided by NIOF;
- b) Training and research funds or grants provided by NIOF; if available;
- c) Training and research funds received through the Authority, if available;
- d) Funds raised by the steering committee;
- e) Voluntary contributions from contractors;
- f) Voluntary contributions from members and observers of the Authority, other international institutions, philanthropic organizations, agencies or international organizations;
- g) Where appropriate, grants from the Authority's Partnership Fund, subject to approval under the applicable terms of reference, guidelines and procedures of the Fund;
- h) Other sources of funding.

17. Both parties agree to promote the activities of the joint training and research center and its training and research programmes and to encourage financial contributions to those programmes.

18. Nothing in the present memorandum of understanding or any document related to it implies a waiver, express or implied, by the Authority or any of its officials, of any privileges or immunities enjoyed by them under the Convention.

19. The present memorandum of understanding does not constitute an international treaty and does not create legally binding rights or obligations for the parties, and neither party will have the authority to act on behalf of or otherwise bind the other party. Neither the Authority nor any of its members will bear any liability for any activities of the joint training and research center.

20. The present memorandum of understanding is without prejudice to agreements concluded by either party with other organizations and programmes.

21. The present memorandum of understanding is signed by both parties in a spirit of cooperation. The terms of the present memorandum may be altered with the written consent of both parties.

22. The present memorandum of understanding shall take effect from the date of signature by both parties and shall continue for five years except terminated by either party after providing three months notice. It may be extended by mutual agreement of both parties for further terms of five years.

For the International Seabed Authority

For the National Institute of Oceanography and
Fisheries of Egypt

Date:

Date: