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Promoting international cooperation concerning activities in the Area

Draft memorandum of understanding between the International Seabed Authority and the Ministry of Natural Resources (State Oceanic Administration) of China concerning the establishment of a joint training and research centre

Note by the secretariat

I. Introduction

1. The International Seabed Authority received a note verbale dated 29 May 2019 from the Permanent Mission of China with which the Mission transmitted a letter from the Administrator at the Ministry of Natural Resources (State Oceanic Administration) of China, Wang Hong, addressed to the Secretary-General. In his letter, Mr. Wang stated that, as China's government agency for the management of natural resources and ocean affairs, the State Oceanic Administration attached great importance to long-term cooperation with the Authority and its members. He also indicated that, with a view to enhancing capacity in deep sea scientific research in developing countries and promoting international cooperation on issues relating to the deep sea, the Administration proposed to establish a China-International Seabed Authority joint training and research centre in Qingdao, China. Mr. Wang concluded his letter with a request from the Administration to have a draft memorandum of understanding concerning the establishment of such a centre submitted to the Assembly for its consideration in July 2019, under the agenda item entitled "Promoting international cooperation concerning activities in the Area".

II. Background

2. During a visit by the Secretary-General to the State Oceanic Administration in Beijing in January 2018, the Administration informally proposed the establishment of a joint training centre. The Administration submitted a first draft of a memorandum of understanding in June 2018. Between June 2018 and May 2019, the Administration

* ISBA/25/A/L.1/Rev.1.



and the secretariat had several rounds of exchanges of views about the text of the draft memorandum.

3. As a result of those exchanges, the State Oceanic Administration and the secretariat have jointly prepared a draft memorandum of understanding between the Authority and the Administration concerning the establishment of a joint training and research centre (see annex).

III. Draft memorandum of understanding

4. According to the draft memorandum of understanding, the joint training and research centre is to be established by the State Oceanic Administration 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 of marine technology as set out in parts XI, XIII and XIV of the United Nations Convention on the Law of the Sea, as well as the implementation of the strategic directions identified in the Authority's strategic plan for the period 2019–2023 (ISBA/24/A/10, annex).

5. At least for the first five years of its operation, the joint training and research centre is to be affiliated to the National Deep Sea Centre of China and will be hosted by the Centre in Qingdao.

6. The main functions of the joint 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) Technical cooperation with other States, especially developing countries.

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

8. The proposal to establish a joint training and research centre would not involve any financial implications for the budget of the Authority, nor would it create financial obligations for member States, as the financial resources of the centre would be derived from funds and grants provided by the State Oceanic Administration and voluntary contributions and donations.

9. 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 training and research centre.

IV. Action by the Assembly

10. 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 the draft memorandum of understanding submitted by the State Oceanic Administration and to recommend its conclusion by authorizing the Secretary-General to sign the memorandum, with any amendments deemed necessary.

Annex**Draft memorandum of understanding between the International Seabed Authority and the Ministry of Natural Resources (State Oceanic Administration) of China concerning the establishment of a joint training and research centre**

With a view to promoting and encouraging the conduct of marine scientific research in the Area, as well as international cooperation for the development of technological knowledge and research, including by creating training and capacity-building opportunities, in particular for developing countries, the Ministry of Natural Resources (State Oceanic Administration) (hereinafter referred to as “the Administration”) of China proposes to establish, in coordination with the International Seabed Authority (hereinafter referred to as “the Authority”), a joint training and research centre.

Whereas

The Authority is the organization through which States parties to the United Nations Convention on the Law of the Sea shall organize and control activities in the Area, in particular with a view to administering the resources of the Area;

The Administration is a governmental organ for performing duties that include surveying, monitoring and evaluating marine natural resources, as well as promoting international cooperation, especially with developing countries and international organizations;

Both the Authority and the Administration wish to continue and further deepen their cooperation in matters related to the implementation of parts XI, XIII and XIV 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 by coordinating, as described in the present memorandum of understanding, the planning and implementation of the activities of the joint training and research centre;

1. Both the Authority and the Administration (“the parties”) hereby agree to enter into a memorandum of understanding to:

(a) Coordinate the planning and implementation of the activities of the joint training and research centre in such a way as to stimulate and advance the conduct of marine scientific research by, and for the benefit of, developing States and to foster cooperation in marine scientific research and technological development;

(b) Encourage and facilitate cooperation with developing States in respect of marine scientific and technological development;

(c) Promote international cooperation in marine scientific research in the Area.

2. The joint training and research centre is to be established by the Administration 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.

3. At least for the first five years of its operation, the joint training and research centre is to be affiliated to the National Deep Sea Centre of China and will be hosted by the Centre in Qingdao, China.

4. The mission of the joint training and research centre is to:
 - (a) Promote training and capacity-building opportunities and programmes developed for nationals of developing States in activities relating to the deep 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.
5. The main functions of the joint 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) Technical cooperation with other States, especially with developing countries;
 - (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 training and research centre on the following matters:
 - (a) Planning and implementation of the training and research programmes of the centre;
 - (b) Annual work plan of the centre on training and research programmes;
 - (c) Reports on the work of the centre;
 - (d) Fundraising for the training and research programmes of the centre;
 - (e) Other matters as agreed by both parties.
7. The steering committee should be composed of two members nominated by the Authority, two members nominated by the Administration, and the director of the joint training and research centre. 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 the Administration every two years.
8. 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 teleconference.
9. The steering committee will adopt 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 consultation.

10. The director of the joint training and research centre shall be nominated by the Administration in consultation with the Authority and appointed jointly by the Authority and the Administration for five years. The director may be reappointed.
11. The director will represent the joint training and research centre and be responsible for the daily operations of the centre.
12. 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 centre;
 - (c) Preparing reports on the work of the centre;
 - (d) Fundraising for the training and research programmes of the centre.
13. To facilitate coordination between the parties in matters related to the joint training and research centre, the Administration designates the China Deep Ocean Affairs Administration as responsible for coordination with the secretariat of the Authority.
14. The Administration, through the National Deep Sea Centre of China, will provide offices, conference rooms, dormitories, supplies and equipment and supporting staff for the joint training and research centre.
15. Training programmes provided by the joint training and research centre are to be carried out for the benefit of developing States, in particular least developed States, landlocked developing States, geographically disadvantaged developing States and small island developing States. In granting training opportunities, due regard should be paid to gender balance and equitable geographical distribution.
16. Training programmes should be carried out at all levels on various aspects of marine scientific and technological research, in particular marine biology, oceanography, hydrography, engineering, geological exploration of the seabed, mining and metallurgical technologies. Where feasible and practicable, the training programme may also include training in relation to ocean policy, the law of the sea and the rules, regulations and procedures of the Authority.
17. Research programmes supported by the joint training and research centre may include research relating to:
 - (a) Policies, technologies and best practice 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.
18. The funds of the joint training and research centre may come from:
 - (a) Operational funds provided by the Administration;
 - (b) Training and research funds or grants provided by the Administration;
 - (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 Endowment Fund for Marine Scientific Research in the Area, subject to approval under the applicable terms of reference, guidelines and procedures of the Fund;

(h) Other sources of funding.

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

20. 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.

21. 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 centre.

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

23. 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 consent of both parties.

24. The present memorandum of understanding shall take effect from the date of its signature by both parties and shall continue for five years unless it is terminated by the giving of three months' notice by either party. It may be extended on the mutual agreement of both parties for further terms of five years each.

25. The present memorandum of understanding is written in both English and Chinese, each text being equally authentic.

For the International Seabed Authority

For the Ministry of Natural Resources
(State Oceanic Administration) of China

Date: _____

Date: _____
