



Intervention by Mr. Alfonso Ascencio-Herrera, Legal Counsel and Deputy to the Secretary-General

Capacity-Building and Transfer of Marine Technology

Madame Facilitator,

Capacity-building and transfer of marine technology are closely linked. They are both fundamental to the Authority's mandate to ensure the effective participation of developing states in activities in the Area. Capacity-building is essential to remove imbalances between countries and to generate the necessary conditions for the full implementation of the UNCLOS regime as well as to materialize concrete benefits to promote the economic and social advancement of all peoples of the world, as reflected in the preamble of the Convention.

Parts XI and XIV of the Convention and the 1994 Agreement set out specific requirements to deal with capacity building and technology transfer. The Authority is required to take measures to acquire scientific knowledge and monitor the development of marine technology relevant to the activities in the Area and to ensure capacity-building in conformity with Articles 144 and 274 of the Convention. A number of specific functions are assigned to the Authority under article 274 of Part XIV of the Convention, which is a provision that constitutes a powerful platform for advancing capacity-building and technology transfer to developing countries. We need to acknowledge, however, that article 274 is incompletely implemented and more efforts are required to step up its full implementation. This is also connected to another important role for the Authority as envisaged by Part XIV relating to the promotion of regional marine scientific and technological 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.

Madame facilitator,

Effective capacity-building and technology transfer requires institutional capacity, combined with legally binding obligations and adequate funding. In too many cases, efforts have remained merely at the aspirational level.

One of the few instances where it is more than aspirational is Part XI, where capacity-building is mandatory in the form of binding legal obligations on contractors to provide and fund practical programmes for the training of personnel of the Authority and developing

States, including the participation of such personnel in all activities in the Area which are covered by the contract. These obligations are embedded in the Authority's regulations.¹ Under current guidance, exploration contractors should, as a minimum, provide at least 10 training opportunities during each five-year programme of activities. With 29 exploration contracts at present, this means that the Authority is in a position to provide over 200 training opportunities every five years. The types of training include: theoretical and at-sea training; internships and fellowships; engineering programmes; workshops and seminars organized by the Contractors.

Madame facilitator,

Recognizing the need for continuous monitoring and improvement, the Council of the Authority has requested the Legal and Technical Commission to examine ways of ensuring that training opportunities will effectively take into consideration the interests and needs of developing States, in particular landlocked and geographically disadvantaged States and small island developing States.²

Even with such elaborate institutional arrangements, the Authority has had to make constant efforts over the past 20 years to improve the implementation of these provisions, and we are still learning.

That is one reason why the importance of capacity building and transfer of marine technology for developing states is reaffirmed in the newly-adopted Strategic Plan for the Authority for the period 2019-2023. The Plan requires the Authority to:

- Ensure that all capacity-building programmes and measures and their delivery are meaningful, tangible, efficient, effective and targeted at the needs of developing States, as identified by developing States;
- Seek and maximize funding opportunities for the Endowment Fund for Marine Scientific Research in the Area, together with participation in global financing mechanisms;
- Enable capacity-building measures to be mainstreamed into relevant initiatives; and
- Build on the achievements of contract training programmes and assess their long-term impact on capacity-building.

Thank you.

¹ Regulation 27 of the Nodules Regulations, and Regulation 29 of the Sulphides Regulations and Crusts Regulations

² ISBA/20/C/31 and ISBA/20/C/32.