**ISA WORKSHOP ON CAPACITY DEVELOPMENT, RESOURCES
AND NEEDS ASSESSMENT**

10 – 12 February 2020

Kingston, Jamaica

- **Concept note -**

1. Background and rationale

1.   The entry into force of the United Nations Convention on the Law of the Sea (UNCLOS) twenty-five years ago, has created the enabling conditions for the operationalization of the regime of the international seabed area (the Area). Through it, 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 humanity. It is to achieve this objective that the International Seabed Authority (ISA) has been established and entrusted with specific responsibilities. Its core mandate is to regulate and manage access and use of deep-seabed mineral resources whilst 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 technology less developed States.

2.   While "capacity-building" is generally used to describe technical assistance targeting institutional and organizational development, in the early 1990s a new term emerged. "Capacity development" is traditionally understood to be a two-dimensional concept encompassing human resources and institutional building (Bourrel et Alii, 2018)[1]. In the context of the implementation of the legal regime of the Area as set out by Part XI of UNCLOS, the 1994 Agreement and the rules, regulations and procedures of ISA, both terms would be used interchangeably to describe the same concept which is twofold. First, it relates to the obligation for States Parties to UNCLOS to develop programmes, including through ISA, for the benefit of developing States and technologically less developed States with a view to (i) strengthening their research capabilities, (ii) training their personnel and the personnel of the Authority and (iii) fostering the employment of their qualified personnel in research in the Area[2]. The second element associated to this concept relates to the obligation imposed to all contractors which shall, under the terms of exploration contracts granted to them by ISA, implement approved programmes for the training of personnel of ISA and developing States[3] in all aspects of deep sea exploration and future mining.

3.   The ISA Strategic Plan for 2019-2023[4] explicitly recognises the duty of ISA to ensure that a variety of capacity-building mechanisms are developed for developing States. Such mechanism should not only aim at facilitating the transfer of technology to developing States[5] but

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[1] BOURREL (M), SWADDLING (A), ATALIFO (V), TAWAKE (A), "Building in-country capacity and expertise to ensure good governance of the deep sea minerals industry within the Pacific region", Marine Policy, 2018.
[2] See UNCLOS, art.143(3)(b).
[3] See UNCLOS, Annex III, art.15; ISBA/19/C17, Annex VI, section 8.1; ISBA/16/A/12/Rev.1, Annex 4, Section 8.1; ISBA/18/A/11, Annex IV, Section 8.1.
[4] See ISBA/24/A/10.
[5] See UNCLOS, art.144, 273 and 274

also, ensuring the expansion of opportunities for participation in activities in the Area[6]. In light of this, member States of ISA have identified that the challenge for the Organization is to identify mechanisms, including capacity-building programmes, to ensure fully 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*) aim at concretizing this objective.

4.   As indicated in the High-Level Action Plan relating to the implementation of the ISA Strategic Plan for 2019-2023 adopted by the Assembly in August 2019[7], specific actions need to be undertaken by the ISA Secretariat by 2020. One of particular importance is inter alia to "*assist 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).

5.   It is to deliver against this important item that the ISA Secretariat aims at organizing a workshop in Kingston, Jamaica, during the first quarter of 2020 on "**Capacity development, resources and needs assessment**".

2. Objectives of the workshop

6.   The workshop will be designed and structured with the intention to achieve the following objectives:

1) **Clarifying the nature and objectives** of capacity-building and technical assistance provided by ISA in the context of Part XI of UNCLOS;

2) **Undertaking an assessment** of:
(a) the capacity-building needs of the developing States, Parties to UNCLOS and Members of ISA;
(b) the current capacity-building initiatives & programmes implemented by ISA in order to understand how to improve their effectiveness and impact;
(c) the resources available to ISA to address such needs.

3) **Identifying the core elements for the design and development of a dedicated strategy** for capacity-building activities that will measurably contribute to increase capacities of ISA member States in specific area(s) identified.

3. Expected outputs

7.   Although it is envisaged that further outputs will be identified as conceptualisation, design and planning of the workshop progress, it is expected that the preparatory work undertaken as well as the discussions that will occur during the workshop will result in the following critical outputs:

(i)   Report on the implementation of training programmes and initiatives by ISA including on the long-term impact of the contractor training programme;

(ii)   Mapping of critical capacity-building needs of developing States, Party to UNCLOS and Members of ISA;

(iii)   Identification of the resources available to ISA to address such needs and potential partners and potential options for increased extra-budgetary support;

(iv)   Identification of recommendations for the consideration of the ISA Assembly to address the issues and needs identified by developing States including specific

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[6] See UNCLOS, art.148.
[7] See ISBA/25/A/15.

measures to be considered to improve the delivery of capacity-building programmes and initiatives by ISA; and

(v) <u>Development of a list of priority activities</u> that ISA will consider in adjusting its programmes and initiatives.

4. Expected outcomes

8.　　It is envisaged that the discussion held at this workshop will provide the ISA Secretariat with the necessary elements to start developing a dedicated strategy that will be designed with the view to shifting from training individuals to enhancing in-country capacity through an adjustment of ISA programmes to the specific needs and priorities of member States.

9.　　This strategy will include an implementation plan containing clear timeframe, indicators (to measure effectiveness of capacity-building programmes) and potential partnerships

5. Approach and methodology

5.1 Research & analysis

10.　　The workshop will be held in Kingston, Jamaica, from **10 to 12 February 2020**. For the workshop to meet its objectives, it will be essential that a series of desktop research be undertaken and the results shared far ahead with all Members and Observers of ISA. As part of this preliminary work, is the need to review the effectiveness and impacts of the current capacity-building initiatives and programmes including:

(a) the contractor training programme;
(b) the Endowment Fund for Marine Scientific Research;
(c) the internship programme; and
(d) the capacity development components of the ADSR Project and the Abyssal Initiative Project.

11.　　The results of the research and analysis undertaken will be highly dependent on the methodology followed. Therefore it is recommended that clear ToR and methodology tools be developed.

5.2 Available budget

12.　　The budget available to ISA Secretariat will not be sufficient to bring all developing States members of ISA to Kingston. Therefore, it will be essential to identify how to address this. One option could be to bring a representative from each main regional group taking also into consideration the need to ensure participation of representatives from least developed countries, land-locked developing countries and small island developing countries.

13.　　It is also recommended to approach potential donors to raise additional funding.

5.3 Advisory Committee

14.　　In order to provide strategic advice and inputs to the Secretariat in the preparation of the workshop, an Advisory Committee will be established.

15.　　The Advisory Committee will be comprised of individuals representing the main interested regional groups concerned (African Group, GRULAC, Asia-Pacific Group) as well as development partners (Norway-NORAD / Japan – Sasakawa-Foundation), representatives of the Training group of the Legal and Technical Commission, strategic partners and contractors.

5.3 Agenda

16.   A detailed agenda will be developed progressively to enable the ISA Secretariat to progress planning and preparation of the workshop.

17.   A facilitator will be identified to lead the discussions.

5.4 Timeline

18.   Fourteen (19) weeks remain between today (12.11.19) and the date of the workshop for the ISA Secretariat to undertake the necessary preliminary work and decide on the structure of the workshop.

19.   A potential roadmap is provided below to facilitate the discussion:

	Ex ante workshop		Workshop	Ex post workshop
	Phase 1 25.09.19 -10.01.20 (15 weeks)	**Phase 2** 10.01.20-07.02.20 (4 weeks)	**Phase 3** 10.02.20-13.02.20	**Phase 4** 13.02.20-30.06.20
1	Finalisation of workshop concept note (incl. budget), methodology and composition of project team • Confirmation of budget available; • Logistical needs identified and allocation of tasks done; • Facilitator identified. • Invitations sent out.	• Agenda & list of speakers finalised; • Logistics addressed (tickets, DSA etc)		
2	Establishment of Advisory committee			
3	Preparation of draft report on the implementation of the Contractor training programme	Review and finalisation of draft report on the implementation of the Contractor training programme		
4	Preparation of draft report on the implementation of ISA capacity-building programmes and initiatives (Endowment Fund, Internship, ADSR & Abyssal Initiative Projects)	Review and finalisation of report on the implementation of ISA capacity-building programmes and initiatives (Endowment Fund, Internship, ADSR & Abyssal Initiative Projects)		
5	Mapping of critical capacity-building needs		Review of mapping based on the outcomes of the workshop	
6			Identification of recommendations for the consideration of ISA Assembly	
7				Report of workshop and outcomes to be prepared for ISA 26th Session