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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 International Relations Institute of Cameroon concerning the establishment of a curriculum on the law of the sea and part XI of the United Nations Convention on the Law of the Sea

Note by the Secretary-General

1. On 15 June 2023, the secretariat of the International Seabed Authority received a note verbale from the Permanent Mission of Ghana to the United Nations, in its capacity as Coordinator of the Group of African States at the Authority (see annex). In the note verbale, the Permanent Mission conveyed the support of the Group for the joint establishment by the Authority and the International Relations Institute of Cameroon of a dedicated curriculum on part XI of the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the Convention (1994 Agreement) for African diplomats.
2. Building on article 148 of the Convention as well as the capacity development strategy of the Authority ([ISBA/27/A/11](#)), the secretariat and the International Relations Institute of Cameroon initiated discussions in March 2022 with a view to formalizing their cooperation in order to design and implement a dedicated capacity development programme to address the specific needs of member States in the region. According to the draft memorandum of understanding, the dedicated curriculum on part XI of the Convention for African diplomats is to be jointly established and managed by the Authority and the Institute to support the development of enhanced knowledge and expertise in African countries, including by developing a series of activities for the dissemination of knowledge and expertise on the law of the sea and in relation to matters pertaining to the implementation of part XI of the Convention and the 1994 Agreement in Africa.
3. The joint initiative will support the fulfilment of the Authority's responsibilities and obligations in relation to capacity-building, as well as technical and international cooperation for the development of knowledge and expertise through the active participation and involvement of relevant regional and national institutions in line

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



with the strategic directions identified in the Authority's strategic plan for the period 2019–2023 and its revised version and the capacity development strategy.

4. Through the partnership, the Authority and the Institute will cooperate in:

(a) The planning and implementation of specific training activities in the field of the law of the sea, in particular in relation to relevant matters under part XI of the Convention and the 1994 Agreement for the benefit of African States, especially French-speaking African countries;

(b) The building of tools that can encourage and facilitate cooperation with African States in matters relating to the work and activities of the Authority.

5. The programme of activities will be developed and implemented in close collaboration between the Institute and the Authority. The Institute will provide offices, conference rooms, supplies, equipment and supporting staff as necessary, when possible, while the Authority, together with other partners wishing to contribute, will mobilize the financial and human resources necessary for the achievement of the specific objectives of the memorandum of understanding.

6. 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 implemented under the memorandum of understanding.

7. 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 between the International Relations Institute of Cameroon and the Authority, with the support of the Group of African States, and to authorize the Secretary-General to sign the memorandum of understanding.

Annex

Note verbale dated 15 June 2023 from the Permanent Mission of Ghana to the United Nations addressed to the secretariat of the International Seabed Authority

The Permanent Mission of the Republic of Ghana to the United Nations, in its capacity as Coordinator of the Group of African States at the International Seabed Authority, has the honour to refer to the capacity development strategy of the Authority adopted by the Assembly in 2022 ([ISBA/27/A/11](#)), aiming, inter alia, at establishing strategic partnerships with relevant regional and national institutions to support the design and implementation of capacity development projects and activities by the Authority.

The Group of African States attaches great importance to long-term cooperation between the Authority and its members and further recognizes the need to develop human resources capacity to enhance the integrated participation of developing States in activities carried out in the Area and in the work of the Authority, in accordance with the strategic plan of the Authority for the period 2019–2023 ([ISBA/24/A/10](#)) and the high-level action plan of the Authority for the period 2019–2023 ([ISBA/25/A/15](#) and [ISBA/25/A/15/Corr.1](#)).

The Group of African States further recognizes the importance of developing tailor-made programmes to target the specific needs of member States in the region. In that regard, the Group conveys its support for the joint establishment of a dedicated curriculum on part XI of the United Nations Convention of the Law of the Sea for African diplomats by the International Seabed Authority and the International Relations Institute of Cameroon, in accordance with the draft memorandum of understanding to be signed between the Authority and the Institute (see enclosure).

The Permanent Mission of Ghana, in its capacity as Coordinator of the Group of African States, respectfully requests that the present note verbale and its enclosure be submitted to the Assembly of the Authority for consideration and adoption under item 13 of the provisional agenda.

Enclosure

Draft memorandum of understanding between the International Seabed Authority and the International Relations Institute of Cameroon concerning the establishment of a curriculum on the law of the sea and part XI of the United Nations Convention on the Law of the Sea

With a view to reinforcing the work of the International Seabed Authority in the field of capacity development and technical assistance, as well as international cooperation for the development of enhanced knowledge and expertise in African countries, including by developing dedicated training and capacity development activities, in particular for geographically disadvantaged and landlocked countries as well as small island developing States, the International Relations Institute of Cameroon proposes to cooperate with the Authority to develop a series of activities for the dissemination of knowledge and expertise on the law of the sea in Africa.

Whereas

The Authority is the competent organization through which States parties to the United Nations Convention on the Law of the Sea shall, in accordance with part XI of the Convention and the Agreement relating to the Implementation of Part XI of the Convention (1994 Agreement), adopted on 28 July 1994 by the General Assembly in its resolution [48/263](#), organize and control activities in the Area, in particular with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1), of the Convention;

The International Relations Institute of Cameroon is a governmental organ created by presidential decree No. 71/DF/195 (bis) of 24 April 1971 as modified by decree No. 85/743 of 27 May 1985, conceived as an institution of higher learning with an international focus by virtue of its training curricula, the composition of its teaching staff and its openness to students from Africa and elsewhere, and is in charge of the recycling and upgrading of officials and senior staff in the field of diplomacy;

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 Agreement;¹

The Authority promotes and encourages the transfer of technology to developing States and the expansion of opportunities for their participation in activities in the Area in line with its strategic plan for the period 2019–2023,² the high-level action plan for the period 2019–2023,³ the action plan in support of the United Nations Decade of Ocean Science for Sustainable Development⁴ and the capacity development strategy;⁵

The Institute seeks to support the implementation of the mandate of the Authority in relation to capacity development and offers to cooperate in the development of a dedicated programme of activities to assist developing States, in particular geographically disadvantaged and landlocked countries as well as small island developing States in Africa, to develop their capacities in the field of the law

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

² See [ISBA/24/A/10](#), annex.

³ See [ISBA/25/A/15](#) and [ISBA/25/A/15/Corr.1](#), annex II.

⁴ See [ISBA/26/A/17](#), annex.

⁵ See [ISBA/27/A/5](#), annex I.

of the sea and in relation to matters pertaining to the implementation of part XI of the Convention and the 1994 Agreement;

1. The International Seabed Authority and the International Relations Institute of Cameroon have decided to collaborate, as described in the present memorandum of understanding, for:

(a) The planning and implementation of specific training activities in the field of the law of the sea, in particular in relation to relevant matters under part XI of the Convention and the 1994 Agreement for the benefit of African States, especially French-speaking African countries;

(b) The building of tools that can encourage and facilitate cooperation with African States in matters of the work and activities of the Authority.

2. The programme of activities will be developed and implemented under the present memorandum of understanding in close collaboration between the Institute and the Authority.

3. The Authority, together with other partners wishing to contribute, will mobilize the financial and human resources necessary for the achievement of the specific objectives of the present memorandum of understanding.

4. Subject to article 3 above, both parties agree to promote the activities designed and implemented under the present memorandum of understanding and to encourage financial contributions to those programmes.

5. 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.

6. The present memorandum of understanding is to be implemented in good faith by both parties and does not constitute an international treaty and does not create legally binding rights or obligations for the parties.

7. Neither party will have the authority to act on behalf of or otherwise bind the other party, and neither the Authority nor any of its members will bear any liability for any activities of the Institute.

8. The parties will not be entitled to use or display each other's name or logo without the prior consent of the owner of the name or logo.

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

10. Any dispute, controversy or claim arising out of or relating to the present memorandum of understanding that is not settled amicably within a period of three months through consultations or/and mediation will be subject to arbitration. Arbitration will be conducted in accordance with terms to be agreed upon by the parties or, in the absence of an agreement, in accordance with the arbitration rules of the United Nations Commission on International Trade Law applicable at the time of the dispute. Arbitration will be provided by a single arbitrator. If the parties are unable to agree on the name of an arbitrator within one month from the date of the request for arbitration, the arbitrator will be appointed, at the request of either of the parties, by the secretariat of the Permanent Court of Arbitration. The arbitration will take place in Geneva and the working language will be English. The parties will accept the arbitration award as final.

11. Nothing in the present agreement will be considered a waiver of the privileges and immunities of the Authority, in accordance with the Protocol on the Privileges

and Immunities of the International Seabed Authority of 27 March 1998 and subsection G of part XI of the Convention, in respect of the Authority.

12. An amendment or variation of the present memorandum is not effective unless it is in writing and signed by both parties.

13. 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 three months' notice given by either party. It may be extended on the mutual agreement of both parties for further terms of five years each.

In witness whereof, the undersigned have signed the present memorandum of understanding in English and French, both versions being equally authentic.

For the International Seabed Authority

For the International Relations Institute of
Cameroon

Date:

Date:
