



Assembly

Advance Unedited Version
16 June 2023

English only

Twenty-eighth session

Kingston, 24–28 July 2023

Item 13 of the provisional agenda*

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 curricula on the law of the sea and Part XI of UNCLOS

Note by the Secretary-General

1. On 15 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 joint establishment of a dedicated curriculum on Part XI of the United Nations Convention on the Law of the Sea and the 1994 Agreement for African Diplomats by the International Seabed Authority and the International Relations Institute of Cameroon.

2. Building on article 148 of the Convention as well as the Capacity Building Strategy (ISBA/27/A/11) of the Authority, 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 of dedicated capacity development programme to address the specific needs of member States in the region. According to the draft memorandum of understanding (annex II), the dedicated curriculum on Part XI of the United Nations Convention on the Law of the Sea for African Diplomats is to be jointly established and managed by the International Seabed Authority and the International Relations Institute of Cameroon 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 in 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. This joint initiative will support the fulfilment of the Authority's responsibilities and obligations in relation to capacity-building, and technical as well international cooperation for the development of knowledge and expertise through the active participation and involvement of relevant regional and national institutions in line with the strategic directions identified in the

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

Authority's strategic plan for the period 2019-2023 and its revised version and the Capacity Development strategy of the Authority.

4. Through this partnership the Authority and the International Relations Institute of Cameroon will cooperate for:

- a) The planning and implementation of specific training activities in the field of the law of the sea, and particularly in relation to matters relevant under Part XI of the Convention and the 1994 Agreement for the benefit of African States, particularly French-speaking African countries;
- b) The building of tools which can encourage and facilitate cooperation with African States in matters of the work and activities of the Authority;

5. The programme of activities to be developed and implemented will be done in close collaboration between the International Relations Institute of Cameroon and the Authority. The International Relations Institute of Cameroon will provide offices, conference rooms, supplies, equipment and supporting staff and necessary, when possible, whilst the Authority together with other partners wishing to contribute, will mobilize the necessary financial and human resources 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 African Group and to authorize the Secretary-General to sign the memorandum of understanding.

Annex I

Note verbale dated 15 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 to 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 African Group attaches great importance to long-term cooperation between the Authority and its members and further recognizes the need to develop human resource capacity to enhance the integrated participation by 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), the High-Level Action Plan of the Authority for the period 2019-2023 (ISBA/25/A/15).

The African Group further recognizes the importance of developing tailor-made programmes to target the specific needs of Member States in the region. In that regard, the African 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 (IRIC), in accordance with the draft Memorandum of Understanding to be signed between the Authority and IRIC attached in Annex 1 of this note.

The Permanent Mission of Ghana in its capacity as 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 International Relations Institute of Cameroon concerning the establishment of a curricula on the law of the sea and Part XI of UNCLOS

With a view to reinforcing the work of the International Seabed Authority (hereinafter referred to as “the 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 (hereinafter referred to as “IRIC”) proposes to cooperate with the Authority to develop a series of activities for the dissemination of knowledge and expertise in 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 (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;

IRIC is a governmental organ created by presidential decree n°71/DF/195(bis) of April 24, 1971 as modified by decree n°85/743 of May 27, 1985. It was conceived as an institution of higher learning with an international touch by virtue of its training curricula, the composition of its teaching staff and its openness to students from Africa and elsewhere. IRIC is also in charge of the recycling and the 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 Agreement¹;

The Authority promotes and encourages the transfer of technology to developing States and expanding opportunities for their participation in activities in the Area in line with its Strategic Plan 2019-2023², the High-Level Action Plan 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;

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](#), annex II.

⁴ See [ISBA/26/A/17](#), annex.

⁵ See [ISBA/27/A/5](#), annex I.

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

1. The Authority and IRIC have decided to collaborate, as described into the present memorandum of understanding, for:
 - a) the planning and implementation of specific training activities in the field of the law of the sea, and particularly in relation to matters relevant under Part XI of the Convention and the 1994 Agreement for the benefit of African States, particularly French-speaking African countries;
 - b) the building of tools which can encourage and facilitate cooperation with African States in matters of the work and activities of the Authority.
2. The programme of activities to be developed and implemented under this memorandum of understanding will be done in close collaboration between IRIC and the Authority.
3. The Authority, together with other partners wishing to contribute, will mobilize the necessary financial and human resources for the achievement of the specific objectives of this memorandum of understanding.
4. Subject to article 3 above, both parties agree to promote the activities designed and implemented under this 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 IRIC.
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 said name and 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 this memorandum of understanding which is not settled amicably within a period of three (3) months through consultations or/and mediation, will be subject to arbitration. The 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 (UNCITRAL) 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 the arbitrator within one month from the date of the request for arbitration, the arbitrator will be appointed, at the request of either the other party, by the Secretariat of the Permanent Court of Arbitration. The arbitration will take place in Geneva (Switzerland) and the working language will be English. The parties will accept the arbitration award as final.

11. Nothing in this agreement will be considered as a waiver of the privileges and immunities of the Authority, in accordance with the Protocol on the Privilege and Immunities of the International Seabed Authority of 27 March 1998 and with 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 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.

In witness whereof, the undersigned have signed the present memorandum of understanding in in English and French, both versions being equally authentic rather than what you have now in the text.

For the International Seabed Authority

For the International Relations Institute of
Cameroon

Date:

Date: