



MEMORANDUM OF UNDERSTANDING
between
International Seabed Authority
and
Ministry of Natural Resources (State Oceanic Administration)
of the People's Republic of China
Concerning the Establishment of a Joint Training and Research Center

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 “MNR (SOA)”) of the People’s Republic of China proposes to establish, in coordination with the International Seabed Authority (hereinafter referred to as “the Authority”), a joint training and research center.

Whereas,

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

The MNR (SOA) 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 MNR (SOA) wish to continue and further deepen their cooperation in matters related to the implementation of Part 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 center.

1. Both the Authority and MNR (SOA) (“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 center 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 center is to be established by MNR (SOA) in coordination with the Authority to support the fulfillment 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 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 center is to be affiliated to the National Deep Sea Centre of China and will be hosted by the Center in Qingdao, China.

4. The mission of the joint training and research center is to:

- a) Promote training and capacity-building opportunities and programmes developed for nationals of developing States relating to activities in 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 center 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 center on the following matters:
- a) Planning and implementation of the training and research programmes of the center;
 - b) Annual work plan of the center on training and research programmes;

- c) Reports on the work of the center;
- d) Fundraising for the training and research programmes of the center; and
- 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 MNR (SOA), and the director of the joint training and research center. The number of the members of the steering committee can be adjusted as agreed by both parties. 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 MNR (SOA) 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 its 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 center shall be nominated by MNR (SOA) in consultation with the Authority and appointed jointly by the Authority and MNR (SOA) for five years. The director may be re-appointed.

11. The director will represent the joint training and research center and be responsible for the daily operations of the center.

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 center;
- c) Preparing reports on the work of the center;

d) Fundraising for the training and research programmes of the center.

13. To facilitate coordination between both parties in matters related to the joint training and research center, MNR (SOA) designates the China Deep Ocean Affairs Administration to be responsible for coordination with the secretariat of the Authority.

14. MNR (SOA), through the National Deep Sea Center, will provide offices, conference rooms, dormitories, supplies and equipment and supporting staff for the joint training and research center.

15. Training programmes provided by the joint training and research center are to be carried out for the benefit of developing States, in particular least developed States, land-locked 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 programmes 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 center may include research relating to:

- a) Policies, technologies and best practice related to 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 technologies, in particular technology relating to the protection and preservation of the marine environment.

18. The funds of the joint training and research center may come from:

- a) Operational funds provided by MNR (SOA);
- b) Training and research funds or grants provided by MNR (SOA);
- 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; and
- h) Other sources of funding.

19. Both parties agree to promote the activities of the joint training and research center 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 center.

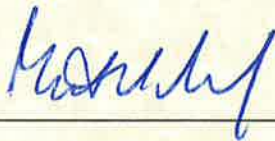
22. The present memorandum of understanding is without prejudice to agreements concluded by either party with other organizations and programmes.

23. The present memorandum of understanding is signed by both parties in a spirit of cooperation. The terms of the present memorandum of understanding may be altered with the consent of both parties.

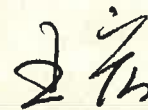
24. The present memorandum of understanding shall take effect from the date of its signature by both parties and shall continue for five years unless it is terminated by the giving of three months' notice by either party. It may be extended on the mutual agreement of both parties for further terms of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

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

Signed by both parties in Beijing, China.



For the International Seabed Authority



For the Ministry of Natural Resources
(State Oceanic Administration)
of the People's Republic of China

Date: 18 October 2019

Date: 2019.10.18



国际海底管理局与中华人民共和国自然资源（国家海洋局）

关于建立联合培训和研究中心的谅解备忘录

为促进和鼓励在“区域”内进行海洋科学研究，以及开展国际合作促进技术知识和研究的发展，包括特别是为发展中国家创造培训和能力建设机会，中华人民共和国自然资源部（国家海洋局）（以下简称“资源部（海洋局）”）提议与国际海底管理局（以下简称“海管局”）协调建立一个联合培训和研究中心。

鉴于，海管局是《联合国海洋法公约》（以下简称《公约》）缔约国组织和控制“区域”内活动，特别是管理“区域”资源的组织；

资源部（海洋局）是具有海洋资源调查、监管和评价，促进国际合作，特别是与发展中国家和国际组织合作职责的政府部门；

海管局和资源部（海洋局）希望依据《公约》第十一、第十三、第十四部分和《关于执行 1982 年 12 月 10 日〈联合国海洋法公约〉第十一部分的协定》，继续通过协商深化双方合作，共同规划和实施本谅解备忘录所述联合培训和研究中心的各项活动。

1. 鉴此，海管局和资源部（海洋局）（“双方”）兹同意签署一个谅解备忘录，以便：

- 1) 本着发展中国家的利益，鼓励和推进他们的海洋科学研究，促进他们在海洋科学研究和技术开发方面的合作，并为此协调联合培训和研究中心

活动的规划与执行；

- 2) 鼓励和促成与发展中国家在海洋科学和技术开发方面的合作；
- 3) 推进“区域”内海洋科学研究的国际合作。

2. 海管局与资源部（海洋局）协商建立联合培训和研究中心是为了支持海管局履行其相关责任和义务，具体包括能力建设、海洋科学研究、海洋技术开发国际合作及执行海管局在 2019 - 2023 年战略计划中设定的战略方向。

3. 联合培训和研究中心至少在开始运行的前五年挂靠位于中国青岛的国家深海基地管理中心，并设在该中心内。

4. 联合培训和研究中心的任务是：

- 1) 为发展中国家国民在深海海底相关活动的培训和能力建设创造更多机会和项目；
- 2) 鼓励和推动发展中国家进行海洋科学研究；
- 3) 促进海洋科学研究和技术发展方面的合作，包括在可行和适当的情况下转让海洋技术；
- 4) 提高发展中国家对“区域”活动的参与。

5. 联合培训和研究中心的主要职能包括下列方面：

- 1) 提供海洋科学和技术的培训项目以及海洋科学研究的技能，旨在协助发展中国家全面参与“区域”活动，包括在适当情况下，参与由承包者根据与海管局签订的勘探和开发合同而提供的培训项目；
- 2) 开展与“区域”活动最新发展和趋势有关的合作研究项目；
- 3) 组织与“区域”海洋科学研究和“区域”活动有关的会议、讨论会、讲习班和专题研讨会；
- 4) 及时在易于获取的出版物上发表海洋科学和技术研究成果；
- 5) 与其他国家，特别是与发展中国家的技术合作；
- 6) 双方商定的其他职能。

6. 成立指导委员会，就下列事宜为联合培训和研究中心主任提供意见和指导：

- 1) 中心培训和研究项目的规划和实施；
- 2) 中心关于培训和研究项目的年度工作计划；
- 3) 中心的工作报告；
- 4) 中心培训和研究项目的资金筹集；
- 5) 双方约定的其他事项。

7. 指导委员会应由海管局提名的两名委员、资源部（海洋局）提名的两名委员及联合培训和研究中心主任组成。指导委员会成员的数量经双方同意可进行调整。指导委员会的主席应由其成员在除主任以外的其他成员中选出。主席应在海管局和资源部（海洋局）提名的指导委员会成员之间每两年轮换一次。

8. 指导委员会每年至少召开一次会议，地点由委员会决定。必要时可召开更多会议，包括远程电话会议。

9. 指导委员会将制定其议事规则。委员会的决策应采取协商一致的方式。如果委员会尽一切努力仍无法通过协商做出一致决定，委员会将把问题提交双方进行磋商。

10. 联合培训和研究中心主任应由海管局在与资源部（海洋局）协商后提名，由海管局和资源部（海洋局）联合任命，任期五年。主任可以连任。

11. 联合培训和研究中心主任代表中心，负责中心的日常运作。

12. 联合培训和研究中心主任负责下列事项并应就此征询指导委员会的意见：

- 1) 制订培训和研究项目的年度工作计划；
- 2) 实施中心的培训和研究项目；
- 3) 编制中心工作报告；
- 4) 筹集中心培训和研究项目的资金。

13. 为便于双方协调联合培训和研究中心相关事宜，资源部（海洋局）指定中国大洋事务管理局负责与海管局秘书处进行协调。

14. 资源部（海洋局）将通过中国国家深海基地管理中心为联合培训和研究中心提供办公室、会议室、宿舍、用品和设备以及支持人员。

15. 联合培训和研究中心将本着发展中国家，特别是最不发达国家、内陆发展中国家、地理不利的发展中国家和小岛屿发展中国家的利益提供培训项目。在提供培训机会时，应适当注意性别平衡和地域分配均衡。

16. 培训项目应包括海洋科学和技术研究等各个层级和多个方面，特别是海洋生物学、海洋学、水文学、工程、海底地质勘探、采矿和冶金技术。在切实可行的情况下，培训项目还可包括海洋政策、海洋法和海管局的规则、规章和程序的培训。

17. 联合培训和研究中心支持的研究项目可包括下列相关内容：

- 1) 海洋环境保护与保全有关的政策、技术和最佳实践，包括预防、减少和控制海洋污染；
- 2) 深海采矿技术动态和发展的跟踪研究，特别是与海洋环境保护和保全有关的技术。

18. 联合培训和研究中心的经费可来自：

- 1) 资源部（海洋局）提供的业务经费；
- 2) 资源部（海洋局）提供的培训和研究基金或经费；
- 3) 通过海管局获得的培训和研究经费(如有)；
- 4) 指导委员会筹集的资金；
- 5) 承包者的自愿捐款；
- 6) 海管局成员和观察员、其他国际机构、慈善组织、机构或国际组织的自愿捐款；
- 7) 在适当情况下，可由海管局区域内海洋科学研究捐赠基金拨款，但须根据基金的职权范围、准则和程序批准；
- 8) 其他来源的资金。

19. 双方同意促进联合培训和研究中心的活动及其培训和研究项目，并鼓励向这些项目提供财政支持。

20. 本谅解备忘录或任何与之有关的文件均不意味明确或默认海管局或海管局任何官员放弃其根据《公约》所享有的任何特权或豁免。

21. 本谅解备忘录不构成一项国际条约，不为双方创设具有法律约束力的权利或义务，双方均无权代表对方行事或以其他方式约束对方。海管局及其任何成员均不对联合培训和研究中心的任何活动承担任何责任。

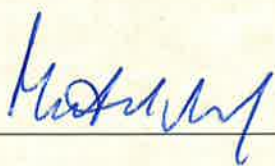
22. 本谅解备忘录不影响任何一方与其他组织和项目签订的协议。

23. 本谅解备忘录由双方基于合作精神签署。经双方同意，可对本谅解备忘录进行修改。

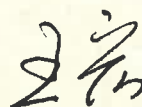
24. 本谅解备忘录自双方签署之日起生效，有效期为五年，除非任何一方提前三个月通知另一方终止本谅解备忘录。经双方同意，本谅解备忘录可以延长，每次延长期为五年。

25. 本谅解备忘录用英文和中文写成，两种文本具有同等效力。

本谅解备忘录由双方在中国北京签署。



国际海底管理局



中华人民共和国自然资源部
(国家海洋局)

日期: 18 October 2019

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