

Enhancing Ocean Capacity

**Capacity-building Programme of the
Division for Ocean Affairs and the Law of the Sea**

October 2022

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Foreword

The General Assembly has emphasized that capacity-building is essential to ensure that States, especially developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea. Indeed, although capacity-building is not directed

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Introduction

The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs (previously the Office of the Special Representative of the Secretary-General for the Law of the Sea and then the Office for Ocean Affairs and the Law of the Sea) has been providing information, advice and assistance to States and intergovernmental organizations in the field of oceans and the law of the sea since the adoption of the United Nations Convention on the Law of the Sea in 1982. The Division provides information, advice and assistance to States through its capacity-building programme and through the financial assistance made available to States through the voluntary trust funds the Division administers. Assistance is developed on the basis of needs, in close cooperation with beneficiaries and donors, as well as relevant intergovernmental organizations and development partners. Priority is given to developing States, in accor-

The importance of meeting the needs of States, especially developing States, was well recognized by the Third United Nations Conference on the Law of the Sea. Importantly, in 1981, this recognition was clearly articulated by the Secretary-General in a study on the future functions of the Secretary-General under the draft convention and on the needs of countries, especially developing countries, for information, advice and assistance under the new legal regime (A/CONF.62/L.76), which was requested by the General Assembly in its resolution 35/116. In 1983, the Secretary-General further identified the central importance of meeting such needs as one of the “basic requirements to be met in the institutional arrangements for the law of the sea” in his report to the Assembly on the Third United Nations Conference on the Law of the Sea (A/38/570 and A/38/570/Corr.1). In its resolution 38/59, the Assembly took special note of that report, including the reference therein to the increasing needs of States for information, advice and assistance. In 1984, the Secretary-General noted in his report on the law of the sea that requests for information, advice and assistance had grown perceptibly in the preceding year (A/39/647, para. 107).

Some four decades later, the Secretary-General continues to discharge those responsibilities entrusted to him pursuant to the mandates contained in the resolutions of the General Assembly on oceans and the law of the sea, sustainable fisheries and the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The Secretary-General, in his bulletin on the organization of the Office of Legal Affairs (ST/SGB/2021/1), also provided for the current specific mandate of the Division in this regard.

The needs of Member States, in particular developing States, for information, advice and assistance have not stopped developing and growing. Consequently, the General Assembly continues to acknowledge those needs, and the important role of the Secretary-General, through the Division's provision of information, advice and assistance to States through its capacity-building programmes. Most recently, in 2021, in its resolution 76/72, the Assembly repeated its invitation to the Secretary-General, in cooperation with Member States, international financial institutions, donor agencies and intergovernmental organizations, to endeavour to expand the capacity-building activities of the Division in order to meet the increased need for assistance to developing States. It also invited again these agencies, as well as non-governmental organizations (NGOs) and natural and juridical persons, to support the capacity-building activities of the Division, including by making earmarked voluntary contributions to the trust funds.

In addition to recognizing the import26,

1.

Web pages

The Division manages a number of web pages relating to its activities, which serve as important tool for the dissemination of information and technical assistance. Through the web pages, various materials, including publications, reports, legal materials and documents relating to oceans and the law of the sea, can be accessed.

The Division's web pages include:

- y General web page of the Division on oceans and law of the sea, with information on all processes and activities the Division is involved in, available at www.un.org/Depts/los.
- y Web page dedicated to the technical cooperation projects, fellowships and trust funds managed by the Division, available at www.un.org/oceancapacity.
- y Web page for the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), for which the Division acts as the secretariat, available at www.un.org/bbnj.
- y Web page for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, for which the Division acts as the secretariat, available at www.un.org/regularprocess.



Part I

Technical cooperation projects

The Division's technical cooperation projects include a range of capacity-development activities at the multilateral and bilateral levels. Assistance to States, upon their request and in accordance with their needs,

and institutional frameworks relating to ocean affairs and the law of the sea. This allows States to identify key needs and gaps, and enhance

Activities

To strengthen the capacities of the target countries in elaborating, adopting and implementing evidence-based and policy coherent ocean economy and trade strategies with a view to promoting the sustainable trade of products and services in ocean-based economic sectors within the Convention framework, UNCTAD and the OLA/Division are implementing the project in four phases:

- (a) Assessment and formulation, including data analysis of ocean economy sectors and selection of two sectors in each beneficiary State;
- (b) Validation and implementation, including the preparation of the ocean economy and trade

Activities

The programme is intended to be delivered through three main activities:

- (a) *Online workshops*, designed to provide an introduction to the legal framework for the ocean and seas, in particular the Convention and related instruments, and ocean governance in a number of core modules, with an opportunity to develop knowledge in more specialized areas in the elective modules. The workshops include class prepa-

Activities

the training of Commission personnel in the field of ocean affairs and the law of the sea in early 2022.

The Division delivered a training programme to provide an overview of the legal and institutional framework for the sustainable management of the ocean, namely: the Convention, related legal and institutional frameworks at all levels, and their interaction of these with the 2030 Agenda to build sustainable ocean-based economies. The training also focused on specific technical aspects, including maritime boundary delimitation and dispute settlement.

The course was delivered in Riyadh by the Division, with the assistance of subject matter experts, in January–March 2022.

The United Nations Development Programme, through the office of its Resident Representative in Saudi Arabia, assists with the administration and implementation of the training programme.

(b) *Somalia programmes of assistance*

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Part II

Fellowships and training

The Division coordinates several fellowship programmes and provides training courses on a wide range of issues relating to ocean affairs and the law of the sea. The United Nations – Nippon Foundation capacity-building programmes include a series of fellowships and training activities, as well as a vibrant alumni network. In partnership with, and funded by the Nippon Foundation, the programmes are implemented by the Division and academic host institutions. In addition, the Division manages the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, which provides support to qualified persons specialized in the law of the sea and ocean affairs. Other training activities of the Division include ad hoc briefings and contributions to training programmes sponsored by national, intergovernmental, and non-governmental organizations in the field of oceans and the law of the sea.

For more information, please visit the capacity-building website of the Division (www.un.org/oceancapacity) or contact the Division at doalos@un.org.

A. United Nations-Nippon Foundation capacity-building programmes

At a glance

Activities carried out under the United Nations–Nippon Foundation capacity-building programmes currently include two Fellowship Programmes, as well as other activities coordinated under the auspices of their extensive alumni network, with a view to ensuring long-term and continued capacity development. The programmes are conducted and implemented by the Division, in partnership with and funded by the Nippon Foundation and in collaboration with academic host institutions.

About

The purpose of the various training activities operating under the umbrella of the United Nations – Nippon Foundation (UNNF) capacity-building project entitled “Human resources development and advancement of the legal order of the world’s oceans” is to develop the capacity of States, in particular developing States, to sustainably manage their ocean resources and to effectively implement the law of the sea, as reflected in the Convention and related instruments.

That purpose is achieved through targeted training programmes, which are buildosnd latone s7e(l)-9.9 (o)-1encees158 (f t)-55.1 (d)6] JO -1.222 Td(p)-14.8 e(l)- ca6.7(a)-14S hrs37(f)3.00

2. United Nations-Nippon Foundation Strategic Needs Fellowship Programme

This Fellowship provides needs-based capacity assistance in the implementation of the Convention and related instruments, as well as the achievement of the Sustainable Development Goals. It is aimed at addressing strategic and specific needs identified by the participants and their Governments.

The assistance is provided to government officials from developing States, in particular, small island developing States and least developed countries, who are filling key positions but have limited experience in ocean affairs and the law of the sea.

The Strategic Needs Fellowship Programme lasts four months, during which fellows are provided with in-depth highly customized training on ocean affairs and the law of the sea, with a focus on those areas in which States have identified strategic capacity barriers.

At this time, 11 awards are made for the Strategic Needs Fellowship Programme each year.

3. Fellowships and training programmes previously conducted under the auspices of the United Nations-Nippon Foundation capacity-building programmes

Under the United Nations-Nippon Foundation Sustainable Ocean Programme, which ran from

There were 182 individuals who participated in the BBNJ Training Programme.

Participation

The United Nations-Nippon Foundation capacity-building programmes are aimed at government officials and other mid-level professionals in ocean-related fields from developing States. A total of 208 individu-

insurance and housing, please see the Fellowship web page at www.un.org/oceancapacity/HSA.

Participation

Candidates must have a degree in Law or Marine Sciences, Political Science, or Ocean Management or technical training in Ocean Management, Administration of Ports or in related disciplines; they must have at least five years work-related experience; and they must be between 25 and 40 years of age.

Calls for applications will be posted on the dedicated web page, as well as distributed to States and other institutions.

Applications may be submitted by governments, institutions or directly by individuals. The applications include the following:

- (a) The Personal History and Proposed Research Study Programme Form, which must be completed legibly by the candidate, with each question

answered clearly and completely in order to ensure that the application is processed;

- (b) The Nomination Form (optional), which must be completed and signed by an official of any government or governmental agency or other institution.

Application forms are available at www.un.org/oceancapacity or by contacting the Division.

For more information, please visit the Hamilton Shirley Amerasinghe Memorial Fellowship page on the capacity-building website of the Division (www.un.org/oceancapacity/HSA) or contact the Division at doalos@un.org.



Part III

Trust funds and assistance fund

The Division administers a number of trust funds and an assistance fund, to facilitate the work of United Nations bodies and processes in the field of oceans and the law of the sea, to ensure the participation of developing countries in such bodies and processes and to support the implementation of the Convention and related instruments. The Division assists Member States with respect to their voluntary contributions to the funds and their applications for assistance under the funds, and also administers awards and related reporting procedures for each fund.

For more information, please visit the capacity-building website of the Division (www.un.org/oceancapacity) or contact the Division at

At a glance

CLCS voluntary trust fund for members assists with defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission.

About

The General Assembly, in its resolution 55/7, requested the Secretary General to establish a voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission and invited States to contribute to the fund.

In its resolution 75/239, the General Assembly authorized the use of the trust fund by the Secretary-General on an exceptional basis to reimburse the full cost of the premium paid for the Headquarters medical insurance scheme by the members of the Commission from developing States, subject to the availability of funds following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of the members of the Commission from developing States for the sessions of the Commission during the annual insurance coverage period (1 July–30 June); and authorized by the Secretary-General in case the full costs of the Headquarters medical insurance scheme have not been reimbursed, as an interim measure and subject

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- (f) Advisory/consultancy assistance related to the above points.

Note: the United Nations will make arrangements for travel funded under this trust fund, and in all cases assistance will be provided for travel in economy class which follows the most cost-effective route, arriving the day before the proceedings and departing the evening of the last day of the proceedings, or the following day if necessary for travel-related reasons.

Eligibility

An application for financial assistance from the fund may be submitted by any developing State, in particular the least developed countries and small island developing States, that is a State Member of the United Nations and party to the Convention.

How to apply

All applications for financial assistance must clearly specify whether the application is for reimbursement or a grant, and include an application form with the information specified below for each purpose:

Training of technical and administrative staff;

- (a)

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About

In 1999, the General Assembly decided to establish the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in order to facilitate the annual review by the Assembly, in an

- (b) The dates during which the delegate will be required to attend the meeting;
- (c) What assistance with respect to travel, if any, will be provided to the delegate by the Government.

Additionally, a completed application package must be submitted with the following:

- (a) Completed and signed application form;
- (b) Copy of the delegate's official passport biodata page;

051621@un.org. Completed and signed Form, together with a copy of a bank statement or a voided cheque;

- (d) Valid visa or Electronic System for Travel Authorization (ESTA), as appropriate, for travel to the United States of America.

Application forms can be obtained by contacting the Division.

For more information, including on how to make contributions to the trust fund, please visit the capacity-building website of the Division (www.un.org/oceancapacity) or contact the Division at doalos@un.org.
GPpaG0

Eligibility

Assistance may be provided to States parties to the Convention who have, or are about to submit cases to the Tribunal, including its Seabed Disputes Chamber and any other Chamber, and primarily where cases are proceeding to the merits and where jurisdiction is not an issue. Exceptionally, States may be provided with assistance for other phases of proceedings.

How to apply

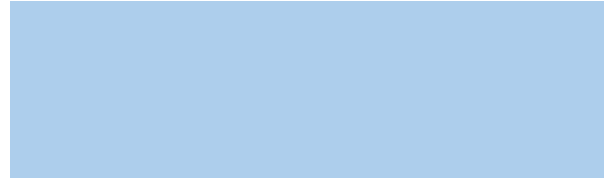
The State must request the Division for financial assistance from the voluntary trust fund through its permanent mission in New York.

- (a) It must submit a completed application form, providing information on the case and details on the expenditures for which assistance is requested

(including copies of estimates or receipts documenting each of these);

- (b) A commitment to supply a certified final statement of account of the expenditures. This is a prerequisite to the disbursement of assistance from the trust fund. The United Nations cannot disburse funds without receipt from the requesting State of an audited statement of account.

Application forms can be obtained by contacting the Division.



Eligibility

Assistance may be provided to an expert from a developing country accepted into the pool of experts for the Regular Process.

How to apply

Completed applications for assistance, and proof of relevant visas, must be received by the respective deadlines.

A completed application consists of:

(a) Completed application form;

(b) A copy of the biodata page of the passport;

(c) A copy of relevant visa(s), including transit visas, as may be required.

Application forms can be obtained by contacting the Division.

For more information, including on how to make contributions to the trust fund, please visit the capacity-building website of the Division (www.dstnries)

evening of the last day of the proceedings, or the following day if necessary for travel-related reasons.

Eligibility

The purpose of the trust fund is to provide financial assistance to representatives of developing countries, in particular least developed countries, small island developing States and landlocked developing States to participate in the Intergovernmental Conference. Assistance is limited to one representative per delegation designated by their Government and selected as recipient.

How to apply

The application package, to be sent by Governments through their permanent missions to the United Nations, must contain the following:

- (a) Communication from the Government requesting financial assistance from the voluntary trust fund for the delegate who will attend the meeting, clearly indicating the following: the name, date

of birth and detailed contact information for the delegate; the dates during which the delegate will be required to attend the meeting; and what assistance with respect to travel, if any, will be provided to the delegate by the Government;

- (b) Completed and signed application form;
- (c) Copy of the passport biodata page and any required visas for the delegate;
- (d) Completed and signed F.249 bang pp near,

compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

Under article 26 of the Agreement, States are required to cooperate to establish special funds to assist devel-

I. Trust fund for the UN-Oceans Focal Point and database (of mandates of UN-Oceans members)

At a glance

The UN-Oceans trust fund for the UN-Oceans Focal Point and Database provides support for the development and maintenance of an online searchable database for an inventory of the mandates of UN-Oceans members and priorities approved by the respective governing bodies of the participating organizations of UN-Oceans, and for travel associated with the performance of the functions of the Focal Point.

About

As set out in General Assembly resolution 68/70, UN-Oceans is an inter-agency mechanism that seeks to enhance the coordination, coherence and effectiveness of competent organizations of the United Nations system and the International Seabed Authority, in conformity with the United Nations Convention on the Law of the Sea, the respective competences of each of its participating organizations and the mandates and priorities approved by their respective governing bodies.

UN-Oceans was established to: strengthen and promote coordination and coherence of United Nations system activities related to ocean and coastal areas; regularly share ongoing and planned activities of participating organizations within the framework of



Annex

Terms of reference for trust funds and assistance fund

I. Trust fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing countries in the meetings of the Commission

A. Mandate of the Trust Fund

1. By operative paragraph 20 of its resolution 55/7 on Oceans and the Law of the Sea, the General Assembly requested the Secretary-General to establish a voluntary fund for: the participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission.

B. Voluntary contributions

2. The Fund is open to all voluntary contributions from States and other interested entities.

C. Use of the Fund

3. The purpose of the fund is to assist the members of the Commission on the Limits of the Continental Shelf from developing States in participating in the meetings of the Commission. Assistance would cover both travel expenses and daily subsistence allowance. Applications will be considered in the

order in which they are received.

D. Financial Regulation

may be met by funds from the Fund (e.g. software and hardware equipment, technical assistance, etc.).

C.

- (f) Air travel and daily subsistence allowance when the Commission or relevant subcommission has invited a delegation to attend its meeting or session

The application shall be accompanied by:

- (i) A copy of the communication from the Commission inviting the State to attend its meeting or session;
- (ii) A communication from the requesting Government(s) nominating the delegate(s) which will attend a meeting or session of the Commission or subcommission, and indicating the dates during which each of the delegate(s) will be required to attend such meeting or session; and
- (iii) A copy of the passport information page and advice of the telephone number and email address for each delegate nominated to attend a meeting or session.

18. In all these cases the application shall be accompanied by an undertaking that the requesting State shall supply a final statement of account providing details of the expenditures made from the approved amounts, to be certified by an auditor acceptable to the United Nations.

E. Consideration of applications

19. Each request for financial assistance shall be considered by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs ("the Division"), which acts as the secretariat of the Commission.

20. The Division may engage an independent panel to assist in the examination of applications on the basis of section 4 above and to recommend the amount of financial assistance to be given. The panel shall be composed of the Chairs of the United Nations Regional Groups; each Chair may designate one representative from their Regional Group to attend on their behalf. However, no person from a State with an application before the panel and no sitting Commission member should serve on this independent panel.

21. In considering the application, the Division shall be guided by the following, in order of priority:

- (a) the need to assist States requesting assistance with their initial submission to the Commission;
- (b) the need to assist least developed countries and small island developing States;
- (c) the need to assist developing States to prepare additional data requested by the subcommission analysing their submission;

- (d) the need to assist developing States to participate in meetings with the Commission or one of its subcommissions upon an invitation by the Commission;

- (e) the need to assist developing States to maintain their capacity while waiting for their submission to be assigned to a subcommission for examination; and

- (f) the need to assist developing States to prepare revised and/or amended submissions.

The order in which applications are received, the availability of funds and the overall level of assistance provided so far to a State requesting assistance shall also be taken into consideration. Assistance with revised or amended submissions will be limited to one approved application per developing State; in the case of joint submissions each State involved in the joint submission may seek such assistance.

F. Granting of assistance

22. The Secretary-General will provide financial assistance from the Fund for requests approved on the basis of the evaluation and recommendation of the Division on the advice of the Panel of Experts. Payments will be processed by the Organization in accordance with standard practices.

G. Application of article 5 of annex II to the Convention

23. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission but has the right to participate as a member in the proceedings of the Commission concerning the said submission. In an effort to promote transparency and to give full effect to article 5 of annex II to the Convention there should be full disclosure by Commission members, Trust Fund recipients and training sponsors to the Division of any pre-submission contacts.

activities pursuant to this Fund shall disclose this information to the Division.

26. Upon submission to the Commission of its information on the limits of its continental shelf pursuant to article 76 of the Convention, a coastal State that has received assistance from this Fund shall disclose this information, including the involvement of any Commission members.

I. Application of the Financial Regulations and Rules of the United Nations

27. The Financial Regulations and Rules of the

D. Applications for financial assistance

5. An application for financial assistance from the Fund may be submitted by any developing country which is a Member of the United Nations and/or party to the United Nations Convention on the Law of the Sea. The Permanent Mission of the requesting State shall send a formal communication to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs ("the Division") requesting financial assistance from the Fund and providing the name, the date of birth and detailed contact information of the designated representative.

E. Consideration of applications

6. Each request for financial assistance shall be considered by the Division, which is the secretariat that services the Consultative Process.

7. In considering the application, the Division shall be guided by:

- (a) the need to give priority disbursement to panel-
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4.

shall be the Programme Manager of the Fund and the Executive Officer of the Office of Legal Affairs shall be Certifying Officer.

11. The Legal Counsel shall be responsible for ensuring that the Fund is utilized for the purpose described in paragraph 2, as read with paragraph 1.

12.

C. Frequency of award

3. It is anticipated that a minimum of one Fellowship, or more than one if there is adequate income, will be awarded each year, special consideration being given to persons who may not otherwise have the means or facilities for acquiring such special knowledge, training or experience through other means or in their own countries.

D. Administration of Fellowship

4. The Fellowship will be administered by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and will be funded from the income received from contributions to the Fellowship Fund which has been established for the purpose. An annual report on the administration of the Fellowship will be made to the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

E. Establishment of Advisory Panel

5. An Advisory Panel of eight eminent persons in international relations, the law of the sea and its implementation will be nominated annually by the Under-Secretary-General for Legal Affairs, the Legal Counsel, for the purpose of evaluating the candidates and making recommendations for the award of the Fellowship or Fellowships. The Panel shall be composed of:

- (a) representatives of Permanent Missions to the United Nations;
- (b) representatives of educational institutions or organizations of an international character;
- (c) individuals closely associated with the work of the Third United Nations Conference on the Law of the Sea and with the United Nations Convention on the Law of the Sea and its implementation; and
- (d) a nominee of the Legal Counsel.

F. Application of Candidates

6. The annual award of the Fellowship will be widely publicized and applications will be received within the time period specified. Applications may be submitted by governments, institutions or directly by individuals. The applications shall include information concerning the candidate's personal history, together with a resume of his/her education and vocation, and transcripts from colleges and universities attended. Applications will also include a one-page description prepared by the candidate as to their proposed area of study. Candidates shall be required to provide

information as to their financial means and the facilities available to them for the advancement of their careers or vocations. Prior to the award of the Fellowship, the selected candidate would be required to provide confirmation and documentary proof, as appropriate, of all educational qualifications and other important information.

G. Method of selection of Fellowship recipients

7. On the basis of the applications received, a short list of eligible candidates will be established by the

J. Institution of Study

12. Fellowship recipient(s) will, after consultation with and acceptance by the universities or institutions concerned, be provided facilities to pursue courses, undertake research, receive further training or gain specialized experience in one or more of the universities and educational institutions on the list provided for the programme in any year. Due regard will be given to the preference of a candidate for a particular university or institution, the preferred areas of research and the period during which the Fellowship will be implemented.

K. Accommodation and functional arrangements

13. In view of the waiving of fees and levies by the universities and institutions listed as participating in the Fellowship, the United Nations will assume responsibility only for all travel connected with the Fellowship and the relevant accommodation allowances. During

the terms of their awards, Fellows will be paid specific allowances which are intended to cover only normal living expenses in accordance with policies and procedures governing the administration of United Nations Fellowships.

14. During the period of internship in the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, the Fellow will continue to be paid the above allowances.

L. Dissertation by Fellow

15. At the end of the period of research study, the Fellow shall be required to submit a dissertation or study on an aspect of the law of the sea as may be decided between the Fellow, the supervising professor and the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. Such dissertation or study will be considered for inclusion in the official publications of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

VII. Trust fund for the purpose of assisting developing countries, in particular the least developed countries, land-locked developing countries and small island developing States, in attending the meetings of the preparatory committee and an intergovernmental conference on the development of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

A.

D. Applications for financial assistance

4. The Permanent Mission of the requesting State, or in the absence of a Permanent Mission, the Ministry of Foreign Affairs, shall send a formal communication to the Divisn.

VIII. Assistance fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

As revised at the fourteenth round of Informal Consultations of the States Parties to the Agreement, New York, 2 to 3 May 2019.

A. Background and scope

1. Article 25 of Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (hereinafter referred to as the

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relation to the administration and operation of the Fund. In particular, they will, as appropriate, seek to achieve mutual benefits from any arrangements under this Fund with similar activities, including in relation to the promotion and implementation of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the 1995 FAO Code of Conduct for Responsible Fisheries.

11. UN/OLA/DOALOS will receive applications, ensure that the agreed procedural requirements are met, and then forward them expeditiously to FAO for review and decision, in accordance with these Terms of Reference. In the case of applications for assistance under paragraph 13 (projects and programmes) which are to be implemented by UN/OLA/DOALOS, and paragraph 16(g) (proceedings for the settlement of disputes under the Agreement), UN/OLA/DOALOS will review and decide on these applications in accordance with these Terms of Reference.

E. Contributions to the Assistance Fund

12. FAO and UN/OLA/DOALOS will invite States, inter-governmental organizations, international financial institutions, national institutions, non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Fund. Such contributions will be deposited in the Fund referred to in paragraph 7.

13. In addition to general voluntary contributions to the Fund, contributions may also be made through donor agreements for specific activities which meet any of the purposes of the Fund set forth in paragraph 16. Such donor agreements between a donor, FAO and the UN/OLA/DOALOS, will set out all activities to be undertaken, as mutually agreed upon by them. Such activities will be implemented by FAO or UN/OLA/DOALOS.

F. Applications for assistance

14. (a) An application for financial assistance from the Fund may be submitted by any developing State Party to the Agreement. Such an application may also be submitted on behalf of the Party by an appropriate subregional or regional organization or arrangement;

(b) An application for financial assistance by a developing State Party to the Agreement will be submitted by way of an official communication from the relevant national authority of the applicant. An application for financial assistance on behalf of a developing State Party by an appropriate sub-regional or regional organization or arrangement will be accompanied by an official

communication from the relevant national authority of the developing State Party confirming that the application is submitted on its behalf;

(c) All applications for financial assistance for travel will be submitted to UN/OLA/DOALOS at least one month in advance of the date of the event or activity for which assistance is requested. Applications for assistance for other types of activities will be submitted at least four months in advance of the planned activity.

15. The application should specify how it relates to the implementation of the Agreement and include a description of the desired outputs of the project/ expenditure and an itemization of anticipated costs.

G. Purposes of assistance

16. The purpose of the financial assistance applied for should be specified and may be sought for the following purposes:

(a) Facilitating the participation of representatives from developing States parties, in particular the least-developed among them and small island developing States parties to the Agreement, in the meetings and activities of relevant regional and subregional fisheries management organizations and arrangements.

Such assistance may include such costs as travel costs and, if appropriate, daily subsistence allowances for delegations participating in relevant regional and subregional fisheries management organizations or arrangements, including technical experts.

(b) Assisting with travel costs, and if appropriate daily subsistence allowances, associated with the participation of developing States parties, in particular the least-developed among them and small island developing States parties to the Agreement, in relevant meetings concerning high seas fish-

- (c) If financial assistance provided from the Fund is not applied by an applicant for the purpose for which it is approved, the applicant will notify FAO and UN/OLA/DOALOS as soon as possible and take immediate steps to refund promptly the financial assistance to FAO. Failure to comply with these requirements may affect the decision concerning any future application for assistance.

I. Reporting

23. An annual report on the activities of the Fund, including a financial statement of the contributions to, and disbursements from the Fund, will be included in the report of the Secretary-General of the United Nations on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments". A report on the activities of the Fund to date, including a financial statement of the contributions to and disbursements from the Fund will also be presented at the Review Conference provided for in Article 36 of the Agreement.

24. Additional reports on project(s) and programme(s) referred to in paragraphs 4 and 13 will be presented to the donor by FAO and the UN/OLA/DOALOS, in accordance with any specific reporting requirements set out in the donor agreement, and in accordance with the donor agreement and the Rules and Regulations of FAO and the United Nations, as may be applicable.

25. Recipients of assistance will be required to

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