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INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of UNESCO)

INFORMATION DOCUMENT

DRAFT STRATEGY
ON CAPACITY-DEVELOPMENT FOR DELINEATION OF THE OUTER LIMITS
OF THE CONTINENTAL SHELVES OF AFRICA COASTAL STATES

Summary. This document has been prepared by NEPAD, IOC of UNESCO and GRID-Arendal. The three agencies are developing a strategy for fast-tracking capacity-building in Africa, so that countries can prepare submissions on the outer limits of the continental shelf beyond 200 nautical miles, before the deadline of 12 May 2009. UNESCO and UNEP are exploring opportunities for developing partnerships with a view to assisting the African countries in the preparation of these submissions.

Executive Summary

The United Nations Convention on the Law of the Sea (UNCLOS) is unique in human history as it effected and promoted the largest transfer of the greatest store of planetary resources to member states, without recourse to conflict. Under Article 76, the Convention provides member states the option to claim sea-bed resources seaward of their low-tide line beyond 200 nautical miles. Studies by marine experts estimate that the claimable sea-bed area for Africa varies from between 750,000 to 1,000,000 km².

Thirty of the thirty-five coastal states in Africa ratified the Convention. It would have been evident to all signatories that off-shore areas needed to be studied through established scientific investigations for a valid submission to be made to the Commission on Limits of Continental Shelf (CLCS) supporting their claims for extension. In the Convention's current version, the window of opportunity for this bounty closes 10 years after ratification and for many African nations this date is 12 May 2009.

In spite of this fast approaching deadline however, many countries in Africa have not initiated the programs needed to meet the 12 May 2009 date. Indications are that many states may not be in a position to lay claim to this opportunity, thereby losing these vast resources of the sea for their future generations.

In an attempt to rectify this situation, UN agencies including DOALOS, UNEP-GRID, and UNESCO/IOC have been raising awareness of their member states through their governing bodies and through regional training programs conducted for 30 coastal states in Africa.

Unfortunately this effort too has not created the necessary level of drive in member states, and many potential claims are in danger of never being made. As a 'last call to arms', UNESCO and UNEP-GRID are making a further attempt to develop the capacity of member states to effectively declare their interest in making submissions to the Commission. This attempt will enable Member States submit a 'desk-top' study using global open data sources.

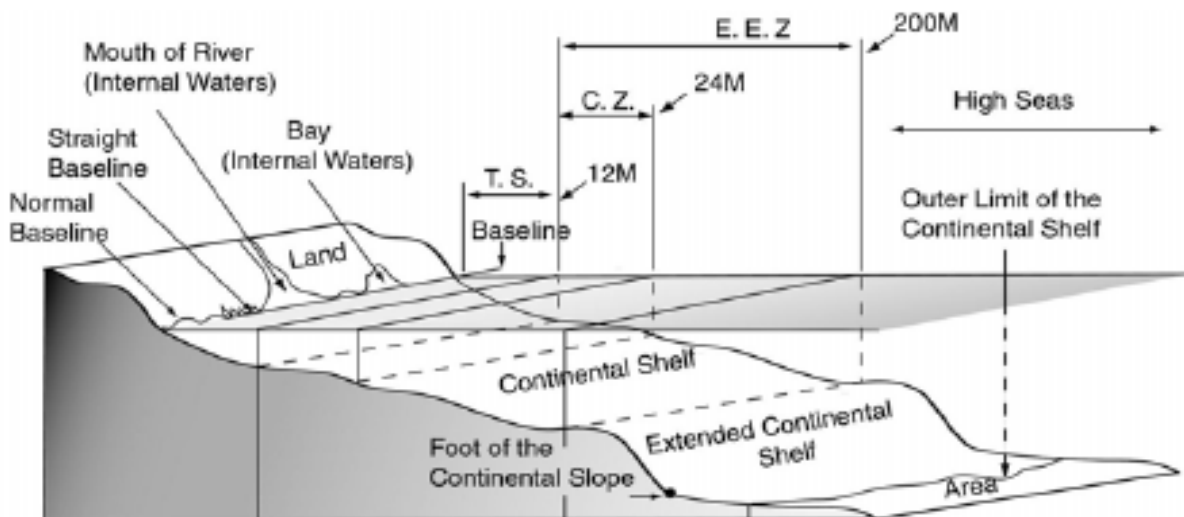
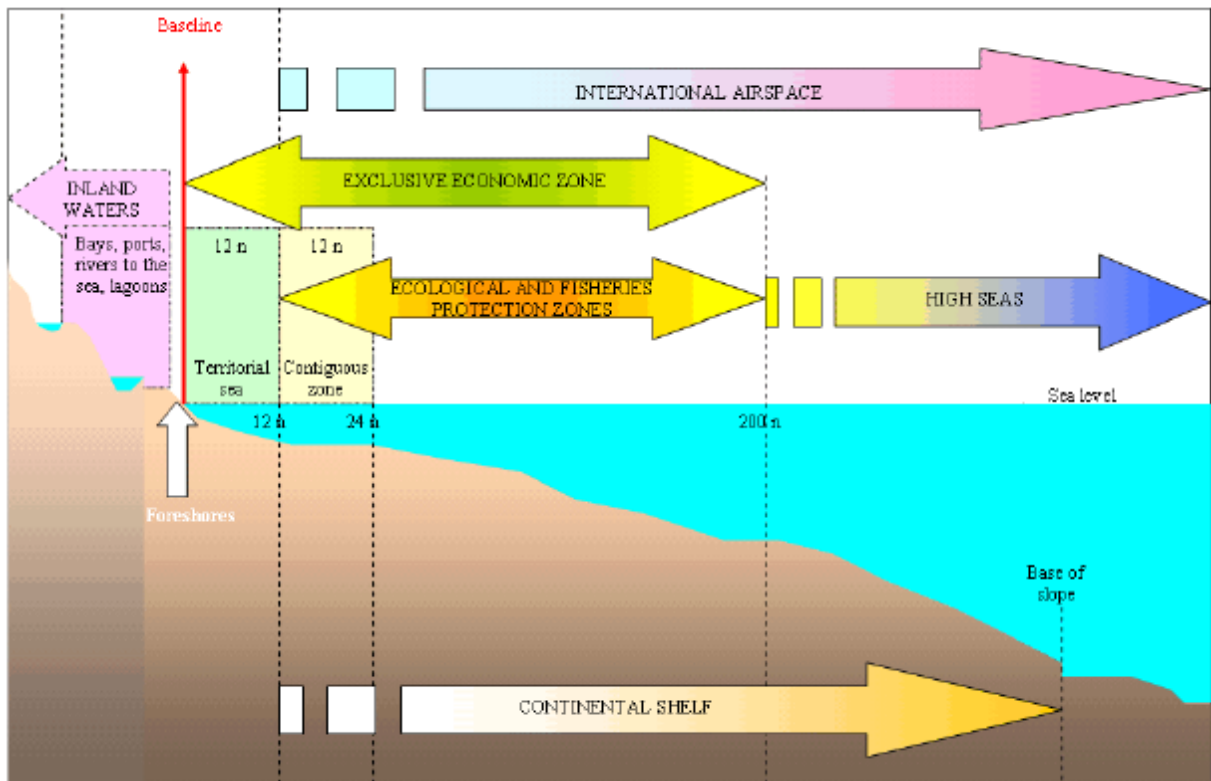
This current document outlines a strategy that relies on the self-drive of Member States. The two UN agencies have been coordinating their capacity-building activities, though intense ownership of the effort needs to be harnessed if Member States are to prepare and submit their claims before the 12 May 2008 deadline.

In anticipation of this last effort, the 177 EX of UNESCO was informed that NEPAD, IOC of UNESCO and GRID-Arendal are working together to play an advocacy role to promote awareness among African countries of Article 76 of UNCLOS dealing with the delineation of the outer limits of the continental shelf.

The strategy that is outlined has the following major components:

- ✓ It is consistent with the IOC Capacity-building Principles (IOC/INF-1211 prov.) relying essentially on the self-drive of Member States. These principles channel the energy of Member States to direct and commit to build their own capacity. In the short time available this requires major commitments from the MS in terms of ownership.
- ✓ It outlines responsibilities and activities both for the collaborating UN agencies and the Member States internally and collectively that will increase the efficiency and effectiveness of our combined efforts.
- ✓ It focuses on activities that will result in a submission on time. However, it will need commitment of resources from Member States to submit a professional desk-top study, either in terms of funds and/or in terms of experienced and skilled manpower. Where such expertise does not exist with the Member States, they may consider using the services of suitable

consultants to assist them. In that case our activities will focus on assisting the Member State in ensuring a fair and beneficial arrangement with the consultants.



Schematics of Maritime zones
 (From: UNEP Shelf Programme Grid-Arendal and UN/CLCS)

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Reason for this Strategy document

In anticipation of the need that Member States in Africa would have for Capacity-development for the delineation of the outer limits of their continental shelves, the Executive Board of UNESCO at its 177th Session (177 EX) was informed that NEPAD, IOC of UNESCO and GRID-Arendal are proactively working together to play an advocacy role to promote awareness among African countries of Article 76 of UNCLOS dealing with the delineation of the outer limits of the continental shelf as follows:

42. NEPAD, the IOC and GRID-Arendal are working together to play an important advocacy role to promote awareness among African countries of Article 76 of UNCLOS dealing with the delineation of the outer limits of the continental shelf. In this regard, the three agencies are developing a strategy for fast-tracking capacity-building in Africa, so that countries can prepare submissions on the outer limits of the continental shelf beyond 200 nautical miles, before the deadline of 12 May 2009. UNESCO and UNEP are exploring opportunities for developing partnerships with a view to assisting the African countries in the preparation of these submissions.

It is in fulfillment of this commitment that this strategy is presented.

1. Purpose

The main purpose of the present document is to outline a strategy that will result in the timely submission by a Member State of a desk-top study to the Commission on Limits of Continental Shelf (CLCS) supporting their claims for extension. It must be emphasised that the quality of the desk-top study must be high enough to warrant serious scrutiny by the Commission in determining the next steps that a claimant has to take, if any. The strategy outlines tasks for the UN agencies as well as for the Member State.

- i. UNESCO/IOC, UNEP/GRID-Arendal and NEPAD will strengthen coordination of awareness-raising and capacity-development activities in Africa that will further the abilities of Member States in respect of submissions to the Commission on the delineation of the outer limits of the Continental shelf ; and
- ii. The above-mentioned UN agencies will indicate steps that coastal states in Africa must take internally in preparing a submission and externally with contiguous neighbouring states, in making their submissions in the context of the 13 May 2009 deadline (UNGA Resolution 56/12, Para 18).

This document may be useful further for Member States that wish to have an overview of capacity-development activities of these agencies with respect to the delineation of the outer limits of the continental shelf.

A brief write-up on the different UN agencies in the frame – IOC of UNESCO, and GRID-Arendal of UNEP are given in the Annexes.

2. IOC & GRID activities guided by Capacity-development Principles

The most rapid and durable way to build the capacity in Member State is to ensure that interventions of the UN agencies adhere to the basic Capacity-development principles. The most important of these principles relevant to the present task are:

Relevance: The relevance of activities is evidenced by the many requests for assistance that have been received. The onus for continued relevance will however depend on Member State following-up on the suggestions and training that is given to its nationals in completing their desk-top study.

Ownership: Since acceptance of the claim for a legal extension of the continental shelf results in an allocation being made to the Member State making the claim, we are confident that our interventions are in an area with the strongest proof of ownership. True ownership will therefore be demonstrated when the requests for training become more focused and directed in the way that a Member State perceives will best serve its interests in making a valid and timely submission.

Effectiveness and efficiency: This facet of CD is best demonstrated through inter-agency coordination. Five steps that IOC and GRID will be taking to ensure maximum efficiency and effectiveness of actions are:

1. Maintain and strengthen coordination of their CD activities through regular contacts between agencies that keep each other informed of developments in the form of workshops, relevant documents and other output products.
2. Continue awareness-raising activities to ensure that all relevant authorities are well aware of the stakes of this process for their country. It will also be important for Member States to also shoulder the responsibility to ensure that these matters are brought to the highest level of awareness at the political decision making.
3. Agencies will use each others' contacts and channels to ensure higher visibility and increase effectiveness. Therefore IOC will ensure that GRID workshops are advertised at all its workshops including to the directors of marine science institutes. Similarly, GRID will ensure that it gives equal visibility to IOC CB efforts at its training workshops. Power point presentations will be exchanged between the 2 agencies and resource material kept on-line on their respective web-sites.
4. Assist countries in preparing the desktop study by:
 - a. Preparing them with workshops if time and resources permit
 - b. Providing expertise of GRID-Arendal for the study itself
 - c. Providing on request, contact information of consulting firms that can assist in this process, so country's have as wide a choice as possible between these firms
 - d. Assisting countries in ensuring that their experts are involved closely in the desktop study, have the necessary capacity to check that the study is well conducted, and that sufficient capacity is built during the study so national experts can subsequently follow-up on the study on their own if they decide so
5. Wherever possible, provide the networking platform so that African experts and authorities involved in the claims preparation process can exchange information as necessary to defend their countries or region's interest in a coordinated manner. This could include possibilities to hire consultancy firms together for the desktop study to better negotiate costs and conditions, regional pooling of national expertise. This aspect becomes especially important if the phase of data collection arises. In such cases, cooperative hiring of a vessel can improve the economic costs of data collection through large savings.

In the same vein, Member States can also ensure that they are being effective and efficient.

Monitoring and evaluation: The UN agencies will be monitoring the sustainability of their activities so that they can approach sponsors for further resources.

In a similar vein, Member States need to draw up a time-table of deliverables, responsibilities, and timelines. It is also important that they monitor and evaluate the quality of their submissions so as to present the best case to the Commission.

3. Role of International Organizations in Extension of the Continental Shelf.

Since the United Nations Convention on the Law of the Sea (UNCLOS) entered in force in 1994, International Organizations are playing a fundamental role in the implementation of Article 76 (continental shelf). In this view, Member States of UNCLOS may submit requests for the extension of their Continental Shelf through the Commission on the Limits of the Continental Shelf (CLCS) as stated in Annex II of UNCLOS.

The deadline given by UNCLOS to provide the particulars along with scientific and technical data with the submissions is 10 years of the entry in force of that State (the deadline was extended¹ to 2009 for the UNCLOS State Parties for which the Convention entered into force before 13 May 1999). Therefore International Organizations have been promoting the submissions based on the need to expedite the submission process for the National Administrations.

The mandate for the Secretary General of the UN underlined in the last United Nations Assembly Resolutions (UNGA) has been mainly focused on Capacity Building²:

- Reviewing the efforts being made to build capacity with a view to implementing UNCLOS (UNGA 55/7-para 23-)
- Developing and making available training courses (UNGA 58/240-para 19-, UNGA 59/24- para 32-, UNGA 57/141 para 21, UNGA 56/12-para 17-, UNGA 55/7-para 16)
- Supporting and organizing workshops or symposiums on scientific and technical aspects(UNGA A/60/30 –para 40)
- Requesting contributions to the trust fund to provide training for technical and administrative staff, and technical and scientific advice, as well as personnel, to assist developing States,

Up to now, the cooperation with the CLCS is limited, and the main IOC activities in this field have been promoting the submissions among the Member States in spite of budget constraints. The raising of funding and the creation of partnerships with other Agencies have become key-activities within the IOC, in the same way as developing instruments to support the National Administration, such as the Roster of Experts on Marine Scientific Research and Transfer of Marine Technology.

4. The role of the National Committees

Establishing national committees is an excellent way to spearhead the process. Countries may put together its human resources to create a National Strategy through which they can coordinate all their efforts to coordinate the submission on the delineation of the outer limits of their continental shelf.

¹ UNGA Resolution 56/12 Para 18: The General Assembly... *Takes note* of the decision of the eleventh Meeting of States Parties to the Convention that, in the case of a State party for which the Convention entered into force before 13 May 1999, it is understood that the ten-year time period referred to in article 4 of annex II to the Convention shall be taken to have commenced on 13 May 1999.

² See Annex I.

The committees could comprise, amongst others, experts in the following key areas: hydrography, geology, geophysics, international law, Ministry of Foreign Affairs and Justice and/or Attorney General.

National committees would benefit, if their offices are housed in a government arm that has access to the highest decision-making powers.

5. Actions to be undertaken

The actions spelt out here follow from the Strategy outlined in Section 2.

- Member States should target high level meetings in the continent, including through side events, to raise awareness. They may with sufficient advance notice to the UN agencies invite them to raise awareness on the case for a submission.
- Member States should indicate the contacts within the national committees with whom the UN agencies should interact. The national committees will organise all events in the country on delineation matters.
- GRID-Arendal will prepare a unique set of documents for the Institutions involved in the delineation and submission to sensitize Decision-makers. These documents will include:
 - ✓ Legal, economic and political implications of not making a submission to CLCS.
 - ✓ Highlight possible ways forward for the countries. This will include:
 - a. Knowledge of where the data needed is available
 - b. General information on the UN/OLA/DOALOS for CS Trust Funds
 - c. Availability of Advisory services from CLCS (list of Experts)

On the requests from Member States, UNESCO/IOC and UNEP Shelf Programme will:

- Jointly organize capacity-development workshops in Africa during the year 2008.
- Jointly organize information sessions for Permanent Delegations to UNESCO, when requested
- Target appropriate participants for planned Leadership, Legal, and technical workshops, on the advice of the national committees.
- Tailor workshop message to encourage collaborative efforts, data sharing spirit, possibility of joint submissions, and seeking funds.
- Design and deliver supportive training for national teams, based on availability of resources both manpower and funds.
- Jointly seek funds from donor countries to support the training programs with the ultimate goal of quality submissions.

ANNEX I

SKETCH OF AGENCIES INVOLVED

I. Intergovernmental Oceanographic Commission of UNESCO

The Intergovernmental Oceanographic Commission is established as a body with functional autonomy within the United Nations Educational, Scientific and Cultural Organization (UNESCO)³

Among the purposes⁴ of IOC is to promote international cooperation and coordinate programmes in capacity-development, in order to apply knowledge for the improvement of the decision-making processes of its Member States. In this view, the IOC collaborates with international organizations concerned which are willing and prepared to contribute to the purpose and functions of IOC in the field of capacity-building.

In addition to the general provisions stated in the Convention for all the International Organizations, IOC was designated by UNCLOS (Article 3.2 of Annex II) as a cooperation Agency with a view to exchanging scientific and technical information which might be of assistance to the Commission on the Limits on the Continental Shelf in discharging their responsibilities.

The IOC Governing Bodies⁵ have expressed their concern of this matter in different sessions, urging the IOC Executive secretary to assist African Countries to present their submissions of the delineation of the outer limits of the Continental Shelf.

II. The UNEP Shelf Programme

The UNEP Shelf Programme (UPS) was established in 2004 following a UN resolution (2002) which called upon UNEP, working with its GRID network to assist developing states, especially small island developing states with data and capacity building in relation to the delineation of the extended continental shelf under article 76 of the UN Convention on the Law of the Sea. The UPS is managed by UNEP GRID Arendal in Norway and currently entirely funded by the government of Norway.

³ As stated in Article 1 of the Statutes of IOC, adopted through Resolution 30/C 22 of the 30th General Conference of UNESCO on 16 November 1999.

⁴ As stated in Article 2 of the Statutes.

⁵ Twenty-first Session of the Assembly. Paris 3–13 July 2001

The Intergovernmental Oceanographic Commission (...), decides the following(*):

(3.iii) Instructs the Executive Secretary IOC to: Assist African Member States without prejudice to the competence of the United Nations Commission on the Limits of the Continental Shelf in developing their capacity within the context of Article 76 of the UNCLOS through the Trust fund of United Nations Division of Ocean Affairs and the Law of the Sea (UN-DOALOS) on training, specially earmarked for developing countries

Twenty-second session of the Assembly. Paris 24 June–2 July 2004

(347) The Assembly, after listening to many delegations, expressed its support for this initiative, noted with appreciation the offer of Canada to fund the feasibility study as laid out in IOC-XXII/Inf.4, and instructed the Executive Secretary to proceed with the necessary arrangements

(350) The Assembly requested that the progress made in this initiative be reported to the 37th Session of the Executive Council, including the possibility of the extension of this training to other regions

Twenty-fourth session of the Assembly

Para 255. The Assembly recognized the important role that IODE could play in the application of IOC principles governing the transfer of marine technology, as well as the support that the IOC should provide to African Coastal States in the preparation and submission of a proposal for the extension of their continental shelf.

IOC Resolution XXIV-2, IOC Biennial Strategy 2008–2009; High Level Objective 4: *Management procedures and policies leading to the sustainability of coastal and ocean environment and resources:*

Assistance to developing countries to make timely submissions for the extensions of the continental shelf provided.

– Awareness of decision-makers on the deadline of 13 May 2009 for presenting submissions to the Commission on the Limits on the Continental Shelf promoted.

In line with the UN resolution, UNEP GRID Arendal established the “one stop data shop” to collect and format relevant data for ECS delineation. States can obtain data and also view data holdings on the UPS web site. In addition the UPS is conducting hands on data analysis workshops in Africa and the Pacific in order to build technical capacity and understanding of ECS issues.

ANNEX II

MANDATES⁶

UNGA Resolution 60/30

40. *Requests* the Secretary-General, in cooperation with the Member States, to continue supporting and organizing workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the deadline for submission;

UNGA Resolution 59/24

32. *Also requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to consider developing and making available training courses, based on the outline for a five-day training course 13 prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines, 14 and welcomes the progress made by the Division for Ocean Affairs and the Law of the Sea in preparing a training manual to assist States in preparation of submissions to the Commission;

UNGA Resolution 58/240

VI. The continental Shelf and the work of the Commission

(17) Encourages States parties that are in position to do so to make every effort to make submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles to the Commission within the time period established by the Convention, taking into account the decision of the eleventh Meeting of the States Parties to the Convention.

(19) Encourages States and relevant international organizations and institutions to consider developing and making available training courses to assist developing States in the preparation of such submissions, based on the outline for a five-day training course prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines.

RESOLUTION A/57/141

21. *Encourages* States and relevant international organizations and institutions to consider developing and making available training courses to assist developing States in the preparation of such submissions, based on the outline for a five-day training course¹³ prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines;

38. Calls upon the United Nations Environment Programme, working within the Global Resource Information Database (GRID) system for data and information management, to expand on a voluntary basis the capacity of existing GRID centres to store and handle research data from the outer continental margin, on a basis to be mutually agreed with the coastal State, and complementary to existing regional data centres, giving due regard to confidentiality needs and in accordance with Part XIII of the Convention, and making use of existing data management mechanisms under the Intergovernmental Oceanographic Commission and the International Hydrographic Organization, with a view to serving the needs of coastal States, and in particular

⁶ See also Resolutions 54/33, 52/26, 49/28 regarding the invitation to the competent international organizations to support initiatives aimed at cooperation in the effective implementation of the Convention.

developing countries and small island developing States, in their compliance with article 76 of the Convention;

RESOLUTION A/56/12

17. *Notes with satisfaction* the work of the Commission and its readiness to receive submissions by coastal States regarding the establishment of the outer limits of their continental shelf beyond 200 nautical miles, and encourages concerned States and relevant international organizations and institutions to consider developing and making available training courses to assist States in the preparation of such submissions;

18. *Takes note* of the decision of the eleventh Meeting of States Parties to the Convention that, in the case of a State party for which the Convention entered into force before 13 May 1999, it is understood that the ten-year time period referred to in article 4 of annex II to the Convention shall be taken to have commenced on 13 May 1999;

ANNEX III

**DRAFT TERMS OF REFERENCE FOR DESKTOP STUDY IN VIEW
OF THE SUBMISSION OF A CLAIM**

The terms of reference below are proposed to help in identifying key issues that should be considered in hiring consultants to conduct a desktop study in view of submission of a claim. Much of the technical input herewith has been provided by BGR.

SHORT INTRODUCTION

[Legal context, deadlines for submission.

Country's vision and goal in this respect, strategy and initiatives (activities)]

OBJECTIVES OF THE STUDY

The main objectives of the study are:

identify necessary work and implication for timely submission of the claim by [country]

prepare the claim of [country] for extension of the legal continental shelf

develop capacity of [country] experts to conduct the necessary analyses

SCOPE OF THE STUDY

The study shall entail the following specific tasks with corresponding expected outputs. Except for Task 1, all other tasks shall be carried out in the country and in close collaboration with the country team.

Task 1:

Compilation of all relevant existing data (bathymetry, reflection and refraction seismics, velocities, magnetics, gravimetry, seafloor samples, drillings and other relevant data) incl. quality assessment and assessment of suitability to be included in submission (not only search, but acquire copies, where possible).

Output 1:

The contractor shall provide this compilation of all existing data identified and collected in the form of CDs and hardcopies to the country team before embarking upon the tasks following. The data should be clearly labelled, have all the required meta-data and clear instructions on its use including specialised software if any is required to view the data.

Task 2:

Description of relevant framework conditions including legislation and disputes and detailed information on the following queries:

Whether maritime zones and baselines/points have already been officially declared?

If these are in accordance with UNCLOS regulations or do they have to be revised?

Evaluation of current baselines/points: Should they be revised in order to gain sovereignty over larger maritime areas (e. g. via defining „archipelagic baselines“)?

Which maritime borders with neighbouring states have already been defined, which still have to be negotiated (status of negotiations, disputes)?

Output 2:

The contractor shall provide this compilation in the form of report(s). The country team will provide on mutually agreed time schedules and formats all relevant country-specific data that is not available from freely available data sources.

Task 3:

A geo-scientific review (overview of geology and geophysics in the region of the continental margin) and implications for submission

Output 3:

The geo-scientific review will be compiled in the form of a report with the most current references included. A preliminary technical analysis of the data and the implications in terms of a successful submission will be first discussed with the country team and suggestions taken into account in the final written report.

Task 4:

Based on existing data, test of appurtenance (proof of entitlement to an extended continental shelf) a strategy/line of evidence will be elaborated for the submission. This strategy will be discussed with the country team and comprehensive report drafted on the work performed.

Output 4:

The report will take into account the following factors:

- Definition of preliminary FOS points (description of each point and argumentation why it has been selected);
- Comparison and evaluation of different scenarios where applicable (suitable maps and diagrams to support the argumentation);
- Preliminary demarcations of outer limits of the extended continental shelf; and
- Estimation of the expected area to be gained and of the potential benefit of the extended area in terms of economics (natural resource potential), and strategic

Task 5:

Based on the existing data, identification of gaps in data coverage and need for additional data acquisition to meet the conditions for the submission to the CLCS, a survey plan will be elaborated and costs for additional data acquisition assessed.

Output 5:

A report on the strategy for additional data collection will contain additional information must be presented on:

- Areas to be surveyed considering potential queries from the CLCS;
- Attendant costs and timelines of delivery of such survey scenarios;
- Quality control criteria to be followed;
- Potential companies capable of conducting the surveys and their contacts;
- Preliminary draft terms for tender for survey; and
- Reasoned assessment of the potential of areas to be surveyed.

Task 6:

If necessary, description of needs (hardware, software, personal capacities) to carry out the pending tasks to finish the submission (e.g. interpretation of geophysical data still to be acquired, elaboration of submission documents)

Output 6:

This report will be a confidential submission to the country team leader containing a realistic assessment of the success in submitting the country claim.

REPORTING

Upon selection, the contractor shall provide a detailed Work plan with timelines.

As indicated above, a draft report must be provided on each task as it is completed, and payments will be linked to satisfactory delivery. The Chairperson of the country team will be responsible for reviewing the report and clarifying queries on the report within 2 calendar days. A final report must be provided upon completion of the entire study, including, for each of the tasks, detailed report of achievements, deliverables, difficulties encountered and limitations.

SCHEDULE

The contractor shall complete Task 1 no later [date here]

The contractor shall visit [country] and begin work with country team no later than [suitable date] and complete all tasks, in country and with country team, no later than [suitable date].

TEAM AND RESPONSIBILITIES

The contractor team should provide evidence of expertise in the scientific analysis of relevant data as well as analysis of legal implications for submissions

Contracting authority:

The expected work must be conducted in close cooperation with the following [country] team:

The country team has the responsibility of:

- ✓ facilitating contacts to relevant authorities and companies and delivery of relevant held data;
- ✓ bearing the copy costs/fees for acquiring existing data;
- ✓ providing necessary working space and facilities in-country for the thorough examination of collected data, including computers and peripherals with good internet connectivity; and
- ✓ facilitating access to relevant information available within the country that the contractor cannot otherwise access, not exceeding the scope of the study and in compliance with national regulations and restrictions.

The country team reserves the right to call upon additional expertise, national or foreign, including from the DOALOS, UNEP shelf programme, the BGR, and the UNESCO Intergovernmental Oceanographic Commission, to participate or review the study.

IMPORTANT

The contractor must provide written declaration certifying the absence of any conflict of interest in conducting this work. In particular, the contractor shall not conduct work for any organisation, public or private, with interest diverging from those of the [country] in terms of the delimitation of the legal continental shelf. The contractor shall inform the [contracting authority in country] of any work conducted in the region and any payment received by any company potentially interested in the seabed resources in the region.

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