



Algeria

الجزائر

Permanent Mission of Algeria
to the International Seabed
Authority

البعثة الجزائرية الدائمة
لدى السلطة الدولية
لقاع البحار

Please check against delivery

Statement on behalf of

The African Group

by

Mr. Mehdi REMAOUN

First Secretary

At the

24th Session of the Assembly of the International Seabed Authority

Agenda item 8: Annual report of the Secretary-General

Kingston, 24th July 2018

Mr. President,

I have the honour and privilege to deliver this statement on behalf of the African Group.

Please accept the African Group's heartiest congratulations on your election to the Presidency of the 24th Session of the Assembly of the International Seabed Authority.

In the same vein, we also congratulate the Members of the Bureau on their election. We are confident that you will steer the proceedings of the Assembly to a successful conclusion and we assure you of our full support and cooperation.

I am also pleased to convey the African Group's deepest appreciation to your predecessor, Mr. Eugenio João Muianga of Mozambique.

The African Group wishes to express its gratitude to the Government and people of Jamaica, for the traditional hospitality extended to us. We would like also recognize the presence of Jamaica State Minister for Foreign Affairs and Foreign Trade, Senator the Hon. Pearnel Charles Jr.

Mr. President,

The African Group would like to congratulate the Secretary-General, Mr. Michael Lodge, on the job well done by producing a report that provides a clear and comprehensive overview of the work of the Authority.

The Authority has embarked on a major and historical exercise of formulating a regulatory framework to administer and regulate the conduct of exploitation of mineral resources in the Area. This marks yet another significant milestone in its evolution towards the effective discharge of its mandate and responsibilities at the various stages of the development of activities in the Area.

The African Group was hoping that the first exploration contracts signed around 2001 and 2002 would proceed to the exploitation phase as the objectives of Part XI of the Convention would be realized only when we move to the mining phase that would, of course, be accompanied by benefit-sharing.

Mr. President,

We recognise the on-going work of the Authority on the exploitation code and the fact that the Authority has been entrusted with the implementation of the "common heritage of mankind" principle, which applies to resources beyond the limits of national jurisdiction.

The African Group welcomes the proposal made during the meeting between the Secretary-Generals of ISA and IMO, held earlier this year. It was then proposed to organize a joint meeting between the legal and scientific and technical teams of both organizations to discuss ongoing process of regulatory development as well as the need to understand each organization's legal

and institutional functions and responsibilities in the context of issues related to activities in the Area and maritime transportation of the ore recovered from the Area. It is indicated in the Secretary-General's annual report that the Secretary-General of IMO offered to host such a meeting, which was scheduled to take place in June 2018. The African Group is wondering if this meeting was held, and would like to hear more on this issue.

The African Group appreciates the finalization of the necessary procedures for the Authority to become a sponsoring organization of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection. We congratulate the Director of the Office of Environmental Management and Mineral Resources on his appointment by the Secretary-General as the Authority's technical secretary participating in the Joint Group's Executive Committee. We look forward to the benefits of this adhesion to the different organs of the Authority in terms of enhanced scientific cooperation and expert advice in matters relating to the protection of the marine environment.

The African Group takes note with appreciation of the establishment of a Communications and Information Technology Steering Committee, as part of an improved governance structure to oversee the implementation and review of the communications and information technology plan and the evaluation and monitoring of other major projects of the Authority. We commend the Secretary-General for the first online live video streaming of the Assembly and Council meetings during this session. We hope this technique will be improved and utilized during all ISA sessions.

Mr. President,

The legal regime for the common heritage of mankind represents a major innovation, not only in the law of the sea, but also in international law in general. The regime turns into life, a revolutionary vision towards the sustainable development of mineral resources in the international seabed area and the sharing of benefits and responsibilities for all States, including the land-locked and geographically disadvantaged States.

The far-reaching positive implications as well as the benefits of this regime will be understood and appreciated even more, now that we are standing at a juncture where ocean-based economic development is at the top of the agenda for many Governments.

Mr. President,

The African Group takes note of the draft Strategic Plan of the Authority and looks forward to its consideration later this week.

Mr. President,

The African Group takes this opportunity to acknowledge and appreciate the financial contributions made by member countries, contractors and other stakeholders to the two Voluntary Trust Funds established by the Authority, that have enabled participation of

representatives and experts from developing countries in the additional meeting of the Council this year and sessions of the Legal and Technical Commission and the Finance Committee.

For the period of this report, we thank Global Sea Mineral Resources, UK Seabed Resource Development, NORI and Ocean Mineral Singapore for their contributions to the Voluntary Trust Fund established last year to support the participation of members of the Council from developing States. We also thank Argentina, China and the United Kingdom for their contributions to the Voluntary Trust Fund for the members of the LTC and the Finance Committee. However, the African Group has noted the sustainability of this Voluntary Trust Fund is in jeopardy. We would like therefore to urge member States and observers to look into ways to ensure that the level of the fund is improved. We also urge other States, the Contractors, technical organisations, non-governmental organizations and philanthropic organizations to also consider making contributions to the Fund.

We commend Norway as well as Pew Charitable Trusts for the financial pledges announced last week and encourage others to do the same.

The Group appreciates the increase in capacity-building opportunities provided and funded by Contractors, as well as the continuing efforts made possible by the Authority's Endowment Fund. We are of the view that the strengthening of research capacities of developing countries is absolutely a necessary parameter for access to the sustainable development of living and nonliving resources and the protection of the marine environment in areas beyond national jurisdiction. This is the reason why one of the immediate non-monetary benefits resulting from the implementation by the Authority of Part XI lies in the training opportunities for personnel of developing member States of the Authority.

Mr. President,

The African Group would like to recall that last year, the first Ocean Conference took place and adopted a historical "Call for Action" political declaration.

The focus of the Conference was on concrete actions to implement SDG 14. We were happy to see that the Authority made seven voluntary commitments at this Conference, including two concerning Africa. The first one entitled "Mapping the Blue Economy of Africa to support decision-making, investment and governance of activities undertaken on the continental shelf and in adjacent international seabed areas", and the second voluntary commitment on "Fostering cooperation to promote the sustainable development of Africa's deep seabed resources in support to Africa's Blue Economy". In the context of the implementation of the latter commitment in support to Africa's Blue Economy, launched in partnership with the African Minerals Development Centre, the African Group welcomes its commencement with the organization of a workshop to be held in Abidjan, Côte d'Ivoire, in October 2018 and looks forward to further steps to effectively implement these commitments.

The commitment of Africa towards ocean cannot be overstated. The African Union 2063 Agenda gives an important place for African seas and oceans, it also provides for developing strategies to grow the African Blue ocean economy. The African Union Assembly also declared the decade of 2015-2025 as the Decade of African Seas and Oceans, and 25 July specifically as African Day of Seas and Oceans. The African Mining Vision is Africa's own response to tackling the paradox of great mineral wealth existing side by side with pervasive poverty.

We would like to remind that Kenya will host a High-Level Conference on Sustainable Blue Economy, from 26 to 28 November of this year, in Nairobi. The theme of the conference is the Blue Economy and the 2030 Agenda. It will focus on new technologies and innovation for oceans and seas as well as the challenges, potential opportunities, priorities and partnerships.

Mr. President,

The Preparatory Committee on the elements of a draft text of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ) concluded successfully its mandate last year.

The African Group played an active role in the elaboration and adoption of the recommendations of this Preparatory Committee, and the Group will continue to play an active role during the upcoming sessions of the intergovernmental conference. The first session will take place next September. We look forward to a constructive engagement from all parties.

The process towards the negotiation and adoption of a new international legally binding instrument on marine biodiversity under UNCLOS is now one of the most significant in international environmental law-making in the twenty-first century. It promises to address legal, governance and regulatory gaps in UNCLOS.

The application of the common heritage of mankind principle in the new instrument would serve both to promote a sustainable access regime and ensure a benefit-sharing regime. The sharing of benefits is the key element for which the common heritage of mankind principle is best known.

This principle was the main innovation included in UNCLOS. It is worth recalling that, on 30 April 1982, the Third UN Conference on the Law of the Sea adopted provisionally UNCLOS following a vote. The African Group was the only regional group that no member voted against or abstained during this vote. This demonstrates our historical attachment to this Convention.

As the American Professor John Noyes observes, benefit sharing reflects the idea of the need to promote the development of developing countries—an idea that is reflected in a multitude of international law instruments.

The rationale for a benefit-sharing element of the common heritage of mankind is captured in the famous statement of the then Permanent Representative of Malta to the United Nations,

Ambassador Pardo, warning against the failure to implement the common heritage of mankind principle. Ambassador Pardo warned that, *“There would be intolerable injustice that would reserve the plurality of the world’s resources for the exclusive benefit of less than a handful of nations. The strong would get stronger, the richer would get richer, and among the rich themselves there would arise an increasing and insuperable differentiation between two or three and the remainder.”* Ambassador Pardo’s argument, and, indeed, the foundation of the common heritage of mankind principle’s benefit-sharing component, is based on the pursuit of a more equitable framework.

The question now is: what will be the role of the International Seabed Authority in the aforementioned history-making BBNJ process? Food for thought!!!

Mr. President,

To conclude, the African Group wishes to recall its proposal made during the 23rd ISA Assembly session, which was supported by other delegations, that a Museum be created in honour of the immediate past Secretary-General of this august Authority, Nii Allotey Odunton. We understand that the Finance Committee didn’t have the chance to look at this issue because of various shortfalls in the budget. We hope the Finance Committee will look into the implementation of this proposal at the earliest opportune occasion.

I thank you for your attention.