

**Algeria**



**الجزائر**

*Please check against delivery*

**Statement**

**On Behalf of the African Group**

**By**

**Mr. Mehdi REMAOUN**

**First Secretary**

**At the**

**23<sup>rd</sup> Session of the Assembly of the International Seabed Authority**

**Agenda item 8: Annual report of the Secretary-General**

Kingston, August 15<sup>th</sup>, 2017

**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 23<sup>rd</sup> Session of the Assembly of the International Seabed Authority.

As one of us, we are proud to see you presiding over this Assembly session on behalf of our Group. 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 appreciation to your predecessor, Rear Admiral Khurshed Alam of Bangladesh.

The African Group wishes to acknowledge the attendance of the session by the Minister of Foreign Affairs and Foreign Trade of Jamaica, Senator the Honourable Kamina Johnson Smith and express through her our gratitude to the Government and people of Jamaica, for all the hospitality extended to us.

**Mr. President,**

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

The Authority is now embarking on a major and historical exercise of formulating a regulatory framework to administer and regulate the conduct of exploitation of 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" which applies to mineral resources beyond the limits of national jurisdiction.

**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 took note of the Final report on the periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea (UNCLOS). The Group considers the provisions under article 154 as extremely important, as it allows reviewing the manner in which the international regime of the Area established in the Convention has operated in practice.

This is the first such review and we look forward to commenting on the final report in more detail during its consideration by this Assembly.

**Mr. President,**

As African States, we are fully cognisant of the contribution of oceans and seas to our development and in this regard we take this opportunity to acknowledge and appreciate the contributions by member countries to the Voluntary Trust Fund established by the Authority, that have enabled participation of experts from developing countries in the sessions of the Legal and Technical Commission and the Finance Committee. However, the African Group has noted the sustainability of the 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 call upon other States, the Contractors, technical organisations, non-governmental organizations and philanthropists to also consider making contributions to the Fund.

The Group appreciates the increase in capacity-building opportunities provided and funded by Contractors, as well as the continuing efforts at capacity-building 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 is of the view that this Session is taking place at the right time and during an exciting moment of our ocean because of what happened last June at the United Nations in New York. The "United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for

sustainable development”, decided by the General Assembly in December 2015, took place from 5 to 9 June 2017 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 the Ocean Conference, and even more happy to see two commitments 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". The African Group looks forward to the effective implementation of these commitments.

**Mr. President,**

The Preparatory Committee on the elements of a draft text of an international legally binding instrument (ILBI) under the UNCLOS on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ) concluded successfully its mandate less than a month ago at UN Headquarters in New York.

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 months towards the adoption of the resolution by the General Assembly on the modalities of an intergovernmental conference to negotiate the new treaty next year.

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 is best known.

As 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!!!

I thank you for your attention.