

African Group statement on Item 11: Draft regulations for exploitation of mineral resources in the Area

Standards and Guidelines and Key terms

25 February 2019

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

The African Group would like to thank the Secretariat for its note on Content and development of standards and guidelines for activities in the Area under the Authority's regulatory framework, contained in document ISBA/25/C/3, as well as its note on Key terms, contained in document ISBA/25/C/11. We take note of these two papers.

The African Group welcomes the upcoming technical workshop on the development of standards and guidelines, to be held in Pretoria, from 13 to 17 May 2019. The African Group believes that issues at hand will be dealt adequately during that workshop and we look forward to hearing from the workshop's.

Regarding Standards and Guidelines, the African Group believes that as the Standards are developed, compliance should be mandatory. Regulations will be supplemented by Standards and Guidelines. Standards will have to play a key role in implementation of regulations and monitoring performance, while guidelines will support implementation from administrative and technical perspective.

In its submission dated December 2017, the African Group underlined the importance of a Code of Conduct for Inspectors, to Determine Serious Harm, to Operationalize precautionary approach, of Penalties for violation of a contract and Electronic monitoring.

For the time being, we agree that not all standards and guidelines will require a formal process for development and adoption. For more complex technical standards and practice guidelines, an approach to their formulation and adoption should be developed and agreed upon by the Council, through the bringing together of technical experts to scrutinize and comment on documents.

The development approach outlined at the Berlin workshop in March 2017 seems to be the one that should be followed. The Legal and Technical Commission would have to frame a particular issue, to develop the terms of reference and to commission a technical working group to work on that issue.

On the indicative list of priority areas for development outlined in the annex, it seems to be a good starting point for the LTC. We look forward to their review and feedback.

Madam President,

Coming to Key terms, it is important to define clearly different terms used in order to distinguish between them.

The African Group believes that building on examples from existing instruments is the right approach, with a focus on those international instruments widely ratified.

It is also possible to look at relevant decisions and resolutions of those international instruments. One example relates to a resolution adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) dealing with “Best available science” (resolution 32/XXVIII). Even though this resolution does not give an explicit definition to “Best available science”, it supports and encourages the peer reviewing, wide distribution and discussion of assessments and

other significant outputs of CCAMLR's Scientific Committee and its working groups, within and outside of CCAMLR's organisational structure. Similar approach could be a source of inspiration to ISA.

I thank you.