



Algeria

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Permanent Mission of Algeria
to the International Seabed
Authority

البعثة الجزائرية الدائمة
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Statement on behalf of

The African Group

by

Mr. Mehdi REMAOUN

First Secretary

At the

25th Session of the Assembly of the International Seabed Authority

Agenda item 9: Annual report of the Secretary-General

Kingston, 23th July 2019

Madam 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 this historical 25th Session of the Assembly of the International Seabed Authority. Your nomination demonstrates the importance given by your country and regional group to this quarter-century anniversary of our organization.

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, Mr. Mariusz Orion Jędrysek of Poland.

The African Group wishes to express its gratitude to the Government and people of Jamaica, for the traditional hospitality extended to us.

Madam President,

The African Group would like to congratulate the Secretary-General, Mr. Michael Lodge, for his annual report that provides a clear and comprehensive overview of the work of the Authority during the period from July 2018 to June 2019.

Since two years, 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.

Madam 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 establishment of a host country committee, which would meet quarterly to further enhance cooperation over matters of common interest, with ad hoc meetings as required. We seize this occasion to underline the importance of a smooth process of visa waiver delivery for official representatives to ISA meetings.

The African Group appreciates the progress made on the development of a new website for the Authority. We look forward to seeing the final phases of this initiative implemented by the end of the year.

The African Group is interested in the discussion on the transparency of contracts taking place between the Secretary-General and contractors. We think that the Member States should be involved in these consultations, in particular regarding the draft template for public disclosure.

We are happy that our region has hosted the workshop on the development of standards and guidelines for the mining code held in Pretoria. We hope it was a significant contribution to the process of developing the exploitation regulatory framework.

Regarding the issue of training, the African Group has made a submission on training programmes for developing countries. It reminds the Training mandate of the ISA and its Training achievements to date in which we reviewed previous commentaries relevant to the Authority's training programme, noting the features of the regime that may reduce the opportunities for a sustainable benefit to developing countries from the Authority's training. This submission highlights, in addition, the Impact of training by the Authority for developing States and concludes on a set of Recommendations address to the ISA Secretariat. We invite the Assembly to take note of this submission and request the Secretariat to address the recommendations we have suggested.

Madam 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.

Madam 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 to support the participation of members of the Council from developing States. We also thank NORI and Global Sea Mineral Resources for their contributions to the Voluntary Trust Fund for the Special Representative of the Secretary-General for the Enterprise.

We urge Member and Observer States, contractors, technical organisations, non-governmental organizations and philanthropic organizations to make contributions to the various Voluntary Trust Funds.

We commend Norway for the financial pledge 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.

Madam President,

The African Group would like to recall that in 2017, the first UN 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 is committed to implementing the seven voluntary commitments made 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 the organization of a second sub-regional workshop for African southern States, held in Pretoria, from 16 to 18 May 2019. Having said that, we are concerned that not all presentations made during this workshop have been posted on ISA website, despite repetitive queries. We take this opportunity to request, once again, the Secretariat to make available these presentations for the benefit of all interested users.

The commitment of Africa towards the 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 thank Kenya, Canada and Japan for co-hosting the High-Level Conference on Sustainable Blue Economy, from 26 to 28 November 2018, in Nairobi. The focus on new technologies and innovation for oceans and seas as well as the challenges was particularly relevant to ISA context.

Madam 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 in 2017.

The African Group played an active and constructive role in the elaboration and adoption of the recommendations of this Preparatory Committee, and the Group will continue to play this role during the upcoming sessions of the intergovernmental conference. The third session will take place next month on the basis of a draft text of an agreement prepared by the President of the conference. 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 the Convention 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 UNCLOS.

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 ISA in the aforementioned history-making BBNJ process? Food for thought!!!

To conclude, we wish to commend the Secretary-General for his relentless efforts in seeing to the establishment of the museum, as proposed by the African Group at the 23rd session of the Assembly.

I thank you for your attention.