

Séminaire d'information et de sensibilisation organisé par l'Autorité internationale des fonds marins, en partenariat avec le Gouvernement de la Côte d'Ivoire, sur la « Promotion du développement durable des ressources minérales des grands fonds marins de l'Afrique en soutien au développement de l'économie bleue africaine »

Thème de la présentation:

« La contribution du Groupe Africain à l'élaboration du code d'exploitation de l'Autorité Internationale des Fonds Marins »

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- I. Le Groupe Africain et le principe de patrimoine commun de l'humanité
- II. Particularités de l'AIFM par rapport aux autres forums multilatéraux
- III. Code d'exploitation minière de l'AIFM
- IV. Chemin vers le code d'exploitation minière de l'AIFM
- V. Contribution du Groupe Africain

I. Le Groupe Africain et le principe de patrimoine commun de l'humanité

1. Origine et définition
2. Troisième Conférence des Nations Unies sur le droit de la mer (1973-1982)
3. Commission préparatoire de l'Autorité internationale des fonds marins (1983-1994)
4. Accord relatif à l'application de la Partie XI de la Convention des Nations Unies sur le droit de la mer (1990-1994)

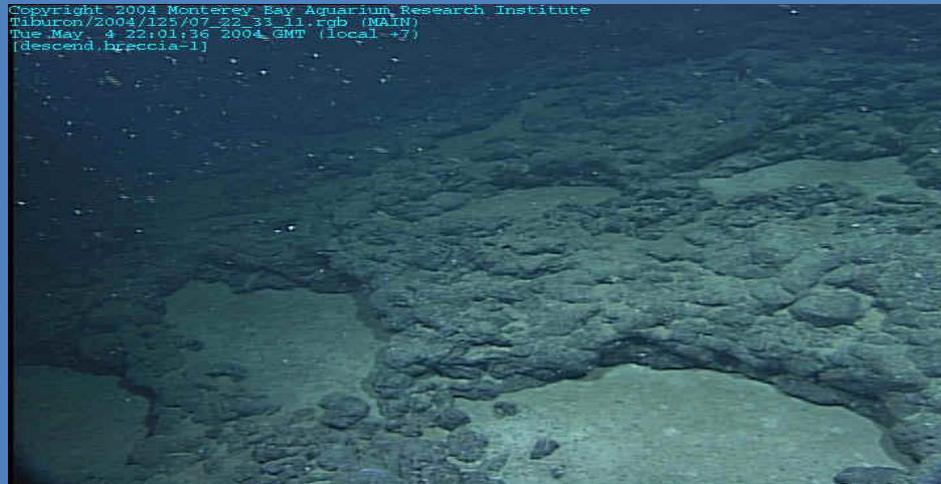
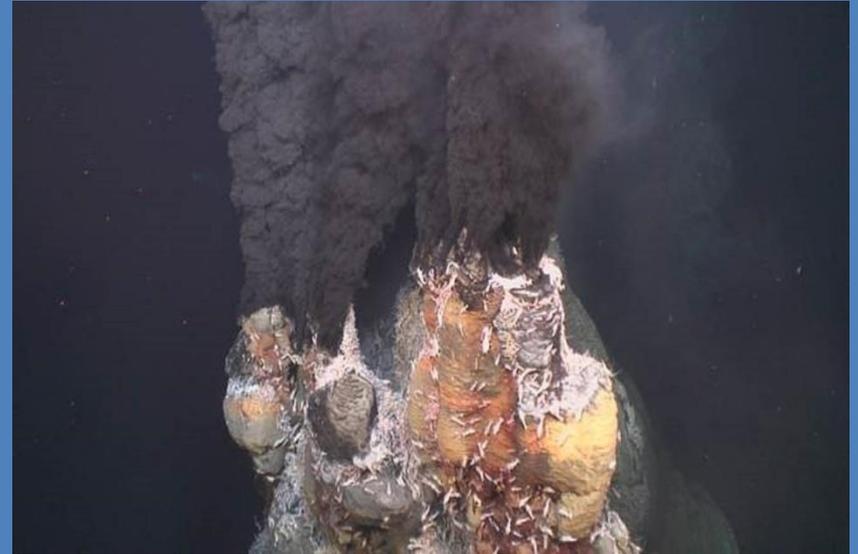
II. Particularités de l'AIFM par rapport aux autres forums multilatéraux

1. Patrimoine commun de l'humanité
2. Composition du Conseil de l'Autorité
3. Secteur privé
4. Possibilité pour les Etats de patronner des contractants
5. Siège de l'AIFM en Jamaïque
6. 47 sur les 55 Etats membres de l'Union Africaine sont membres de l'AIFM

III. Code d'exploitation minière de l'AIFM

1. L'ensemble des règles, réglementations et procédures élaborées par l'AIFM pour réglementer la prospection, l'exploration et l'exploitation des minéraux des fonds marins dans la Zone
2. Le code d'exploitation minière s'inscrit dans un cadre juridique constitué par la CNUDM et l'Accord de 1994
3. Ressources: nodules polymétalliques, sulfures polymétalliques et encroûtements cobaltifères
4. Le code n'est pas encore complet

III. Code d'exploitation minière de l'AIFM



IV. Chemin vers le code d'exploitation minière de l'AIFM

- 2015 (AIFM21): décision de l'Assemblée concernant premier examen période en vertu de l'Article 154 de la CNUDM
- 2016 (AIFM22): rapport d'activité de l'examen
- 2017 (AIFM23):
 - rapport final et adoption d'une décision de l'Assemblée de l'AIFM concernant le rapport final issu du premier examen périodique du régime international de la Zone, mené en application de l'article 154 de la CNUDM,
 - publication, par le secrétariat de l'AIFM, de l'avant-projet de règlement relatif à l'exploitation des ressources minérales dans la Zone

V. Contribution du Groupe Africain

- Août 2017: publication du projet de règlement relatif à l'exploitation
- Décembre 2017: première soumission écrite du Groupe Africain
- Mars 2018: première réunion du Conseil au titre de la 24^{ème} session de l'AIFM
- Juillet 2018: deuxième réunion du Conseil au titre de la 24^{ème} session de l'AIFM (avec deux soumissions du Groupe Africain)
- Septembre 2018: quatrième soumission écrite

V. Contribution du Groupe Africain

Décembre 2017

- Atelier à New York début décembre 2017, en collaboration avec le Centre Africain de Développement Minier
- Fin décembre 2017, soumission écrite du Groupe Africain:
www.isa.org.jm/files/documents/EN/Regs/2017/MS/Algeria.pdf

African Group's comments and inputs on the Draft Regulations on Exploitation of Mineral Resources in the Area of the International Seabed Authority

December 2017

Introduction

After adopting and operationalising the various Regulations on Prospecting and Exploration of Polymetallic Nodules, Polymetallic Sulphides and Cobalt-rich Ferromanganese Crusts in the Area, the International Seabed Authority (ISA) has begun to develop the Exploitation Regulation, which has been described as the 'ultimate regulatory phase in developing the Common Heritage of Mankind.'¹ In August 2017 the Legal and Technical Commission (LTC) considered the "Draft Regulations on Exploitation of Mineral Resources in the Area", which had been prepared by the Secretariat building on the LTC's response to stakeholders comments on the working draft Exploitation Regulations issued in July 2016 and the outcomes of several technical workshops and seminars which were held between March to July 2017.²

The process of consideration of the draft Exploitation Regulations by the LTC is still ongoing and stakeholders have been invited to provide comments to the current version of the Draft Regulations, especially in response to six (6) general questions and seven (7) specific questions indicated in the Annex to Document ISBA/23/C/12.³ At the ISA 23rd Annual Session, the African group had indicated that it needed some time to provide considered responses to the general and specific questions and other issues relevant to the current version Draft Exploitation Regulations to help the Secretariat and the LTC to determine whether the structure and content of the current draft Exploitation Regulations are adequate.

In framing the below responses to the questions in the Annex to Document ISBA/23/C/12 and additional comments regarding the draft regulations, the African group is guided by the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982(1994 Agreement, especially the core principle of the Common Heritage of Mankind. Also, the African group in putting across its responses and comments is guided by its African Mining

¹ <https://www.isa.org/jm/legal-instruments/ongoing-development-regulations->

V. Contribution du Groupe Africain

Décembre 2017

- Structure du projet de règlement d'exploitation
- Patrimoine commun de l'humanité
- Rôle du Conseil de l'Autorité
- Equilibre des pouvoirs entre Etats membres et Secrétariat
- Responsabilités respectives entre AIFM et Etats patronnants
- Equilibre entre transparence et confidentialité
- Renforcement des aspects environnementaux

V. Contribution du Groupe Africain

Mars 2018

Réunion du Conseil (Première partie de la 24^{ème} session de l'AIFM):

- Mécanisme de paiement
- Rôle de l'Etat patronnant
- Protection de l'environnement
- Rôles du Conseil, du Secrétaire général et de la Commission juridique et technique de l'AIFM dans le règlement d'exploitation
- Rôle et statut juridique des standards, des recommandations et des directives

V. Contribution du Groupe Africain Juillet 2018

Réunion du Conseil (Deuxième partie de la
24^{ème} session de l'AIFM):

- Délibérations
- Soumission écrite concernant
l'opérationnalisation de l'Entreprise
- Soumission écrite concernant le modèle
économique



الجمهورية الجزائرية الديمقراطية الشعبية
PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Permanent Mission of Algeria
to the International Seabed Authority

البعثة الجزائرية الدائمة
لدى المنظمة الدولية لقطاع البحار

MPANY/N° 04 /MR/18

The Permanent Mission of the People's Democratic Republic of Algeria to the International Seabed Authority presents its compliments to the Secretariat of the International Seabed Authority and, in its capacity as coordinator of the African Group, has the honor to request the submission of the paper, attached, to the Council for its consideration during the 24th session of the International Seabed Authority, in connection with the discussions under the Council's provisional agenda item 11 relating to the "Draft regulations for exploitation of mineral resources in the Area".

The Permanent Mission kindly requests that this note and its attachment be made available to the Member States of International Seabed Authority in advance of next meeting of the Council.

The Permanent Mission of the People's Democratic Republic of Algeria to the International Seabed Authority avails itself of this opportunity to renew the assurances of its highest consideration to the Secretariat of the International Seabed Authority.

New York, 6th July 2018



Secretariat of the International
Seabed Authority
Kingston (Jamaica)

326 East 48th street, New York, NY 10017 - Tel: 212 750 1960 Fax: 212 759 9538

(1) /Executive Summary

1. The African Group, representing 47 member States of the International Seabed Authority (the ISA), recognises the Enterprise as an essential component of the regime for seabed mineral activities in the Area envisioned by the UN Convention on the Law of the Sea (the Convention).
2. The African Group is concerned at the lack of progress made to date towards the commencement of the Enterprise as an independently functioning organ of the ISA, able directly to carry out activities in the Area.
3. The African Group finds that the convergence of four separate factors, elaborated below, make it timely for the Enterprise to be launched into a formal existence independent of the ISA's Secretariat, and requests the Council now to take action to operationalise the Enterprise.

(2) Status of the Enterprise

4. Article 170 and Annex IV of the Convention established the Enterprise as the organ of the ISA which, subject to the directives and control of the Council, is to carry out activities in the Area. The Enterprise is to be autonomous in the conduct of its operations, which are to be directed by a Governing Board composed of fifteen members acting in an independent, personal capacity, elected by the Assembly. The Enterprise will also have a Director-General as its Chief Executive Officer and legal representative.
5. The 1994 Agreement, adopting an 'evolutionary approach'¹, provided for delayed commencement of the Enterprise stipulating that, in the immediate term:
 - a. the functions of the Enterprise are to be performed by the Secretariat of the ISA until such time as it begins to operate independently;
 - b. the Secretary-General will appoint an Interim Director-General from the staff of the ISA, to oversee specified functions listed in section 2(1) of the Annex to the 1994 Agreement;
 - c. the Enterprise shall conduct its initial deep seabed mining operations through joint ventures;
 - d. the Council must '*take up the issue of*' the functioning of the Enterprise independently of the Secretariat of the ISA in the event of:
 - i. the approval of a plan of work for exploitation for an entity other than the Enterprise, or
 - ii. upon receipt by the Council of an application for a joint-venture operation with the Enterprise; and
 - e. if joint venture operations with the Enterprise accord with sound commercial principles, the Council shall issue a directive providing for the Enterprise's independent functioning.



الجمهورية الجزائرية الديمقراطية الشعبية
PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Permanent Mission of Algeria
to the International Seabed Authority

البعثة الجزائرية الدائمة
لدى السلطة الدولية لاجاع البحار

MPANY/N° 05 /MR/18

The Permanent Mission of the People's Democratic Republic of Algeria to the International Seabed Authority presents its compliments to the Secretariat of the International Seabed Authority and, in its capacity as coordinator of the African Group, has the honor to request the submission of the paper, attached, dealing with the payment regime and other financial matters, to the Council for its consideration during the 24th session of the International Seabed Authority, in connection with the discussions under the Council's provisional agenda item 11 relating to the "Draft regulations for exploitation of mineral resources in the Area".

The Permanent Mission kindly requests that this note and its attachment be made available to the Member States of the Authority in advance of next meeting of the Council.

The Permanent Mission of the People's Democratic Republic of Algeria to the International Seabed Authority avails itself of this opportunity to renew the assurances of its highest consideration to the Secretariat of the International Seabed Authority.



New York, 9th July 2018

Secretariat of the International
Seabed Authority
Kingston (Jamaica)

36 East 48th street, New York, NY 10017 - Tel: 212 750 1960 Fax: 212 759 9538

Request for consideration by the Council of the African Group's proposal on the Economic Model/Payment Regime and Other Financial Matters in the Draft Exploitation Regulations under review

Acronyms

Acronym	Definition
Area	The seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction
Comments on the 2017 Draft Regulations	African Group's comments and inputs on the Draft Regulations on Exploitation of Mineral Resources in the Area of the International Seabed Authority, December 2017
Commission	The Legal and Technical Commission of the Authority
2017 Draft Regulations	Draft Regulations on Exploitation of Mineral Resources in the Area, 8th August 2017
Implementing Agreement	Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982
ISA	International Seabed Authority
MIT	Massachusetts Institute of Technology
Regulations	Draft Regulations on Exploitation of Mineral Resources in the Area, 29 th May 2018
Singapore Workshop	Deep Seabed Mining – Payment Regime Workshop (PRW) #3 Singapore, April 19-21, 2017
UNCLOS	United Nations Convention on the Law of the Sea

Introduction

The African Group is committed to ensuring that deep-sea mining in the Area only occurs if it is demonstrably beneficial to mankind. Deep-sea mining will involve a process through which resources which are currently commonly owned by mankind are transferred through mining, transportation and metallurgical processing to private ownership. Mankind must be fairly compensated for the loss of resources to private ownership from the commencement of mining. The payment regime³ is the mechanism for ensuring that the ISA fairly shares in the revenues and profits from deep-sea mining.

The ISA published the most recent draft of the Regulations in May 2018. The African Group would like to compliment the ISA on these Regulations, which are clearly drafted and represent a significant improvement on the 2017 Draft Regulations. The current draft of the Regulations also address some of the comments made by the African Group in its earlier Comments on the 2017 Draft Regulations.

The African Group is committed to providing further comments to strengthen the payment regime and ensure that deep-sea mining in the Area only occurs if it is beneficial to mankind. With this aim in mind, this Submission reviews the Regulations through three parts.

V. Contribution du Groupe Africain

Septembre 2018

African Group sub... x



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African Group's submission to the International Seabed Authority

Comments on the revised draft regulations on exploitation of mineral resources in the Area

September 2018

Algeria, on behalf of the African Group, refers to paragraph 8 of the statement by the President of the Council on the work of the Council during the second part of the twenty-fourth session of the International Seabed Authority, contained in document ISBA/24/C/8/Add.1, regarding the agreement reached by Council members inviting Members and Observers of the Authority as well as other Stakeholders to submit their comments on the revised draft regulations on exploitation of mineral resources in the Area (ISBA/24/LTC/WP.1/Rev.1 and ISBA/24/C/20).

The African Group is pleased to respond to this invitation and hereby submit its comments on the revised draft regulations.

This submission is articulated around two sections. The first one deals with African Group's comments covering different parts of the revised draft regulations, and the second one focuses on transboundary harm to the marine environment of national jurisdiction.

Section I

This section deals with African Group's comments covering different parts of the revised draft regulations (DR). We have avoided getting into a drafting exercise.

Conclusion

