

COUNCIL OF THE ISA
28TH SESSION, PART II, 10 -21 JULY, 2023

Statement delivered by Ms. Khalilah Hackman (Ghana) on behalf of the African Group under agenda item 10 -Report on the outcome of the intersessional dialogue and briefing note of the co-facilitators, with the view to adopting a Council Decision (ISBA/28/C/9)

Mr. President,

1. The African Group would like to express its appreciation to the Co-facilitators for their diligent efforts in leading the second round of inter-sessional discussions on the two-year rule with the view to making progress on a possible way forward should a plan of work be submitted before the Council has completed the elaboration and adoption of draft exploitation regulations and related Standards and Guidelines.

2. At the outset, allow me to reiterate our commitment to sustainable ocean governance on the basis of UNCLOS and the 1994 Implementing Agreement including through the development and adoption of the regulations for exploitation activities in the Area.

3. In addressing this agenda item, we deem it relevant to recall the submission of the African Group contained in ISBA/26/C/40 of 13th July, 2021 and draw attention to the concerns put forward in terms of regulatory readiness, the

insufficiency of science and other priorities relating to the operationalization of the Enterprise and the Economic Planning Commission as well as the financial aspects.

4. We acknowledge the significant political commitment of Member States to the regulatory mandate of the Council as evidenced by the progress made in the negotiations within the context of the informal working groups and in plenary sessions. The emerging calls for a consolidated text in the next session signal for us the commitment on the part of the Council to continue in the negotiation process to ensure that deep seabed mining, when it occurs, is appropriately governed by a comprehensive set of rules, regulations and procedures.
5. It is also of particular importance to note the shared objective of the Council in line with Article 145 of the Convention to ensure that the regulations provide for the effective protection of the marine environment from harmful effects which may arise from activities in the Area.
6. In our view, the best guarantee for the proper administration of exploitation activities and the protection of the environment in the Area is to have the regulations in place. We, therefore, urge the Council to work in a unified

manner to complete its work. That would be the best approach to ensuring that the resources in the Area which are the Common Heritage of Humankind would indeed, serve the interest of humankind.

7. We have taken note of the lack of consensus and the different legal interpretations held by Council members on Section 1 paragraph 15 of the Annex to the 1994 Implementing Agreement as evidenced by the report of the Co-facilitators.
8. Pending any decision of the Council, the African Group believes that political commitment must be sustained through dialogue and the further exchange of views in order to chart a path forward given that the time-frame of the two-year rule has now elapsed. It is important to ensure appropriate balance between the rights and obligations of the Authority and its stakeholders and at this juncture what is required from all relevant stakeholders is good faith and a willingness to remain engaged.
9. As we address the consequent scenarios of the two-year rule, the African Group also takes note of the positions expressed by some delegations in favour of a moratorium or precautionary pause. While appreciating the views expressed in support of those positions, we see a need for broad dialogue on

the parameters and limits of such approaches given that there are no common understandings of how they are intended to operate.

10. Lastly, we appeal to use the processes in the Convention and the Agreement to pursue a common ground.

11. We look forward to participating in the informal consultations next week to contribute on discussions both in terms of substance and process.

I Thank You.