

STATEMENT BY THE AFRICAN GROUP
Agenda Item 9: Annual Report of the Secretary-General

Mr. President,
Madam Secretary-General,
Distinguished representatives of Member States of the Authority,

Since this is the first time that Kenya is taking the floor during this session, I wish to congratulate you, President, and the members of the Bureau on your election. I assure you of our full cooperation and support throughout the session.

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

The African Group thanks the Secretary-General for the annual report and for the work undertaken by the Secretariat during the reporting period. The Group welcomes the progress recorded across the Authority's programme of work, including the continuing negotiations on the draft exploitation regulations, the development of institutional capacity and the implementation of capacity-building programmes.

The African Group remains deeply committed to the principle that the Area and its resources are the common heritage of humankind. In accordance with articles 136 and 137 of the United Nations Convention on the Law of the Sea, no State may claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, and no State, natural person or juridical person may appropriate any part thereof except in accordance with Part XI of the Convention.

Activities in the Area must therefore be conducted through the international legal framework established by the Convention and under the organization, regulation and control of the International Seabed Authority. The African Group accordingly reaffirms that domestic legislation cannot create internationally recognized rights over the Area or its resources outside the Convention, the 1994 Agreement and the Authority.

In this regard, the African Group also recalls articles 138 and 139 of the Convention. States have a responsibility to ensure that activities in the Area undertaken by their State enterprises, or by natural or juridical persons possessing their nationality or subject to their effective control, are carried out in conformity with Part XI.

The African Group therefore encourages all States to exercise the necessary legislative, administrative and regulatory oversight over persons and entities subject to their jurisdiction or effective control and to ensure that activities relating to the Area remain consistent with the Convention and the framework of the Authority.

Mr. President,

In connection with unilateral actions, the African Group notes with concern the information contained in the report of the Interim Director-General of the Enterprise that applications for mineral exploration and/or exploitation pursued in the Clarion-Clipperton Zone outside the legal framework of the Convention and the 1994

Agreement overlap with approximately 80,000 square kilometres of areas reserved for the Enterprise.

Reserved areas are not unallocated spaces. They are an integral component of the system established under Part XI of the Convention to enable the Enterprise and developing States to participate effectively in activities in the Area.

The reported overlap therefore merits careful, transparent and coordinated consideration by the Authority. The African Group acknowledges that the Authority has already made available maps, shapefiles, policy briefs and other information concerning the reserved-area mechanism, areas historically contributed to the site bank and areas allocated to contractors sponsored by developing States.

Rather than seeking a repetition of information already publicly available, the African Group would welcome a current and reconciled account of the status of the reserved-area site bank. In particular, the Group requests clarification regarding the approximately 80,000 square kilometres referred to in the report of the Interim Director-General, including: the precise location and extent of the affected reserved areas; and whether those areas remain available in the site bank, have already been allocated or are subject to applications within the Authority.

Such clarification would assist the Assembly in understanding the status of the areas reserved for the Enterprise and in considering any appropriate measures that may be required to safeguard the integrity of the reserved-area mechanism.

The African Group also considers that this development further highlights the importance of advancing the operationalization of the Enterprise. An adequately operationalized Enterprise would be better placed to assess, protect and utilize the reserved areas that constitute a principal foundation for its future activities.

Mr. President,

The African Group welcomes the progress made in the negotiations on the draft exploitation regulations and acknowledges the considerable work undertaken by delegations, facilitators, the Legal and Technical Commission and the Secretariat. We commend the Council for the constructive manner in which the negotiations are being undertaken.

The African Group emphasizes that the completion of the exploitation regulations should be accompanied by progress in the institutional, administrative, financial and operational arrangements necessary for their effective implementation.

For the African Group, the principle **that nothing is agreed until everything is agreed** encompasses not only the rules, regulations and procedures governing exploitation, but also the institutions and systems through which those rules will be administered, implemented and enforced.

This includes the operationalization of the Enterprise and the Economic Planning Commission, as well as the effective functioning of the existing organs of the Authority. These institutions form an integral part of the balance established under Part XI of the Convention and are essential to ensuring that activities in the Area are conducted for the benefit of humankind as a whole, with particular regard to the interests and needs of developing States.

The African Group therefore encourages concrete and sequenced progress towards the operationalization of the Enterprise and the Economic Planning Commission, including appropriate staffing, financing, administrative support and the establishment of the procedures necessary for them to discharge their respective mandates.

This work should advance alongside the completion of the exploitation regulations so that the regulatory framework and the institutions responsible for administering it are able to function together effectively.

The African Group further considers that the Authority must be institutionally prepared before exploitation activities commence. This requires organs that are operational, properly staffed, adequately financed and capable of working together coherently, transparently and effectively in the management of the Area.

The Assembly, the Council, the Legal and Technical Commission, the Finance Committee and the Secretariat must each be in a position to discharge their mandates fully and to support informed decision-making through the transparent exchange of information.

In this context, the African Group notes the staffing and administrative matters reflected in the reports before the Assembly, including employment-related proceedings involving former members of staff and issues relating to transparency, accountability and access to information raised through the work of the Finance Committee and inadequate support to the Legal Technical Commission

The African Group encourages the Secretary-General and the relevant organs of the Authority to continue addressing these matters in a coordinated manner, including through measures that strengthen administrative effectiveness, transparency, accountability and the flow of information among the Secretariat and the organs of the Authority.

This would contribute to ensuring that the Authority possesses the institutional capacity, administrative integrity, financial transparency and operational readiness necessary to administer the exploitation regulations effectively.

Mr. President,

The African Group welcomes the capacity-building activities reflected in the annual report and appreciates the opportunities provided to participants from African States through the programmes and initiatives of the Authority.

The African Group thanks the Secretary-General for these efforts and encourages the continued enhancement of capacity-building programmes, including through greater geographical reach, increased opportunities for African participants and stronger links to scientific training, employment, technology transfer and long-term institutional capacity.

The effective participation of developing States must also extend to the meetings and organs of the Authority. The African Group therefore calls upon members, observers, contractors and other eligible contributors to make voluntary contributions to the relevant trust funds supporting the participation of members from developing countries.

Such support is necessary to facilitate effective participation in the Assembly, the Council, including additional meetings of the Council, and the work of the Legal and Technical Commission and the Finance Committee.

The ability of developing countries to participate effectively in the decision-making and technical organs of the Authority remains fundamental to the legitimacy and equitable functioning of the international regime.

Mr. President,

In conclusion, the effective implementation of the common heritage of humankind requires respect for the Convention, activities in the Area to be undertaken within the framework of the Authority, effective oversight by States, operational institutions, inclusive participation, sound administration and transparent financial management.

The African Group therefore reiterates that the completion of the exploitation regulations must be accompanied by the institutions, systems, safeguards and administrative arrangements necessary to ensure that activities in the Area are managed effectively, equitably and for the benefit of humankind as a whole.

The African Group remains committed to working constructively with the Secretary-General, the organs of the Authority and all Member States towards these objectives.

I thank you.