



Policy dialogue

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**Governance of resources and maritime activities
for sustainable development in Africa**

(Abidjan, Côte d'Ivoire, 21-23 June 2017)

Concept note

Meeting organized by the
Capacity Development Division (CDD)
Cluster Natural Resources and Sustainable Development
Economic Agreements Working Group

I. Background

With an area of approximately 30 million km², Africa is the second largest continent, equivalent to two thirds the size of Asia and three times that of Europe. The continent is surrounded by oceanic expanses (Atlantic Ocean and Indian Ocean), and by two semi-enclosed seas: the Mediterranean and the Red Sea). The territorial waters under the jurisdiction of Africa are very extensive, measuring some 13 million km², and their continental shelves extend over a total area of some 6.5 million km².

The 54 States which make up the continent of Africa are very different, however, in terms of their access to these seas and oceans. Of them, 38 States have a sea coast, while the others are completely landlocked. Africa has the highest rate of landlocked States in the world (32 per cent), ahead of Europe (25 per cent), Asia (12.8 per cent) and the Americas (5.71 per cent), posing immense obstacles to the foreign trade and economic development of these States. The present note is concerned in particular with 16 African States: Botswana, Burkina Faso, Burundi, Central African Republic, Ethiopia, Lesotho, Malawi, Mali, Niger, Uganda, Rwanda, South Sudan, Swaziland, Uganda, Zambia, Zimbabwe.

Of the other States, some are simply less well-endowed: thus, the Democratic Republic of the Congo, for instance, has a coastline of less than 40 km, compared to that of Madagascar, which is 100 times longer. Nevertheless, the oceans surrounding the continent offer an immense wealth of resources (fishing, mineral and energy), representing significant economic opportunities and, in some instances, real alternatives to many heavily exploited land-based resources. This has led the African Union to consider what is now terms the “blue economy” as the new frontier for the renaissance of Africa.¹

Considering that, by 2050, one fourth of the world's population will be living in Africa,² the immense potential offered by the seas and oceans presents both challenges and enormous opportunities for the social and economic development of the continent's entire population and requires the formulation of substantive policies on governance.

For this reason, it is essential that, in its approach to governance of the oceans and seas, Africa should take due account of the multiple facets of its own environment, should have the courage and foresight to identify and recognize the specific challenges and opportunities in all sectors and areas of activity, while also taking on board similar experiences undergone elsewhere across the world.

With its constantly growing population, the rapid development of its industries and its coastal urbanization, along with the depletion of many resources in other parts of the world, the African maritime sector, with all its potential, is coming under increasing pressure.

1. Shipping and port operations

The safe and secure maritime transport of goods is vital for the continent.

For reasons of its geography and imbalances in its transport infrastructure, which pose obstacles to internal trade, over 90 per cent of the exports and imports of African States take place by sea. Most

¹Decision of the Assembly of Heads of State and Government of the African Union at its twenty-second ordinary session on the adoption of the 2050 African Integrated Maritime Strategy - Horizon 2050, known as the 2050 AIM Strategy. For the concept of the blue economy and the economic development opportunities that it offers to the continent, see Africa's Blue Economy: Policy Handbook, United Nations, Economic Commission for Africa, March 2016; Blue Economy, ECA report commissioned by the Subregional Office for East Africa, ECA publication, November 2016.

²According to the report by the United Nations Children's Fund (UNICEF) presented in Johannesburg on Tuesday, 12 August 2016.

of the vessels used for this purpose do not, however, fly an African flag, nor were they built in Africa and they are not crewed by Africans. This situation of economic dependence on foreign maritime powers imposes a heavy and sustained penalty on African economies, and it is imperative that very careful consideration be given to this issue.

The competition between African ports is also problematic, if steps are not taken to set in place standing arrangements for dialogue between the ports or if foreign private monopolies are allowed to take the place of the continent's former State monopolies. In addition, there are far too many African ports that are heavily congested because of inadequate infrastructure, bureaucratic procedures, ineffective operating modalities and non-competitive tariff structures that penalize all economic operators, hardest of all the landlocked States.

Out at sea and along the coastline, it has become very difficult for many coastal States on their own to maintain the necessary levels of safety and security. In addition to numerous accidents and sometimes major disasters such as the sinking of the MV "Joola" off Senegal in 2002 (with the loss of 2,000 lives), shipping is now subject to multiple criminal deeds, such as trafficking in drugs and human beings and, above all, piracy and armed attacks, in particular in the Gulf of Aden, the Indian Ocean and the Gulf of Guinea.

Under the auspices of the international Maritime Organization (IMO), the African Union and various subregional organizations, strategies, operational frameworks and specially designed legal instruments have been put in place to combat these threats (2050 AIM Strategy, 2009 Djibouti Code of Conduct, 2013 Yaoundé Code of Conduct, 2013 Lomé Charter and others).

2. Fishing and harvesting of marine resources

The optimal use of marine living resources, including through bioprospecting, is also vital for the continent. In most coastal countries, fisheries make a significant contribution to food security, rural incomes and employment. According to the United Nations (ECA and FAO), freshwater and ocean fish make a vital contribution to the food and nutritional security of over 200 million Africans and provide income for over 10 million.³

Many African States, however, have ageing (or only embryonic) fishing fleets and their legal, logistical and technical infrastructure is too limited for the proper management of their resources and successful efforts to control poverty, problems further compounded by the fishing offences committed, in some cases, by transnational criminal groups. This is what is referred to as "pirate fishing" or, more frequently, "IUU fishing" (illegal, unreported and unregulated). Considered by FAO to constitute some 30 per cent of the global catch, or between 11 and 26 million tons, IUU fishing represents an annual loss of between 10 trillion and 23 trillion euros at the global level and hits the developing countries and the African coastal States particularly hard. A growing volume of fish stocks are either overexploited or already exhausted, often with very serious negative consequences for traditional fishing communities whose very survival depends almost entirely on those resources.

In these circumstances, and as part of their efforts to improve governance, African States have a keen interest in combating this type of economic and environmental crime and in taking decisive steps to negotiate genuine fishing agreements with their foreign partners that will ensure a win-win relationship between them.

³"The value of African fisheries", FAO Fisheries and Aquaculture Circular No. 1093, 2014. Africa's Blue Economy: A Policy Handbook, United Nations, Economic Commission for Africa, p. 5.

In the past, their extensive living marine resources have already been a source of considerable income for a number of coastal States. The discovery of new resources of this kind, in combination with good governance, has repeatedly confirmed that the sound use of these resources can continue in the foreseeable future to serve as an important component in the success of the African blue economy.

3. Exploitation of marine mineral resources and seabed resources

The economies of many African States is based on the exploitation of marine mineral resources, including oil and gas, and to an increasing extent marine aggregates (sand and gravel dredged along the coastline and often in disregard of environmental requirements).

The Gulf of Guinea, for example, accounts for nearly 50 per cent of the hydrocarbon production of the African continent, 10 per cent of global production. According to estimates, the Gulf has reserves amounting to 24 billion barrels of oil.⁴

The determined efforts that they have made to take control of their exclusive economic zones and extensive continental shelves demonstrate that African States are no longer prepared, in the future, to stand by and watch their rich seabed resources (including polymetallic nodules and other high-content and as yet unexploited ocean mineral resources) be taken over and exploited by others.

Most African countries do not, however, have either the necessary expertise or infrastructure to be able to harvest these raw materials for themselves. In addition, in their endeavour to benefit from these resources, these States are facing maintenance and security problems, compounded by the inadequacy or even total lack of arrangements for the proper compensation of the affected populations, in the event of accidents or operational pollution (as is the case in Nigeria, in the mouth of the Niger Delta).

It will also be necessary, with a view to ensuring compliance with the principles of sustainable development, to meet the need to ensure that the social, economic and environmental impact of the mining sector in the long term is addressed and managed.

Here again, the danger of the diversion and overexploitation of the continent's resources at the expense of local populations remains real and persistent. All these considerations underline once again the urgent need for sound governance of this sector in Africa.

4. Marine and coastal tourism

Marine and coastal tourism, including by cruise ships, is already contributing significantly to the economies of a number of African States (in North Africa, the Indian Ocean countries and others).⁵ While it is true that the sector is a very large employer and is sometimes a vital source of foreign currency, it is also causing a number of problems through its impact on the cultural, natural and social environment in which it is playing a growing role.

Spatial planning offers a very useful means of resolving these problems, both on land and at sea. With a view to ensuring better governance of the sector, ECA has, for example, supported and guided preparation in East Africa of a study entitled *Towards a Sustainable Tourism Industry in Eastern Africa*, and also development of the Sustainable Tourism Master Plan 2013-2023 for States members of the Intergovernmental Authority on Development (IGAD). From this point on, coastal

⁴ Philippe Copinschi and Pierre Noël, "L'Afrique dans la géopolitique du mondiale du pétrole" ("Africa and the geopolitics of the global oil industry"), *Afrique contemporaine*, 2005/4, No. 206.

⁵ 2050 AIM Strategy, paragraphs 46-48.

ecotourism must secure its position in the fast-moving process of developing sustainable tourism.⁶ The example of Kenya, among others, shows how the development of a small-scale ecotourism sector can bring benefits to local communities and facilitate the creation of wealth without harming the environment, by building local expertise and through the adoption of new technologies that can reduce environmental impacts.

5. Potentially advantageous use of renewable marine energy

Very serious consideration must be given to this matter so that African States can start making much more extensive use of the various forms of marine energy available to them, in particular given that the constantly rising price of carbon-based energy is forcing all States of the world, including African States, now to seek renewable energy alternatives, including ocean energy.

To that end, Cabo Verde is currently piloting the use of tidal energy (including waves and currents) and successfully using it to bring power to remote rural areas. The International Energy Agency (IEA) maintains that these new energy sources could meet between 100 and 400 per cent of current demand in the world.⁷ By taking governance of its own marine and ocean resources, Africa will also be able to bring about this much-needed energy revolution.⁸

6. Protection of the marine environment and ecosystems and climate-change challenges

The need for urgent protection of the marine environment and ecosystems has become a worldwide concern. The pollution of the seas and oceans has long since reached alarming levels, including marine pollution from land-based sources, from activities in the open sea (pelagic pollution), voluntary or involuntary waste discharges permitted under law for human activities (operational pollution) and pollution from maritime accidents and disasters (accidental pollution).

Africa is in no way immune to these various threats, even if they are given very little media coverage at the global level. Suffice it to recall that, where the transport of hydrocarbons is concerned, and despite the deafening silence surrounding the incident, the tragedy of the tanker MV ABT Summer, which sank in 1991 off the coast of Angola, remains the second largest global oil disaster, with the dumping in African waters of 260,000 tons of crude; that the MT Castillo de Bellver disaster which hit the coast of South Africa in 1983 is to this day the third largest global oil disaster, resulting in the spillage of 257,000 tons of crude in the waters of that African country; and that it will take 30 years to clean up the oil slicks of Ogoniland, in Nigeria.

It is also clear that the effects of poor environmental management are heavily exacerbated by the impacts of climate change: an increase in extreme weather events which provoke maritime accidents, sea-level rise, coastal erosion, saline water intrusion, ocean warming and acidification, coral bleaching, spread of invasive or predatory species endangering the health of marine and coastal ecosystems, and other such processes.

Governance of the seas and oceans must necessarily entail proper preventive measures and a relentless campaign to suppress any possible damage to the marine environment and ecosystems and to mainstream the concerns of sustainable development into this work. That is why the new framework for the development of the blue economy in Africa must prioritize “an integrated,

⁶Africa's Blue Economy: A Policy Handbook, United Nations, Economic Commission for Africa, pp. 77-79.

⁷"Pathways to a clean energy system", Energy Technology Perspectives, IEA, 2012.

⁸Blue Economy, ECA report commissioned by the Subregional Office for East Africa, ECA publication, November 2016, pp. 150-178.

systemic, dynamic, inclusive, participatory, and ecosystem-based approach in which sectoral barriers are minimized at the activity and governance level, and environmental, social, and economic dimensions are intertwined and pursued for all Blue Economy activities”.⁹ Clearly, efforts must be made to achieve “a green economy in a blue world” ...

II. Goals of the meeting

This pan-African meeting, which takes the form of a policy dialogue – in other words, a high-level forum at the continental level – is in point of fact only a starting point, which in the short, medium and long term will pursue four major goals, to tackle the challenges identified above facing the continent's marine and ocean recourses.

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1. **Raising awareness among member States of the urgent need to implement the continental resource governance framework and also the maritime activities and specialized instruments to ensure security and safety at sea identified by the African Union**, namely, the 2050 African Integrated Maritime Strategy - Horizon 2050 (2050 AIM Strategy), together with all the instruments and security measures adopted to ensure its implementation: the 2009 Durban resolution on maritime safety, maritime security and protection of the marine environment in Africa; the 2010 working paper on maritime development in Africa; the 2009 Djibouti Code of Conduct; the 2013 Yaoundé Code of Conduct; and the 2016 African Charter on Maritime Security, Safety and Development (Lomé Charter), an instrument that will be binding once it enters into force.¹⁰
2. **Contributing to or promoting the regional and national development of local policy and legal instruments for the implementation of the 2050 AIM Strategy**, recognizing that, while a number of regional organizations have adopted instruments that have an impact on ocean governance, not all of them have actually adopted their own maritime policies, and still less community-wide maritime legal instruments.
3. **Facilitating the formulation of policy and specific measures for the development of the blue economy and helping to provide capacity-building for African States in this area, while also taking into account gender issues** and ensuring the proper inclusion of women in all the sectors in question. To this end, support and guidance shall be provided to States and regional organizations in their policies in all sectors of the marine economy: maritime transport, port activities, fishery resources and the fishing industry, offshore mineral resources and mining, maritime security and safety, marine renewable energy, maritime and coastal tourism, and the protection of the marine environment and ecosystems.

To this end, in March 2016 ECA issued the publication: *Africa's Blue Economy: A Policy Handbook*, the aim of which is to deepen the understanding of the concept of the blue economy by all those involved, including island, coastal and landlocked States, with a view to achieving the structural transformation of their economies, and sustainable growth and social progress.¹¹

⁹ Africa's Blue Economy: A Policy Handbook, United Nations, Economic Commission for Africa, p. 7.

¹⁰ The text of this document is available from <http://pages.au.int/sites/default/files/2050%20AIM%20Strategy%20%28Fr%29.pdf>.

¹¹ This document, cited above, is available from <http://repository.uneca.org/bitstream/handle/10855/23014/b11560836.pdf?sequence=1>.

4. Contributing effectively and sustainably to the incorporation of the African continent in the global framework for the governance of seas and oceans, hence the need for ECA and the African Union to promote not only a sustained and high-level African presence in major international forums dealing with sea and ocean issues, but also to strengthen the leverage of the continent in international maritime organizations, while encouraging countries to upgrade their domestic legislation with the proper incorporation of international legal instruments.

III. Working method and partnerships

1. Duration and general design of the event

Given the wide range of topics and multidimensional challenges involved, the work to be undertaken during the dialogue on policy will continue for three days and will be under the scientific coordination of our Division (CDD), assisted by two consultants.

This work will include African and international experts in maritime and ocean issues and will prioritize a detailed exploration of the various sectoral themes, but these will be preceded by cross-cutting presentations on ocean and sea governance, looking in particular at African instruments specifically targeted at this area, foremost among which are Africa's integrated maritime strategy for the seas and oceans – Horizon-2050 (the 2050 AIM Strategy) and the various maritime charters developed by the African Union, which are now of critical importance.

The meeting will also enable international maritime organizations and major African regional and intergovernmental maritime institutions, and also women's groups in the maritime sector, to participate in and to contribute to the discussion on ways and means of successfully tackling the challenge of ocean and sea governance in Africa.

2. Work programme and schedule

- **Day 1: (21 June 2017)**

- **Morning**

A plenary meeting will be scheduled after the traditional welcome and opening, and will address fundamental issues relating to the governance of the oceans and seas in general, the importance of the blue economy and sustainable development, and the maritime instruments designed to guide member States in these areas, in particular the 2050 AIM Strategy. At this meeting, experts and consultants will have the opportunity to make substantive presentations in these areas.

- **Afternoon**

A first sectoral experts meeting will begin with the topic of governance of shipping and port operations in Africa.

Participants will consider solutions to the challenges faced by the shipping sector in Africa and will address issues such as the need for the establishment (re-establishment) or reactivation of shipping companies in Africa, the development of short-sea shipping (maritime cabotage), the protection of African shippers, the issue of the ratification of certain international conventions, modernization and competitiveness of African ports, the dangers of their monopoly by foreign investors in violation of legal requirements and the normal rules of competition, or the prospects for the development of multimodal transport, and also modalities for the protection of the interests of landlocked States in the port area.

- **Day 2: (22 June 2017)**

- **Morning**

A second sectoral experts meeting will take up the issue of governance of fishery resources and fishing activities in Africa.

The meeting will identify the overall challenges faced in this economic sector and take up specific issues such as the conditions for the development of African commercial fishing firms; policies to support small-scale fisheries; the need to negotiate better fishing agreements with foreign powers; the role of subregional fisheries management organizations; and efforts to combat the plunder of fishery resources, including IUU fishing, with the aim of protecting ecosystems and ensuring sustainable development of this sector.

➤ **Afternoon**

A third sectoral meeting of experts will take up the issues of African governance of offshore mineral resources and mining, and of marine energy resources.

The experts will discuss key issues related to sustainable development of these sectors in Africa and will focus, among other matters, on legal arrangements for the allocation of mineral rights to investors; efforts to combat the diversion of marine mineral resources; the need to align governance with the Africa Mining Vision; the prevention and peaceful settlement of conflicts related to transboundary marine mineral resources; the prevention and control of pollution from offshore mining activities; and the need for ratification by African States of international maritime conventions regulating that particular sector. Attention will also be given to the need to promote the promising use of marine renewable energy to reduce the dependence of States on oil and carbon.

• **Day 3: (23 June 2017)**

➤ **Morning**

A fourth sectoral meeting of experts will consider the sensitive issue of governance and area surveillance to ensure safety and security at sea.

This sectoral meeting, which will be organized in partnership with the International Maritime Organization (IMO), will report on the initiatives taken in Africa, at both the continental and regional levels, to prevent and combat maritime accidents (maritime safety), and to prevent and combat criminal activities at sea (maritime security).

Where maritime safety is concerned, attention must be given, among other matters, to the experience of African States under the memorandums of understanding on port State control (Abuja Memorandum of Understanding for Western and Central Africa, Mediterranean Memorandum of Understanding for North Africa, and Indian Ocean Memorandum of Understanding for East and Southern Africa).

Where maritime security is concerned, experts at this meeting will assess progress in efforts to combat piracy and armed attacks in the two maritime areas of the continent most affected by these threats, namely those covered by the Djibouti Code of Conduct (Gulf of Aden and Indian Ocean) and by the Yaoundé Code of Conduct (Central Africa and West Africa).

Lastly, the meeting will explore the opportunities opened up by the recent 2016 Lome Charter for the strengthening of both maritime safety and security in Africa, and for the benefit of its economic development.

➤ **Afternoon**

The policy dialogue will conclude with an intersectoral meeting of maritime institutions for the governance of the oceans and seas in Africa.

That meeting will provide an opportunity to explore the role of the various maritime institutions working for the continent and to create a dialogue between them, through presentations of 15 minutes each, at most, with a view to stimulating the community-wide and regional maritime processes in Africa.

Without endeavouring to be exhaustive, the following may be invited to the meeting:

Regional intergovernmental organizations:

Maritime Organization of West and Central Africa (MOWCA)

Regional training and capacity-building establishments:

Abidjan and Accra Regional maritime academies

African shipping protection agencies:

Union of African Shippers' Councils (UASC)

Cooperation agencies working on the management of African ports and strengthening their competitiveness:

Port Management Association of West and Central Africa (PMAWCA)

Port Management Association of Eastern and Southern Africa (PMAESA)

Maritime associations working on gender awareness and action:

Women in Maritime in Africa (WIMAFRICA)

The overall closing of the policy dialogue will be presided by Stephen Karingi, Director of CDD, and conducted by Martin Ndendé, Melaku Desta (Cluster's head at CDD), Antonio Pedro, head of the blue economy task force at ECA, and a team of experts. It will include a brief summary of the work, the main messages and recommendations, as well as an exhortation to member States to take ownership of the policy handbook on the blue economy published by ECA.

3. Partnerships

This project, which has been organized and led by CDD, will be implemented in partnership with:

- ECA blue economy task force (under the guidance of Antonio Pedro, Director of the Subregional Office for Central Africa)
- Various subregional offices of ECA
- African Union Commission, through the team responsible for promoting the 2050 AIM Strategy
- MOWCA, based in Abidjan
- IMO, based in London

Lastly, the project will also enjoy the collaboration of a number of other maritime organizations and institutions referred to earlier in the present document, including at the intersectoral meeting of maritime institutions for the governance of the oceans and seas to be held in the afternoon of 23 June (see above).

IV. Expected outcomes and outputs

The main outcomes and outputs expected from this pan-African meeting are that it should achieve the following:

1. **Contributing to a full understanding by our member States** of the many issues, methods, mechanisms and tools, and also the role of institutions and other entities involved in governance of the oceans and seas in Africa and throughout the world;
2. **Ensuring that the various instruments for governance of the oceans and seas that have been developed within the African Union are placed at the heart of the new maritime policies and regulations** to be implemented at regional and national levels in Africa and that, in the future, ECA and our division (CDD) are able to furnish technical assistance to States so that they can put these instruments into operation on the ground;
3. **Raising awareness among member States of the important and urgent need to enhance the role of the blue economy in their development strategies** and ensuring the widest possible

dissemination of international legal instruments and the necessary and useful economic tools in this domain, foremost among which is: Africa's Blue Economy: A Policy Handbook, published by ECA in March 2016;

4. **Enabling CDD to engage actively with and, from this point on, to form part of the ECA blue economy team**, so that it can give full rein to its advisory role for the benefit of member States, and make a more effective contribution to capacity-building for African public officials and experts in the governance of the different maritime sectors in question, in the context of the continent's sustainable development.

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