

# State of implementation of the decisions of the Lomé Summit on Maritime Security and Safety

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Tomorrow (16 July) the African Union (AU) Peace and Security Council (PSC) will hold a session on the state of implementation of the decisions of the Lomé Summit on Maritime Security and Safety held on 15 October 2016. The session is expected to review the development of Annexes to the African Charter on Maritime Security, Safety and Development in Africa, Lomé Charter.

The agenda item is being tabled by Togo as the chair of the month and champion of Maritime Security, Safety and Development in Africa. The Office of the Legal Counsel is expected to brief the PSC. The briefing will update member states on the level of ratification of the Lomé Charter. It is also expected to provide an update on the development of the annexes.

As pointed out in the 682 PSC ministerial session the development of the annexes is aimed at including the relevant AU structures, particularly those with economic related mandate, which were not initially involved in the development of the charter. In this respect, the AU Assembly at its extraordinary summit in October 2016 tasked the African Union Commission (AUC) to: '[T]ake all necessary measures in order to convene Extraordinary session of the relevant Specialized Technical Committees (STCs) which were not involved in the elaboration process of the Charter namely: the STCs on Trade, Industry and Minerals, STC on Transport, Infrastructure,

Energy and Tourism, STC on Monetary Affairs, Economic Planning and Integration and any other relevant STCs to enable them to consider issues falling within their respective mandates and submit their contributions to the African Charter, in the form of annexes'. The 682nd session of the PSC reiterated this request.

As a follow up to this, the AUC convened in January 2017 an ad hoc experts' group, which after series of meetings and working closely with the AUC legal office, developed draft Annexes. The process for the finalization of the annexes envisaged that after the annexes were submitted for consideration of the joint meeting of the relevant STCs and incorporation of the inputs of the joint STCs, draft Annexes would then be submitted to the Justice and Legal Affairs STC which would consider and submit the draft Annexes to the Assembly for adoption. Despite the fact that the AU Assembly envisaged this process to be concluded by July 2017, the process has as yet to be finalized.

It is to be recalled that the Strategic Task Force for the implementation of Africa's Integrated Maritime (AIM) Strategy met in 2018 in Addis Ababa, Ethiopia, to consider and validate the Draft Annexes to the Lomé Charter.

Central to the elaboration of the annexes is the need for full coverage in the Lomé Charter of the developmental aspects of the marine space through the contribution and participation of the economy and development structures of the AU. Blue economy is a key sector for the majority of Africa countries, 38 of 55 are coastal states and more than 90% of Africa's imports and exports are transported by sea. Agenda 2063 recognizes that Africa's Blue economy, which is three times the size of its landmass, as a major contributor to continental transformation and growth. Yet, Africa has as yet to properly make use of the potential of its marine space and resources. The 834 PSC session, reiterated the centrality of 'effective management of Africa's Blue Economy, in order to ensure that it

significantly contributes towards promoting sustainable development, creates employment and improves the general well-being'.

In this regard the Lomé Charter is a groundbreaking instrument given that it's the first continental legally binding framework that advances blue economy as well as maritime security agendas. The Charter by focusing on the linkage between blue economy and maritime security it also provides relevant definition of key terminologies and the common rules for the governance of the marine space of Africa.

The progress update is expected to provide a timeframe and highlight the outcome of the deliberations that took place at the Task Force level as well the continuing consultations with the various STCs until the subsequent submission of the annexes to the Assembly. In light of this, the briefing may also provide details on the role of the Task Force and other policy units in the subsequent steps.

Despite the recognition of the huge developmental role of the sector and the normative development efforts, the ratification and domestication process of the Lomé Charter has been slow. The Lomé Charter requires that the treaty shall enter into force 30 days after the deposit of the 15th instrument of ratification. The slow pace of ratification thus far shows the need for a clear strategy for promoting ratification by AU member states. This may require establishment of a task force of member states and the AU Commission tasked with the development and implementation of such strategy.

Given the multidimensional nature of the issues addressed in the Lomé Charter and the role of various STCs, there is also a need for clarifying a coherent approach for ensuring implementation of the Charter. Tomorrow's session in addition to providing update on the development process of the annexes, it may also address the institutional harmonization aspect. This has been particularly highlighted in the PSC 682 session,

which called for a 'follow up mechanism, in particular within the Commission, given the cross-sectoral and multidimensional nature of issues relating to Maritime Security and Safety and Development'.

In terms of effective and coherent approach, the 834<sup>th</sup> session underlined the need for harmonized and coordinated operationalization and implementation of existing legal and policy frameworks relating to the blue economy; including AU 2050 Africa Integrated Maritime Strategy (AIMS), the Revised African Maritime Transport Charter and the Lomé Charter. It further urged the Commission 'to expedite the finalization of the draft annexes to the Lomé Charter'.

It is also expected that the developments of the annexes are taking place within the broader 10-year implementation plan of Agenda 2063, which envisages the establishment of African Centre for Blue Economy by 2025. The AUC institutional reform also anticipates, from 2021 onwards, the inclusion of a dedicated maritime component in the agriculture, rural development, blue economy and sustainable development department of the AU Commission.

Pursuant to its last session the PSC may follow up on the outcomes of the Sustainable Blue Economy Conference meeting held in Maputo, Mozambique, in May 2019.

At the production of this 'Insight' the form of the outcome of the session was unknown. The PSC may call for clear timeline for finalizing the annexes. The PSC may further note the low-level ratification of the Charter and may, beyond and above calling on member states that are yet to ratify the Charter to do so, request the AUC to develop (and report to the PSC) clear strategy for promoting ratification. It may also call on the accelerated operationalization and implementation of other complementary policy and normative instruments including the 2050 AIMS and the Revised African Maritime Transport Charter towards addressing maritime threats and strengthening

regulatory frameworks. It may also call for strengthened enhanced regional and international cooperation for enhanced monitoring and control.