AFRICAN UNION

الاتحاد الأفريقي

UNION AFRICAINE

UNIÃO AFRICANA

SECOND AFRICAN UNION CONFERENCE
OF MINISTERS RESPONSIBLE
FOR MARITIME TRANSPORT
12 – 16 OCTOBER 2009
DURBAN, SOUTH AFRICA

AU/MT/MIN/DRAFT/Res. (II)

DURBAN RESOLUTION ON
MARITIME SAFETY, MARITIME SECURITY AND PROTECTION
OF THE MARINE ENVIRONMENT IN AFRICA

DURBAN RESOLUTION ON MARITIME SAFETY, MARITIME SECURITY AND PROTECTION OF THE MARINE ENVIRONMENT IN AFRICA

We, African Ministers responsible for Maritime Transport, meeting in Durban, Republic of South Africa from 15 to 16 October 2009 , on the occasion of our Second Conference organized by the African Union.;

Mindful of the Treaty Establishing the African Economic Community signed in Abuja, Nigeria, in June 1991;

Mindful of the Constitutive Act of the African Union adopted in Lomé, Togo, on 11 July 2000, particularly Articles 3 and 4 on the objectives and principles and articles 14, 15 and 16 thereof which entrust the African Union Commission with the role of coordination in the transport, communication and tourism sectors;

Considering the Decision of the Assembly of Heads of State and Government held in Lusaka, Zambia, in July 2001 on the establishment of the New Partnership for Africa's Development (NEPAD) as a framework for the development of Africa;

Recalling the "Transport Targets and Indicators related to Millennium Development Goals" adopted by the African Union Head of States and Government Assembly in July 2005;

Recalling also the previous outcome of the first conference of the African ministers responsible for maritime transport, Abuja ,2007, and the first session of the Conference of the African Ministers of Transport, Algiers, 21 to 25 April 2008**;**

Noting the United Nations General Assembly resolution A/RES/61/111 on Oceans and the Law of the Sea also urging all States, in cooperation with the International Maritime Organization to combat piracy and armed robbery at sea;

Considering also the importance of maritime safety, and security and the protection of the marine environment in the maritime transport sector development world-wide, especially in Africa;

Considering the importance of cooperation and capacity building in the implementation of maritime instruments, particularly in the areas of safety, security, protection of the marine environment and facilitation of international maritime traffic;

Recognizing the roles and contributions of United Nations agencies, international and regional organizations, States and other stakeholders have made and continue to make towards the enhancement of safety of navigation, security and the protection of the marine environment

Concerned by:

a. The numerous challenges facing the African continent in Maritime Safety and security including incidents of piracy and armed robbery, and the protection of the marine environment ;

b. the dumping of toxic waste along African coast and hazards health related Marine pollution incidents

c. the need to enhance and build up human and institutional capacities capable of ensuring uniform and effective compliance with international regulatory standards in the maritime sector;

d. the need for prioritization in favour of providing the necessary financial resources to advance the strategic maritime transport development agenda;

Recalling:

a. the importance of maritime transport in the economic development of the Continent particularly the increased interactions among peoples, and the wealth creation resulting from the various forms of integration so facilitated;

b. the fundamental leadership, coordination, harmonization, facilitation and advocacy role of the African Union Commission in the building of infrastructure for Africa's economic development;

c. the essential obligations of coastal States in maritime governance, flag state implementation and port state control;

d. the need to establish and/or strengthen Maritime Administrations of the Member State of the African Union to be at the forefront of the development of the maritime transport portfolio in Africa;

e. the supportive and complimentary role of the Regional Economic Communities (RECs) in the implementation of regional maritime industry promotion activities ; and

f. the importance of the ISPS Code and the Djibouti Code of Conduct in the management of maritime security.

Reaffirm:

a.   the respect of Constitutive Act of the African Union for the sovereignty, territorial integrity, political independence and unity of Member states, including their rights with respect to offshore natural resources, including fisheries, in accordance with international law;

b. the urgent need to enhance national, regional and continent-wide strategies and policies in the continent with a view to promoting maritime transport as one of the key modes of transport which enhances Africa's economic development and integration;

c. the commitment of Member States to honour their obligations concerning maritime security and safety as well as protection of marine environment as set out in relevant international instruments to which they are parties;

d. Further ,that international law, as reflected in the United Nations Convention on the

Law of the Sea of 10 December 1982 (UNCLOS), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

e.

Condemns and deplores all acts of piracy and armed robbery against vessels in waters off the coast of Somalia and the Gulf of Aden;

Welcome the various initiatives undertaken by the Regional Economic Communities (RECs) and by the United Nations and other international organizations in the Continent;

Undertake to:

a. Support the efforts of the International Maritime Organization and United Nations' Security Council in coordinating an international response to the scourge of piracy along the coast of Somalia including the establishment of the piracy information Centers and building of sub-regional capacity and capabilities ;

b. enact national legislation where appropriate and take all the necessary measures to give full effect to relevant international instruments in the area of maritime, port safety and security in order to ensure safe, secure, efficient, and environmentally friendly shipping

c. Encourage the implementation of the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against ships off the coast of Somalia and the Gulf of Aden, for those countries that are party to it.

Recommend accession of the Member States of the African Union to various international instruments and resolutions relating to maritime safety, maritime security and protection of the marine environment.

Resolve to:

a. work together for the ratification and implementation of various international instruments relating to maritime safety, security; and protection of the marine environment;

b. create and / or strengthening national Maritime Administrations or their equivalent;

c. Promote and support regional and sub regional coordination and monitoring of maritime activities aimed at the improvement of maritime safety, security, facilitation of international maritime traffic and protection of the marine environment in Africa;

d. encourage the Regional Economic Communities to undertake or pursue supplementary projects in areas where there is need to build local maritime capacity; and

e. support the initiative of the Maritime Organization for West and Central Africa (MWOCA) and IMO on the establishment of an Integrated Coast Guard function Network in the sub-region.

f. promote sub-regional cooperation and coordination in the provision of coast guard functions inclusive of maritime intelligence, surveillance safety and security, protection of environment and search and rescue.

g. encourage the Regional Economic Communities to undertake or pursue supplementary projects in areas where there is need to build local maritime capacity and sharing best business practices to enhance port security.

h. Encourage continued implementation of the International Ship and Ports Security (ISPS) Code by all Member States.

i. Encourage strong surveillance and patrolling capability, the sharing of information pertinent to maritime security and implement the Long Range Identification and Tracking System at Sub-regional and Regional levels.

Invite:

a. the Commission of the African Union to take all appropriate measures to, under its coordination, accelerate the implementation of various United Nations instruments relating to maritime safety, maritime security and the protection of the marine environment;

b. Member States to undertake to budget for the provision of necessary capacity and resources to ensure the safety, security and protection of the marine environment and to further undertake to put in place an efficient communication network in order to make optimal use of the mechanisms for control, follow-up and intervention at sea and ensure better facilitation of international maritime traffic.

Recognize the role of African Union Commission to coordinate and provide mandate to set up a common policy aimed at preventing and combating marine pollution from the ships and other sources of pollution.

Make an Appeal to the United Nations Economic Commission for Africa (UNECA the African Development Bank; International Maritime Organization (IMO), United Nations Development Programme (UNDP), United Nations Office on Drugs and Crime), the World Bank, (ADB), the European Union (EU), interested countries and all Shipping development partners to support the Maritime Plan of Action for the strategic development of maritime transport in Africa;

Urge African States and Regional Economic Communities (RECs) to foster cooperation in the maritime sector;

INVITES the Commission to bring this resolution to the attention of the International Maritime Organization and United Nations Security Council;

**Done and adopted in
Durban (South Africa), on 16 October 2009**