

THE CENTRE FOR COMMUNITY & OCEANIC LAW  
AND THE ILA (NIGERIA) CMTEE ON TEACHING  
INTERNATIONAL LAW IN NIGERIA, PRESENT:

## **LEVERAGING THE BLUE ECONOMY FOR DEVELOPMENT IN WEST AFRICA: PROSPECTS AND CHALLENGES**

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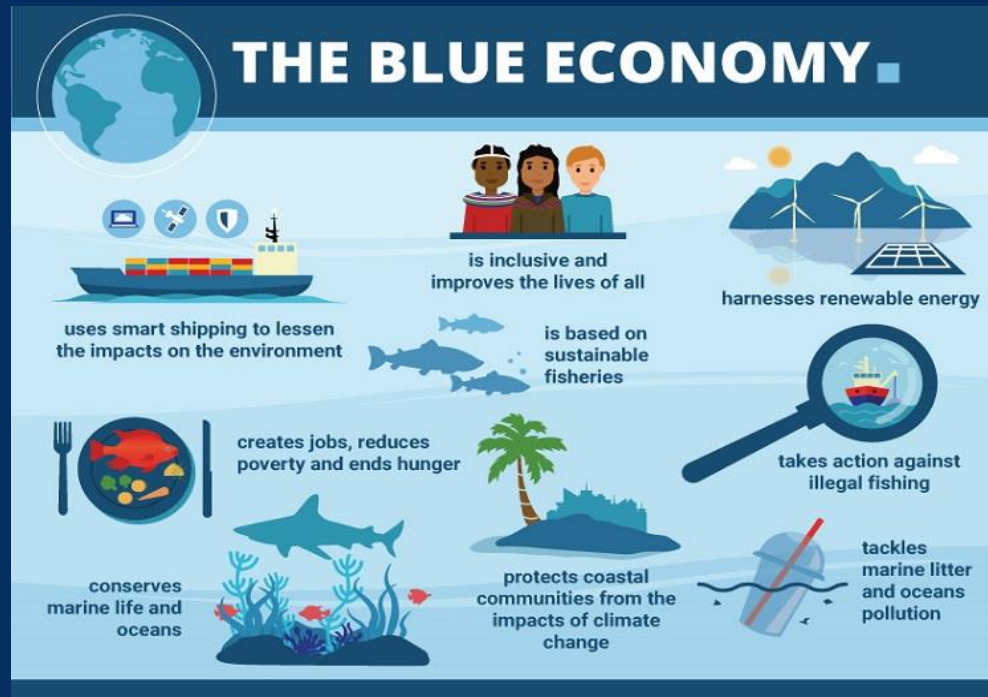


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# LEVERAGING THE BLUE ECONOMY FOR DEVELOPMENT IN WEST AFRICA: PROSPECTS AND CHALLENGES



BY

**PROF. LARRY AWOSIKA (PHD)**

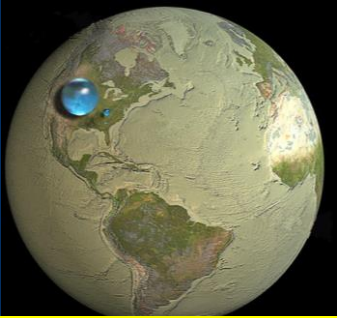
**Former Member UN Commission on the Limits of the Continental Shelf NY USA,  
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Member- High Power Presidential Committee on the Continental Shelf Project.**

# DISCLAIMER

**The views expressed by me in this presentation are made in my personal capacity and do not represent the opinion of any government, the Commission on the Limits of the Continental Shelf (CLCS) or any international or national organisation.**



# SOME FACTS ABOUT OUR OCEANS



**i. Our oceans cover more than 70 per cent of the Earth's surface**

**iv. Most of the life on Earth is aquatic.**



**v. 37 out of 50 critical minerals can be found in the ocean!**



**ii Ocean contains about 1.35 billion cubic kilometers (324 million cubic miles) of water, which is about 97 percent of all the water on Earth**



**vi. Over 70 per cent of our planet's oxygen is produced by the ocean.**

**viii. Sea level and the amount of water in the ocean change over time**



**iii. 75% of all large cities are located on the coast. Over 50% the world's population lives within 60 km of the sea.**

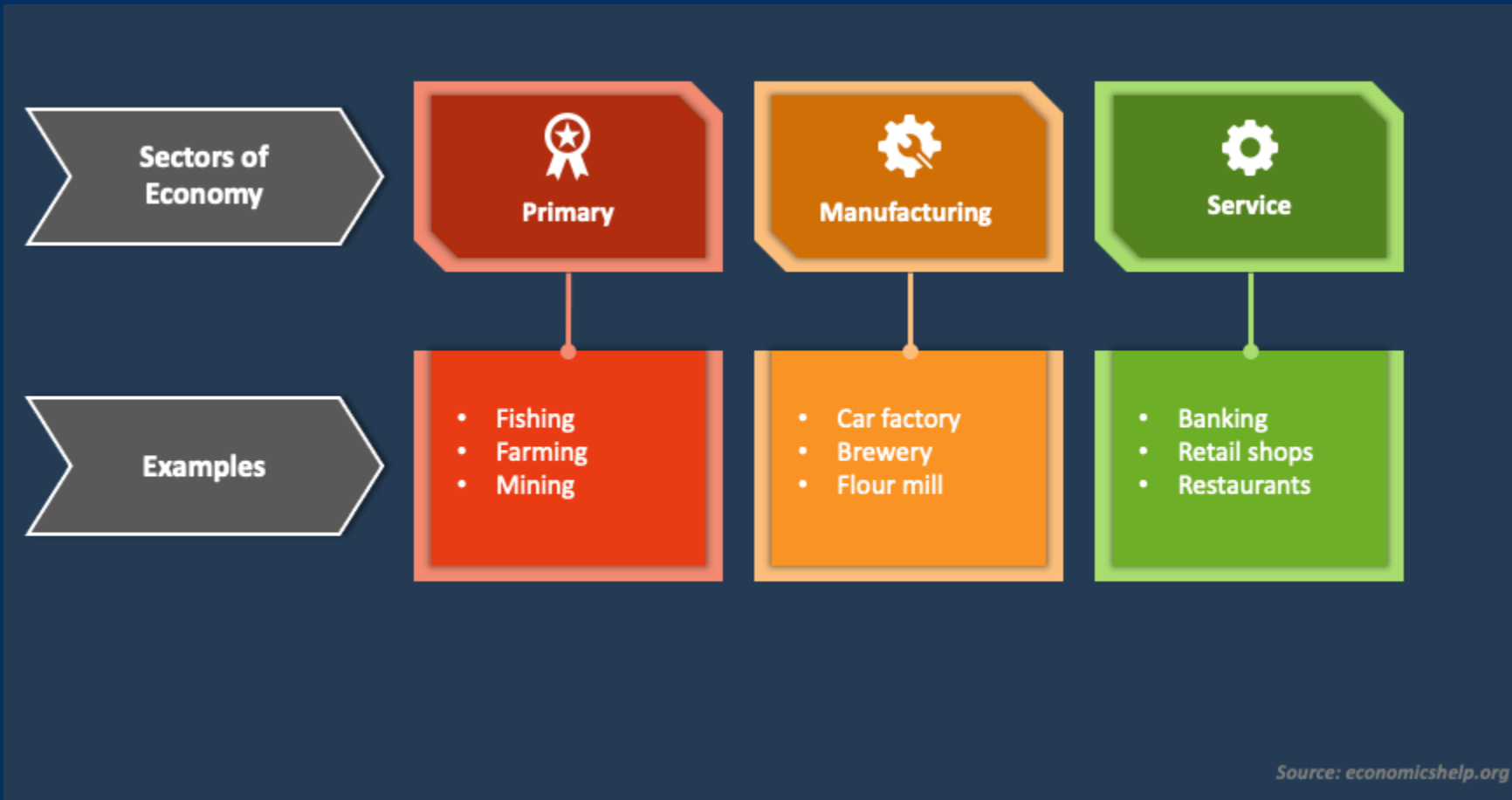


**vii. The number of species that live in the ocean is unknown**

**ix. The ocean influences and regulates Earth's climate, acting like the planet's 'heart.'**

**Less than five per cent of the planet's oceans have been explored !**

# SECTORS OF THE ECONOMY



# BLUE ECONOMY CONCEPTS

The “blue economy” concept seeks to promote economic growth, social inclusion, and the preservation or improvement of livelihoods while at the same time ensuring environmental sustainability of the oceans and coastal areas.

- ❑ The blue economy aims to move beyond business as usual
- ❑ It consider economic development and ocean health as compatible propositions.
- ❑ generally understood to be a long-term strategy.
- ❖ A blue economy approach must fully anticipate and incorporate the impacts of climate change on marine and coastal ecosystems—impacts both already observed and anticipated e. g **acidification, sea-level rise, higher water temperatures, changes in ocean currents, coastal erosion, salinization of ground water etc.**

# MAIN CONSTITUENTS OF BLUE ECONOMY



# BLUE ECONOMY: FOCUS AREAS





# GOALS FOR THE BLUE ECONOMY

- ❑ Economic diversification
- ❑ Creation of high value jobs
- ❑ Ensure food security
- ❑ Managing and protecting the marine environment
- ❑ Maintain peace and security

# BLUE ECONOMY: OCEAN/LAND

- ❑ Ocean development is very different than development on land.
- ❑ Production methods/needs are different (pressure, remoteness, salt, etc.)
- ❑ Ocean is 3 dimensional and always changing -a challenge for managed service provider (MSP)
- ❑ Out-of-sight, out-of-mind for land dwellers...and ocean science folks live in their own world
- ❑ Ocean development: Mostly no apparent boundaries

# ENABLERS FOR BLUE ECONOMY

- ❖ Ocean governance
- ❖ Technology, research & development
- ❖ Business development,
- ❖ investment & finance
- ❖ Maritime surveillance & enforcement
- ❖ Education & capacity building
- ❖ Infrastructure

# BLUE ECONOMY: WEST AFRICA



**The marine environments provide enormous ecosystem services (e.g., food, shelter, employment, security, transportation, minerals, and scientific research, among others),**

- The African Union estimates that the Blue Economy currently generates nearly US\$300 billion for the continent, creating 49 million jobs in the process.
- These and other crucial benefits—most notably food security, livelihoods, and biodiversity—are entirely dependent on the ocean's health.

**Sub-Saharan Africa: of the 53 countries and territories in the region, 32 are coastal states; there are 13 million sq km of maritime zones; more than 90% of the region's exports and imports come by sea**

# BLUE ECONOMY IN WESTERN AFRICA: PROSPECTS

I. The blue economy concept seeks to promote economic growth, social inclusion and preservation or improvement of livelihoods while at the same time ensuring environmental sustainability—**ALL ISSUES INTEGRAL TO THE 2030 AGENDA**

**I. Food Security:** The Sustainable Development Goal 2 of the UN aims to end all types of hunger worldwide by 2030 as well as to achieve food and organic process security. Blue economy is positioned to make a significant impact on the food security.

**II. Infrastructure:** Cities and towns along the coast continue to draw a large population and have developed various forms of infrastructure. To keep up with such expansion and resource consumption, a well implemented blue economy provides a platform for infrastructural development.



# BLUE ECONOMY IN WESTERN AFRICA: PROSPECTS

**III. Job creation:** A committed and sustained exploitation of resources in the blue economy is a **job creation enabler**, capable of improving food security, enhancing tourism and infrastructure development.

**IV. Maritime Security:** International ocean trade, wealth and job creation, as well as the sustainable exploitation of resources for the blue economy depend on a safe and secure maritime environment. A well implemented Blue economy in the region could reduce maritime crimes.

**V. Coordinated economy:** Reduce inter agency overlaps, waste and corruption.

# BLUE ECONOMY IN WESTERN AFRICA: PROSPECTS

VI. **Sustainable Energy:** The Blue Economy has enormous potential for renewable energy from wind, tides, waves, biomass sources, and salinity gradients, all of which require technology to capture sustainably, providing an opportunity for investment in technology that will assist the discovery of those energy sources.

VII. **Shipping and Ports:** Maritime transport contributes immensely to the international economy. A well-executed blue economy can result in increased cargo quantities, attracting more ships to ports.

VIII. **Value addition** -, oil, etc.) Blue economy provides a platform to add value to needed employment and earnings from foreign exchange while increasing inward looking productivity.

**Opportunity to provide a sustained economic, social and financial development across all sectors of the economy.**

# WEST AFRICA- MARINE ISSUES/ CHALLENGES

- ❑ Pollution: Plastic /debris waste
- ❑ Pollution: Oil spillage and oily waste
- ❑ Illegal and unregulated fishing
- ❑ Bio invasion: Invasive species of plants, animals and microbes- algal blooms that produce toxins harmful to aquatic animals
- ❑ Physical alterations and destruction of marine and coastal habitats and landscapes e.g. coastal erosion, Salt water intrusion, deforestation

**(four West African countries (Benin, Côte d'Ivoire, Senegal, and Togo) lost an estimated \$3.8 billion (5.3% of GDP) in 2017 to flooding, coastal erosion, pollution, oil pollution, and industrial and domestic wastes (Okafor-Yarwood et al., 2020)**

# BLUE ECONOMY IN WEST AFRICA: CHALLENGES

- ❑ No comprehensive strategy (for example, disparate efforts centered on fisheries governance, improving ports, marine litter efforts, and so on).
- ❑ Even when one sectoral policy achieves some success, these results are often undermined by externalities from activities in another sector.
- ❑ For example, coastal zone management efforts, or support to coastal fishers, tend to be undermined by unbridled sand mining, ill-sited ports or aquaculture farms, or unregulated tourism development.
- ❑ **No resources to implement global and regional marine management conventions, treaties and e.g. UNCLOS**

## BLUE ECONOMY: CHALLENGES.

- ❑ Inability to overcome current economic trends that are rapidly degrading ocean resources through unsustainable extraction of marine resources, physical alterations and destruction of marine and coastal habitats and landscapes, climate change, and marine pollution.
- ❑ Lack of human capital required to harness the employment and development benefits of investing in innovative blue economy sectors.
- ❑ Lack of concept and overcoming inadequate valuation of marine resources and ecosystem services provided by the oceans;
- ❑ Weak political institutions, vicious clashes, climatic and demographic pressure, lack of economic growth, and misappropriation of natural resource revenues



# BLUE ECONOMY IN WEST AFRICA: CHALLENGES

- ❑ Inadequate government monitoring of the sea, inadequate awareness of the marine economy, which is responsible for the lack of an appropriate institutional framework, and unsupervised anthropogenic activities in the coastal and marine regions
- ❑ Lack of safety at sea. (actions of pirates, kidnapping, human and drug traffickers, and illegal fishermen, thus, threatened the achievement of Blue economy goals in the region .
- ❑ Lack of full knowledge of the components of marine resources and economy. **Can't manage what you don't know!**

# BLUE ECONOMY IN WEST AFRICA: CHALLENGES

- ❑ Inability of Member States to effectively formulate and implement policies relating to growth of the relatively new blue economy concept in Africa alongside with policies in favour of environmental protection and the health improvement of ecosystems.
- ❑ Lack of effective Policy and regulatory framework to secure investments in sea exploration as well as a sound policy for innovation, transfer of technology and adaptation to encourage inventors.
- ❑ Lack of institutional capacities of key national and regional agencies and organizations for the effective implementation of blue economy related functions.

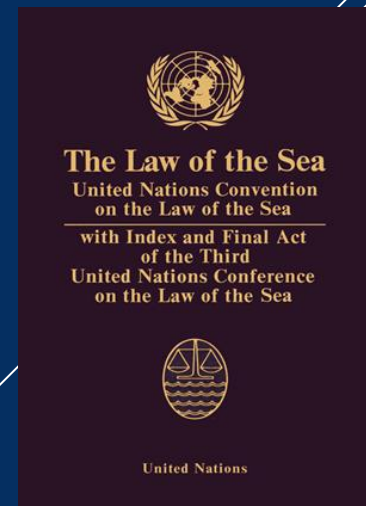
# STEP-BY-STEP APPROACH TO BLE ECONOMY



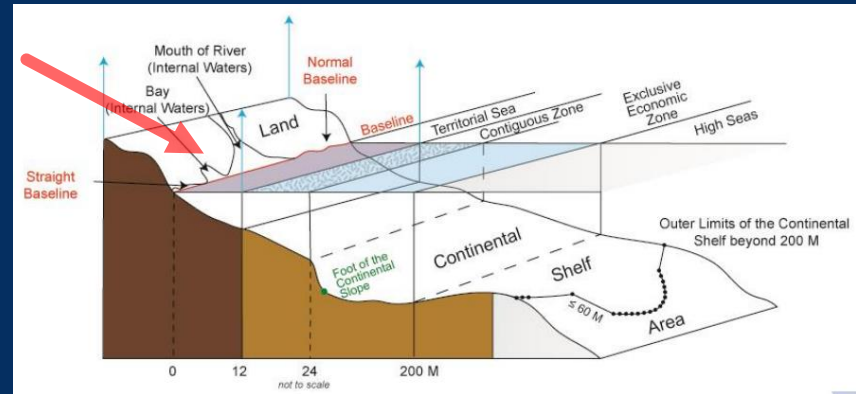
*Africa's blue economy: a policy handbook*

# KNOW YOUR MARINE LIMITS, RESOURCES, RIGHTS AND OBLIGATIONS *CAN'T MANAGE WHAT YOU DON'T KNOW!*

- ❑ Clearly defined and duly publicized limits of maritime zones are an essential basis for States to derive benefits from the oceans and their resources.
- ❑ These limits provide certainty with regard to the extent of the sovereignty or sovereign rights and jurisdiction of coastal States, thereby creating a fundamental precondition to attracting investments for exploration and exploitation activities
- ❑ **STATES MUST DEFINE THEIR MARITIME ZONES, KNOW THEIR RIGHTS AND OBLIGATIONS (UNCLOS 1982)**



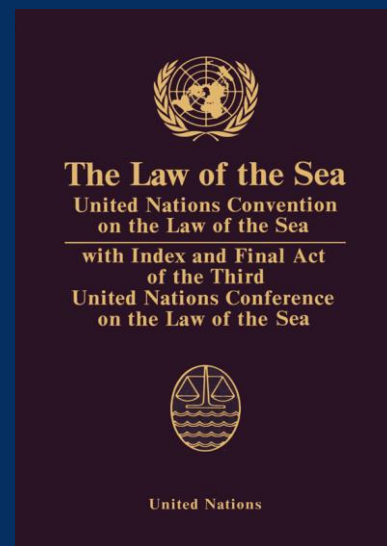
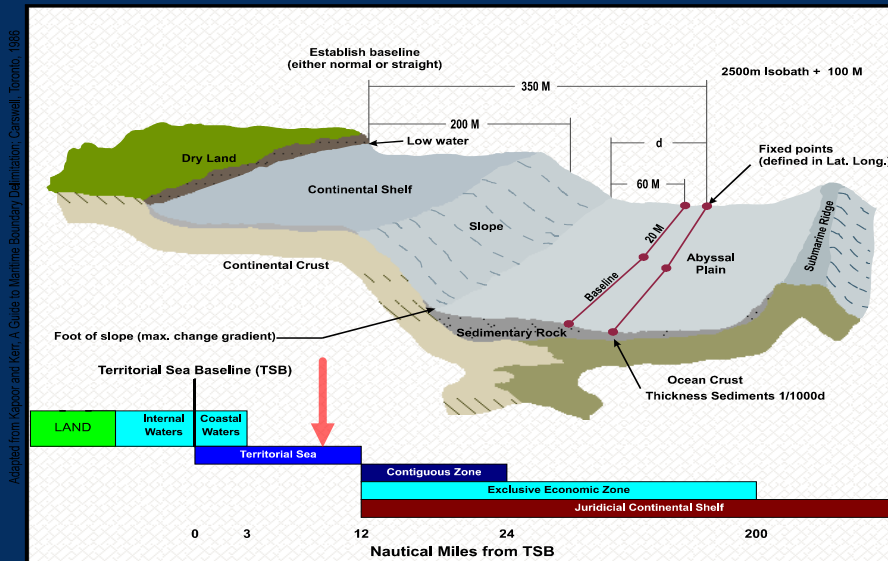
# MARITIME ZONES OF JURISDICTION: INTERNAL WATERS:



- ❑ Internal waters are waters on the **landward** side of the baseline from which the breadth of the territorial sea is measured.
- ❑ **Each coastal state has full sovereignty over its internal waters as like its land territory. Examples of internal waters include bays, ports, inlets, rivers and even lakes that are connected to the sea.**
- ❑ There is **no right of innocent passage** through internal waters. The innocent passage refers to the passing through the waters which are not prejudicial to peace and security.



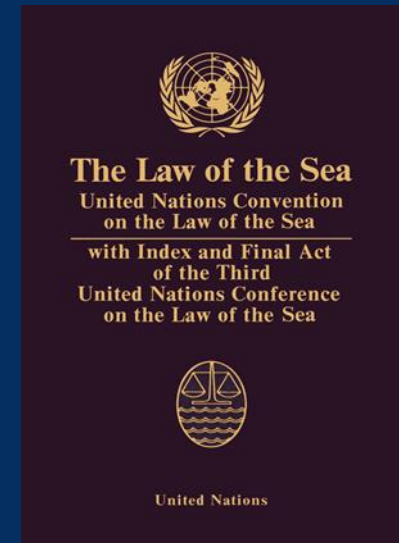
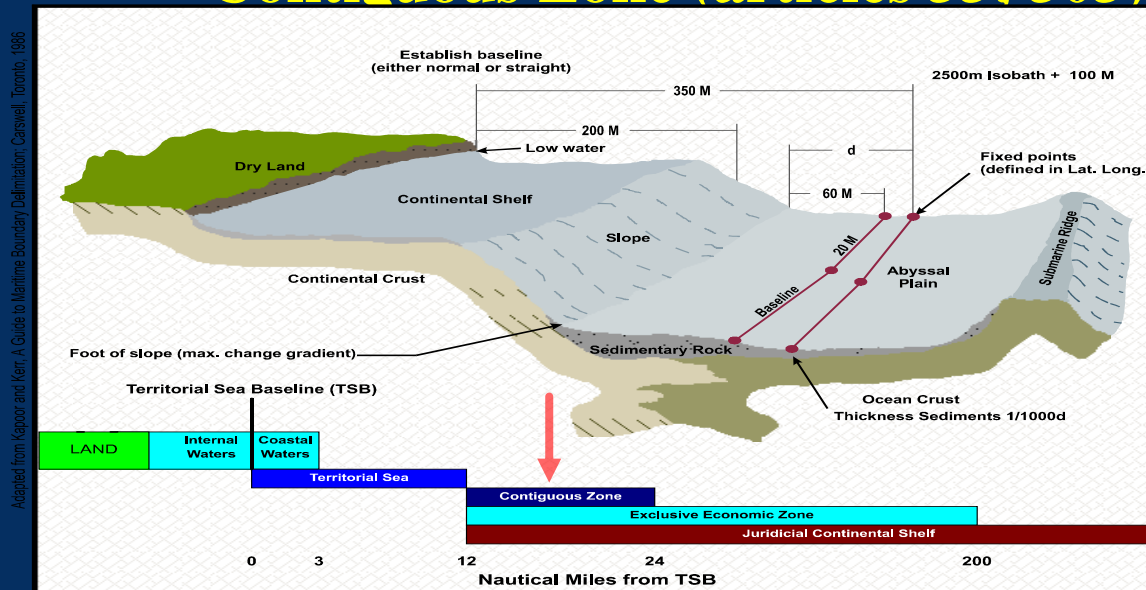
# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION: Territorial Sea (articles 2-32)



- ❖ Sovereignty of a coastal State extends beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea:
- ❖ **Breadth**: up to 12M (nautical miles), measured from the baselines.
  - **Entitlement**: inherent part of its territory.
- ❖ **Scope**: sea; air space; seabed; and subsoil

# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION

## Contiguous Zone (articles 33; 303)

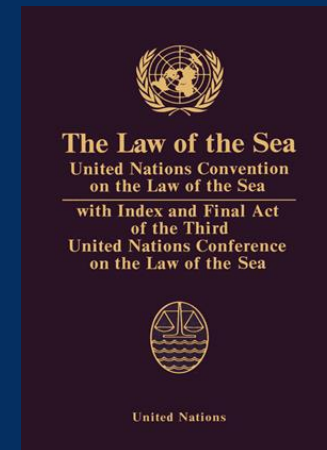
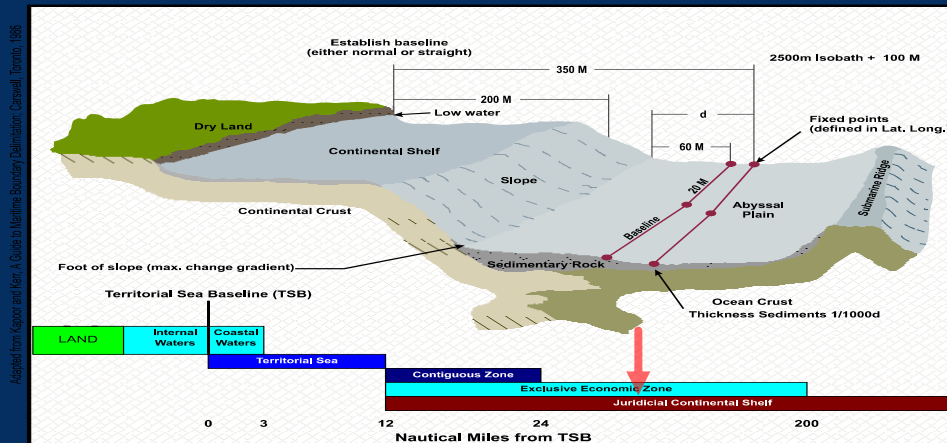


The contiguous zone is a maritime zone contiguous and seaward of the territorial sea within which coastal States have a limited degree of jurisdiction.

- ❖ **Breadth:** from the outer limit of the territorial sea to up to 24M. measured from the baselines.
- ❖ **Entitlement:** the coastal State may proclaim it.
- ❖ **Scope:** sea and seabed.

# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION

## Exclusive economic zone (EEZ) (arts. 55-75)



EEZ is an area beyond and adjacent to the territorial sea within which the coastal State's sovereign rights and jurisdiction are limited to the exploration and exploitation of the natural resources and related activities.

- ❖ **Breadth:** from the outer limit of the territorial sea to up to 200M measured from the baselines.
- ❖ **Entitlement:** the coastal State may proclaim it.
- ❖ **Scope:** sea; seabed; and subsoil.

# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION

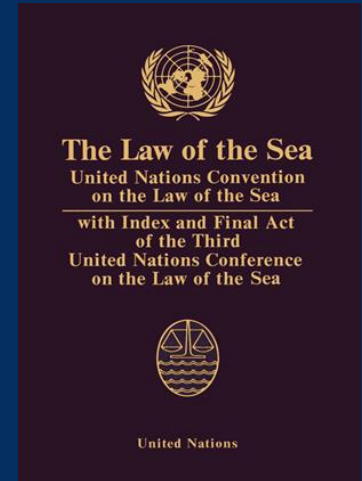
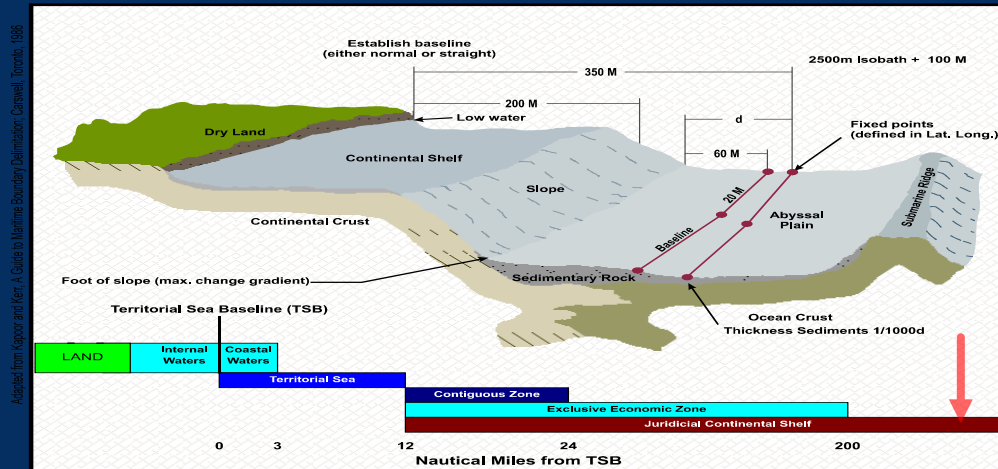
## Exclusive economic zone (EEZ) (arts. 55-75)

### Rights and obligations

- ❑ Exclusive right to exploit or conserve any resources found within the water, on the sea floor, or under the sea floor's subsoil.
- ❑ **These resources encompass both living resources, such as fish, and non-living resources, such as oil and natural gas.**
- Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with UNCLOS and with other rules of international law.
- Transit passage may not be suspended by the coastal State, whereas innocent passage may be temporarily suspended.

# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION

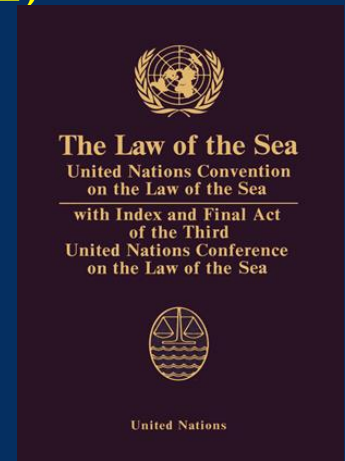
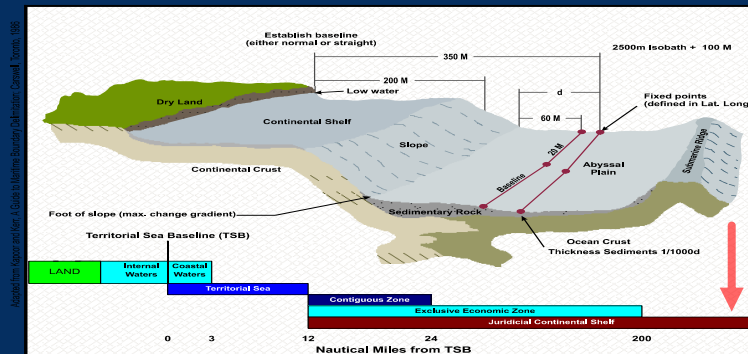
## Continental Shelf (arts. 76-84; Annex II) Legal Concept



The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea (i) throughout the natural prolongation of its land territory to the outer edge of the continental margin, or (ii) to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance. (article 76, paragraph 1).



# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION Continental Shelf (arts. 76-84; Annex II)



## POSSIBLE SCENARIOS

- ❖ A. States with continental shelves up to 200 nautical miles
- ❖ B. States with continental shelves extending beyond 200 nautical miles (extended continental shelf). **A submission to the Commission on the Limits of the Continental Shelf must be made in accordance with art 76 of UNCLOS**

**Rights on the continental shelf are ‘automatic’: “The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation” (article 77, paragraph 3).**

# COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF (CLCS)

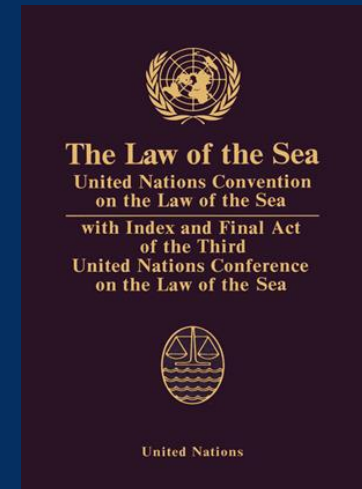
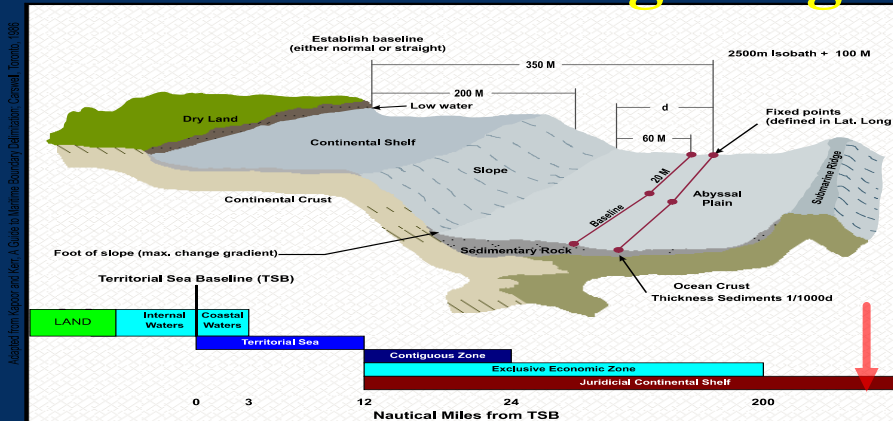
- ❑ 21 MEMBERS
- ❑ Experts in geology, geophysics, or hydrography
- ❑ Elected by States Parties for 5 year term
- ❑ Equitable geographic (UN) representation – Africa, Asia, Eastern Europe, Latin America, Western European & others
- ❑ Members serve in their personal capacity
- ❑ Expenses defrayed by nominating State

## SECRETARIAT

- ❑ *Based at UN Headquarters, New York*
- ❑ *Secretariat provided by SG of UN – DOALOS*

# CONTINENTAL SHELF – LEGAL REGIME:

## Content of the legal regime:



## Rights and obligations

- (i) establishment and use of artificial islands, installations and structures (article 80);
- (ii) drilling on the continental shelf (article 81);
- (iii) cables and pipelines connected to its exploration and exploitation or to the operations of artificial islands, installations and structures (article 79);
- (iv) marine scientific research (article 246); and
- (v) protection and preservation of marine environment (article 208).

# **UNITED NATIONS CONVENTION ON THE LAW OF THE SEA:**

## **MARITIME ZONES OF JURISDICTION**

### **CONTINENTAL SHELF (ARTS. 76-84; ANNEX II).**

#### **OBLIGATIONS: ARTICLE 82: PAYMENTS AND CONTRIBUTIONS WITH RESPECT TO THE EXPOLITATION OF THE CONTINENTAL SHELF BEYOND 200M**

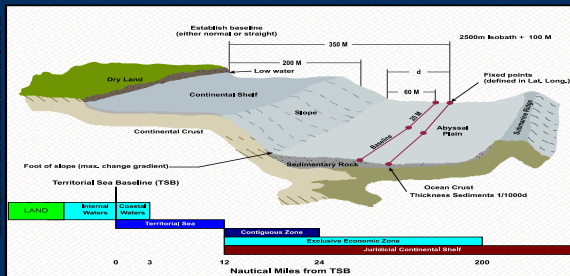
- ☐ - Coastal State to make payments or contributions in kind to the International Seabed Authority
- ☐ 1% from sixth year increasing annually to 7% (max) of value or volume of production at site
- ☐ - Developing States who are net importers of a mineral resource produced from it continental shelf are excempted
- ☐ The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to this Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

## STATUS OF SUBMISSIONS AND CLCS RECOMMENDATIONS

- As at 8 March 2024, the Commission had received a total of **93** submissions and **11** revised submissions.
- As of 8 March 2024, **34** recommendations have been adopted by the CLCS.
- 3 States (**Ghana, Cote d'Ivoire and Nigeria**) in West Africa have received recommendations from CLCS.
- **THE OUTER LIMITS SO ESTABLISHED ARE FINAL AND BINDING (ARTICLE 76, PARAGRAPH 8).**
- **Blue economy in these west African countries should derive additional economic benefits from their Continental shelf beyond 200M.**

# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: MARITIME ZONES OF JURISDICTION

## ❖ AREA: Maritime Zones beyond national jurisdiction: “Common Heritage of Mankind”



**An international legally-binding High Seas Treaty to manage shared marine biodiversity in Areas Beyond National Jurisdiction (BBNJ)**

- ❖ High Seas not subject to the jurisdiction of any State
- ❖ Managed by International Seabed Area (Articles 133-191):
- ❖ The BBNJ Treaty: enhance ecosystem health, preserve genetic diversity, and improve fish stocks beyond National Jurisdiction.
- ❖ This facilitates the achievement of the target to effectively conserve and manage 30% of land and sea by 2030, which was agreed in December 2022.



# UNDERSTAND YOUR BLUE ECONOMY RESOURCE BASE

- ❑ It is also crucial to have a good understanding of the Blue Economy resource base, including both natural and human capital.
- ❑ In the case of natural capital, this would require undertaking an extensive resource mapping exercise in both the aquatic and marine environments.
- ❑ Closely linked to this would be the need to undertake an assessment of prevailing knowledge, building on the existing knowledge base, identifying gaps and needs, and establishing both internal and external partnerships to meet any shortfalls.

# THE WEST AFRICAN BLUE ECONOMY: STRATEGIC AREAS THAT NEED CONSOLIDATION

1. Fisheries, aquaculture, conservation and sustainable aquatic ecosystems
2. Shipping/transportation, trade, ports, maritime security, safety and enforcement
3. Coastal and maritime tourism, climate change, resilience, environment, infrastructure
4. Sustainable energy and mineral resources and innovative industries
5. Policies, institutional and governance, employment, job creation and poverty eradication, innovative financing
- 6. EDUCATION OF STAKE HOLDERS AND POLICY MAKERS**

## **POLICY GUIDANCE /ACTIONS TO ENSURE A BALANCED APPROACH TO THE BLUE ECONOMY**

- ❑ Pay close attention to the interdependence between security and development, as they are mutually supportive and key to achieving sustainable peace.
- ❑ Support the creation of opportunities to enhance livelihood and human well-being of coastal, lacustrine, and riparian populations.
- ❑ Ratify and implement relevant international and regional instruments related to maritime safety and security, as well as illegal practices (e.g., Ports State Measures Agreement), and harmonize national legislation with their provisions.
- ❑ Strengthen continental, subregional, and transnational cooperation mechanisms for preventive diplomacy and mediation, for the maintenance of international peace and security, conflict resolution, and the sharing of relevant information.

# POLICY GUIDANCE /ACTIONS TO ENSURE A BALANCED APPROACH TO THE BLUE ECONOMY

- ❑ We must do a better job of understanding the Blue Economy.
- ❑ More studies including the supply chain nationally / internationally.
- ❑ More success stories (needed for funding).
- ❑ More focus on Blue Growth (& more workforce development training – Blue Jobs).
- ❑ We must engage and influence stakeholders on the importance of our seas.
- ❑ Coordination of Data, Standards and industry codes.
- ❑ Collaboration and cooperation amongst stakeholders so that we are engaged, included and influential. (some of the stakeholders are not aware they are a stakeholder).
- ❑ **Intergovernmental Bodies - conventions, treaties.**

**THINK GLOBAL...ACT LOCAL!**

# CONCLUSION

By adopting Blue economy, West African countries can unlock the full potential of their maritime resources while preserving the health of the oceans their marine environment.

THANK YOU  
FOR LISTENING