

Société africaine de  
droit international  
7<sup>ème</sup> Conférence Annuelle



African Society of  
International Law  
7<sup>th</sup> Annual Conference

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# AFRICA

## AND THE INTERNATIONAL LAW OF THE SEA

Antananarivo (Madagascar), 26-27 October 2018

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DAY 1:  
— 26 OCTOBER 2018 —

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 **08:30** – Opening Ceremony

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- **Mr. Hery Ranjeva**, Foley Hoag, Chairperson of the organizing committee of the AfSIL 7<sup>th</sup> Annual Conference
- **Prof. Makane Mbengue**, University of Geneva, President of the AfSIL
- **Message of Mr. Maxime Alphonse Eloi Dovo**, Minister of Foreign Affairs of Madagascar
- **Prof. Raymond Ranjeva**, President of the Académie Malagasy, Honorary President of the AfSIL
- **H. Exc. Mr. Christian Ntsay**, Prime Minister of Madagascar

**09:30** – Coffee Break and Group Picture

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 **10:00** – Keynote Speech

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- **H. Exc. Ambassador Dr. Namira Negm**, Legal Counsel of the African Union

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 **11:00** – Panel 1: Protection of the Marine Environment and Submerged Cultural Heritage

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Chair: **Dr. Ylenia Randrianarisoa**, Secretary of State of Madagascar in charge of the Seas

- **Prof. Martin Ndende**, United Nations Economic Commission for Africa, *Construction de l'Economie bleue et enjeux en Droit international pour l'Afrique*
- **Ms. Vonintsoa Rafaly**, Centre de Droit Maritime et Océanique - University of Nantes – Nantes Métropole, *L'économie bleue en Afrique : tendances, défis et perspectives du droit de la mer*
- **Mr. John Belinga**, Supreme Court of Seychelles: *State Responsibility and Investments in African Maritime Spaces: Examining Territorial Sovereignty, Full Protection and Security Clauses, and Environmental Obligations in Joint Development Zones and Joint Management Areas*
- **Ms. Khanssa Lagdami & Mr. Aref Fakhry**, World Maritime University, *Maritime Delimitation in the North African Region: An Assessment of the Basic Requirements of International Law in the Light of the Sustainability Concept*

- **Prof. Michail Risvas**, IE University, *State Succession, Immunity and the Protection of Underwater Cultural Heritage in Africa: What Role for Equity and Equitable considerations?*

**12:30 – Lunch Break – Offered by the Académie Malagasy**

#### **14:00 – Panel 2: Legal and Strategic Issues relating to Islands**

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Chair: **Mr. Germain Michel Ranjoanina**, Minister Plenipotentiary, Ministry of Foreign Affairs of Madagascar, Member of the Académie Malgache

- **Mr. Adonis Tafangy**, Autorité Portuaire Maritime et Fluviale de Madagascar, *Le Statut Juridique des Formations Maritimes Disputées du Canal de Mozambique (Iles Eparses) : Iles ou Rochers ? Enjeux majeurs de délimitation maritime*
- **Mr. Monim Bennaïssa**, University of Ottawa, *Le règlement des espaces potentiellement conflictuels, le statut juridique des îles et des frontières maritimes en Afrique: le cas de la côte méditerranéenne du Maroc*
- **Prof. Iain Scobbie**, University of Manchester, *“When is an ‘island’ a ‘rock’”? Consequences of the Philippines v. China case on African Maritime Delimitation Disputes Involving Islands*
- **Mr. Jedidia Rakotomalala**, Université catholique de Madagascar, *Aspects juridiques de l’arrestation de pêcheurs malgaches par des militaires français aux larges de Juan de Nova*

#### **15:30 – Panel 3: Sea Level Rise and other New Challenges on Delimitation of Maritime Boundaries**

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Chair: **H. exc. Judge Tomas Heidar**, International Tribunal for the Law of the Sea

- **Mr. Elisio Benedito Jamine**, Department of Peace and Security of the Commission of the African Union, *Nouveaux défis en matière de délimitation maritime : un regard de l’Union africaine*
- **Prof. Patrick Vrancken**, Member of the ILA Committee on International Law and Sea-Level Rise, *The Final Report of the ILA Committee on International Law and Sea-Level Rise: Solutions proposed and Outstanding Questions Ahead*
- **Ms. Clara Brillembourg**, Foley Hoag, *The Implications of Sea-Level Rise on Offshore Hydrocarbon Exploitation: Challenges and Opportunities for African Countries*
- **H. Exc. Ambassador Martin Pascal Tine**, Directeur des affaires juridiques et consulaires of the Ministry of Foreign Affairs of Senegal: *La position des Etats de l’Afrique de l’ouest*

**17:00 – Coffee Break**

#### **17:15 – Book Presentation: Law of the Sea: the African Union and its Member States**

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Chair: **Dr. Alejandra Torres Camprubí**, Foley Hoag, member of the organizing committee of the AfSIL 7<sup>th</sup> Annual Conference

- Introduction from the editors (with Juta Ltd): **Prof. Patrick Vrancken & Dr. Martin Tsamenyi**
- Discussion: **Prof. Alina Miron**, Angers University

**19:00 – Cocktail (Salons Besoa) – Offered by Foley Hoag**

**DAY 2:**  
**— 27 OCTOBER 2018 —**

 **08:00 : Breakfast**

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 **08:30 – Panel 4: Maritime Delimitation in Africa / 20<sup>th</sup> Anniversary of the Judgment in Cameroon v. Nigeria (Equatorial Guinea intervening)**

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Chair: **Prof. Raymond Ranjeva**, President of the Académie Malagasy, AfSIL Honorary President

- **Dr. Henry Jones**, University of Durham Law School, *European Land dominating African Seas? An enquiry into maritime delimitation in Africa in the context of boundary delimitation more generally*
- **Dr. Derek Smith**, Foley Hoag, *After Cameroun v. Nigeria: Exploring the issues of tacit agreement, estoppel, acquiescence and bilateral custom and focusing particularly on the judgment of the Special Chamber in Ghana v. Cote d'Ivoire*
- **Prof. Gudrun Zagel**, University of Salzburg, *Morocco's International Law Obligations Regarding the Regulation of Western Sahara's Territorial Waters*
- **Mr. Jean-Baptiste Harelimana**, Attorney at law at Nanterre Bar, *L'Arbitrage et la délimitation des frontières maritimes africaines*
- **H. Exc. Mr. Domingo Mba Esono**, Vice Minister of Commerce of Equatorial Guinea: *Maritime Boundary Delimitation in the Gulf of Guinea: The Success of the UN Law of the Sea Convention in Africa*

 **10:00 – Panel 5: Economic Exploitation of Non-Delimited Maritime Areas**

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Chair: **Prof. Yenkong Hodu**, University of Manchester, member of the organizing committee of the 7<sup>th</sup> Annual Conference of the AfSIL

- **Ms. Isabelle Rouche**, Counsel at Gide Loyrette Nouel, *L'extension du plateau continental au-delà des 200 milles : quels enjeux pour le continent africain ?*
- **Mr. Jean-Sébastien Bazille**, Gide Loyrette Nouel, *Exploration et exploitation des ressources naturelles dans les zones maritimes non délimitées en Afrique*
- **Dr. Etienne Marque**, Ecole de Formation Professionnelle des Barreaux de la Cour d'Appel de Paris (EFB) and Herbert Smith Freehills Paris, *La Rule of Capture a-t-elle sa place dans l'exploitation des gisements offshore africains?*
- **Ms. Petra Larsen**, University of Manchester, *Sharing the Resources that are our Common Heritage of Mankind: How to Reengage Africa in Deep Sea Mining?*
- **Ms. Ségolène Couturier**, University of Geneva, *La Zone : régime commun ou régime particulier de protection ?*

 **11:30 – Panel 6: Legal and Policy Cooperation Framework on Maritime Security**

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Chair: **Ms. Tafadzwa Pasipanodya**, Foley Hoag

- **Dr. Marek Wasieński**, University of Łódź, Faculty of Law and Administration, *The Lomé Charter on maritime security: promises made, promises failed?*
- **Mr. John Nyanje**, Graduate Institute of International and Development Studies & Lalive Law firm, *Maritime Cooperation in the East Africa Community; an Antidote Towards Curbing Piracy Along the Indian Ocean*

- **Ms. Johanne Andria-Manantena**, Senior Legal Counsel, Agence portuaire maritime et fluviale de Madagascar, *Comment faire face à la piraterie à travers la coopération entre puissances et à travers les institutions africaines?*
- **Mr. Kabre R. Jonathan**, University of Lausanne, *La défense des intérêts étatiques africains dans le cadre de la procédure de prompt mainlevée*

**13:00 – Lunch break – Offered by the Académie Malagasy**

#### **14:00 – Panel 7: The Fight against Piracy and Illegal Fishing in Africa**

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Chair: **H. Exc. Ambassador Dr. Namira Negm**, Legal Counsel of the African Union

- **Dr. Pierluigi Salvati**, University of Naples, *The EU comprehensive approach to facing piracy off the Horn of Africa: lessons learned in the aftermath of the renewal of Operation 'Atalanta'*
- **Dr. Obinna Emmanuel Nkomadu**, Lulama Prince and Associate, Port-Elizabeth, South Africa and Research associate, Nelson Mandela University, *Maritime Piracy Legislation for Nigeria*
- **Dr. Juvence Ramasy**, University of Taomasina, *Sécurité maritime et politique de coopération face à la piraterie en Afrique : le cas de Madagascar*
- **Dr. Djacoba Liva Tehindrazanarivelo**, Boston University Study Abroad Geneva and University of Geneva, *Les accords de pêche entre Madagascar et l'Union européenne : bilan et perspectives*
- **Mr. Pieter van Welzen**, Consulate of Sao Tome e Principe and Clifford Chance LLP, *Combating illegal fishing: Lessons learned from the FV Thunder case* (with the contribution of **Mr. Kelve Nobre de Carvalho**, Office of the Attorney General of Sao Tome e Principe)

#### **15:30 – Panel 8: The Protection of Human Rights at Sea**

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Chair: **Mr. Hery Ranjeva**, Foley Hoag

- **Prof. Jean Matringe**, Paris 1 Panthéon-Sorbonne University, *Le droit de la mer et les migrants*
- **Dr. Ralph Wilde**, University College London: *Anti-piracy Initiatives and Maritime Refoulement*
- **Profs. Alina Miron & Bérangère Taxil**, Angers University, *La criminalisation des sauvetages*

**17:00 – Coffee Break**

#### **17:15 – Round Table of National and International Courts and Tribunals**

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Chair: **Mr. Jean-Eric Rakotoarisoa**, President of the High Constitutional Court of Madagascar

#### **17:45 – Conclusions and closing ceremony**

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- Conclusions by **Prof. Pierre d'Argent**, Université Catholique de Louvain
- Closing remarks by **Prof. Raymond Ranjeva**, President of the Malagasy Academy, AfSIL Honorary President, and **Prof. Makane Mbengue**, University of Geneva, AfSIL President

**DAY 3:  
CULTURAL AGENDA  
— 28 OCTOBER 2018 —**

The AFSIL invites the speakers and moderators of the Conference to take part to the visit of **the Royal Hill of Ambohimanga. This emblematic place is listed as a UNESCO's World Heritage Site:**

“The Royal Hill of Ambohimanga consists of a royal city and burial site, and an ensemble of sacred places. It is associated with strong feelings of national identity, and has maintained its spiritual and sacred character both in ritual practice and the popular imagination for the past 500 years. It remains a place of worship to which pilgrims come from Madagascar and elsewhere.”

(World Heritage Collection, UNESCO)

We recommend to the other participants to the Annual Conference of the AFSIL, who wish to arrive earlier or stay after the Conference to discover more of Madagascar, to contact the following travel agency:

**Makassar Tours**

Tel.: +261 202261961 and +261 321158677

Email address: makassartours@moov.mg

**Contact: Ms. Hanitra Voahangihariny**

Email address: hanitra.makassar@moov.mg

Here are examples of excursions and visits:

 **Croc farm**

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*“Crocfarm is an annual and botanical park where visitors can discover crocodiles, lemurs, chameleons, baobabs, and other endemic species of Madagascar just 3 km from Antananarivo International Airport. Today, after 25 years of existence, Crocfarm has embarked on a policy of raising awareness for the protection of the fauna and flora that constitute Madagascar's biodiversity. Crocfarm's ambition is to eventually become a biosphere where we will find the important diversification of Malagasy ecological niches with animal and plant species that are often unique in the world.”*

(Translation from Crocfarm, more information on <http://crocfambiosphere.com/>)

- Price: MGA 85 600/person
- Guided visit
- Meals to be paid by the customers
- Visit of the artisanal market of the dam

 **Lemurs park**

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*Lemurs' Park was created with the aim of introducing this surprising animal to as many people as possible, to all enthusiasts, nature lovers and thus to allow, over the years and at birth, to reintroduce into their natural environment the lemurs born in the park*

(Translation from Lemurspark, more information on <https://www.lemurspark.com/>)

- Price: MGA 112 000/person
- Guided visit
- Meals to be paid by the customers
- Visit of the artisanal market