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Item 9 of the provisional agenda\*

ECONOMIC COMMISSION FOR AFRICA

Twentieth session of the Commission/  
Eleventh meeting of the Conference  
of Ministers

Arusha, United Republic of Tanzania,  
25 - 29 April 1985

Item 11 of the provisional agenda\*

REPORT OF THE AFRICAN INTERGOVERNMENTAL MEETING ON ASPECTS OF APPLICATION  
OF THE PROVISIONS OF THE CONVENTION ON THE LAW OF THE SEA

\* E/ECA/TFCH.6/1/Rev.1.  
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## A. ATTENDANCE AND ORGANISATION OF WORK

Opening and duration of meeting

1. The African Intergovernmental Meeting on Aspects of Applications of the Provisions of the United Nations Convention on the Law of the Sea was held in Addis Ababa from 17 to 21 September 1984. The Meeting was opened by Prof. Adebayo Adedeji United Nations Under-Secretary-General and Executive Secretary of the United Nations Economic Commission for Africa.
2. In his opening statement, Prof. Adedeji welcomed the delegates and stressed the importance and relevance of convening a meeting on the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) at a time when Africa was confronted with the worst economic and social crisis in her history. The reason for this was the potential for increasing Africa's food production and energy resources. Action must be taken now by African countries on the use and management of the oceans.
3. The Convention which had already been signed by 43 African countries gives to African Coastal States a vast territory under national jurisdiction. It accords rights to exercise sovereignty over a 12 mile territorial sea and a 200 mile Exclusive Economic Zone (EEZ) with respect to natural resources and certain economic activities and a continental shelf for the purpose of exploring and exploiting it without prejudice to the legal status of the water or air space above. Land-locked states also enjoy some provisions with respect to the EEZ's fisheries, the revenue collected by coastal states from the exploitation of oil and other resources from the continental shelf and with respect to scientific research and fishing on the high seas.
4. There was also the Area which outside the limits of the EEZ was the "common heritage of mankind" and in which all activities conducted should benefit mankind as a whole. The International Sea Bed Authority was to be created to oversee exploration and exploitation activities therein. There was also an International Tribunal on the Law of the Sea and other mechanisms to be established for the settlement of disputes in the EEZ and the Area. The UNCLOS was therefore a comprehensive set of new laws to regulate the behaviour of all nations, their citizens, institutions, ships and aircraft in the oceans.
5. The wealth of the territory was composed of a variety of mineral, energy, biological and space resources available for exploitation. However, activities designed by man for their exploitation had to be such that the threats to their existence or early depletion would be minimised or non-existent.
6. Because exploitation of these resources entailed the provision of assurances regarding their accessibility; the availability of requisite technology, significant funds, highly qualified people, very specialised vessels, etc. and

adequate demand in price conditions for economic exploitation, African countries had no other viable alternative to co-operation in facing challenges posed by such exploitation. Comprehensive national programmes must evolve to make this approach possible and advantage should be taken of the many technical assistance programmes available managed by various agencies of the United Nations such as OETB, UNESCO, IOC, FAO etc. as well as other international organizations.

7. Since the Convention promoted scientific and technological co-operation and sought to redress the imbalance of scientific and technological co-operation between the industrialised and developing countries, African countries should take advantage of this climate to permit the acquisition of requisite technology and the education and training of their nationals during the conduct of activities in the EEZ and "the Area".

8. The participants at this Meeting therefore had to use their special experience and knowledge of the Convention to examine all the pros and cons presented and concentrate on proposing ways and means to focus African efforts on the development of capabilities for the exploitation of their marine resources; the role of African policy-makers and planners in this exercise should be given some consideration; also the manner of effective participation of relevant United Nations agencies and international organizations as well as private and government agencies; finally mechanisms for the development of an effective African voice and participation in the deliberations of the various instruments set up to oversee the implementation of the Convention.

He concluded by wishing the participants every success in their deliberations.

#### Election of officers

9. The following officers were unanimously elected to serve on the Bureau: Assistant Minister Thomas W. Sherman (Liberia) as Chairman, Mr. Mchacti Mohamed (Morocco) as Vice Chairman, Mr. Bekale Philippe (Gabon) and Mr. George R. Nzala (Zambia) as Rapporteurs.

#### Attendance

10. The meeting was attended by representatives of the following member States of the United Nations Economic Commission for Africa: Algeria, Burkina, Cameroon, Comoros, Congo, Djibouti, Egypt, Equatorial Guinea, Gabon, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Mali, Morocco, Mozambique, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, Tanzania, Zaire, Zambia and Zimbabwe. France was represented by observers.

11. The following United Nations organs, organizations and bodies were represented at the meeting: the Office of the Special Representative of the Secretary-General for the Law of the Sea, the Ocean Economics and Technology Branch of the Department of International Economic and Social Affairs (OETB/DIESA), United Nations Industrial Development Organization (UNIDO), the Food and Agriculture Organization of the United Nations (FAO), United Nations Environment Programme (UNEP), International Maritime Organization (IMO), Intergovernmental Oceanographic Commission (IOC) of Unesco. In addition the following organization was also represented: the Royal Institution of Chartered Surveyors (RICS). The full list of participants is contained Annex IV.

#### Adoption of the agenda

12. The following agenda was unanimously adopted:

1. Registration
2. Meeting of Heads of delegation
3. Opening of the meeting
4. Election of officers
5. Adoption of the agenda and organization of work
6. Plenary session - consideration and discussion of country papers
7. Establishment of Working Groups
8. Working Group Sessions
9. Consideration and Discussion of Working Group Recommendations
10. Adoption of Report
11. Closure of Meeting.

#### B. ACCOUNT OF PROCEEDINGS

##### Organisation of work

13. The Meeting decided to hold all its sessions in plenary instead of establishing working groups to examine the three subject areas amplified in the annotated provisional agenda under (ROS/AIGUNCLOS/2) agenda item 7 and formulate recommendations in each area concerned. A small working committee was however, set up to formulate draft recommendations for the consideration of the plenary.

##### Country reports

14. At the invitation of the Chairman various country delegations presented statements and reports which provided information not only on the status of legislation, hydrographic surveys and current agreements concerning the exploitation of sea resources within the EEZ but also on the place of marine science and technology in the economy and implications of the recently adopted Convention on the Law of the Sea. Some statements and reports also referred to national capability development for the use and management of ocean resources.

15. The landlocked states that made statements expressed concern about the provisions of the Convention which affected them and made an appeal to coastal states to exercise goodwill and understanding when agreement regarding the sharing inter alia of landlocked states in the exploitation of living resources in EEZ were entered into.

16. The summaries of statements and country reports are contained in Annex I to facilitate easy persual and use. Lively discussions followed the presentation, highlights of which are covered in paragraphs 21 to 32.

#### Papers from United Nations and International Organisations

17. Several United Nations and International organizations were invited by the Chairman to present their papers. Representatives of the Office of the Special Representative of the Secretary-General for the Law of the Sea, the Ocean Economics and Technology Branch of the Department of International Economic and Social Affairs, the Food and Agriculture Organization of the United Nations, the Royal Institution of Chartered Surveyors, the United Nations Industrial Development Organization, the Intergovernmental Oceanographic Commission, the International Maritime Organization and the United Nations Environment Programme presented papers.

18. The contents of the papers covered the highlights of the Convention on the Law of the Sea, the activities of the various organizations as they related generally to the envisaged applications of the provisions of the Convention on the Law of the Sea in Africa on the one hand and on the other the kinds of assistance including training, provision of expertise and finance available for use by African states wishing to develop capabilities to exploit their marine resources.

19. The various themes covered included the new legal regime of the oceans as provided for the Convention, UNEP's programmes on the regional seas, environmental law and conservation as well as its global environmental monitoring system, the challenges of marine resources development for developing countries under the law of the sea, marine,resources management, the FAO inter-governmental fisheries bodies set up to promote and strengthen regional collaboration as its comprehensive programme as assistance for the Development and Management of Fishries in the Exclusive Economic Zones (EEZs), and industrial marine technologies.

20. These papers which served as very useful inputs to the deliberations of the meeting clarified many moot issues as was evident from the discussions which followed their presentation. The resumes of papers are contained in Annex II of this report.

### Discussion Highlights

21. During the discussions mention was made of the importance of the new legal regime (i.e. the United Nations Convention on the Law of the Sea) which brought under the jurisdiction of coastal states vast stocks of living and non-living resources, particularly fisheries, commercial minerals, energy and ocean space as well as of the potential for increased employment opportunities, income and foreign exchange earnings by the nationals of such states.
22. It was however observed that as far as African States were concerned, serious problems existed with respect to the exploitation of EEZ resources, living and non-living, primarily because they had inadequate capabilities to carry out the required activities. The questions of access to finance, required manpower and technology for exploration, exploitation and development of the resources not to speak of that for their surveillance, and for pollution prevention, monitoring and control were paramount in contributions made. There was general agreement subsequently on the absolute necessity for ways and means to be acquired to acquire the above-cited essential components of capability without which nothing significant could be undertaken.
23. Another problem which was examined was the difficulty to implement the provisions of the Convention which made for scientific and technological co-operation between developed and developing countries and for the transfer of technology from the developed to the developing countries. The non-signature of the Convention by a significant minority of industrialised countries, it was observed, did not augur well for such co-operation. After a lengthy discussion, it was illustrated that a major portion of the Convention posed no conflicts to all the participating states at the Conference, although the transfer of technology provisions for "Area" activities proved difficult to accept by some. The meeting however felt that the situation being dynamic could change significantly in the next few months to make acceptance possible.
24. It was generally agreed that co-operation of a subregional, regional and even international nature, which ever was relevant under circumstances prevailing was essential for development of requisite capabilities. In this context it was disclosed that several schemes existed under the management of United Nations agencies and other organizations. The delegates were further informed that in the area of marine industrial technology, for example, UNIDO was considering establishing a Centre for Marine Industrial Technologies at the global level.
25. Such schemes as existed should be fully utilized by African countries for training their manpower, for acquisition of the technologies required and for mobilizing the necessary finance for development of the entire range of infrastructure required for the conduct of marine science and technology activities.

26. The need for the meeting to dwell on questions of technological requirements was stressed and it was suggested that some strategy had to evolve on measures to approach the developed countries for technology required for exploitation of EEZ and sea bed resources.

27. Some landlocked African states perceived that they had special vital problems to confront in the application of the UNCLOS provisions even though their equitable participation in exploitation of EEZ resources is catered for. For example they could not see easily how a coastal state with requisite capabilities to exploit fully their allowable catches of fish could make the surpluses available for exploitation by landlocked states.

28. On this question, it was generally felt that coastal states should demonstrate goodwill and understanding when entering into bilateral agreements with landlocked states for this purpose. However the suggestion was made that should landlocked states for example assist coastal states through provision of finance or some other means to assess the extent of living resources in the EEZ or to police the waters, favourable treatment could be expected and may be even demanded from coastal states on the exploitation of the surplus of living resources.

29. The non-adherence of some foreign fleets to the terms of their fishing contracts with some African countries was identified as a problem requiring solution. One example given illustrated how the stipulated volume of catch was exceeded on the pretext of prolonged times at sea during which significant catches were delivered at other ports. The meeting felt that co-operation between states was essential to enforce the terms of the contracts by adequate monitoring of the fishery operations of the foreign vessel.

30. Another area examined was that of the International Sea-Bed Authority and its organs as well as the work of the Preparatory Commission and its four Commissions. The necessity for representative and effective African and OAU participation in these deliberations was stressed as decisions regarding the range of services such as provision of training opportunities to be provided to developing countries, how and by whom could emerge from the quality of debates on the floor.

31. The issue of evolving a short and long-term strategy for marine resource management was raised and it was suggested that technology was already available and accessible to African countries for exploiting EEZ resources such as oil and gas, diamonds, gravel, sand and rutile. Efforts should perhaps be focussed in the short-term in the development of these resources.

32. The problem of the lack of integration of information available at the national level on the level of existing capability for the conduct of marine scientific and technological activities was examined. The general observation revealed that the multidisciplinary nature of the subject was such that what capabilities existed were dispersed in various institutions for example throughout the national economy. There was a need therefore to systematically catalogue such capabilities and use them as a foundation on which to build further.

33. The meeting noted with concern the move by some States to create a parallel regime outside the Convention (UNCLOS) and condemned such move as being totally illegal. The meeting reiterated and reaffirmed its support for the Convention (UNCLOS).

34. The meeting then established a Drafting Committee comprising representatives of the following States, namely, Kenya, Mali, Senegal and Tanzania to prepare draft recommendations for the consideration of plenary with the provision that every other participant wishing to participate in the work of the Committee could do so.

#### Adoption of the report

25. The draft report and draft recommendations were presented to the plenary, suitably amended and adopted. The adopted text of the recommendations \* is contained in Annex III of this report.

#### Closure of the meeting

36. In closing the meeting the Chairman expressed his deep appreciation to member States, the United Nations and other organizations represented at the meeting as well as the secretariat for the various contributions made to clarify the difficult issues, and for the level of participation and understanding received during the deliberations. On behalf of the Bureau, he also indicated appreciation for their election and support during the deliberation and wished all the participants a pleasant journey back home and solicited their support and commitment at the national level to see that the many recommendations were acted on.

37. In response to the Chairman's closing remarks, the distinguished representative of Kenya on behalf of the participants expressed his deep appreciation and support for the sentiments of the Chairman and for the useful work done in the past five days. He hoped that just as he and the Chairman had worked during the Preparatory Commission meetings for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea so also would other participants in seeing that Africa is adequately represented and heard at these meetings.

38. The Chairman then declared the meeting closed.

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\* The Algerian delegation expressed reservations on the recommendations of the meeting pending their submission to and examination by the appropriate organs.



ANNEX I

ATTITUDES OF INDIVIDUAL COUNTRIES TOWARDS THE UNITED  
NATIONS CONVENTION ON THE LAW OF THE SEA

**BURKINA**

The Burkinabe delegation stressed that Burkina was a Landlocked country and emphasized the importance it gave to:

- the right of access to and from the sea;
- the right of transit;
- the right of participation in the exploitation of the exclusive economic zone;
- the right to receive an equitable share of the resources obtained from the exploitation of the international zone.

Since the right of access to and from the sea and the right of transit did not pose any specific problem as they were subjects of bilateral agreements with coastal neighbours, the Burkinabe delegation expressed its great interest in the right accorded to landlocked countries to participate in the exploitation of living resources of the exclusive economic zone. In fact,

- the modest hydrographic network of Burkina
- the near total lack of fish farming and aquaculture

result in the fact that demand in fishery products was far from being met despite the import of those products from neighbouring countries.

The Burkinabe delegation expressed some fears regarding the future implementation of the Convention since some developed countries, possessing advanced technologies, were not willing to sign the new Convention presupposing that they would exploit the marine resources beyond the limit demarcated by the said Convention.

The Burkinabe delegation also expressed its concern about the risks of the upset of the exploitation balance between the marine and land deposits as Burkina was itself a producer of ores found in very large quantities in sea beds.

Furthermore, if care was not taken, the exploitation of polymetallic nodules of sea beds could affect the selling price of different minerals.

The Burkinabe delegation concluded by reaffirming its will to co-operate for the exploitation of sea bed resources on the basis of mutual advantages.

CONGO

Thank you Mr. Chairman, we would like to point out from the start that strictly speaking, we could not prepare the paper because of the time allocated for the organization of this Conference. As we agreed earlier, we shall make a brief and rather informal statement with the view to providing you with a number of data on the implementation of the provisions of the United Nations Convention on the Law of the Sea.

The People's Republic of the Congo attaches much importance to the problem of the Law of the Sea and in short to the sea. This importance is all the more justified because the Congo has a fairly long coastline. As a result, we had to sign this Convention on 10 December 1982.

The strategic importance of the sea to this area is evidenced by the construction of the regional railway linking the hinterland of Central Africa to the Atlantic Ocean during the colonial era. Conscious of this state of things, the Congo is following with keen interest every problem connected with the sea.

The Central African Republic, landlocked country with which we are united by brotherly and legal ties derives advantages from our railway and ports for the export and import of its products. Gabon enjoys the right of transit for the export of its manganese. Zaire makes use of our railway (CFCO) and of the port of Pointe-Noire for part of its foreign trade. Mr. Chairman, the Congo signed an agreement with a number of countries including Gabon, Angola and the USSR for sea fishery.

In accordance with its options and its interest in the principle of the reality of the common heritage of mankind, the Congo is ready to implement consequently the provisions of the Convention of the Law of the Sea which it will soon ratify.

We are already observing the provisions on fishing in part of the Exclusive Economic Zone (EEZ) and the traditional freedom of navigation, overflight, scientific research and deep sea fishing.

Mr. Chairman, the Congo lays particular emphasis on science and technology in its economic and social development plan since all activities in the Congo dealing with petroleum are carried out on the high sea. Thus, to drill its oil, the Congo signed agreements with countries having the necessary technology such as France and Italy, through EPF and AGIP. Thanks to these agreements, the country now has its own oil refinery.

Mr. Chairman, the legislation on issues relating to the territory is in line with the practice and Convention on the Law of the Sea. It does mean

that the territorial sea covers at present 12 nautical miles provided other States accept the same length or conform to it.

According to a presidential decree signed in 1977, the limit of the Exclusive Economic Zone was set at 200 nautical miles.

From the point of view of inter-regional co-operation, an act was adopted ratifying the Convention on co-operation regarding the protection and development of the marine environment and the coastal areas of West and Central Africa and the Protocol relating to co-operation in pollution control in case of a critical situation. The Convention and Protocol were signed in Abidjan on 23 March 1984.

The issue on the establishment of a shipping company was considered at the last meeting of the Council of Ministers and referred to a Committee for further discussion. Negotiations are going on with foreign partners engaged at present in shipping activities in the Congo.

Steps are being taken to make the people really aware of the problems raised by the sea and to establish a special organ dealing with them. With the establishment of fisheries and fish breeding, particular emphasis will be laid on these issues.

The Congo, on the other hand feels that the Centre for the Development of Mineral Resources of Central Africa established with the assistance of the United Nations Economic Commission for Africa (UNECA) should devote a large portion of its budget to research on Ocean mining. Mr. Chairman, here are in a few lines the data we would like to place at the disposal of honourable delegates.

EGYPT

Egypt and the law of the sea

The Egyptian paper dealt with the following four points:

1. The Egyptian legislation in the field of the law of the sea,
2. The exploitation of mineral resources in the territorial water and continental shelf of the Arab Republic of Egypt,
3. Egypt and the United Nations Convention of the law of the sea.
4. The Egyptian position after having ratified the United Nations Convention.

I. The Egyptian legislation in the field of the law of the sea

The first Egyptian legislation in the field dated 1951, when the Government of Egypt issued the first national legislation about the territorial sea, according to this legislation the limit of the territorial sea was of 3 nautical miles, and in 1958 this legislation had been modified by moving up the limit of the territorial sea to 12 nautical miles and by creating a contiguous zone of 6 nautical miles.

The Government of Egypt issued in 1958 also a new legislation on the continental shelf in which declared and assured its sovereign rights on the resources of the continental shelf according to the customary international law.

Egypt had ratified the London Convention of 1954 on the prevention of the pollution of the sea by oil and in 1965 it had been established a permanent national Committee for the prevention of the pollution of the sea and there were many regulations in this field. Egypt had signed and ratified the Convention of protection of the Mediterranean sea.

II. Exploitation of the mineral resources in the Egyptian territorial water and continental shelf

Egypt had taken care of the importance of the mineral resources existing in its territorial water and continental shelf. The attention was essentially going to the oil, it may be very significant to note that more than 72 per cent of the national oil production came from the exploitation of Suez Gulf.

The efforts of exploration and exploitation of oil in the Egyptian territorial water and continental shelf had been grown up especially after 1973. There was a great number of agreements and concessions. The concessions took the form of joint ventures between the Egyptian public corporation of oil and the foreign companies and this form assured the protection of national interests.

All these agreements stipulated that "Whereas, all raw materials including petroleum existing in mines and quarries in the Arab Republic of Egypt including the territorial waters, and in the subsea floor subject to its jurisdiction and extending beyond the territorial sea, are property of the State".

### III. Egypt and the United Nations Convention on the Law of the Sea

However even though Egypt had never signed or ratified the Geneva Conventions on the Law of the Sea of 1958, it has signed and ratified the United Nations Convention on the Law of the Sea. This position was in full harmony with its understanding of the considerations and features which had lead to the conclusion of the United Nations Convention of the Law of the Sea. It was very clear from the Egyptian point of view that the international scene had been already prepared for the appearance and the acceptance of such a convention. The essential factors in this direction were the scientific and technological progress, the looking for a new international economic order, and the active role of the States of the third world in contemporary international society and the progressive development of the public international Law.

### IV. The Egyptian position after having ratified the United Nations Convention

In ratifying the United Nations Convention, the Government of Egypt had issued several declarations according to the article 310 of the Convention. We would like to refer only to the declaration of the EEZ. Indeed the EEZ is one of the most important aspect of the new international law of the sea, and it was a victory for the Third World, especially for the African States.

In the Egyptian declaration on the EEZ the Government of Egypt declared that it will exercise its rights in its EEZ according to the new Convention. Indeed the Government of Egypt by this declaration expresses its conviction that the regime of the EEZ had already become a customary law.

According to this declaration, Egypt concentrates more on the exploration and exploitation of the resources of its EEZ.

## GABON

### Introduction

Gabon is located on both sides of the Equator with an area of 267,000 square kms. It is delimited in the North by Equatorial Guinea and the Republic of Cameroon, in the East and South by the People's Republic of the Congo and opens on the Atlantic Ocean in the West. It has a coastline of 800 kms.

The area of the continental shelf is approximately 35,000 sq. kms, while the exclusive economic zone of 200 nautical miles covers more than 160,000 sq. kms that is 60 % of the country itself.

#### I. Activities carried out on the continental shelf

Activities linked to the sea play a determinant role in the country's economy since they represent about 50 % of the national value added and employ more than 11 % of the wage earners of the private and para-statal sectors. In fact, those results are due to mainly off-shore oil exploitation. Apart from oil, the marine economy amounts to less than 1% of national value added and 6 % of wage earners in the private and para-statal sectors. The following are the current activities carried out on the continental shelf.

##### A. Oil exploitation

A key sector of the country's economy, oil contributes a major share to the value added which amounted to 523 million CFA francs in 1982 and represents more than 80 % of the total amount of exports. Geographically, the oil exploitation sites which as at 31 December 1983 covered a total area of 3,461,995 sq. kms, are located in four main zones:

- South of Port Gentil
- off OMBOUE
- South of Sette-Cama
- South of Mayumba

To these may be added four deposits being exploited on the Batanga, Ozouri, Breme and Gamba coasts.

The oil is exported through three terminals located in Cap Lopez, Gamba and Lucina and a network of oil and gas pipelines are laid on the deep sea floor, South of Port Gentil.

Licences were granted to many national and multinational corporations for prospection (2047 sq. kms) and research work (64,624 sq. kms). Apart from oil the marine economy accounts for less than 1 % of the national value added and 6 % of the wage earners of private and para-statal sectors.

## B. Fishing

The fishing activity is carried out on the continental shelf. The wealth of the Gabonese waters in fishery resources is estimated at:

- 300,000 metric tons of Pelagic fish
- 50,000 to 60,000 metric tons of Demersal fish caught by trawlers
- 10,000 metric tons of Rock fish
- 1,000 to 1,600 metric tons of shrimps

In spite of its huge resources, Gabon with a production of an equivalent of 13,000 to 14,000 metric tons of fresh fish, cannot meet its domestic needs. Consequently, about 10,000 metric tons of fish are imported mostly from Senegal to cover 40 % of the total consumption. The industrial and semi-industrial fishing fleet is composed of 26 units including 8 specialized shrimp fishing vessels, 10 trawlers and 8 line fishing vessels. Artisanal fishing, which is less developed, uses 800 to 1000 canoes with or without motor.

The gap between the potential resources and production is explained by numerous obstacles hindering fishery development among which are :

- the lack of specialized infrastructures
- conservation and marketing problems
- staff training problems.

Gabon, conscious of that handicap, signed a number of fishing agreements with some countries.

### II. Agreements on exploitation of marine resources in territorial waters

The fishing agreements were signed between Gabon and the Republic of Cameroon on the one hand and between Gabon and the People's Republic of the Congo on the other. Those agreements aim at defining the conditions in which the fishing boats flying the flag on either State can catch the different marine species, with the exception of crustacea, in the territorial waters of either country.

Besides, concessions were made for countries with large fleets and long range action. The fleets in question are composed on the one hand of major drag-seines (mainly France, Ivory Coast, Senegal, Spain and the USA) and on the other of cane fishing vessels (Japan, Korea).

### III. Situation of the exploration, development and management of marine resources

To ensure the post-oil period, Gabon opted for the development of its fishery resources. Thus, it had a few studies and work on these resources undertaken during recent years:



- 1978: Report on the Preliminary Study on Fishery Co-operation in Gabon (Japanese Agency for International Co-operation)
- 1980: Regional Study on Sea Fishing in the Gulf of Guinea (Annex 3: Sea Fishing in Gabon: Diagnosis and Prospects. International Sect., EEC, EDF)
- 1981: Study on the Development of Tuna Fishing (Idro Consult EEC, EDF)
- 1982: Evaluation of the resources in coastal Pelagic fish in the Gulf of Guinea: Congo, Gabon, Equatorial Guinea, Sao Tome and Principe (ORSTOM, SCTE, EEC, EDF)
- 1983: Regional Project of long-line fishing vessels in Gabon and Equatorial Guinea (SCET International, EEC, EDF)
- 1983: General scheme for monitoring, organization and development of the maritime zone of Gabon (Gicamer Group).

Besides, Gabon has adopted a large number of legal provisions, both legislative and statutory, among which the following:

- Order 63/72 of 29 August 1972 regulating fishing
- Decree 653/PR of 10 June 1964 on navigation policy within the territorial waters of the Gabonese Republic
- Law 18/70 of 17 December 1970 fixing the scale of sanctions applicable to foreign fishing vessels fishing without authorization in the territorial waters
- Decree 1.179/PR of 7 December 1979 making it compulsory to provide statistics on quantities of fish unloaded by fishing vessels
- Law 9/84 of 12 July 1984 on the establishment of an exclusive economic zone of 200 nautical miles

Finally, at the institutional level, there is need to mention:

- The Fishing Department in the Ministry of Forestry in charge of taking inventory of the living resources of river and sea waters and conserving the natural stocking of fish
- The Oceanology Group of the Faculty of Science of OMAR BONGO University in Libreville
- The National Anti-Pollution Centre (CENAP)
- The Department of the Law of the Sea.

## GUINEA

The paper I would like to present on behalf of my delegation deals with the fishery potentialities of our country, a brief survey of the oceanographic conditions, and the development policy which has prevailed since the accession of Guinea to independence.

Considering the results of the former management which did not enable us to make up the fishery products consumption deficit of the people, in spite of the huge available potentialities, the Second Republic considered new development prospects of the fishing sector through the preparation of a new sea fishing code. We also deem it appropriate to point out the different forms of agreement in force regarding joint ventures:

- 1) Private Agreements
- 2) Bilateral Agreements
- 3) Present or already carried out activities on the Continental shelf

The synthesis of the fishing studies, surveys and campaigns made in twenty years imposes the estimate brackets of the potential of the catch in:

Pelagic fish	120,000 to 200,000 tons (60 % of the fish)
Demersal fish	60,000 to 80,000 tons
Cephalopoda	12,000 to 20,000 tons
Crustacea	2,000 to 4,000 tons

This gives an overall catch potential ranging between 184,000 and 293,000 tons per year. The authorization of access to the Guinean exclusive economic zone.

Agreements in force on the exploitation of sea resources in the territorial waters

1. Private agreements

These agreements are concluded with consignment companies of Guinean or foreign private law. These companies which do not have their own boats, sub-contract their authorization with foreign crew. The conditions appended to these agreements are the payment of a fee in kind (200 t/year), the establishment of a guarantee fund and the employment of Guinean staff.

2. Intergovernmental agreements

Agreements were concluded with the EEC and Spain to authorize the vessels of those countries to fish in our waters. The agreement with the EEC was concluded in February 1983. It is more advantageous than the private agreements both from the viewpoint of the absolute value of contributions and with respect to the stabilizations and guarantee of the latter.

### 3. Trade agreements

The only trade agreement concluded is with the USSR whose fleet fishes in our waters without any obligation of paying fees and sells 10,000 tons of fish annually, paid in convertible currency.

This fish represents more than 75 % of the controlled national supplies and it is, therefore, practically impossible to terminate the contract in spite of the disadvantages before finding a reliable replacement source.

The fishing sector has a potential which justifies an important productive investment flow. The development of those huge fishery resources should enable the fishing sub-sector play a capital role in the national economy whose major objectives are:

- ensure self-sufficiency in food for the people
- provide the country with significant financial resources both in local and foreign currencies
- enable, in optimal economic conditions, the establishment of new industries such as canning, frozen products, refrigeration, marine industries and so on
- enable the training and utilization of nationals in semi-modern and modern fishing techniques and its industries and structures.

The new law of the sea enables the coastal country to exercise sovereign rights for the exploitation and management of the natural resources of the sea bed and of its waters with the limits of the EEZ. This also implies new responsibilities. The choice of a development policy is necessary to make best possible use of available resources in the best interest of the country with a view to attaining the social and economic objectives and protect a renewable resource.

The first imperative depends on the acquiring of an adequate scientific level of national technicians for the evaluation of stocks and effective management measures.

## LESOTHO

Lesotho's situation is a unique one. Landlocked and surrounded completely by the Republic of South Africa, she has very dim prospects for participating in the relevant aspects of the Law of the Sea. The situation is complicated further by the fact that South Africa is not a party to the Law of the Sea Convention. However, Lesotho intends to persuade South Africa to adopt the Convention, mutatis mutandis, as a bilateral Agreement between Lesotho and herself.

## LIBERIA

### Legislations on territorial waters

Liberia by Presidential Decree issued on 24 December 1976, and approved by the National Legislature on 16 February 1977, extended the Territorial Sea from 12 nautical miles to a distance of 200 (two hundred) miles from the baseline of the Republic of Liberia.

### Status of offshore hydrographic surveys

Hydrographic surveying and nautical charting of Liberia dates back to the 1800's up to 1913 with the British Admiralty charts.

From 1952 to 1956, the US Coast and Geodetic Survey did up to 19 miles offshore surveying and charting.

Between 1970 and 1975, a survey of the West Coast of Africa was done by a ship using Abidjan, Ivory Coast, as base port.

Since 1981 some surveying along the coast has been reactivated because of oil exploration activities on the continental shelf. Several onshore base control stations were established between Robertsport in the West and Harper in the East. In all, 22 stations were established. These stations serve as control points for offshore surveying on the continental shelf of Liberia.

### Past and current activities on the continental shelf

#### Past activities

Several activities involving the conduct of short seismic programmes, from which seismic, gravity and magnetic data have been recorded offshore have been conducted by a number of companies and institutions during the year 1969 to 1972.

#### Current activities

Following the disappointing results obtained by companies which had been granted concessionary rights to explore the shelf, they concluded from their limited exploration that the discovery of commercial oil fields in Liberia was unlikely with the economic conditions prevailing at the time and consequently abandoned their efforts in 1972.

In 1979 the Government of Liberia, obtained assistance from the World Bank to launch its petroleum project. In that same year a contract was awarded to an international consulting firm, Ferrand and Associates in Houston, Texas (USA)

to conduct the assessment of the hydrocarbon potential in Liberia and to assist the Government throughout the various phases of the Petroleum project.

Ferrand and Associates in their assessment indicated that most of the onshore areas of Liberia are composed of igneous and metamorphic basement rocks which extend to the shelf and from their various analyses of well samples have concluded that the continental shelf of Liberia can be rated as having fair hydrocarbon potential, while the continental slope and rise should have a fair to good hydrocarbon potential.

The Government has thus concluded that several prospective areas offshore, 9 blocks of various sizes in fact, have sufficient merit to justify further exploratory drilling and are to be offered to the international petroleum industry under terms of a model contract. The contract is of the production-sharing type which contemplates Government participation.

#### Current Agreements and Concessions on Exploration and Exploitation of Resources of the Sea

The Government of Liberia has successfully concluded four offshore petroleum exploration agreements with AMOCO Liberia Exploration Company (a wholly owned Subsidiary of Standard Oil Corporation of the USA) on 14 April 1983. Under these agreements, AMOCO is to explore and exploit oil in four of the nine offshore blocks.

## MALI

Mali is located at about 1000 kms from the nearest sea coast, in other words it is a landlocked country whose hydrographic network is composed of two international rivers: The Senegal and the Niger.

Priority could not be given to studies on both the exploitation and scientific research with regard to the sea.

Having participated in the different sessions of the Conference on the Law of the Sea, our country expressed its viewpoint on the problems dealt with in the Convention. Some of the problems are recalled, hereunder:

### 1. The Exclusive Economic Zone

Article 69 of the Convention stipulates that the landlocked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned.

However, Mali feels that the notion of "appropriate part of the surplus" is contrary to equity. Consequently, it wishes that the said resources should be exploited on an equal footing by the coastal and landlocked States. Thus, the latter would sign, for this purpose, bilateral, subregional or regional agreements and the States concerned should negotiate, by taking into account the quality of their relations.

### 2. Provisions on the Right of Access of Landlocked States to and from the Sea

The passages of the Convention on that question, particularly Articles 124 to 132 give satisfaction to our delegation. Mali has transit agreements with the Republic of Senegal, the Republic of Ivory Coast and the Togolese Republic. Through these agreements, these countries reserve for Mali the right of use of their sea ports for everything concerning passengers and goods traffic to or from our country. A free zone is reserved in those ports for our country.

The Republic of Mali is satisfied that these provisions are found in the text of the Convention.

### 3. Implications of the Convention

Mali expresses satisfaction at the establishment of the international zone. I wish that just and stable prices be established for mineral products and those from the resources of the Area and from other resources.

It would be convenient if the Enterprise could have access to the marine technology possessed by industrialized and the companies depending on them.

It would be desirable if developed countries assisted developing States in qualified staff in the scientific and technological fields. Thus a systematic training and assistance programme would be needed between these countries.

## MOROCCO

Morocco was interested for long in the different aspects of the use of the sea. One may mention the establishment of a Ministry of the sea as from the middle of the nineteenth century, which dealt with maritime affairs which were then confounded with those relating to its external relations. That interest in the sea was reaffirmed more than two years ago with the establishment of a ministry dealing specifically with sea fishing and the merchant navy.

The decision is justified by geo-socio-economic data characterising that important sector of the country's economy.

In fact, Morocco has two sea coasts - the Mediterranean of some 500 kms and the other Atlantic of about 2500 kms. Taking into account the area of the continental shelf, Morocco occupies the first place in West Africa with a total of 115,000 kms.

Morocco has significant fishery resources. The tonnage exploited from the Mediterranean and the Atlantic is between 1,100,000 and 1,600,000 tons which may be broken down into 625,000 to 1,125,000 tons of pelagic species (sardines, mackerels, horse mackerels, anchovies) and 450,000 tons of demersal species (flat fish, golden carps, caphalopoda, shrimps etc.).

The major part of this potential is caught in the Moroccan Atlantic.

There are four fisheries:

- Pelagic caught with nets (sardines, anchovies, mackerels...)
- Coastal Demersal caught by trawlers
- Coastal Demersal caught by traditional methods (pots, long-line gear, nets...)
- Deep sea, caught by trawlers (cephalopoda, sparidae).

1,100,000 tons are caught in the Moroccan waters. In recent years the catch unloaded in Morocco amounted to 300,000 tons including around 60 % of sardines. The fishes caught in the deep sea fishing were unloaded abroad (65,000 tons in 1982).

Those results were achieved with a fleet composed of 400 trawlers including 150 deep sea refrigerator vessels, 450 sardine boats, 1,600 long-line vessels and 6,000 boats with or without motor.

Fishing in Morocco is carried out only in rather small part of the national waters for several species or groups of species and the areas of maximum concentration are not within the activity zone of the Moroccan boats or the national boundaries and are exploited by foreign fleets.

Fishing and its related activities employ about 100,000 persons. Fishing comes third among the export sectors after the agricultural produce and ores, thus contributing an annual sum equivalent to some 150 million American dollars to the balance of payments.



In order to promote the sea fishing sector, Morocco has taken legal and institutional measures.

First of all, it should be pointed out that Morocco, which took an active part in the drafting of the new Law of the sea, has signed the Convention of 1982 and is getting ready to ratify it in the coming months. But its maritime legislation has already been amended. The main stages covered resulted in the adoption of the following laws:

The Dahir of 30 June 1962 extended the territorial waters for fishing from 6 to 12 nautical miles.

The Dahir of 2 March 1973 established an exclusive fishing zone of 70 nautical miles.

The Dahir of 8 April 1981 gave Morocco an exclusive economic zone of 200 nautical miles.

Finally it should be noted that a National Codification Commission was requested to review all the Moroccan maritime legislation and codify it. The new maritime legislative code prepared by that Commission after two years of deliberations will be submitted to the Parliament at its next session, while the preparation of the Statutory code is in its first phase.

The following are the main organs, under the Ministry of Sea, Fishing and the Merchant Navy, in charge of the management of the maritime sector:

- The Department of the Merchant Navy in charge of the protection of maritime transport.
- The Department of Sea Fishing dealing with the development and planning of fisheries.
- The Scientific Institute of Marine Fishery whose main task is to evaluate the fishery potentialities of Moroccan waters, follow their evolution and give advice on their development.
- The National Fishery Board, development organ in charge of the promotion and marketing of fishery products.

At the international level, Morocco collaborates closely with the international organizations concerned about the different aspects of the use of the sea such as the FAO, IOC, IMO, UNEP, etc. Besides, the Moroccan maritime legislation adopted the majority of the concepts of the new law of the sea particularly those relating to scientific research, exploitation of the Exclusive Economic Zone, determination of the acceptable maximum volume of catch, the right of landlocked or geographically disadvantaged countries. With particular reference to the last point, Article 13 of the Dahir establishing a Moroccan Exclusive Economic Zone, stipulates: "... In particular, within the framework of African solidarity, Morocco adheres to the principle of a privileged co-operation on the living resources with neighbouring landlocked countries and whose modalities shall be determined by bilateral, regional or subregional agreements."

## RWANDA

I. Hydro-geographical situation

Rwanda is a landlocked country and therefore has no access to the sea. It is delimited by four countries: Uganda in the North, Burundi in the South, Tanzania in the East and Zaire in the West. It is located 1200 kilometres from the Indian Ocean and 2000 kilometres from the Atlantic Ocean.

In the country small lakes can be found. It also shares with its neighbour in the West the waters of the Great Lake known as "Lake Kivu".

There are very important resources in Lake Kivu known as methane gas the quantity of which is estimated at about 63 billion cubic metres.

Some years ago, our country and Zaire appointed a joint technical commission requested to consider ways and means to exploit this natural resource for the economic development of both countries.

We agreed to launch a project for the exploitation of this gas, the production of methanol and nitrogeneous fertilizers. Feasibility studies were made on the project and it was noticed that it was profitable. We are now looking for funds.

As I said earlier, Rwanda is a landlocked country. It is also listed among the least developed countries. This situation certainly has negative effects on the national economy. Import and export are done through other countries (coastal and non-coastal) to which customs, duties, various taxes and duties demanded for the transit of our goods are paid.

II. Attitude of Rwanda towards the International Convention on the Law of the Sea

Since Rwanda is a landlocked country, it hailed with satisfaction the conclusion of the new Convention on the Law of the Sea, the proceedings or negotiations of which took ten years to complete under the aegis of the United Nations. Rwanda was even among the first countries which signed this Convention at Montego Bay in Jamaica on 10 December 1982.

In fact this Convention brings certain innovations our country considers very positive. This Convention will remedy the injustice in former conventios on the law of the sea, injustice which handicaped to a great extent non coastal countries such as Rwanda. The term landlocked is more appropriate to our situation (besides it is more explicit in English).

The United Nations Convention on the Law of the Sea, therefore, gives landlocked countries certain rights. These may be divided into three categories viz:

- 1) The right of access to and from the sea and the freedom of transit;
- 2) The right to enjoy the freedom of the high seas;
- 3) The right to participate in the export of an appropriate share of the remainder of the living resources of the exclusive economic zones of the coastal states and the right to explore and exploit the sea beds in the disenclosed international zone, common heritage of mankind.

III. What are the specific advantages Rwanda expects to derive from the implementation of this Convention? more specifically, what does it expect from coastal countries?

If Rwanda hailed the conclusion of the United Nations Convention on the Law of the Sea it must not be in vain. We must all adhere to the Convention. The provisions of the Convention should therefore really be implemented by all those States which committed themselves by signing and satisfying the Convention so that it does not go unheeded.

To be more specific, our country expects the implementation of the provisions on the rights of free access to and from the sea and on the freedom of transit. We would wish that coastal countries scrupulously respect the rights of landlocked countries including our country.

Landlocked countries, including Rwanda, therefore, expect a free transit of their goods, with no restriction whatsoever, through the territories of coastal and non-coastal States. We also expect the right to use the ports of coastal States.

For my country, the facilities stated in the Convention would alleviate to a considerable extent the burden imposed on our goods in transit (import and export) and, in this way, contribute to improve our national economy. According to the United Nations Convention on the Law of the Sea, we all know that the traffic in transit should have the following facilities:

- 1) No customs duties;
- 2) No taxes or other fees with the exception of course, of duties paid for services rendered;
- 3) Possibilities of establishing fee or other customs facilities in the port of the country of transit.

On this third point, our country is very pleased about the good disposition of the two coastal countries through which its goods transit namely Kenya and Tanzania. In fact, these two countries agreed to give Rwanda the possibility of constructing warehouses at the port of Mombasa (Kenya). It intends to renovate

and enlarge them. Tanzania, a friendly and brotherly country, has already placed at our disposal a plot at Isaka for the construction of our warehouses.

It should be noted here that these facilities were negotiated even before the conclusion of the United Nations Convention on the Law of the Sea.

May we express here once again our gratitude for the good disposition of these friendly and brotherly countries as regards African solidarity and South-south co-operation. We also express the wish that other special steps be taken or agreements between our respective countries be concluded in the near future to grant us more important facilities for which provision is made in the United Nations Convention on the Law of the Sea (and especially the exemption from customs duties and other taxes) since the Convention clearly states that transit States should conclude bilateral agreements with landlocked States to determine the conditions and modalities under which the freedom of transit can be exercised.

#### IV. General observations before concluding (personal opinion)

It should be noted that in the United Nations Convention on the Law of the Sea, landlocked States could not obtain the right to participate in the exploration and exploitation of the non-living mineral, solid, liquid and gaseous resources of the Exclusive Economic Zone (even if they so wished during negotiations).

They could only exploit very little of the living resources of the Exclusive Economic Zone of the coastal States. According to the terms of this Convention, the landlocked countries are therefore "entitled to an appropriate part of the Exclusive Economic Zones of the coastal States of a same subregion or region".

An accurate interpretation of this clause shows that landlocked States can only pretend to this right, if the coastal States concerned are willing. They alone can determine whether there is a remaining balance of the living resources of the Exclusive Economic Zone or not. We would like to point out here that we cannot question this clause since we have already signed the Convention. Nevertheless, we would like to call upon African coastal States to show their goodwill by allowing landlocked States to exploit the remains thus proving our African solidarity to developed countries most of which (in hesitating to sign the Convention) show that they are guided by purely nationalist interests.

#### V. To conclude some recommendations

In our opinion:

1) The States parties to the United Nations Convention on the Law of the Sea, Developing States in particular, should make the various States accept

the Convention as a universal one and particularly those developing States which are still reticent to adhere to it.

2) Developing countries should show solidarity among themselves and prevent possible split between coastal and landlocked States to protect better their own interest in the face of the egoism of certain developed countries.

3) African States could conclude agreements at regional or subregional level so as to make all coastal countries, landlocked and other States of our continent derive much benefit from the Convention and defend the Exclusive Economic Zones of our coasts against the rapaciousness of developed countries and their multinational corporations.

## SUDAN

The delegation of the Sudan present its compliments to the secretariat of the ECA and has the honour to state the following points, which constitute the efforts and achievements accomplished by Sudan in its territorial waters in the Red Sea:

Firstly: Regarding legislations relating to territorial matters, Sudan has adopted:

(a) The Regional Agreement for the Preservation of the Environment of the Red Sea and the Gulf of Aden, signed in Jeddah 14th February, 1982 by Jordan, Saudi Arabia, Sudan, Somalia, Palestine, Republic of Yemen, and Democratic Republic of Yemen.

(b) The Protocol concerning Regional Co-operation for the Prevention of Pollution by Oil and other Materials in Emergency cases. This Protocol is issued in accordance with the above-mentioned agreement.

(c) The Law of the Sudanese Regional Sea and Continental Shelf; 1970.

Secondly: Regarding the current agreements concerning exploitation of the resources in Sudanese territorial waters in the Red Sea, Sudan has adopted the Agreement between Sudan and Saudi Arabia concerning the joint exploitation of the natural resources in the Red Sea bed. Signed on 16 May 1974.

Thirdly: Regarding the development of Sea resources Sudan has established an institute for marine technology.

TANZANIA

1. Legislations on Territorial Waters

Tanzania is a signatory of the United Nations Convention on the Law of the Sea and will soon ratify it. To date, however, our territorial sea is, 50 nautical miles as per the Presidential proclamation on territorial sea of 1973 which is yet to be revoked.

2. Status of Hydrographic Surveys

This is still in its embryonic stage; much is expected to be done after the ratification of the convention.

3. Past and Current Activities in the Continental Shelf

We have no past activities on the continental shelf. We intend to follow the provisions of the Convention-viz-art. 76 & 77 of the same.

4. Current Agreements concerning Exploration and Exploitation of Resources of the Sea within the Territorial Waters

There is no agreement. We have had joint ventures as far as fishing is concerned.

5. The Place of Marine Science and Technology in the Economy and Implication of the Convention on the Law of the Sea

Tanzania has neither the infrastructure, finance, manpower nor technology requisite for marine scientific research. We recommend bilateral and regional co-operation in this area. As regards exploration and exploitation of non-living resources of the sea bed, we recommend global co-operation.

6. The State of National Capability in Developing and Managing the Marine Resources

Tanzania has neither the finance nor technology to develop and manage the sea resources. We recommend bilateral and regional co-operation and invitation of foreign investments: training programmes to be part of the agreements.

Prior to the Convention, Tanzania had a number of legislations on marine activities. These are still in force.

ANNEX II

ATTITUDES OF ORGANIZATIONS TO THE UNITED NATIONS  
CONVENTION ON THE LAW OF THE SEA



THE NEW LEGAL REGIME OF THE OCEANS AS PROVIDED  
FOR IN THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Of all the regions of the world, Africa probably has the most to gain from the adoption of the new United Nations Convention on the Law of the Sea. The Convention places special emphasis on the role and interests of developing States and since all countries in Africa are developing States, both coastal and land-locked, the existence of the Convention will enable them to manage and exploit the resources of the oceans on more equitable terms.

The Convention itself established a comprehensive framework for the regulation of all ocean space. It is divided into 17 parts and nine annexes, and contains provisions governing, *inter alia*, the limits of national jurisdiction over ocean space, access to the seas, navigation, protection and preservation of the marine environment, exploitation of living resources and conservation, scientific research, sea-bed mining and other exploitation of non-living resources, and the settlement of disputes. In addition, it establishes new international bodies to carry out functions for the realization of specific objectives.

The foundation on which numerous concepts enshrined in the Convention are based on is the notion that the enjoyment of rights and benefits involves the concomitant undertaking of duties and obligations, so that an overall equitable order may be created.

The Convention allows for the establishment of a territorial sea of up to 12 nautical miles in breadth, providing various methods for determining baselines and for distinguishing between territorial waters and internal waters. The traditional right of innocent passage through territorial waters is recognized, and some specificity as to what kinds of activities will contravene innocence of passage is included.

Beyond territorial waters, the Convention allows the creation of an exclusive economic zone of up to 200 nautical miles. This is a new concept that did not exist in the old law of the sea. Traditionally, all areas beyond territorial waters comprised the high seas. In order for coastal States to gain economic benefit from areas further off their shores, it was necessary for them to extend their territorial waters, thus eliminating all freedoms of the high seas in the annexed areas. But in extending their jurisdiction, it is necessary for the Coastal State to recognise the rights of other States in the zone. This recognition of the rights of others is, however, without

prejudice to the rights of the coastal State. In order to safeguard the protection of so many different interests in the zone, all states must undertake to respect and accommodate the rights and legitimate uses of other states in the zone. The Convention lays a broad framework for the peaceful accomplishment of this purpose.

The creation of the concept of the exclusive economic zone will now make it possible and feasible for developing coastal States, including those of Africa, to regulate and enjoy the resources of their economic zones. At the same time, the Convention provides for land-locked States to participate through agreements with Coastal States in the exploitation of the living resources of the economic zones of neighbouring coastal States. Furthermore, the Convention has gone a long way to address a major concern of African land-locked States, i.e. on the right of access of these States to and from the sea and the Freedom of transit. The Convention also provides for the interests of land-locked States beyond areas of national jurisdiction, since they now will be able to participate, on an equal footing, with other States in the management and exploitation of the resources of the international Area.

Referring to other parts of the Convention, African States, are further affected by its provisions, e.g. in the protection and preservation of the marine environment. The largest volume of oil tanker traffic goes around Africa. This traffic poses severe environmental dangers for the whole of Africa and the articles on vessel source pollution is given special prominence in the Convention.

Under the traditional law of the sea, marine research was conducted mostly by developed States exclusively as a freedom of the high seas. This has now been drastically changed insofar as research in the territorial sea and the exclusive economic zone can only be conducted with the consent of the coastal State. The Convention clearly spells out how coastal states can exercise their discretion to give or withhold consent as well as other safeguards and obligations.

For the first time in the history of maritime law have the rights and interests of land-locked and geographically disadvantaged states been specifically addressed under extensive provisions of the Convention. Among these rights are the right of access to and from the sea of land-locked states. Land-locked states shall also enjoy freedom of transit through the territory of transit states by all means of transport. In exercising these rights, terms and modalities shall be agreed upon between land-locked states and transit states through bilateral, regional or sub-regional agreements. Land-locked and geographically disadvantaged states under the Convention also enjoy the right to explore the living resources in the exclusive economic zone of neighbouring coastal states under terms to be agreed

upon with neighbouring coastal States. Since the international area and its resources are the common heritage of mankind, all states irrespective of their geographic location should benefit from activities to be carried out therein. Consequently, land-locked and geographically disadvantaged states under the Convention can participate in all activities to be carried out in the Area for their economic development.

The Convention seeks to promote the development and transfer of marine technology, particularly to developing states, including land-locked and geographically disadvantaged states, with regard to the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment, marine scientific research and other activities in the marine environment which are compatible with the Convention. This should be done with a view to accelerate the social and economic development of all developing states.

All states that are parties to the Convention shall settle any disputes among them concerning the interpretation or application of the Convention by peaceful means in accordance with article 2, paragraph 3 of the Charter of the United Nations, and to this end shall seek a solution by means indicated in article 33, paragraph 1 of the Charter. Therefore, the objective of the provisions of the Convention is generally to ensure that disputes concerning the interpretation or application of the provisions of the Convention should be settled as described above or by other peaceful means of the parties' own choice.

A major Part of the Convention deals with the exploitation of the resources of the international Area. The mechanism that has been created under the Convention to regulate the exploration and exploitation of the Area as well as provisions regarding the financial and other benefits of this exploitation will allow developing States, in conjunction with other States, to have a major role in all these activities as well as to enable them to enjoy the benefits accrued therefrom.

The "Area" is defined as the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. The Area and its resources are declared to be the "common heritage of mankind" and no State may claim or exercise sovereign rights over any part of the Area or its resources or appropriate any part thereof. All mining activities in the Area are to be under the control of the International Sea-Bed Authority. A parallel system is established under which the Authority is empowered both to undertake mining operations through an organ called the "Enterprise" and to enter into contracts enabling private and State ventures to acquire mining rights. Under the parallel system an applicant for a contract would identify two areas of equal estimated value and, in granting the contract, the Authority would allocate one of them to the applicant while reserving the other for exploitation by either the Enterprise or by developing countries.

The general policies of the Authority would be determined by the plenary Assembly, while the executive functions will be the responsibility of a 36-member Council composed of different sea-bed mining and non sea-bed mining interests. The Council's decision-making procedures are described in the Convention ranging from consensus to simple majority decisions depending on the importance of the subject matter.

In order to avoid causing hardship to producers of land-based minerals, a production control system has been established under which mineral production from the sea-bed would be based on a formula linked to the annual growth in the world consumption of nickel and limited to 60 per cent of such growth.

Resolution I of the Third United Nations Conference on the Law of the Sea created the Preparatory Commission, the body which will make the arrangements enabling the Authority and the International Tribunal for the Law of the Sea to be set up and to commence operations.

The Preparatory Commission has also been entrusted to carry out certain functions under resolution II of the Conference and among these are those that govern preparatory investments in pioneer activities. Under this resolution, certain protections are granted to qualifying persons or parties involved in sea-bed mining who apply to the Commission and are registered by it to conduct exploratory activities. The Commission has been empowered to fulfil particular functions on behalf of the international community as a whole prior to the entry into operation of the Authority.

In carrying out its tasks, the Commission has set up a mechanism consisting of four Special Commissions, i.e. Special Commission 1 on the problems to be faced by land-based producer states, especially developing states; Special Commission 2 for the preparation of the early effective operation of the Enterprise; Special Commission 3 to draft the rules and regulations to govern sea-bed mining (sea-bed mining code); and Special Commission 4 to draft rules and regulations for the Special Commission for the International Tribunal for the Law of the Sea.

The Plenary of the Commission also meets in informal session to draft the rules and regulations to govern the activities of the Authority.

In all these important as well as other areas, I would like, on behalf of the Special Representative of the Secretary-General for the Law of the Sea, to assure all African States that the Office of the Special Representative stands ready to assist them, as well as the Economic Commission for Africa, through all means at its disposal. We would be very happy to respond to any enquiries or requests, within the framework of the mandate of our office, to advise and assist such States in the future.

CHALLENGES OF MARINE RESOURCES DEVELOPMENT  
FOR DEVELOPING COUNTRIES  
UNDER THE NEW LAW OF THE SEA

The Convention can be viewed as a blue-print for ocean economic development. In brief, the Convention establishes the framework for the development of marine resources. It does this by providing guidelines for (i) the optimum exploitation of fishery resources, (ii) establishing a regime for deep sea-bed mineral resources development and management, (iii) establishing a balance between the exploitation and conservation of marine resources and, (iv) regulating scientific research while promoting the sharing of technology. While the Convention offers opportunities for such achievements, it also poses challenges to States, in particular developing States.

Of particular importance in this respect is the fact that knowledge about the resources of the ocean is still rudimentary compared to that which has been developed on terrestrial resources. Moreover, the technology and personnel required to make offshore resource assessments are less available and more costly. In addition areas to be explored are obviously less accessible and exploration vessels and survey equipment are more sophisticated and expensive. Finally, relatively few developing countries possess the infrastructure, technology and skilled personnel to plan for and undertake offshore resource assessments.

At the outset, the first problem that would confront most countries is whether or not the capabilities to overcome these challenges exist. Maritime surveillance for example, provides the necessary information to enforce national and international laws and to effectively control activities in these areas. A common feature of many African countries is the proximity of their maritime boundaries. Consequently, opportunities exist for them to co-operate in sharing the information required in the delimitation exercise.

Another set of problems that arise as a result of the opportunities offered by the Convention and that are of relevance to the economic potential of the maritime area falling under national jurisdiction, is concerned with assessing resources within this area. These resource assessment questions would, in most cases include, inter alia.

- (i) Are there any noteworthy resources in the given maritime area?
- (ii) How can the extent of these resources be determined?
- (iii) If there are any resources, are they economically exploitable?

Assuming that a given set of resources has been established to exist, a subsequent set of questions would ostensibly deal with the development of these resources and would include inter alia.

- (iv) Does the country have the necessary human resources?
- (v) Does the country have the technological capabilities?
- (vi) Does the country have the financial means or access to the finance to develop these resources?

And finally, a developing country will have to consider its national priorities in view of its development goals. Related questions in this respect would include, inter alia.

- (vii) Will the development of this particular marine resources contribute to solving a set of socio-economic problems?
- (viii) Is the existing institutional infrastructure adequate to undertake such development?
- (ix) Is it worthwhile for the country to establish a comprehensive marine policy and to introduce the full scope of marine resources into the national development process at this time?

In general, it may be said that the information base on marine resources in most countries is underdeveloped. Apart from fishery resources, knowledge about the occurrence of other resources, i.e. minerals, hydrocarbons, unconventional sources of energy, etc., is sparse. The acquisition and analysis of information on any of the above requires considerable technological and managerial capabilities. In the case of fishery resources, according to the Convention, the coastal State shall determine the allowable catch, which in turn, depends on the concept of maximum sustainable yield. Economic and technical issues are involved in making this determination. As assessment of a given ocean resource's economic exploitability requires capabilities in oceanography, marine geology, marine engineering and market analysis, among other.

The opportunities and challenges for developing countries extend also beyond the limits of national jurisdiction, specifically in the International Area.

The Area and its resources have been declared as the Common Heritage of Mankind. In this connexion, the Convention lays down a detailed regime governing the Area and its resources. It also provides for the effective participation of developing States in economic activities in the Area. In the case of the former, developing States have the opportunity to participate in the International Sea-Bed authority, (the institution responsible for organizing, carrying out and controlling exploration and exploitation of the resources of the Area) and in the case of the latter, through participation in the Enterprise (the mining arm of the Authority). However, the knowledge and technological capabilities required for the economic exploitation of these resources and again found mostly in the developed States. Effective participation by developing States can therefore materialize only when such States acquire the requisite knowledge and capability.

The opportunities and challenges emanating from the Convention are not limited to developing coastal States alone. Developing land-locked States and geographically disadvantaged States can participate in the economic activities in the oceans in the following ways: (i) through the exploitation of an appropriate part of the surplus of the living resources of the EEZ of coastal States of the same subregion; (ii) through sharing the benefits derived from the exploitation of non-living resources of the continental shelf of coastal States beyond 200 miles and; (iii) from the exploitation of resources of the Area.

According to the Convention on the Law of the Sea a distinction can be made in terms of resource development within areas under national jurisdiction i.e. territorial sea, exclusive economic zone, and the continental shelf -- and within the International Area the resources of which are to be developed as the Common Heritage of Mankind. In terms of the benefits to be gained from economic development, it should be emphasized that the resources of the International Area will be exploited at best near the end of the century and may generate direct benefits for developing countries most probably during the next century. The resources of areas within national jurisdiction, however, are exploitable with present day technology and are susceptible to contributing immediately to their economic development.

Also relevant is the fact that 90% of presently exploitable resources (living and non-living) are located in areas within national jurisdiction. This does not mean that the potential of the International Area should be ignored -- far from it; but efforts will understandably be concentrated in the regions closer to the shores.

It has been mentioned that whether the decision is to develop marine resources or to place priorities elsewhere, a country needs a reliable information base to make rational political choices. Very often this basis does not exist. In order to be able to establish it and to proceed with a commitment on the level of resource development, a country also needs access to skilled human resources, materials, technology and adequate financing.

The Lagos Plan of Action for the economic development of Africa during the period 1980-2000, recognizes the need to assess resources if they exist and to organize the skills, knowledge and experience of local personnel in institutions which effectively deploy their work. These institutions would, of course, have to be backed by adequate material resources and support services.

In the discussion on institutional arrangements for marine resources development the motivations of some countries for their choices were reviewed. In the examples given, concerned governments may be thought of having addressed themselves to the following issues:

- (i) What are the principal functional areas that a local capability is required to service?
- (ii) What are the main tasks to be performed in each functional area?
- (iii) What are the skills required of personnel performing these tasks?
- (iv) What is the nature and volume of the resources and the support services required to support these personnel? and
- (v) What are the main institutions required to effectively deploy the personnel, resources and support services to the tasks and functional areas?

More important than the structure of the institutional arrangements (number of agencies involved, types of agencies, etc.), are the procedural and operational aspects. Improvements in policy formulation, joint planning procedures and the establishment of a coherent legislative and regulatory framework constitute priorities for the process of institutional building.

The challenges of marine resources development for African countries under the new Law of the Sea, present many opportunities for growth in the economies of many of the countries. They also offer opportunities for interested governments to work toward the objectives provided in the Lagos Plan of Action.



FAO ACTIVITIES IN AFRICA IN RELATION TO THE FISHERIES ASPECTS  
OF THE NEW LEGAL REGIME OF THE OCEAN

The paper reviews the status of fishery development in Africa, analyses the prospects and constraints brought about by the new legal regime of the sea and examines FAO activities in the region in support of fishery development prospects.

The paper states that African waters, both marine and inland, have considerable fishery resources, the potential yield of which is currently estimated at about 11 million tons per year. Fish production by African States in 1982 was only 3.3 million tons while production by non-African States amounted to 3.5 million tons. However, although fish supplies potentially available to Africa are more than sufficient to meet the overall continent's present fish food demand, yet there is a geographical mismatch between the distribution of fish resources and that of consumer populations. Thus, for Africa to achieve self-sufficiency in fish supply, intra-regional trade must be promoted and encouraged.

The extension of national jurisdiction over fisheries entails both added opportunities for development and increased responsibilities for coastal states. For developing coastal States, the new ocean regime provides them unprecedented opportunities to build up their fisheries as a valuable resource for domestic use and for export. Unfortunately, many African coastal States do not, at present, possess the necessary infrastructure, the technology and manpower required to fully develop and manage their fisheries and thus derive maximum benefits from their newly acquired fishery wealth. They require technical assistance, as well as capital aid.

The paper asserts that FAO has the experience and capabilities to assist African countries to implement the kind of programmes demanded by the new legal regime. In providing such assistance, FAO has followed a regional approach and the paper describes the factors favouring this approach, and mentions the four intergovernmental fisheries bodies set up by FAO to promote and strengthen this regional collaboration in Africa. These are the General Fisheries Council for the Mediterranean (GFCM), the Fishery Committee for the Eastern Central Atlantic (CECAF), the Committee for the Development and Management of the Fisheries of South West Indian Ocean (SWIO) established under the Indian Ocean Fisheries Commission (IOFC) and the Committee for Inland Fisheries of Africa (CIFA). The role which these bodies play in the development and management of African fisheries and the support they get from global, interregional and regional fisheries developmental programmes and projects executed by FAO are described.

Particular attention is devoted to the implementation of FAO's Comprehensive Programme for the Development and Management of Fisheries in the Exclusive Economic Zones (EEZs). The Programme's activities in the fields of policy and planning; monitoring, control and surveillance; and fisheries legislation are reviewed. The importance of regional projects is underlined and the objectives of selected regional projects described.

In addition to the EEZ Programme, the paper mentions the FAO Technical Co-operation Programme (TCP) which provides, on request, short-term assistance to meet urgent and unforeseen development problems or meet critical needs in emergencies. It also highlights the types of assistance which the FAO Regional Office for Africa (RAFR) based in Accra, Ghana provides to member countries in the development and management of the fishery resources within their EEZs. Particular mention was made of the training courses in fisheries statistics which RAFR has been sponsoring since 1976.

Finally, the paper reports upon the conclusions of the FAO World Conference of fisheries management and development and their implications for the African region. The conference adopted by consensus a global Strategy comprising policy principles and guidelines for fishery management and development in light of the new law of the sea. It also approved an integrated package of five programmes of action which are designed to assist developing countries in further improving their individual and collective self-reliance in fisheries management and development. All the action programmes are of special interest and importance to Africa. In each of them, financial provisions are made for the future activities of the FAO regional fisheries bodies operating in the Africa region and their technical support units and regional programmes. The five special action programmes relate to the planning, management and development of fisheries; development of small-scale fisheries; aquaculture development; international trade in fish and fishery products; and the promotion of the role of fisheries in alleviating under-nutrition.

The Conference also adopted a series of special Resolutions calling for increased financial and technical support for fisheries development; the greater use of fish products in international food aid programmes; intensified efforts to combat marine pollution; priority assistance for land-locked countries, in particular those of the Sahel zone; greater economic and technical collaboration in fisheries management and development especially among developing countries; and the declaration of an International Year of the Fisherman.

In conclusion, African governments are called upon to increase the priority they assign to fisheries in their national development plans, if they expect to develop their fisheries rationally and expeditiously, and derive the maximum benefits from their extended fishing zones in the shortest possible time. They should also give more attention to manpower development. In this connection, as much as possible, training should be more practically oriented and directed to actual needs. In the field of research, emphasis should be placed on stock assessment with a view to increasing knowledge of the resources and determining accurately the potential, as well as the total allowable catch (TAC), so as to avoid possible over exploitation.

## THE ROLE OF THE CHARTERED SURVEYOR IN MARINE RESOURCE MANAGEMENT

1. My brief was to prepare a paper on the management of marine resources 'as seen through the eyes of chartered surveyors'. I should begin by explaining that chartered surveyors are members of the Royal Institution of Chartered Surveyors, the body in the U.K. responsible for supervising the education and training of surveyors, prescribing their code of conduct, and promoting their professional competence. Although based in the U.K. the RICS also has members practicing in more than 100 other countries, most of them in the Commonwealth, and many of them indigenous African surveyors working in their own countries.
2. In my preface I have distinguished between three main fields of activity with which the main disciplines of the chartered surveyor are concerned, namely:
  - (a) Surveying and Mapping (including Hydrographic Surveying);
  - (b) Construction and Construction Economics;
  - (c) Land Administration and Mineral Resource Management, with which we now also associate Marine Resource Management.
3. My paper is concerned primarily with the third of the disciplines, but I should like to make some preliminary remarks about hydrographic surveying, the importance of which several delegates have already emphasized. This aspect of surveying is concerned with:
  - (a) traditional functions of producing charts for navigation on the high seas, in territorial waters and approaches to ports, and other data of interest to mariners;
  - (b) positioning rigs and other structures in the seas, in connexion with the development of oil and gas resources;
  - (c) the establishment of baselines and the delineation of the boundaries of territorial seas, continental shelves and exclusive economic zones; and
  - (d) the production of topographical data on the sea-bed, and geological and other data on the resources to be found in the seas, and on or below the sea-bed.

4. The location and identification of marine resources are conditions precedent to their efficient management and development. Although I am sure the facts are familiar to this meeting, I thought it worthwhile to illustrate in Appendices B and C of my paper, in graphical and statistical form, the great extent of the seabed over which African coastal States will have jurisdiction and the magnitude of the survey task with which they are confronted. Hydrographic surveying must have a high priority in setting up any organisation to manage and develop marine resources.

5. But let me now pass to the main theme of my paper, which is the function of actually managing marine resources. In Part 3 of my paper, I explain the sovereignty which coastal States exercise over their territorial seas and their sovereign rights within their continental shelves and exclusive economic zones, because the new international regime is fundamental to the management functions which devolve upon individual States. Secondly, in looking at the management task, I thought it relevant to emphasise the wide variety of resources that may fall within national jurisdictions, which I list in paragraph 1.2 of my paper, and most of which have been mentioned already during this Meeting.

6. Nature has not placed an abundance of all these treasures in every EEZ. But many coastal States may discover that they enjoy rights to many valuable assets, and it is highly important that these should not only be located and identified by surveys, but also that they should be prudently managed. Some of the resources may be developed by the sovereign authority itself; in other cases it may be appropriate to grant concessions to multinational corporations or other operation, with whom satisfactory terms will have to be negotiated. Many international companies are already searching for opportunities to develop these resources, and it is important that, when entering into negotiations with a view to granting concessions, every State should have the right sort of advice to protect its interest. Even where the State is inclined to develop resources itself, it is just as important that it should know whether this is likely to produce the most advantageous economic result.

7. So what is marine resource management all about? In a sentence it is concerned primarily with securing the optimal use of resources to meet social and economic needs. The principal functions which seem to flow from that objective are set out in paragraph 5.1 of my paper as follows:

- (a) organising the acquisition of bathymetric and environmental data and the provision, maintenance and distribution of navigational charts, nautical publications and topographical and other data covering areas of concern;

- (b) organising the delineation of baselines and the boundaries of territorial seas, EEZ's and continental shelves;
- (c) organising and co-ordinating resource surveys within those zones;
- (d) studies of the methodologies and viability of resource exploitation;
- (e) market research of development possibilities, including related economic considerations, the identity of likely contenders for concessions, and potential sources and types of development finance;
- (f) establishing policies for the management and harvesting of fish stocks, and the promotion of aquaculture;
- (g) considering opportunities for developing energy from waters, currents or winds; or for developing artificial islands, marinas and other recreational facilities;
- (h) establishing criteria for environmental protection and conservation policies;
- (i) defining development objectives, and evolving management policies to achieve those objectives, including relevant forms of grant (including leases and licences) to be offered to prospectors or operators;
- (j) organising the provision of infrastructures (on-shore and off-shore) required for resource development;
- (k) granting facilities for exploration and exploitation, and settling the terms on which grants are made;
- (l) overseeing the activities of grantees, monitoring the observance of the conditions of grants, and collecting revenues derived from operations;
- (m) co-ordinating the various resource development programmes;
- (n) liaison with those concerned with navigation and other maritime affairs within the seas in question; and with authorities responsible for landward areas which may have to service, or may be affected by the development of marine resources; and
- (o) liaison with agencies responsible for managing the marine resources of neighbouring countries; and, in appropriate cases, undertaking joint ventures with them.

8. How all these functions are organised depends upon the management structure which the government adopts. I originally intended to set out in my paper the various forms of structure governments might choose, but I am glad I said as little as I did, because the matter is covered very thoroughly indeed by Dr. Levy. Moreover, my theme is the management skills required, and whatever governmental structure is adopted, to a large extent the same amalgam of skilled inputs will be required, namely:

- (a) a wide variety of experts such as geologists, geophysicists, hydrographers, fisheries experts, environmental experts, financial experts and lawyers; and
- (b) a central co-ordinating role of policy-making, planning and management.

It is this second function with which my paper is concerned - the person who pulls the whole thing together and can advise the government on its management objectives and priorities; on its development strategy; on the choice between the State developing resources itself or granting concessions to others; on the financial basis on which concessions should be granted, including the determination of premiums, rents and royalties - and on the environmental and other controls that need to be imposed.

9. My suggestions are based on the philosophy that is evolving in the U.K. It is the tradition there that the evolution of professional skills and the provision of professional education are not matters which government seeks to dictate, but are best left to the self-governing professional bodies created by Royal Charter and the equally independent universities. This process has stood the test of time, and is successfully followed in certain other Commonwealth countries as well.

10. For four centuries, the profession primarily concerned with land administration and resource development has been that of the chartered surveyor, and we see the extension of these functions into the sphere of marine resource management as a logical and natural evolution. In consequence, the RICS (representing the profession) is collaborating with U.K. Universities in the development of courses suitably adopted to marine resource management. The most appropriate course at present is the degree in Marine Geography (and Resource Management) provided by the University of Wales (Institute of Science and Technology), which has produced four crops of graduates during the past four years.

11. It may be helpful if I mention that the course at the University of Wales is able to accept students from outside the United Kingdom, which may perhaps provide an interim solution for some African countries that need people qualified in this discipline, in advance of indigenous courses being available.

12. Many other courses, at the University of Wales and elsewhere, cover a wide variety of Marine Studies, but the one I have mentioned is the only one at present which focusses specifically on marine resource management as I have defined that function. The RICS would hope to see similar courses evolve in due course, which provide a sound grounding in the accepted theoretical studies in law and economics, an understanding of the sciences and technologies relevant to marine resource management and development, a mastery of the economics of marine resource development, and a thorough knowledge of management principles which will equip the manager for his role in policy formulation and implementation.

13. It will be evident from what I have said that, in the RICS, we feel it is prudent to develop courses in marine resource management on the basis of our long experience in the management of land and mineral resources - making due allowance for the differences in the marine environment. In the meantime, until chartered surveyors specially qualified in marine resource management are available in sufficient numbers, those qualified in land and mineral resource management will be able to advise on specific aspects.

14. In due course, at least some African countries will no doubt seek to provide indigenous facilities for education in marine resource management. If assistance were required, the RICS would be glad to advise on the establishment of such facilities.

## INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION

The representative of the Intergovernmental Oceanographic Commission (IOC) briefly described its activities: The IOC has five major science programmes: Ocean Science in Relation to Living Resources (OSLR); Ocean Science in Relation to Non-Living Resources (OSNLR); Ocean Dynamics and Climate (ODC); Marine Pollution Research and Monitoring; and Ocean Mapping.

OSLR is a joint activity with FAO; OSNLR is a joint activity with the United Nations Ocean Economics and Technology Branch (OETB); certain aspects of the marine pollution programme are carried out with UNEP. The IOC also offers ocean services to the member States - the Integrated Global Ocean Services System (IGOSS, jointly with WMO); International Oceanographic Data Exchange; International Tsunami Warning System in the Pacific. All these programmes are backed by a programme of training, education and mutual assistance in the marine sciences. The IOC is supported by the UN, FAO, WMO and IMO, as well as its present body - UNESCO, and assists them in discharging certain of their responsibilities in the field of marine scientific research.

In Africa, IOC has Programme Group for the Co-operative Investigations in the North and Central Western Indian Ocean (IOCINCWIO), which has developed a programme of co-operative regional marine scientific research, particularly with respect to ocean dynamics - to improve monsoon prediction etc.; living resources - to improve prediction of stock variations; and the preparation of a regional bathymetric chart - to facilitate mineral exploration. A similar IOC Programme Group for the Central Eastern Atlantic (IOCEA) has also been created, and the basis for a programme of work, similar to that of IOCINCWIO, was developed at a Workshop on Regional Co-operation in the Marine Sciences in the Central Eastern Atlantic, held in Tenerife in 1983.

Regarding the Convention on the Law of the sea and the New Ocean Regime the IOC is making a detailed analysis of its implications, with a view to serving the member States better. To meet concerns expressed during the Third United Nations Convention on the Law of the Sea, the IOC adopted a Comprehensive Plan for a Major Assistance Programme to Enhance the Marine Science Capabilities of Developing countries. This Plan has been endorsed by UNESCO. It envisages the development, on request of member States, of Marine Science Country Profiles, of National Oceanographic Committees or similar bodies, where necessary to improve liaison in this field, and the preparation of regional or subregional technical assistance projects to develop marine science capabilities.

The IOC representative stressed his organization's readiness to co-operate with the ECA and other relevant organizations of the United Nations systems, their regional subsidiary bodies, or other relevant regional organizations.



## THE LAW OF THE SEA CONVENTION AND IMO'S ACTIVITIES

Mr. M. Valenzuela (IMO) presented the background paper submitted by the International Maritime Organization. The paper contained two sections: the first one dealing with the first objective of the meeting: "to increase the awareness of member States of the provisions of the Law of the Sea Convention"; and the second, informing about IMO's activities on technical co-operation, particularly in Africa.

On the first section, the speaker stated that the United Nations Convention provides a general legal framework for the national and international regulation of the issues dealt with therein.

As far as IMO is concerned, the Convention establishes general principles relating to navigation, the promotion of safety at sea, the prevention and control of vessel source pollution, and the regulation of pollution by dumping whilst leaving the specific implementation thereof to be carried out in accordance with applicable international rules and standards. Many of these rules and standards are agreed by all to be those established within IMO. Thus in relation to many of the Convention's provisions, IMO is accepted to be "the competent" international organization for establishing the applicable rules and regulations which are enjoined of States in the application of the Convention.

This is particularly true of the Convention's provisions and principles concerning:

- (a) the rights and obligations of flag States, coastal States and port States (including powers of enforcement permitted to these States);
- (b) the powers and responsibilities of States in the newly-established exclusive economic zone;
- (c) the obligations and rights of coastal States and international shipping in the newly-established regime of transit passage through straits used for international navigation; and
- (d) the conditions and procedures regarding the establishment and use of artificial islands, installations and structures.

In this connexion, Mr. Valenzuela referred to IMO constitution and work, and the principal IMO Conventions directly relevant to UNCLOS provisions, and to the priority given by IMO Assembly to the implementation of the international standards and regulations.

He mentioned the study undertaken by the IMO Secretariat on the implications of UNCLOS for the conventions and work of IMO, at the request of the IMO Assembly. The IMO representative mentioned the tentative conclusions of the paper, particularly in relation to port state enforcement.

On the second section, Mr. Valenzuela emphasized the special significance to IMO of the Convention's provisions relating to international co-operation and the provision of advice and assistance to developing countries. Following the decision of the IMO Assembly that the Organization should concentrate attention on the implementation of international regulations and rules, and in light of the vital role which the Organization's technical co-operation programme plays in the global implementation of international standards, these provisions on international co-operation and technical assistance to developing countries were likely to have significant implication in the future work of the Organization. This was particularly so because of the expected increase both in the extent and scope of assistance required by individual states and in the number of States who may need and require such assistance from IMO in connexion with new or enlarged maritime programmes.

He summarized Section D of IMO's paper, which contains material on IMO's technical assistance programmes, referring particularly to the World Maritime University.

Finally, the representative of IMO offered any assistance of his Organization to African States, as well as the Economic Commission for Africa, within the framework of IMO's mandate and financing, for the accomplishment of the objectives set out for the Meeting.

ACTIVITIES OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION  
IN THE FIELD OF MARINE INDUSTRIAL TECHNIQUES

1. Since 1967, the year in which it was established, the UNIDO has executed some fifty projects dealing with marine industries particularly in such fields as sea salt production through the use of solar energy, mining of non-metallic ores, fishing, industry, production of seaweed, boat construction and repairs, marine mechanics. Some African countries acquired a notable experience in the last two fields and are beginning to construct certain equipments for the drilling platform in the sea. The UNIDO has organized seminars-workshops in preparation for the Africa region with regard to the Programme for the Industrial Development Decade for Africa (IDDA).
2. With regard to its programme on technical progress, the UNIDO made studies and organized conferences to underline what the exploration and mining of sea beds imply. Two studies are available in the field of marine industrial techniques; the first (1981) deals with the "Exploration and Mining Techniques of Marine Resources with Potentialities for Developing Countries"; the second (1982) deals with "Ocean Mining and Developing Countries". These two studies clearly show the need for developing countries to have a close interest in the huge marine resources.
3. From the technical point of view, apart from hydrocarbons, sand and gravel are products which can easily be removed from sea beds. The world's needs are enormous and to protect the environment, it is ever becoming necessary to look for sand and gravel which can abundantly be found in the oceans. The dredging technique is often used and hydraulic dredgers may be used up to a depth of 600 metres.
4. Phosphorite deposits can be found in huge quantities. In 1964, they were estimated at 30 billion metric tons, potentialities covering one thousand years if consumption rates are taken into consideration. According to an estimate made by UNIDO in 1978, a phosphorite nodules processing factors, to be economically reliable, should have a minimum production capacity of one million tons.
5. Tests on mining techniques are being carried out by different consortia as regards polymetallic nodules. It seems the mechanical system of bucket line is given up for the hydraulic system with multiple variants. In all cases, many technological innovations are still indispensable of profitable commercial mining to be achieved. The work to be done in development and research, the capital, the sophisticated equipment and techniques to be used and the need in technical competence are considerable and far beyond the risks of firm may like to take hence the establishment of consortia to share the work and the risks as well.
6. With regard to this situation, the major obstacles to be surmounted by developing countries wanting to engage in the exploration and mining of mineral resources are enormous. They include, among others, the lack of experience and the absence of qualified staff capable of managing the technologies likely to be transferred in this field.

7. The United Nations Convention on the Law of the Sea underlines the role which UNIDO ought to play in helping developing countries in marine affairs. UNIDO is, therefore, proposing to implement in the near future a programme of technical co-operation among States and regions beginning from actually available and transferable techniques and expert appraisals. The programme comprises:

(i) Analysis of the conditions and actual prospects of the industrial mining of marine resources and the foreseeable impact of the socio-economic models of developing countries in the medium and long terms;

(ii) Co-ordination and follow-up of national, subregional and regional initiatives with the view to encouraging the establishment and/or the expansion of enterprises of research in and mining of marine resources;

(iii) Collection and dissemination of information on the techniques, results obtained and on-going experiments in the field of marine industrial techniques;

(iv) Assistance to developing countries for training in relevant industrial skills.

(v) Encouragement of the exchange of experience on the technical, economic, scientific and administrative aspects of the mining of marine resources between industrialized countries on the one hand and between developing countries on the other.

8. In his special report to UNIDO IV, the Executive Director of UNIDO proposed the idea of establishing an international Centre for Marine Industrial Techniques. That idea made its way at UNIDO and it is our opinion that the on-going study on the evolution and trends of marine industrial techniques should provide a base for the terms of reference of the Centre if the latter should one day be established.

## UNEP ACTIVITIES RELATED TO UNCLOS

Four of the United Nations Environment Programme (UNEP) main programme activities are directly relevant to the issues with which the United Nations Convention of the Law of the Sea (UNCLOS) is concerned:

- The Regional Seas Programme;
- The Environmental Law Programme;
- The Conservation Programme;
- The Global Environmental Monitoring System (GEMS).

The activities undertaken by UNEP under these various programmes are particularly relevant to Part XII of the UNCLOS entitled, "Protection and Preservation of the Marine Environment" as well as to some other relevant articles, sections or parts of the UNCLOS:

The Regional Seas Programme

The activities carried by States within the framework of UNEP's Regional Seas Programme a direct elaboration of the objectives and measures referred to in Articles 123 and 197 of UNCLOS. The UNEP Regional Seas Programme whose major objective is to promote through regional action plans co-operative efforts for the protection and development of the marine environment and coastal areas resources has been initiated in 1974. At present, the Regional Seas Programme covers eleven areas where action plans are either operative or under development. All African coastal and island States are participating directly in one of the four action plans covering their region. These are the Action Plans for the Mediterranean Region (adopted in 1975); the West and Central African Region (adopted in 1981); the Red Sea and Gulf of Aden (adopted in 1982) and the East African Region (under development, adoption expected in 1985).

All action plans are structured in a similar way, although the specific activities for any region are dependent upon the need and priorities of that region. An action plan usually includes the following components:

- Environmental assessment. This concerns assessing and evaluating the causes of environmental problems as well as their magnitude and impact on the region.
- Environmental management. Each regional programme includes a wide range of activities in the field of environmental management.
- Environmental legislation. An umbrella regional convention elaborated by specific technical protocols, most often provides the legal framework for co-operative regional and national actions.

- Institutional arrangements. When adopting an action plan, Governments agree upon an organization to act as the permanent or interim secretariat of the action plan.
- Financial arrangements. UNEP, together with selected United Nations and other organizations, provides "seed money" or catalytic financing in the early stages of regional programmes. However, as a programme develops, it is expected that the Governments of the region will progressively assume full financial responsibility.

#### The Environmental Law Programme

In the framework of its environmental law programme, UNEP has contributed to the development of Principles of Conduct in the Field of the Environment for the Guidance of States in the Conservation and Harmonious Utilization of National Resources shared by two or more States; has established the group experts who finalized the study on the Legal Aspects concerning the Environment related to Offshore Mining and Drilling carried out within the Limits of National Jurisdiction. At present, UNEP is working with Senior Government Office Experts on the development of Global Guidelines, Principles or agreements for the Control of Marine Pollution from land-based sources. Work is also taking place for the promotion of the adoption and implementation by States of legal and other appropriate mechanisms for assessing the effects on the environment of potentially harmful activities under their jurisdiction or control, as well as the dissemination of information and its public use thereof.

#### The Conservation Programme

The UNEP's conservation programme has included the preparation of the marine components of the World Conservation Strategy (WCS) and provides support to activities derived from the WCS as well as the World Charter for Nature. Lately, UNEP joined forces with FAO, International Union for Conservation of Nature and Natural Resources (IUCN), International Whaling Commission (IWC) and Scientific Committee on Antarctic Research (SCAR) to develop the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals. In the area of conservation, UNEP is providing support to two major Global legal instruments namely the Convention on Conservation of Migratory Species of Wild Animals (Born, 23 June 1977) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

#### The Global Environmental Monitoring System (GEMS)

The GEMS is a set of internationally co-ordinated activities for the collection and evaluation of data, the comparability of which should be assured as a basic requirement for global assessment. GEMS should have a lead role in co-ordinating the monitoring and environmental assessment activities called for in the Convention on the Law of the Sea.

## Conclusions

Looking to the future and the possibilities for UNEP's collaborating, with resources available to it, with States in implementing the Convention on the Law of the Sea, five main initiatives for the protection and preservation of the marine environment may be suggested:

- monitoring and assessment of the state of the marine environment;
- increased activities for the protection and preservation of the World's oceans and seas;
- effective implementation of the Convention through the provision of global guidelines and principles relating to specific aspects of the protection and preservation of the marine environment;
- questions such as liability and compensation for environmental injury;
- monitoring and evaluating the environmental impact of activities such as sea-bed mining and determining necessary environmental protection measures.

UNEP will do its utmost with the resources available to it to assist Governments to mobilize their resources and capabilities to deal effectively with problems such as those listed above.

ANNEX III  
RECOMMENDATIONS



## RECOMMENDATIONS

The African Intergovernmental Meeting on Aspects of Application of the Provisions of the United Nations Convention on the Law of the Sea, convened in Addis Ababa, Ethiopia from 17 to 21 September 1984:

National Level

## 1. Appeals to African States

(a) to avail themselves, to a greater degree than in the past, of the opportunities offered and provided by international and other organizations for information, advice and assistance within the respective mandates of these organizations. This will enable African States to implement their developmental programmes within the marine environment more effectively and efficiently,

(b) to endeavour to be more responsive and to participate fully while dealing with all matters involved with marine affairs.

2. In order to ensure increased and effective participation by African States in the work of the Preparatory Commission for the International Sea Bed Authority and International Tribunal for the Law of the Sea, recommends that those African States which have not signed the Convention do so by the deadline set by the Convention (December 9, 1984).

3. In order to allow for an early entry into force of the Convention and the establishment of the International Sea Bed Authority and the International Tribunal for the Law of the Sea, recommends that all African States which have not yet ratified the Convention do so as quickly as possible.

(i) Living Resources of the EEZ and Inland Waters

4. Urges African States to increase the priority they accord to fisheries in their national development plans and in particular to formulate appropriate fisheries management and development policies and programmes including the provision of necessary infrastructures for:

- (a) resource surveys
- (b) marketing facilities
- (c) aquaculture development
- (d) collection, storage and processing of data and information
- (e) conservation
- (f) technology and manpower development
- (g) artisanal/small scale fisheries development
- (h) monitoring, control and surveillance

### Subregional/Regional Level

5. In order to accommodate the problems of the landlocked states, with regard to the provisions of the Convention, recommends, increased co-operation between landlocked and coastal states within existing regional bodies.

6. Recognizing the fact that it may not be technically and economically feasible for individual coastal States to undertake some of the activities necessary for the full development and management of the fishery resources in particular shared stocks, recommends that coastal States should co-operate on a regional and subregional basis.

### International level

7. In view of the importance and effectiveness of the full range of assistance provided by FAO to African States in the development and management of fishery resources through regional bodies.

#### Recommends

(a) the continuation of the FAO/UNDP regional programme for the development and management of fisheries in the Eastern Central Atlantic (CECAF) and that for the South-West Indian Ocean (SWIO);

(b) the establishment of a similar project for the General Fisheries Council for the Mediterranean (GFCM) coastal States.

8. Brings to the notice of African States, the possibility of making use of the educational and other facilities available in other countries pending the establishment of relevant courses, machinery and the like in Africa itself and urges them to make use of such facilities.

#### (ii) Non-Living Resources of the EEZ

### National level

9. Urges African States to include in their national development plans mineral development and management policies for the optimum development of the non-living resources and in particular to develop the necessary infrastructure for:

- (a) acquisition of technology and manpower development
- (b) creation of institutions
- (c) co-operation including exchange of scientists and other personnel
- (d) conservation
- (e) collection, storage and processing of data and information.

Subregional/regional level

10. Since the conduct of bathymetric and hydrographic surveys require the use of sophisticated technologies and expertise which may be beyond the reach of individual coastal States at present, recommends co-operation in the conduct of marine scientific research on the continental shelf and its superjacent waters.

International level

11. In order to ensure optimum development of our non-living resources, recommends the provision of assistance from United Nations agencies and other organizations in:

(a) economic and technological aspects of marine mineral exploration and exploitation;

(b) development of marine scientific infrastructure and related university and technical school curricula, international fellowships, development of technical and scientific basis for coastal area management including conservation and protection of resources, planning, promotion and co-ordination of international marine science research projects;

(c) provision and development of marine industrial technologies.

12. Brings to the notice of African States the possibility of making use of the education and other facilities available in other countries, pending the establishment of relevant courses, machinery and the like within Africa itself and urges them to utilize such facilities.

(iii) The International Sea Bed Area

13. Noting the provisions of the Convention regarding transfer of technology and provision of scientific information, recommends that African States should take steps to ensure that:

(a) all necessary technologies for the exploitation of the international sea bed area are made available to them;

(b) manpower training in the use of these technologies is made available to them;

(iv) Marine and coastal areas environment

14. Fully aware of the importance and need for the protection of the marine and coastal environment against pollution and all forms of degradations as a prerequisite for the rational and sustainable exploitation of the seas and coastal areas resources;

National level

15. Recommends to African States

- (i) to develop their marine pollution research and monitoring capabilities in terms of institutional infrastructures, trained manpower and equipment;
- (ii) formulate national policies and legislation for marine pollution prevention and control including policies and legislation for coastal areas development and management and for minimising pollution from land based activities.

Subregional/regional level

16. Recommends to African coastal States to intensify their participation in ongoing and planned regional programmes aimed at the protection and development of the marine environment and coastal areas resources of the African continent such as the Action plans for the Mediterranean; West and Central Africa, Red Sea and East African Regions; including early ratification of the legal instruments which are part of these regional programmes.

International level

17. (a) Invites UNEP to continue the efforts it had deployed in co-operation with United Nations bodies to assist African States in the protection and development of the marine environment and coastal areas resources within available resources;

(b) Likewise invites IMO to continue similar efforts concerning Vessel-source pollution and pollution by dumping.

18. Invites African States to implement effectively the provisions of the United Nations Convention on the Law of the Sea as well as those of other global and regional agreements directly or indirectly concerned with the protection, development and management of the marine environment and coastal areas resources.

19. Calls on concerned United Nations and specialized agencies as well as competent international organizations to assist African States in their endeavours for the protection and development of the marine environment and coastal areas resources for the benefit of present and future generations.

#### General

#### ECA Assistance

20. Recommends to the Economic Commission for Africa that in carrying out its mandate, the ECA: should seek the close co-operation of the other specialized agencies and other relevant bodies, of the United Nations System, in the development of national infrastructure, human resources and related facilities, required to enable the member States to enjoy to the fullest extent possible the resources of the sea, the sea bed and the marine environment, in zones of national jurisdiction and beyond to enable them to assume the responsibilities for national management and protection of the marine environment flowing from the United Nations Convention on the Law of the Sea and the New Ocean Regime.

#### Participation of African member States and the Organization of African Unity (OAU) at the Meetings on the Convention on the Law of the Sea and its organs

21. (a) Notes that the African member States are usually very poorly represented at the important meetings related to the Convention on the Law of the Sea and the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea.

(b) Observes that such poor representation tended to weaken African opinion and voice in the decisions which emerge from debates on the floor.

(c) Appeals to the African member States to ensure not only adequate and active representation but also that specialists such as marine scientists, economists, geologists, mining engineers, etc., are sent to such meetings.

(d) Further appeals to the OAU, whose absence at this African Inter-governmental Meeting on Aspects of Applications of the Provisions of the United Nations Convention on the Law of the Sea is deplored, to endeavour not only to participate, and thus render support to the African participants at the meetings of the Preparatory Commission, but also to sponsor at the African level meetings on the Convention on the Law of the Sea as well as on marine resources development and management.