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COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED  
AND THE OCEAN FLOOR BEYOND THE LIMITS  
OF NATIONAL JURISDICTION

Conclusions in the General Report of the African  
States Regional Seminar on the Law of the Sea,  
held in Yaoundé, from 20-30 June 1972

(Circulated as a Committee document pursuant to  
the decision of the Committee at its 78th meeting  
held on 20 July 1972)

After examining the reports, conclusions and recommendations of the various working groups, which were discussed and amended, the seminar adopted the following recommendations:

I. (a) On the territorial sea, the contiguous zone and the high seas:

- (1) The African States have the right to determine the limits of their jurisdiction over the Seas adjacent to their coasts in accordance with reasonable criteria which particularly take into account their own geographical, geological, biological and national security factors.
- (2) The Territorial Sea should not extend beyond a limit of 12 nautical miles.
- (3) The African States have equally the right to establish beyond the Territorial Sea an Economic Zone over which they will have an exclusive jurisdiction for the purpose of control regulation and national exploitation of the living resources of the Sea and their reservation for the primary benefit of their peoples and their respective economies, and for the purpose of the prevention and control of pollution.

The establishment of such a zone shall be without prejudice to the following freedoms: Freedom of navigation, Freedom of over-flight, freedom to lay submarine cables and pipelines.

- (4) The exploitation of the living resources within the economic zone should be open to all African States both land-locked and near land-locked, provided that the enterprises of these States desiring to exploit these resources are effectively controlled by African capital and personnel.

To be effective, the rights of land-locked States, shall be complemented by the right of transit.

These rights shall be embodied in multilateral or regional or bilateral agreements.

- (5) The limit of the Economic Zone shall be fixed in nautical miles in accordance with regional considerations taking duly into account the resources of the region and the rights and interests of the land-locked and near land-locked States, without prejudice to limits already adopted by some States within the region.
- (6) The limits between two or more States shall be fixed in conformity with the United Nations Charter and that of the Organization of African Unity.
- (7) The African States shall mutually recognize their existing historic rights.

However certain participants expressed reservations as to a 12 miles limit for the territorial sea and as to fixing a precise limit.

On recommendation No. 5 others thought that the general principles of International Law should be referred to in order to fix maritime limits.

(b) On "Historic Rights" and "Historic Bays":

- (1) That the "historic rights" acquired by certain neighbouring African States in a part of the Sea which may fall within the exclusive jurisdiction of another State should be recognized and safeguarded.
- (2) The impossibility for an African State to provide evidence of an uninterrupted claim over a historic bay should not constitute an obstacle to the recognition of the rights of that State over such a bay.

Adopted without reservation.

II. On the biological resources of the sea, fishing and maritime pollution,

Recommendations

The Participants:

Recommend to African States to extend their sovereignty over all the resources of the high sea adjacent to their Territorial Sea within an economic zone to be established and which will include at least the continental shelf.

Call upon all African States to uphold the principle of this extension at the next International Conference on the Law of the Sea.

Suggest that African States should promote a new policy of co-operation for the development of fisheries so as to increase their participation in the exploitation of marine resources.

Recommend to African States to take all measures to fight pollution and in particular:

- by establishing national laws to protect their countries from pollution;
- by advocating in International Organizations the conclusion of appropriate agreements on control measures against pollution.

Adopted without reservation.

### III. On the continental shelf and the Sea-bed:

#### Recommendations

- (1) The Economic Zone embodies all economic resources comprising both living and non-living resources such as oil, natural gas and other mineral resources.
- (2) Political and strategic aspects of the sea-bed were considered. The need to use the sea-bed exclusively for peaceful purposes presupposes the definition of a legal régime to ensure greater security of the sea while guaranteeing the respect of the rights of coastal states.
- (3) The participants considered that natural resources outside the Economic Zone should be managed by the International authority.
- (4) The participants stressed the necessity for the Agency to function democratically and the need for adequate continental representation therein. Representation should not be based on the sole criterion of maritime strength and account should be taken of the existing imbalance between developed and developing countries.
- (5) The Seminar categorically rejected the veto system and considered the system of weighted voting undemocratic.

- IV. Concerning settlement to the conflicts which may arise between coastal States and the International Community.

Recommendations

In the light of their discussions the Seminar approves the principle of setting up an international governing body to manage the common heritage outside the limits of national jurisdiction. It considers that this body must conform with the spirit of the resolution which provided for its creation, and for this reason must be structured and operate in such a way that the developing countries should be the primary controllers and beneficiaries.

The Seminar recommends that the international body should carry out its wishes on the Sea-bed and sub-soil for the benefit of the International Community.

Therefore, it considers that its action will depend on the desire of States to extend their limits of jurisdiction. The Seminar noted that it was important for this body to avoid being a simple administrative apparatus issuing licences and distributing royalties.

It considers that to be efficient the International body must seek the best ways and means to involve the business concerns of developing countries in exploiting the resources available in its zone of using these resources to promote the progress of mankind in the developing countries so as to correct the grave imbalance between the nations.

The Seminar considers that all these objectives can be achieved if the participation of developing countries in the planning, setting up, and operation of this body is assured without restriction.

Adopted unanimously:

The participants expressed the unanimous wish that these recommendations should be notified to all African States and to the OAU.