

DOCUMENTS OF THE CONFERENCE

DOCUMENT A/CONF.62/70

Provisional agenda of the eighth session of the Conference

[Original: English]
[14 March 1979]

1. Opening of the session by the President of the Conference
2. Minute of silence for prayer or meditation
3. Adoption of the agenda for the session
4. Organization of negotiations during the eighth session
5. Consideration of the subject-matter referred to in paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973
6. Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the final act of the Conference
7. Signature of the convention and the final act (at Caracas)

DOCUMENT A/CONF.62/71

Resolution 176 (XVIII) adopted by the Trade and Development Board of the United Nations Conference on Trade and Development at its 510th meeting on 17 September 1978*

[Original: English/French]
[14 March 1979]

176 (XVIII). THE EXPLOITATION OF THE SEA-BED BEYOND THE
LIMITS OF NATIONAL JURISDICTION

[For the text, see Official Records of the Trade and Development Board, Eighteenth Session, Supplement No. 1.]

*Circulated at the request of the Secretary-General of the United Nations Conference on Trade and Development.

DOCUMENT A/CONF.62/72

Letter dated 23 March 1979 from the Chairman of the group of African States to the President of the Conference

[Original: English/French]
[26 March 1979]

I have the honour, in my capacity as the current Chairman of the group of African States to the Third United Nations Conference on the Law of the Sea, to submit to you the text of the Declaration of the Organization of African Unity passed by the extraordinary meeting of the Council of Ministers of the Organization on the law of the sea which met at Nairobi on 3 and 4 March 1979, and request that the same be issued and circulated as a document of the Conference, as unanimously decided in the plenary meetings.

(Signed) F. A. YOUSIF (Sudan)
Chairman of the group of African States
to the Third United Nations Conference
on the Law of the Sea

DECLARATION CONCERNING THE INTERNATIONAL RÉGIME AND MACHINERY FOR THE SEA-BED

The Council of Ministers of the Organization of African Unity, meeting in its twelfth extraordinary session at Nairobi, Kenya, on 3 and 4 March 1979,

Recalling the terms of the Declaration of the Organization of African Unity on the Law of the Sea, adopted by the twenty-first ordinary session of the Council of Ministers and the Tenth Assembly of heads of State and Government of the Organization, at Addis Ababa in May 1973 (CM/ST.11/Rev.2 (XXI)),

Recalling all the relevant resolutions of the ordinary sessions of the Council of Ministers on the Law of the Sea especially resolutions CM/Res.514 and CM/Res.521 (XXVII), adopted in Mauritius, CM/Res.539 (XXVIII), adopted in Lome, Togo, CM/Res.570 (XXIX), adopted in Gabon, and CM/Res.649 (XXXI), adopted at Khartoum, Sudan,

Attaching great importance to the historic attempt by the Third United Nations Conference on the Law of the Sea to elaborate a universally recognized international régime and international machinery for administering the common heritage of mankind,

Having thoroughly reviewed the state of negotiations at the Third United Nations Conference on the Law of the Sea, Aware of the fact that the negotiations at the Conference

have reached a crucial stage which demands from the group of African States at the Conference, the necessary solidarity for the defence of the interests of Africa and its people,

Conscious of the need to accommodate the various interests of African States, namely, land-locked States, coastal States, and geographically disadvantaged States,

Declares as follows:

1. *Reaffirms* the Declaration of the Organization of African Unity on the Law of the Sea;

Common heritage of mankind

2. The African States further reaffirm that the international area and its resources are the common heritage of mankind and should not be divided for the purposes of exploration and exploitation into sectors or reserved for a country or a group of countries or private or state-owned enterprises.

System of exploration and exploitation

3. The African States are unequivocally of the view that the principle of the common heritage of mankind could be realized only by the unitary system of exploration and exploitation and the establishment of an effective authority to carry out activities in the area.

4. The African States believe that any compromise on the outstanding issues relating to sea-bed exploitation must meet the following conditions:

(a) There shall be an interim régime for the international area for twenty years from the entry into force of the convention, during which time the system for the conduct of activities in the area should ensure effective control by the Authority so that the benefits of international area shall accrue to all States.

(b) The Enterprise shall be an effective operating organ, capable of undertaking activities in the area at the same time as other entities. To this end the convention shall contain provisions for adequate financing, transfer of technology and training of personnel.

(c) The convention shall provide for the equitable sharing of benefits derived from the activities in the area, taking into account the indirect benefits accruing the States parties from such activities. It shall make provision to minimize the adverse effects which the commercial exploitation of the international area might have on the economies of developing countries producing the same minerals, and to safeguard the interests of developing countries, mainly the land-locked and geographically disadvantaged countries, by the planning and rationalization of production of all minerals in the area. It shall further contain provisions to protect developing countries which are land-based producers through the participation of States parties in the appropriate international commodity arrangements and through a system of compensatory payment for adversely affected countries.

(d) The convention shall contain provisions ensuring that all States participate in activities in the area and accordingly it shall not permit any monopoly by a State or group of States.

(e) The convention shall contain provisions ensuring that the terms of contracts for activities in the area provide for effective control by the Authority and for maximization of benefits to the Authority.

Programme for training of personnel

5. The African States are of the view that, having regard to the nature of the international machinery contemplated by proposals at the current Third United Nations Conference on the Law of the Sea, the new International Sea-Bed Authority

will need personnel with inter-disciplinary skills in various technical and administrative aspects of the exercise of its powers and functions. They consider that the only existing qualified individuals in the various skills in contemporary times are nationals of the industrialized countries. They consider that, in order to avoid monopoly by nationals of the industrialized countries in the functioning of the Authority in the technical fields of mining and processing as well as the negotiation of contracts relating to exploration and exploitation of resources in the Area,

(a) A training programme for nationals of developing countries should be worked out forthwith to equip them in the skills needed for such functioning of the Authority and to meet the need for effective participation by the developing countries in all functions of the Authority, its organs and activities in the area; and

(b) To intensify any existing programmes in this field, including a co-ordination of the efforts involved in these programmes.

African participation in the International Authority

6. As regards the factors underlying the unfavourable status of the nations and peoples of the developing countries in the present international economic and social order, the African States consider it imperative that the developing countries share fully in the power structure of the new International Sea-Bed Authority as part of an effective participation in the activities in the area, in accordance with the principle of equitable geographical distribution. In the composition of the organs of the Authority, the convention shall contain provisions prohibiting permanent membership by any State, and ensuring that the principle of rotation shall be applied.

Decision making

7. The African States reject any system of veto or weighted voting because it is incompatible with democratic principles.

Unilateral action

8. The African States:

(a) Firmly endorse the declaration of the Group of 77 at the Conference regarding the resort to national legislation by certain industrialized States illegally to carry out activities in the area. They deplore such unilateral measures as they undermine the legal implications of the common heritage as well as the current negotiations.

(b) Call on all States to refrain from any unilateral measures relating to the sea-bed area and to demonstrate good faith in the delicate negotiations at the Conference.

Basis of negotiations

9. The African States maintain that the informal composite negotiating text¹ is still the basis of negotiations at the Conference and reject any attempt aimed at eroding the principle of the common heritage.

Package deal

10. The African States reaffirm their determination not to accept any convention on the Law of the Sea, unless the package of all issues, without exception, have been satisfactorily resolved in a comprehensive treaty. They will not recognize any piecemeal agreements and consider that no customary law would be established by the provisions of these agreements.

¹ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. VIII (United Nations publication, Sales No. E.78.V.4).