

Annexes

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DECLARATIONS, RESOLUTIONS AND REPORTS ADOPTED OR CONCLUSIONS REACHED BY INTERNATIONAL ORGA- NIZATIONS, INTERNATIONAL CONFERENCES OR OTHER INTERNATIONAL MEETINGS

A. UNITED NATIONS

DECLARATION OF PRINCIPLES GOVERNING THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION (GENERAL ASSEMBLY RESOLUTION 2749 (XXV) ADOPTED ON 17 DECEMBER 1970)

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the item refers,

Affirming that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster the healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that:

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.

3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration.

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established.

5. The area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination, in accordance with the international régime to be established.

6. States shall act in the area in accordance with the applicable principles and rules of international law, including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race.

9. On the basis of the principles of this Declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The régime shall, *inter alia*, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof, and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

(a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) Through effective publication of research programmes and dissemination of the results of research through international channels;

(c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources.

11. With respect to activities in the area and acting in conformity with the international régime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia*:

(a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) The protection and conservation of the natural resources of the area and the prevention of damage to the flora and fauna of the marine environment.

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

13. Nothing herein shall affect:

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the area, subject to the international régime to be established.

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability.

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

B. OTHER ORGANIZATIONS, CONFERENCES AND MEETINGS

1. MONTEVIDEO DECLARATION ON THE LAW OF THE SEA, 8 MAY 1970^a

The States represented at the Montevideo Meeting on the Law of the Sea,

Recognizing that there exists a geographic, economic and social link between the sea, the land, and its inhabitant, Man, which confers on the coastal peoples legitimate priority in the utilization of the natural resources provided by their marine environment,

Recognizing likewise that any norms governing the limits of national sovereignty and jurisdiction over the sea, its soil and its subsoil, and the conditions for the exploitation of their resources, must take account of the geographical realities of the coastal States and the special needs and economic and social responsibilities of developing States,

Considering that scientific and technological advances in the exploitation of the natural wealth of the sea have brought in their train the danger of plundering its living resources through injudicious or abusive harvesting practices or through the disturbance of ecological conditions, a fact which supports the right of coastal States to take the necessary measures to protect those resources within areas of jurisdiction more extensive than has traditionally been the case and to regulate within such areas any fishing or aquatic hunting, carried out by vessels operating under the national or a foreign flag, subject to national legislation and to agreements concluded with other States,

That a number of declarations, resolutions and treaties, many of them inter-American, and multilateral declarations and agreements concluded between Latin American States, embody legal principles which justify the right of States to extend their sovereignty and jurisdiction to the extent necessary to conserve, develop and exploit the natural resources of the maritime area adjacent to their coasts, its soil and its subsoil,

That, in accordance with those legal principles the signatory States have, by reason of conditions peculiar to them, extended their sovereignty or exclusive rights of jurisdiction over the maritime area adjacent to their coasts, its soil and its subsoil to a distance of 200 nautical miles from the baseline of the territorial sea,

That the implementation of measures to conserve the resources of the sea, its soil and its subsoil by coastal States in the areas of maritime jurisdiction adjacent to their coasts ultimately benefits mankind, which possesses in the oceans a major source of means for its subsistence and development,

That the sovereign right of States to their natural resources has been recognized and reaffirmed by many resolutions of the General Assembly and other United Nations bodies,

That it is advisable to embody in a joint declaration the principles emanating from the recent movement towards the progressive development of international law, which is receiving ever-increasing support from the international community,

Declare the following to be Basic Principles of the Law of the Sea:

1. The right of coastal States to avail themselves of the natural resources of the sea adjacent to their coasts and of the soil and subsoil thereof in order to promote

^a Presidencia de la República, República Oriental del Uruguay, *América Latina y la extensión del mar territorial: régimen jurídico* (Montevideo, 1971), pp. 147-149. Adopted at the Montevideo Meeting on the Law of the Sea held from 4 to 8 May 1970, with signature by the following States: Argentina, Brazil, Chile, Ecuador, El Salvador, Panama, Peru, Nicaragua and Uruguay. Text also circulated in document A/AC.138/34. Translation by the Secretariat of the United Nations.

the maximum development of their economies and to raise the levels of living of their peoples;

2. The right to establish the limits of their maritime sovereignty and jurisdiction in accordance with their geographical and geological characteristics and with the factors governing the existence of marine resources and the need for their rational utilization;

3. The right to explore, to conserve the living resources of the sea adjacent to their territories, and to establish regulations for fishing and aquatic hunting;

4. The right to explore, conserve and exploit the natural resources of their continental shelves to where the depth of the superjacent waters admits of the exploitation of such resources;

5. The right to explore, conserve and exploit the natural resources of the soil and subsoil of the sea-bed and ocean floor up to the limit within which the State exercises its jurisdiction over the sea;

6. The right to adopt, for the aforementioned purposes, regulatory measures applicable in areas under their maritime sovereignty and jurisdiction, without prejudice to freedom of navigation by ships and overflying by aircraft of any flag.

Furthermore, the signatory States, encouraged by the results of this Meeting, express their intention to co-ordinate their future action with a view to defending effectively the principles embodied in this Declaration.

This Declaration shall be known as the "Montevideo Declaration on the Law of the Sea".

2. DECLARATION AND RESOLUTIONS ADOPTED AT THE LATIN AMERICAN MEETING ON ASPECTS OF THE LAW OF THE SEA, HELD AT LIMA FROM 4 TO 8 AUGUST 1970^a

(a) DECLARATION OF THE LATIN AMERICAN STATES ON THE LAW OF THE SEA OF 8 AUGUST 1970^b

The Latin American Meeting on Aspects of the Law of the Sea,

Considering:

That there is a geographical, economic and social link between the sea, the land, and man who inhabits it, which confers on coastal populations a legitimate priority right to utilize the natural resources of their maritime environment;

That in consequence of that priority relationship, the right has been recognized of coastal States to establish the extent of their maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to their geographical, geological and biological situation and their socio-economic needs and responsibilities;

That the dangers and damage resulting from indiscriminate and abusive practices in the extraction of marine resources, among other reasons, have led an important group of coastal States to extend the limits of their sovereignty or jurisdiction over the sea, with due respect for freedom of navigation and flight in transit for ships and aircraft, without distinction as to flag;

That certain forms of utilization of the marine environment have likewise been giving rise to grave dangers of contamination of the waters and disturbance of the ecological balance, to combat which it is necessary that the coastal States should take steps to protect the health and interests of their populations;

^a Ministerio de Relaciones Exteriores del Perú, *Instrumentos nacionales e internacionales sobre derecho del mar* (Lima, 1971), pp. 293-307. Texts also circulated as document A/AC.138/28. Translation by the Secretariat of the United Nations.

^b The States which voted in favour of the Declaration were: Argentina, Brazil, Colombia, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Uruguay. Bolivia, Paraguay and Venezuela voted against it; Trinidad and Tobago abstained.

That the development of scientific research in the marine environment requires the widest possible co-operation among States, so that all may contribute and share in its benefits, without prejudice to the authorization, supervision and participation of the coastal State when such research is carried out within the limits of its sovereignty or jurisdiction;

That in declarations, resolutions and treaties, especially inter-American instruments, and also in unilateral declarations and in agreements signed between Latin American States legal principles are embodied which justify the aforementioned rights;

That the sovereign right of States over their natural resources has been recognized and reaffirmed in numerous resolutions of the General Assembly and other United Nations bodies;

That in the exercise of these rights the respective rights of other neighbouring coastal States on the same sea must be mutually respected; and

That it is desirable to assemble and reaffirm the foregoing concepts in a joint declaration which will take into account the plurality of existing legal régimes on maritime sovereignty or jurisdiction in Latin American countries.

Declares as common principles of the Law of the Sea:

1. The inherent right of the coastal State to explore, conserve and exploit the natural resources of the sea adjacent to its coasts and the soil and subsoil thereof, likewise of the Continental Shelf and its subsoil, in order to promote the maximum development of its economy and to raise the level of living of its people;

2. The right of the coastal State to establish the limits of its maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to its geographical, geological and biological characteristics, and the need to make rational use of its resources;

3. The right of the coastal State to take regulatory measures for the aforementioned purposes, applicable in the areas of its maritime sovereignty or jurisdiction, without prejudice to freedom of navigation and flight in transit of ships and aircraft, without distinction as to flag;

4. The right of the coastal State to prevent contamination of the waters and other dangerous and harmful effects that may result from the use, exploration or exploitation of the area adjacent to its coasts;

5. The right of the coastal State to authorize, supervise and participate in all scientific research activities which may be carried out in the maritime zones subject to its sovereignty or jurisdiction, and to be informed of the findings and the results of such research.

This declaration shall be known as the "Declaration of the Latin American States on the Law of the Sea".

(b) RESOLUTION 1 ON THE SEA-BED AND OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

The Latin American Meeting on Aspects of the Law of the Sea,

Considering:

That the Latin American States have declared on various occasions that the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, including the resources of that zone, should be the common heritage of mankind;

That, in order to ensure that the exploration, conservation and exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, shall be carried out for the benefit of all mankind, irrespective of the geographical location of States and taking into consideration the special interests of the developing

States, whether coastal or land-locked, it is essential that these activities be carried out under an international régime which shall include suitable machinery for ensuring joint participation in the administration of the zone and in the benefits derived therefrom;

That the United Nations Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction is at present engaged on the task of drawing up a declaration of principles which should establish the broad lines of the future régime;

That a group of fifteen States, with the participation of Latin American countries, has submitted to the said Committee, in document A/AC.138/SC.1/L.2, dated 23 March 1970, a draft General Assembly resolution containing general principles relating to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction;

That, to succeed in its task, the said Committee must observe in its work a suitable order of priority corresponding to rational criteria for the formulation of rules of international law; and

That the introduction of proposals for the establishment of an interim régime for the international zone might not only delay the completion of the first essential stage, which is to draw up a declaration of principle and the broad lines of a permanent régime, but might also hamper the said Committee in the proper discharge of its mandate;

Decides to recommend to Governments participating in this Meeting that they take account of the following objectives;

(1) that the United Nations Committee on the Sea-Bed and Ocean Floor should continue to give priority to the task of preparing a declaration of principles which would establish the broad lines of the future permanent régime to be established for that zone;

(2) That the said declaration of principles should serve merely as the basis for the Committee's subsequent work, under the mandate conferred on it by General Assembly resolutions 2467 (XXIII) and 2574 (XXIV);

(3) That it would be premature to establish an interim régime for the international zone and to establish the extra-jurisdictional limits of the sea-bed and ocean floor until the above-mentioned stages have been completed;

(4) That in the light of the reports prepared by the Secretary-General of the United Nations on the various possible types of international machinery for the exploration, conservation and exploitation of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, the Latin American Governments shall agree on a common position with regard to determination of the most suitable arrangement for organizing the said machinery and on the question of the desirability of including in it regional or sub-regional systems;

(5) That, without prejudice to any suggestions which they may see fit to make concerning the declaration of principles mentioned under (1), they should at the appropriate time support the broad lines contained in document A/AC.138/SC.1/L.2 of 23 March 1970.

(c) RESOLUTION 2 ON THE CONVENING OF A FURTHER INTERNATIONAL CONFERENCE ON THE LAW OF THE SEA

The Latin American Meeting on Aspects of the Law of the Sea:

Recalling resolutions 798 (VIII) and 1105 (XI) of the United Nations General Assembly;

Having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf, the superjacent waters, and the sea-bed and ocean floor beyond the limits of national jurisdiction are closely linked together, so that their consideration should take account of the necessary correlation between the legal régime and the physical environment to which it applies;

Considering that, at the request of the General Assembly in its resolution 574 A (XXIV), the Secretary-General has consulted Member States on the desirability of convening at an early date a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, in the light of the international régime to be established for that area;

Considering also that the convening of a conference or conferences with a limited agenda for the purpose of dealing separately with particular aspects of the law of the sea is undesirable, because it would compromise the success of a general conference; and that it conflicts with the principle, recognized by the International Law Commission and endorsed by the said General Assembly resolutions, concerning the treatment of maritime questions as a whole;

Bearing in mind, furthermore, that the Secretary-General is to report on the results of his consultations to the General Assembly at its twenty-fifth session;

Recommends to the Governments of the States participating in the Meeting:

(a) That, if they have not already done so, they reply to the Secretary-General's request for their views by expressing themselves in favour of convening an international conference on the law of the sea, provided the conference considers the various topics referred to in resolution 2574 A (XXIV), and once the permanent international régime and the administrative machinery applicable to the extra-jurisdictional sea-bed have been defined, and the studies, reports and inquiries made for that purpose have indicated that there are reasonable hopes for the success of the conference;

(b) That they instruct their delegations to the United Nations to support the above-mentioned position when this question is discussed at the twenty-fifth session of the General Assembly;

(c) That they also instruct the said delegations to oppose any proposal to convene a conference or conferences whose agenda would be limited to particular aspects of the law of the sea.

(d) RESOLUTION 3 ON THE PROBLEM OF THE CONTAMINATION OF THE MARINE ENVIRONMENT

The Latin American Meeting on Aspects of the Law of the Sea:

Recognizing that the exploration, exploitation and use of the oceans and the soil and subsoil thereof and other activities carried out in non-marine environments have recently been creating a serious danger of contamination of waters and disturbance of the ecological balance of the marine environment;

Considering, consequently, the urgent need to take appropriate measures to prevent, control, reduce or eliminate contamination and any other dangerous and harmful effects that may result from the said activities;

Considering further that such measures must include not only rules to govern the exploration, exploitation and utilization of the oceans and the soil and subsoil thereof, and other activities which may affect the marine environment, but also rules relating to the system of liability for the resulting damages;

Recalling the progress made in these matters by various governmental bodies and by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization and the International Atomic Energy Agency,

Recalling also resolution 2467 B (XXIII) of the United Nations General Assembly of the United Nations;

Noting with concern that, notwithstanding the repeated protests of many States, nuclear weapons tests continue to be carried out in the marine environment, destroying important living resources, contaminating the waters by their radioactive effects and disturbing the existing biological, chemical and physical processes and balances;

Considering that, for all these reasons, and without prejudice to any international agreements that have been concluded or which may be concluded on these matters, it is necessary to reaffirm the right of coastal States to take any steps and measures that they may deem necessary for the proper protection of the interests of their peoples against the dangers of contamination and other harmful effects that may result from the use, exploration and exploitation of the seas contiguous to their territories, or from other activities carried out in non-marine environments that may affect the said interests;

Recommends to the Governments participating in this Meeting;

(a) That they reaffirm their decision to take such steps and measures as they may deem appropriate to prevent, control and reduce or eliminate contamination and other dangerous and harmful effects resulting from the exploration, exploitation and use of the sea adjacent to their coasts and of the soil and subsoil thereof, and from any other activities carried out in non-marine environments that may affect the interests of their people, in exercise of the right of coastal States to protect its maritime heritage;

(b) That they reaffirm their opposition to the continuance of those nuclear weapons tests, mainly in the marine environment, which produce effects harmful to the resources of the sea, contamination of waters and disturbance of their existing biological, chemical and physical processes and balances;

(c) That they exchange views and information on appropriate measures for the above-mentioned purposes and on draft international agreements relating to these matters;

(d) That they agree on common positions so that when these matters are discussed in international organizations and at international conferences, their respective representatives may take due account of the rights and interests of coastal States.

(e) **RESOLUTION 4 ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR AND OTHER WEAPONS ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF**

The Latin American Meeting on Aspects of the Law of the Sea:

Taking note of the Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil thereof, submitted to the Conference of the Committee on Disarmament on 23 April 1970 by the Union of Soviet Socialist Republics and the United States of America (CCD/269/Rev.2).

Considering that at present, general and complete disarmament is an objective of fundamental importance for the international community;

Reaffirming its belief that the sea-bed and ocean floor and the subsoil thereof should be used for exclusively peaceful purposes; and

Considering that the draft should not prejudice the maritime sovereignty and jurisdiction of the Latin American States, or affect the regional agreements on disarmament to which they are parties;

Takes note with interest of the work done so far in this connexion by the Latin American countries represented in the Conference of the Committee on Disarmament in an attempt to ensure that due account is taken of Latin American rights and interests in the instrument to be elaborated; and

Recommends to the Governments of States participating in this Meeting that when the General Assembly of the United Nations considers the Draft treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on

the Sea-bed and the Ocean Floor and in the Subsoil thereof, they endeavour to harmonize their efforts with a view to preventing any infringement of their maritime sovereignty and jurisdiction or of the existing regional régime among the Latin American countries on the subject of disarmament.

(f) RESOLUTION 5 ON THE LEGAL ASPECTS OF SCIENTIFIC OCEANOGRAPHIC RESEARCH

The Latin American Meeting on Aspects of the Law of the Sea:

Recalling the resolutions adopted by the General Assembly of the United Nations at its twenty-fourth session on the legal aspects of scientific oceanographic research;

Considering the desirability of a careful study of resolution VI-13 of the Intergovernmental Oceanographic Commission on the promotion of basic scientific research;

Bearing in mind, in particular, the action at present being taken by the said Intergovernmental Oceanographic Commission with a view to the preparation of a draft Convention on the legal status of systems for the acquisition of oceanographic data (SADO);

Considering the importance from the standpoint of basic legal issues such as the sovereignty and jurisdiction of the coastal States, of any criteria that are adopted on this matter.

Decides:

(1) To recommend that the Governments participating in this Meeting undertake a continuing exchange of views with a view to co-ordinating and harmonizing their positions in the various forums dealing with the legal problems of scientific oceanographic research;

(2) To recommend also that these Governments adopt a common stand on the question of the desirability of those matters being considered jointly in the United Nations, so that the developing States, and particularly the Latin American countries, may participate actively in the formulation of any rules it is desired to adopt.

(3) To reaffirm:

(a) That any scientific research carried out within the maritime jurisdiction of a State shall be subject to prior authorization by that State and shall comply with the conditions laid down by that authority;

(b) That the coastal State has the right to participate in any research that may be carried out within its jurisdiction and to benefit from the results of that research;

(c) That all the samples obtained in research of this kind shall be the property of the State in whose jurisdiction the research is carried out and that they may be appropriated by those conducting the research only with the express consent of that State;

(d) That any scientific research which is authorized as such shall continue to be of a strictly and exclusively scientific character.

3. RESOLUTIONS OF THE THIRD CONFERENCE OF HEADS OF STATE AND GOVERNMENT OF NON-ALIGNED COUNTRIES, HELD AT LUSAKA FROM 8 TO 10 SEPTEMBER 1970^a

...

STATEMENT ON THE SEA-BED

The Conference of Heads of State and Government is aware that developing technology is making the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction accessible and exploitable for scientific, economic, military and other purposes. It is convinced that this area should be used exclusively for peaceful purposes and that the potential wealth of the area and its resources should be developed and used for the benefit of mankind as a whole.

The Conference is convinced that rapid progress in this direction is essential if conflict and tension are to be removed from the area and if its resources are to be used for the benefit of mankind. In this connexion the Conference regrets to note that the United Nations Committee on the Sea-Bed has not yet been able to submit a draft Declaration to the General Assembly and expresses the hope that the General Assembly will still be able to adopt such a Declaration to mark the celebration of the twenty-fifth anniversary of the United Nations. In the view of the Conference of Heads of State and Government, such a Declaration should, *inter alia*, reflect the following basic principles:

(1) The sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind.

(2) The area shall not be subject to national appropriation by any means. No State shall exercise or claim sovereign right over any part of it. Nor shall any State or Person claim, exercise or acquire rights with respect to the area or its resources incompatible with these basic principles and the international régime to be established.

(3) The area shall be used exclusively for peaceful purposes.

(4) The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into account the special needs and interests of the developing countries.

(5) On the basis of these principles an international régime, including appropriate international machinery to give effect to its provisions, should be established by an international treaty. The régime should provide for the orderly development and rational management of the area and its resources and ensure the equitable sharing by the international community in the benefits derived therefrom. It should also make adequate provisions to minimize fluctuation of prices of land minerals and raw materials that may result from such activities.

The Conference of Heads of State and Government also supports the convening at an early date of a conference on the Law of the Sea, after due preparations have been made for it by a preparatory committee, to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation

^a *Lusaka Declaration on Peace, Independence, Development, Co-operation and Democratisation of International Relations and Resolutions of the Third Conference of Heads of State or Government of Non-Aligned Countries, Lusaka, Zambia, 8th to 10th September 1970* (Government Printer, Lusaka 1970), pp. 17-18. Text also circulated in document A/AC.138/34. The Conference was attended by the delegates from the following States: Afghanistan, Algeria, Botswana, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Equatorial Guinea, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Yemen, Singapore, Sudan, Swaziland, Syria, Tanzania, Trinidad and Tobago, Togo, Tunisia, Uganda, United Arab Republic, Yemen Arab Republic, Yugoslavia and Zambia.

of living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond national jurisdiction, in the light of the international régime to be established for that area. These questions should be dealt with together in a comprehensive manner rather than piecemeal.

4. REPORT OF THE SUB-COMMITTEE ON THE LAW OF THE SEA OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE, 1971^a

Chairman: Mr. T.O. Elias (Nigeria)

Mr. D. Ogundere (Nigeria)

Rapporteur: Mr. C.W. Pinto (Ceylon)

I. *Organization of work*

The Sub-Committee first took up the question whether the various issues of the law of the sea ought to be divided among two or more working groups. It was agreed that, at least initially, all issues relating to the law of the sea should be considered by the entire Sub-Committee, and that one or more rapporteurs could be appointed in respect of those issues.

The delegation of Malaysia proposed that in view of the contribution made by Ceylon in the United Nations towards progress on principles governing the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a member of the delegation of Ceylon be appointed Rapporteur on that subject. On the proposal of the delegation of Iran, the Sub-Committee agreed that a member of the delegation of Ceylon should act as Rapporteur on all subjects relating to the law of the sea.

The Chairman placed before the Sub-Committee a list of the subjects for discussion and it was agreed that the Sub-Committee should consider them in groups as follows, without prejudice to the order in which any particular subject might be taken up:

1. The extent of the territorial sea, including the matter of rights of coastal States in respect of fisheries, beyond the territorial sea.
2. Exploration and exploitation of the sea-bed:
 - (a) The limits of national jurisdiction over the sea-bed, including a concept of "trusteeship" over the continental margin as proposed by the United States;
 - (b) The type of régime to govern the sea-bed and the ocean floor beyond the limits of national jurisdiction and types of international machinery.
3. International straits.
4. Islands and the archipelago concept.
5. Preservation of the marine environment and other questions.

II. *The extent of the territorial sea, including rights of coastal States in respect of fisheries and zones of economic jurisdiction beyond the territorial sea*

In the course of the discussion some delegations urged that a functional approach be taken to the question of establishing jurisdictional limits. Thus, it was suggested that different limits might be established for different purposes. However, the endeavour should be to arrive at uniform limits for each type of jurisdiction. One delegation was of the view that a coastal State should not have exclusive fishery jurisdiction beyond its territorial sea.

^a Adopted by the Committee at its twelfth session held at Colombo, Sri Lanka, from 18 to 27 January 1971. Asian-African Legal Consultative Committee, *Report of the Twelfth Session*, pp. 201-211. Text also circulated in Document A/AC.138/34.

The Sub-Committee, with the exception of a very few delegations considered that at the present time any State would be entitled under international law, to claim a territorial sea of twelve miles from the appropriate baseline. The majority of delegations indicated that a State had the right to claim certain exclusive rights to economic exploitation of the resources in the waters adjacent to the territorial sea in a zone the maximum breadth of which should be subject to negotiation. Most delegations felt able to accept twelve miles as the breadth of the territorial sea, while supporting, in principle, the right of a coastal State to claim exclusive jurisdiction over an adjacent zone for economic purposes.

A few delegates emphasized that in their view the maximum breadth of the territorial sea could be twelve miles subject to certain conditions, and that it would not be to the interests of all countries in maximum utilization of the living resources of the sea to establish an exclusive jurisdictional zone for economic purposes beyond the twelve miles territorial sea. One of those delegates further indicated that it would have no objection to conferring on developing countries which are coastal States a special status in relation to exploitation of the living resources of their adjacent seas.

One delegation urged that problems of fisheries and fish conservation of living marine resources be approached on a regional or ocean basis, the States in the region or ocean being encouraged to enter into agreements among themselves regulating the rights and obligations of each other in relation to fishing, free of outside interference.

III. *Exploration and exploitation of the sea-bed:*

(a) *The limits of national jurisdiction over the sea-bed, including a concept of "trusteeship" over the continental margin as proposed by the United States*

The Sub-Committee discussed the question whether to consider first the proposed international régime for the sea-bed beyond national jurisdiction, or the limits of national jurisdiction over the sea-bed.

Some delegations suggested that the Sub-Committee should commence its work by considering the extent of a coastal State's jurisdiction over the sea-bed adjacent to its coast, or continental shelf, since in their view the nature of the international régime to be established would depend to a great extent on the limit of national jurisdiction.

Some delegations urged that the question of the limits of national jurisdiction over the continental shelf be taken up only after there had been a discussion of the international régime for the sea-bed beyond national jurisdiction such as was envisaged in the General Assembly's Declaration of 17 December 1970. In their view there was a vital connexion between the character of that régime (including the international machinery) and the question of limits: if agreement could be reached on a strong organization which offered a reasonable prospect of providing real benefits to the developing countries in accordance with a scheme which would fairly take into account the needs of those countries, there might be support for relatively narrow limits of national jurisdiction. On the other hand, if the machinery contemplated were to lack comprehensive powers or were for some other reason unable to discharge such functions acceptably, then it might become necessary to consider recognizing much wider limits of national jurisdiction so as to allow coastal States themselves maximum opportunity for exploitation.

Following a discussion of the relative merits of depth, distance, and a combination of both factors as criteria for measuring the limit of the continental shelf, several members, while expressing a preference for a distance criterion on the ground that a simple depth criterion might be unfair to States with narrow continental shelves, indicated that they would prefer to leave the matter open for the time being until they had been able to gather more scientific data and had studied the full implications of using each particular criterion. Whatever criterion or figure was arrived at, it must be related to the equities of the situation and take account of a variety of factors, including the nature of the proposed international machinery.

A few delegations indicated their clear preference for a depth criterion of, say, 200 metres, which had been accepted and acted upon by many States over the years. Some delegations objected to limiting national jurisdiction to the 200 metre isobath because the Geneva Convention on the Continental Shelf had already admitted a deeper limit beyond that depth and because there are parts of the sea-bed area deeper than the 200 metre isobath but surrounded by areas of lesser depth of one or two States which in their view should be under national jurisdiction, primarily on the ground of propinquity. It was pointed out that some States had in fact authorized exploitation of their adjacent sea-bed areas on the assumption that the depth plus exploitability criterion prescribed in article 1 of the Geneva Convention on the Continental Shelf was settled law, and that it would be unfair and unrealistic to expect States to abandon that criterion altogether, even though its revision in some respects might be necessary.

Some delegations propose that States should abandon the depth plus exploitability criterion for the limits of national jurisdiction and consider recognizing a limit of 200 miles to be measured from the coastal States' baseline as this, in their view, was the most equitable criterion and hence most likely to command the support of the majority of the international community. A number of members were inclined to view the proposal favourably and considered it desirable to study the concept further.

Other delegations pointed out that while they might favour the distance criterion in preference to a depth criterion if very wide limits of national jurisdiction were to be recognized, the remaining area of the sea-bed that may be placed under the control of the international authority would be at such depth as to be impossible to exploit in the near future. This would endanger the financing and viability of any proposed machinery, or permit the creation of only machinery with restricted powers and functions.

The United States proposal for a "trusteeship" area that might extend from the 200 metre isobath to the end of the continental margin was examined at length. It was pointed out that the wide powers and extensive benefits which would be conferred on a "trustee" coastal State under that system, would be incompatible with the status of the area and its resources as the common heritage of mankind. Moreover, it appeared to be inconsistent with the basic principles of trusteeship, as that concept was known in private law systems, in that the trustee and not the beneficiaries appeared to receive the bulk of the benefits of exploitation of the "trusteeship area".

IV. *Exploration and exploitation of the sea-bed:*

(b) *The type of régime to govern the sea-bed and the ocean floor beyond the limits of national jurisdiction and types of international machinery*

The Sub-Committee considered that all the basic principles contained in the Declaration of 17 December 1970, e.g., the common heritage concept, non-appropriability, peaceful uses, benefit-sharing, etc. should be duly defined and incorporated in the Convention on the international régime, thus placing their legally binding force beyond controversy.

The majority of delegations were in broad agreement that the international authority to be set up should have a range of powers along the following lines:

- (i) To explore the international sea-bed area and exploit its resources for peaceful purposes by means of its own facilities, equipment and services, or such as are procured by it for the purpose;
- (ii) To issue licences to Contracting Parties, individually or in groups, or to persons, natural or juridical, under its or their sponsorship with respect to all activities of exploration of the international sea-bed area and the exploitation of its resources for peaceful purposes, and related activities, subject to such terms and conditions, including the payment of appropriate fees and other charges, as the authority may determine;
- (iii) To provide for the equitable sharing by Contracting Parties of raw materials obtained from the international sea-bed area, funds received from the sale

thereof, and all other receipts, as well as scientific information and such other benefits as may be derived from the exploration of the international sea-bed area and the exploitation of its resources;

- (iv) To establish or adopt in consultation, and where appropriate, in collaboration with the competent organ of the United Nations, and with the specialized agencies concerned, measures designed to minimize and eliminate fluctuation of prices of land minerals and raw materials that may result from the exploitation of the resources of the international sea-bed area, and any adverse economic effects caused thereby;
- (v) To encourage and assist research on the development and practical application of scientific techniques for the exploration of the international sea-bed area and the exploitation of its resources, and to perform any operation or service useful in such research;
- (vi) To make provision in accordance with the Convention for services, equipment and facilities to meet the needs of research on the development and practical application of scientific techniques for the exploration of the international sea-bed area and the exploitation of its resources for peaceful purposes;
- (vii) To foster the exchange of scientific and technical information on the peaceful uses of the international sea-bed area and its resources;
- (viii) To promote and encourage the exchange and training of scientists and experts in the field of exploration of the sea-bed and the exploitation of its resources;
- (ix) To establish and administer safeguards designed to ensure that materials, services, equipment, facilities and information made available by the authority or at its request or under its supervision or control are not used in such a way as to further any military purpose;
- (x) To establish and adopt, in consultation and, where appropriate, in collaboration with the competent organ of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property, and on the protection of the marine environment as a whole, and to provide for the application of these standards to its own operations as well as to all other operations authorized by it or under its control or supervision;
- (xi) To acquire or establish any facilities, plant and equipment useful in the carrying out of its authorized functions, whenever the facilities, plant and equipment otherwise available to it are inadequate or available only on terms it deems unsatisfactory; and
- (xii) To take any other action necessary to give effect to the provisions of the Convention.

Several delegations emphasized that in their view the international machinery to be set up to administer the proposed international régime governing the sea-bed beyond national jurisdiction should have comprehensive powers and functions. The machinery should have the capacity to carry out exploration and exploitation activities on its own, even though in the initial stages of its existence it might not be in a position to exercise that function. A few delegations expressed doubts regarding the advisability of conferring the power of direct exploitation on the international machinery, and expressed reservations regarding some of the functions outlined above.

V. International straits

It was acknowledged by all delegations that if it were generally accepted that each State had the right to establish a territorial sea twelve miles wide, several if not all States were likely to exercise that right without delay. As a result, several straits twenty-four miles or less in width would fall under the exclusive jurisdiction of the riparian States concerned.

Several delegations referred to recent suggestions for safeguarding the right of passage through and over straits used for international navigation which might thus fall within the territorial sea of the riparian States. According to those suggestions, in order to safeguard freedom of passage through "straits used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State", the riparian States would be required so to delimit their territorial sea as "always to provide a corridor of high seas suitable for transit by all ships and aircraft".

Several delegations took the view that where a strait or part thereof consisted of the territorial sea of the riparian States, the latter must retain under all circumstances a special authority to control navigation through or above that strait for economic or security purposes or for purposes connected with preservation of the marine environment. For those reasons they would be unable to accept the "corridor of high seas" concept. They were also unable to accept the definition of the term "international strait" implied in those suggestions. They were likewise unable to accept a more recent suggestion whereby "all ships and aircraft in transit shall enjoy the same freedom of navigation and overflight, for the purpose of transit through and over such straits, as they have on the high seas".

While all delegations were in agreement that a strait used for international navigation should in times of peace remain free for the innocent passage of merchant ships of all countries, subject to rules and regulations of the riparian States, many delegations rejected both the "corridor of high seas" and "free transit" concepts. A few delegations expressed themselves in favour of the "free transit" concept.

VI. *The Archipelago concept*

The delegations of Indonesia and the Philippines requested the Committee to consider the problems of archipelagic countries. They urged that archipelagic countries like Indonesia and the Philippines, which consist of thousands of islands, had a special interest in, and relation to, the waters between and around those islands for historical, geographical, ethnological, political and economic reasons, as well as for reasons of national defence and security. In their view, an archipelagic country of this kind was entitled to measure the breadth of its territorial sea from baselines which would guarantee the unity of the archipelago, viz., from baselines connecting the outermost points of the outermost islands of the archipelago. The right of innocent passage from one part of the high seas to another through the waters of an archipelagic country would be guaranteed by that country subject to any rules and regulations it might enact in that regard.

Several delegations expressed their appreciation to the delegations of Indonesia and the Philippines for their elaboration of the archipelago concept. They agreed that sympathetic consideration should be given to the archipelago concept as outlined by the members from Indonesia and the Philippines.

Some delegations expressed support for the concept.

One delegation indicated that it was not in a position to accept the archipelago concept.

VII. *Other questions*

Although it was recognized that several other aspects of the law of the sea needed careful study in preparation for the forthcoming international negotiations on those subjects e.g., pollution and other problems connected with preservation of the marine environment, the Sub-Committee was unable to consider them for lack of time.

5. DECLARATION OF SANTO DOMINGO, 9 JUNE 1972^a

The Specialized Conference of the Caribbean Countries on Problems of the Sea

Recalling:

That the International American Conferences held in Bogotá in 1948, and in Caracas in 1954, recognized that the peoples of the Americas depend on the natural resources as a means of subsistence, and proclaimed the right to protect, conserve and develop those resources, as well as the right to ensure their use and utilization.

That the "Principles of Mexico on the Legal Regime of the Sea" which were adopted in 1956 and which were recognized "as the expression of the juridical conscience of the Continent and as applicable, by the American States", established the basis for the evolution of the Law of the Sea which culminated, that year, with the announcement by the Specialized Conference in the Capital of the Dominican Republic of concepts which deserved endorsement by the United Nations Conference on the Law of the Sea, Geneva, 1958.

Considering:

That the General Assembly of the United Nations, in its Resolution 2750 (XXV) decided to convoke in 1973 a Conference on the Law of the Sea, and recognized "the need for early and progressive development of the law of the sea";

That it is desirable to define, through universal norms, the nature and scope of the rights of States, as well as their obligations and responsibilities relating to the various oceanic zones, without prejudice to regional or sub-regional agreements, based on the said norms.

That the Caribbean countries, on account of their peculiar conditions, require special criteria for the application of the Law of the Sea, while at the same time the co-ordination of Latin America is necessary for the purpose of joint action in the future;

That the economic and social development of all the peoples and the assurance of equal opportunities for all human beings are essential conditions for peace;

That the renewable and non-renewable resources of the sea contribute to improve the standard of living of the developing countries and to stimulate and accelerate their progress;

That such resources are not inexhaustible since even the living species may be depleted or extinguished as a consequence of irrational exploitation or pollution;

That the law of the sea should harmonize the needs and interests of States and those of the International Community;

That international co-operation is indispensable to ensure the protection of the marine environment and its better utilization;

That as Santo Domingo is the point of departure of the American civilization, as well as the site of the First Conference of the Law of the Sea in Latin America in 1956, it is historically significant that the new principles to advance the progressive development of the Law of the Sea be proclaimed in this city.

Formulate the following Declaration of Principles:

^a Approved at the Specialized Conference of the Caribbean Countries on Problems of the Sea held at Santo Domingo, Dominican Republic, from 31 May to 9 June 1972. Text provided by the Ministry of Foreign Affairs of the Dominican Republic in a note verbale of 5 July 1972 and circulated as document A/AC.138/80. The States which voted in favour of the Declaration were: Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Trinidad and Tobago, and Venezuela. None of the participants voted against it, and Barbados, El Salvador, Guyana, Jamaica and Panama abstained.

TERRITORIAL SEA

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to an area of the sea adjacent to its coast, designated as the territorial sea, including the superjacent air space as well as the subjacent sea-bed and subsoil.

2. The breadth of the territorial sea and the manner of its delimitation should be the subject of an international agreement, preferably of a worldwide scope. In the meantime, each State has the right to establish the breadth of its territorial sea up to a limit of 12 nautical miles to be measured from the applicable baseline.

3. Ships of all States, whether coastal or not, should enjoy the right of innocent passage through the territorial sea, in accordance with International Law.

PATRIMONIAL SEA

1. The coastal State has sovereign rights over the renewable and non-renewable natural resources, which are found in the waters, in the sea-bed and in the subsoil of an area adjacent to the territorial sea called the patrimonial sea.

2. The coastal State has the duty to promote and the right to regulate the conduct of scientific research within the patrimonial sea, as well as the right to adopt the necessary measures to prevent marine pollution and to ensure its sovereignty over the resources of the area.

3. The breadth of this zone should be the subject of an international agreement, preferably of a worldwide scope. The whole of the area of both the territorial sea and the patrimonial sea, taking into account geographic circumstances, should not exceed a maximum of 200 nautical miles.

4. The delimitation of this zone between two or more States, should be carried out in accordance with the peaceful procedures stipulated in the Charter of the United Nations.

5. In this zone ships and aircraft of all States, whether coastal or not, should enjoy the right of freedom of navigation and overflight with no restrictions other than those resulting from the exercise by the Coastal State of its rights within the area. Subject only to these limitations, there will also be freedom for the laying of submarine cables and pipelines.

CONTINENTAL SHELF

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The continental shelf includes the sea-bed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits the exploitation of the natural resources of the said areas.

3. In addition, the States participating in this Conference consider that the Latin American Delegations in the Committee on the Sea-bed and Ocean Floor of the United Nations should promote a study concerning the advisability and timing for the establishment of precise outer limits of the continental shelf taking into account the outer limits of the continental rise.

4. In that part of the continental shelf covered by the patrimonial sea the legal regime provided for this area shall apply. With respect to the part beyond the patrimonial sea, the regime established for the continental shelf by International Law shall apply.

INTERNATIONAL SEA-BED

1. The sea-bed and its resources, beyond the patrimonial sea and beyond the continental shelf not covered by the former, are the common heritage of mankind, in accordance with the Declaration adopted by the General Assembly of the United Nations in Resolution 2749 (XXV) of December 17, 1970.

2. This area shall be subject to the regime to be established by international agreement, which should create an international authority empowered to undertake all activities in the area, particularly the exploration, exploitation, protection of the marine environment and scientific research, either on its own, or through third parties, in the manner and under the conditions that may be established by common agreement.

HIGH SEAS

The waters situated beyond the outer limits of the patrimonial sea constitute an international area designated as high seas, in which there exists freedom of navigation, of overflight and of laying submarine cables and pipelines. Fishing in this zone should be neither unrestricted nor indiscriminate and should be the subject of adequate international regulation, preferably of worldwide scope and general acceptance.

MARINE POLLUTION

1. Is the duty of every State to refrain from performing acts which may pollute the sea and its sea-bed, either inside or outside its respective jurisdictions ?

2. The international responsibility of physical or juridical persons damaging the marine environment is recognized. With regard to this matter the drawing up of an international agreement, preferably of a worldwide scope, is desirable.

REGIONAL CO-OPERATION

1. Recognizing the need for the countries in the area to unite their efforts and adopt a common policy vis-à-vis the problems peculiar to the Caribbean Sea relating mainly to scientific research, pollution of the marine environment, conservation, exploration, safeguarding and exploitation of the resources of the sea;

2. Decides to hold periodic meetings, if possible once a year, of senior governmental officials, for the purpose of co-ordinating and harmonizing national efforts and policies in all aspects of oceanic space with a view to ensuring maximum utilization of resources by all the peoples of the region.

The first meeting may be convoked by any of the States participating in this Conference.

Finally, the feelings of peace and respect for international law which have always inspired the Latin American countries are hereby reaffirmed. It is within this spirit of harmony and solidarity, and for the strengthening of the norms of the inter-american system, that the principles of this document shall be realized.

The present Declaration shall be called: *Declaration of Santo Domingo*.

Done in Santo Domingo de Guzmán, Dominican Republic, this ninth day of June one thousand nine hundred and seventy-two (1972), in a single copy in the English, French and Spanish languages, each text being equally authentic.

6. CONCLUSIONS IN THE GENERAL REPORT OF THE AFRICAN STATES REGIONAL SEMINAR ON THE LAW OF THE SEA, HELD AT YAOUNDE FROM 20 to 30 JUNE 1972^a

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

^a International Relations Institute of Cameroon, *African States Regional Seminar on the Law of the Sea: General Report* (mimeo.), pp. 9-15. Text also circulated as document A/AC.138/79. The Seminar was organized under the auspices of the International Relations Institute of Cameroon, by the United Republic of Cameroon and the Carnegie Endowment for International Peace, with a university professor from Algeria and government officials from the following States attending: Cameroon, Central African Republic, Dahomey, Egypt, Equatorial Guinea, Ethiopia, Ivory Coast, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Tunisia and Zaire.

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 of 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 subsoil 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.