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ORGANISATION DE L'UNITE  
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Addis Ababa أديس أبابا

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COUNCIL OF MINISTERS

Twentieth Ordinary Session

Addis Ababa 5 - 10 February 1973.

OAU PREPARATION FOR THE UN CONFERENCE

ON THE LAW OF THE SEA



CM0491

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OAU PREPARATION FOR THE UN CONFERENCE  
ON THE LAW OF THE SEA.

Introduction:

1. During the 19th Ordinary Session of the Council of Ministers of the OAU held in Rabat from 5 to 12 June 1972, the Council, convinced of the need for OAU Member States to concert on all points, and to harmonize their position in order to present a common front on the matter to be discussed at the UN Conference on the Law of the Sea to be held in 1974, passed resolution CM/Res. 289 (XIX), the operative paragraphs of which recommended:

- (I) That the OAU General Secretariat refer the matter, at the earliest possible date, to the African Members of the Committee on the Sea-bed, which will be requested to prepare and send to Member States a comprehensive memorandum covering the problems as a whole that will be debated at the UN Conference on the Law of the Sea and the position on each of these problems of various participating states or group of States, together with any suggestions or recommendations which might help the states determine their positions;
- (2) That OAU Member States study with all speed, the document which would thus be submitted to them by the African Group and send their comments to the OAU General Secretariat at the earliest possible date, and

- (3) That the OAU General Secretariat convene, before the Session of the Council of Ministers in February 1973, a meeting of experts for the purpose of harmonizing the viewpoints thus expressed by the Member States and to draft an African declaration which would be submitted to the OAU Council of Ministers in February 1973 and to the Assembly of Heads of State and Government in May 1973.

#### BACKGROUND

2. It is recalled that, in order to codify and strengthen the international laws and practices appertaining to the world's oceans, seas and lakes, the United Nations held two conferences on the Law of the Sea, i.e. in 1958 and in 1960. These conferences did invaluable work in this regard, but on both occasions they failed among other things, to fix the extent of territorial waters that would be acceptable to the required majority which would make such a fixed limit binding at international law to all the UN Members. It is therefore anticipated that the next UN Conference on the Law of the Sea will, among other things, attempt to delimit the extent of territorial waters of littoral states. Other matters likely to be dealt with include:-

- (i) exploitation of off-shore oil and of petroleum gas;
- (ii) scientific exploitation, preservation and development of fisheries;
- (iii) exploitation of other marine natural resources;
- (iv) sea pollution;
- (v) national defence;
- (vi) use of international waters:
  - (1) innocent passage,
  - (ii) dumping of dangerous materials such as germs, nuclear-active materials and poisonous gases.
  - (iii) military purposes.

OAU ACTION:

3. Following the adoption of the above resolution, the African Member States of the UN Committee on the Sea-bed, met during the Committee's summer session in Geneva from 17 July to 18 August 1972 and started work on the memorandum requested in operative paragraph 1. However since work by the Group on the memorandum had to be undertaken concurrently with the daily participation by African delegations at the current meetings of the Sea-bed Committee, it was not possible for them to finalize it. However, the Group decided that it would be useful to send to the OAU General Secretariat the result of preliminary valuable work undertaken and which consisted of draft papers on:

- (1) The International Regime,
- (2) The International Machinery,
- (3) Fisheries, conservation and management,
- (4) Economic zone beyond the territorial sea,
- (5) Territorial Sea and Straits,
- (6) Equitable Arrangements for countries with special geographical situations,
- (7) Scientific Research, preservation of the marine environment and transfer of technology,
- (8) Regional arrangements.

4. These papers have been received by the General Secretariat. However, the Group emphasised that those draft papers do not commit delegations comprising the Group since they were not discussed and finalized by the Group as a whole and were prepared by task forces of a few members designated by the Group, in the process of undertaking preliminary work in elaboration of the final memorandum.



5. With a view to facilitating the drafting of the final memorandum on the Law of the Sea, the General Secretariat contacted the OAU New York Office and requested it to arrange for the Members of the African Group of the UN Committee on the Sea-bed, attending the 27th Session of the UN General Assembly to meet and finalise that memorandum. At the time of writing this report no reply had been received. The Secretariat will circulate all the relevant papers and the final memorandum when it becomes available, to all Member States for their study and comment as requested in the resolution referred to above.

6. Since the UN Conference on the Law of the Sea will now be held in April and May 1974 in Santiago, Chile, and since the final papers have not yet been received from the African Group, the Secretariat considered it advisable to hold the meeting after February 1973. This will allow for both the Member States and the Secretariat to prepare adequately for the meeting of experts, and also be in a position to submit the results of that meeting to the Council of Ministers and to the Assembly of Heads of State and Government in May 1973 in accordance with the resolution under reference. Consequently the Secretariat has informed Member States that it is convening the meeting of African Experts at the OAU Headquarters, Addis Ababa from 2nd to 7th April 1973.

7. The Council of Ministers is therefore invited to note that:

- (i) The memorandum requested from the African Members of the UN Sea-bed Committee to assist OAU Member States in preparing for the UN Conference on the Law of the Sea, is not yet completed;
- (ii) The UN Conference on the Law of the Sea has now been scheduled to be held sometime in 1974 in Santiago, Chile;



- (iii) Because of the foregoing, the Secretariat was unable to hold the meeting of African Experts to discuss the memorandum mentioned in 7 (1) above "before the session of the Council of Ministers in February 1973" as demanded in resolution CM/Res.289 (XIX).
- (iv) The Secretariat has convened the meeting of experts from 2nd to 7th April 1973 at the OAU Headquarters in Addis Ababa, Ethiopia. The results of that meeting will be submitted to the Council of Ministers, and to the Assembly of Heads of State and Government in May 1973 as demanded by that resolution.

Addis Ababa,  
December 1972.

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# OAU Preparation for the UN Conference on the Law of the Sea

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