UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA

NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

ADDIS ABABA - ETHIOPIA

Regional Leadership Seminar
on Marine Ocean Affairs in Africa, Addis Ababa
28 March - 2 April 1994

Journal of the Day

Tuesday, March 29 - **Coordinator: Prof. Mario Ruivo**

09:30 - 11:00	**Session 5:**	-
	Issue	- **Scientific/technological requirements, National Infrastructure - regional cooperation.**
		- Presenters: Prof. Mario Ruivo Dr. K. Saigal Dr. Tabet
11:00 - 11:30	Coffee Break	
11:30 - 13:00	Session 6:	
	Issue	- UNCLOS & UNCED and the Restructuring of the United Nations System.
		- Presenter: Prof. S. P. Jagota
14:30 - 16:00	Session 7:	
	Issue	- Legislative Requirements; Inter-Sectoral Integration; harmonisation with International Law.
		- Presenters: Prof. E. Mann Borgese Judge Abdul Koroma
16:00 - 16:30	Coffee Break	
16:30 - 18:00	Session 8:	
	Issue	- Institutional Requirements: National Infrastructure; Regional Cooperation.
		- Presenters: Prof. Fuse Prof. Mario Ruivo Mr. A. F. Hoque Prof. E. Mann Borgese

UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA

NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

ADDIS ABABA - ETHIOPIA

Regional Leadership Seminar
on Marine Ocean Affairs in Africa, Addis Ababa
28 March - 2 April 1994

Journal of the Day

Tuesday, March 29 - **Coordinator: Prof. Mario Ruivo**

09:30 - 11:00	**Session 5:**	-
	Issue	- **Scientific/technological requirements, National Infrastructure - regional cooperation.**
		- Presenters: Prof. Mario Ruivo Dr. K. Saigal Dr. Tabet
11:00 - 11:30	Coffee Break	
11:30 - 13:00	Session 6:	
	Issue	- UNCLOS & UNCED and the Restructuring of the United Nations System.
		- Presenter: Prof. S. P. Jagota
14:30 - 16:00	Session 7:	
	Issue	- Legislative Requirements; Inter-Sectoral Integration; harmonisation with International Law.
		- Presenters: Prof. E. Mann Borgese Judge Abdul Koroma
16:00 - 16:30	Coffee Break	
16:30 - 18:00	Session 8:	
	Issue	- Institutional Requirements: National Infrastructure; Regional Cooperation.
		- Presenters: Prof. Fuse Prof. Mario Ruivo Mr. A. F. Hoque Prof. E. Mann Borgese

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

E

Distr.: LIMITED

ECA/NRD/RSMO/AA/Inf.1
28 January 1994

Original : ENGLISH

Regional Leadership Seminar on
Marine/Ocean Affairs in Africa

Addis Ababa, Ethiopia
28 March - 2 April 1994

List of Programme Issues

MONDAY, MARCH 28

09:00 - 10:30	Section 1:	Opening Ceremony
11:00 - 12:30	Section 2:	The UN Convention on the Law of the Sea Introduction
14:00 - 15:30	Section 3:	The UN Convention on the Law of the Sea - Innovation and Change
16:00 - 17:30	Section 4:	Post-UNCLOS developments. The Preparatory Commission. The Secretary-Generals Consultations.

TUESDAY, MARCH 29

09:00 - 10:30	Section 5:	Scientific/technological requirements National Infrastructure - regional cooperation
11:00 - 12:30	Section 6:	UNCLOS AND UNCED and the Restructuring of the United Nations System
14:00 - 15:30	Section 7:	Legislative requirements: inter-sectoral Integration; harmonisation with international law
16:00 - 17:30	Section 8:	Institutional requirements: National infrastructure regional cooperation

UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA

NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

WEDNESDAY, MARCH 30

09:00 - 10:30	Section 9:	Managerial Implications of the Law of the Sea Convention.
11:00 - 12:30	Section 10:	Integrating Development and Environment Concerns: New Economic theories
14:00 - 15:30	Section 11:	Parameters of Integrated Ocean policy
16:00 - 17:30	Section 12:	Agenda 21: cost-benefit analysis

THURSDAY, MARCH 31

09:00 - 10:30	Section 13:	Manpower Requirements
11:00 - 12:30 14:00 - 15:30 16:00 - 17:30	Section 14, 15 and 16	• African Island States, Ocean Development and the Law of the Sea: Case Study: Cape Verde; • African Land-locked States and regional cooperation. Case study: Uganda; • African coastal States: Case Study: Tanzania; • African coastal States: Case Study: Nigeria.

FRIDAY, APRIL 1

09:00 - 10:30	Section 17	IOMAC and Indian Ocean Commission: critical analysis. Options for Africa
11:00 - 12:30	Section 18:	West African cooperation: critical analysis
14:00 - 15:30	Section 19:	The African Regional Seas Programmes: Next phase
16:00 - 17:30	Section 20:	Guide Lines for African Ocean Policy, regional and subregional.

UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA

NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

ADDIS ABABA - ETHIOPIA

Regional Leadership Seminar on Marine Ocean Affairs in Africa, Addis Ababa 28 March - 2 April 1994

Journal of the Day

Wednesday, March 30 - Coordinator, Judge Abdul Koroma

9:00 - 10:30	Session 9: Issue	- Integrating Development and Environment Concerns: New Economic Theories. - Presenters: Dr. Quarcoo Dr. Börlin
10:30 - 11:00	Coffee Break	
11:00 - 12:30	Session 10: Issue	- Managerial Implications of the Law of the Sea Convention. - Presenter: Dr. K. Saigal
12:30 - 14:30	Lunch	
14:30 - 16:30	Session 11: Issue	- Parameters of Integrated Ocean Policy. - Presenter: Dr. K. Saigal
16:30 - 17:00	Coffee Break	
17:00 - 18:00	Session 12: Issue:	- Agenda 21: Cost-Benefit Analysis. - Presenter: Prof. Elizabeth Mann Borgese

UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA

NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

ADDIS ABABA - ETHIOPIA

Regional Leadership Seminar
on Marine Ocean Affairs in Africa, Addis Ababa
28 March - 2 April 1994

Journal of the Day

Thursday, March 31 - Coordinator, Prof. S. P. Jagota

9:00 - 10:30	Session 13: Issue	-	African Island States, Ocean Development and the Law of the Sea: Case Study: Cape Verde.
		-	Presenter: Januario Nascement
		-	African Land-locked States and Regional Cooperation. Case Study: Uganda Presenter: Mr. R. W. Ochan
10:30 - 11:00	Coffee Break		
11:00 - 12:30	Session 14 & 15 Issue	-	African Coastal States: Case Study: Tanzania Presenter: Hon J. Warioba
		-	African Coastal State: Case Study: Ghana Presenter: Mr. Martin A. Mensah
12:30 - 13:30	Session 16: Issue	-	Manpower Requirements.
		-	Presenter:
Afternoon:	Report Preparation		

UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA

NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

ADDIS ABABA - ETHIOPIA

Regional Leadership Seminar
on Marine Ocean Affairs in Africa, Addis Ababa
28 March - 2 April 1994

Journal of the Day

Friday, April 1 - Coordinator, Prof. Mann Borgese

9:00 - 10:30	Session 17: Issue	- IOMAC an Indian Ocean Commission: Critical Analysis. Options for Africa.
	Session 18: Issue:	- West African Cooperation: Critical Analysis
10:30 - 11:00	Coffee Break	
11:00 - 12:30	Session 19: Issue	- The African Regional Seas Programmes: Next Phase.
12:30 - 14:30	Lunch	
16:00	Press Conference	
17:00	Resource Persons Meeting	
18:00 - 19:00	Session 20: Issue	- Strategy and Programme of Action and Guidelines for African Ocean Policy

LL

fresh water

national — internat.

; fee comprehensive

External funding:

Fisheries : West Africa

Conference of Ministers

Committee ; research ocean

Secretary

registry of vessels

Ministerial Conference framework

regional seas

enforcement

fisheries

legislation

Forum

restructuring

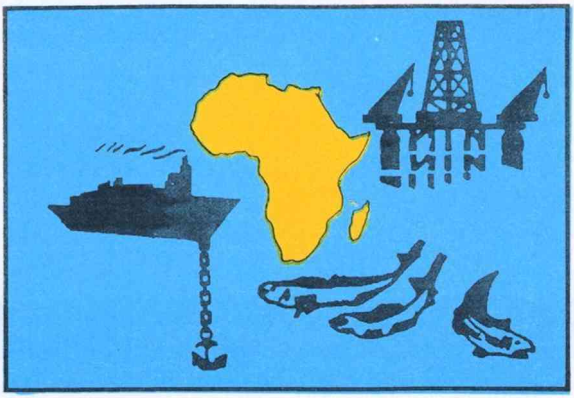
AZM HOQUE 18-11-24

List of Participants as of 21 March 1994

1.	Dr. Magnue Ngoile	-	Tanzania/IOC/UNESCO
2.	Dr. Philip Quarcoo	-	Senegal/IOI-Africa (Nigerian)
3.	M. P. Bonomaully	-	Mauritius
4.	M. Kalilou Sango	-	Mali
5.	Dr. K. Saigal	-	IOI-Malta (Indian Citizen)
6.	Mr. Tarekegn Mengistu	-	Ethiopia
7.	Mr. B. M. Sanze	-	Tanzania
8.	Mr. Ali Ahmed Azdel Ahim	-	Sudan
9.	~~Mr. Richard Congar~~	-	~~UNEP~~
10.	Captain P.E.M. Kemokai	-	Sierra Leione
11.	Mr. Ian John Leigh	-	Sierra Leione
12.	Mr. R.S.D. Davies	-	Siera Leione
13.	mrs. B. Mwana Kaoma	-	Zambia
14.	Mr. E. C. Katai	-	Zambia
15.	Mr. H.H.E. Kambaile	-	Zambia
16.	Mr. Alton Sithole	-	Swaziland
17.	Mr. Stephen Dlamini	-	Swaziland
18.	Mrs. Thitai N. W.	-	Kenya
19.	mr. James J. Ogari	-	Kenya
20.	Mr. Renison K. Ruwa	-	Kenya
21.	Dr. Frieda N. Williams	-	Nambibia
	or Mr. T. E. Nghihalula	-	Namibia
22.	Mr. Carles Chipato	-	Zimbabwe
23.	Philip Reynolds	-	UNDPHQ/N.Y
24.	Mr. Januario da Rocha Nascimento	-	Cape Verde/Praia
25.	Mr. Imeru Tamrat	-	Ethiopia

26.	Mr. J.S. Warioba	-	Tanzania
27.	Mr. B.R. Nyamusha	-	Tanzania
28.	Mr. C. T. Akonayi	-	Tanzania
29.	Mr. J. K. Nyasulu	-	Malawi
30.	Mr. Kalibu Minokahozi	-	Zaire
31.	Mr. J. Itenge	-	Namibia
32.	Mr. J. S. Warioba	-	Tanzania
33.	Capt. Huvert A Cloomer	-	Sierra Leone
34.	Ms. Mann Borgese	-	
35.	Mr. R. W. Ochan	-	Uganda
36.	Prof. Mario Ruivo	-	Portugal
37.	Mr. N. J. Davin	-	Namibia

Regional Leadership Seminar on Marine/Ocean Affairs in Africa



Sponsored by

The United Nations Economic Commission for Africa (UNECA)
Addis Ababa, Ethiopia

in collaboration with

The International Ocean Institute (IOI) Headquarters
Malta

and

IOI/Africa
Dakar, Senegal,

Regional Leadership Seminar on Marine/Ocean Affairs in Africa

UNECA

The United Nations Economic Commission for Africa **(UNECA)**, in collaboration with the International Ocean Institute **(IOI)** Headquarters in Malta and **IOI/Africa** in Dakar, Senegal, will organize a **REGIONAL LEADERSHIP SEMINAR ON MARINE/OCEAN AFFAIRS IN AFRICA** at UNECA Headquarters at Addis Ababa, Ethiopia, from 28 March to 2 April 1994.

Objectives of the Seminar

As a major initiative towards ***Developing Marine/Ocean Resources and Implementing the Recently Ratified United Nations Convention On The Law Of The Sea (UNCLOS) in Africa***, the seminar will:

- develop policies, strategies and guidelines for developing marine/ocean resources in Africa at the national, subregional and regional levels;
- provide a forum for dialogue among African leaders in the sector on how to interpret, implement and benefit from UNCLOS;
- integrate the UNCLOS and UNCED processes in order to promote sustainable development and collective and comprehensive measures for the protection, exploitation and development of marine/ocean resources in Africa.

Participants

The seminar has been designed for high-level civil servants (Permanent Secretaries, Under-Secretaries, Directors) of all government departments involved in ocean affairs, including:

- Foreign Relations;
- Agriculture and Fisheries;
- Mines and Energy;
- Shipping,
- Navigation,
- Ports & Harbours;
- Tourism and Environment;
- Navy and Coastguards;
- Coastal Management;
- Science and Technology;
- Economic Planning;
- Finance
- Justice.

IOI

- Teachers in universities or technical institutions who wish to introduce similar courses in their own institutions;

* Women are encouraged to apply.

Eligibility

Participants should be familiar with:

- the text of UNCLOS;
- available information about the marine resource base in their countries;
- available information about the governmental as well as private-sector structures in their countries involved in marine affairs.

Modalities

The seminar will be conducted through short lectures and group discussions. The media employed will be written material, overheads; slides, etc. **The programme will require 5 full working days.**

Venue

The programme will be conducted at the Headquarters of the United Nations Economic Commission for Africa, at Addis Ababa, Ethiopia. **Participants should plan to arrive by Sunday, 27 March 1994.**

Nominations/Applications

Interested government ministries, departments, agencies and other related African institutions are requested to nominate concerned, qualified professional officials for participation at the seminar. **Please send nominations/applications to:**

United Nations Economic Commission for Africa
Director, Natural Resources Division,
P.O. Box 3001,
Addis Ababa, Ethiopia

FAX No. 251-1-51-44-16.

All nominations should reach the above address no later than 15 March 1994.

Send requests for further information to the above address.

Fees

No registration or other fees are required to participate at this seminar. However, participants will be responsible for their own travel, visa and subsistence during the course of the seminar.

Expected Resource Persons

The organizers have identified the following as leaders ecturers/resource persons at the seminar:

Ambassador Jose Luis Jesus

Judge Abdul Koroma

Joseph Warioba

Ambassador Layashi Yaker

Professor Elizabeth Mann Borgese

Professor Dasgupta

Mr. Ralph Ochan

Mr. Baily Dien

Mr. Tesfaye Chemir

Mr. Danielle de St Jorge

Others

NATIONAL LEGISLATION ON OFFSHORE OIL AND MINERAL EXPLORATION AND PRODUCTION SHOULD COVER:

- INVESTMENT
  - INVESTMENT GUARANTEES AND INCENTIVES
  - ACCESS TO FOREIGN EXCHANGE
  - CUSTOMS DUTY EXEMPTION
- A BASIC FRAMEWORK FOR EXPLORATION AND EXPLOITATION
- DESIGNATION OF ORGANS OF GOVERNMENT TO ISSUE APPROPRIATE LICENCES REQUIRED FOR EXPLORATION AND EXPLOITATION;
- MONITORING AND CONTROL
- MINIMUM WORK PROGRAMME AND FINANCIAL COMMITMENTS
- TECHNOLOGY TRANSFER
- TRAINING AND EMPLOYMENT OF NATIONALS
- PROMOTION OF LOCAL GOODS AND SERVICES
- FINANCIAL PROVISIONS
- ROYALTIES AND TAXES
- INCOME TAX
  - ACCELERATED DEPRECIATION
  - LONG LOSS-CARRY FORWARD
- PROTECTION OF THE ENVIRONMENT
  - LIABILITY FOR OIL POLLUTION
- SAFETY ZONES
- REMOVAL OF EQUIPMENT AND INSTALLATIONS
- SETTLEMENT OF DISPUTES

Examples: Egypt, Tanzania, Namibia, Kenya, Ghana

STEPS IN DRAFTING NATIONAL LAW OF THE SEA

1. *Collation of all existing municipal ocean law.*

2. *Obsoleteness and gaps*

3. *Conflicts*

4. *Conflicts between municipal and international law*

Distr.
LIMITED

30 March 1994

Original: ENGLISH

UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

PROVISIONAL LIST OF PARTICIPANTS

ALGERIA/ALGERIE

Mr. Hachemi Ahmed, First Secretary, Algerian Embassy, Addis Ababa

ANGOLA/ANGOLA

Mr. Tete Anto'nio, Second Secretary, Angola Embassy, Tel. 51-00-85, Addis Ababa

CAMEROON/CAMEROUN

H.E. Dr. Arthur Gakwandi, Minister Plenipotentiary, Cameroon

Mr. Josue Youmba, Director of Merchant Shipping, Ministry of Transport, Yaounde, Cameroon

CAPE VERDE/CAP VERT

Mr. Januario Nascimento, Counsellor, Jurist, Conseilleur au Ministères des peche et agriculture

COTE D'IVOIRE/COTE D'IVOIRE

Mr. Adama Diagne, First Secretary, Côte d'Ivoire Embassy, P.O. Box 3668, Addis Ababa

Mr. Gaston Yao Koffi, Chargé d'Affaires, Côte d'Ivoire Embassy, P.O. Box 3668, Addis Ababa

DJIBOUTI/DJIBOUTI

Mr. Yacin Ahmed, First Counsellor, Djibouti Embassy, Addis Ababa

EGYPT/EGYPTE

Dr. Mohamed El Bassiouni, Minister Plenipotentiary, Egypt Embassy, Addis Ababa

Mr. Amr Abdel Halim, Third Secretary, Embassy of Egypt, Addis Ababa

Mr. Ezz Eldin Fahmy, First Secretary, Egyptian Embassy, Tel. 553077, Addis Ababa

ERITREA/ERITREA

Mr. Kifle Woldeselassie, Project Manager, Ministry of Marine Resources, P.O. Box 923, Tel. 1-42-71, Fax. 291-1-122185, Asmara, Eritrea

ETHIOPIA/ETHIOPIE

Mr. Mengistu Tarekegn, Division Head, Ministry of Natural Resources Development & E.P., Addis Ababa

EQUATORIAL GUINEA

Mr. Narciso Ntugu Abeso Oyana, First Secretary, Embassy of Equatorial Guinea
Tel 610034, Addis Ababa

GABON/GABON

H. E. Mr. Alfred Moungaba, Ambassador, Gabon Embassy, B.P. 1256, Addis Ababa

GAMBIA/GAMBIE

Capt. A.R. Bah, Harbour Master, Gambia Ports Authority, The Gambia

GHANA/GHANA

H.E. Mr. Emmanuel Tetteh, Honourable Deputy Minister of Fisheries, Ministry of Food and Fisheries, Accra, Ghana

Mr. Martin Alabi Mensah, Director of Fisheries, Fisheries Department, P.O. Box 630, Accra, Ghana

GUINEA/GUINEE

Mr. Soumah, Guinee, Embassy of Guinea, P.O. Box 1190, Addis Ababa

LIBYAN ARAB JAMAHIRIYA/LIBYAN ARAB JAMAHIRIYA

Mr. Sadeg M. Ben Sadeg, First Secretary, Embassy of Libyan Arab Jamahiriya,
P.O. Box 5728, Libyan Embassy, Addis Ababa

MAURITIUS/MAURITIUS

Mr. Premduth Bonomaully, Principal Assistant Secretary, Ministry of Fisheries and Marine Resources, NPF Building, Port Louis, Maruritius

MOZAMBIQUE/MOZAMBIQUE

H.E. Mr. Danier Antonio, Ambassador, Mozambique Embassy, Addis Ababa

Mr. Alexandre H. Manjate, 3rd Secretary, Mozambique Embassy, Tel. 710020
Addis Ababa

NAMIBIA/NAMIBIE

Mr. Nicolaas J. Davin, Deputy Director, Ministry of Works, Transport & Communication
P. O. Box 12005, Windhoek, Namibia

Mr. Japhet Litenge, Control Officer, Min. of Works, Transport & Telecommunication, B.P. 12005, Ausspannplatz, Windhoek, Namibia

Ms. Sonja A. Poller, First Secretary, Namibia Embassy, P.O. Box 1443, Addis Ababa

Mr. J.N. Thubazumbe, Counsellor, Namibia Embassy, P.O. Box 1443, Addis Ababa

RWANDA/RWANDA

Mr. Gervais Condo, First Counsellor, Rwanda Embassy, P.O. Box 5618, Addis Ababa

SENEGAL/SENEGAL

Mr. Abdoussalam Diallo, Counsellor, Senegal Embassy, Tel. 61-13-76, Addis Ababa

SIERRA LEONE/SIERRA LEONE

Capt. Hubert Bloomer, Deputy Harbour Master, Sierra Leone

Mr. Pat. Willie-Bonglo, Counsellor & Head of Chancery, Sierra Leone Embassy, P.O. Box 5619, Addis Ababa

SUDAN/SOUDAN

Mr. Ali Ahmed Abdel Rahim, Chairman, Sudan Shipping Line, Sudan
Mr. Hamdi H. Osman, Diplomat, Sudan

TANZANIA/TANZANIE

H.E. Mr. Christopher C. Liundi, Ambassador, Tanzania Embassy, Addis Ababa

Mr. F.A. Mwaipaja, First Secretary, Embassy of Tanzania, P.O. Box 1077, Addis Ababa

Mr. Anthony N. Cheche, Minister Counsellor, Embassy of Tanzania, P.O. Box 1077, Addis Ababa

UGANDA/OUGANDA

H.E. Dr. Arthur Gakwandi, Minister Plenipotentiary, c/o Uganda Embassy, P.O. Box 5644, Addis Ababa

Mr. Ralph W. Ochan, Administrator General, Ministry of Justice, P. O. Box 7183, Kampala, Uganda

ZAMBIA/ZAMBIA

Mr. Eusebius Chola Katai, Deputy Permanent Secretary, Ministry of Energy and Water Development, P.O. Box 36079, Lusaka, Zambia

Mr. Charles M. Muzongwe, First Secretary, Zambia Embassy, P.O. Box 1909, Addis Ababa

Mr. Glyn B. Zimba, Second Secretary, Zambia Embassy, P.O. Box 1909, Addis Ababa

ZIMBABWE/ZIMBABWE

Mr. Charles Chipato, Deputy Secretary for Mines, Ministry of Mines, P. O. Box 7709, Causeway, Harare

OBSERVERS/OBSERVATEURS

ARAB LEAGUE

Mr. Mahmoud Weddady, Ambassador, Arab League, P.O. Box 5768, Permanent Union of Arab League

ARDCO

Mr. Wodaje Abebe, Director, ARDCO, P.O. Box 4360, Addis Ababa

ECE/OECD

Mr. Max Börlin, Consultant, ECE/OECD, CH-1297 Founex, Geneva

OAU

Mr. Abdel Rahim Dirar, Director, EDECO, Tel. 51-57-21, P.O. Box 3243, OAU, Addis Ababa

UNDP

Mr. Kya Kaysire Gitera, UNDP Representative to OAU and Chief Liaison Office with ECA, Tel. 51-59-19, Addis Ababa

Ms. Tamba Baldeh, UNDP Deputy Representative to OAU and Deputy Chief, Liaison Office with ECA, Tel. 51-59-19, UNDP, Addis Ababa

Mr. Xavier Waegenaere, Junior Professional Officer, UNDP, Tel. 51-59-19, Addis Ababa

Ms. Hannah Gutema, Programme Officer, UNDP, Tel. 51-59-19, Addis Ababa

Ms. Meskerem Shiferaw, Economist, UNDP, Tel. 51-59-19, Addis Ababa

UNESCO

Mr. Muhamed Musa, Director, UNESCO, P.O. Box 1177, Addis Ababa

Ms. Wafaa El-Fadli, Liaison Officer, P.O. Box 1177, Addis Ababa

RESOURCE PERSONS

H.E. Hon. Joseph Warioba, Board Member, International Ocean Institute, IOI, P.O. Box 4623, Dar-es-Salaam, Tanzania

Prof. Elizabeth Mann Borgese, Chairman, IOI, Dalhousie University, Halifax, Nova Scotia, Canada

Dr. Krishan Saigal, Executive Director, IOI, Malta

Mr. Philip Quarcoo, Chief Training Division, IOI-Senegal, IDEP, B.P. 3186, Fax: 221222964, Dakar, Senegal

Mr. S.P. Jagota, Additional Secretary & Legal Adviser (retired), Ministry of External Affairs, 748, SECTOR-14, Gurgaon (Haryana), 122 001 New Delhi, India

Mr. Abdul G. Koroma, Judge, International Court of Justice, The Hague

Mr. Tsutomu Fusé, Professor of International Law, c/o Yokohama City University 22-2, Seto Kanazawaku, Yokohama 236, Japan

Mr. Frank X. Njenga, Secretary General, Asian African Legal Consultative Committee, 27 Riag Road, Laypat Nagar IV, New Delhi 110024

Mr. Max Börlin, Consultant in Environmental Economics, Founex-Geneva, Switzerland

Mr. E.H. Tabet-Aoul, Consultant in IOC and Researcher, University of Le Havre (France), 77 Rue de l'eglise, 75015, Paris

Prof. Mario Ruivo, University of Oporyo/ICBAS, member of the Co-ordinating Board, National UNESCO Commission, Av. Infante Santo - 42/5, Lisbon 1300, Tel. 351-1-3969061/62; Fax: 351-1-3969064, Portugal

Mr. Ralph W. Ochan, Administrator-General, Ministry of Justice, P.O. Box 7183, Kampala, Uganda.

INTERNATIONAL OCEAN INSTITUTE (IOI)

H.E. Hon. Joseph Warioba, Board Member, IOI, P.O. Box 4623, Dar-es-salaam, Tanzania

Prof. Elizabeth Mann Borgese, Chairman, IOI, Dalhouse University, Halifax, Nova Scotia, Canada

Dr. Krishan Saigal, Executive Director, IOI, Malta

Mr. Philip Quarcoo, Chief Training Division, IOI-Senegal, IDEP, B.P. 3186, Fax: 221222964, Dakar, Senegal

SECRETARIAT

Ambassador Layashi Yaker, United Nations Under-Secretary-General and Executive Secretary of UNECA

Dr. Peter N. Mwanza, Chief, Natural Resources Division

Mr. A.F. Hoque, Chief, WEMS, NRD

Mr. P.A. Traoré, Chief, Mineral Resources Unit, NRD

Mr. S. Jugessur, Chief, Science & Technology Section, NRD

Mr. Y. Pashkov, Chief, Energy Unit, NRD

Mr. Orlando Nino, Chief, Cartography & Remote Sensing Unit, NRD

Mr. S.K. Imbamba, Regional Adviser, MRAG

Mr. A. Gulaid, Cartography Affairs Officer, NRD

Mr. Yilma W. Emmanuel, WEMS, NRD

Mr. A. Nkubana, Energy Unit, NRD

Mr. A.N. Yama, Economic Affairs Officer, Mineral Resources Unit, NRD

Mr. T.S. Karumuna, Science & Technology Section, NRD

LIST OF PARTICIPANTS

ALGERIA/ALGERIE

Mr. Hachemi Ahmed, First Secretary, Algerian Embassy, Addis Ababa

ANGOLA/ANGOLA

Mr. Tete Anto'nio, Second Secretary, Angola Embassy, Tel. 51-00-85, Addis Ababa

CAMEROON/CAMEROUN

H.E. Dr. Arthur Gakwandi, Minister Plenipotentiary, Cameroon

Mr. Josue Youmba, Director of Merchant Shipping, Ministry of Transport, Yaounde

Mr. Samuel Betah Sona, Director of Geology, Ministry of Mines, Yaounde

Mr. Daniel Anaraban Awum, Director of Regional Development, Ministry of Planning and Regional Development, MINPAT/DAt, Yaounde

Mr. Jean Missoup, Deputy Director for United Nations, Ministry of External Relations, Yaounde

Mr. Jean Joseph Atangana, Junior Diplomatic Officer, Ministry of External Relations, Yaounde

CAPE VERDE/CAP VERT

Mr. Januario Nascimento, Counsellor, Jurist, Ministry of Fishing and Agriculture, P.O. Box 206, Tel. 0238-615716, Fax 0238-611770

COTE D'IVOIRE/COTE D'IVOIRE

Mr. Adama Diagne, First Secretary, Côte d'Ivoire Embassy, P.O. Box 3668, Addis Ababa

Mr. Gaston Yao Koffi, Chargé d'Affaires, Côte d'Ivoire Embassy, P.O. Box 3668, Addis Ababa

DJIBOUTI/DJIBOUTI

Mr. Yacin Ahmed, First Counsellor, Djibouti Embassy, Addis Ababa

EGYPT/EGYPTE

Dr. Mohamed El Bassiouni, Minister Plenipotentiary, Egypt Embassy, Addis Ababa

Mr. Amr Abdel Halim, Third Secretary, Embassy of Egypt, Addis Ababa

Mr. Ezz Eldin Fahmy, First Secretary, Egyptian Embassy, Tel. 553077, Addis Ababa

ERITREA/ERITREA

Mr. Kifle Woldeselassie, Project Manager, Ministry of Marine Resources, P.O. Box 923, Tel. 11-42-71, Fax. 291-1-122185, Asmara, Eritrea

ETHIOPIA/ETHIOPIE

Mr. Mengistu Tarekegn, Division Head, Ministry of Natural Resources Development & E.P., Addis Ababa

Mr. Imeru Tamrat, International Water Law Expert, Ethiopian Valleys Development Studies Authority, Addis Ababa

EQUATORIAL GUINEA

Mr. Narciso Ntugu Abeso Oyana, First Secretary, Embassy of Equatorial Guinea
Tel. 610034, Addis Ababa

GABON/GABON

H. E. Mr. Alfred Moungaba, Ambassador, Gabon Embassy, B.P. 1256, Addis Ababa

GAMBIA/GAMBIE

Tel: 27266 or 27267 or 27268 fax

Capt. A.R. Bah, Harbour Master, Gambia Ports Authority, The Gambia

Mr Abou Baboucar Jallow Fax: 220 27268

GHANA/GHANA

Executive Director / Director of Operations

H.E. Mr. Emmanuel Tetteh, Honourable Deputy Minister of Fisheries, Ministry of Food and Agriculture, Accra, Ghana

Mr. Martin Alabi Mensah, Director of Fisheries, Fisheries Department, P.O. Box 630, Accra, Ghana

Mr. Daniel Kofi Ameley, Senior Legal Officer, Ghana

GUINEA/GUINEE

Mr. Soumah, Guinee, Embassy of Guinea, P.O. Box 1190, Addis Ababa

LIBYAN ARAB JAMAHIRIYA/LIBYAN ARAB JAMAHIRIYA

Mr. Sadeg M. Ben Sadeg, First Secretary, Embassy of Libyan Arab Jamahiriya,
P.O. Box 5728, Libyan Embassy, Addis Ababa

MAURITIUS/MAURITIUS

Mr. Premduth Bonomaully, Principal Assistant Secretary, Ministry of Fisheries and Marine Resources, NPF Building, Port Louis, Maruritius

MOZAMBIQUE/MOZAMBIQUE

H.E. Mr. Danier Antonio, Ambassador, Mozambique Embassy, Addis Ababa

Mr. Alexandre H. Manjate, 3rd Secretary, Mozambique Embassy, Tel. 710020
Addis Ababa

NAMIBIA/NAMIBIE

Mr. Nicolaas J. Davin, Deputy Director, Ministry of Works, Transport & Communication Private Bag 12005, Ausspannplatz, Windhoek, Namibia

Mr. Japhet Litenge, Control Officer, Min. of Works, Transport & Communication, Private Bag 12005, Ausspannplatz, Windhoek, Namibia

Ms. Sonja A. Poller, First Secretary, Namibia Embassy, P.O. Box 1443, Addis Ababa

Mr. J.N. Thubazumbe, Counsellor, Namibia Embassy, P.O. Box 1443, Addis Ababa

RWANDA/RWANDA

Mr. Gervais Condo, First Counsellor, Rwanda Embassy, P.O. Box 5618, Addis Ababa

SENEGAL/SENEGAL

Mr. Abdoussalam Diallo, Counsellor, Senegal Embassy, Tel. 61-13-76, Addis Ababa

SIERRA LEONE/SIERRA LEONE

Capt. Hubert Bloomer, Deputy Harbour Master, Sierra Leone

Mr. Pat. Willie-Bonglo, Counsellor & Head of Chancery, Sierra Leone Embassy, P.O. Box 5619, Addis Ababa

SUDAN/SOUDAN

Mr. Ali Ahmed Abdel Rahim, Chairman, Sudan Shipping Line, Sudan

Mr. Hamdan Wadi Deldoom, Sudan Embassy, Addis Ababa

TANZANIA/TANZANIE

H.E. Mr. Christopher C. Liundi, Ambassador, Tanzania Embassy, Addis Ababa

Mr. F.A. Mwaipaja, First Secretary, Embassy of Tanzania, P.O. Box 1077, Addis Ababa

Mr. Anthony N. Cheche, Minister Counsellor, Embassy of Tanzania, P.O. Box 1077, Addis Ababa

UGANDA/OUGANDA

H.E. Mr. Arthur Gakwandi, Minister Plenipotentiary, c/o Uganda Embassy, P.O. Box 5644, Addis Ababa

Mr. Ralph W. Ochan, Administrator General, Ministry of Justice, P. O. Box 7183, Kampala, Uganda

ZAMBIA/ZAMBIA

Mr. Eusebius Chola Katai, Deputy Permanent Secretary, Ministry of Energy and Water Development, P.O. Box 36079, Lusaka, Zambia

Mr. Charles M. Muzongwe, First Secretary, Zambia Embassy, P.O. Box 1909, Addis Ababa

Mr. Glyn B. Zimba, Second Secretary, Zambia Embassy, P.O. Box 1909, Addis Ababa

ZIMBABWE/ZIMBABWE

Mr. Charles Chipato, Deputy Secretary for Mines, Ministry of Mines, P. O. Box 7709, Causeway, Harare

INTERNATIONAL AND OTHER ORGANIZATIONS

LEAGUE OF ARAB STATES

Mr. Mahmoud Weddady, Ambassador, Arab League, P.O. Box 5768, Permanent Union of Arab League

ADDIS RESOURCES DEVELOPMENT COMPANY (ARDCO)

Mr. Wodaje Abebe, Director, ARDCO, P.O. Box 4360, Addis Ababa

OAU

Mr. Abdel Rahim Dirar, Director, EDECO, Tel. 51-57-21, P.O. Box 3243, OAU, Addis Ababa

UNDP

Mr. Kya Kaysire Gitera, UNDP Representative to OAU and Chief Liaison Office with ECA, Tel. 51-59-19, Addis Ababa

Ms. Tamba Baldeh, UNDP Deputy Representative to OAU and Deputy Chief, Liaison Office with ECA, Tel. 51-59-19, UNDP, Addis Ababa

Mr. Xavier Waegenaere, Junior Professional Officer, UNDP, Tel. 51-59-19, Addis Ababa

Ms. Hannah Gutema, Programme Officer, UNDP, Tel. 51-59-19, Addis Ababa

Ms. Meskerem Shiferaw, Economist, UNDP, Tel. 51-59-19, Addis Ababa

UNESCO

Mr. Muhamed Musa, Director, UNESCO, P.O. Box 1177, Addis Ababa

Ms. Wafaa El-Fadli, Liaison Officer, P.O. Box 1177, Addis Ababa

UNICEF

Ms. Fatima Bahri, UNICEF, Tel. 51-51-55, Addis Ababa

UNIDO

Mr. Peter Manoranjan, UNIDO Country Director for Ethiopia and Djibouti, and Representative of the Director General to the UN Economic Commission for Africa (UNECA) and the Organization of African Unity (OAU), P.O. Box 5580, Tel. 514245, Addis Ababa, Ethiopia

WHO

Mr. Alexandre Correia, WHO Representative to OAU and Co-ordinator with the ECA, Tel. 51-51-78, Addis Ababa

RESOURCE PERSONS

H.E. Hon. Joseph Warioba, Board Member, International Ocean Institute, IOI, P.O. Box 4623, Dar-es-Salaam, Tanzania

Prof. Elizabeth Mann Borgese, Chairman, IOI, Dalhouse University, Halifax, Nova Scotia, Canada

Mr. Krishan Saigal, Executive Director, IOI, Malta

Mr. Philip Quarcoo, Chief Training Division, IOI-Senegal, IDEP, B.P. 3186, Fax: 221222964, Dakar, Senegal

Mr. S.P. Jagota [Additional Secretary & Legal Adviser (retired), Ministry of External Affairs] 748, SECTOR-14, Gurgaon (Haryana), 122 001, India

Mr. Abdul G. Koroma, Judge, International Court of Justice, The Hague

Mr. Tsutomu Fusé, Professor of International Law, c/o Yokohama City University 22-2, Seto Kanazawaku, Yokohama 236, Japan

Mr. Frank X. Njenga, Secretary General, Asian African Legal Consultative Committee, 27 Riag Road, Laypat Nagar IV, New Delhi 110024

Mr. Max Börlin, Consultant in Environmental Economics, CH-1297, Founex-Geneva, Switzerland

Mr. E.H. Tabet-Aoul, Consultant in IOC and Researcher, University of Le Havre (France), 77 Rue de l'eglise, 75015, Paris

Prof. Mario Ruivo, University of Oporyo/ICBAS, member of the Co-ordinating Board, National UNESCO Commission, Av. Infante Santo - 42/5, Lisbon 1300, Tel. 351-1-3969061/62; Fax: 351-1-3969064, Portugal

Mr. Ralph W. Ochan, Administrator-General, Ministry of Justice, P.O. Box 7183, Kampala, Uganda.

Mr. Tesfaye Chemir, Consultant in International Law and Marine/Ocean Affairs

INTERNATIONAL OCEAN INSTITUTE (IOI)

H.E. Hon. Joseph Warioba, Board Member, IOI, P.O. Box 4623, Dar-es-salaam, Tanzania

Prof. Elizabeth Mann Borgese, Chairman, IOI, Dalhouse University, Halifax, Nova Scotia, Canada

Mr. Krishan Saigal, Executive Director, IOI, Malta

Mr. Philip Quarcoo, Chief Training Division, IOI-Senegal, IDEP, B.P. 3186, Fax: 221222964, Dakar, Senegal

ADDIS ABABA DECLARATION ON BUILDING SUSTAINABLE SOCIETIES: THE ROLE OF NGOs

The Global NGO Forum on "Building Sustainable Societies: The Role of NGOs in Emergencies and Social Development" was held at Africa Hall, Addis Ababa, Ethiopia from 14 to 17 March 1994.

The Global Forum was jointly organized by the International Council of Voluntary Agencies (ICVA), the Christian Relief and Development Association (CRDA), the Consortium of Ethiopian Voluntary Organizations (CEVO), the Inter Africa Group (IAG), and the United Nations Economic Commission for Africa (UNECA). The forum was attended by over 200 participants from a wide range of organizations from around the globe.

The objectives of the Global Forum were to:

- analyse the role of NGOs in promoting peaceful conflict resolution;
- identify the opportunities and constraints in the transition from relief to development and scale up NGOs' long-term sustainable human development efforts;
- identify NGO modalities and strategies to promote the development of strong, viable and active civil societies;
- identify and develop NGO concerns, positions and perspectives on the upcoming World Summit for Social Development.

The Forum debated and engaged in constructive dialogue in five plenary sessions and fifteen workshops during the four-day event. The main collective analyses, conclusions, policy recommendations and actions are presented herewith for the consideration of the NGO Community, African Governments, and the International Community.

The Global Forum provided an opportunity for UNECA to explore the potential areas for co-operation with African NGOs.

The Forum was held in Addis Ababa, Ethiopia, out of a deep concern for the serious deterioration of economic, human and social conditions in Africa in the decades of the 1980s and 1990s. It was intended to draw the attention of the

international community to the particular plight of this continent, and to sensitize it to the need to intensify its support to reverse this unacceptable situation. In particular, the forum is gravely concerned about the current food-insecurity and the impending consequences of drought in the Horn of Africa, the scale of which has yet to be appreciated. Therefore, it is incumbent on African governments, NGOS, and the development community in general to take resolute action to mitigate the situation.

The Forum noted with regret that the attention and resources of the international community are shifting elsewhere with the result that Africa as a whole is increasingly being marginalised. The Forum further reviewed the human and social conditions of all continents and suggested that there is no task more urgent than to mount a persistent and comprehensive attack on the underlying factors of human suffering and deprivation.

In this regard, the creation of a favourable and conducive external environment, a substantial increase in resource flows, debt relief, equitable trading arrangements, a fundamental reassessment of aid policies, and an unwavering commitment to support human-centred development was considered imperative.

Themes and Recommendations

1 Crisis and Opportunity for Peace

International institutions have increasingly been called upon to mediate and, in some cases, to intervene in national and regional disputes as peacekeepers/peacemakers. The scale and expense of these operations has tended to overshadow the vital role that NGOs play in promoting and maintaining peace and in providing humanitarian assistance to all parties concerned.

In situations of armed conflicts, non-combatants are the major victims - at times they exceed 90% of the causalities. As such, warring parties are duty bond to allow competent humanitarian organizations to have free access to provide them with humanitarian assistance in a timely and efficient manner. Internationally recognized concepts such as periods of tranquillity, peace corridors and humanitarian cease-fires should be respected. The Forum further recognised that:

- NGOs must be instrumental in identifying potential causes and areas of conflict in society and swiftly acting upon them before they develop into major crises;

- international intervention often undermines existing local structures, this weakens local capacity upon withdrawal. NGOs should

encourage the recognition and development of local institutions and capacity.

- Lessons from failures and successes must be evaluated and guidelines for constructive peacekeeping must be acted upon;

- NGOs can foster awareness within local communities of their central role in maintaining and guarding peace.

- Women in particular have the capacity to discourage conflict at all levels of society and must therefore never be assigned a secondary role;

- NGOs must encourage a culture of tolerance which respects the rights and diversity of all communities. Political and economic inequality or religious intolerance that leads to undemocratic practices of any kind are to be resisted;

- NGOs need to increase their understanding of the issues of human and political rights so that they can monitor and actively discourage all forms of domination, from within the family and at all levels up to the state;

- The rights of free speech and a free press must be upheld at all times and in all circumstances;

- NGOs have a moral duty and an obligation to oppose the sale, production and proliferation of all types of arms, especially landmines and chemical warfare; Northern NGOs in particular can no longer be shy of involvement in this issue;

- NGOs should play a major role in alleviating the plight of refugees and displaced persons. Africa hosts the majority of the world's refugee population, most of whom are women and children

- NGOs must advocate a total ban on the production, transfer and dumping of toxic and nuclear waste particularly in the third world

- to this end, an international network for peace promotion - perhaps even an international peace centre - could be a future agenda for NGOs worldwide.

2 From Relief to Development

The 1980s have been described as the 'lost decade' for Africa, and indeed for many other nations of the world. Poor economic circumstances and civil strife have pushed millions across borders and displaced even more within their own countries. Repatriation and demobilisation of armed forces have further challenged depleted resources. As demands on bilateral and multilateral donors and the UN increase, NGOs are challenged now, like never before, to 'scale up' their activities, financially and operationally far beyond traditional small scale intervention and help enhance self-reliance. Particular action in this respect would include the following:

- NGOs must acquire new skills in dealing with issues of institutional development and human capacity building, especially in transferring them to indigenous organisations;

- it is essential that NGOs, national and international, coordinate their activities in a consistent manner and encourage networking and information exchange; this is a prerequisite to advocacy and policy intervention at national and international levels;

- NGOs must attempt to coordinate their work in relation to national, regional and local development plans.

- rehabilitation programmes must introduce elements of employment generating safety nets that would assist beneficiaries in acquiring new skills in development and thereby reduce dependency;

- since NGOs profess a level of people-centred morality, it is incumbent upon them to be more sensitive to cultural and gender issues;

- Overdependence on donor funding for large scale intervention may compromise independence and credibility; NGOs must explore alternative approaches and rely more heavily on available resources inside the country and the community in which they work;

- NGOs must actively avoid compromising their work through external interference, including that by the state and pressure groups;

- During and after a relief programme draws to a close, people's participation must imply a smooth transition to development. Primarily this requires that indigenous organisations and networks take a lead at national and local levels.

- When Northern NGOs implement activities in the South they should consider the possibility of implementation by a Southern NGO, management by qualified local people and must, at the outset, include a time framework for hand over to a local group

- Advertising and media campaigns to solicit resources of support for relief and emergency efforts have had a negative impact on the dignity of the peoples of the South. NGOs must adhere and advocate adherence to a basic code of conduct and ethics for the media.

3 Civil Society I - the foundations for democracy and social integration

NGOs are key partners in promoting concepts of civil society worldwide. The challenge is how to encourage and incorporate popular participation and good governance as a vehicle for building sustainable societies. The forthcoming World Summit for Social Development will be one opportunity towards achieving this end. Efforts by some multilateral agencies, such as the UNDP, are increasingly complementary to NGO concerns, but NGOs themselves remain at the forefront of this endeavour.

In order for NGOs to fulfil their role as guardians of civil societies which can be strong, viable and active, they should be guided by a necessary set of ethics and recognise that poverty, being a political issue, places them on the side of the struggle for justice. In light of this the meeting concluded that:

- there must be a constructive relationship of mutual respect, accountability and transparency between and amongst donors, NGOs and communities. This should particularly be the case in the relationship between Northern and Southern NGOs;

- NGOs shall actively support communities in their struggle for political, social and economic justice with a special emphasis on women and children. They should also acknowledge the need to, and plan for, phasing out at an appropriate time;

- NGOs must advocate for capacity building and sustainable, viable development as the basic driving force that governs their work. NGOs must also urge donors to recognise their obligation to support capacity building of local NGOs and communities;

- NGOs should act in solidarity with people's movements to achieve social justice but may adopt a neutral position to ensure that, where

necessary,essential humanitarian assistance reaches the people in need;

- popular community participation must form the basis for planning of NGO assistance and activities. Furthermore, the community's development priorities must override the project demands of donors and NGOs with respect to funding;

- NGOs must discourage any action that multiplies unemployment and that is not human oriented. This includes structural adjustment programmes that are planned and implemented without the participation of and the against the wishes of the affected population;

- project design and implementation must recognise the need to incorporate and link the human, natural and financial resources available at the community level;

- NGOs must strive for short, medium and long term planning and also coordinate and network with like NGOs and communities in such planning.

- The meeting further recognised that women form a central element in all forms of sustainable development, capacity building and conflict resolution, as well as in the battle for social, economic and political justice such that women and men must have equal control and access to land and resources and equal control of economic and political power to achieve long term sustainable and viable development.

4 The World Summit for Social Development

The World Summit for Social Development, which will be held in Copenhagen, Denmark, during 6 to 12 March 1995, offers a unique and timely opportunity for the international community as a whole to examine the fundamental human and social concerns that are common to humankind, renew resolve and strengthen solidarity, to uphold the ideas of peace, progress, dignity, justice and economic, social and political equity. It should provide humanity with an opportunity to set global standards for improving human and social conditions as a new millennium dawns.

Therefore, this Forum views the Social Development Summit not only as an opportunity to reach agreement on the already emerging consensus on the

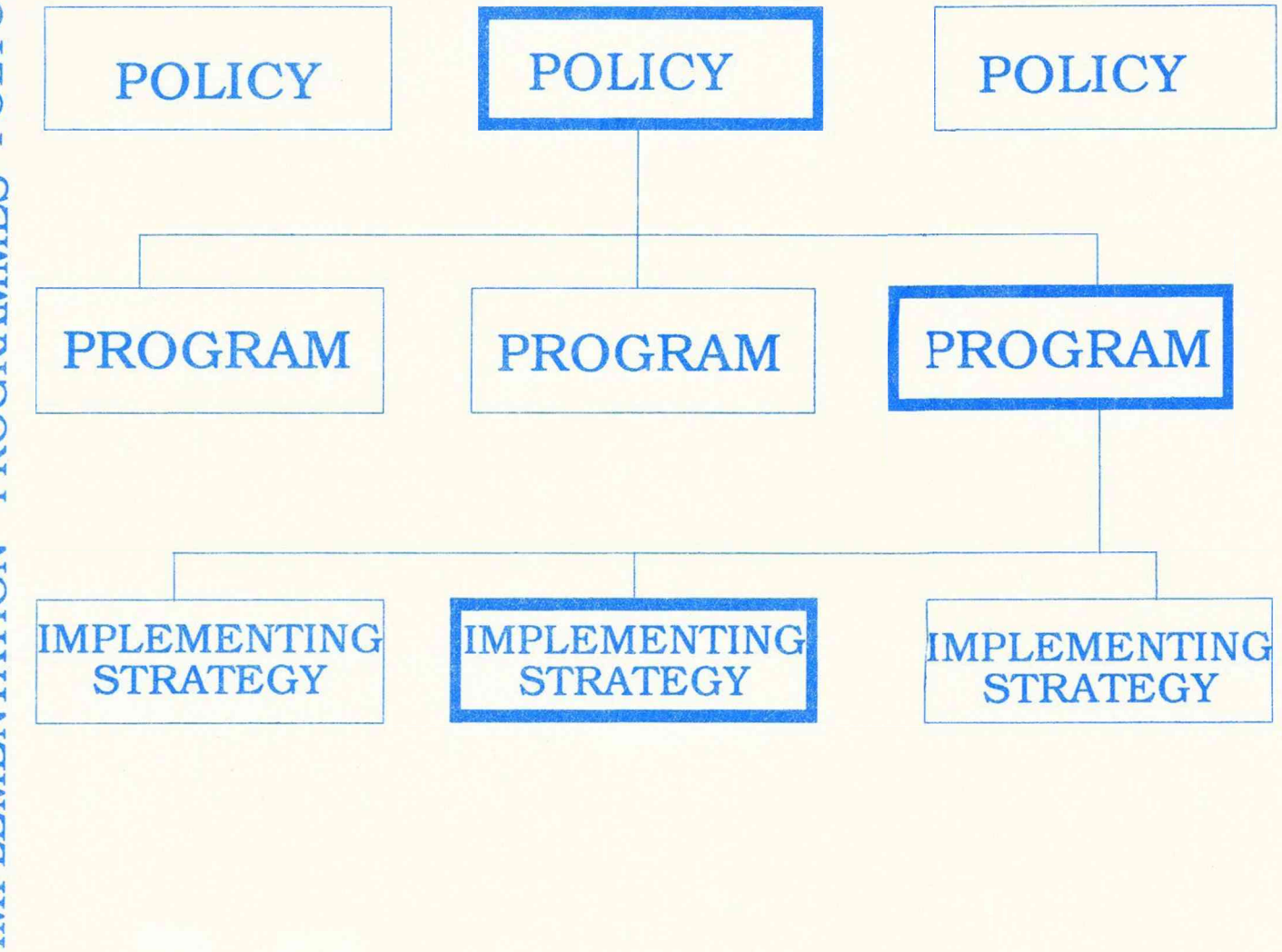
primacy of human development but, more concretely, to arrive at a compact on the concrete plan of action to meet the challenge of poverty eradication, expansion of productive employment and social integration.

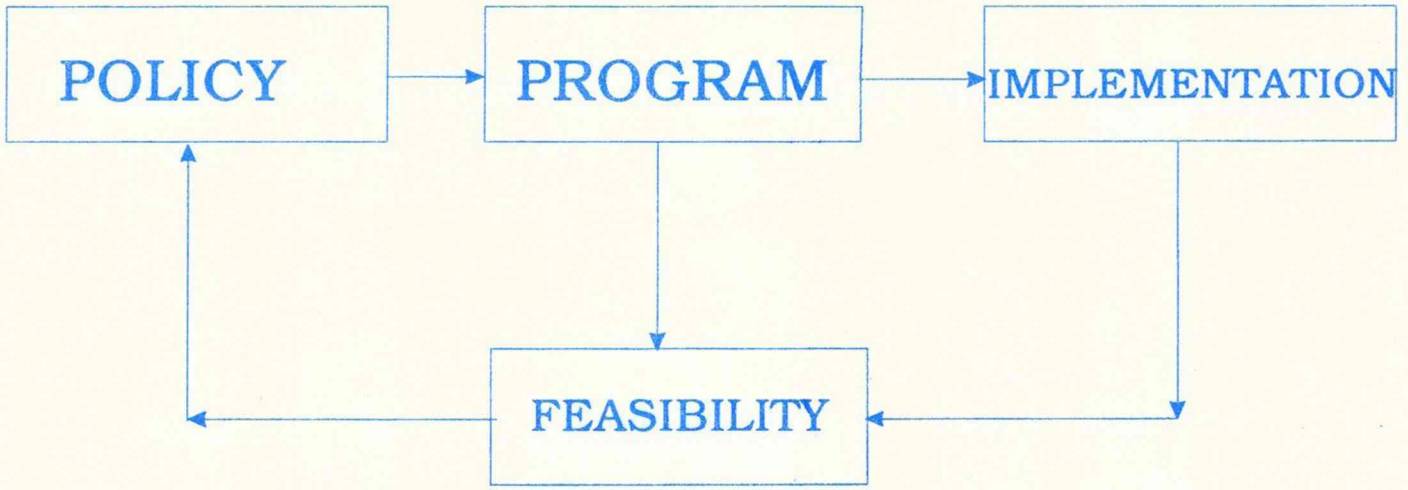
In this regard, the Forum appreciates the importance of the "African Common Position on Human and Social Development in Africa", for the World Summit for Social Development, as a collective contribution towards embodying the wishes, hopes and desires of the African people to transcend the current state of economic and social retrogression on the continent. It also forms the basis of constructive and increasingly fruitful dialogue and cooperation between NGOs, the United Nations, African governments and the international community. The Forum is particularly gratified to note that one of the major areas for action of the African Common Position relates to democratisation and popular participation in development. The primacy of these objectives should not be restricted solely to the African continent, and should indeed be part of the major concerns of the Social Summit.

The Forum would like to extend its appreciation to His Excellency, Ato Tamrat Layne, the Prime Minister of the Transitional Government of Ethiopia for having given his time to deliver an inspiring opening statement of this gathering and to the Government of Ethiopia for the warm hospitality extended to participants. The Forum further extends its appreciation to the UNECA for making its facilities available to this gathering. Finally, special thanks go to the local NGOs, particularly CEVO, CRDA and IAG for their unfailing support which made this gathering the success it is.

(SYSTEMS ANALYSIS)

IMPLEMENTATION PROGRAMMES POLYCY

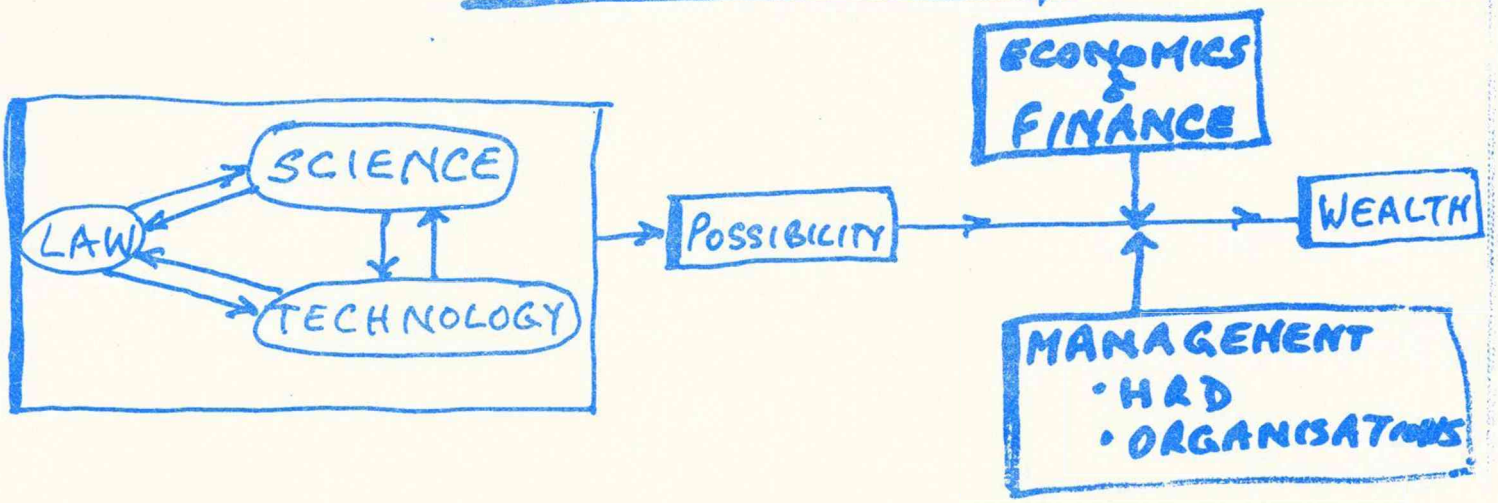




POLICY MAKING

1. OBJECTIVE
2. DOMAIN
    - SPATIALLY
    - FUNCTIONALLY
    - TIME DIMENSION
3. THE POLICY ENVIRONMENT
    - INSTITUTIONS
    - IMPLEMENTATION CAPACITY - MANAGEMENT
4. PARAMETERS
5. 4C'S
    - COMPREHENSIVENESS
    - COHERENCE
    - CONSISTENCY
    - COST EFFECTIVENESS

TECHNOLOGY



LAW - SCIENCE - TECHNOLOGY

- INTERFACE & INTERACTIONS

TECHNOLOGY

- HARDWARE
- SOFTWARE
- SKILLS
- ORGANISATION

} LABOUR / SKILLED MANPOWER

CAPITAL

TECHNOLOGY

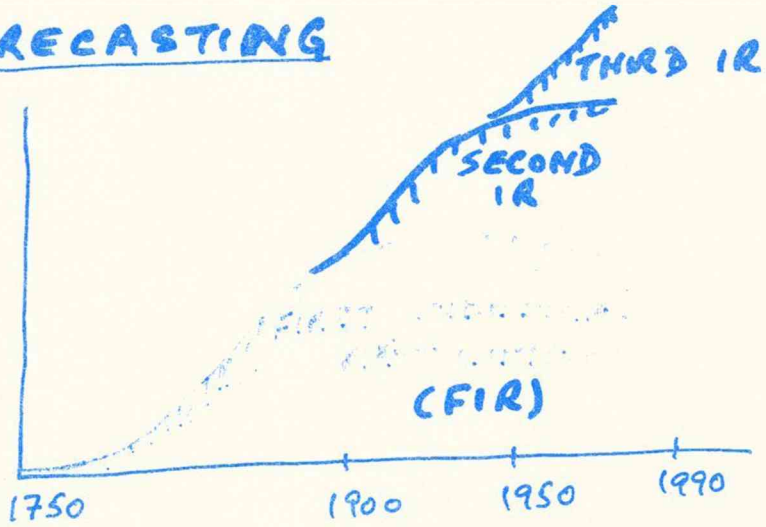
TECHNOLOGY ACQUISTION (TA)

TA REQUIRES:

- FORECASTING
- ASSESSMENT

→ ACQUISITION

FORECASTING



F I R	SIR	TIR
	OIL	INFORMATION
	CHEMICALS	INTELLECT

ASSESSING

- FOR WHOM
- WHEN
- WHAT
- [illegible]

TECHNOLOGY

IMPLICATIONS FOR AFRICAN POLICY MAKERS

- MUTIPLE CHOICES
  ↓
  NEED FOR "WISDOM"
- SEQUENTIAL vs NONLINEAR
- ALTERNATIVES
  - BUY PACKAGED TECHNOLOGY
  - DEVELOP
  - SYSTEMS CONFIGURATION
  - VARIOUS COMBINATIONS OF ABOVE

ESSENTIAL FOR ALL ABOVE

— INSTITUTIONS

— MANPOWER

UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA

REGIONAL LEADERSHIP SEMINAR ON

MARINE AND OCEAN AFFAIRS IN AFRICA

GUIDELINES FOR

AFRICAN NATIONAL, SUB-REGIONAL & REGIONAL

OCEAN AND MARINE POLICIES

Addis Ababa, Ethiopia

28 March - 2 April, 1994

This paper has been prepared for UNECA by Consultant, Mr. Tesfaye Chemer of Ethiopia. The paper is expected to provide a framework for discussion and formulation of recommendations by the Seminar participants.

GUIDELINES FOR
AFRICAN NATIONAL, SUB-REGIONAL AND REGIONAL
OCEAN AND MARINE POLICIES

1. Introduction:

The 1982 United Nations Convention on the Law of the Sea is already ratified by over sixty countries, the minimum required for it to enter into force. Accordingly, the convention will enter into force in November, 1994.

The Convention brings with it lots of opportunities to developing countries in marine resources exploration and exploitation over wide spectrum of the maritime zones (the Territorial Waters, the Exclusive Economic Zone and the Continental Shelf).

The Convention further created the Sea-bed regime outside the national boundaries of states, and has succeeded in translating the principle that the resources of the Sea-bed constitute the common heritage of mankind, into a workable institution and management.

in view of the immense challenges and opportunities African States and in particular the Coastal States face, it would be timely to consider some of the practical measures to be undertaken in putting into effect the new regime embodied in the UN Convention on the Law of the Sea.

2. Awareness and Ratification:

The Convention on the Law of the Sea reflects the inspirations of African States in the promotion and maintenance of international peace and Security and the

Sovereign Rights of States to explore and exploit the resources of the Seas within the universally agreed limits of the marine zones. African States have been actively involved in the making of the 1982 Law of the Sea Convention. Contrary to the 1958 Geneva Convention, where the interest of most African States was not reflected, the 1982 Convention on the Law of the Sea embodies African inspiration and wishes and, inter-alia, could contribute to the new International Economic order. The Convention will further promote international peace through the peaceful settlement of disputes and prevention of use of force in the settlement of differences between states by mandatory system of disputes settlement. As a first step, therefore, it would be appropriate for all African States to ratify the Convention if they have not already done so.

The ocean space is a potential source of minerals and petroleum, as well as other sources of energy and food. The ocean regimes are relatively new area of activity for most of African policy makers in government and there could be certain lack of appreciation of the economic potentials of the activities related to the ocean and their ability to contribute towards the national development efforts. The advancement of technology has clearly shown that the future of mankind may well depend, to a large extent, on the huge and yet untapped living and non-living resources of the sea.

Many African States have passed laws regarding the limits of their maritime boundaries. It must be noted that the maritime boundary delimitation also concerns the opposite and/or adjacent states. The baseline from which the breadth of Territorial Sea and other maritime boundaries are measured, the outer boundary of the Territorial Water, the exclusive Economic Zone and where applicable the breadth of the Continental Shelf as well as the boundary demarcations

of the maritime zones with the opposite and/or adjacent states have to be shown on charts or geographical coordinates as provided for in the Convention and must be deposited with the United Nations Secretary General. These have to be given due publicity for knowledge of other states and their nationals as each zone, has its own special legal characteristics with distinct rights and obligations on other states and their nationals.

The continental shelf is rich in natural resources the most important being the extensive oil and gas reserves. Off-shore exploration of oil and gas on a commercial scale did not begin until shortly before the second World War. And with the advancement of marine technology commercial production is going further and further into the deeper areas of the Sea-bed.

There are also important minerals in the sea-bed. Some countries like Namibia are mining diamond from the Sea-bed. Pools of brine in the sub-soil, notably under the Red Sea, between the Sudan and Saudi-Arabia, contain concentration of lead, zinc, gold and silver and could be mined economically in the future. Other types of minerals exist in the oceans, manganese nodules being the most important from the deep Sea-bed.

African policy makers, in particular, and the African public at large, should be aware of the importance of the marine "territory" and its potentials. Seminars, workshops and meetings on the subject will help to create awareness. Such awareness is vital for national planning where the maritime space should deserve equal consideration with that of the land territory in the determination of development priorities.

3. **Delimitation:**

As stated above one of the major preoccupations of the United Nations Convention on the Law of the Sea in the promotion and maintenance of International peace and security is that it will replace the unrestrained and conflicting claims by coastal states with universally accepted limits on the territorial Sea, on the contiguous zone, on the Exclusive Economic Zone and on the Continental Shelf.

Most African Coastal States have laws dealing with the delimitation of maritime boundaries passed in accordance with the requirements of the Convention. Some have even started negotiations with their neighbours to settle their maritime boundary limits. Precise delimitation of the maritime zone, including an agreed boundary limits should be regarded as an important step in order to conduct exploration and take full inventory of the potentials of the marine space and for regional or bi-lateral cooperation in this regards. African countries who have not demarcated their maritime boundary limits are therefore advised to do so. Demarcation of boundary with the neighbouring state could be a complex and difficult issue and maritime boundary delimitation could not be different. African states are advised to handle the boundary delimitation of their maritime zones with spirit of brotherhood and cooperation.

3. **Non-Living Resources:**

As stated above the oceans hold lots of promises for coastal countries in particular and the international community as a whole. This potential however, could be assessed only through geological and geophysical studies. It does not necessarily mean that every ocean space is endowed with

mineral or petroleum wealth. As the first steps African Coastal States are advised individually or preferably on a regional or sub-regional basis, to make preliminary geological and geophysical studies, collect all data and information to be able to assess the potentials, and make inventory of the potentials of the seas in that particular area. The assistance of other countries and international organizations could be valuable at this stage.

Mining and petroleum exploration and exploitation requires technology, high risk capital and skilled manpower, both in the technical and managerial fields. Also the normal gestation period for development of such resources range between 7-10 years, which means tying down a country's resources for long period of time. Governments' supply of inputs of technology, capital and managerial skill are definitely limited not to mention that there are competing claims on these resources. Therefore, the task of an African government could not go further than the preliminary stages of studies in order to identify the geologic potentials for the purpose of undertaking promotional activities to attract foreign investment for further exploration and exploitation activities.

The large finance required for exploration and exploitation of these non-renewable resources from the seas, may be available mainly through the private sources. Attractive geological formation, acceptable risk and incentives affect investment decisions on the part of foreign companies.

3.1. Investment and Resource Development Laws:

"Mineral investment is determined in part by investment legislation, and indirectly influenced by the policies and precedents expressed in this legislation." Modern mining

and petroleum laws have deviated from their traditional approach of regulatory and policing functions to more comprehensive investment oriented mineral development codes. The laws now are tailored specifically to meet the requirements of mineral investment and take into account the long period it takes, the high risk involved, the large capital required and its heavy export orientation. African coastal countries who have not as yet developed a legal framework for the exploration and exploitation of the non-living resources of the seas may have to do so taking into account the needs of the industry and facilitate other conditions to create a climate conducive for investment in order to activate exploration in the maritime zones.

In view of the special nature of the industry consideration should be made for special taxes and special rules for income tax calculation such as accelerated depreciation, long loss-carry forward, and investment guarantees and incentives, such as, access to foreign exchange, customs duty exemption, international arbitration and stability of contract.

While terms and conditions as well as the modality of laws may vary from country to country, the common policy objectives could be:

- to have extensive exploration work to identify existence of commercial fields or deposits;

- to have it exploited to the benefit of national development;

- employment and training of nationals and
- transfer of Technology to enable it be self reliant so that it will be able to undertake the activities by itself at some future date.

The legal frame works and contractual arrangements must be such as to reflect and enable the government to attain these objectives.

3.2 Other Non-Renewable Resources:

The 1902 United Nations Convention on the Law of the Sea accords Coastal States with the sovereign rights with regard to other activities for the economic exploitation of the Exclusive Economic Zones, such as the production of energy from the water, current and winds (Art. 56). Immense energy could be generated from the oceans from such sources as waves, currents and winds.

3.2.1 The Sun:

The Sun is a major factor in ocean energy production through radiation. About 80 Billion MW of energy is absorbed by ocean which could be put to use by employing concentrating mirrors placed on floating platforms to focus incident solar energy on a boiler.

3.2.2. Temperature Difference:

Thermal energy can be harnessed from temperature differences between two water supplies of unlimited discharge. It has been reported that around some Pacific Islands the difference between surface and 300 meters deep waters reached 20°c.

3.2.3 Salinity:

The possibilities of production of energy from the contact of salt water and fresh water has been given some attention.

3.2.4 **Tides:**

Tidal energy is used to generate electricity in China, France and Russia where tides can be as high as 14 meters.[1]

The above energy sources are not yet in full use, even in the developed countries. African Countries have good potentials for developing energy from the above sources. However, for the moment they have to concentrate on already existing sources of energy like hydropower while at the same time start with the basic studies and experimentations in the above mentioned sources of energy.

4. **Fisheries Resources:**

Even in countries where the continental shelf is not broad, the ocean space becomes very important as a source of food (protein). Navigation and fishing are the oldest uses of the seas. The total world marine fish catch was growing since from second World War. "This increase is mainly due to two factors, technical improvements such as sophisticated electronic fish-finding equipment, and greater investment in fisheries of developing countries. The beneficials from fishing in the past, however have been the most advanced countries. While the rate of increase in the world catch has slowed down in recent years, mainly because most commercial exploitable fish stock are now fully exploited, it has been estimated by FAO that with proper management the total catch could be increased to about 100 million tones a year, and if less familiar species such as Krill become

---

[1] The New International Economic Order and the Law of the Sea, IOI, 1980, Macda Malta.

commercially exploitable the figure could be even higher."[2] coastal states have the right to explore, exploit, mining and conserve the living resources in the maritime zones.

With the introduction of the new maritime regime such as the Exclusive Economic Zone, fishing has moved from an era of limited international regulation to an era where it is regulated largely by coastal states. But such task of determining the total fish population, the determination of allowable catch and exercise the responsibilities of conserving require not only the adoption and enforcement of effective management programmes for their water but also requires cooperation with their neighbours. The need for such cooperation becomes more apparent where their are highly migratory fish, which migrate during their life cycle through the waters of several different states. Moreover as in the non-living resource sector, expertise in the management of fisheries has to be developed; as well as the necessary investment and technology to exploit these resources fully.

In order to overcome these problems, African States may take the following measures:

a) Promulgate legislation to declare and delimit the maritime zones.

b) Formulate regional and/or bi-lateral arrangements with neighbouring states to undertake survey to determine the total fish stock in type.

---

[2] R.R. CHURCHILL and A.V. Lowe
Laws of the Sea, Manchester University Press, Manchester, 1983.

c) Carry out proper research in order to determine the allowable catch and the surplus catch.

d) Have detailed legislation to reflect the sole sovereign right to undertake fishing in the area with the necessary institutional and enforcement mechanisms including the setting up of institutions with adequate facilities to undertake surveillance activities.

African States who have not yet started effective monitoring of their maritime Zones against illegal activities on their fisheries resources, should do so through their own means and/or through international assistance.

Some African States have succeeded in getting better benefits from such regional cooperation and strong monitoring activities and this has to be encouraged by the international organizations and friendly countries.

Joint-venture arrangements could be made whereby the foreign partner may provide funds, vessels and technology and the host country/countries could provide its or their resources.

These would best be done through regional arrangements and joint ventures between the coastal states in the region or sub-region. The state should provide for laws and contracts for exploitation of fisheries by foreign countries or their nationals under licence with possibility of joint-venture arrangements with the institution of the host government or its nationals.

Contracts may be granted on competitive basis to the one who gives the best offers. The agreement may contain such provisions as:

- Employment and training of Nationals;
- Preference to local goods and services;
- On-shore landing of fish, freezing or further processing to be able to give more employment opportunities and also provide better control.

f) Artisanal sector, which amount to be a substantial quantity of the world harvest has to be organized and members be given all possible technical assistance and training. Organized artisanal sector could give large employment and also could be used as a force to guard the marine environment if proper education and guidance is provided.

Common regional policy and legislation as regard to commercial fishing will help coastal states to have a stronger bargaining position than approach the foreign fishermen and developed counties on individual basis. This will make it difficult for the developed world fishermen to play one country against the other in order to get the best terms. On the contrary if the African countries form a strong alliance to protect their interests they could be able to play a foreign company against the other and will be able to get better terms.

Rights of Land-locked States:

It must be noted here that land-locked states in the region have the right to participate on an equitable basis in the exploitation of an appropriate part of the surplus of the

living resource of the EEZ. It would, therefore, be necessary for the Coastal States to determine the surplus and the manner of participation of the landlocked neighbouring state or states.

5. **Transfer of Technology and Scientific Research:**

The extended ocean jurisdiction that the United Nations Convention or the Law of the Sea brought about to Coastal States over the living and non-living resources of the ocean floor, its sub-soil and the superjacent waters is at a time when African States have not built up their technological capacity, managerial skill and the high capital required to undertake research and development activities. Because of these formidable challenges of developing the Ocean resources, African countries may have to look for foreign technology.

It is important for African States, individually, or preferably at regional or sub-regional levels to have the outline of technological objectives and policy and strategy for effective and practical transfer of technology. It is obvious that there would be divergence of interest between the countries and the owners of marine technology when it comes to real transfer of technology due to the wish by the foreign companies to keep the developing world in a continuous state of "dependency" on their services.

This has to be always borne in mind when contractual and legal provisions pertaining to transfer of technology are prepared.

Developing countries should make all efforts and use every opportunity to acquire marine technology. Resource development contracts and laws must have clear provisions on

training and employment of nationals in all phases of the companies operations. Scholarship fees have to be required with the amounts fixed on annual basis. Employment and training of nationals should be closely monitored by requiring the submission of periodic reports to ascertain the effective execution of the plan that should be submitted at the beginning of the year by the operator.

Based on the countries priorities, practical and applicable training should be given to nationals to enhance their skills for managing the oceans in their national jurisdiction. Participation in the exploration and development activities of a foreign operator by a National Petroleum, Mining, as well as fisheries corporation could be one way for effective transfer of Technology.

Even where National Corporations are not created or is found unnecessary, transfer of technology could be exercised through participation in the decision making or approval of exploration work programmes, annual budgets, determination of production rates of the operator by the Management Committee composed of personnel from both the Government and the Operator.

Countries in the region are advised to create and utilize common facilities such as research centers, research vessels, training centres for technicians, universities for higher learning in marine sciences, data base for exchange of information and could arrange for and hold seminars, workshops, meetings and exchange programmes to upgrade the skills of personnel.

The Law of the sea Convention provides for states and competent international organizations to actively promote the development of the marine scientific and technological

capacity of developing states, whether coastal or land-locked, by such means as training, the establishment of regional scientific research centres, joint projects for exploration and exploitation of the sea-bed and marine biological resources, the exchange of technologists and conferences and seminars and by making research available to all states without discrimination.

This being the case, states should establish generally accepted guidelines, criteria and standard, preferably at regional level to facilitate the transfer of marine technology and seek the assistance of international organizations as well as other countries to help them in the transfer of marine technology.

Coastal states should further have laws and regulations relating to marine scientific research within their maritime zones in order to know what is really going on and that they will be able to get the best out of such scientific research including participating and training of Nationals in such studies.

6. **Surveillance:**

Once the maritime boundaries of a coastal state is demarcated and legal mechanisms are put in place, these actions have to be followed by adequate monitoring and surveillance. Without adequate monitoring and enforcement of the legislation relating to the marine areas, sovereignty over these areas becomes only nominal and meaningless. It is only through proper monitoring system that illegal activities such as unauthorized fishing, dumping and other pollutant from ships etc. could be prevented.

Adequate monitoring and enforcement of the laws might be beyond the countries financial resources and technical capability. While international assistance is desirable, African Coastal states could better meet the problem through regional cooperation.

7. **Pollution and the Environment:**

Environmental protection and preservation is an important factor that is dealt by the Convention. Pollution could occur from exploration and exploitation activities, from ships (dumping oil and waste) and largely from land based sources of pollution.

The Convention makes it an obligation on all states to protect and preserve the marine environment, and coastal states have the right to exploit their resources subject to their environmental policies. In recognition of this international obligation, African Coastal States should provide for legislation dealing with environmental issues and in exploration and exploitation of living and non-living resources environmental considerations should take place. Non-living resources exploration and exploitation should not adversely affect the environment. There must be a balance between marine resource exploitation and the environment. In order to ascertain this and calculate the impact on the environment, African Coastal States should require those who want to engage in exploration and exploitation of marine resources for environmental impact assessment as well as

action plans in case of accidents. As the larger part of poultants come from land based activities, environmental considerations of the seas cannot be separated from those land based activities. Consorted and coordinated actions of

the various responsible agencies in this regard therefor becomes imperative.

The responsibility to protect the marine environment from pollution falls by and large on the shoulders of Coastal States. In order to meet these challenges countries should have a clear policy guidelines, sectorial and national laws with a national organization that serves as focal points to coordinate all activities that relate to the environment issues. The organizations should be provided with adequate facilities and trained personnel in order to make environmental research and monitor the activities in the seas.

Pollution has no boundary. Regional cooperation in this regard has to be forged and/or strengthened.

8. **Institutional Arrangements:**

The United Nation Convention on the Law of the Sea deals with almost all conservable uses of the Oceans including, inter-alia, exploration for and exploitation of non-living resources, navigation, fishing, scientific research, conservation of the marine environment and control of pollution. These varied interests require multi-disciplinary skills, and legal and administrative frameworks. Different Governments have different approaches to these challenges. Some countries have dealt with the issue by establishing an institution responsible for the coordination and management of marine affairs. Some, on the other hand, had resorted to sectorial management of the different aspects related to ocean affairs.

While the first approach could be viable where marine activities are high and resource development is large, it

should be noted that whatever approach is taken, marine development could only be possible if there is efficient coordination of the various marine activities.

Coordination between various sectorial ministries and institutions will save money and time and will lead to excellent utilization of skilled manpower.

Therefore the need for the coordinated activities of the institutions of Coastal African States dealing with marine affairs cannot be over emphasised.

9. **The International Sea Bed Authority:**

With development of technology and the realization that sea-bed mining was a commercial possibility, it has been recognized that, as international law stood, it was a handful of developed countries that were to benefit most from such activities.

There were some that argued that with the "exploitability criteria" of the outer limits of the continental shelf as embodied under the 1958 Geneva Convention, Coastal States with the technology have the right to exploit the deep-sea bed minerals, although it was doubtful whether the continental shelf moved into deeper and deeper waters. If this theory was valid, there would have been a possibility of seeing the entire ocean floor divided among Coastal States with biggest beneficiaries being the handful developed States.

The other outlook, which is still held by some, is to regard the ocean floor as part of the freedom of the High Seas and that the minerals could be freely mined by those who own the technology and have the risk capital. This was not the view

of the larger majority of the International Community which believed that the freedom of the high sea did not extend to the sea-bed and the superjacent waters.

It was the realization of these and other concerns of the uses of the sea-bed that led the Maltese Ambassador Dr. Arvid Pardo, to bring the issue to the UN General Assembly to draw up a Declaration and Treaty concerning the reservation exclusively for peaceful purposes of the Sea-bed and ocean floor underlying the seas beyond the present limits of national jurisdiction and the use of their resources in the interest of mankind.

The idea behind this proposal to the General Assembly was both demilitarization of the Sea-bed and the prevention of appropriation of the Sea-bed by those few technologically advanced states.

This resulted in the establishment of the Sea-bed committee in 1968 which ultimately led to the Third United Nations Law of the Sea Conference, which was mandated to consider all issues relating to the activities of the Sea and draw-up a comprehensive legal system for the oceans and seas.

According to the Convention no state shall claim or exercise sovereignty or sovereign right over any part of the area or its resources, nor shall they be allowed to appropriate any part thereof. The resources of the area may be explored and exploited only upon getting the proper licence as provided for in the Convention. (Art. 137)

Sea-bed exploration and exploitation in the "Area" beyond limits of national jurisdiction, as embodied in the 1982 Law of the Sea Convention, is to be done on behalf of mankind as a whole by the Authority.

The authority has three main organs:

1) The Assembly is the highest body of the authority and formulates policies and carries some specific tasks in which all States are represented,

2) The Council is the main executive body of the authority and is composed of thirty six states representing different interest groups, including land-locked and geographically disadvantaged groups, and

3) A Secretariat.

In addition there is what is known as the Enterprise, which is an autonomous body, that acts as the technical arm of the Authority, with its own Board, Director General and the necessary Staff. The Enterprise is to engage in the prospecting and mining in the area and transporting, processing and marketing of the mineral resources recovered. Apart from the financial benefits its activities are intended to facilitate the transfer of the necessary mining technology by buying it from the commercial operators or entering into joint ventures with them. The wider participation of developing states in deep Sea-bed mining and the acquisition of Technology and Scientific knowledge, with particular attention to the needs of the those landlocked and geographically disadvantaged Developing State is provided for the provision of Part XI of the Convention (Art. 148).

As the treaty stands, the activities in the area shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of states, whether coastal and land-locked, but taking into consideration the

interests and needs of developing states and that financial and other economic benefits that derive from the area are to be distributed equitably. The Convention identifies itself with the interest and aspiration of African States and which have worked towards its formulation as well as its entry into force.

African States would like to see the establishment of a strong and workable Authority to organize and control the Area. The reluctance of some of those countries that own marine technology to be a party to the Convention mainly due to part XI of the Convention, is indeed a concern for all. This reluctance on the part of some developed states who possess Sea-bed technology is mainly due to the opposition of the concept that the Enterprise should have access to all the technology employed in activities in the area.

Some, among developing countries, might argue that without the participation of the few developed countries who have the technology, the establishment of an International Sea-bed Authority will be futile and as such would opt not to ratify the treaty. However if the large majority of states become parties to the Convention the ones who are hesitant will at least have the moral obligation to re-frain from taking acts which will be contrary to the wishes of the international community and since they have to utilize the marine technology they already developed, sooner or later they will have no choice except be a party to the Convention. African countries, therefore, should give their unrestrained support to the provisions and aspirations of the Convention, have it ratified and fully participate in the various organs of the Authority.

10. Conclusion and Recommendations:

1. The 1982 Convention of the Law of the Sea does more or less reflect the interests of African Countries. In view of this African States who have not yet ratified the treaty should do so in order to be a party to the Convention and be able to get the full benefits provided for in the Convention.

2. African Coastal States have an additional new ocean "territory" that falls within their jurisdiction which brings along with it rights as well as obligations to the States. African policy makers and the public at large should be made aware of these facts through different means so that in formulating the national development plans of the Countries, the maritime Zones will be considered on equal footing with that of their land territory.

3. Delimitation of the maritime boundaries of Coastal States including boundary demarkation with the opposite and/or adjacent States is required by the Convention. In order to fully exercise sovereign rights and jurisdiction, precise demarkation of agreed boundary lines on charts or geography coordinates become necessary. African States should therefore settle their boundary limits with the neighbouring countries and meet all the requirements of the Convention in this regard.

4. The Sea-bed and sub-soil in the maritime zones of Coastal States possess immense wealth in the form of living or non-living resources. Considerable effort should be exerted by the Coastal African States to

carry out preliminary geological survey in order to assess these resource potentials individually or preferably on region or sub-regional arrangements. To this end technical, material and financial assistance should be requested from friendly countries and international organizations. Private companies should also be encouraged to undertake speculative seismic surveys in the marine areas to identify geologic potentials for petroleum, under specific terms and conditions.

5. African Coastal States should develop policies on marine minerals, petroleum and fisheries exploration and exploitation as part of the general national policy of the country. Laws relating to minerals and petroleum exploration and exploitation should take into account that these natural resources are a wasting asset and Governments must have particular care, on one hand, to ensure that their nations get the appropriate economic and other benefits out of these operations while at the same time balancing the interests of the operator who invest high risk capital and should therefore receive some special inducement to enter into these types of speculative investments.

6. African States should exercise every conceivable means to acquire appropriate marine technology and to this end development contract entered with foreign investors should, inter-alia, provide for training and employment of nationals, preference for local goods and services, participation of nationals with the foreign operators in decision making and provision of technical assistance to local investors to help them acquire and develop indigenous technology.

Scientific research must be encouraged by the Coastal Countries and countries in the region and sub-region should work towards utilizing common facilities such as research centers and research vessels, training centers for technicians, universities for higher learning, information exchange and data base centers etc.

7. Environmental preservation and protection is given great emphasis in the Convention and States are obliged to conserve the living marine resource and protect the environment for sustainable development of resources. States have to balance environmental protection with resource development and should have national legislation as well as sectorial legislation on the protection of the environment.

Since the major sources of pollution come also from land based activities as well as from ships through deliberate dumping of oil and waste adequate legislation with punitive clauses for violators should be developed and applied. Common policy and legislation of regional or sub-regional Coastal Countries together with common monitoring systems should be developed. This would also be used to monitor illegal or over exploitation the fishing resources and bring the offenders to the court of law. National, regional or sub-regional contingency plans should be developed with adequate facilities and contact points in case of accidents of pollution.

Regional cooperation relating to Coastal management and protection of the marine environments under the Seas Programma of UNEP should be ratified and implemented by the States in the region or sub-region.

AFRICAN LANDLOCKED STATES AND REGIONAL CO-OPERATION: A CASE STUDY OF UGANDA'S EXPERIENCE SINCE THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

A PAPER TO BE PRESENTED AT THE AFRICAN LEADERSHIP SEMINAR, ADDIS ABABA, 1ST APRIL, 1994.

RALPH W. OCHAN, LLB(HONS)(MAKERERE); LLM, M.A. (DALHOUSIE)

AFRICAN LANDLOCKED STATES AND REGIONAL CO-OPERATION: A CASE STUDY OF UGANDA'S EXPERIENCE SINCE THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

Before we examine Uganda's experience in regional cooperation in the context of the 1982 Convention on the Law of Sea, it will be useful to review the traditional legal framework within which landlocked states have enjoyed certain lagal rights. This will be followed by an examination of the provisions of the Convention which deal with transit and other rights of landlocked states. After that we shall pause and assess whether the Convention has made radical addition to the existing legal order or whether it has in some ways diminished the (in theory at least) the scope of existing legal rights of landlocked states under general principles of international law.

GENERAL PRINCIPLES OF INTERNATIONAL LAW:

A review of the general principles of law in this area must start with the question whether landlocked states have the right of free access to the sea as an established principle of international law. Contraversy has surrounded this question since the time of the Dutch establishment scholar Hugo Grotius. Those who claim that the right of access to the sea is such a long established principle quote the authority of Grotius who regarded free access to the sea is natural right of every landlocked state. They also quote Thomas Jefferson who is said to have relied on it in 1792 when stating the claims of the United States with regard to free navigation at the mouth of the Mississipi. Reference is also made in this connection to the French Revolutionary constitution which expressed this right in the famous Decree of Scheldt and Meuse. It is further argued that the right of landlocked states of free access to the sea is the logical consequence of the freedom of the high seas. Further, that a country without a sea coast is the beneficiary of a servitude of passage across a county having a sea coast.

On the other hand, there are those who argue that international law does not know of any natural rights of states to free access to the high seas. They argue that landlocked states or state bordering the sea but without adequate port facilities in their own terriroty, either depend on the goodwill of the other states which in this respect are more fortunate or must secure by treaty such rights which enable them to make use of such habours.[1]

...../2.

Schwarzenberger, writing on the navigation of inland rivers has argued that freedom and equality of navigation on inland rivers and corresponding limitation of territorial jurisdictions in such rivers go hand in hand. Such equality may be absolute or relative. In the latter case, subsidiary principles or standards, serve the purpose of defining the exact meaning and scope of the main principles as for example whether such freedon and equality of navigation can be granted on a footing of national parity (standard of national treatment) or foreign parity (most favoured nation standard). In the extreme it is argued that international treaties may be used to deny freedom of navigation, as was done by the closure of the Scheldt by the Peace Treary of Westphalia in 1648.[2] Schwarzenberger concludes his analysis by citing early treaties such as that of 1171 between Ferrara and a number of Italian cities regarding freedom of navigation on the Po and many others that followed in later centuries as evidence that the needs of international commerce for freedom of navigation require that any limitation of territorial jurisdiction, in order to attain a modicum of stability, demands a firm treaty foundation.[3] In other words, whatever rights landlocked states seek to enjoy they must obtain by negotiations and not as a matter of established law.

It is further argued with regard to rivers that these are part of the territory of states. This is true not only of rivers which are confined to one state but also to rivers which traverse or separate the territories of several states. Such portions of binational or multinational rivers as are within the territory of any state equally form part of the territory. Thus the presumption in favour of the unlimited character of territorial jurisdiction applies as much to jurisdiction over rivers as to any other aspect of territorial jurisdiction. Consequently, until more convincing evidence of the existence of restrictive rules of customary international law or general principles of international law is adduced, the term international rivers must be reserved to rivers whether in the geographical sense, the regime of which is the subject of international treaties. It is concluded from this that even at the highest level of international intergration of a river region, especially one which is established by a multilateral treaty and endowed with international administrative institutions, the typical intention of contracting parties is not to promote the interests of any one of the parties, be they upstream or downstream, but to create a regional community of a functional character- namely a river community. It is argued that the situation as it applied to rivers is equally applicable to other modes of transportation such as

...../3.

roads and rails. It is said that the interest of the regional community, consisting of the landlocked, transit and other market areas served by these routes is the primary interest intended to be served. In this respect, therefore, the legal regime that is created by treaty is intended to serve the whole community involved in the region. The opinion of the World Court in the Order Commission is cited approvingly to support the arguement. The Court in that case stated:

> "This community of interests in a navigable river becomes the basis of a common legal right, the essential features of which are the perfect equality of all riparian states in the use of the whole course of the river and the exclusion of any preferential privilege of any riparian states in relation to the others.[4]

Other "strong evidence" which the advocates of the second school of thought on transit rights adduce, is in the opinion of the World Court in the Advisory Opinion on Railway Traffic between Lithuania and Poland (1931).[5] There, the World Court examined the significance of Article 23(e) of the Charter of the League of Nations by which members bound themselves to make provisions "to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the League." Poland attempted to derive from this an immediate obligation on the part of Lithuania to open the one railway line between the two countries which was of considerable economic importance. The Court drew attention to the fact that the indefiniteness of the Article was still further increased by the introductory paragraph which made the obligations undertaken thereunder dependent on the proviso: "subject to and in accordance with the provisions of international conventions existing or thereafter to be agreed upon." Under those circumstances the Court held that no specific obligation was incumbent upon league members to open any line of communications. It is argued this ruling establishes the fact that transit rights are the result of "agreements" or "conventions", with no inherent right in general principles of international law as recognised by civilized states. Our view on that is that the authority of the court's ruling is doubtful because the court was there concerned with interpretation of a specific Charter clause. It made no general statement about general principles of international law regarding rights of transit. It simply stated that Article 23(e) made no provisions for the guarantee of transit for landlocked states. It is therefore doubtful whether a general principle of law can be deduced from that specific decision.

...../4.

The advocates of the viewpoint that transit rights are an essential and established principle of international law have not been idle either. Probably the most enthusiastic advocacy of that position is that of John E. Fried.[6] After an exhaustive analysis of the 1965 Transit Convention, which he finds inadequate, he concludes:

> Transit trade problems are getting more, not less, important as time goes on, because unhampered, fast, reliable and economical transit is becoming more essential for nations and individuals. Unless progress is made in this field, the world will be faced, because of frustrations of landlocked states, with a new source of dissent and complications on an international scale.[6A]

Another strong advocate of the above school of thought is V.C. Govindraj.[7] He holds the view that transit, as one of the most basic needs of the community, should not be "hindered" by the coastal state, provided it is inoffensive.[8] He argues that the conclusion of a uniform line of treaties in pari materiaie constitutes evidence of the practice of states giving rise to a customary rule of international law and that the body of treaty constitutes a jus constituendum.[9] He also concludes that transit agreements, far from creating no-existing rights, in fact only regulate the "modus" of exercise of the rights of transit and access to the sea of landlocked states.[10]

Also supporting the contention that transit rights for landlocked states are an established principle of international law is John Westlake.[11] He discusses, through a historical analysis of conventions and treaties, the evolution of the concept of transit rights. On that basis he concludes that a right of transit exists in international law although it is an imperfect right:

> "sufficient reason seems to have been shown for the admission in society of states of a class of imperfect rights, to which the element of law is contributed by the support which Powers taking in extreme cases their remedy in their own hands would receive from that society, so that the true description of the rights in question is "imperfect rights"."[12]

Henry Wheaton [13] has argued that the territory of a state includes the lakes, seas and rivers which flow through the territory also form part

...../5.

of the demain, from their sources to their mouths, or as far as they flow within the territory. Where a navigable river forms the boundary of coterminous states, the middle of the channel or talweg, is generally taken as the line of separation between the two states, the presumption of law being that the right of navigation is common to both. He has further argued, rather like Grotius, that things of which use is ineshaustible, such as the sea and running water, cannot be so appropriated as to exclude others from using these elements in any manner which does not occassion a lost of injury or inconvenience to the proprietor. He called this "innocent use". Following from that, it is contended that the jurisdiction possessed by one nation over sounds, straits and other arms of the sea, leading through these communications. The same principle is applicable to rivers flowing from one state through the territory of another into the sea, or into the territory of a third state. This right of navigating for commercial purpose, in a river flowing through the territories of a third state, has been treated as a qualified, occassional exception to the paramount rights of property. Both Westland and Wheaton make no distinction between the right of passage by river or highway or railroad. It is clear from the brief review above that the authorities are divided on the specific issue of whether the right of transit for landlocked states is an established principle of international law or not. It is also clear that the "truth", as always, must lie somewhere between the two extremes. The challenge of articulating this "truth", fortunately, has been taken up at the highest level of intellectual analysis by scholars such as Lauterpacht, O'Connell and Hyde, to name but a few.

Hyde [14], for example, while accepting that the supremacy of a state as a sovereign over that constitutes the national domain, embracing the land, territorial waters and superjacent air space, must be recognised as a fundamental principle or international law, has at the same time argued that certain definite limitations also exist which in practice area acknowledged as restricting the territorial sovereignty in the exercise of rights of control and may vary somewhat according to the nature of the thing over which those rights are asserted.[15]

The most often quoted moderate analysis of the concept of transit rights for landlocked states must surely be that E. Lauterpacht.[16] Lauterpacht has asserted that to regard the question of transit in absolute terms as being either dependent upon express treaty stipulation or otherwise

...../6.

non existent, may be to state the case with an emphasis not entirely appropriate to the present state of international law. He contends that there has always been room for a more flexible approach as evidence by extensive state practice in the form of law-making treaties reflecting developments that have made the orthodox rule of absolute territorial sovereignty, which they are entirely free to refuse, are bound to act in this matter in the fulfilment of an obligation to the community of which they form a part. On that view then, there exists in international law a right to free or innocent passage for purposes of trade, travel and commerce over the territory of all states - a right which derives from the fact of the existence of the international community and which is a direct consequence of the interdependence of states. The validity of this right is a direct consequence of the interdependence of states. Furthermore, the validity of this right is not effectively diminished by the fact that the terms in which it is stated frequently lay emphasis on different factors such as the general right to communications, rights of way based on the concept of servitude and rights of access based on freedom of high seas. Despite these variations, the central theme remains the same: that by virtue of their physical juxtaposition to another, states are not free arbitrarily to deny to each other the use of convenient or necessary routes of communication.

However, as a counter balance to this rather over-optimistic viewpoint, one must concede as Lauterpacht himself admits that the evidence in support of this contention is scant. The Right of Passage over Indian Territory Case [17] is distinguishable in that the decision in favour of Portugal came as a result of the established practice between the two states by agreement, for many years. A legal relationship was here created by "contract". However, the dissenting opinion of judge ad hoc Chagla deserves mention. The learned Judge said, inter alia:

> "It is difficult to understand how any right of transit can be without any immunities whatever ..... In the ultimate analysis, Portugal is in fact claiming a right of transit with immunities. She is claiming certain immunities which India cannot change or abolish ..... The basis of the passage ..... was the rule of good neighbourhood and international co-operation - moral principles which lack a legal content.[18]

It has been argued that the conclusion of a series of treaties constitutes no more than the recognition by states of the inadequacy of relevant

...../7.

customary international law. It might however be equally argued that there is more authority justifying recourse to uniform treaties as a source of customary international law.[19]

Many authors including E. Lauterpacht hold the view that the existence of a right of transit depends on two basic conditions, namely: the state claiming the transit right must be able to justify it by reference to considerations of necessity or convenience and the exercise of the transit state. The Corfu Channel Case [20] is cited as illustrative of the point. It will be recalled that it was Albania's arguement that the Corfu Channel was not even a necessary route between two parts of the high seas. The court of course rejected this arguement:

> "..... the decisive criteria is rather that its (the strait's geographical situation as connecting two parts of the high seas used for international navigation. Nor can it be decisive that this strait is not a necessary route between two parts of the high seas, but only an alternative passage between the Aegean and Adriativ Seas. It has nevertheless been a useful route for maritime traffic. "[21]

Two conclusions may be drawn from this passage in the judgment. The first is that a channel can be an international highway even though it may not be a necessary or essential route. The second is that the channel acquires its character as a connecting link between two parts of the high seas and its use for maritime traffic. There does not appear to be any compelling reason for refusing to apply the principles thus formulated by the court in respect of navigation through territorial straits. Nor would it constitute any real departure from the view underlying the judgment if emphasis were placed not on the fact of previous use of the channel but rather on the fact of its geographic situation as a potential communication link. In that case, the analogy would hold good even for transit rights on land.

Lauterpacht concludes his study, by first rejecting suggestions that the Barcelona Conventions only created an obligation on the part of coastal states to negotiate for and conclude transit agreements upon reasonable terms. Secondly he argues that these conventions created something more than a mere obligation to negotiate.

...../8.

In our view, the disposition to question the existence of a right of transit as dependent upon a balancing of interests between the state seeking and the state granting transit stems primarily from a rigid adherence to a positivist approach. Yet it becomes increasingly questionable whether this approach adequately reflects the modes in which the international community allows the law governing its conduct to be made or modified. At the same time, evidence of the existence of less exacting standards for the establishment of rules of law does not by itself prove the existence of a right to transit in the terms canvassed above. It must, indeed, be conceded that the submission that there is a right to transit in the circumstances and under the conditions set out above is a doubtful one. Nevertheless, the fact is that freedom of transit is one of the most fundamental needs of the community. Indeed the international community should work towards the entrenchment of the rights arising from this need in law and practice, - a goal in which the ultimate aim is abundant freedom of communication, commerce and trade among all nations without any artificial and unnecessary barriers.

Today, a detailed examination of the international agreements shows that while the principle of freedom of transit is universally recognised, this right is subject to agreement by the states concerned. Signatories to these conventions generally consider freedom of transit less as a rule of international law than as a right to be approved in multilateral and bilateral treaties. Article VI of the Barcelona Convention [22] makes this point very clear by stating that the Convention does not impose any obligation to grant freedom of transit to a non-contracting state concerned. This is also true of the New York Transit Trade Convention [23] which makes it clear in Article I that only those landlocked states which are contracting states to the Convention are covered by its provisions. As far as the provisions of the GATT[24] are concerned, they are applicable only among contracting parties. The applicability of these agreements as a matter of general law will depend upon the extent to which landlocked countries and transit countries have acceded to them. It will be observed that even among landlocked states only eight have acceded to the Barcelona Convention and only two transit countries have acceded to the New York Transit Trade Convention. Under these circumstances, it is difficult to argue that the international community as a group has accepted the contention that transit rights are an established principle of international law. The failure by so many states, including some landlocked ones to accede to such multilateral Conventions indicate that most states are still of the conviction that transit rights are best served by bilateral or at most regional means.

...../9.

The limited scope of these multilateral conventions impose a serious limitation on the practical ability of these agreements. None of the conventions deal with all the problems connected with transit trade. The provisions of the GATT and the Convention on the High Seas[25] deal with general principles without going into any substantive and specific details. The Barcelona Convention, deals with some of the specifics but its provisions are limited only to transit by railway and water-ways and not to other form of traffic such as road transportation, gas and oil pipelines which are becoming increasingly important. Moreover, many of the provisions of the Convention, which was signed about half a century ago, require updating in the light of political, economic and technological changes and advancement that have taken place since then. All the current conventions lay emphasis on rights of transit and access to the sea. Little or no regard is given to the important role of intra-region transit for the purpose of an effective regional trade development and expansion. New conventions will have to pay particular attention to this aspect of the problem which, in our opinion, has an important role to play in the search for a new regime of transit trade for development of landlocked states.

The view of the two schools of thought on the concept of transit rights leads to the conclusion that there is not enough evidence to support the contention that transit rights for landlocked states is an established principle of international law. The fact, however, that there are so many bilateral, regional and sub-regional transit agreements[26] in the world today, leads one to speculate, along with E. Lauterpacht, that it is not inconceivable that the international community is on its way to recognizing this right in international law. For the moment, however, it is prudent to conclude that transit rights are still subject to inter-state agreements. The position is therefore that so long as the exercise of sovereignty by the transit state conflicts with the exercise of transit by the landlocked states, the former sovereignty must have precedence over the latter. In the context of modern international law, there cannot exist, for landlocked states, any rights of access to the sea which can be affirmed as an autonomous right, without taking into account the soverignty of the transit state. It is consequently our submission that transit rights for landlocked states are still subject to negotiations on bilateral, regional or subregional levels.

...../10.

Quite a number of authors are enthusiastic in advocating "regional transit arrangements" as the only feasible framework for the exercise of transit rights. Ingrid Delupis[26A], for example, contends that there are few states today which, by one convention or another have not bound themselves to allow transit traffic. Although traditional international law insists on the distinction between treaty regulation and general international law, it is arguable that when regulation by agreement has become as complex and intense as the arrangements existing in the World today, it may be suggested that this indicates that the existence of a minimum right may be reinforced by custom. The I.C.J. is said to have confirmed this in the Right of Passage Case[27]. The Court, of course, left open the crucial issue of whether any general right of transit existed to Portuguese enclaves in India. Such a minimum rule, Delupis contends exists in cases of transit of civilian goods through existing roads and must be innocent and peaceful.[28] The interests of the international community in commerce, communication and trade, on the basis of sovereign equality of states requires that these minimum rules be observed. Their implementation, however, must be effected through bilateral, regional and subregional agreements. Indeed that is the only feasible mode of implementation that has universal support.

Martin Glassner [29] undertook a detailed analysis of the question of access to the sea for developing landlocked states. He concluded, while at the same time recognising that international law is vital for the establishment of an atmosphere within which free access to the sea for developing landlocked states must be implemented, that "details of such access cannot be provided for by international agreement which is capable of permitting an interior state to enjoy the freedom of the seas to the extent it would like".

Merryman and Ackerman, in their study of the landlocked problems of Bolivia[31] have observed that there is a trend in the direction of greater awareness of the needs of landlocked states and the development of a perfect right of transit in their favour may soon take place. For the present however, landlocked states probably have, at most, only a right to a treaty on free transit under international law. An obligation to enter into an agreement with a landlocked state to make a right of free transit available to it is wholly meaningless unless the term "free transit" has some substantive content. It is only on the basis of some understanding of the meaning of the term that one can judge whether the state of transit or has imposed unduly onerous or restrictive conditions on its assent.[32]

They argue that the substantive content of the right of free transit on the basis of existing authorities is unclear. The two contend that the most that can be done is to survey the range of opinions and the provisions of multilateral agreements in quest for a common core of principles. These, once discerned, can be treated as the minimum substantive content of the right under international law. They conclude that extent to which the right actually extends beyond this common core of agreement is a matter of conjecture.[33]

In our view, the real significance of the subject of transit rights can be appreciated only if it is viewed in its broader economic context. In almost all recent international fora, the economic aspect, and not the legal aspect of the subject has been the main pre-occupation of the countries represented. In such gatherings, the problem of the transit trade of developing landlocked states has been viewed as a part of the wider problem of trade and development of developing countries. International action in this field has been based on the appreciation that if landlocked countries are to play an effective role in the greater endeavour of the international community, to mitigate the dangers of the division of the world into areas of abject poverty and excessive prosperity, they should be enabled to overcome the inherent geographical disadvantages of their landlocked positions. It is, therefore, no accident that all recent efforts to revive international interests in the problems of the transit trade of landlocked states has taken place mainly in the economic organisations of the United Nations. UNCTAD I, was the first international conference to recommend a set of principles relating to transit trade of landlocked states.[34] The economic nature of the principles is emphasized by the fact that they were adopted by a conference convened to take suitable measures not only to solve the problems of the trade and development of poor countries but also, as explicitly stated in Principle 1, the "recognition that the right of each landlocked states of free access to the sea is an essential principle for the expansion of international trade and economic development".

The achievement of any Convention will however lie in the extent to which it will facilitate the transit trade of landlocked countries. That a body of international law will be gained by the adoption of yet another instrument is important, but it really is only of secondary importance to developing landlocked states. The important fact will be whether the Convention will provide tangible and encouraging evidence of the resolve of the international community to enact binding international law rules of conduct

...../12.

for the protection of transit rights for landlocked states. Has the 1982 United Nations Convention on the law of the sea taken steps in that direction? It is a question we now turn to.

Before we attempt to answer the question posed above, it may be useful to undertake a quick journey through the Convention itself and seek out those provisions that deal with the rights of landlocked states. In addition to Part X which consists of 9 Articles there are at least 12 additonal articles that deal directly with the rights of landlocked states. Let us examine these scattered articles before we look at part X which is devoted to the right of access and freedom of transit. Article 17 on the right of innocent passage recognises explicitly that this right shall be enjoyed by all states, including landlocked states. The article provides: "subject to this Convention, ships of all states, whether coastal or landlocked enjoy the right of innocent passage through the territorial sea". This seemingly innocuous provision took considrable negotiating skill to find acceptance. The original draft formulation only referred to ships of "all states". Article 58 makes provisions for the rights and duties of other states in the exclusive economic zone. The article recognises that such "other states" includes landlocked states. The more far reaching provision on creating rights for landlocked states in the exclusive economic zone is Article 69. The article is important enough to warrant quoting in extenso.

> "69(1) Landlocked states shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zone of coastal states of the same subregion or region".

This is a theme we shall return to when we come to a discussion of the experience of our region.

Articles of 87 and 90 together reaffirm explicitly what has been in the past assumed but not clearly spelt out, namely that the high seas are open to all states including landlocked states and that even landlocked states have the right to sail ships flying its flag on the high seas. Articles 140 and 141 dealing with the benefits of the "Area" and its exclusive use for peaceful purposes both recognise and provide for special needs of landlocked states. Article 141 provides for non-discrimination against landlocked states in the course of the peaceful use of the Area.

...../13.

The difficulties that would face landlocked states seeking to participate in the activities of the Area is given prominent recognation in Article 148 which provides:

> "The effective participation of developing states in activities in the Area shall be specifically provided for in this part, having regards to the special needs of the landlocked and geographically disadvantaged among them the need to overcome obstacles arising from the distance from the Area and difficulty of access to and from it".

Article 161 which establishes the Council of 36 members to act as the executive body of the Assembly recognises and provides that in the special interests of landlocked states. The article provides that in the election of the six Council Members from the developing countries the Assembly must ensure that landlocked states are represented to a degree which is reasonably proportionate to their representation in the Assembly.

Part XIII of the Convention, dealing with Marine Scientific Research recognises that landlocked states have an interest in marine scientific research as a result of the other provisions in the connection that provide for their access to the exclusive economic zone, the Area the high seas generally. It therefore provides in Article 254 for rights of neighbouring landlocked and geographically disadvantaged states. Under the article all applications by states or competent international organisations for scientific research submitted to a coastal state shall also be availed to neighbouring landlocked states. Neighbouring landlocked states, at their discretion may be given opportunity to participate in any such marine scientific research. under this article an interested landlocked state is empowered to participate fully in marine scientific research.

Part XIV dealing with development and transfer of marine technology is equally generous in providing for the interests of landlocked states. Article 266(2) provides that States shall promote the development of Marine scientific and technological capacity of states which may need and request technical assistance in the (marine scientific) field, particularly developing states, including landlocked states with regard to the exploration, conservation and management of marine resources with a view to accelerating the social and economic development of the developing states. Article 269 lays down concrete steps that states shall endeavour to take in order to enable developing countries realize the objectives set out in article 266 through

...../14.

the establishement of technical assistance programmes; exchange of scientists; promotion of joint ventures and holding of conferences, seminars and symposia on scientific and technological subjects in particular on policies and methods for the transfer of marine technology. In this connection, article 277 ejoins the Authority to ensure that nationals of developing countries, including landlocked states shall be taken on for purposes of training as members of the managerial, research and technical staff of the Authority.

The above is a bird's eye view of the provisions scattered throughout the Convention which address the special needs of landlocked states. Taken as a whole, the provisions constitute a revolution in the legal regime of rights of landlocked states. I would venture further and state that the provisions almost turn landlocked states into coastal in matters relating to the exploitation of the seas beyond the territorial sea. It may be argued that landlocked states enjoyed many of these rights under customary international law. However, customary law as we have seen earlier is full of disputes about its content and scope whereas these treaty provisions will bind member states as a matter of "contract".

Let us now take a look at Part X of the convention which is specifically devoted in its nine articles to the "Right of Access of landlocked states to and from the High Seas and Freedom of Transit". Article 125 in Part X declares very clearly and categorically that "landlocked states shall have the right of to and from the sea for the purpose of exercising the rights provided for in this convention including those relating to the freedom of the high seas and the common heritage of mankind. To this end landlocked states shall enjoy freedom of transit through the territory of transit states by all means of transport". The article however, realistically provides that these rights shall be exercised within a modality to be agreed to between the transit state and the landlocked state. The old irritant in the 1958 convention on the High Seas of "reciprocity" has been wisely dropped. The sovereign rights provided for landlocked states shall in no way infringe the legitimate interest of the transit state. This is stating the obvious for it could never be otherwise. Article 126 prohibits discrimination by the transit state infavour of one landlocked state as against another landlocked state. Customs duties, taxes or other charges except charges levied for specific services rendered are prohibited. Transit states are enjoined to provide free zones or other customs facilities in order to facilitate speedy transport of transit goods. The forsightedness of the Convention is illustrated in Article 132 where it is provided that the Convention does not entail the withdrawal of transit facilities greater

...../15.

than those provided in the Convention. The founding fathers were no doubt aware of the numerous already existing regional arrangements under which many landlocked states, including Uganda enjoyed rights far greater than those provided in the Convention. At this point, we submit that the 1982 Convention, as expected, has made revolutionary progress of law making through treaties. The body of rights available to land-locked states has dramatically increased as we have seen from the twenty two or so articles that deal with their special interests.

The question we must now address is whether landlocked states have as a matter of state practice in their respective regions began to prepare themselves to take advantage of these provisions on the eve of the coming into force of the Convention. Is there a history of regional co-operation in these regions which will be relied upon for guidance for future action? We now address these questions on the basis of our experience in Uganda. We begin by taking a brief look at the history of regional co-operation in East Africa.

There was once a beautiful dream called the East African Community[35] in our region comprising of Uganda Kenya and Tanzania. It was a much more than a Common Market. It came close to a confederation. There were 27 "Services" administered centrally by the community[36] on behalf of the member states. These included a single court of Appeal. It included a single Marine Fisheries Research Organisation. In addition to the above, there were 4 major corporations, namely: East African Airways Corporation; East African Habours Corporation; East African Posts and Telecommunications; and East African Railways Corporation. There was under the Harbour Corporation an East African Shipping Line with a modest fleet ploughing the Indian Ocean, one of them was M/V KAMPALA. In short there was no landlocked country in our region. The dream was too good to last. In 1977 it came to an end. Uganda became truly landlocked after 30 years of "bliss". The story of the East African Community has been adequately told elsewhere. I bring it here only to illustrate two points. First, that our region is rich in history and experience of regional co-operation; second that regional cooperation for Uganda predates UNCLOS including UNCLOS 1 which was as you all know in Geneva in 1958.

The collapse of the East African Community was followed by brief period of bickering and at times outright hostility among the former Partners. It was also a period in which all the advantages of being landlocked were squarely faced by Uganda.

...../16.

At one point in 1978 Uganda's Coffee exports were being airfreighted by "pirate" airline companies from Entebbe to the Port of Djibouti. In desperation, the Government of Idi Amin, on 28th May, 1977 entered into a Transit Treaty with Gabon[37], which as you all know is situated on the Atlantic Ocean. Between Gabon and Uganda lie the 2 Republics of Zaire and the Congo. Between the Zaire and Uganda there is a great tropical rain forest. There are no means of communications between Kinshasa and Kampala except by air. There used to be one flight a month by Air Zaire which went out of service before 1970. You can imagine the rest.

The 1980s saw a change of leadership in Uganda. Relations with out coastal neighbours, Kenya and Tanzania were quickly normalised. A new area of co-operation began. Although a Mediator, in person of the distinguished Swiss Financier, the late Dr. Victor umbritch, was appointed in 1977 immediately at the breakup of the community, his work did not properly take off until about 1981. Even before the Mediator could commence his work, it was obvious that cooperation among the partner states had been so deep and well entrenched that it was virtually impossible to undertake a clear and cut division of the assets and liabilities of the Community. Article 14 of the final mediation agreement by the Partners provides:

> "14.01. The states agree that the Soroti Civil Flying School, the East African Development Bank, the East African Inter-University Committee, the Eastern and Southern African Management Institute and the East African Community Library Services shall continue to function as joint East African Institutions or common services, as the case may be, and agree to make appropriate arrangements for the financing and operation thereof." [38]

The Partners further recognised that future co-operation was inevitable. Thus Article 14.02 provide:

> "The states agree to explore and identify further areas of future co-operation and to work out concrete arrangements for such co-operation."

For Uganda the immediate area of co-operation lay in transit trade and the use of the seaport of Mombasa in Kenya. Shortly after the Mediation Agreement was signed, Uganda and Kenya through their respective Railway Corporations signed a Co-operation Agreement for Railway and Marine Services.[38A] The Preamble to the Agreement aptly spells out Uganda's concern:

...../17.

"Recognising the necessity of permitting the working of rolling stock on the lines of Kenya Railways Corporation."

Earlier on January 24th, 1985 Uganda entered a similar agreement with its neighbour to the south ,Tanzania. This agreement was primarily intended to secure a route to the sea, additional to the Kenya route and Port of Mombasa[39].

At the same time that bilateral arrangements between and her coastal neighbours were being worked out, talks were also in progress among the Republics of Uganda, Kenya and Burundi under the auspices of an arrangement called the Northern Corridor Transit Forum. As a result of those negotiations, the countries named above, signed two agreements dealing with transit rights for their landlocked members. The first agreement, signed on 14th February, 1985,[40] called the Northern Corridor Transit Agreement, laid down general principles governing transit rights. Article 3 of the Agreement provides as follows:

"Each Contracting Party shall grant to the other Contracting Parties the the right of transit through its territory, under conditions specified in this Agreement and the Provisions of its Protocols. The contracting Parties shall provide each other with the facilities and guarantees required for this purpose."

The Agreement established an Authority for the co-ordination of transit transport to be known as the Transit Transport Co-ordiantion Authority. Details of its powers, functions and composition was the subject of a subsequent Protocol. The innovation in this agreement is that it deals with a situation covering three landlocked states situated at successive three stage distance from the sea. Burundi the farthest of the three from the sea, has to transit Rwanda and Uganda to reach the sea coast of Mombasa in Kenya. What this meant was that Rwanda and Uganda had to wear two hats of being both landlocked and transit states. This situation probably explains the rich nature of this agreement. What a transit state has to live with in terms of pressure on its infrastructures, especially roads, was vividly brought out in concrete terms to Uganda and Rwanda.

...../18.

This knowledge must surely have influenced them in the nature of demands they could make on Kenya the final transit state.

The Northern Corridor Transit Agrement is also the first in the region to make direct linkage with the law of the sea. It refers to both the 1921 Barcelona Convention and the 1965 New york Convention[41].

The Agreement was followed a few months later by another one on 8th November, 1985. I suggested earlier the Northern Corridor Agreement is rich in content. This is borne out by the four (4) Protocols which were signed in Nairobi. The four Protocols covered Maritime port facilities; transport by rail of goods in transit; transport by road of goods in transit; facilities for transit agencies and employees and Third Party Motor Vehicle Insurance. There was also an annex in the Protocol Agreement dealing with the establishment of the Northern Corridor Transit Transport Co-ordination Authority was established in 1989 based in Mombasa, Kenya. I am told it is performing its functions well above expectations.

The pressure for a return to something close to the East African Community seems to be building up in East Africa. On November 30th, 1993 the three leaders of Uganda, Kenya, Tanzania signed an Agreement in Arusha for the establishment of a Permanent Tripartite Commission for Co-operation.[42] Negotiations are currently under way for the bringing into effect that Agreement. It is expected that a Secretariat will be established, once more in Arusha. The responsibilities of the Commission are cautions and modest, reflecting the bitter experience of the break up of the ambitious and wideranging activities of the East African Community. We can nevertheless predict that the future is bright for regional co-operation in East Africa.

NOTES

[1] George Schwarzenberger, International Law, (3rd ed., London: Stevens and Sons, 1957 p. 237.

[2] Ibid., p.216

[3] Ibid., p. 217

[4] World Court Reports, ed. Manley Hudson, 1969, New York, (Vol. II 1927-1932) p. 627.

[5] Ibid., p. 749-779.

[6] John E. Fried, "The 1965 Convention on Transit Rights of Landlocked States", 6 Indian Journal or International Law, 9, [1965].

[6A] Ibid., at p. 200.

[7] V.C. Govindaraj, "Landlocked States and Their Right of Access to the Sea", 14Indian Journal of International Law, 190, [1974] at p. 214.

[8] Ibid., at P. 214.

[9] Ibid., at P. 215.

[10] Ibid., at PP.215-216.

[11] John Westlake, International Law: Part I: Peace, Cambridge, 1904, at pp. 141-159.

[12] Ibid., at p. 154.

[13] Henry Wheaton, Elements of International Law, New York, 1972, pp. 151-164.

[14] Charles Cheney Hyde, International Law: Chiefly As Interpreted and Applied by The United States; Vol. I, Boston, [1972] pp. 334-335.

[15] Ibid.

[16] E. Lauterpacht, "Freedon of Transit in International Law", 44Transactions of the Grotius Society, 313 [1958-59].

[17] I.C.J. Reports, 1960, p. 6-144.

[18] Ibid., pp. 119, 121, 122.

[19] Miss Read, in her work on International servitudes, after referring to the transit provisions in the commercial treaties of the 19th century, writes:

...../2.

"They are significant in connection with servitudes only as implying a general acceptance by the nations of the right of transit itself in practice very nearly amounting to a universal servitude comparable to the right of innocent use of the territorial sea, resting upon custom rather than upon contract."

International servitudes in law and Practice, London [1932] at p. 168.

Lord McNair in his Law of the Air, (2nd ed., 1951) concludes, after considering the effect of the major air navigation conventions that the express stipulation in each of them to the effect that every state has sovereignty over its superjacent air-space may now be treated as evidence of the existence of a rule of customary international law to that effect. Equally, there would, in a converse situation, appear to be no justification in denying all law-creating force to the long succession of multilateral treaties providing for freedom of passage and transit.

Law of the Air (2nd Ed., 1953) at p.8.

[20] I.C.J. Reports, 1949, at pp. 4-223.

[21] Ibid., at p. 28.

[22]7League of Nations TS; (1921-22) p. 13-35.

[23] 597 UNTS, 42.

[24] 55 UNTS, 187

[25] 450, UNTS at p. 11

[26] UNCTAD Doc. TD/B/308, "Report of the Group of Experts on the Special Problems of Landlocked States", p. 26-35.

[26A] Ingrid Delupis, "Landlocked States and the Law of the Sea", 19 Scandinavia Studies in Law, 101, [1975].

[27] Ibid., note 13.

[28] Ingrid Delupis, "International Law and the Independent State", 1974, New York, Ch. 4 at P. 74.

[29] Martin Ira Glassner, "Access to the Sea for Developing Landlocked States", 1970, The Hague.

[30] G. Etzel Pearcy, "Geographical Aspects of the Law of the Sea", 49 Annals of the Association of American, Geographers, 20, [1959].

[31] J.H. Merryman and E.D. Ackerman, "International Law, Development and the Transit Trade of Landlocked States: The Case of Bolivia, Hamburg, 1969.

...../3.

[32] Ibid., Chapter 4 and 5.

[33] Ibid., Ch. 5, p. 20.

[34] UNCTAD, Doc, E/CONF 46/L.28 "Final Act", pp. 32-33.

[35] The Treaty for East African Co-operation was signed in Kampala on 6th June, 1967 by the then Heads of Government of the three territories, Uganda, Kenya and Tanzania. The text can be found in Volume I, Laws of East African Community.

[36] Laws of the East African Community, Vol.I pp. 116-117.

[37] Text available in the Ministry of Foreign Affairs, Kampala Uganda.

[38] The Mediation Agreement was signed by the Heads of Government of Uganda, Kenya and Tanzania on 14th May 1984 at Arusha. Published by Government Printer, Entebbe, Uganda.

[38A] Text available in the Ministry of Justice, Kampala.

[39] Text also available in the Ministry of Justice, Kampala.

[40] Texts of these agreements are available in the Ministry of Foreign Affairs, Kampala.

[41] Ibid. The Preamble.

[42] The Agreement was signed on 30th November, 1993 at Arusha, Tanzania by the Heads of Government of Uganda, Kenya and Tanzania. Text available at the Ministry of Justice, Kampala, Uganda.

IMPLEMENTATION OF THE LAW OF THE SEA
CONVENTION IN AFRICA
INTERNATIONAL OCEAN INSTITUTE - AFRICA
ECONOMIC COMMISSION FOR AFRICA
ADDIS ABABA , ETHIOPIA
MARCH 28 - APRIL 2, 1994

AFRICAN COASTAL STATES: CASE STUDY; SIERRA LEONE

The United Nations Convention of the Law of the Sea (UNCLOS), which was adopted in 1982 will come into force this year following the deposit of the Sixtieth instrument of ratification.

African States - both coastal and land-locked / geographically disadvantaged states played a leading role in the elaboration of the provisions of the Convention. Some of the important regimes, such as the Exclusive Economic/Fisheries zone, the regime which linked the rights of land-locked and geographically disadvantaged states to participate in the exploitation of the living resources of the EE2, etc. were incorporated in the Convention thanks to the efforts of African States.

Despite these achievements, African States are yet to realise the tangible benefits which the Convention was supposed to have brought them. In other wards, those factors which motivated African States in the construction of the Convention have not yet been realised.

Some of these factors are worth recalling. In the first place, it was realised that despite the fact that some African States were located in areas rich with marine living resources, most of those states were not realising economic and financial returns commensurate with their resources. Most African coastal states lacked the financial and technological resources and knowhow to undertake territorial let alone high seas fishing. Secondly, the territorial waters of African coastal states were being exploited and over-exploited by long distance fishermen some of whom paid hardly any royalty or license fee and when paid at all, proved to be negligible. But equally alarming was that because of the types of fishing equipments used, some fish stocks were in danger of being fished to extinction. At the same time it was becoming more and more difficult for local artisacal fishermen to remain in business because of low catch as their traditional areas of fishing were being over exploited.

...../2

This also had a negative effect on those segment of the population that depended on fish for food as well as on local employment.

Thus, African States realising the economic and social importance of their marine living resources as a possible source of foreign exchange, food supply, investment and employment opportunity - responded by extending the maritime space adjacent to their territories and attempted to exercise sovereignty or sovereign rights over such space.

In 1974 Sierra Leone as a coastal state extended its territorial Sea limit to 200 - nautical miles with the qualification that this would be adjusted when the Convention then under negotiation had reached an agreed formula. The territorial sea was extended with the objective that the country would benefit from its resources, prevent illegal fishing and ensure its security.

Regrettably, even with the adoption of the UNCLOS those objectives have not yet been realised. Instead, the 200 - nautical miles extended jurisdiction even under the Convention has imposed additional responsibilities on the country.

As stated earlier, inspite of the fact that the country is located in one of the most fertile fishing areas which the Food and Agriculture Organisation classifies as the Eastern Central Atlantic or CECAF region, Sierra Leone, for reasons stated above, has benifitted very little from its marine living resources. Distant water Fishing nations (DWFN) fleets have continued to violate the fishing laws of the country, entered and violated the territorial sea while at the same time continued to fish the straddling stocks outside the jurisdictional area.

Over the years the authorities have promulgated laws for proper fisheries management, but such strategies have proved costly for such a small developing country. The country lacks an effective monitoring control and surveillance (MCS) system that can be maintained on a sustained basis in the face of the DWFN fleets.

..../3

The regional bodies in our areas such as the Economic Community of West African States (ECOWAS) and CECAF of the FAO, find themselves functionally incapable to contain such situations because of the lack of adequate funds. The DWFN fleets which obtain relevant licences and authorisation to fish in this area, do not declare the correct catches even for reliable data records let alone pay the appropriate taxes. Consequently, the true state of exploitation of the stocks within the national jurisdiction is not accurately known.

This conference has as one its objectives, the contribution to the creative interpretation and progressive implementation of the Law of the Sea Convention ... in order to enhance sustainable development and common and comprehensive sucurity and to duly reflect African needs and aspirations.

To achieve this objective the following requirements seem indispensable:

I. Provision of financial and technical assistance to coastal states such as Sierra Leone and those in similar position to be able to collect reliable and accurate scientific data that can be made available for the proper management of our resources;

II. International and Multi-lateral support for regional surveillance mechanisms as well as the introduction of an enforcement strategy either by the respective coastal states or the regional or sub-regional bodies;

III. Distant water fishing fleets be made to obtain licences and pay relevant fees to the respective coastal states as a contribution towards the proper management of fish stocks both in areas of national jurisdiction and adjacent high seas.

IV. The creation of a Special Fund to assist both least developed and developing countries in the areas of fisheries development technology and scientific research in vital areas such as stock assessment and total allowable catches. etc.;

..../4

V. The introduction of a regional register for all distant water fishing nation fleets in a particular region to facilitate transparency and accountability;

VI. Fishing fleets operating under the jurisdictional areas of a regional or sub-regional management organisation should pay fishing license fee to such organisation;

VII. Special consideration to be given to coastal states for the proper management and conservation of their fisheries resources.

Meanwhile, Sierra Leone for its part has been cooperating with other African States within the frame work of the FAO Fishery Committee for the Eastern Central Atlantic (CECAF), ECOWAS, etc., for fisheries development, improved management, including economic and social research in fishery in the West African region. The country also operates a training school to train personnel in maritime affairs.

Sierra Leone as a member of the Zone of Peace and Cooperation of the South Atlantic, proclaimed by the General Assembly of the United Nations in 1986, has been taking part in the consultations aimed at emphasising the essential importance of UNCLOS and on the implementation of the Convention including mutual knowledge of national laws and promotion of studies in this regard.

This conference is therefore a welcome opportunity to review the progress made or lack of it by African Coastal States in the implementation of UNCLOS, and to assist and strengthen their capacity in terms of institution building, human resource development, scientific and technological development to achieve the objectives of the Convention.

ANNEX 1

Implementation measures needed to render international conventions effective within a domestic context

Type of domestic measure	Example
Policies	Multisectoral or sector policies: general development and management plan; coastal zone management policy; sea-use planning policy; fisheries sector policy; port policy; etc.
Legislative	New domestic laws and regulations; amendment or abrogation of existing laws and regulations.
Constitutive	Creation of new domestic institutions; amending mandate of existing institutions; establishment of inter-agency committees, understandings and networks.
Administrative	Establishment of focal point; allocation of internal responsibilities; preparation of reports; zoning of areas.
Enforcement	Enabling judicial procedures for prosecution of offenses; developing technical surveillance, monitoring, enforcement and evidence-collecting capability of police, customs officers, coastguard and navy.
Technical/scientific	Research and monitoring of point and non-point sources of pollution.
Education/training	Strengthening universities, maritime training academies and similar institutions to produce skilled personnel.
Public participation	Measures disseminating information for the public; public review process; participation of affected interests; etc.
Capital expenditures	Establishment of waste reception facilities in ports.
Resource allocation	Payment of assessed financial contributions for membership of international organisations, etc.

ANNEX 2

Specific authority to enact laws and regulations in the UN Convention on the Law of the Sea

The following list refers to instances where the Convention specifically requires or refers to national laws and regulations. Other than the extent of zones, the reader should note that there are numerous instances where the Convention implies the enactment of national laws and regulations.

Subject	Articles
Extent of zones (implied):	
Territorial sea	3
Archipelagic waters	47; 49.
Contiguous zone (extent)	33
EEZ	57
Specific rights/responsibilities:	
Archipelagic sealanes passage	53; 54.
Artificial islands, installations & structures (general)	60; 80; 260.
Civil jurisdiction	28
Criminal jurisdiction	27
Customs, immigration, fiscal (currency) & sanitary	19(2)(g); 21(1)h); 33(1)(a); 42(1)(d); 60(2).
Drilling on the continental shelf	77; 81.
Drug trafficking	108

ANNEX 2

Specific authority to enact laws and regulations in the UN Convention on the Law of the Sea

The following list refers to instances where the Convention specifically requires or refers to national laws and regulations. Other than the extent of zones, the reader should note that there are numerous instances where the Convention implies the enactment of national laws and regulations.

Subject	Articles
Extent of zones (implied):	
Territorial sea	3
Archipelagic waters	47; 49.
Contiguous zone (extent)	33
EEZ	57
Specific rights/responsibilities:	
Archipelagic sealanes passage	53; 54.
Artificial islands, installations & structures (general)	60; 80; 260.
Civil jurisdiction	28
Criminal jurisdiction	27
Customs, immigration, fiscal (currency) & sanitary	19(2)(g); 21(1)h); 33(1)(a); 42(1)(d); 60(2).
Drilling on the continental shelf	77; 81.
Drug trafficking	108

UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA

Regional Leadership Seminar

on Marine/Ocean Affairs in Africa, Addis Ababa

28 March - 2 April 1994

COURSE EVALUATION

The Implementation of the United Nations Convention on the Law of the Sea

28 March - 1 April, 1994 **Addis Ababa, Ethiopia**

The information requested on this evaluation form is to be used in reorganizing and refining future courses offered by the IOI. Your responses are extremely important in helping us determine what subjects, teaching methods, speakers and administrative organizations were most desirable and effective for you and your colleagues. The responses collected are for the internal use of IOI only.

A. BACKGROUND INFORMATION

1. Name _____

2. City & Country _____

3. Date of Birth _____ Day _____ Month _____ Year

4. Discipline (law, science, etc.) _____

5. Education

Degrees	Subject	Year

6. Current Position _____

7. How did you learn about the IOI Training Programme?

_____

_____

8. How were you selected by your Government to participate?
Was there a competition or were any other candidates nominated?

_____

9. Under which of the following conditions has your appointment to this course taken place (please circle)?

a. leave without regular salary
b. leave at reduced salary
c. leave with regular salary
d. leave with regular salary plus special foreign living allowance
e. other (please explain)

B. COURSE SUBSTANCE

1. The material covered in the course was (circle one):

too little about right too much

Please explain:

---

2. Overall the level of the presentations was (circle one):

too elementary about right too difficult

Please explain:

---

3. What expectations did you have in the beginning about this course?

Were they fulfilled? Please explain:

---

4. Were you exposed to many things which were totally new to you? Please give examples:

---

5. Was the constant succession of speakers useful?

UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA

Regional Leadership Seminar
on Marine/Ocean Affairs in Africa, Addis Ababa
28 March - 2 April 1994

6. The number of speakers was (circle one):

too few about right too many

Please explain:

---

7. Were the order and subjects of the topics covered of maximum benefit? If not, how would you improve this?

---

8. Are there subjects in the Implementation of the United Nations Convention on the Law of the Sea in Africa which were overlooked?

---

9. Was the lecture-discussion method used throughout the course the best way to communicate information? If not, please explain how this could be improved:

---

10. Below you will find a listing of the guest lecturers & field trips along with the dates they occurred. You are requested to rate each speaker using the following guide-lines:

Rating system - Circle one which best expresses your opinion.

1	2	3	4	5
Poor	Adequate	Good	Very Good	Excellent

DETAILS	DATE	RATING

11. Are there any of the lecturers who you would recommend to lecture on other IOI courses? Please elaborate if possible:

LIST OF RESOURCE PERSONS

1. Mr. L. Yaker
2. Prof. Elizabeth Mann Borgese
3. Mr. J. S. Warioba
4. Mr. S. P. Jagota
5. Mr. P. Quarcoo
6. Mr. K. Saigal
7. Mr. T. Chemir
8. Mr. Mario Ruivo
9. Mr. R. W. Ochan

PRESENTERS

1. Prof. Elizabeth Mann Borgese
2. Judge Abdul Koroma
3. Hon.J.S. Warioba
4. Prof. S.T. Jagota
5. Prof. Mario Ruivo
6. Prof. Fuse
7. Dr. K. Saigal
8. Dr. Tabet
9. Dr. P. K. Quarcoo
10. Dr. Börlin
11. Dr. K. Saigal
12. Mr. A. F. Hoque
13. Mr. Januario Nascement
14. Mr. Tesfaye Chimer
15. Mr. R. W. Ochan
16. Mr. Martin A. Mensah

Distr.
LIMITED

ECA/NRD/MAR/1/94
31 March 1994

Original: ENGLISH

UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

ECONOMIC COMMISSION FOR AFRICA

Regional Leadership Seminar on
Marine/Ocean Affairs in Africa

Addis Ababa, Ethiopia
28 March - 2 April 1994

R E P O R T

I. OPENING OF THE SEMINAR

1. The Regional Leadership Seminar on Marine/Ocean Affairs in Africa, the first of its kind ever organized by the United Nations Economic Commission For Africa, took place at the Headquarters of the United Nations Economic Commission for Africa, Addis Ababa, Ethiopia, from 28 March to 2 April 1994.

2. The Seminar was organized jointly by the United Nations Economic Commission for Africa (ECA) and the International Ocean Institute (IOI).

3. The Seminar was opened by Mr. Layashi Yaker, United Nations Under Secretary General and Executive Secretary of ECA. Professor Elisabeth Mann Borgese, Chairman of the International Ocean Institute also made a statement at the opening ceremony which was chaired by Hon. Joseph Warioba, former Prime Minister of Tanzania.

4. Mr. Layashi Yaker welcomed all participants and pointed out that the ECA took pride in taking a lead-role in convening and organizing such a seminar in Africa. The organization of this forum, he added, was a testimony to the commitment and determination of the UNECA to assist the African countries to enhance their capacities in the field of ocean affairs for the benefit of their people.

5. The UNECA Executive Secretary expressed his deep appreciation for the excellent cooperation, collaboration and substantive contribution from the Headquarters of the International Ocean Institute and from its operation centres at Dakar and Halifax. He particularly thanked Professor Elisabeth Mann Borgese, Chairman of IOI, for her special interest, initiative, drive and substantive support which greatly contributed to the successful organization of the seminar. He also expressed his gratitude to all the UN Agencies, intergovernmental and non-governmental organizations for sending representatives to the seminar. He thanked the invited resources persons who in spite of their busy schedule, had accepted the UNECA invitation to attend the seminar.

6. Mr. Yaker noted that the timing of the seminar was very crucial because there was a worldwide recognition and increasing awareness of the potential contribution of ocean resources toward poverty alleviation at the global level in general, and in Africa in particular. The seminar was also timely because of the importance attributed to the ocean sector by the United Nations Conference on Environment and Development held in Rio in 1992 as reflected in Chapter 17 of Agenda 21, which inter alia, stressed the rational use and development of ocean resources. He further added that the seminar was timely in view of the imminent entry into force of the UN Convention on the Law of the Sea in November this year and the likely establishment of the International Seabed Authority as well as the International Tribunal for the Law of the Sea.

7. Focusing on Africa, the ECA Executive Secretary mentioned that the continent was surrounded by oceans and seas, with abundant resources both living and non-living, the development of which required scientific knowledge, technological capacity and management skills. But the African countries, lacking these elements, and more particularly capability for surveillance of their exclusive economic zones, were not able to exploit these resources for their own benefit and as a result, these resources were being plundered.

8. Speaking about the role of the UNECA in the field of marine affairs, Mr. Yaker indicated that for a period over ten years, the ECA in collaboration with other UN agencies managed to carry out an appreciable amount of activities, despite lack of adequate resources. These activities were largely aimed at interpreting the UN Convention on the Law of the Sea, and at enhancing the awareness of the opportunities, challenges and benefits offered by the said Convention. But, because of limited staff and financial resources of the Commission in the Ocean sector, the impact of these activities was limited.

9. The ECA Executive Secretary further noted that the Commission has been able to create an enhanced awareness among the African countries about their legitimate rights and about the opportunities, challenges and the benefits that the Convention offered them in the exploration and exploitation of their ocean resources. Out of 61 countries, which had so far ratified the Convention, 27 were from Africa, which one can say, has been instrumental in the Convention

coming into force, in November 1994. Mr. Layashi Yaker added that the ECA on its part actively promoted the Convention among the African countries.

10. Finally, the ECA Executive Secretary cited the objectives of the seminar and pointed out that he expected this seminar to be a spring-board or a launching platform for setting in motion the process of ocean resources development in Africa. The seminar, he went on, should set clear guidelines for policies and strategies for the development of these resources in Africa. He emphasized that the seminar must formulate a programme of action for ocean development in Africa. He concluded his statement by mentioning that it was imperative for Africa to develop its capabilities for exploration, optimum exploitation, sustainable development and management of the ocean resources for the benefit of its people. Regarding the management capacity , he added that there was a pressing need for member states to cooperate in this field, and urged developed countries and the United Nations Agencies to assist the African countries in developing their ocean resources by actively providing them with scientific research information and other support.

11. Professor Elisabeth Mann Borgese, Chairman of IOI, thanked Mr. Layashi Yaker for his excellent introduction and for underlining the importance of the issues under consideration. She congratulated the UNECA which according to her, was the first among the United Nations Regional Commissions to seriously consider the development of potential of the ocean resources.

12. The Chairman of IOI further added that the seminar should be action-oriented and should produce a programme of action for Africa for the development of its ocean resources.

II. ATTENDANCE

13. The seminar was attended by representatives from the following 26 countries: Algeria, Angola, Cameroon, Cape Verde, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Libyan Arab Jamahiriya, Mauritius, Mozambique, Namibia, Rwanda, Senegal, Sierra Leone, Sudan, Tanzania, Uganda, Zambia, Zimbabwe.

14. The following international, intergovernmental and non-governmental organizations were represented at the seminar: OAU, League of Arab States, UNESCO, UNDP, UNIDO, UNICEF, IOI and Yokohama City University in Japan.

15. The list of participants is provided at Annex III to this Report:

III. SEMINAR PROGRAMME

16. The seminar considered the following issues. The detailed account of proceedings under each issue is provided in Annex II of the Report.

Introduction to UN Convention on the Law of the Sea (UNCLOS);

The UN Convention on the Law of the Sea - Innovation and Change;

Post-UNCLOS developments; The Preparatory Commission, the Secretary-Generals' informal consultations;

Scientific/technological requirements; National Infrastructure - Regional cooperation;

UNCLOS, UNCED and the restructuring of the United Nations System;

Legislative requirements; inter-sectoral Integration; harmonisation with international law;

Institutional requirements; National infrastructure; Regional cooperation;

Managerial implications of the Law of the Sea Convention;

Integrating development and environment concerns; New economic theories;

Parameters of integrated ocean policy;

Agenda 21; cost-benefit analysis;

Manpower requirements;

African Island states and ocean development; Case Study: Cape Verde;

African land-locked states and regional cooperation. Case study: Uganda;

African coastal states; Case Study: Tanzania;

African coastal states; Case Study: Ghana;

IOMAC and Indian Ocean Commission: critical analysis. Options for Africa;

West African cooperation: critical analysis;

The African Regional Seas Programmes: Next phase;
Guidelines for African Ocean Policy: regional and subregional;

IV. CONCLUSIONS AND RECOMMENDATIONS

17. After a thorough consideration and analysis of these issues, the seminar agreed upon a strategy and programme of actions for integrated development and management of marine/ocean affairs in Africa. This strategy and programme of actions is included at Annex I.

Distr.
LIMITED

ECA/NRD/MAR/1/94
31 March 1994

Original: ENGLISH

UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

ECONOMIC COMMISSION FOR AFRICA

Regional Leadership Seminar on
Marine/Ocean Affairs in Africa

Addis Ababa, Ethiopia
28 March - 2 April 1994

STRATEGY AND PROGRAMME OF ACTION FOR MARINE/OCEAN AFFAIRS IN AFRICA

STRATEGY AND PROGRAMME OF ACTION

With the sixtieth ratification of the United Nations Convention on the Law of the Sea, in November, 1993, the Convention will enter into force with effect from 16 November, 1994. The Convention enables all coastal states to extend their maritime jurisdiction in the Exclusive Economic Zone up to 200 nautical miles (about 220 miles or 350 kilometres). In this zone, the coastal state has sovereign rights for exploration and exploitation of all resources subject to certain navigational rights and complementary freedoms for other states.

The concept of the Exclusive Economic Zone, which is what the extended jurisdiction is called in the Law of the Sea, is a concept that was developed by African nations during the preparatory period before the convening of the Third United Nations Conference on the Law of the Sea. The new Law of the Sea also saw significant contributions by African states who, along with other developing countries from Asia and Latin America, negotiated and bargained hard for the compromise package that the new law of the sea represents. But the coming into force of the new law of the sea is only the first step. States have now to organise themselves if the hard-fought advantages achieved are to be converted into benefits for their populations.

As a potentiality, the oceans are vast reservoirs of food, energy, materials and space. To actualise this potential, states need to have a well thought-out and properly articulated strategy, an appropriate legal institutional framework and other infrastructures, the necessary marine science technology, skilled and well-trained manpower, and the ability to generate adequate financial resources.

In articulating this strategy, states need to keep in view the Abuja Treaty, which was adopted by the Head of States and government of the Organization of African Unity in Abuja in 1991, which calls for the economic integration of Africa and the establishment of an African common market. This underlines the need for regional and subregional

cooperation in marine affairs and for involving coastal, landlocked, geographically disadvantaged and island states in mutually beneficial and cooperative networks.

Also while the year 1998 is likely to be declared the year of the oceans, in 1996, the Sub-committee on Oceans of the Commission on Sustainable Development will meet. It is necessary at that stage to press for the strengthening of the Regional Commission in integrating and promoting marine matters.

Capacity building has been stressed in the Rio Declaration of 1992 and especially in Chapter 17 of Agenda 21 which stresses the importance to be laid on the Ocean sector. Development of manpower and training is a critical element of capacity building. In this connection the plan of the International Ocean Institute to establish four operational centres for Africa catering to the English, French, Arabic and Portuguese speaking areas would assist in augmenting the training facilities of African states.

The strategy that African states may like to articulate should include the following essential elements: a properly developed legal infrastructure with its concomitants of establishment of baselines and delimitation of boundaries; a coordinated and integrated institutional system capable of establishing and implementing plans and programmes in the ocean sphere; a well-thought out technology acquisition policy within a reasonable period of time leading to national or regional self-reliance; a human resources development policy which leads to the creation of critical masses of skills at national, subregional and regional levels; a project formulation capacity which enables the states to generate adequate financial resources both domestically and externally.

Legal framework

The new Law of the Sea enables states to extend their national jurisdictions for an exclusive economic zone up to a maximum of 200 nautical miles (350 kilometres). To take advantage of this provision, African states should ratify the Convention and enact

legislation to claim maritime zones in accordance with the the Convention. It is therefore recommended that:

> All African states, if they have not already done so, should ratify the 1982 Convention and enact laws claiming jurisdiction over maritime zones as provided for in the UN Convention on the Law of the Sea.

African coastal states may need to be helped in drafting such legislation. Worldwide, over 100 states have enacted such legislation. This has been collated and published in book form by the UN Office of Ocean Affairs and the Law of the Sea. It is recommended that:

> The United Nations Economic Commission for Africa (UNECA) should collect all information on existing legislation and thereafter make it available to any African coastal state that requests it. UNECA may also consider setting up working group(s) consisting of legal and other relevant technical experts to draft model legislation based on its data bank of existing national legislation.

In addition to claiming jurisdiction over the extended maritime zones, it is necessary for coastal states to enact suitable legislation/regulations and establish the legal framework in the context of which the extended maritime zones can be explored and exploited by both domestic and foreign entities. Such legislation/regulation should, inter alia, establish user rights and the parameters within which rational exploitation in the context of sustainable development can take place. It is recommended that:

> All African coastal states, if they have not already done so, should establish a legal framework enabling rational utilisation of the extended maritime zones in the context of sustainable development. The United Nations Economic Commission for Africa may also consider collecting all available information on the subject including case studies, if available and dissemination of the information to African states..

African coastal states may need help in developing such legislation/regulations. The UNECA may consider the setting up of working group(s) on a regional/subregional basis and consisting of the relevant experts from the concerned States to draft suitable model legislation/regulations or a set of guidelines. It is recommended that:

> The United Nations Economic Commission for Africa consider the setting up of working groups of experts on a regional or subregional basis to draft appropriate model legislation/regulations/guidelines which could be of assistance to the coastal states of the region in establishing the legal framework in which rational exploitation of both living and non-living resources in the context of sustainable development could take place.

The new Law of the Sea provides for the establishment of baselines on the basis of which the coordinates of the extended maritime zones could be determined and deposited with the Secretary General of the United Nations. It is recommended that:

> All African coastal states, if they have not already done so, should establish baselines and therefrom establish the coordinates of the extended maritime jurisdictions.

Where states with adjacent or opposite coasts are involved, the coastal state has to establish the boundaries of its maritime zones in consultation and agreement with the concerned coastal and/or island state(s). It was noted in this connection that in the case of disputes arising between states, a useful concept that could be applied in solving such disputes would be that of joint development zones and/or joint management zones whereby the area in dispute is jointly developed and/or managed. It is recommended that:

> All African coastal states, if they have not already done so, should enter into dialogue with their neighbours so as to establish the boundaries of their

maritime zones, keeping in mind the concepts of joint development zones and joint management zones.

It is further recommended that:

The United Nations Economic Commission for Africa collect all materials on joint development and management zones, collate it and make it available to all member states.

Institutional System

The exploration and exploitation of resources in the constantly changing, dynamic, and three-dimensional marine environment is a complex task which is made even more difficult by the multiple-use to which ocean space is subjected. The rational and optimum exploitation of marine resources requires therefore a well co-ordinated and integrated institutional system. Studies of such systems around the world suggest that the success of such systems depends crucially on whether the coordinating unit is placed in the highest echelons of government. It is recommended that:

All African states should establish a coordinating mechanism for marine affairs with the coordinating unit being located under either the Prime Minister's office or in the office of the Head of the State.

It is further recommended that:

The United Nations Economic Commission for Africa continue to collect and collate information on existing systems and make the same available to all states.

In many cases it is more cost-effective for states to cooperate on a regional or subregional basis especially in matters relating to surveys, technology development, research, education and training. UNECA could explore such possibilities in consultation with the concerned states and other regional institutions. It is recommended that:

The United Nations Economic Commission for Africa explore, in association with the concerned states, regional/subregional institutions and the relevant NGOs, the feasibility and possibility of strengthening or establishing regional and/or subregional institutions especially in the areas of capacity building including human resources development, technology acquisition and surveys.

Existing machinery at the national level would also need to be strengthened/augmented if the new areas falling under the jurisdiction of coastal States are to be optimally exploited in the context of sustainable development. It is recommended that:

All African coastal states should establish or strengthen the necessary machinery and services for:

- the full and rational exploitation of their fishery resources;
- the exploration and exploitation of their marine mineral and energy resources;
- the development of maritime transport and communication system;
- the development of coastal areas and the development of tourism;
- the protection and conservation of the marine and coastal environment and ecosystem.

Zones have not only to be established and exploited but have also to be protected against poaching especially in areas such as fishing. Surveillance systems tend to be very expensive and so often beyond the ability of poor, developing states. Regional surveillance systems based on remote sensing techniques have been found to be cost-effective in the South Pacific and the Caribbean. It is recommended that:

The United Nations Economic Commission for Africa examine, in consultation with the concerned states, the feasibility of establishing regional or subregional monitoring surveillance and detection systems utilizing remote sensing devices including those located on planes or helium filled balloons.

Policy Framework

Optimisation of efforts aimed at exploiting marine resources requires a well articulated policy framework that can provide the needed thrust and direction. Efforts in the marine sector have to be integrated and be a part of the national development effort. It is recommended that:

All African states should establish or strengthen their national policy framework in the realms of food, energy and materials so as to give the needed thrust and emphasis on the rational development and optimal utilisation of their marine resources. In particular the policy framework should accord high priority to marine science and technology and the development of the necessary human and institutional infrastructure.

The building up of capacities in the marine sector would require the articulation of plans which, in the context of sustainable development, lay stress on human resources and institutional development. It is recommended that:

All African states augment their capacity to survey, explore and exploit their marine resources by integrating their plans for adequate human resources and institutional development with their economic and social development plans.

Special Needs of Landlocked States

The United Nations Convention on the Law of the Sea recognises that because of their distances from the oceans and seas and subsequent lack of sea ports, African

landlocked states suffer special problems in transit transport and use of port facilities in coastal states. It is therefore recommended that:

The UNECA undertakes a survey and analysis of institutional arrangements established for dealing with the problems of transit for landlocked states. It is further recommended that:

The UNECA in collaboration with the IOI organise a seminar for high level policy makers, technical experts from African landlocked states for the purpose of exposing and sensitising them to various provisions of the 1982 Convention that are of benefit to landlocked states.

Project identification and elaboration

Considerable ground work would be necessary for appropriate projects to be prepared at the regional, subregional and national levels, UNECA in association with IOI and other concerned regional and subregional organisations, IGOs and NGOs could organise seminars and workshops to raise awareness and to speed up and augment the process of project formulation. It is recommended that:

The United Nations Economic Comr ission for Africa (HQs and Regional Offices) in consultation with the concerned states and in association with the International Ocean Institute and other concerned organisations hold a series of workshops and/or seminars at regional, subregional and even national levels as a follow-up of this seminar.

Financial Resources

Financial resources have to be mobilized both domestically and externally if African states are to have sustainable development of their marine resources. Normally resources to the extent possible, should be mobilized locally as that is the bedrock on

which development plans can be sustained. In the case of African states, however, such an effort is bound to be inadequate and, therefore, the inflow of international finance would, to a large extent, have to augment domestic resource mobilisation. In this connection UNECA can play a significant role. It is recommended that:

- The United Nations Economic Commission for Africa convene a meeting of international funding agencies and its other regional and global development partners where regional, subregional and national projects in the areas, inter alia, of coastal zone management, islands development and capacity building in the ocean sector could be presented for funding.

Distr.
LIMITED

ECA/NRD/MAR/1/94
31 March 1994

Original: ENGLISH

UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

ECONOMIC COMMISSION FOR AFRICA

Regional Leadership Seminar on
Marine/Ocean Affairs in Africa

Addis Ababa, Ethiopia
28 March - 2 April 1994

D R A F T R E P O R T

I. OPENING OF THE SEMINAR

1. The Regional Leadership Seminar on Marine/Ocean Affairs in Africa, the first of its kind ever organized by the United Nations Economic Commission For Africa, took place at the Headquarters of the United Nations Economic Commission for Africa, Addis Ababa, Ethiopia, from 28 March to 2 April 1994.

2. The Seminar was organized jointly by the United Nations Economic Commission for Africa (ECA) and the International Ocean Institute (IOI).

3. The Seminar was opened by Mr. Layashi Yaker, United Nations Under Secretary General and Executive Secretary of ECA. Professor Elisabeth Mann Borgese, Chairman of the International Ocean institute also made a statement at the opening ceremony which was chaired by Hon. Joseph Warioba, former Prime Minister of Tanzania.

4. Mr. Layashi Yaker welcomed all participants and pointed out that the ECA took pride in taking a lead-role in convening and organizing such a seminar in Africa. The organization of this forum, he added, was a testimony to the commitment and determination of the UNECA to assist the African countries to enhance their capacities in the field of ocean affairs for the benefit of their people.

5. The UNECA Executive Secretary expressed his deep appreciation for the excellent cooperation, collaboration and substantive contribution from the Headquarters of the International Ocean Institute and from its operation centres at Dakar and Halifax. He particularly thanked Professor Elisabeth Mann Borgese, Chairman of IOI, for her special interest, initiative, drive and substantive support which greatly contributed to the successful organization of the seminar. He also expressed his gratitude to all the UN Agencies, intergovernmental and non-governmental organizations for sending representatives to the seminar. He thanked the invited resources persons who in spite of their busy schedule, had accepted the UNECA invitation to attend the seminar.

6. Mr. Yaker noted that the timing of the seminar was very crucial because there was a worldwide recognition and increasing awareness of the potential contribution of ocean resources toward poverty alleviation at the global level in general, and in Africa in particular. The seminar was also timely because of the importance attributed to the ocean sector by the United Nations Conference on Environment and Development held in Rio in 1992 as reflected in Chapter 17 of Agenda 21, which inter alia, stressed the rational use and development of ocean resources. He further added that the seminar was timely in view of the imminent entry into force of the UN Convention on the Law of the Sea in November this year and the likely establishment of the International Seabed Authority as well as the International Tribunal for the Law of the Sea.

7. Focusing on Africa, the ECA Executive Secretary mentioned that the continent was surrounded by oceans and seas, with abundant resources both living and non-living, the development of which required scientific knowledge, technological capacity and management skills. But the African countries, lacking these elements, and more particularly capability for surveillance of their exclusive economic zones, were not able to exploit these resources for their own benefit and as a result, these resources were being plundered.

8. Speaking about the role of the UNECA in the field of marine affairs, Mr. Yaker indicated that for a period over ten years, the ECA in collaboration with other UN agencies has managed to carry out an appreciable amount of activities, despite lack of adequate resources. These activities were largely aimed at interpreting the UN Convention on the Law of the Sea, and at enhancing the awareness of the opportunities, challenges and benefits offered by the said Convention. But, because of limited staff and financial resources of the Commission in the Ocean sector, the impact of these activities was limited.

9. The ECA Executive Secretary further noted that the Commission has been able to create an enhanced awareness among the African countries about their legitimate rights and about the opportunities, challenges and the benefits that the Convention offered them in the exploration and exploitation of their ocean resources. Out of 61 countries, which had so far ratified the Convention, 27 were from Africa, which one can say, has been instrumental in the Convention

I. OPENING OF THE SEMINAR

1. The Regional Leadership Seminar on Marine/Ocean Affairs in Africa, the first of its kind ever organized by the United Nations Economic Commission For Africa, took place at the Headquarters of the United Nations Economic Commission for Africa, Addis Ababa, Ethiopia, from 28 March to 2 April 1994.

2. The Seminar was organized jointly by the United Nations Economic Commission for Africa (ECA) and the International Ocean Institute (IOI).

3. The Seminar was opened by Mr. Layashi Yaker, United Nations Under Secretary General and Executive Secretary of ECA. Professor Elisabeth Mann Borgese, Chairman of the International Ocean institute also made a statement at the opening ceremony which was chaired by Hon. Joseph Warioba, former Prime Minister of Tanzania.

4. Mr. Layashi Yaker welcomed all participants and pointed out that the ECA took pride in taking a lead-role in convening and organizing such a seminar in Africa. The organization of this forum, he added, was a testimony to the commitment and determination of the UNECA to assist the African countries to enhance their capacities in the field of ocean affairs for the benefit of their people.

5. The UNECA Executive Secretary expressed his deep appreciation for the excellent cooperation, collaboration and substantive contribution from the Headquarters of the International Ocean Institute and from its operation centres at Dakar and Halifax. He particularly thanked Professor Elisabeth Mann Borgese, Chairman of IOI, for her special interest, initiative, drive and substantive support which greatly contributed to the successful organization of the seminar. He also expressed his gratitude to all the UN Agencies, intergovernmental and non-governmental organizations for sending representatives to the seminar. He thanked the invited resources persons who in spite of their busy schedule, had accepted the UNECA invitation to attend the seminar.

6. Mr. Yaker noted that the timing of the seminar was very crucial because there was a worldwide recognition and increasing awareness of the potential contribution of ocean resources toward poverty alleviation at the global level in general, and in Africa in particular. The seminar was also timely because of the importance attributed to the ocean sector by the United Nations Conference on Environment and Development held in Rio in 1992 as reflected in Chapter 17 of Agenda 21, which inter alia, stressed the rational use and development of ocean resources. He further added that the seminar was timely in view of the imminent entry into force of the UN Convention on the Law of the Sea in November this year and the likely establishment of the International Seabed Authority as well as the International Tribunal for the Law of the Sea.

7. Focusing on Africa, the ECA Executive Secretary mentioned that the continent was surrounded by oceans and seas, with abundant resources both living and non-living, the development of which required scientific knowledge, technological capacity and management skills. But the African countries, lacking these elements, and more particularly capability for surveillance of their exclusive economic zones, were not able to exploit these resources for their own benefit and as a result, these resources were being plundered.

8. Speaking about the role of the UNECA in the field of marine affairs, Mr. Yaker indicated that for a period over ten years, the ECA in collaboration with other UN agencies has managed to carry out an appreciable amount of activities, despite lack of adequate resources. These activities were largely aimed at interpreting the UN Convention on the Law of the Sea, and at enhancing the awareness of the opportunities, challenges and benefits offered by the said Convention. But, because of limited staff and financial resources of the Commission in the Ocean sector, the impact of these activities was limited.

9. The ECA Executive Secretary further noted that the Commission has been able to create an enhanced awareness among the African countries about their legitimate rights and about the opportunities, challenges and the benefits that the Convention offered them in the exploration and exploitation of their ocean resources. Out of 61 countries, which had so far ratified the Convention, 27 were from Africa, which one can say, has been instrumental in the Convention

coming into force, in November 1994. Mr. Layashi Yaker added that the ECA on its part actively promoted the Convention among the African countries.

10. Finally, the ECA Executive Secretary cited the objectives of the seminar and pointed out that he expected this seminar to be a spring-board or a launching platform for setting in motion the process of ocean resources development in Africa. The seminar, he went on, should set clear guidelines for policies and strategies for the development of these resources in Africa. He emphasized that the seminar must formulate a programme of action for ocean development in Africa. He concluded his statement by mentioning that it was imperative for Africa to develop its capabilities for exploration, optimum exploitation, sustainable development and management of the ocean resources for the benefit of its people. Regarding the management capacity , he added that there was a pressing need for member states to cooperate in this field, and urged developed countries and the United Nations Agencies to assist the African countries in developing their ocean resources by actively providing them with scientific research information and other support.

11. Professor Elisabeth Mann Borgese, Chairman of IOI, thanked Mr. Layashi Yaker for his excellent introduction and for underlining the importance of the issues under consideration. She congratulated the UNECA which according to her, was the first among the United Nations Regional Commissions to seriously consider the development of potential of the ocean resources.

12. The Chairman of IOI further added that the seminar should be action-oriented and should produce a programme of action for Africa for the development of its ocean resources.

II. ATTENDANCE

13. The seminar was attended by representatives from the following 26 countries: Algeria, Angola, Cameroon, Cape Verde, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Libyan Arab Jamahiriya, Mauritius, Mozambique, Namibia, Rwanda, Senegal, Sierra Leone, Sudan, Tanzania, Uganda, Zambia, Zimbabwe.

14. The following international, intergovernmental and non-governmental organizations were represented at the seminar: OAU, League of Arab States, UNESCO, UNDP, UNIDO, IOI, Yokohama City University in Japan.

15. The list of participants is provided at Annex III to this Report:

III. SEMINAR PROGRAMME

16. The seminar considered the following issues. The detailed account of proceedings under each issue is provided in Annex II of the Report.

Introduction to UN Convention on the Law of the Sea (UNCLOS);
The UN Convention on the Law of the Sea - Innovation and Change;
Post-UNCLOS developments; The Preparatory Commission, the Secretary-Generals' informal consultations;
Scientific/technological requirements; National Infrastructure - Regional cooperation;
UNCLOS, UNCED and the restructuring of the United Nations System;
Legislative requirements; inter-sectoral Integration; harmonisation with international law;
Institutional requirements; National infrastructure; Regional cooperation;
Managerial implications of the Law of the Sea Convention;
Integrating development and environment concerns; New economic theories;
Parameters of integrated ocean policy;
Agenda 21; cost-benefit analysis;
Manpower requirements;
African Island states and ocean development; Case Study: Cape Verde;
African land-locked states and regional cooperation. Case study: Uganda;
African coastal states; Case Study: Tanzania;
African coastal states; Case Study: Ghana;
IOMAC and Indian Ocean Commission: critical analysis. Options for Africa;
West African cooperation: critical analysis;
The African Regional Seas Programmes: Next phase;

Guidelines for African Ocean Policy: regional and subregional;

IV. CONCLUSIONS AND RECOMMENDATIONS

17. After a thorough consideration and analysis of these issues, the seminar agreed upon a strategy and programme of actions for integrated development and management of marine/ocean affairs in Africa. This strategy and programme of actions is included at Annex I.

STRATEGY AND PROGRAMME OF ACTION

With the sixtieth ratification of the United Nations Convention on the Law of the Sea, in November, 1993, the Convention will enter into force with effect from 16 November, 1994. The Convention enables all coastal states to extend their maritime jurisdiction in the Exclusive Economic Zone up to 200 nautical miles (about 220 miles or 350 kilometres). In this zone, the coastal state has sovereign rights for exploration and exploitation of all resources subject to certain navigational rights and complementary freedoms for other states.

The concept of the Exclusive Economic Zone, which is what the extended jurisdiction is called in the third Law of the Sea, is a concept that was developed by African nations during the preparatory period before the convening of the Third United Nations Conference on the Law of the Sea. The new Law of the Sea also saw significant contributions by African states who, along with other developing countries from Asia and Latin America, negotiated and bargained hard for the compromise package that the new law of the sea represents. But the coming into force of the new law of the sea is only the first step. States have now to organise themselves if the hard-fought advantages achieved are to be converted into benefits for their populations.

As a potentiality, the oceans are vast reservoirs of food, energy, materials and space. To actualise this potential, states need to have a well thought-out and properly articulated strategy, an appropriate legal institutional framework and other infrastructures, the necessary marine science technology, skilled and well-trained manpower, and the ability to generate adequate financial resources.

In articulating this strategy, states need to keep in view the Abuja Treaty, which was adopted by the Head of States and government of the Organization of African Unity in Abuja in 1991, which call for the economic integration of Africa and the establishment of an African common market. This underlines the need for regional and subregional cooperation in marine affairs and for involving coastal, landlocked, geographically disadvantage and island states in mutually beneficial and cooperative networks.

Also while the year 1998 is likely to be declared the year of the oceans, in 1996 this Sub-committee on Oceans of the Commission on Sustainable Development will meet. It is necessary at that stage to press for the strengthening of the Regional Commission in integrating and promoting marine matters.

Capacity building has been stressed in the Rio Declaration of 1992 and especially in Chapter 17 of Agenda 21 which stresses the importance to be laid on the Ocean sector. Development of manpower and training is a critical element of capacity building. In this connection the plan of the International Ocean Institute to establish four operational centres for Africa catering to the English, French, Arabic and Portuguese speaking areas would assist in augmenting the training facilities of African states.

The strategy that African states may like to articulate should include the following essential elements: a properly developed legal infrastructure with its concomitants of establishment of baselines and delimitation of boundaries; a coordinated and integrated institutional system capable of establishing and implementing plans and programmes in the ocean sphere; a well-thought out technology acquisition policy within a reasonable period of time leading to national or regional self-reliance; a human resources development policy which leads to the creation of critical masses of skills at national, subregional and regional levels; a project formulation capacity which enables the states to generate adequate financial resources both domestically and externally.

Legal framework

The new Law of the Sea enables states to extend their national jurisdictions for an exclusive economic zone up to a maximum of 200 nautical miles (350 kilometres). To take advantage of this provision, African states should ratify the Convention and enact legislation to claim maritime zones in accordance with the the Convention. It is therefore recommended that:

All African coastal states, if they have not already done so, should ratify the 1982 Convention and enact laws claiming jurisdiction over maritime zones as provided for in the UN Convention on the Law of the Sea.

African coastal states may need to be helped in drafting such legislation. Worldwide over 100 states have enacted such legislation. This has been collated and published in book form by the UN Office of Ocean Affairs and Law of the Sea. It is recommended that:

The United Nations Economic Commission for Africa (UNECA) should collect all information on existing legislation and thereafter make it available to any African coastal state that requests it. UNECA may also consider setting up working group(s) consisting of legal and other relevant technical experts to draft model legislation based on its data bank of existing national legislation.

In addition to claiming jurisdiction over the extended maritime zones, it is necessary for coastal states to enact suitable legislation/regulations and establish the legal framework in the context of which the extended maritime zones can be explored and exploited by both domestic and foreign entities. Such legislation/regulation should, inter alia, establish user rights and the parameters within which rational exploitation in the context of sustainable development can take place. It is recommended that:

All African coastal states, if they have not already done so, should establish a legal framework enabling rational utilisation of the extended maritime zones in the context of sustainable development. The United Nations Economic Commission for Africa may also consider collecting all available information on the subject including case studies, if available and dissemination of the information to African states..

African coastal states may need help in developing such legislation/regulations. The UNECA may consider the setting up of working group(s) on a regional/subregional basis and

consisting of the relevant experts from the concerned States to draft suitable model legislation/regulations or a set of guidelines. It is recommended that:

> The United Nations Economic Commission for Africa consider the setting up of working groups of experts on a regional or subregional basis to draft appropriate model legislation/regulations/guidelines which could be of assistance to the coastal states of the region in establishing the legal framework in which rational exploitation of both living and non-living resources in the context of sustainable development could take place.

The new Law of the Sea provides for the establishment of baselines on the basis of which the coordinates of the extended maritime zones could be determined and deposited with the Secretary General of the United Nations. It is recommended that:

> All African coastal states, if they have not already done so, should establish baselines and therefrom establish the coordinates of the extended maritime jurisdictions.

Where states with adjacent or opposite coasts are involved, the coastal state has to establish the boundaries of its maritime zones in consultation and agreement with the concerned coastal and/or island state(s). It was noted in this connection that in the case of disputes arising between states a useful concept that could be applied in solving such disputes would be that of joint development zones and/or joint management zones whereby the area in dispute is jointly developed and/or managed. It is recommend that:

> All African coastal states, if they have not already done so, should enter into dialogue with their neighbours so as to establish the boundaries of their maritime zones, keeping in mind the concepts of joint development zones and joint management zones.

It is further recommended that:

The United Nations Economic Commission for Africa collect all material on joint development and management zones, collate it and make it available to all member states.

Institutional System

The exploration and exploitation of resources in the constantly changing, dynamic, and three-dimensional marine environment is a complex task which is made even more difficult by the multiple-use to which ocean space is subjected. The rational and optimum exploitation of marine resources requires therefore a well co-ordinated and integrated institutional system. Studies of such systems around the world suggest that the success of such systems depends crucially on whether the coordinating unit is placed in the highest echelons of government. It is recommended that:

All African states should establish a coordinating mechanism for marine affairs with the coordinating unit being located under either the Prime Minister's office or in the office of the Head of the State.

It is further recommended that:

The United Nations Economic Commission for Africa continue to collect and collate information on existing systems and make the same available to all states.

In many cases it is more cost-effective for states to cooperate on a regional or subregional basis especially in matters relating to surveys, technology development, research, education and training. UNECA could explore such possibilities in consultation with the concerned states and other regional institutions. It is recommended that:

The United Nations Economic Commission for Africa explore, in association with the concerned states, regional/subregional institutions and the relevant NGOs, the

feasibility and possibility of strengthening or establishing regional and/or subregional institutions especially in the areas of capacity building including human resources development, technology acquisition and surveys.

Existing machinery at the national level would also need to be strengthened/augmented if the new areas falling under the jurisdiction of coastal States are to be optimally exploited in the context of sustainable development. It is recommended that:

All African coastal states should establish or strengthen the necessary machinery and services for:

- the full and rational exploitation of their fishery resources;
- the exploration and exploitation of their marine mineral and energy resources;
- the development of maritime transport and communication system;
- the development of coastal areas and the development of tourism;
- the protection and conservation of the marine and coastal environment and ecosystem.

Zones have not only to be established and exploited but have also to be protected against poaching especially in areas such as fishing. Surveillance systems tend to be very expensive and so often beyond the ability of poor, developing states. Regional surveillance systems based on remote sensing techniques have been found to be cost-effective in the South Pacific and the Caribbean. It is recommended that:

The United Nations Economic Commission for Africa examine, in consultation with the concerned states, the feasibility of establishing regional or subregional monitoring surveillance and detection systems utilizing remote sensing devices including those located on planes or helium filled balloons.

Policy Framework

Optimisation of efforts aimed at exploiting marine resources requires a well articulated policy framework that can provide the needed thrust and direction. Efforts in the marine sector have to be integrated and be a part of the national development effort. It is recommended that:

All African states should establish or strengthen their national policy framework in the realms of food, energy and materials so as to give the needed thrust and emphasis on the rational development and optimal utilisation of their marine resources. In particular the policy framework should accord high priority to marine science and technology and the development of the necessary human and institutional infrastructure.

The building up of capacities in the marine sector would require the articulation of plans which, in the context of sustainable development, lay stress on human resources and institutional development. It is recommended that:

All African states augment their capacity to survey, explore and exploit their marine resources by integrating their plans for adequate human resources and institutional development with their economic and social development plans.

Special Needs of Landlocked States

The United Nations Convention on the Law of the Sea recognises that because of their distances from the oceans and seas and subsequent lack of sea ports, African landlocked states suffer special problems in transit transport and use of port facilities in coastal states. It is therefore recommended that:

The UNECA undertakes a survey and analysis of institutional arrangements established for dealing with the problems of transit for landlocked states. It is further recommended that:

The UNECA in collaboration with the IOI organise a seminar for high level policy makers from African landlocked states for the purpose of exposing and sensitising them to various provisions of the 1982 Convention that are of benefit to landlocked states.

Project identification and elaboration

Considerable ground work would be necessary for appropriate projects to be prepared at the regional, subregional and national levels, UNECA in association with IOI and other concerned regional and subregional organisations, IGOs and NGOs could organise seminars and workshops to raise awareness and to speed up and augment the process of project formulation. It is recommended that:

The United Nations Economic Commission for Africa (HQs and Regional Offices) in consultation with the concerned states and in association with the International Ocean Institute and other concerned organisations hold a series of workshops and/or seminars at regional, subregional and even national levels as a follow-up of this seminar.

Financial Resources

Financial resources have to be mobilized both domestically and externally if African states are to have sustainable development of their marine resources. Normally resources to the extent possible, should be mobilized locally as that is the bedrock on which development plans can be sustained. In the case of African states, however, such an effort is bound to be inadequate and, therefore, the inflow of international finance would, to a large extent, have to augment domestic

resource mobilisation. In this connection UNECA can play a significant role. It is recommended that:

> The United Nations Economic Commission for Africa convene a meeting of international funding agencies and its other regional and global development partners where regional, subregional and national projects in the areas, inter alia, of coastal zone management, islands development and capacity building in the ocean sector could be presented for funding.

IV Accounts of proceedings

This section on the UN Convention on the Law of the Sea was introduced by Hon Joseph Warioba and Prof. Elizabeth Mann Borgese.

With the advances in new technologies and the penetration of the industrial revolution into the oceans on economic development, countries started declaring unilateral jurisdiction over the resources of Continental shelf contiguous to their coasts. The trans declaration of ownership over the natural resources over the Continental Shelf off the Coast of the United States of America is such one example that led to the adoption by the industrialized states of the 1958 Geneva Conventions on the Territorial Seas and Contiguous zone, on the High Seas, on the Continental Shelf and on the Fishing and Conservation of the living resources of the High Seas. The Second Geneva Convention which was held two years later, failed to agree on the breadth of the Territorial Sea as well as the Fisheries zone. Unilateral extension of jurisdiction over the Seas continued unabated.

The United Nations Convention on the Law of the Sea is a comprehensive set of legislation that governs all activities of the sea, which are interrelated and need to be considered as a whole. It finds its origin in the Seabed Committee established in 1968 by the United Nations General Assembly following the issue presented to it by the Maltese, Ambassador on the peaceful uses of the Seabed and Ocean floor beyond national jurisdiction.

Unlike the 1958 Geneva convention it is truly inspired, elaborated, ratified and brought into force primarily by the new developing countries. The maritime regime under the convention are the Internal Waters, the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf. The Exclusive Economic Zone and the International Sea-bed area beyond national jurisdiction known as "the Area" are new regimes introduced by the United Nations Convention on the Law of the Sea. In the EEZ the coastal State has sovereign right to Explore, exploit, manage and conserve both living and non-living resources as well as the other

jurisdictional rights while other States enjoy the freedom of navigation, overflight and the laying of cables and pipelines.

Mineral resources in the Sea-bed and sub-soil beyond national jurisdiction in the Common Heritage of mankind and as such may be exploited on behalf of mankind with due case to the interests of developing countries. The International Sea-Bed authority was established to administer the resources in the Area. In exploration of the resources therein due consideration to the environment should be given to the environment and the area is to be used only for peaceful purposes.

The Convention provides the legal framework for the prevention of pollution and protection and preservation of the environment. Enforcement mechanisms and dispute settlement procedures are also provided.

Scientific research is basic for all major ocean uses and requires interdisciplinary and international cooperation and these activities are reserved exclusively for peaceful purpose. Coastal states concern is required for conducting scientific research in the EEZ and continental Shelf and this can be refused only where on for the project is connected with resource exploration and exploitation, involves drilling into the Continental Shelf construction, operation or use of artificial islands installations and contains information regarding the nature and objectives of the project which is inaccurate or if the researching state or competent international organization has outstanding obligation to the coastal state from a prior research project. The convention provides for mandatary dispute settlement with the exception of disputes relating sea boundary delimitation, military activities and issues falling under the jurisdiction of the security council of the United Nations.

Developing coastal countries face big challenge in managing their maritime zones. Resource exploration and exploitation and surveillance and monitoring the marine oceans require technology, finance and skilled manpower and this make it necessary for coastal states to seek international, regional and sub-regional cooperation. In a study carried out in nine African States

to examine current awareness, ratification and application of the provision on the Law of the Sea the following were the findings:

- Most of the officials were aware of the importance, opportunities and challenges of the provisions of the Law of the Sea Convention to their countries in terms of the new marine zones it confers on the States. However the level of awareness in some cases is far from satisfactory.
- Seven out of the nine states had ratified the treaty and one is preparing to do so, while one stated that ratification is not a priority of the state given the problems encountered in part XI of the Convention.
- Most countries have disclosed their maritime zones in accordance with the terms of the Convention and have declared sovereign right to explore, exploit manage and conserve the resources within their national jurisdiction - legal and institutional frameworks are put in place in most cases but there are some that do not have neither the legal framework nor the institutional set-ups for the mineral and petroleum sectors.
- Boundary demarkation of the maritime zones has commenced with neighbouring coastal states by most of the countries while some have not yet started.
- Environmental laws, both sector specific and national, exist in most of the countries and some countries are under drafting their environmental laws.
- Constraints exist in terms of technology, finance and trained manpower to develop their marine and non-living resources and to conduct monitoring and surveillance activities. Some have regional cooperation among neighbouring states in order to develop common policies and strategies in the development of their living resources, share common facilities for research, training and monitoring of their common waters.

Through laws they have adopted most are attempting to attract foreign capital in marine resource development and in so doing the laws provide for a reasonable rate of return to the

investors while protecting the interests of the government to get the maximum benefits from the exploration and exploitation of the marine resources.

The UN Convention on the Law of the Sea-Innovation and Change

In introducing this item the Chairman explained that the United Nations Convention on the Law of the Sea which was adopted in coordinator 1982 brought in new and important innovations in international law. The most important of these were: Exclusive Economic Zone; the concept of sovereignty in the context of the Exclusive Economic Zone; the Archipelago States and the concept of Archipelagic waters; the common heritage of mankind; the International Sea bed authority; Comprehensive, global international environmental law; a new regime for marine scientific research; advanced framework for technological co-operation and development; Comprehensive and binding system of peaceful settlement of disputes, and research for peaceful purpose. Besides providing a comprehensive definition and scope of the new innovations the Convention covers the rights and privileges as well as obligations of the member States in their dealings with each other as well as with the international institutions, paying special attention to the need for developing countries to participate equally in the exploitation and use of sea resources. The International Sea Bed authority provides a unique institutional concept of Common Heritage of Mankind by combining the interests of the major groups and special interests with those of the weaker developing countries to bear on decisions concerning all aspects of the sea-bed mining.

These innovations emphasize the change from the old international relationships among States to the new order in which the weaker, smaller developing nations have a better say in the use of marine resources which represent a rich reservoir of largely underutilized common heritage of mankind, and are empowered to exercise rights over those areas under exclusive jurisdiction paying due regard to the overall interests of other States. The provisions for settlements of disputes allows for a choice between negotiated and reconciliation as means of resolving disputes introduces other more binding methods through arbitration or the International Tribunal or the International Court of Justice.

Post-UNCLOS developments. The preparatory Commission . The Secretary-General Consultations

Resources Person and Coordinator of this session His Excellency Hon. Joseph Warioba gave a comprehensive overview of the activities of the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea, the Post-UNCLOS developments and the Secretary General's informal consultations. It was noted that the 1982 UN Conference on the Law of the Sea took 2 decisions. One was related to the establishment of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. The Preparatory Commission had 4 Special Commissions dealing with respectively land-based producers, the enterprise, the seabed mining code and for the establishment of the International Tribunal on the Law of the Sea. The Plenary of the Preparatory Commission was assigned the task of implementation of Resolution 2 of the UN Convention on the Law of the Sea and to deal with other related matters. The Preparatory Commission was also to register the pioneer investors. It also had a training panel and a group of technical experts. Preparatory Commission was also to prepare a plan for exploration of the first mine site of the Enterprise. In addition, the Preparatory Commission had to deal with conflict resolution between pioneer investors such as Japan, France and the Russian Federation in the North Pacific Ocean. This was done within the framework of the Arusha Agreement in 1986.

Within this context, the obligations of the pioneer investors such as payment of registration fees, payment of annual fixed fees and the relinquishment of pioneer areas to the authority were also described.

In view of the fact that the Convention has been ratified by the requisite number of countries for it to come into force in November 1994, the role of the Preparatory Commission was also explained. In this connection, he mentioned the ongoing informal consultations of the Secretary General on this issue. He noted that the core issues that are being discussed at these consultations are the decision-making process of the future Authority, the Enterprise, the review conference, the production policy, transfer of technology and the financial aspects.

Prof. E. Mann Borgese in her intervention on this section briefly described the role of the Preparatory Commission and what could be the future role of the Preparatory Commission in view of the UN Convention coming into force. She referred to the so-called "Boat paper" that was circulated at the last session of the preparatory commission and she elaborated on the procedural problems related to the functioning of the council of the future Authority that was inherent in the "Boat paper". She emphasized that the integrity of the Convention must be upheld and its dilution should be avoided.

A question was raised by the participants on the nature of research in the outer oceans and the capability of the Authority to monitor such research to ensure that it is for peaceful purposes only. This was also followed by a question on the training. In response the achievements of this Preparatory Commission in training areas in the past was elaborated. The role of International Ocean Institute (IOI) and its future plans for setting up training centers in different parts of the world was also elaborated. It was noted that IOI will assist African countries in developing training programs on ocean resources development. In this respect the role of training on the coastal zone management was also emphasized It was noted that the problem of training should be based on broader perspectives and the capacity building should be focused at the national level in order to produce sectoral specialists such as marine biologists, geologists, economists and others. The importance of high technology in the South was emphasized, because without that the basic problem of poverty alleviation in the South could not be tackled. In this respect, importance of North-South collaborative efforts for developing high technology for the South was suggested. The Executive Secretary of the UNECA expressed ECA's full commitment to training and capacity building in Africa in collaboration with the regional institutions and NGOs such as IOI. He further noted Africa must develop a technological base for developing both living and non-living resources of the sea and also to ensure Africa's share in the common heritage of the world oceans. He emphasized the need for regional cooperation, the need for a substantive programme of action for Africa and for strategies for African countries in setting up training centers and institutions at national and subregional levels.

Scientific/Technical Requirements: National Infrastructure Regional Cooperation

Professor Ruivo introduced this topic by focusing on the scientific developments as they relate to the understanding and exploitation of marine resources. Science particularly basic science focused on the methodology to explain the characteristics and behaviour in answer to human curiosity, applied science tended to be mission oriented. He cautioned that while such a classification was useful neighbours of the Convention intended to focus on the applied aspects, a destination which could deflect attention from important basic scientific research in the marine space.

Historically and until a few years back marine science sought to describe and provide inventories of flora and fauna. However new requirements and trends to provide quantitative appraisal of marine resources, forecast resources and trends have changed the characteristics and modality of marine science and marine research. Individual effort to pursue research has given way to multidisciplinary research teams and networking in addressing scientific issues. The larger and new scale of research made possible by the introduction space technologies to collect data and computer technologies to handle and process data have ushered in very important implications on the sovereignty and proprietary of data on resources in national boundaries. Further more research in fisheries resources for example should have multiplicity of approaches in order to take into the ill effects of pollution which might render the product unacceptable for conservation.

Special attention was drawn to the proper management of the coastal zone as it is an important interface between the mankind and the sea as the economic activities there in could have negative aspect on the marine environment. Action was therefore called for member States to adopt a more comprehensive approach to manage their coastal areas and the marine resources rather than maintain the sectoral approach currently pursued by different ministries and international agencies. Such approach should pursue integrated management of marine resources at national and regional level and ensure existence of appropriate institutional infrastructure and capabilities. Special action is necessary at the national level to set up policies, build capacities

in terms of human resources, institutions and equipment, rationalise institutional regimes an disprove the viability and utilization of scientific research in the management of the marine resources.

Dr. Saigal focused on technology as a means to utilize knowledge for generating wealth. Science and technology and the legal regime interfaces amiably to bring about the possibilities of generating wealth supported by finance and proper management. Technology today had to be viewed only in terms of capital (hardware) but more importantly in terms of software, skills and organization embodied in skilled manpower. This is an issue calling for special attention of the developing countries especially now when the world is in the midst of these called third industrial revolution lazily based on information and intellectually technology. The developing countries had the basis to stimulate the accumulation of intellectual technology. This development had important implications for African policy makers who have to guide the acquisition of technology in their respective states.

Dr. Tabet contribution focused on the need for comprehensive science and oceanographic services. The convention on the Law of the Sea requires that member States gain a better knowledge of their ocean based resources and the OIC was in a good position to assist member States in formulation and coordination of activities and in the strengthening of their capacities. He outlined the Global Ocean Observation System which would facilitate the collection, management and analysis of data. Finally he drew attention to the need for Coastal States to ensure a proper and coordinated programme for the development of the coastal zones.

During the discussion which ensued it was stressed that each country should build its national infrastructure for handling its marine affairs. Such infrastructures could network with existing subregional and regional research and training institutions or enters for marine sciences advocated in the Convention. With regard to the use of modern technology it was pointed out information collection using satellites could facilitate the exploration of both living and non living resources monitoring illegal exploitation of resources and could even be linked with and benefit the artisanaly fishing activities still prevalent in many member States. More and letter

information exchange and networking with regional and international data bank was necessary to ensure the member States benefit from the vast date available on their resources. Concerns were also expressed about the dangers of toxic waste illegally deposited in African countries.

UNCLOS and UNCED, and the Restructuring of the United Nations System

Introducing this section, Prof. Jagota stated that in view of the entering into force of the Convention on the Law of the Sea in 1994, it was essential for African member states to plan ahead in preparation for the 21st century, specially in the area of capacity building. He gave a a historical account of Ocean Management, starting with the codification of the Law of the Sea in 1958; the preparatory work on Convention (Sea-Bed Authority) from 1967 to 1982, leading to the adoption of the convention in April 1982; Africa's leading role on the idea of the Exclusive Economic Zone (EEZ) and the entering into force of the Convention with 27 of the 61 ratifying states being Africans; the various meetings and conferences that led to the concretization of the concept linking environment to development such as the Bruntland report of the World Commission on Environment and Development (WCED) called "Our Common Future" which cannot out in 1987 and the culmination of these into the Rio World Conference on Environment and Development in June 1992.

The main concern of the Rio Conference was how to promote both environment and development in all their facets, without endangering future generations and while ensuring a sustainable development. Though the conference did not succeed in adopting a legal Convention, it did adopt a Declaration - the Rio Declaration, incorporating 27 principles, prominent among which are (a) The sovereign rights of states over their resources, (b) Liability and compensation on environmental damage, (c) Prevention of relocation of hazardous wastes, (d) The role of youth, and (e) The Common but differentiated responsibilities regarding marine pollution.

The speaker then elaborated on Agenda 21, the most important outcome of the Rio Conference, incorporating 40 chapters and proposing a concrete programme of action in areas of water, health, poverty, technology, land atmosphere, ocean, training and the funding

requirements. Chapter 17 of Agenda 21 dealing with Ocean Management has 7 programme areas to be implemented between 1993 and 1997. In 1997 they will be reviewed. For the African region, issues of capacity building and technology transfer are primordial, especially in the areas of fisheries, living resources of the sea; and the exploitation of the EEZ. For small island developing states (SIDS), programme 7 stresses an integrated land sea management. In April/May 1994, a UN Conference on sustainable development of small island developing states in Barbados will look into such issues. Integrated Coastal Zone Management is dealt with in programme N°1, and will also be taken up at the same meeting which will have, for the first time, the report of the November 1993 conference on SIDS held in the Netherlands. Detailed discussion on land based sources of marine pollution will take place in Barbados.

The problems of ozone layer depletion, leading to the Montreal guidelines adopted in 1985, climatic changes and the increase in sea-level will also raised. It was recommended that preventive action was necessary in these areas. The speaker also referred to the Global Environmental Facility (GEF) as mechanism for funding programmes and projects in the above areas. These funds are expected for the years 1994, 1995 and 1996 for capacity building and technology transfer in the areas of environment and development.

Eventually the speaker spoke on the restructuring of the UN system and the setting up of the new Commission on Sustainable Development (CSD) which is to review and promote Agenda 21. The 53 member commission first met in June 1993, and is expected to review the implementation of Africa 21 in 1977. With respect to ocean affairs, the Division of Legal Affairs on the Law of the Sea will be the main agency to monitor the activities.

The presentation was followed by questions from delegates of Cape Verde, Algeria, Côte d'Ivoire, Sierra Leone and India. The problem of highly migratory fish stocks in the high seas and the possibility of extending the present EEZ by 50 miles beyond the 200 miles limit, the problem of deep-sea mining and fishing, the need for greater south-south cooperation in managing ocean affairs and efforts being made in the context of West Africa where training and technology are the main issues, the problem of limited funding of programmes through GEF, and

finally the problem of sea-level rise and threat to islands and coastal-states, were ventilated. The main speaker then reiterated his views about the need for a participatory approach, joint ventures and stress on capacity building and technology.

Legislative requirements: Inter-sectoral Integration; Harmonisation

Introducing this subject, Professor Mann Borghese first stated that the Convention on the Law of the sea should be translated into national laws. This would entail a comprehensive and tedious exercise. Mexico was the first country to embark upon this kind of exercise.

Professor Borghese then described the steps taken by Mexico in drafting its national Law of the Sea. These steps included collation of all existing municipal ocean laws; the identification of obsolete provisions and gaps; the identification of conflicts between two sectors; and finally the identification of conflicts between municipal and international laws.

The Chairman of IOI also mentioned that, before drafting a national law, the concerned country first should ratify the Convention on the Law of the sea.

She also indicated that there was no universal prescription regarding the establishment of a national Law on the Sea and that member States could use the services of the Legal Department of the Ocean Office in New York, as well as the Commonwealth Secretariat, in the process of the establishment of their legislation on the sea.

Judge Koroma pointed out that with regard to the establishment of national law on the sea, Africa did not represent a "tabula rasa": thirty eight coastal countries had already their laws.

He then insisted on the necessity for African countries to improve the quality of their legislation on the sea by updating them and aligning them with the Convention of the Sea.

The ensuing debate turned on the delimitation of the baseline; the joint development zone and the joint management area; the modalities for the establishment of national laws; and the structure of the national laws.

From the debate, the following ideas emerged:
In view of the forthcoming entry into force of the Convention of the Sea, there was a need for African countries to harmonize their national legislation on the Sea with the provisions of the Convention. Two approaches could be contemplated in that framework:

(a) To seek the advices of the Legal Department of the Ocean Affairs and/or of the Commonwealth Secretariat;
(b) To set up under the auspices of the ECA, OAU, IOI and other relevant organizations, an interdisciplinary committee which will establish a model of legislation on the sea and guidelines for the drawing of baselines. The same committee might also examine the issues of joint development areas or joint management area with regard to the settlement of disputes between two or several countries.

Institutional Requirements: National Infrastructure Regional Cooperation

The preamble of the Law of the Sea convention states that "the problems of the ocean space are closely interrelated and for this there is a need for a fora or forum capable of considering these closely interrelated problems as a whole. Development and environment had to be looked together with sectorial specialized structures this is not possible. The need for institutions to deal with the interdisciplinary character of all the major problems facing modern societies and the need for interdisciplinary planning and decision making becomes imperative for sustainable development.

Ocean affairs has been given low priority at national policy and this has to change. Ocean policy has to be integrated and in the formulation of ocean policy not only all departments for

governments be present and participate but also other ocean users, specialized international organizations and coastal industries should play an active part. The models of Dutch, State of Origin, Hawaiian and the Brazilian approach on integrated development of the marine Zone were presented to participants. However comments were made on this and the issues have to be approached in a flexible manner and the models are only meant to help participants in the formulation of policies relating to such integrated approach.

Integration ocean use at national level has a reflection in its representation at regional level, making it possible to influence integrated development with environment in regional programmes such as the Regional Seas Programme.

The concept of possible regional model for regional organizations and cooperation for sustainable development among them and a regional centre for research and development in marine industrial technology was raised.

The last step to be taken is the restructuring of the United Nations Systems. There must be a linkage between Coastal States and Regional States and global organizations. The need for proper linkage between the regional Commissions and the United Nations Commission for sustainable Development was pointed out as well as the need for the coordination of linkages between the Law of the Sea and UNCED.

Sustainable development has to be integrated at national, regional and international levels.

A case study on the Sea of Japan was presented by Professor Fuse. Japan initiated moves to establish institutional branch for regional cooperation. Lesson to be learnt from the exercise in that economic cooperation without a framework may lead to economic war and there is a need for proper size of regional market in order to forge such cooperation.

The existing marine institutions and their framework in West African regions covered by a survey from ECA was presented by Mr. Hoque. Research institutions, training centres and

higher learning universities in marine geology engineering and other sciences was outlined and efforts towards capacity building were elaborated. A list of experts by fields of specialization of the countries covered by the study was also presented.

Comments were made on the shortcomings of Chapter 17 in that it did not address Ocean Problems and the new demands of the United Nations Convention on the Law of the Sea. There is a need for further elaboration of the Chapter so that Ocean issues are accommodated. Comments and questions were also raised concerning matters covered by the topic. Capacity building and monitoring was emphasized in relation to management of the national ocean space. Recommendations were made that ECA to convene African States to consider marine affairs, specially fisheries to be at the centre of the development about 40% of Africa's fishery resources are being illegally exploited every year which is detrimental to Africa.

Problem of detection system in case of illegal fisheries by foreign ships was raised and deliberation show that it is enforcement rather than detection which is difficult. Where the extent and value of resources justify satellite system could be installed. Surveillance from aeroplanes are usual methods used. Experimentation for cheaper methods of Surveillance was suggested by Professor Saigal as experimentation to be considered by ECA.

Integration of Coastal/Marine Area Management and Development with National Development Planning in Africa

The session devoted to this Agenda Item was opened by the Chairman, Judge Abdul G. Koroma. He emphasized the importance of management of the resources of the sea, recalled that African countries have not yet developed the expertise to take advantage of the Law of the Sea Convention, and noted that old theories of management may be not appropriate to maximize the benefits of the Law, in particular when talking of integrated approach.

First speaker, Mr. Quarcoo, drew the attention of the meeting to the fact that while African countries constitute the largest block of countries which have ratified the UNCLOS, this

commitment has not been translated into actual policies and action programmes for the management and sustainable development of coastal and marine areas in Africa. One possible explanation is the lack of coastal/marine management and development dimensions incorporated as part of national development plans and programmes over the past. This paper examines ways and means of ensuring that issues regarding management and sustainable development of coastal and marine areas are integrated into national development planning processes in the future.

The methodology and practice of national development planning in Africa has evolved through three main phases. The initial phase involved concentration on medium-term (4-5 year) development plans; the intermediate phase focused on short-term adjustment and recovery programmes; while the final and current phase emphasizes national long-term (10-25 year) perspective studies and plans (NLTPS). Thus integration of coastal/marine dimensions into national development planning in Africa can be best accomplished through the new framework of planning, viz., the NLTPS process.

The NLTPS approach to national development planning follows five main interactive phases: (1) Issue identification; (2) Environmental analysis; (3) Determination of long-term goal and vision; (4) Choice of strategy; and (5) Preparation of medium and short-term plans. The incorporation of coastal/marine dimensions into the NLTPS process now follows:

During Phase 1, the main issues and themes of integrated coastal/marine management and development should be identified, highlighted and brought forward among other national aspirations of society. These issues include: management of valuable ecosystems such as mangrove wetlands; management of environmental disasters, contingency and emergency environmental response plans for natural and human-induced disasters; coordination and integration of sectoral plans and programmes; improvement of basic needs of coastal human settlements; conservation and restoration of altered critical habitats; capacity building and human resources development in skills, attitudes and knowledge in emergency procedures, conflict anticipation, negotiation and resolution.

Phase 2 involves a multidisciplinary analysis of the cross-sectoral impacts and externalities which may be generated by the conventional sectoral planning schemes of one marine sector on the other. The exercise entails stakeholder analysis of the concerns and preferences of the key actors and their roles as well as SWOT analysis by contrasting internal strengths and weaknesses against opportunities and threats in the external environment.

During Phase 3, a long-term goal and vision of the future will be determined based on construction of alternative scenarios of the future, deciding on a feasible vision and mapping out how to realize the vision. Given the UNCED adoption of "sustainable development" as its strategy, a long-term goal and vision for African countries in the 1990s must therefore be inspired by this global commitment. Out of this, specific development objectives can be determined based on the collective aspirations of the people in individual member States.

Phase 4 deals with development of broad strategies and policies. As the issues on integrated coastal/marine management identified under Phase 1 represent some of the key development objectives, it is now time to develop effective strategies and policies, subject to the environmental analysis, showing how to achieve those objectives and thereby lead to realization of the national goal or vision.

During Phase 5, the effective strategies prepared are translated into specific medium- and short-term plans, investment programmes and projects, including those on the coastal/marine sector, backed up by specific budget allocations. The medium- and short-term plans must be consistent and should be hierarchically related and mutually supportive of the long-term strategy.

A coordinating mechanism becomes essential in ensuring that issues on the coastal/marine dimension are at centre stage in national development planning. Lessons from such national experiences as the Netherlands, Brazil, Oregon State (USA), Hawaii (USA), Ecuador, Malaysia, the Philippines, etc. indicate some of the main criteria for success. These include: firm commitment in the affairs of coastal/marine areas secured at the highest political levels through establishment of interministerial or interagency committee; translation of this commitment into

willingness and action to ensure adequate budgetary allocation for development programmes and projects related to the sector; popular participation and involvement of inputs from the villages, settlements, towns, districts, regions, research centres, the government sector ministries and the private business sector; and some demonstration of how the coastal/marine sector can make effective contribution towards attaining some of the broad objectives of national development strategy.

The next speaker under this agenda item, Dr. Max Börlin, presented the theme "New economic theories". He began his presentation by recalling that in the course of the seminar three basic problems have been stressed, namely: poverty, ineffective allocation of resources and resource depletion, and environmental aspects such as waste resources and negative deducted value. Dr. Börlin further emphasized that "the Market" did not have solutions to them. He then presented some comparative graphics as indicators of poverty in Africa (GNP,. life expectancy) signalizing that these indicators were a reflection of the balance of power between South and North. In this regard he noted that the EU (and industrialized countries) should talk with Regional Institutions and not with individual countries in order to avoid the unbalanced solutions resulting from bilateral talks.

Concerning the first basic problem, poverty, he presented ten institutional innovations recommended (P. Streeten) to cope with the problem. Among these, he stressed four: producer-consumer commodity agreements on energy and oil prices, establishment of a global environment protection agency, establishment of an international trade organization, and a global environment protection agency. With respect to the second basic problem, Dr. Börlin presented the views, alternatives and conclusions of a renowned resource economist, F.S. Dasgupta. Addressing the third problem, he listed six conditions (Paul Etkins) for the implementation of "sustainable development", of which he emphasized two: enforcement of sustainable harvesting and, concerning non-renewable resources, the practice of what he called the four Rs: repair, reconditioning, re-use, and recycling. The example of the "bath-tub" was provided as a visualization of stock and flow measures, including the leaks, which should be taken into account

in macro-economic planning. He noted that the GNP indicator was a flow measure and not a stock measure.

Dr. Börlin concluded his presentation stressing the insufficiency of "the Market" mechanisms vs. new economic theories that do suggest some solutions, and indicated that the economics should prepare the theories for the concept of Common Heritage of Mankind.

In the discussion that followed the conflict between the new economics theories, in particular those addressing poverty, and the GATT was evidenced. It was also noted that UNTAD/GATT and Rio were two opposite ways of thinking. In this context, it was recalled that GATT was the reality - the results of negotiations North-North - but still in process, and that the third world should strengthen in order to have a place in the negotiations. However, the new economic order based on free market and privatization - was inevitably being put in place. The meeting further noted that the countries who discussed the Uruguay Round will not likely sign the Convention of the Law of the Sea.

Parameters of integrated ocean policy

The presentation of this topic focused on the preparation of a technology acquisition policy since it plays a key role in the marine development. In this regard he pointed out that acquisition must be based on a proper forecasting and visioning on the type of society and needs for which the technology will serve in future as well as assessing its compatibility as to its sustainability in the culture and norms of the society. There exists well developed methods of carrying out both forecasting and assessment to arrive at a suitable choice from an array of technologies attributed to the first industrial revolution (iron and steel) the second industrial revolution (oil and chemicals) and the new and third industrial revolution (information and intellectual). Stress was made on the need for developing countries to build up strong engineering capabilities capable of exploiting the energy technologies so as to enable their countries keep abreast of these developments and to exploit them appropriately.

With respect to policy, the area of policy success was of recent origin. But many governments consider that policy is necessary in order to organise and direct its vital resources. Policy is necessary to translate the long term vision into programmes and strategies.

Policy making required a clear statement of objectives to be achieved as well as the definition of the field to be covered both interims of scope and time. Equally important is the policy environment of institutions, manpower and organizations, all of which are necessary for the policy implementation. The policy should also direct attention to the technologies and the manner of their acquisition, bearing in mind that such policy is consistent with other policies.

During the discussion which ensued it was stressed that the stockholders should be fully consulted so that their needs and concerned are taken care of in the evolution of a technology policy. Vital to ensure that technology meets social needs of the population. In view of the multipurpose use of the ocean space, there was need for proper integration or coordination of the various policies addressing the development of different marine resources to ensure resolution of conflicts amongst competing demands.

It was recommended that Africa strategy for acquisition of marine technology should in the short term focus on transfer and use of technologies and on the long term build the capacity of human resources and institutions necessary for the technology to take root. Both considerations were very important measures for ensuring the accumulation of the appropriate technological capabilities in the society. Many channels were available to bring in technology into Africa (joint venture, foreign direct investment etc) provided appropriate environment was erected to foster these various modes.

Cost-Benefit Analysis - Agenda 21

The presenter of this issue referred to Chapter 17 of Agenda 21 which contains seven major programmes which cannot easily be costed individually since the programmes are closely interrelated. The texts from Rio do not contain costs and benefits figures for each of for the

programmes taken together. The figures were deleted from the final version. Benefits from these programmes are not all quantifiable but some approximations can be obtained from techniques derived from the "willingness to pay" concept. The benefits of clean air or of an aesthetic environment, for instance, can be assessed by these techniques. The cost of the seven programmes of Chapter 17 can be estimated to be about $64 million per country, out of which around $7 million would be financed by international contributions. These figures are averages and order of magnitude.

Mobilizing resources for the implementation of the programmes is an issue which deserves utmost attention. Studies on the Mediterranean have shown that tourists are willing to pay more to have a cleaner environment. These results should encourage African countries to look at ways to levy taxes on tourists, on plane tickets for instance, in order to realize projects. New sources of taxation can also be found.

African countries should study carefully the texts of the Rio Conference and the Global Environment Facilities (GEF) in order to take advantage of the funding available. Fisheries management and conservation are priority areas as well as coastal management. These areas can also benefit from the Biodiversity Convention. GEF can also be supplemented by other sources of funding, such as those under examination at the Commission for Sustainable Development.

In discussion the meeting agreed that African countries should design projects partly relying on internal funding and partly on international funding. At the present time it seems that not enough projects have been submitted and that there is a substantial amount of funding available. Projects should also be submitted in a coordinated way. To this effect a coordinator should be appointed in each subregion to promote and coordinate the presentation of projects involving non-polluting and cleaning technologies.

LIST OF PARTICIPANTS

ALGERIA/ALGERIE

Mr. Hachemi Ahmed, First Secretary, Algerian Embassy, Addis Ababa

ANGOLA/ANGOLA

Mr. Tete Anto'nio, Second Secretary, Angola Embassy, Tel. 51-00-85, Addis Ababa

CAMEROON/CAMEROUN

H.E. Dr. Arthur Gakwandi, Minister Plenipotentiary, Cameroon

Mr. Josue Youmba, Director of Merchant Shipping, Ministry of Transport, Yaounde

Mr. Samuel Betah Sona, Director of Geology, Ministry of Mines, Yaounde

Mr. Daniel Anaraban Awum, Director of Regional Development, Ministry of Planning and Regional Development, MINPAT/DAt, Yaounde

Mr. Jean Missoup, Deputy Director for United Nations, Ministry of External Relations, Yaounde

Mr. Jean Joseph Atangana, Junior Diplomatic Officer, Ministry of External Relations, Yaounde

CAPE VERDE/CAP VERT

Mr. Januario Nascimento, Counsellor, Jurist, Ministry of Fishing and Agriculture, P.O. Box 206, Tel. 0238-615716, Fax 0238-611770

COTE D'IVOIRE/COTE D'IVOIRE

Mr. Adama Diagne, First Secretary, Côte d'Ivoire Embassy, P.O. Box 3668, Addis Ababa

Mr. Gaston Yao Koffi, Chargé d'Affaires, Côte d'Ivoire Embassy, P.O. Box 3668, Addis Ababa

DJIBOUTI/DJIBOUTI

Mr. Yacin Ahmed, First Counsellor, Djibouti Embassy, Addis Ababa

EGYPT/EGYPTE

Dr. Mohamed El Bassiouni, Minister Plenipotentiary, Egypt Embassy, Addis Ababa

Mr. Amr Abdel Halim, Third Secretary, Embassy of Egypt, Addis Ababa

Mr. Ezz Eldin Fahmy, First Secretary, Egyptian Embassy, Tel. 553077, Addis Ababa

ERITREA/ERITREA

Mr. Kifle Woldeselassie, Project Manager, Ministry of Marine Resources, P.O. Box 923, Tel. 11-42-71, Fax. 291-1-122185, Asmara, Eritrea

ETHIOPIA/ETHIOPIE

Mr. Mengistu Tarekegn, Division Head, Ministry of Natural Resources Development & E.P., Addis Ababa

Mr. Imeru Tamrat, International Water Law Expert, Ethiopian Valleys Development Studies Authority, Addis Ababa

EQUATORIAL GUINEA

Mr. Narciso Ntugu Abeso Oyana, First Secretary, Embassy of Equatorial Guinea
Tel. 610034, Addis Ababa

GABON/GABON

H. E. Mr. Alfred Moungaba, Ambassador, Gabon Embassy, B.P. 1256, Addis Ababa

GAMBIA/GAMBIE

Capt. A.R. Bah, Harbour Master, Gambia Ports Authority, The Gambia

GHANA/GHANA

H.E. Mr. Emmanuel Tetteh, Honourable Deputy Minister of Fisheries, Ministry of Food and Agriculture, Accra, Ghana

Mr. Martin Alabi Mensah, Director of Fisheries, Fisheries Department, P.O. Box 630, Accra, Ghana

Mr. Daniel Kofi Ameley, Senior Legal Officer, Ghana

GUINEA/GUINEE

Mr. Soumah, Guinee, Embassy of Guinea, P.O. Box 1190, Addis Ababa

LIBYAN ARAB JAMAHIRIYA/LIBYAN ARAB JAMAHIRIYA

Mr. Sadeg M. Ben Sadeg, First Secretary, Embassy of Libyan Arab Jamahiriya,
P.O. Box 5728, Libyan Embassy, Addis Ababa

MAURITIUS/MAURITIUS

Mr. Premduth Bonomaully, Principal Assistant Secretary, Ministry of Fisheries and Marine Resources, NPF Building, Port Louis, Maruritius

MOZAMBIQUE/MOZAMBIQUE

H.E. Mr. Danier Antonio, Ambassador, Mozambique Embassy, Addis Ababa

Mr. Alexandre H. Manjate, 3rd Secretary, Mozambique Embassy, Tel. 710020
Addis Ababa

NAMIBIA/NAMIBIE

Mr. Nicolaas J. Davin, Deputy Director, Ministry of Works, Transport & Communication Private Bag 12005, Ausspannplatz, Windhoek, Namibia

Mr. Japhet Litenge, Control Officer, Min. of Works, Transport & Communication, Private Bag 12005, Ausspannplatz, Windhoek, Namibia

Ms. Sonja A. Poller, First Secretary, Namibia Embassy, P.O. Box 1443, Addis Ababa

Mr. J.N. Thubazumbe, Counsellor, Namibia Embassy, P.O. Box 1443, Addis Ababa

RWANDA/RWANDA

Mr. Gervais Condo, First Counsellor, Rwanda Embassy, P.O. Box 5618, Addis Ababa

SENEGAL/SENEGAL

Mr. Abdoussalam Diallo, Counsellor, Senegal Embassy, Tel. 61-13-76, Addis Ababa

SIERRA LEONE/SIERRA LEONE

Capt. Hubert Bloomer, Deputy Harbour Master, Sierra Leone

Mr. Pat. Willie-Bonglo, Counsellor & Head of Chancery, Sierra Leone Embassy, P.O. Box 5619, Addis Ababa

SUDAN/SOUDAN

Mr. Ali Ahmed Abdel Rahim, Chairman, Sudan Shipping Line, Sudan

Mr. Hamdan Wadi Deldoom, Sudan Embassy, Addis Ababa

TANZANIA/TANZANIE

H.E. Mr. Christopher C. Liundi, Ambassador, Tanzania Embassy, Addis Ababa

Mr. F.A. Mwaipaja, First Secretary, Embassy of Tanzania, P.O. Box 1077, Addis Ababa

Mr. Anthony N. Cheche, Minister Counsellor, Embassy of Tanzania, P.O. Box 1077, Addis Ababa

UGANDA/OUGANDA

H.E. Mr. Arthur Gakwandi, Minister Plenipotentiary, c/o Uganda Embassy, P.O. Box 5644, Addis Ababa

Mr. Ralph W. Ochan, Administrator General, Ministry of Justice, P. O. Box 7183, Kampala, Uganda

ZAMBIA/ZAMBIA

Mr. Eusebius Chola Katai, Deputy Permanent Secretary, Ministry of Energy and Water Development, P.O. Box 36079, Lusaka, Zambia

Mr. Charles M. Muzongwe, First Secretary, Zambia Embassy, P.O. Box 1909, Addis Ababa

Mr. Glyn B. Zimba, Second Secretary, Zambia Embassy, P.O. Box 1909, Addis Ababa

ZIMBABWE/ZIMBABWE

Mr. Charles Chipato, Deputy Secretary for Mines, Ministry of Mines, P. O. Box 7709, Causeway, Harare

INTERNATIONAL AND OTHER ORGANIZATIONS

LEAGUE OF ARAB STATES

Mr. Mahmoud Weddady, Ambassador, Arab League, P.O. Box 5768, Permanent Union of Arab League

ADDIS RESOURCES DEVELOPMENT COMPANY (ARDCO)

Mr. Wodaje Abebe, Director, ARDCO, P.O. Box 4360, Addis Ababa

OAU

Mr. Abdel Rahim Dirar, Director, EDECO, Tel. 51-57-21, P.O. Box 3243, OAU, Addis Ababa

UNDP

Mr. Kya Kaysire Gitera, UNDP Representative to OAU and Chief Liaison Office with ECA, Tel. 51-59-19, Addis Ababa

Ms. Tamba Baldeh, UNDP Deputy Representative to OAU and Deputy Chief, Liaison Office with ECA, Tel. 51-59-19, UNDP, Addis Ababa

Mr. Xavier Waegenaere, Junior Professional Officer, UNDP, Tel. 51-59-19, Addis Ababa

Ms. Hannah Gutema, Programme Officer, UNDP, Tel. 51-59-19, Addis Ababa

Ms. Meskerem Shiferaw, Economist, UNDP, Tel. 51-59-19, Addis Ababa

UNESCO

Mr. Muhamed Musa, Director, UNESCO, P.O. Box 1177, Addis Ababa

Ms. Wafaa El-Fadli, Liaison Officer, P.O. Box 1177, Addis Ababa

UNICEF

Ms. Fatima Bahri, UNICEF, Tel. 51-51-55, Addis Ababa

UNIDO

Mr. Peter Manoranjan, UNIDO Country Director for Ethiopia and Djibouti, and Representative of the Director General to the UN Economic Commission for Africa (UNECA) and the Organization of African Unity (OAU), P.O. Box 5580, Tel. 514245, Addis Ababa, Ethiopia

WHO

Mr. Alexandre Correia, WHO Representative to OAU and Co-ordinator with the ECA, Tel. 51-51-78, Addis Ababa

RESOURCE PERSONS

H.E. Hon. Joseph Warioba, Board Member, International Ocean Institute, IOI, P.O. Box 4623, Dar-es-Salaam, Tanzania

Prof. Elizabeth Mann Borgese, Chairman, IOI, Dalhouse University, Halifax, Nova Scotia, Canada

Mr. Krishan Saigal, Executive Director, IOI, Malta

Mr. Philip Quarcoo, Chief Training Division, IOI-Senegal, IDEP, B.P. 3186, Fax: 221222964, Dakar, Senegal

Mr. S.P. Jagota [Additional Secretary & Legal Adviser (retired), Ministry of External Affairs] 748, SECTOR-14, Gurgaon (Haryana), 122 001, India

Mr. Abdul G. Koroma, Judge, International Court of Justice, The Hague

Mr. Tsutomu Fusé, Professor of International Law, c/o Yokohama City University 22-2, Seto Kanazawaku, Yokohama 236, Japan

Mr. Frank X. Njenga, Secretary General, Asian African Legal Consultative Committee, 27 Riag Road, Laypat Nagar IV, New Delhi 110024

Mr. Max Börlin, Consultant in Environmental Economics, CH-1297, Founex-Geneva, Switzerland

Mr. E.H. Tabet-Aoul, Consultant in IOC and Researcher, University of Le Havre (France), 77 Rue de l'eglise, 75015, Paris

Prof. Mario Ruivo, University of Oporyo/ICBAS, member of the Co-ordinating Board, National UNESCO Commission, Av. Infante Santo - 42/5, Lisbon 1300, Tel. 351-1-3969061/62; Fax: 351-1-3969064, Portugal

Mr. Ralph W. Ochan, Administrator-General, Ministry of Justice, P.O. Box 7183, Kampala, Uganda.

Mr. Tesfaye Chemir, Consultant in International Law and Marine/Ocean Affairs

INTERNATIONAL OCEAN INSTITUTE (IOI)

H.E. Hon. Joseph Warioba, Board Member, IOI, P.O. Box 4623, Dar-es-salaam, Tanzania

Prof. Elizabeth Mann Borgese, Chairman, IOI, Dalhouse University, Halifax, Nova Scotia, Canada

Mr. Krishan Saigal, Executive Director, IOI, Malta

Mr. Philip Quarcoo, Chief Training Division, IOI-Senegal, IDEP, B.P. 3186, Fax: 221222964, Dakar, Senegal

SECRETARIAT

Ambassador Layashi Yaker, United Nations Under-Secretary-General and Executive Secretary of UNECA

Mr. Peter N. Mwanza, Chief, Natural Resources Division

Mr. A.F. Hoque, Chief, Water, Environment, and Marine Affairs Section, NRD

Mr. P.A. Traoré, Chief, Mineral Resources Unit, NRD

Mr. S. Jugessur, Chief, Science & Technology Section, NRD

Mr. Y. Pashkov, Chief, Energy Unit, NRD

Mr. Orlando Nino, Chief, Cartography & Remote Sensing Unit, NRD

Mr. A. Gulaid, Cartography Affairs Officer, NRD

Mr. Yilma W. Emmanuel, WEMS, NRD

Mr. A. Nkubana, Energy Unit, NRD

Mr. A.N. Yama, Economic Affairs Officer, Mineral Resources Unit, NRD

Mr. T.S. Karumuna, Science & Technology Section, NRD

Mr. Inganji Francis, PADIS

Ms. Nancy Hafkin, PADIS

Mr. Philipe Lemercier, JEFAD

Mr. K.B. Abassa, JEFAD

Mr. E.P. Pallangyo, JEFAD

Mr. I. Ekanem, Population Division

Mr. Toma Makannah, Population Division

Mr. Zifa Kazaze, Population Division

Mr. Peter H. Chiwona, PHSD

Mr. Wilfred Asombang, PHSD

Mr. Raj Bardouille, PHSD

Mr. S.K.B. Asante, MRAG

Mr. K.C. Wang, MRAG

Mr. S.K. Imbamba, Regional Adviser, MRAG

Mr. Traoré Souleymane, Statistics Division

Mr. G. Jonassen, TACOO

Ms. Kibbnesh Wolde Gabriel, TACOO

Mr. P. Chechekin, TCTD

Mr. S. Akande, TCTD

Mr. J. Rajohnson, TCTD

Ms. F. Wege, ATRCW

Ms. Hilary Mwokeabia, SERPD

Mr. Oumar M. Sy, SERPD

Mr. Mohamed El-Egaily, SERPD

Mr. K.J. Sendi, IHSD

Mr. Victor Shingiro, TDFD/ECO

Ms. Elizabeth Woldemariam, TDFD

Mr. Thabit Ahmed, COES

Mr. Samba Jack, Chief, PPCO

Mr. Y. Sulaiman, SAES/SC/COES

Mr. Sadique, PADIS

Mr. Bongoy, Chief, Transport & Communications Division