

## The Law of the Sea: A Review of Major Contributions of African States

Adie, Edward Idagu<sup>1</sup> Nwokedi, Lawretta Obiageli<sup>2</sup>

<sup>1</sup>Correspondent Author, Department of Political Science and International Relations,  
University of Abuja, Nigeria.

E-mail: adieedward@yahoo.com

<sup>2</sup>Department of Political Science and International Relations,  
University of Abuja, Nigeria.

### Abstract

*This paper focused on the law of the sea and the major contributions made by African states to its development. The methodology for the study was based on the secondary source of data collection from textbooks, journals, articles, online papers, etc. while neo-liberalism was adopted as theoretical framework. From the findings derived through content analysis, the paper showed that much of the studies conducted on the subject matter of the law of the sea have concentrated more on the contributions from the developed countries of the world, especially the maritime powers, to the development of the law than those by the developing nations of which Africa is part. This stemmed basically from the notion that during the first and second United Nations Conferences on the Law of the Sea the majority of African states were still under the burden of colonialism which limited their chances of meaningful participation and contributions. The paper, however, argued that in spite of this limitation, Africa's contributions to the development of the law of the sea were noticeable, especially during the Third Conference which took place between 1973 and 1982. These were majorly in the Exclusive Economic Zone Concept, the Rights of the Landlocked Countries, the Chairing of the Committee I on deep seabed in the third Conference, etc. The findings also indicated that the law of the Sea succeeded in bringing a sigh of relief to the sea users who hitherto suffered incessant squabbles due to the absence of a regulatory framework. Finally, the paper made some recommendations. Prominent among them was that African scholars should work hard to counter the wrong narratives on the contributions of African States to the development of the legal framework for the regulation of the use of resources of the seas.*

**Key Words:** Law of the Sea, African States, landlocked, Economic Zone, UNCLOS

### 1. INTRODUCTION

The sea is one of the greatest assets nature has bequeathed to mankind since the beginning of creation. Its importance lies in the fact that it contains enough resources in which human beings can harness for their benefit and survival. These are found in areas like fishing which provides vital nutrients and other economic incentives; transportation through which peoples, goods, services and ideas are conveyed from one state or region to another; trading; navigation; scientific exploration; weaponry test; power generation and transmission among others. As a result of these, many nations used to compete among themselves to get the 'largest share' of the resources of the sea, and since there was no regulatory mechanism in place to checkmate their excesses, such competitions always resulted in "lawlessness, conflict between nations, destruction of marine environment and the lack of the freedom of scientific research and exploration" (Nelson, 2016:2). This situation went on until the emergence of the law of the sea, which was a product of some series of negotiations by participating states at the United Nations Conferences on the Law of the Sea (UNCLOS) between 1958 and 1982 (Egede, 2011:7). During the first and second Conferences in 1958 and 1960 respectively, many of the African states, as we know today, were still under the colonial rule either by the

British, Portuguese, France or Belgium and were not expected to have wielded much influence. Nevertheless, as noted by CEMLAWS (2016) “Africa’s role in demanding, influencing and negotiating the outcomes suitable to its interest in the lead to the adoption of the LOSC [Law of the Sea Convention] is noted as one of the greatest achievements of developing countries international politics”. Indeed, the convention on the law of the sea, according to the above source “represents the culmination of efforts by African states together with developing states to reform the post-colonial legal and economic order and to guarantee access to the resources of the ocean for development”. Thus, through various platforms such as the Organization of African Unity (now African Union), the Group of 77 as well as the Asian-African Legal Consultative Committee (AALCC), African states were able to take a firm, united position on such major issues such as the Economic Zone and the fate of the Landlocked States which were later supported by other states and have been recognized up till date.

The paper is presented in two parts: The first part dwells on the historical development of the law of the sea beginning from its first Conference in 1958 through the 1960 Conference and finally to the 1982. The major provisions of the conferences are also highlighted to enhance our understanding of what transpired at the events. In the second part, efforts are devoted towards spotlighting the salient contributions of African States to the development of the Law of the sea. These range from the acceptance of invitations and actual participation by Africa states; the concept of Exclusive Economic Zone, which African states have received credit for; the rights of the landlocked countries canvassed by Africa and; the heading of committee I of the third Conference on law of the sea.

## **2. STATEMENT OF THE PROBLEM**

The law of the sea represents the series of concerted efforts by the global community towards creating a legal framework for the use of the resources of the sea. This journey which began in 1958 following the first United Nations convention on the law of the sea witnessed other similar conventions in 1960 and 1973-82. The one of 1982, settled the grey areas which the earlier ones could not address thus, setting the standard for the utilization of the resources of the sea by both coastal and landlocked countries respectively. Unfortunately, Africa’s role in the whole episode has been missing. The reason is based on the argument that since the first two conferences took place at the time most of the African states were still under colonialism, not much, if at all, was achieved by them in terms of contribution. This narrative has continued to overshadow and dominate the entire literature on the law of the sea by those who still believe that nothing good can come out from African in spite of the available records that prove the opposite. The study, therefore, seeks to highlight and discuss the salient contributions of African states to the development of the law of the sea from the first conference in the ‘50s to the last one in 1982.

## **3. OBJECTIVE OF THE STUDY**

Fundamentally, the objective of the study is on the law of the sea and the role of the African States. While the Specific objectives include the followings:

1. To ascertain the major contributions of the African states to the development of the law of the sea;
2. To highlight the various provisions of the law of the sea and;
3. To provide a historical background to the law of the sea.

## **4. RESEARCH METHODOLOGY**

The study adopts historical-descriptive research design. This is to enable us, in retrospect, conduct a thorough search on the emergence of the law of the sea as well as Africa's major roles in the development of the Law of the Sea and then present them in a clear and understandable manner to the public. The data for the study are derived from the secondary sources drawn basically from textbooks, academic journals, articles and other research materials both online and offline while content analysis is deployed in analyzing the data.

## **5. THEORETICAL FRAMEWORK**

This paper aligns itself with Neo-liberalism also known as Liberal Institutionalism as its framework of analysis. Neo-liberalism is an International Relations theory which places high premium on the ability of international institutions in resolving international conflicts through coordination and cooperation (Beavis, 2017). In other words, neo liberalists emphasize "the importance of international organizations in reducing international conflict and tension" (Dauda, 2013:11). The Theory emerged in the 1980s as a response to the realists' argument that the international system is anarchic thus, making genuine cooperation among states impossible. In a nutshell, the realist scholars see the world as a place where nations struggle for power so they can dominate others. Because of this struggle there are always conflicts, crises, and wars which make cooperation impossible. But the proponents of neo-liberalism like Keohane (1984); Nye and Keohane (1977) in Beavis, 2017) debunked the claim by the realists and rather stressed that when nations come together to discuss their problems, conflicts in the world will be reduced as peace will reign and people will understand themselves better. And that even when there is a conflict, if states cooperate using international organizations or institutions to discuss that conflict, the agreement they will reach from the cooperation can bring peace or end the conflict.

The event that led to the conference on the law of the sea underscores the choice of this framework. As stated earlier the quest by nation states to grab the largest share of the resources of seas had always led to anarchy and conflicts among nations of the world. This prompted the United Nations to convene a conference as a way of finding solution to the problem. African states who took part in the conferences negotiated cooperatively with other states to ensure their demands were met through peaceful means.

## **6. FINDINGS AND DISCUSSION**

### **6.1 Historical Background to the Law of the Sea**

The law of the sea has been adjudged as the "first completed attempt by the International Law Commission to place a large segment of international law on a multilateral treaty basis" (Harris 1998:368). Prior to the advent of the law, the sea was always conceived as a free place for everybody to explore and exploit, specifically by Hugo Grotius through his 1609 *Mare Librium* (Martens, 1976:532). With time the rights of the coastal states to exercise some levels of control over some portions of the sea adjacent to its land was equally recognized. But as observed by Ladan (2009:252), "the quantum of control or jurisdiction and the extent over which this control could be exercised remained contentious". So, Van Bynkershoek tried to proffer solution through the Cannon-Shot Doctrine which stipulates the limits of territorial waters to be one marine league or three nautical miles - the approximate range of land-based guns at that time (Martens, 1976:532). The doctrine proved to be helpful only for awhile as some controversies and ambiguities surrounding the use and exploitation of the sea by some powerful maritime countries who engaged in the practice of partitioning and exercising sovereignty over the seas still went on. In fact, up to 1960 different coastal states laid claims to different breadth. Accordingly, 26 states supported 3- mile limit; three states supported 4-mile limit; one state favoured 5- mile limit; 16 states advocated a 6-mile limit; one state

canvassed for 9-mile limit; 2 states asked for 10-mile limit; 34 states went for 12-mile limit; 9 supported more than 12-miles; while 11 states clamoured for unspecified number of mile (Behuniak, 1978: 120). These kinds of practices brought about “chaos and disorder on the use of the resources domiciled in the seas.” In order to forestall these and maintain peace and order in the seas, the law of the sea was developed and codified (Iwok 2014:1). The law covers the whole subject of international maritime law including private and public laws, relating to safety at sea, movement of goods and passengers by sea as well as the jurisdiction exercisable by states on the water of the oceans (Adeniran 2007:115).

The law was developed through some series of Conferences which started first in 1958 tagged United Nations Conferences on the Law of the Sea (UNCLOS 1) held in Geneva with similar Conferences held in 1960, 1973 to 1982 (Adeniran, 2007:115; Umozurike, 2010:104). The first Conference which took place between 24<sup>th</sup> February and 27<sup>th</sup> April, 1958 succeeded in producing four Conventions on: the Territorial Sea and contiguous Zone; the continental Shelf; the high Sea and; the fishing and conservation of living Resources of the High Seas but failed to reach a consensus on two basic issues of the breadth of the territorial Sea and the fishery limits thereby leading to the hosting of the second United Nations Conference on the Law of the Sea (UNCLOSII) in 1960 (Egede, 2011:6-7). The UNCLOSII witnessed an increase in the number of participation by African states from 6 in the UNCLOSI to 10. In spite of this and other innovations, the Conference did not address the fundamental issues raised at the UNCLOSI as confirmed by Umozurike (2010:102): “Notably the width of the territorial sea and the right of innocent passage for warship through straits that also form part of territorial sea, were not settled in the first conference in 1958 nor were they in the second conference held in 1960. The need for a third conference to, *inter alia*, to settle those outstanding issues”.

Following this, in 1973 the UN Conference on the law of the sea was convened again and it took nine long years of negotiations among the 160 delegates to produce 320 Articles and 9 annexes from the convention (Harris 1998:370). In attendance were six non-independent states, eight national liberation movements, twelve specialized agencies, nineteen intergovernmental organizations and number of quasi autonomous units of the UN as well as a host of non-governmental organizations (Beckman and Davenport, 2012:3). As noted by Harris (1998:370), the main changes or addition in the 1982 Conference includes:

The acceptance of a 12-mile territorial sea; provision for transit passage through international straits; increased right for archipelagic and landlocked states; stricter control of marine pollution; further provision for fisheries/conservation; acceptance of a 200-mile exclusive economic zone for coastal states, changes in the continental shelf regime and a provision for the development of deep seabed mineral resources...machinery for the settlement of dispute arising under it, including an international tribunal for the law of the sea with its seat at Hamburg.”

Other provisions emanated from the convention included the partitioning or the zoning of the ocean into the followings:

1. The internal waters
2. Territorial sea and Contiguous Zone
3. Other zones which the states have special interest (Exclusive Economic Zone)
4. The High seas (Umozurike 2010:104)

## 6.2 Internal Waters

These comprise waters to the landward side of the territorial sea baseline or straight baseline and include harbours, ports, rivers, lakes, canals, closed in bays, gulfs and waters enclosed by archipelagic Islands (Umzurike 2010:104). The lowest water marks is the territorial sea baseline however, where the coast is deeply indented a delta or island, straight lines may be drawn linking the outermost points. Under the internal waters, certain rights and privileges are available for the coastal states. These are as follows:

1. The coastal state, subject to the applicable rule of the international law, enjoys sovereignty over internal waters, the airspace above and subsoil.
2. It can fish in it, maintains control over sanitation, immigration and pollution
3. It enjoys jurisdiction over merchant ship in internal waters.
4. It has right to stop warship from entry into the zone but if allowed they must respect their immunity from jurisdiction. The warships too must respect the coastal states rules and regulations.
5. Where a straight baseline enclose an area that would otherwise have been part of the high sea, the right of innocent passage for ship is preserved but coastal state may designate or regulate the route. It could suspend this right on security ground but with prior notice (Umzurike 2010:104).

As explained further by Sanger (1986: 84-85), “a passage is innocent so long as it is not prejudicial to the peace, good, order and security of the coastal state”. But whenever it is the reverse, he continues “the convention allowed a coastal state to suspend temporarily in specified areas of its territorial sea, the innocent passage of foreign ships”

### **6.3 Territorial Sea and Contiguous Zone:**

According to Article 2 of the UNCLOS (1982):

(1) The sovereignty of a coastal state extended beyond its land territory and internal waters. In the case of an archipelagic state, its archipelagic waters to an adjacent belt of the sea, described as the territorial sea.

(2) This sovereignty extends to the airspace over the territorial sea as well as its bed subsoil. The width of the territorial sea is also captured in Article 3 of the convention. Thus: “every state has right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles measured from the baseline”. In addition the coastal state may:

1. Designate sea lanes and traffic schemes and may suspend innocent passage temporarily for security measure after due publication;
2. Levy charges for specific services rendered;
3. Not criminalize a passing merchant ship save on certain conditions bothering on security;
4. Have no right to exercise civil jurisdiction;
5. Innocent passage is free for cargo ships;
6. Foreign aircraft are not allowed the right of innocent passage over the territorial sea; equally all sub-marines or underwater vehicles must navigate on the surface and flag their flags.

Failure to comply with this, a warship may be sent packing immediately and the flag state bears the cost.

Regarding the contiguous zone, the coastal state may in order to prevent the breach of its custom, fiscal, immigration, sanitation laws and regulations, exercise controls and give punishment for their infringement (Umzurike 2010:106).

### **6.3 Exclusive Economic Zone (EEZ)**

According to Article 57, the EEZ shall not extend beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. A coastal state is therefore free to:

1. Enjoy exclusive right to harvest the living and non living resources of the zone and may build structures, carryout research and project on marine environment.
2. There is also freedom for navigations under and above the waters as well as laying of pipelines and cables by other states provided they comply with coastal states laws and regulations.
3. All landlocked and geographically unfavoured states may through bilateral, regional or sub-regional arrangements with a coastal state exploit the resources of the EEZ.

#### **6.4 Continental Shelf**

According to Umzurike (2010:107) a “continental shelf is a prolongation of the land territory seawards beyond the territorial sea”. This must be within a 200 nautical mile from the baseline territorial waters but beyond 200 nautical miles, it must not exceed 350 nautical miles. Here also a coastal state has exclusive right to explore and exploit the resources found there.

#### **6.5 The High Seas**

Article 86 of the UNCLOS 1982 defines the high seas thus: “The high seas consist of all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a state or in the archipelagic waters of an archipelagic state”. Article 87 goes further to highlight the freedom in the high seas. Accordingly, the high seas which open for all states whether landlocked or coastal shall allow for:

1. Freedom of navigation;
2. Freedom for over flight;
3. Freedom to lay submarine, Cables and pipelines;
4. Freedom to construct artificial island and other installations;
5. Freedom for scientific research and
6. Freedom for fishing.

All these freedoms shall be exercised by all states with due regard for the interests of other states.

#### **6.6 The Right of Hot Pursuit**

In a paper entitled *Doctrine of Hot Pursuit: A Functional Interpretation Adaptable to Emerging Maritime Law Enforcement Technologies and Practices*, Craig (1989:4) states that maritime hot pursuit evolved as a customary international doctrine well over 100 years before it was codified in 1958 convention on the high seas. And that the doctrine was carried forward into the 1982 UN convention of the law of the sea. Article 111 of the 1982 UNCLOS provides that a hot pursuit of a foreign ship must be undertaken after it has been ascertained by the competent authorities of the coastal state the foreign ship has violated its law. And that such pursuit must start when the foreign ship or one of its boats is within the internal waters, territorial sea, EEZ, etc. of the pursuit state, and should be stopped immediately it goes out of the above zones. It also mentions warship or military aircraft as only equipment to be used in the pursuit.

#### **6.7 Africa’s Major Contributions to the Development of the Law of the Sea**

Africa, the second largest continent in the world has a total of 54 independent states, 39 coastal states and shares boundaries with the Mediterranean Sea on north, the Atlantic Ocean on the West, Red Sea on the North-East and Indian Ocean on the South-East (Egede, 2005:11). Although at the time the first and second United Nations Conferences on the law of the Sea were convened, many of them were still under colonial domination, from 1970s when the Third UNCLOS was held a lot of them had gained independence and as such participated and contributed significantly to the development of the legal framework on the use of the Sea (AU, 2016). These contributions are considered majorly under participation, chairing of important committees, exclusive economic zone concept and the rights of the landlocked countries. We shall now take them one after the other.

### **6.8 Contribution through Participation in the UNCLOS**

Beginning from the First United Nations Conference on the Law of the Sea (UNCLOS I) to the third Conference (UNCLOS III) African states participated in the sessions. For instance, at the first Conference six African states of Ghana, Libya, Liberia, Morocco, South Africa and Tunisia were in attendance (Egede, 2011:6). Also during the Second UNCLOS, 10 of them were among the 88 countries that participated (Egede, 2011:6). Similarly, at the Third Conference, delegates from the following African countries took part at the sessions of the conference. They include: Algeria, Angola, Burundi, Botswana, Benin, Cape Verde, Central African Republic, Chad, Comoros, Congo, Djibouti, Egypt, equatorial Guinea, Ethiopia, Gabon, Gambia, Guinea, Bissau, Ivory coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, morocco, Mozambique, Niger, Nigeria, Rwanda, Senegal, Seychelles, sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Cameroon, Tanzania, Upper Volta, Zaire, Zambia, Zimbabwe and later Namibia (United Nations, 1982). We believe that the acceptance of the invitations to the conventions and the actual participation of African states were part of their contributions, in the first place. This also shows that the continent was willing to contribute to the development of the Law of the Sea.

### **6.9 Elections of UNCLOS I, II and III Presidents from the Asian-African Legal Consultative Committee (AALCC)**

Africa states also contributed to the development of the law of the sea using the platform of Asian-African Legal Consultative Organization which came into existence in 1956 as a consultative committee following the Asia-African Conference at Bandung in April, 1955 (Sucharitkul, 2007:9). The AALCC held several meetings “in order to assist member states to prepare for UNCLOS III and to enable them to exchange views prior to the holding of the conference” Rembe, 1980:118). The body, which was the voice of the Third World Countries of Asian and African continents, produced the three Presidents of all the three United Nations Conferences on the Law of the Sea. Thus, in the first and second Conferences in 1958 and 1960, H.R.H. Krommun Naadhip Bhongsprabandh of Thailand was elected while Sri Lankan Ambassador Shirley Amerasinghe headed the third Conference but when he retired, Tommy Koh of Singapore took over and remained so throughout the period of the Conference (see Sucharitkul, 2007:15). The point here is that Africa was a crucial part of the body from which these chairmen of the conferences were elected. Again, as we shall see shortly, during the third Conference, some African states representatives were made Vice-Presidents of the third Conference from the same body, the AALCC.

### **6.10 Chairing of the Conference Committee I**

The organization of the Third UNCLOS was based on three major Committees as follows: First, the Committee in charge of the beyond the limits of national jurisdiction, also known as “The Sea”; Second, the Committee for the preparation of treaty articles governing the uses of the sea and that part of the seabed which is subject to national jurisdiction and; Third, the Committee on issues relating to the preservation of the marine environment, marine scientific research and transfer of marine technology. An African, Paul Babela Engo of Cameroon was the Chairman of the First Committee (Mayer, Knox and Shearer, 2014:5; United Nation, 1982). According to Mayer, Knox and Shearer (2014:6) “The first breakthrough of the Conference occurred at the end of the 3<sup>rd</sup> session in May, 1975 when the Chairmen of the three Committees, [which an African was part of] produced the informal ‘single negotiating text’, [which] set out in one single document a possible framework for the law of Sea convention”. Besides, representatives of African states such Nigeria, Algeria, Egypt, Madagascar, Tunisia, Liberia, Uganda, Zaire and Zambia were elected vice –presidents of the Conference, while Ghana, Mauritania, Mauritius, Sierra Leone, Tanzania were members of the Conference Drafting Committee just as Chad and Ivory Coast were chosen as members of the Credential Committees in the Conference (United Nations, 1982).

### **6.11 Exclusive Economic Zone**

The concept of Exclusive Economic Zone is regarded by many scholars as one of the greatest contributions by African states to the development of the law of the sea (CEMLAWS, 2016; AU, 2016; Ferreira, 1979; Ladan, 2009; Churchil and Lowe, 1999). In fact, F.X. Njenga, an African, has been credited with the concept which emerged following a proposal put forward by the Kenyan representative at the Asian-African Legal Consultative Committee and the United Nations Seabed Committee in 1972 (Churchil and Lowe, 1999:160-161 and Ladan, 2009:252). As revealed by F.X. Njenga cited in Rembe (1980:118) “Those ideas [of the Exclusive Economic Zone] had originated within the Asian-African Legal Consultative Committee meeting in Colombo in 1970 and in Lagos in 1971. They had further developed in the Declaration of Santo Domingo in 1972 which was similar to the Conclusion of the Yaoundé seminar...” According to the draft article which was later submitted to the Committee on seabed, all states have the rights to establish an economic zone beyond the territorial sea for the primary benefit of their peoples and their respective economies in which they shall exercise sovereign rights for the purpose of exploration and exploitation. It also stated that states may establish special regulations within its economic zone for “(a) Exclusive exploration and exploitation of non-renewable resources (b) exclusive or preferential exploitation of renewable resources (c) protection and conservation of the renewable resources (d) control, prevention and elimination of pollution of the marine environment; and (e) scientific research” (cited in Nandan, 1987). Ferreira (1999) noted that the development of the Economic Zone concept by Africa was essentially different from the extension of the territorial sea proposed by some developing states and from the continental shelf concept. While Ladan (2009:252) argued that what set African states apart in the context of the development of the EEZ (Exclusive Economic Zone) was the enthusiasm with which they embraced the transformation from the traditional claim of between three to twelve mile coastal states jurisdiction and the that push given by African states to the two-hundred nautical miles maritime claim was a turning point in the forging of the EEZ concept.

In June, 1972 when African states of Algeria, Cameroon, Central African Republic, Dahomey, Egypt, Ethiopia, Equatorial Guinea, the Ivory Coast, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Togo, Tunisha, Tanzania, and Zaire (United Nations 1972 cited in Martens (1976:541) converged at the regional meeting in Yaounde, Cameroon, the concept of the EEZ was upheld. Also in July, 1973 the Addis Ababa Declaration on the “Issues of the law of the Sea” by the Organization of the African Unity (Now African Union) further lent

credence to the concept (Martens, 1976). In all these, African states recognized the rights of each coastal to establish an exclusive economic zone beyond their territorial seas whose limit shall not exceed 200 nautical miles measured from the baseline establishing their territorial seas (CEMLAWS, 2016). The above source equally noted that when the UNCLOSIII met in 1974 in Caracas for its first substantive session the EEZ concept got huge supports from other developing countries and in Part V of the Law of the Sea the EEZ finally received detailed expression.

### **6.12 The Rights of the Landlocked States to the Resources of the Seas**

One other contribution by the African states is found in the demand for the provision for the participation and enjoyment rights in the law of the sea regime by landlocked countries (CEMLAWS, 2016). This point is understandably because Africa hosts the largest number of the landlocked states globally. In fact, Milic (1981:513) argued that of the 30 landlocked countries worldwide, the largest number of them- Mali, Upper Volta, Niger, Chad, Central African Republic, Uganda, Rwanda, Burundi, Zambia, Malawi, Southern Rhodesia, Botswana, Swaziland and Lesotho are located in Africa. Thus, at the Yaoundé regional seminar in 1972, African states canvassed seriously for the rights of the landlocked states and geographically disadvantaged states to share in the resources of the seas beyond the territorial areas (Ladan, 2009:259). This was further spearheaded by the then Organization of African Unity (now AU) Council of Ministers during their 21<sup>st</sup> and 23<sup>rd</sup> sessions that held from 17<sup>th</sup> - 24<sup>th</sup> May, 1973 in Addis Ababa and 6<sup>th</sup> - 11<sup>th</sup> June, 1974 in Mogadishu, Somalia respectively. At these meetings the council resolved that: “The African countries recognize, in order that the resources of the region may benefit all peoples therein, that the landlocked and other disadvantaged countries are entitled to share in the exploitation of living resources of neighbouring economic zone...on bases of African solidarity and under such regional or bilateral agreements as may be worked out” (United Nations, 2009:65). Consequently, the landlocked states were awarded the right of transit through coastal states to the economic zones (Martens, 1976:541).

## **7. CONCLUSION AND RECOMMENDATIONS**

The paper discussed extensively the law of the Sea and the various conferences that were held for its establishment. These conferences which were convened in 1958, 1960 and 1973-82, produced some laudable results that helped to address the prevailing challenges that characterized the use of the Sea in the past due to the absence of legal framework. It divided the ocean into four broad zones of internal waters, territorial sea, exclusive economic zone, and high sea with coastal states exercising some rights and privileges within their zones.

The work also touched on the major contributions by African States in the development of the law of the Sea. Thus, contrary to the wide claim of not being independence at the time of the earlier conferences and the lack of technology to adequately harness the resources of the Sea like the developed nations, African states played significant role in the development of the law right from their acceptance to participate in the conferences, the development of the economic zone concept and the advocacy for the rights of the landlocked countries, among others. All these were indelible contributions from African states that helped in the creation of the law of the sea which nations of the world are being guided by in the use of the resources of the seas. Consequently, we would like to recommend that:

- i. African scholars need to do more jobs in terms of publications so as to counter the wrong narratives being peddled about Africa’s contributions to the creation of the legal framework for the use of the sea.

- ii. An African, F. X. Njenga was credited as being the one who developed the concept of the Exclusive Economic Zone which was later adopted by the UNCLOSIII. This good news about Africa must be promoted to enhance the positive image of the continent in the global society.
- iii. The Law of the Sea is a universal legal framework to regulate the conduct of states in their attempts at utilizing the resources of the sea. Therefore, all states must comply with its provisions to ensure peace, security and stability reign in our seas.

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