African States and the Law of the Sea Convention: Have the Benefits Been Realized?

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INTRODUCTION

After almost ten years of protracted negotiations at the Third United Nations Conference on the Law of the Sea (UNCLOS III), the United Nations Convention on the Law of Sea (LOSC) opened for signature on 10 December 1982. The importance of the Convention as a global instrument, especially in the context of the 1970s, is captured in key phrases in the Preamble to the Convention: that it will contribute to the “maintenance of peace, justice and progress for all peoples of the world”; will “promote the peaceful uses of the seas and oceans”; and contribute to goals of “realization of a just and equitable international economic order.” However, at the dawn of the UNCLOS III...
negotiations, most African states were only about a decade old and were struggling with the rudiments of nation building and international relations. By 1970, a good number of African states had started experiencing internal strife as the consensus that supported the struggle for independence was adrift in the face of socio-economic difficulties and unaccountable governance. It was only logical that African states, in comparison with their European, American and even Asian counterparts, would lack the requisite technical and legal expertise to conduct favorable negotiations in respect of a complex subject like the law of the sea.

Nonetheless, Africa’s role in demanding, influencing and negotiating outcomes suitable to its interest in the lead up to the adoption of the LOSC is noted as one of the greatest achievements of developing countries in international politics. Indeed, the LOSC 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. African states undertook this reformation agenda initially within the Organization of African Unity (OAU) and subsequently on the platform of the Group of 77.