



**IMO**

**INTERNATIONAL MARITIME LAW INSTITUTE**

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# **MARITIME ZONES ACT, 2012**

**A Legislation Drafting Project submitted in partial fulfillment of the requirements for the award of the Degree of Master of Laws (LL.M.) in International Maritime Law at the IMO International Maritime Law Institute**

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## **DECLARATION OF AUTHENTICITY**

I Martha Amelia Sesay do hereby certify that this legislation drafting project does not include any material that has been previously submitted for a Degree or Diploma in any educational or administrative institution; and to the best of my knowledge and belief does not contain any material previously published or written by another person or myself except where due reference is made.

## **DEDICATION**

This work is dedicated to my family: to my loving parents Mr. & Mrs. M. B. Sesay; beautiful sisters Florence and Francess and my inspiring nephew Augustine for your continual love and support..... You are the best!

## **ACKNOWLEDGEMENTS**

I remain indebted to all those who made my journey to IMO-IMLI a success, most especially:

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Last but not the least to I offer my deepest gratitude to all of those who supported me in one way or the other during my course.

## EXPLANATORY NOTE

### 1.1 HISTORICAL BACKGROUND OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, 1982

Since humanity first set forth upon the seas, the issue of sovereign control over the sea has been an ongoing concern. Prior to the 20<sup>th</sup> century, the oceans had been subject to the freedom of the seas doctrine. This principle, adopted in the 17<sup>th</sup> century, limited national rights and jurisdiction over a narrow band of water along a nation's coast, the rest of the sea being free to all and belonging to all.<sup>1</sup> However, as time progressed and in order to protect local resources, whether they are biological or mineral, nations began expanding their claims of sovereignty. Recognising the conflicts that were resulting from this, the General Assembly of the United Nations adopted Resolution 1105 (XI) of 21 February 1957 which called for the convening of the First United Nations Conference on the Law of the Sea in Geneva 1958 (hereinafter referred to as UNCLOS I. It resulted in four treaties concluded in 1958: [Convention on the Territorial Sea and Contiguous Zone](#);<sup>2</sup> [Convention on the Continental Shelf](#);<sup>3</sup> [Convention on the High Seas](#);<sup>4</sup> and the [Convention on Fishing and Conservation of Living Resources of the High Seas](#).<sup>5</sup>

While UNCLOS I saw a significant development in the international legal regime governing the oceans, many issues such as the breadth of the territorial sea were left unsettled.<sup>6</sup>

In an attempt to deal with the issues that remained unresolved after UNCLOS I, the General Assembly called for a Second United Nations Conference on the Law of the Sea (now

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<sup>1</sup>United Nations, The United Nations Convention on the Law of the Sea (A Historical Perspective), available at [http://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm](http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm) (accessed 13 April 2012).

<sup>2</sup> This Convention entered into force on the 10 September 1964.

<sup>3</sup> This Convention entered into force on the 10 June 1964.

<sup>4</sup> This Convention entered into force on the 30 September 1962.

<sup>5</sup> This Convention entered into force on the 20 March 1966.

<sup>6</sup> United Nations, *loc.cit.*

commonly referred to as UNCLOS II). While the Conference adopted 2 resolutions, the parties were unable to reach a consensus on the issues at hand.<sup>7</sup>

Frustrated by the continuing inconsistency in the ocean governance regime, Malta's then Permanent Representative to the United Nations, Arvid Pardo, called upon the General Assembly to take action<sup>8</sup> and called for "an effective international regime over the seabed and the ocean floor," that clearly defined national jurisdiction.<sup>9</sup> One month later, the United Nations General Assembly adopted Resolution 2467 A (XXIII) and Resolution 2750 C (XXV), which created the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and called for the convening of a Third Conference on the Law of the Sea<sup>10</sup> (UNCLOS III) to be held in 1973. The deliberations which lasted for nine years saw the participation of 160 nations.<sup>11</sup>

The United Nations Convention on the Law of the Sea<sup>12</sup> was adopted in Montego Bay, Jamaica on 30 April 1982 and opened for signatures on the 10 December of the same year.<sup>13</sup> It was signed by 119 countries on the very first day on which it was opened for signature.<sup>14</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> A special recognition of the crucial role played by Ambassador Arvid Pardo of Malta, and in particular his visionary speech delivered on 1 November 1967 before the General Assembly, leading to the adoption of the Convention would be made at the commemoration of the thirtieth anniversary of the opening for signature of the Convention with two days of plenary meetings at the sixty-seventh session, of the United Nations General Assembly on 10 and 11 December 2012, to the consideration of the item entitled "Oceans and the law of the sea". Excerpts from the General Assembly Resolution 66/231 of 24 December 2011 available at <[http://www.un.org/Depts/los/convention\\_agreements/convention\\_30years.htm](http://www.un.org/Depts/los/convention_agreements/convention_30years.htm)> (accessed 13 April 2012).

<sup>9</sup> Arvid Pardo contributed two seminal ideas to the work on the Law of the Sea: the first was that the resources of the deep sea-bed constitute the common heritage of mankind, and second, that all aspects of ocean space are inter-related and should be treated as an integral whole. Nordquist, M.H., (Ed), Statement by the President of the Third United Nations Conference on the Law of the Sea, Tommy T. B. Koh, 'A Constitution for the Oceans', *United Nations Convention on the Law of the Sea, 1982 A Commentary*, Volume I, Marinus Nijhoff Publishers, The Hague, Netherlands, 1985, p. 11-16 at 11.

<sup>10</sup> Hereinafter referred to as UNCLOS III.

<sup>11</sup> Nordquist, M.H., (Ed), *loc cit*.

<sup>12</sup> Hereinafter referred to as UNCLOS.

<sup>13</sup> *United Nations Treaty Series* (hereinafter UNTS) Vol. 1833, p.3. The thirtieth anniversary of the opening for signature of the Convention would be commemorated later this year. Excerpts from the General Assembly resolution 66/231 of 24 December 2011 available at [http://www.un.org/Depts/los/convention\\_agreements/convention\\_30years.htm](http://www.un.org/Depts/los/convention_agreements/convention_30years.htm) (accessed 13 April 2012).



In the words of Tommy B. Koh, President of UNCLOS III, “the Convention created a new record in legal history. Not only was the number of signatories a remarkable fact but just as important was the fact that the Convention had been signed by States from every region of the world, from the North and from the South, from the East and from the West, by coastal States as well as land-locked and geographically disadvantaged States”.<sup>15</sup> On the 16 November, 1994, one year after Guyana became the 60th State to adhere to it, the Convention entered into force.<sup>16</sup> At present, there are 162 States Parties to the Convention.<sup>17</sup> UNCLOS demonstrates a consensus package deal treaty that has law making effect even before the Convention enters into force.<sup>18</sup>

## 1. 2 AN OVERVIEW OF THE CONVENTION

UNCLOS<sup>19</sup> is one of the largest, and likely one of the most important, legal Conventions in history. The text of UNCLOS itself is one of a unique nature. It contains 320 articles and 9 annexes which form an integral part of the Convention.<sup>20</sup> It embodies elements of international equity such as revenue sharing on the continental shelf beyond 200 nautical miles, giving land-locked and geographically disadvantaged States access to the living resources of the exclusive economic zones of their neighbouring States, the relationship between coastal fishermen, and the sharing of the benefits derived from the exploitation of the resources of the deep sea-bed.<sup>21</sup> It synthesizes and builds upon the agreements that were

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<sup>14</sup> Nordquist, M.H., (Ed), *loc cit*.

<sup>15</sup> Ibid.

<sup>16</sup> In accordance with Article 308.

<sup>17</sup> Thailand on the 15<sup>th</sup> May, 2011 became the most recent State Party (162) to the Convention. The Chronological list of ratifications available at [www.un.org/Depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm#TheUnitedNationsConventionontheLawoftheSea](http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#TheUnitedNationsConventionontheLawoftheSea) (accessed 13 April 2012).

<sup>18</sup> The Travaux Préparatoires of UNCLOS. Mensah, T.A., Ndiaye, T.M., Wolfrum, R., *Law of the Sea, Environmental Law, and Settlement of Disputes*, Koninklijke Brill NV. Leiden, The Netherlands, 2007.

<sup>19</sup> By Art. 311 of the UNCLOS, it has superceded, for those States party to it, the four conventions adopted in 1958 namely; the [Convention on the Territorial Sea and Contiguous Zone](#); [Convention on the Continental Shelf](#); [Convention on the High Seas](#) and the [Convention on Fishing and Conservation of Living Resources of the High Seas](#).

<sup>20</sup> Article 318 of the UNCLOS.

<sup>21</sup> See footnote 6.

developed at UNCLOS I. In international fora its significance and status have been recognised as being second only to the United Nations Charter.<sup>22</sup>

It is the first comprehensive treaty dealing with practically every aspect of the uses and resources of the seas and the oceans and has successfully accommodated the competing interests of all nations.<sup>23</sup> It lays down principles and codifies rules governing all issues pertaining to the sea and its various uses by man. It is up to this day, the globally recognised regime dealing with all matters relating to the law of the sea and has come to be known as “the constitution of the oceans”. Possibly the most significant legal instrument of the last century was how the then United Nations Secretary-General<sup>24</sup> described the treaty after its signing.<sup>25</sup>

Some of the key features of the Convention are as follows:

- \* Coastal States exercise sovereignty over their territorial sea which they have the right to establish its breadth up to a limit not to exceed 12 nautical miles; foreign vessels are allowed "innocent passage" through those waters;

- \* All other States have freedom of navigation and overflight in the EEZ, as well as freedom to lay submarine cables and pipelines;

- \* Coastal States have sovereign rights over the continental shelf (the national area of the seabed) for exploring and exploiting it; the shelf can extend at least 200 nautical miles from the shore, and more under specified circumstances;

- \* The Commission on the Limits of the Continental Shelf shall make recommendations to States on the shelf's outer boundaries when it extends beyond 200 nautical miles;

- \* States are bound to prevent and control marine pollution and are liable for damage caused by violation of their international obligations to combat such pollution;

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Javier Pèrez de Cuèllar (from Peru).

<sup>25</sup> The Travaux Préparatoires of UNCLOS. Historical perspective on the UNCLOS available at:

[http://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm#Third Conference](http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm#Third%20Conference) (accessed 13 April 2012).

\* All marine scientific research in the EEZ and on the continental shelf is subject to the consent of the coastal State, but in most cases they are obliged to grant consent to other States when the research is to be conducted for peaceful purposes and fulfils specified criteria;

\* States Parties are obliged to settle by peaceful means their disputes concerning the interpretation or application of the Convention;

\* Disputes can be submitted to the International Tribunal for the Law of the Sea established under the Convention, to the International Court of Justice, or to arbitration. Conciliation is also available and, in certain circumstances, submission to it would be compulsory. The Tribunal has exclusive jurisdiction over deep seabed mining disputes.

### **1.3 MARITIME ZONES RECOGNISED BY THE CONVENTION WHICH ARE SUBJECT TO A COASTAL STATE'S JURISDICTION**

The Convention recognises the internal waters, territorial sea, contiguous zones, exclusive economic zones and continental shelf as Maritime Zones which are subject to a coastal State's jurisdiction.<sup>26</sup>

#### **1.3.1 INTERNAL WATERS**

The internal waters of a State are basically all waters, other than lawfully claimed archipelagic waters, landward of the baseline from which the maritime zones are measured. All States have complete sovereignty over their internal waters.<sup>27</sup>

#### **1.3.2 TERRITORIAL SEA**

The territorial sea is a belt of ocean space adjacent to and measured from the coastal State's baseline to a maximum width of 12 nm. Throughout the vertical and horizontal planes of the territorial sea, the coastal State exercises sovereignty, subject to the right of innocent passage

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<sup>26</sup> Other maritime zones such as the high seas and "the Area" exist but are not subject to the jurisdiction of any State.

<sup>27</sup> Article 8 of the UNCLOS.

of vessels on the surface and the right of transit passage in, under, and over international straits.<sup>28</sup>

### **1.3.3 CONTIGUOUS ZONE**

The contiguous zone in short is the maritime zone that is adjacent to the territorial sea. It may not extend beyond 24 nautical miles (nms) from the baselines from which the breadth of the territorial sea is measured. Within the contiguous zone a coastal State may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea. Furthermore, in order to control traffic in such objects, the coastal State may, in applying article 33, presume that their removal from the seabed in the zone referred to in that article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that article.<sup>29</sup> In all other respects the contiguous zone is an area subject to high seas freedom of navigation, overflight, and related freedoms, such as the conduct of military exercises.<sup>30</sup>

### **1.3.4 EXCLUSIVE ECONOMIC ZONE**

The exclusive economic zone<sup>31</sup> of a State is the maritime zone adjacent to the territorial sea that may not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. Within the EEZ, the coastal State has sovereign rights for the purpose of exploring, exploiting, conserving, and managing natural resources, both living and non-living, of the seabed, subsoil, and the subjacent waters and, with regard to other activities, for the economic exploitation and exploration of the zone (e.g., the production of energy from the water, currents, and winds).

Within the EEZ, the coastal State has jurisdiction with regard to establishing and using artificial islands, installations, and structures having economic purposes as well as for marine scientific research and the protection and preservation of the marine environment. Other States may, however, exercise traditional high seas freedoms of navigation, overflight, and related freedoms, such as conducting military exercises in the EEZ.

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<sup>28</sup> Article 2 of the UNCLOS.

<sup>29</sup> Ibid. Article 303(2).

<sup>30</sup> Ibid. Article 33.

<sup>31</sup> Hereinafter referred to as the EEZ.

The EEZ is one of the most revolutionary features of the Convention, and one which already has had a profound impact on the management and conservation of the resources of the oceans. Simply put, it recognizes the right of coastal States to jurisdiction over the resources of some 38 million square nautical miles of ocean space.<sup>32</sup> To the coastal State falls the right to exploit, develop, manage and conserve all resources - fish or oil, gas or gravel, nodules or sulphur - to be found in the waters, on the ocean floor and in the subsoil of an area extending 200 miles from its shore.

### **1.3.5 CONTINENTAL SHELF**

The continental shelf of a coastal State comprises the submerged prolongation of the land territory of the coastal State; the seabed and subsoil of the submarine areas that extend beyond its territorial sea to the outer edge of the continental margin, or to a distance of 200 nautical miles where the outer edge of the continental margin does not extend up to that distance. The continental margin consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof. It may be extended by a State though not exceeding 150 nm in addition to the 200nm.<sup>33</sup>

## **2.1 SIERRA LEONE'S ATTEMPT TO DOMESTICATE THE PROVISIONS OF UNCLOS**

Sierra Leone became an independent State on 27 April 1961 after liberation from the colonial rule of Britain. It is located on the West Coast of Africa, north of the equator, with a land area of 27,699 square miles (71,740 square kilometers), and a coastline of about 250 miles (402 kilometers) which gives the country both bountiful marine resources and attractive tourist potential.

Sierra Leone had acceded to the [Convention on the Territorial Sea and Contiguous Zone](#),<sup>34</sup> [Convention on the Continental Shelf](#),<sup>35</sup> [Convention on the High Seas](#),<sup>36</sup> and the [Convention](#)

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<sup>32</sup> The Travaux Préparatoires of UNCLOS . Attard, D.A., *The Exclusive Economic Zone in International Law*, Oxford University Press, New York, United States of America, 1987, 32-42.

<sup>33</sup> Article 76 paras. 7-9 of UNCLOS.

<sup>34</sup> Sierra Leone became a State Party by succession on 13 March 1962. Status of the Convention available at [http://www.treaties.un.org/Pages/ViewDetails.aspx?src=UNTS&tabid=2&mtdsg\\_no=XXI-4&chapter=21&lang=en#Participants](http://www.treaties.un.org/Pages/ViewDetails.aspx?src=UNTS&tabid=2&mtdsg_no=XXI-4&chapter=21&lang=en#Participants) (accessed on 13 April 2012).

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

[on Fishing and Conservation of Living Resources of the High Seas](#)<sup>37</sup> and as such recognised the importance of UNCLOS<sup>38</sup> and to this end acceded to the Convention on the 12 December 1994.<sup>39</sup>

Two years later, the Maritime Zones (Establishment) Decree 1996<sup>40</sup> was enacted. It domesticated the provisions of the UNCLOS albeit haphazardly.

However, it was limited in scope due to several reasons, the prime being that, at the time, the country had limited expertise on international maritime issues and the drafters of the said Decree had little knowledge about the Convention. They did not understand the spirit of the Convention and as such, the rights and duties of the State of Sierra Leone amongst other things were not well regulated.

A few months after the promulgation of the Decree, a democratic government was elected in Sierra Leone. By the NPRC Decrees (Repeal and Modification) Act, 1996,<sup>41</sup> Decrees made by the NPRC military regime were either repealed or modified and adopted as Acts into the Laws of Sierra Leone. What appeared to have been a perfect opportunity to make amendments etc to the Decree was lost due to the fact that, as mentioned earlier, the country's expertise on international maritime issues was limited. As such, all the Second Schedule<sup>42</sup> of the Act did was to adopt as an Act of Parliament, the said Decree with all its defects and limitations by merely replacing the word "Decree" with "Act". The Decree thereafter became known as The Maritime Zones (Establishment) Act No. 11 of 1996.

To date, 15 years have passed since the adoption of the Act and it still remains the same. Not that that in itself is a problem. However, the Act is limited in its scope, to begin with it lacks amongst other things a proper interpretation section and the rights and duties of the State of

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<sup>37</sup> Ibid.

<sup>38</sup> See footnote 17.

<sup>39</sup> Sierra Leone became the 69<sup>th</sup> State Party to the Convention. Chronological list of ratifications available at <[www.un.org/Depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm#TheUnitedNationsConventionontheLawoftheSea](http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#TheUnitedNationsConventionontheLawoftheSea)> (accessed 13 April 2012).

<sup>40</sup> Decree No. 11 of 1996 was promulgated by the military regime of the National Provisional Ruling Council's (NPRC) which lasted from 1992-1996.

<sup>41</sup> Act No. 3 of 1996.

<sup>42</sup> The First Schedule comprised a list of all Public Notices and Decrees that were to be repealed while the Second Schedule comprised a list of the Decrees that were to be modified and adopted as Acts into the Laws of Sierra Leone.

Sierra Leone in respect of the various maritime zones were not properly established amongst other things.

The Act does not provide for the option to extend the Continental Shelf of Sierra Leone beyond the 200 nautical miles as provided in the UNCLOS bearing in mind recent steps taken by the Government of Sierra Leone to do same. It should be noted that preliminary information as required by UNCLOS<sup>43</sup> has been deposited with the Commission on the Limits of the Continental Shelf. Also, in furtherance of this, the Government of Sierra Leone has entered into an agreement with the Kingdom of Norway on Norwegian assistance in the acquisition and processing of seismic and/or bathymetric data related to the preparation of a submission by Sierra Leone to the Commission on the Limits of the Continental Shelf.<sup>44</sup>

Furthermore, oil in commercial quantities has recently been discovered in Sierra Leone. It is therefore of utmost importance to have a provision in the maritime zones law referencing same irrespective of the fact that the country has just passed a Petroleum Act of 2011,<sup>45</sup> dealing specifically with it.

Delimiting the EEZ may enable Sierra Leone to benefit financially by allowing foreign vessels to fish in its EEZ. As is often the case, where boundaries and limits of States remain undetermined, major interests may be at stake i.e. natural resources, security of navigation and the general interest of all States in the resources of the international sea bed area, forming the common heritage. Legal uncertainty may cause unwarranted disputes between States.

In short, in light of current international trends and several other factors mentioned above, the 1996 Act is outdated. It is against this backdrop, that an amendment to the present Maritime Zones (Establishment) Act, 1996 is being hereby proposed.

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<sup>43</sup> Article 76 paras. 7-9.

<sup>44</sup> The Agreement was ratified by the House of Parliament on the 9 February, 2012 and the vessel MV Surveyor is already in the Waters of Sierra Leone to commence the exercise in March, 2012. An agreement was signed with neighbouring Guinea and another joint agreement on technical and financial cooperation between the Republic of Cape Verde, the Republic of The Gambia, the Republic of Guinea-Bissau, the Republic of Guinea, the Islamic Republic of Mauritania and the Republic of Senegal on the one hand and the Kingdom of Norway on the other on intended Norwegian support to the establishment of the Outer Limits of the Continental Shelf beyond 200 nautical miles.

<sup>45</sup> Act No. 7 of 2011.

## **2.2 THE ADVANTAGES OF THE PROPOSED ACT**

It is universally acknowledged that each law has its reasons and purposes. The proposed law is no exception. It is hoped that amongst other things the benefit of such amendment would be that:

- Sierra Leone would have a defined territorial sea, contiguous zone, exclusive economic zone and continental shelf in accordance with the provisions of UNCLOS.
- The limits of the continental shelf would be extended to 350 nautical miles in circumstances where the requirements of Article 76 are met. The provision included in the present draft contemplates that the necessary requirements for such a claim have been met by the State of Sierra Leone thus entitling her to claim the 350 nautical miles maximum.
- It will provide for a greater measure of control over and accountability for the operations of foreign vessels operating in the country. It is hoped that it will ensure benefit from fisheries as well as other resources found in the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf.
- A degree of certainty as to the rights and obligations of Sierra Leone with respect to the various maritime zones and vis-a-vis other States will be provided.
- Since the attacks of 11 September 2001 in the United States of America a very fundamental issue in all areas of transport now is security. Accordingly maritime security is high on the agenda of all States and relevant international organizations. Whilst awaiting an international treaty on this matter it is deemed prudent in the interim to heighten the security measures in this Legislation.
- In a nutshell, it will not only update the law and bring it in line with current international trends but also establish a true policy for the sea for the State of Sierra Leone.

However, many changes, amendments, additions, deletions and abrogations are required and since the quantum of changes proposed will exceed the original text, it is considered appropriate to repeal the existing act and replace it with the new draft which is now proposed.



### **3.1 AN OVERVIEW OF THE PROPOSED ACT**

The present legislative drafting project has 6 (Six) Parts divided into 37 sections, sub-sections and paragraphs which would amongst other things establish that the maritime zones under the national jurisdiction of the State of Sierra Leone to be as follows:

- Internal waters
- Territorial sea
- Contiguous zone
- Exclusive economic zone; and
- Continental shelf

#### **PART 1: PRELIMINARY PROVISIONS**

Short Title

1. Interpretation of words used

#### **PART II: TERRITORIAL SEA**

2. Sovereignty over the territorial sea and airspace
3. The breadth of the territorial sea
4. Internal waters
5. Innocent passage by foreign ships
6. Meaning of passage
7. Meaning of innocent passage
8. Submarines and other underwater vehicles
9. Suspension of innocent passage
10. Regulations relating to innocent passage
11. Criminal jurisdiction on board a foreign ship
12. Civil jurisdiction relating to a foreign ship
13. Non-compliance by warships with the laws and regulations of Sierra Leone
14. Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes
15. Immunities of warships and other government ships operated for non-commercial purposes.

### **PART III - CONTIGUOUS ZONE**

- 16. Breadth of contiguous zone
- 17. Control exercised over the contiguous zone

### **PART IV - EXCLUSIVE ECONOMIC ZONE**

- 18. The breadth of the Exclusive Economic Zone
- 19. Rights, jurisdiction and duties of Sierra Leone in the Exclusive Economic Zone
- 20. Rights and duties of other States in the exclusive economic zone
- 21. Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction  
in the exclusive economic zone
- 22. Artificial islands, installations and structures in the exclusive economic zone
- 23. Conservation of the living resources
- 24. Utilization of the living resources
- 25. Enforcement of laws and regulations of Sierra Leone

### **PART V: CONTINENTAL SHELF**

- 26. Limit of the Continental Shelf
- 27. Rights of Sierra Leone over the Continental Shelf
- 28. Legal status of the superjacent waters and air space and the rights and freedoms of  
other States
- 29. Submarine cables and pipelines on the continental shelf
- 30. Artificial islands, installations and structures on the continental shelf
- 31. Drilling on the continental shelf
- 32. Payments and contributions with respect to the exploitation of the continental shelf  
beyond 200 nautical miles

### **PART VI: MISCELLANEOUS PROVISIONS**

- 33. Evidence of limit of zones
- 34. Offences
- 35. Power to make Regulations
- 36. Repeals

## **4.1 THE EXTENT OF AMENDMENT AND REPEAL/SCHEME OF WORK**

### **4.1.1 PRELIMINARY PROVISIONS (PART I):**

Under this head, the proposed act defines some of the terms used such as vessel, natural resources, warships,<sup>46</sup> and baseline amongst others. It should be noted that the interpretation section of the 1996 Act only contained the definitions of “nautical miles” and “Secretary of State.” Furthermore, the proposed act has replaced the position of the “Secretary of State” with that of the “Minister”.

### **4.1.2 TERRITORIAL SEA (PART II):**

In this Part of the proposed act, by sections 5, 6 and 7, detailed provisions has been made for the right of innocent passage<sup>47</sup> and added the meaning of passage,<sup>48</sup> and innocent passage<sup>49</sup> respectively. In the proposed act, the requirement in section 5 of the 1996 Act for foreign warships and aircraft to give prior notification before exercising the right of innocent passage has been deleted as it is not in conformity with the Convention. Also, aircraft do not enjoy the right of innocent passage. The provision prescribing penalty to owners of ships and aircraft for failing to comply with the provisions in section 5 has also been deleted.

In the proposed act, submarines and other under water vehicles can now enjoy the right of innocent passage albeit with a requirement to navigate on the surface and show their flag in the exercise of such right. “The National Provisional Ruling Council” in Section 6 of the 1996 has been replaced with “the Government of Sierra Leone” in section 9 of the proposed act.

The proposed act confers power on the Minister responsible for transport to make regulations in conformity with the draft act and other rules of international law relating to innocent

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<sup>46</sup> In line with Article 29 of the Convention

<sup>47</sup> Ibid Article 17.

<sup>48</sup> Ibid Article 18.

<sup>49</sup> Ibid Article 19.

passage through the territorial sea in respect of all or any items on the list prescribed in Article 21 of the Convention.

By sections 11 and 12 of the proposed act, provision has been made in respect of the criminal jurisdiction of Sierra Leone on board a foreign ship<sup>50</sup> and its civil jurisdiction in relation to foreign ships<sup>51</sup> respectively.

By sections 13 of the proposed act, a provision has been made for the State (responsible officials) to require a warship to leave its territorial waters immediately following non-compliance with the laws and regulations of Sierra Leone and disregard for compliance thereto.<sup>52</sup> In view of this, an addition has been made in section 14 of the proposed act for the flag State to be responsible for any damage caused by a warship or other Government ship operated for non-commercial purposes.<sup>53</sup>

Finally, in section 15 of the proposed act provides, save for the exceptions in sections 13 and 14 supra, for the immunity enjoyed by warships and other Government ship operated for non-commercial purposes to be maintained in compliance with the Convention.<sup>54</sup>

#### **4.1.3 CONTIGUOUS ZONE (PART III):**

In this Part of the proposed act, the provisions of Articles 303(2) and 33(3) of the Convention to form section 17 of the draft which provided for control exercised in the contiguous zone by the State of Sierra Leone. The aspects providing for such control to extend to “environmental laws” and “offences committed within the contiguous zone” in the 1996 Act have been deleted as they are not in line with the Convention.<sup>55</sup>

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<sup>50</sup> Ibid Article 27.

<sup>51</sup> Ibid Article 28

<sup>52</sup> Ibid Article 30.

<sup>53</sup> Ibid Article 31.

<sup>54</sup> Ibid Article 32.

<sup>55</sup> Ibid Article 33.

#### **4.1.4 EXCLUSIVE ECONOMIC ZONE (PART IV):**

In this Part of the proposed act, by section 19(3) the rights set out in that section with respect to the seabed and the subsoil to be exercised in accordance with the regime on the continental shelf (Part V).<sup>56</sup>

Similarly another new provision has been added in section 20(2) with the effect that other pertinent rules of international law shall apply to the exclusive economic zone in so far as they are not incompatible with the proposed act.<sup>57</sup>

A further addition was the provision dealing with the basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone.<sup>58</sup> Sections 22 and 23 are *verbatim* the provisions of Articles 60 and 61. The same could be said of section 25 which reflects the provisions of Article 73 of the Convention.

#### **4.1.5 PART V – CONTINENTAL SHELF:**

A significant addition to the 1996 Act can be seen in this Part, by section 26(2) of the proposed act. A provision for the possible extension of the outer limits of the continental shelf beyond 200 nautical miles has been added, in light of the recent efforts by the Government of Sierra Leone in respect of same.

Furthermore, new provisions in respect of the legal status of the superjacent waters and air space and the rights and freedom of other States;<sup>59</sup> submarine cables and pipelines in this zone;<sup>60</sup> artificial islands, installations and structures in the zone;<sup>61</sup> drilling on the zone<sup>62</sup> and payments and contributions with respect to the exploitation of the zone beyond 200 nautical miles<sup>63</sup> can be seen in the proposed act.

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<sup>56</sup> Ibid Article 56 (3).

<sup>57</sup> Ibid Article 58(2).

<sup>58</sup> Ibid Article 59.

<sup>59</sup> Ibid Article 78.

<sup>60</sup> Ibid Article 79.

<sup>61</sup> Ibid Article 80.

<sup>62</sup> Ibid Article 81.

<sup>63</sup> Ibid Article 82.

#### **4.1.6 PART VI – MISCELLANEOUS**

In the proposed act, the provisions in sections 13 and 14 of the 1996 Act which provided for offences in the exclusive economic zone and penalties no longer exists.

Furthermore, the proposed act confers powers on the Minister to make regulations to give effect to the whole of the proposed act.

By section 36 of the proposed act, the 1996 Act is repealed.

Finally, by section 37, The Merchant Shipping Act of 2003<sup>64</sup> and the Ports Act of 1964<sup>65</sup> and any other enactment in existence upon the coming into operation of the proposed act shall apply with such modifications as are necessary to give effect to it.

### **5.1 HOW THE PROPOSED ACT WILL COME INTO FORCE**

Government Notice No. 444,<sup>66</sup> provides administrative instructions relating to the preparation and introduction of legislation stages which are discussed below:

#### **5.1.1 PROPOSALS FOR LEGISLATION:**

The Minister of Transport under whose portfolio this Bill will fall, will make a proposal for this legislation which will be addressed to the Cabinet (the Executive arm of Government) requesting approval in principle.

#### **5.1.2 COMMUNICATION OF APPROVAL IN PRINCIPLE AND DRAFTING INSTRUCTIONS:**

After the principles have been approved, Cabinet<sup>67</sup> will authorize the preparation of a legal draft of the proposed legislation by inviting the Minister of Transport<sup>68</sup> to proceed in consultation with the Law Officers' Department and the latter will receive the appropriate drafting instructions directly from the Minister. In cases of extreme emergency or for other

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<sup>64</sup> Act No. 3 of 2003.

<sup>65</sup> Act No. 56 of 1964.

<sup>66</sup> Administrative Instructions for Drafting issued by the Government of Sierra Leone.

<sup>67</sup> The Executive.

<sup>68</sup> Or any such Ministry responsible for the subject matter.

exceptional reason instructions for the drafting of a Bill may be given without Cabinet approval in principle.

### **5.1.3 CONSULTATIONS WITH INTERESTED PARTIES:**

Thereafter, consultations will be held with interested parties both within and outside the Government. Consultations with other Ministries and Government Departments are necessary for the coordination of overall Government policy while consultations with interested parties outside Government are an essential element of the popular basis of Government and therefore conducive to the democratic process. During or after these consultations, any Ministry likely to be affected by the proposal may make representations to Cabinet and the latter may cause the Bills Committee<sup>69</sup> to consult with the Ministries concerned.

### **5.1.4 CONFERENCES TO CLARIFY POLICY:**

On successful completion of the consultation stage, clarification of policy often becomes necessary, this may be done by holding of conferences on the Bill with the sponsoring Ministry.

### **5.1.5 SETTLEMENT OF DRAFT BILL:**

After such discussions and clarifications have been made and the first draft of the Bill has been produced, Parliamentary Counsel will send the draft to the Ministry concerned and any other Ministries and Departments who are interested in the subject matter of the Bill. It is expected that all such persons must scrutinize the Bill with care to make sure that it gives effect to the desired policy objectives.

### **5.1.6 MEMORANDUM OF OBJECTS AND REASONS:**

Bills are required by Order 47(2) of the Standing Orders of Parliament<sup>70</sup> to be accompanied by a memorandum of objects and reasons<sup>71</sup>, signed by the Minister introducing the Bill, explaining the main features of the Bill.

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<sup>69</sup> A Committee of the Cabinet whose purpose is subject to the directions of Cabinet, to plan and supervise the Government's legislative programme for each session of Parliament and generally, to advise Cabinet on problems of legislation.

<sup>70</sup> The fullest source of parliamentary procedure created for the orderly functioning of the legislature. It is basically "the constitution" of Parliament.

<sup>71</sup> This in effect would reflect all the issues raised in this explanatory note such as defects of the existing law, the remedies proposed to deal with such defects and the necessity or reasons for its introduction.

On completion of this, the Minister will submit the Bill to Cabinet for final approval and for permission to introduce the Bill into Parliament. Except where the certificate of emergency procedure is to be used, the Parliamentary Counsel will arrange for the publication of the Bill in the national Gazette as soon as possible after cabinet permission has been given. Standing Orders 47(1) of Parliament requires an interval of nine days to elapse between the publication of the Bill in the national Gazette and the introduction of the draft Bill in the House of Parliament unless the certificate of emergency procedure is followed.<sup>72</sup>

## **6.1 PASSAGE OF BILLS:**

The progress of a Bill in Parliament<sup>73</sup> is governed by the Standing Orders of Parliament which provides for four main stages:

1. The First Reading: – this is purely formal. The Minister will rise in his place and bow to the chair. He will then read aloud the long title and move that the Bill be read for the first time.
2. The Second Reading: - it will involve the consideration of the principles and general merits of the Bill.
3. The Bill will then pass through the Committee stages (either select Committee or Committee of the Whole) at which the details of the Bill may be considered and amendments made. Normally, two sitting days must elapse between the Second Reading and the Committee Stages.
4. The Third Reading: - if the motion for this reading is carried then it is considered that the Bill has been passed.<sup>74</sup>

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<sup>72</sup> For urgent bills.

<sup>73</sup> By Section 105 and 106 of the 1991 Constitution of Sierra Leone, Parliament is the Supreme Legislative Authority for Sierra Leone and shall exercise its power to make laws by Bills passed by Parliament and signed by the President. The 1991 Constitution of Sierra Leone (also known as the multi-party constitution) was the third Constitution after independence. It repealed the 1978 constitution (also known as the One-Party Constitution) and returned the country to multi-party politics.

<sup>74</sup> By Section 108 (2) (b) of the 1991 Constitution of Sierra Leone, a Bill may not be passed by Parliament unless it is supported on the second and third readings by the votes of not less than two-thirds of the Members of Parliament.



However, Standing Order 62 of Parliament provides that a Bill mentioned in a certificate of urgency signed by the President may be introduced without publication in the national Gazette before<sup>75</sup> it is tabled in Parliament and provided copies are available to Members of Parliament, may be taken through all its stages in one day.

Where it is intended that this Bill will be passed under a certificate of emergency, the relevant Officer at the Ministry of Transport will inform the Parliamentary Counsel who will prepare the certificate for the signature of the President, and it is the responsibility of the said Ministry to lay the certificate on the table of Parliament through the Speaker.

## **6.2 PRESIDENTIAL ASSENT:**

When the Bill has been passed by Parliament, the Clerk of Parliament will according to the Legislation (Administrative Procedure) Act, 1961,<sup>76</sup> submit four copies to the President for assent.

## **6.3 PUBLICATION OF ACT:**

As soon as possible after the assent, the Act should be published in the Gazette and unless an Act otherwise provides, it comes into operation on the date on which it is published in the Gazette<sup>77</sup>.

Where the Act provides that it should come into operation on a date to be fixed, the Minister will have to obtain Cabinet approval for its date of commencement.

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<sup>75</sup> It should be noted that there are two publications in the national Gazette for a Bill to become Law in Sierra Leone. The first publication is required prior to the Bill being tabled before the House of Parliament and the second is after the Bill has received a Presidential assent and before it comes into operation. The only exception is in the case of a Bill introduced under a certificate of emergency signed by the President.

<sup>76</sup> Act No. 63 of 1961.

<sup>77</sup> Section 106 (3) of the 1991 Constitution of Sierra Leone.

# **THE MARITIME ZONES ACT, 2012.**

## **ARRANGEMENT OF SECTIONS**

Sections

### **PART 1: PRELIMINARY PROVISIONS**

Short title

1. Interpretation

### **PART II: TERRITORIAL SEA**

2. Sovereignty over the territorial sea
3. The breadth of the territorial sea
4. Internal waters
5. Innocent passage by foreign ships
6. Meaning of passage
7. Meaning of innocent passage
8. Submarines and other underwater vehicles
9. Suspension of innocent passage
10. Regulations relating to innocent passage
11. Criminal jurisdiction on board a foreign ship
12. Civil jurisdiction relating to a foreign ship
13. Non-compliance by warships with the laws and regulations of Sierra Leone
14. Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes
15. Immunities of warships and other government ships operated for non-commercial purposes.

### **PART III - CONTIGUOUS ZONE**

16. Breadth of contiguous zone
17. Control exercised over the contiguous zone

### **PART IV - EXCLUSIVE ECONOMIC ZONE**

18. The breadth of the Exclusive Economic Zone

19. Rights, jurisdiction and duties of Sierra Leone in the Exclusive Economic Zone
20. Rights and duties of other States in the exclusive economic zone
21. Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone
22. Artificial islands, installations and structures in the exclusive economic zone
23. Conservation of the living resources
24. Utilization of the living resources
25. Enforcement of laws and regulations of Sierra Leone

#### **PART V: CONTINENTAL SHELF**

26. Limit of the Continental Shelf
27. Rights of Sierra Leone over the Continental Shelf
28. Legal status of the superjacent waters and air space and the rights and freedoms of other States
29. Submarine cables and pipelines on the continental shelf
30. Artificial islands, installations and structures on the continental shelf
31. Drilling on the continental shelf
32. Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles

#### **PART VI: MISCELLANEOUS PROVISIONS**

33. Evidence of limit of zones
34. Offences
35. Power to make Regulations
36. Repeals
37. Modification of existing Law

SIGNED this    *day of*    2012.

DR. ERNEST BAI KOROMA,  
*President*

LS No.



2012

## MARITIME ZONES ACT, [No. ...] 2012.

Being an Act to provide for the maritime zones of Sierra Leone in conformity with the United Nations Convention on the Law of the Sea 1982, and for other related matters.

[Date of commencement<sup>78</sup>]

ENACTED by the President and Members of Parliament in this present Parliament assembled.

### PART 1 – PRELIMINARY

1. In this Act unless the context otherwise requires:-

“Authority” means the International Seabed Authority;

“authorized officer” means the Minister or any person appointed by the Minister either generally or in any particular case to exercise powers under this Act;

“baselines” means the normal baseline for measuring the breadth of the maritime zones is the low-water line along the coast as marked on large-scale charts officially recognized by Sierra Leone.

“contiguous zone” means the contiguous zone of Sierra Leone as defined in section 16;

“continental shelf” means the continental shelf of Sierra Leone as defined in section 26;

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<sup>78</sup> This Act shall come into force on the date on which it is published in the national Gazette after receipt of the Presidential assent.

“Convention” means the United Nations Convention on the Law of the Sea, 1982;

“exclusive economic zone” means the exclusive economic zone of Sierra Leone as defined in section 18;

“foreign State” means a State other than Sierra Leone;

“foreign ship” means a ship registered in a foreign State or entitled to fly the flag of a foreign State;

“Government” means the Government of Sierra Leone;

“internal waters” has the same meaning assigned to it by section 4;

“low water mark” means the water line of the coast of Sierra Leone at the lowest astronomical tide;

“Minister” means the Minister of Transport;

“natural resources” means the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil;

“nautical mile” refers to the unit of measuring distance at sea, i.e. 1,852 meters;

“offences” means any violation of customs, environment, fiscal, fisheries, immigration, sanitary and security laws or contravention of this Act or any regulation made pursuant to it;

“operator in respect of a ship” means the owner or operator of the ship;

“regulations” means the regulations made under this Act;

“territorial sea” means the territorial sea of Sierra Leone as defined in section 3;

“vessel” includes any ship, canoe, lighter, floating platform, deck boat, carrier vessel, vessel equipped with inboard or outboard motor or other seagoing vessel; whether surface craft or submarine or any other underwater vessel;

"warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

## **PART II – TERRITORIAL SEA**

### **Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil**

#### **Section 2**

##### **Sovereignty over the territorial sea**

1. The sovereignty of Sierra Leone shall extend beyond its land territory and internal waters to:
  - a) an adjacent belt of sea, described as the territorial sea;
  - b) to the air space over the territorial sea as well as to its bed and subsoil.
2. The sovereignty over the territorial sea exercised by Sierra Leone shall be subject to this Act and to other rules of international law.

#### **Section 3**

##### **Breadth of the territorial sea**

It is hereby declared that the breadth of the territorial sea shall not exceed 12 nautical miles, measured from the baselines.

#### **Section 4**

##### **Internal waters**

It is hereby declared that the waters on the landward side of the baselines from which the maritime zones are measured form part of the internal waters of Sierra Leone.

#### **Section 5**

##### **Right of innocent passage**

Subject to the provisions of this Act, ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the territorial sea of Sierra Leone.

#### **Section 6**

### **Meaning of passage**

1. Passage means navigation through the territorial sea of Sierra Leone for the purpose of:
  - a) traversing that sea without entering the internal waters of Sierra Leone or calling at a roadstead or port facility outside the internal waters of Sierra Leone; or
  - b) proceeding to or from internal waters or a call at such roadstead or port facility.
2. Passage shall be continuous and expeditious. However, passage shall include stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### **Section 7**

#### **Meaning of innocent passage**

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of Sierra Leone. Such passage shall take place in conformity with this Act.
2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of Sierra Leone if in the territorial sea of Sierra Leone it engages in any of the following activities:
  - (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Sierra Leone, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
  - (b) any exercise or practice with weapons of any kind;
  - (c) any act aimed at collecting information to the prejudice of the defence or security of the State of Sierra Leone;
  - (d) any act of propaganda aimed at affecting the defence or security of the State of Sierra Leone;
  - (e) the launching, landing or taking on board of any aircraft;
  - (f) the launching, landing or taking on board of any military device;

- (g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Sierra Leone;
- (h) any act of wilful and serious pollution contrary to this Act;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installations of Sierra Leone;
- (l) any other activity not having a direct bearing on passage.

## **Section 8**

### **Submarines and other underwater vehicles**

All submarines and other underwater vehicles are required to navigate on the surface and show their flag whilst exercising their right to innocent passage.

## **Section 9**

### **Suspension of innocent passage**

The Government may suspend temporarily in specified areas of its territorial sea the right of innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises.

Provided that such suspension shall take effect only after having been duly published. A notification of the suspension shall be submitted to the Secretary-General of the United Nations.

## **Section 10**

### **Regulations relating to innocent passage**

1. The Minister may make regulations, in conformity with the provisions of this Act and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:
  - a) the safety of navigation and the regulation of maritime traffic;



- b) the protection of navigational aids and facilities and other facilities or installations;
  - c) the protection of cables and pipelines;
  - d) the conservation of the living resources of the sea;
  - e) the prevention of infringement of the fisheries laws and regulations of Sierra Leone;
  - f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
  - g) marine scientific research and hydrographic surveys;
  - h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of Sierra Leone.
2. Provided that such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.
  3. The Government shall give due publicity to all such regulations.

## **Section 11**

### **Criminal jurisdiction on board a foreign ship**

1. The criminal jurisdiction of Sierra Leone shall not be exercised on board a foreign ship passing through its territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:
  - a) if the consequences of the crime extend to Sierra Leone;
  - b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;
  - c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
  - d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

2. The above provisions shall not affect the right of Sierra Leone to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through its territorial sea after leaving its internal waters.
3. In the cases provided for in paragraphs 1 and 2, Sierra Leone shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.
4. In considering whether or in what manner an arrest should be made, shall have due regard to the interests of navigation.

Except with respect to violations of laws and regulations adopted in accordance with Part IV, the Government may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through its territorial sea without entering its internal waters.

## **Section 12**

### **Civil jurisdiction in relation to foreign ships**

1. The Government shall not stop or divert a foreign ship passing through its territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. The Government may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of Sierra Leone.
3. Paragraph 2 is without prejudice to the right of Sierra Leone, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a

foreign ship lying in the territorial sea, or passing through its territorial sea after leaving its internal waters.

### **Section 13**

#### **Non-compliance by warships with the laws and regulations of Sierra Leone**

If any warship does not comply with the laws and regulations of Sierra Leone concerning passage through its territorial sea and disregards any request for compliance therewith which is made to it, the Government may require it to leave its territorial sea immediately

### **Section 14**

#### **Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes**

The flag State shall bear international responsibility for any loss or damage to Sierra Leone resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with its laws and regulations concerning passage through its territorial sea or with the provisions of this Act or other rules of international law.

### **Section 15**

#### **Immunities of warships and other government ships operated for non-commercial purposes**

With such exceptions as are contained in sections 13 and 14, nothing in this Act shall affect the immunities of warships and other government ships operated for non-commercial purposes.

## **PART III – CONTIGUOUS ZONE**

### **Section 16**

#### **Breadth of the contiguous zone**

It is hereby declared that the contiguous zone of Sierra Leone is that area contiguous to the territorial sea extending up to 24 nautical miles from the baselines.

### **Section 17**

#### **Control exercised in the contiguous zone**

1. In the contiguous zone the Government of Sierra Leone may exercise the control necessary to: –
  - a) Prevent infringement of its customs, fiscal, immigration, sanitary laws and regulations;
  - b) Punish any infringement of the laws and regulations referred to in paragraph (a) above when committed within its territory or territorial sea; and
  - c) Prevent and punish the removal of archaeological and historical objects found in the seabed of the contiguous zone without the approval of the Government.

## **PART IV – EXCLUSIVE ECONOMIC ZONE**

### **Section 18**

#### **The breadth of the exclusive economic zone**

It is hereby declared that the exclusive economic zone of Sierra Leone is that area beyond and adjacent to the territorial sea, not extending beyond 200 nautical miles from the baselines from which the breadth of the maritime zones are measured.

### **Section 19**

#### **Rights, jurisdiction and duties of Sierra Leone in the exclusive economic zone**

1. In the exclusive economic zone, the Government shall have:
  - a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
  - b) jurisdiction as provided for in the relevant provisions of this Act with regard to:
    - i. the establishment and use of artificial islands, installations and structures;
    - ii. marine scientific research;
    - iii. the protection and preservation of the marine environment;
  - c) other rights and duties provided for in this Act.

2. The rights set out in this section with respect to the seabed and subsoil shall be exercised in accordance with Part V.
3. No State, International organization, person or corporation, not being a national of Sierra Leone, may within the exclusive economic zone, engage in any activity that impinges upon the rights and jurisdiction of Sierra Leone specified above except with the written consent of the Minister.

## **Section 20**

### **Rights and duties of other States in the exclusive economic zone**

1. In the exclusive economic zone of Sierra Leone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Act, the freedoms of :
  - a) navigation and overflight and;
  - b) of the laying of submarine cables and pipelines;
  - c) and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Act.
2. Other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Act.
3. However, in exercising their rights and performing their duties under this Act in the exclusive economic zone, States shall have due regard to the rights and duties of Sierra Leone and shall comply with its laws and regulations adopted in accordance with the provisions of the Convention and other rules of international law in so far as they are not incompatible with the provisions of this Act.

## **Section 21**

### **Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone**

In cases where this Act does not attribute rights or jurisdiction to Sierra Leone or to other States within the exclusive economic zone, and a conflict arises between the interests of the

Sierra Leone and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

## **Section 22**

### **Artificial islands, installations and structures in the exclusive economic zone**

1. In the exclusive economic zone, the Government shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
  - a) artificial islands;
  - b) installations and structures for the purposes provided for in section 19 and other economic purposes;
  - c) Installations and structures which may interfere with the exercise of the rights of Sierra Leone in the zone.
2. The Government shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
3. Provided that due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.
4. The Government may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the Government, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.
6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.
7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.
8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

## **Section 23**

### **Conservation of the living resources**

1. The Government shall determine the allowable catch of the living resources in its exclusive economic zone.
2. The Government, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the Government and competent international organizations, whether sub regional, regional or global, shall cooperate to this end.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether sub regional, regional or global.
4. In taking such measures the Government shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.
5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether sub regional, regional or global, where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone of Sierra Leone.

## **Section 24**

### **Utilization of the living resources**

1. The Government shall promote the objective of optimum utilization of the living resources in its exclusive economic zone without prejudice to section 23.
2. The Government shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the rights of land-locked States and geographically disadvantaged States.



3. In giving access to other States to its exclusive economic zone under this section, the Government shall take into account all relevant factors, including, *inter alia*, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the rights of land-locked States and geographically disadvantaged States, the requirements of developing States in the sub region or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.
4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of Sierra Leone. These laws and regulations shall be consistent with this Act and may relate, *inter alia*, to the following:
  - a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
  - b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
  - c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;
  - d) fixing the age and size of fish and other species that may be caught;
  - e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
  - f) requiring, under the authorization and control of Sierra Leone, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;
  - g) the placing of observers or trainees on board such vessels by Sierra Leone;
  - h) the landing of all or any part of the catch by such vessels in the ports of Sierra Leone;

- i) terms and conditions relating to joint ventures or other cooperative arrangements;
  - j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of Sierra Leone's capability of undertaking fisheries research;
  - k) enforcement procedures.
5. The Government shall give due notice of conservation and management laws and regulations.

## **Section 25**

### **Enforcement of laws and regulations of Sierra Leone**

1. The Government may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Act.
2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.
3. In cases of arrest or detention of foreign vessels the Government shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

## **PART V – CONTINENTAL SHELF**

### **Section 26**

#### **Limit of the Continental Shelf**

1. The continental shelf of Sierra Leone comprises the seabed and subsoil of the submarine areas that extended beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin up to a distance of 200 nautical miles from the baselines.

2. Subject to the approval of the Commission on the Outer Limits of the Continental Shelf, the State of Sierra Leone shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines.
3. Provided however, that the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the maritime zones are measured.

## **Section 27**

### **Rights of Sierra Leone over the continental shelf**

1. The Government shall exercise over the continental shelf sovereign rights for the purpose of:
  - a) exploring it and exploiting its natural resources.
  - b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;
  - c) exclusive rights and jurisdiction for the construction, conversation management, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources of the continental shelf
  - d) other rights recognized by international law
2. The rights referred to in paragraph 1 are exclusive in the sense that if the Government does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without its expressed consent.
3. The rights of Sierra Leone over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.
4. The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

## **Section 28**

### **Legal status of the superjacent waters and air space and the rights and freedoms of other States**

1. The rights of Sierra Leone over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters.
2. The exercise of the rights of Sierra Leone over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Act.

## **Section 29**

### **Submarine cables and pipelines on the continental shelf**

1. All States are entitled to lay submarine cables and pipelines on the continental shelf, in accordance with the provisions of this section.
2. Subject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, the State of Sierra Leone may not impede the laying or maintenance of such cables or pipelines.
3. The delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the Government.
4. Provided that nothing in this section shall affect the rights of the Government to establish conditions for cables or pipelines entering its territory or territorial sea, or its jurisdiction over cables and pipelines constructed or used in connection with the exploration of its continental shelf or exploitation of its resources or the operations of artificial islands, installations and structures under its jurisdiction.
5. When laying submarine cables or pipelines, the Government shall have due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

## **Section 30**

### **Artificial islands, installations and structures on the continental shelf**

Section 22 of this Act applies *mutatis mutandis* to artificial islands, installations and structures on the continental shelf.

## **Section 31**

### **Drilling on the continental shelf**

The Government shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

## **Section 32**

### **Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles**

1. The Government shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
2. The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7% (per cent) thereafter. Production does not include resources used in connection with exploitation.
3. The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to the Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

## **PART VI – MISCELLANEOUS PROVISIONS**

### **Section 33**

#### **Evidence of limits**

1. The Director of Surveys and Lands shall keep custody of the official charts and maps establishing delimitation of the exclusive economic zone and continental shelf of Sierra Leone which shall be conclusive evidence of their limit and anybody may, at a reasonable time inspect them, or purchase a certified true copy thereof.
2. Copies of the official charts and the relevant information, including geodetic data, permanently describing the outer limits of the exclusive economic zone and the continental shelf may be obtained from the Secretary General of the United Nations with whom they shall be deposited in compliance with the Convention.

### **Section 34**

#### **Offences**

Any contravention of any of the provisions of this Act or any of the Regulations made pursuant to section 35 of this Act shall constitute an offence.

### **Section 35**

#### **Power to make regulations**

1. Without prejudice to any other power to make regulations conferred by this Act, the Minister may by statutory instrument make regulations generally for carrying this Act into effect.
2. Without prejudice to the generality of subsection (1) above, Regulations under this section may provide for:-
  - a) Offences and penalties under this Act;
  - b) The protection and preservation of rare or fragile ecosystems within the marine environment;

- c) The prevention, reduction and control of pollution of the marine environment caused by the release of toxic, harmful or noxious substances, especially those which are persistent, from land based sources, from or through the atmosphere or by dumping.
  - d) The prevention of pollution from vessels, especially by the discharge of oily residues such as bilge water, sludge and ballast water.
  - e) The prevention of pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil;
  - f) The conservation, exploitation, exploration and management of the living resources of the sea and the prevention of infringement of the fisheries laws and regulations;
  - g) The protection of cables and pipelines;
  - h) Anything required or necessary to be prescribed
3. Subject to this Act, the Minister may in writing delegate to a person all or any of his powers and functions under this Act.

## **Section 36**

### **Repeals**

The Maritime Zones (Establishment) Act No. 11 of 1996 is hereby repealed.

## **Section 37**

### **Modification of existing Laws**

The Merchant Shipping Act, No. 3 of 2003, the Ports Act No. 56 of 1964, and any other enactment in existence upon the coming into operation of this Act shall apply with such modifications as are necessary to give effect to this Act.

Passed in Parliament this      day of      in the year of our Lord two thousand and twelve.

MOHAMED LEBBIE

*Officer-in-Charge*

*Office of the Clerk of Parliament*

THIS PRINTED IMPRESSION has been carefully compared by me with the bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

MOHAMED LEBBIE

*Officer-in-Charge*

*Office of the Clerk of Parliament*



# ANNEX 1

## **The Maritime Zones (Establishment) Decree, 1996**

**Being** a Decree to establish the maritime zones of Sierra Leone in conformity with the United Nations Convention on the Law of the Sea 1982; and for connected purposes.

**Whereas** the United Nations Convention on the Law of the Sea, referred to in this Decree as “the Convention”, was signed by the Government of Sierra Leone on 10 December 1982 at Montego Bay, Jamaica;

**And Whereas** the Convention was ratified by the Government of Sierra Leone on 12 December 1994;

**And Whereas** it is necessary to give effect to the provisions of the Convention relating to the establishment of the territorial sea, contiguous zone, exclusive economic zone and the continental shelf in order that those provisions of the Convention shall have the force of law in Sierra Leone;

**Now, Therefore, Pursuant** to paragraph 3 of the Proclamation entitled “The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992”, the National Provisional Ruling Council makes and issues the following Decree:

## **1. Interpretation**

In this Decree, unless the context otherwise requires:

“*nautical mile*” means a distance 1852 metres;

“*Secretary of State*” means the Secretary of State responsible for Marine Resources.

## **2. Territorial sea**

The territorial sea of Sierra Leone is that area extending beyond the land territory and internal waters to the belt of sea adjacent thereto, the breadth of which is twelve nautical miles measured from the baseline, being the low-water line along the coast of Sierra Leone as marked on large-scale official charts.

## **3. Sovereignty over territorial sea, airspace above territorial sea, etc.**

Subject to the provisions of the Convention and other relevant rules of international law, the sovereignty of Sierra Leone extends to the airspace over the territorial sea as well as to its bed and subsoil.

## **4. Internal waters of the Republic**

It is hereby declared that the waters on the landward side of the baseline of the territorial sea forms part of the internal waters of Sierra Leone.

## **5. Use of territorial sea by foreign ships and aircraft**

(1) Ships of all States may exercise the right of innocent passage through the territorial sea of Sierra Leone.

(2) Passage is innocent only as long as it is not prejudicial to the peace, good order or security of Sierra Leone:

Provided that no foreign warship shall enter or pass through the territorial sea except with the prior written consent of, and subject to such conditions as may be specified by the Secretary of State.

(3) No foreign aircraft shall enter or pass through the airspace above the territorial sea except with the prior written consent of, and subject to such conditions as may be specified by the Secretary of State.

(4) A foreign ship or foreign aircraft which contravenes any provision of this section is liable to confiscation or in the alternative the owner shall be liable to pay such other penalty as may be prescribed.

## **6. Suspension on innocent passage**

(1) The National Provisional Ruling Council may by public notice, prohibit or suspend the innocent passage of any ship through the territorial sea of Sierra Leone if, in its opinion, such prohibition or suspension is necessary in order to safeguard the peace, good order or security of Sierra Leone.

(2) Any ship which contravenes the provisions of any public notice made under subsection (1) is liable to confiscation or, in the alternative, the owner shall be liable to pay such other penalty as may be prescribed.

## **7. Contiguous zone**

(1) The contiguous zone of Sierra Leone is that area contiguous to the territorial sea and extending up to twenty-four nautical miles from the baseline from which the breadth of the territorial sea is measured.

(2) In the contiguous zone the Government of Sierra Leone may exercise the control necessary to:

- (a) prevent infringement of its customs, fiscal, immigration, sanitary or environmental laws;
- (b) punish any contravention of the laws referred to in paragraph (a) if the contravention is committed within the land territory, the territorial sea or the contiguous zone of Sierra Leone.

## **8. Establishment of exclusive economic zone**

(1) The exclusive economic zone of Sierra Leone comprises that area of the sea, seabed and subsoil that is beyond and adjacent to the territorial sea of Sierra Leone, the outer limit of which is a line seaward, every point of which is at a distance of two hundred nautical miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

(2) The area of the exclusive economic zone forms part of the fisheries waters of Sierra Leone.

## **9. Sovereign rights of Sierra Leone in exclusive economic zone**

(1) In the exclusive economic zone, Sierra Leone has:

(a) sovereign rights over-

- (i) the exploration and exploitation, conservation and management of the natural resources, whether living or non-living, of the waters superjacent to the seabed and its subsoil;
- (ii) the production of energy from the water, currents and winds; and

(b) Jurisdiction over-

- (i) the establishment and use of artificial islands, installations and other structures;
- (ii) marine scientific research;
- (iii) the protection and preservation of the marine environment;

(c) such other rights and duties as are provided for in the Convention.

(2) No State, international organization or person, not being a national of Sierra Leone, may within the exclusive economic zone, engage in any activity that impinges upon the rights and jurisdiction of Sierra Leone specified in subsection (1) except with the written consent of the Government.

(3) Any contravention of any provision of this section constitutes an offence.

## **10. Use of exclusive economic zone by other States**

Subject to the laws of Sierra Leone, other States may exercise in the exclusive economic zone the freedom of:

- (a) navigation;
- (b) overflight;
- (c) laying of submarine cables and pipelines on the continental shelf subject to the jurisdiction of Sierra Leone over such cables and pipelines and the right of Sierra Leone over such cables and pipelines and the right of Sierra Leone to establish conditions for their laying.

## **11. Continental shelf of Sierra Leone**

(1) The continental shelf of Sierra Leone comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to a distance of two hundred nautical miles from the baseline from which the breadth of territorial sea is measured.

(2) All natural resources on and under the seabed and in the subsoil of the continental shelf vest in Sierra Leone which accordingly has in respect of the continental shelf:

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources;
- (b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;
- (c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf; and for the convenience of shipping or for any other purpose; and
- (d) other rights recognized by international law.

(3) The rights conferred under subsection (2) shall not affect the legal status of the superjacent waters or of the airspace above those waters.

(4) For the purposes of this section, the natural resources of the continental shelf includes the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

## **12. Proof of limits of maritime zones**

(1) The lines establishing the limits of the territorial sea, exclusive economic zone and the continental shelf as shown on official charts shall be conclusive evidence of the limits of the continental shelf referred to in sections 2, 7, 8 and 11 respectively.

(2) Copies of the official charts and the relevant information, including geodetic data, permanently describing the outer limits of the exclusive economic zone and the continental shelf may be obtained from the Secretary-General of the United Nations with whom they have been deposited in compliance with the Convention.

## **13. Offences in the exclusive economic zone**

Any offence against this Decree or against regulations made thereunder that is committed within the exclusive economic zone shall be deemed to have been committed in Sierra Leone.

## **14. Penalties**

Any person who contravenes any of the provision of this Decree or regulations made under section 15 commits an offence and shall be liable on conviction to a fine not exceeding five million leones or to a term of imprisonment not exceeding five years or to both such fine and imprisonment and the forfeiture of anything used in the commission of the offence.

## **15. Regulations**

(1) The Secretary of State may make regulations for giving effect to the provisions of this Decree.

(2) Without prejudice to the generality of subsection (1), regulations under this section may provide for:

- (a) the protection and preservation of rare or fragile ecosystems within the marine environment;
- (b) the prevention, reduction and control of pollution of the marine environment caused by the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;

(c) the prevention of pollution from vessels, especially discharge of oily residues such as bilge water, sludge and ballast water;

(d) the prevention of pollution from installation and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, regulating the design, construction, equipment, operation and manning of such installations or devices; and

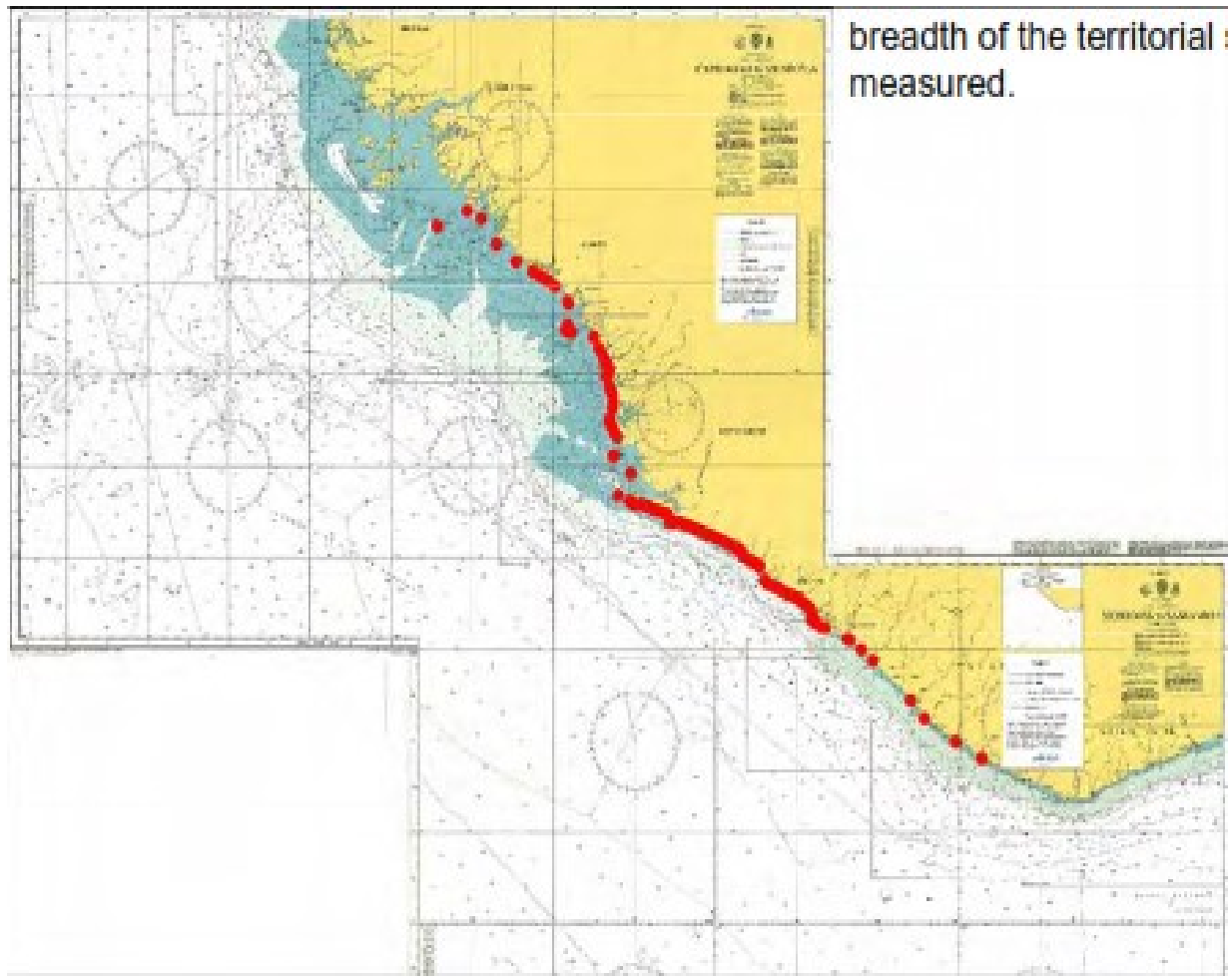
(e) anything required or necessary to be prescribed.

Made and issued this 28th day of March, 1996.

**Normal  
baselines from  
which the  
breadth of the  
territorial sea  
is measured**

## **ANNEX 2**

## Normal Baselines





# ANNEX 3

## The Maritime Zones of Sierra Leone

