



IMO
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MARITIME ZONES ACT 2013

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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DEDICATION

To my precious wife, Precious, my best friend and lover.
To my children; Princess, Elijah, Abraham and Lois, my pride, my joy.

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I thank God Almighty for his grace, mercy, compassion, protection and guidance for the successful completion of this project and study.

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EXPLANATORY NOTE

1 MARITIME ZONES RECOGNISED UNDER THE UNITED NATIONS CONVENTION ON LAW OF THE SEA 1982

The United Nations Convention on the Law of the Sea (UNCLOS)¹ remains one of the most comprehensive international law-making instruments of its time. The Convention sets forth the legal order for the world's seas and oceans. It provides a solid foundation for peaceful, responsible and predictable management of the oceans. Within a relatively short period of time, the Convention established itself as the "constitution of the oceans",

¹ United Nations Convention on the Law of the Sea, Montego Bay, Jamaica, 10 December 1982. In force 16 November 1994.

which outlines lasting and fundamental rules for ever-changing ocean conditions.² It provides clarity as regards obligations and rights of States in the area of delineation of the outer limits of the entire maritime zones of a State, the protection of the marine environment and marine scientific research.

The Convention has 320 Articles, and nine additional annexes which seek to establish a truly comprehensive regime for the law of the sea by reaffirming well settled areas of the law. The position of States at the outset of the Third United Nations Conference on Law of the Sea (UNCLOS III) were too far apart on many issues, such that it was agreed to proceed on by way of consensus procedures, searching for areas of maximum agreement without formal votes.³ They worked for several months each year until it finally adopted a Convention in which was adopted in Montego Bay, Jamaica on 30 April 1982 and opened for signatures on 10 December of the same year. It finally came into force on November 14, 1994.

The maritime zones recognized under UNCLOS include internal waters, the territorial sea, the contiguous zone, exclusive economic zone, continental shelf, high seas and the Area.⁴ It should be noted however that even though the convention recognizes the high seas and the Area as maritime zones, they do not fall under the jurisdiction of a coastal State. Furthermore, with the exception of the high seas and the Area, each of these maritime zones is measured from the baselines determined in accordance with international law as reflected in the 1982 Law of the Sea Convention:

1.1 Internal Waters

Internal waters are the waters (for example, bays and rivers) on the landward side of the baseline from which the breadth of the territorial sea is measured. Each coastal State has

² Norway's statement during the meeting on "Oceans and the Law of the Sea and Sustainable fisheries" held by Deputy Permanent Representative Ms. Tine Mørch Smith in the General Assembly on 10 December 2012 <

<http://www.norway-un.org/Statements/Plenary-Meetings/GA-Law-of-the-Sea>> 5 January 2013.

³ Churchill, R, R and Lowe, A, V, The Law of the Sea, Third Edition, Manchester University Press, 1999, p. 17.

⁴ National Oceanic Atmospheric and Administration http://www.gc.noaa.gov/gcil_maritime.html visited on 11 January 2013.

full sovereignty over its internal waters as if they were part of its land territory. The right of innocent passage does not apply in internal waters.⁵

1.2 Territorial Sea

The territorial sea is described as an area which extends beyond the land territory, internal waters, and in the case of an archipelagic State, its archipelagic waters, in which a State exercises sovereignty that extends to the airspace, bed and subsoil. The sovereignty over territorial sea is exercised subject to the provisions of the convention and to the rules of customary international law and State practice.⁶ Ships of all States, whether coastal or land-locked, enjoy right of innocent passage through the territorial sea⁷ so long as it is not prejudicial to the peace, good order or security of the coastal State.⁸

1.3 Contiguous Zone

The contiguous zone of a State is a zone of sea adjacent the territorial sea of a nation, over which the coastal State may exercise control such as customs, fiscal, immigration or sanitary laws and regulations within its territory. The contiguous zone extends beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.⁹ Nigeria has the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate with other State for this purpose.¹⁰ Furthermore, in order to control traffic in such objects, Nigeria may, in applying section 15, presume that their removal from the seabed in the zone referred to in that section without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in this Act.

⁵ Article 8 of UNCLOS.

⁶Rotwell, R, Donald and Stephens, Tim, *The International Law of the Sea*, Hart Publishing Ltd, 2010, p, 11.

⁷ Ibid Article 17.

⁸ Ibid Article 19.

⁹ Ibid Article 33.

¹⁰ Ibid Article 303 (2).

1.4 Exclusive Economic Zone

The exclusive economic zone of a State is an area beyond and adjacent to the territorial sea, that extends seaward up to 200 nm from its baselines (or out to a maritime boundary with another coastal State). Within its EEZ, a coastal State has sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, whether living or nonliving, of the seabed and subsoil and the superjacent waters 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. Furthermore, it has jurisdiction as provided for in international law with regard to the establishment and use of artificial islands, installations, and structures, marine scientific research,¹¹ and the protection and preservation of the marine environment.¹² Lastly it has other rights and duties provided for under international law.¹³

1.5 Continental Shelf

A State's continental shelf shall comprise of the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nm from its baselines where the outer edge of the continental margin does not extend up to that distance or out to a maritime boundary with another coastal State. The portion of a coastal State's continental shelf that lies beyond the 200 nm limit is often called the extended continental shelf which a State may extend up to 350nm.¹⁴ A coastal State has sovereign rights and exclusive jurisdiction over its continental shelf for the purpose of exploring it and exploiting its natural resources. On 7 May 2009, the Federal Republic of Nigeria submitted to the Commission on the Limits of the Continental Shelf, in accordance with Article 76, paragraph 8, of the United Nations Convention on the Law of

¹¹ Ibid Article 246(1).

¹² Ibid Article 56 (1)(b)

¹³ Ibid Article 56 (1)(c)

¹⁴ Ibid Article 76 (5).

the Sea, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.¹⁵

2 WHY DOES NIGERIA NEED A MARITIME ZONES ACT?

Nigeria is a country situated in Western Africa, bordering the Gulf of Guinea, between Benin and Cameroon border countries. Benin 773 km, Cameroon 1,690 km, Chad 87 km, and Niger 1,497 km and with a coastline of 853 km. It has a maritime claim of territorial sea of 12 nm, an exclusive economic zone of 200nm, continental shelf, 200-m depth or to the depth of exploitation.¹⁶ Nigerian became a party to UNCLOS III on 14 August 1986.¹⁷ Its maritime environment is of great strategic importance to the Nation on account of the huge deposits of mineral resources and marine life contained therein.¹⁸

The initial topic for this study was to amend the existing Exclusive Economic Zones (EEZ) Decree 1978. However, on close examination of the existing legislation, which are the Exclusive Economic Zone Decree 1978¹⁹ and the Territorial waters Act 1967,²⁰ it was discovered that they are indeed obsolete and do not meet up with the provisions of UNCLOS which really addressed some fundamental maritime issues. It is pertinent to state that while UNCLOS provides that every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nm, measured from baselines determined in accordance with this convention,²¹ the provision in the Nigerian Territorial Waters Act 1967 provides for 30 nm,²² of the coast of Nigeria which is not in line with the Convention. It was however amended to read 12nm by 1998 Territorial waters

¹⁵OceansandLawoftheSea<http://www.un.org/depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm

23 February 2013.

¹⁶ About.Com Geography <http://geography.about.com/library/cia/blcnigeria.htm> > 11 January 2013.

¹⁷ Oceans and Law of the Sea, United Nations http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm > 7 January 2013.

¹⁸ Okechie, CD; "Security of Nigeria's Maritime Environment", No 34, The Sailor, March 2012, p, 39.

¹⁹ http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/NGA_1978_Decree.pdf> 3 January 2013.

²⁰ <http://www.placng.org/lawsofnigeria/node/399> > 3 January 2013.

²¹ Ibid Article 3.

²² Territorial Waters Act, Chapter 428 <<http://www.atlafco.org/docs/1113201022307PM.pdf> > 11 January 2013.

Decree.²³ Issues such as marine scientific research, the protection and preservation of the marine environment, as well as other rights and duties provided by UNCLOS were not captured in the Nigerian EEZ Decree of 1978.²⁴

It is pertinent to state that marine scientific research is a variety of scientific disciplines such as biology, biotechnology, geology, chemistry, physical oceanography and ocean drilling and coring which are mainly for the study of the oceans, marine fauna, and physical boundaries with the solid earth and the atmosphere. It contributes to the exploitation of the sea's resources, preservation of the marine environment, safer navigation and military uses of the sea as well as better general understanding of the sea. Furthermore, it helps in the location of oilfields which allows for the exploitation of oil offshore, and in understanding local marine ecosystems and factors that may endanger them. It is also very essential in the protection and preservation of the marine environment. Marine scientific research is used for the study of waves and currents, depth soundings, searches of wrecks and the entire mapping of the ocean floor, which are essential for the safety of navigation.²⁵

With regards to military uses of the sea, it will greatly contribute to the development of the ability to detect submarines in Nigerian waters, better understanding of the earth through geological and geophysics, meteorology and climatology as well as providing information about the oceans and the atmosphere. Nigeria which is a country blessed with abundant natural resources in its maritime domain will benefit immensely from marine scientific research as against the existing EEZ Decree 1978 which has no provision for it. In order to remedy these anomalies with the existing legislation, there is the need to enact a comprehensive maritime zones Act for the regulation of the maritime industry in Nigeria.

²³ NationallegislationDOALOS/OLAUnitedNations
http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/NGA_1998_Decree.pdf>23
February 2013.

²⁴ National Legislations DOALOS/OLA United Nations
http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/NGA_1978_Decree.pdf> 11
January 2013.

²⁵ Marko, Pavliha and Norman, A, Martinez, Gutierrez, ; "Ocean and Coastal Law Journal", Vol. 16, No.1, (2010), p.115.

3 OBJECTIVES OF THE ACT

The proposed Act will be of immense benefits to Nigeria as all the rights accruing from the control of the maritime domain which so far have not been fully harnessed, will be exploited and utilized for the development of Nigeria. Some these rights and benefits include:

- a. Proper control over the navigational rights of the coast.
- b. Clear defined maritime zone in line with the provisions of UNCLOS.
- c. Have the right to extend its continental shelf up to 350 nm in line with the provisions of Article 76 (5) of the convention.
- d. Provide mutual co-operation with other coastal States by having an enabling law that will guide and regulate smooth operations in the industry.
- e. The country's maritime laws will be in tune with global best practices.
- f. It will create an efficient and effective regulatory entity.
- g. Establish a commercially oriented and profit driven maritime environment.
- h. Establish a progressive fiscal framework that encourages further investment in the maritime industry whilst optimising accruable revenues to the Federal Government of Nigeria.

4 REPEAL OF THE EXISTING MARITIME LEGISLATIONS

The existing maritime zones legislation, that is the exclusive economic zones Decree of 1978 and the Territorial Waters Act of 1967, will be repealed by the National Assembly of Nigeria, the legislative Arm of government saddled with the responsibility of making laws for the country.²⁶ This will pave way for the enactment of the proposed Act which is a comprehensive law that will cover the entire maritime zones operations in Nigeria.

5 HOW THE PROPOSED ACT WILL COME INTO FORCE

²⁶ Constitution of the Federal Republic of Nigeria, Section 4

This proposed legislation being a Public and Executive Bill will be sponsored by the Minister of Transport who is the supervising minister on maritime issues at the Federal Executive Council meeting, which is normally under the Chairmanship of His Excellency, the Executive President and Commander in Chief of the Federal Republic of Nigeria. It will then be considered and deliberated upon with ministers of various ministries making inputs on the proposed Bill. Thereafter, the Attorney General and Minister of justice²⁷ who is Nigeria's chief law officer will be mandated by the council to prepare a final copy of the Executive Bill for the proposed Act and forward to the National Assembly for enactment proceedings.²⁸ The Bill will be introduced in the House and will go through first, second and third reading before it is passed into law. It will then be forwarded back to the President for his assent which becomes law and is published in the Gazette.

6 BRIEF FOR THE PROPOSED ACT

The maritime zones Act of Nigeria has 8 (Eight) Parts divided into 82 (Eighty two) sections, sub-sections and paragraphs stating all the areas covering the internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf. Part I of the Act which is the Preliminary Provision deals with definition of terms used such as baseline, warships and natural resources just to mention a few.

Part II will treat the issues that have to do with territorial waters of Nigeria. While part III enumerates the right of Nigeria to extend its continental shelf beyond 24 nm, up to 350 nm.²⁹ of Nigeria. Furthermore, Part IV of the Act provides the rights accruing to Nigeria in her exclusive economic zone. The rights to explore and exploit, conserve and manage the natural resources of the waters superjacent to the seabed and of subsoil has been provided in line with Article 56 of UNCLOS. Additionally, the exclusive economic zone of Nigeria shall not go beyond 200 nm³⁰ and shall enjoy the freedom of navigation in line with Article 87 of UNCLOS. Provisions have been made also for the resolution of

²⁷ Ibid Section 174.

²⁸ Ibid Section 4.

²⁹ Ibid Article 33

³⁰ Ibid Article 56.

conflicts regarding the attribution of rights and jurisdiction of Nigeria in her exclusive economic zone.

Part V deals with the rights to extend Nigeria's continental shelf beyond 200 nm. Another issue which is significant in this part is the entitlement to lay submarine cables and pipelines on the continental shelf as well as have the exclusive right to authorize and regulate drilling on the continental shelf.

Part VI addresses the issue of marine scientific research³¹ which is a very important innovation that has been provided in the Act. However, it is important to state that because of the importance of marine scientific research which covers both the exclusive economic zone and the continental shelf in UNCLOS,³² it has been treated separately as a part in this legislation so as to address the rights of Nigeria as regards marine scientific research in its exclusive economic zone and the continental shelf. It makes it mandatory for Nigeria to grant its consent for marine scientific and research by other State or competent international organizations for peaceful purposes only.

Part VII provides for miscellaneous matters such as relief from prosecution, repeals and amendments as well as the supremacy of this Act. Lastly, Part VIII addresses offences and the jurisdiction for trials, enforcement procedures and the power to make regulations.

7 CONCLUSION

The 1982 United Nations Convention on Law of the Sea was adopted in Montego Bay, Jamaica on 30 April 1982 and came into force on November 14, 1994. A major feature of the Convention included the definition of maritime zones, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, the high sea, the international sea-bed area and archipelagic waters. The convention also made provision for the passage of ships, protection of the marine environment, freedom of scientific research, and exploitation of resources.

³¹ Ibid Article 238.

³² *Op.cit.*, Article 246(1).

Nigeria is blessed with abundant natural mineral resources in its maritime zone. The proposed Act will help regulate the maritime industry and reposition it in line with global best practices as provided by UNCLOS. Its strict application and implementation will ensure sanity, discipline and encourage investors to come and invest in the maritime sector.

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THE MARITIME ZONES ACT 2013

ARRANGEMENT IN SECTIONS

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Short Title

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2. Sovereignty over the territorial sea, airspace, its bed and subsoil.
3. Breadth of the territorial sea.
4. Internal waters.

5. Innocent passage.
6. Meaning of passage.
7. Meaning of innocent passage.
8. Submarines and other underwater vehicles.
9. Suspension of innocent passage.
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11. Criminal jurisdiction onboard a foreign ship.
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PART III - CONTIGUOUS ZONE

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43. Implied consent.
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45. Measures to facilitate research and assist research vessels.
46. Legal status.
47. Safety zones.
48. Non-interference with shipping routes.
49. Identification markings and warning signals.
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PART VII: MISCELLANEOUS PROVISIONS

- 51. Relief from prosecution.
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- 53. Supremacy of this Act.

PART VIII – OFFENCES AND JURISDICTION

- 54. Offences.
- 55. Jurisdiction.
- 56. Enforcement.
- 57. Power to make regulations.

Signed this day of 2013.

Dr. Ebelle Goodluck Jonathan
President and Commander in Chief
of the Federal Republic of Nigeria.

LS NO.

2013.

MARITIME ZONES ACT (NO....) 2013.

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

(Date of
commencement³³)

ENACTED by the National Assembly of Nigeria.

PART 1 – PRELIMINARY

1. In this Act unless the context otherwise requires:

“Authority” means the International Seabed Authority;

“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 Nigeria.

“Contiguous zone” means the contiguous zone of Nigeria as defined in section 15.

“Continental shelf” means the continental shelf of Nigeria as defined in section 25.

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

“Exclusive Economic Zone” means the exclusive economic zone of Nigeria as defined in section 19 of this Act.

“Foreign State” means a State other than Nigeria.

“Foreign ship” means a ship registered and flying the flag of another State.

“Government” means the Government of Nigeria.

³³ This Act shall come into force on the date on which it is published in the national Gazette after receipt of the Presidential assent.

“Internal waters” are waters on the landward side of the baselines from which the maritime zones are measured.

“Minister” means the Minister of Transport of Nigeria.

“Natural resources” means the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species.

“Nautical miles” means unit of measuring distance at sea.

“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.

“Regulations” means the regulations made under this Act.

“Territorial sea” means the territorial sea of Nigeria as defined in section 2.

“Vessel” means 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 Nigeria extends, beyond its land territory and internal waters to:
 - a. an adjacent belt of sea, described as the territorial sea:
 - b. to the airspace over the territorial sea as well as to its bed and subsoil.
2. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

Section 3

Breadth of territorial sea

The breadth of the territorial sea shall not exceed 12 nautical miles, measured from the baselines.

Section 4

Internal waters

These are the waters on the landward side of the baselines from which the maritime zones are measured form part of the internal waters of Nigeria.

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 Nigeria.

Section 6

Meaning of passage

1. Passage means navigation through the territorial sea of Nigeria for the purpose of:
 - a. traversing that sea without entering the internal waters of Nigeria or calling at a roadstead or port facility outside the internal waters of Nigeria; 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 Nigeria. 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 Nigeria if in the territorial sea of Nigeria it engages in any of the following activities:

a. any threat or use of force against the sovereignty, territorial integrity or political independence of Nigeria, or in any other manner in violation of the principles of international law 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 Nigeria.

d. any act of propaganda aimed at affecting the defence or security of the State of Nigeria.

e. the launching, landing or taking on board of any aircraft;

f. the launching or 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 Nigeria;

h. any act of willful 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 Nigeria;

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 exercise.

Provided that such suspension shall take effect only after having been duly published. A notification of the suspension 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 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 Nigeria;
 - 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 Nigeria.
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 of 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 Nigeria 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 Nigeria;
 - b. if the crime is of a kind of to disturb the peace of Nigeria 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 Nigeria;
 - d. if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.
2. The above provisions do not affect the right of Nigeria to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
3. In the cases provided for in paragraphs 1 and 2, Nigeria shall, if the master so requests, notify a diplomatic agent or consular officer of Nigeria 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 consideration whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.
5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, Nigeria 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 the territorial sea without entering internal waters.

Section 12

Civil jurisdiction in relation to foreign ships

1. Nigeria should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. Nigeria 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 Nigeria.
3. Paragraph 2 is without prejudice to the right of Nigeria, 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 the territorial sea after leaving internal waters.

Section 13

Non-compliance by warships with the laws and regulations of the Nigeria

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

Section 14

Immunities of warships and other government ships operated for non-commercial purpose

With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Act affects the immunities of warships and other government ships operated for non-commercial purposes.

PART III - CONTIGUOUS ZONE

Section 15

Contiguous zone

1. In a zone contiguous to its territorial sea, described as the contiguous zone, Nigeria may exercise the control necessary to:
 - a. prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territorial sea;
 - b. punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 24 nautical miles from the baselines which the breadth of the territorial sea is measured.

Section 16

Archaeological and historical objects found at sea

1. Nigeria has the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate with other States for this purpose.
2. In order to control traffic in such objects, Nigeria may, in applying section 15, presume that their removal from the seabed in the zone referred to in that section without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in this Act.
3. Nothing in this Act affects the rights of identifiable owners, the law of salvage or other rules of admiralty, or laws and practices with respect to cultural exchanges.
4. This Act is without prejudice to other international agreements and rules of international law regarding the protection of objects of an archaeological and historical nature.

PART IV - EXCLUSIVE ECONOMIC ZONE

Section 17

The breadth of the exclusive economic zone

It is hereby declared that the exclusive economic zone of Nigeria 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 18

Rights, jurisdiction and duties of Nigeria in the exclusive economic zone

1. In the exclusive economic zone, the Government shall have:
 - a. sovereign rights for the purpose of exploring, 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 Nigeria, may within the exclusive economic zone, engage in any activity that impinges upon the rights and jurisdiction of Nigeria as specified above except with consent of the appropriate authority.

Section 19

Rights and duties of other States in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or landlocked, 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 other provisions of this Act.
2. Other relevant rules of international law apply to the exclusive economic zone so long as they are not in conflict with the provisions of this Act.
3. In the exercise of these rights and performing duties under this Act in the exclusive economic zone, States shall have due regards to the rights and duties of Nigeria and shall comply with its laws and regulations adopted in accordance with the provisions of the Convention and other rules of international law so long as they do not conflict with the provisions of this Act.

Section 20

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 Nigeria or other States within the exclusive economic zone, and a conflict arises between the interests of the Nigeria 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 21

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 purpose provided for in section 18 and other economic purposes;
 - c. installations and structures which may interfere with the exercise of the rights of Nigeria 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 acceptable standards in this regard by the competent international organizations. Such removal shall also due regard to fishing, the protection of marine environment and the rights and duties of other States. Appropriate publicity shall be given to the dept, 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 island, 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 functions 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 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 22

Conservation of the living resources

1. The Government shall determine the total 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 independence 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 Nigeria.

Section 23

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 22.
2. The Government shall determine its capacity to harvest the living resources of the exclusive economic zone. Where Nigeria does not have the capacity to harvest the entire allowable catch, it shall, through agreements 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 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 maximize 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 other terms and conditions established in the laws and regulations of Nigeria. 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 State, may consist of adequate compensation in the field of financing, equipping and technology relating to the fishing industry;

b. determining the species which may be caught, and fixing quotes 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 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 Nigeria, 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 Nigeria;

h. the landing of all or any part of the catch by such vessels in the ports of Nigeria;

- 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 Nigeria's capability of undertaking fisheries research;
 - k. enforcement procedures.
5. The Government shall give due notice of conservation and management laws and regulations.

Section 24

Enforcement of laws and regulations

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 crew 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 25

Limit of the Continental Shelf

1. The continental shelf of Nigeria comprises the seabed and subsoil of the submarine areas that extend 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 of the Outer Limits of the Continental Shelf, Nigeria shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines. 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 26

Rights of Nigeria 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, conservation 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 exploits its natural resources, no one may undertake these activities without its expressed consent.
3. The natural resources referred to in this Part consist of the mineral and 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 27

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

1. The rights of Nigeria 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 Nigeria 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 28

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. The delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the Government.
3. 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.
4. 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 29

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 30

Drilling on the continental shelf

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

PART VI - MARINE SCIENTIFIC RESEARCH

Section 31

Right to conduct marine scientific research

All States, irrespective of their geographical location, and competent international organizations have the right to conduct marine scientific research subject to the rights and duties of other States as provided for in this Act.

Section 32

Promotion of marine scientific research

States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with this Act.

Section 33

General principles for the conduct of marine scientific research

In the conduct of marine scientific research the following principles shall apply:

- (a) marine scientific research shall be conducted exclusively for peaceful purposes;
- (b) marine scientific research shall be conducted with appropriate scientific methods and means compatible with this Act;
- (c) marine scientific research shall not unjustifiably interfere with other legitimate uses of the sea compatible with this Act and shall be duly respected in the course of such uses;
- (d) marine scientific research shall be conducted in compliance with all relevant regulations adopted in conformity with this Act including those for the protection and preservation of the marine environment.

Section 34

Non-recognition of marine scientific research activities as the legal basis for claims

Marine scientific research activities shall not constitute the legal basis for any claim to any part of the marine environment or its resources.

Section 35

Promotion of international cooperation

1. States and competent international organizations shall, in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, promote international cooperation in marine scientific research for peaceful purposes.

2. In this context, without prejudice to the rights and duties of States under this Act, a State, in the application of this Part, shall provide, as appropriate, other States with a reasonable opportunity to obtain from it, or with its cooperation, information necessary to prevent and control damage to the health and safety of persons and to the marine environment.

Section 36

Creation of favourable conditions

States and competent international organizations shall cooperate, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of marine scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of phenomena and processes occurring in the marine environment and the interrelations between them.

Section 37

Publication and dissemination of information and knowledge

1. States and competent international organizations shall, in accordance with this Act, make available by publication and dissemination through appropriate channels information on proposed major programmes and their objectives as well as knowledge resulting from marine scientific research.

2. For this purpose, States, both individually and in cooperation with other States and with competent international organizations, shall actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

Section 38

Marine scientific research in the territorial sea

Nigeria, in the exercise of its sovereignty, has the exclusive right to regulate, authorize and conduct marine scientific research in the territorial sea. Marine scientific research therein shall be conducted only with the express consent of and under the conditions set forth by the Government.

Section 39

Marine scientific research in the exclusive economic zone

and on the continental shelf

1. The Government, in the exercise of its jurisdiction:
 - a. has the right to regulate, authorize and conduct marine scientific research in its exclusive economic zone;
 - b. and on its continental shelf in accordance with the relevant provisions of this Convention.
2. Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of Government.
3. The Government shall, in normal circumstances, grant consent for marine scientific research projects by other States or competent international organizations in its exclusive economic zone or on its continental shelf to be carried out in accordance with this Act exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.
4. For the purposes of applying paragraph 3, normal circumstances may exist in spite of the absence of diplomatic relations between Nigeria and the researching State.
5. The Government may however in its discretion withhold its consent to the conduct of a marine scientific research project of another State or competent international organization in the exclusive economic zone or on the continental shelf of Nigeria if that project:

- (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) involves the construction, operation or use of artificial islands, installations and structures referred to in Sections 22 and 30;
- (d) contains information communicated pursuant to section 41 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to Nigeria from a prior research project.

6. Notwithstanding the provisions of paragraph 5, Nigeria may not exercise its discretion to withhold consent under subparagraph (a) of that paragraph in respect of marine scientific research projects to be undertaken in accordance with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which the Government may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time. The Government shall give reasonable notice of the designation of such areas, as well as any modifications thereto, but shall not be obliged to give details of the operations therein.

7. The provisions of paragraph 6 are without prejudice to the rights of Nigeria over the continental shelf as established in section 27.

8. Marine scientific research activities referred to in this section shall not unjustifiably interfere with activities undertaken by Nigeria in the exercise of its sovereign rights and jurisdiction provided for in this Act.

Section 40

Duty to provide information to the coastal State

States and competent international organizations which intend to undertake marine scientific research in the exclusive economic zone or on the continental shelf of Nigeria shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide Nigeria with a full description of:

- (a) the nature and objectives of the project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the project is to be conducted;
- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
- (f) the extent to which it is considered that the coastal State should be able to participate or to be represented in the project.

Section 41

Duty to comply with certain conditions

1. States and competent international organizations when undertaking marine scientific research in the exclusive economic zone or on the continental shelf of Nigeria shall comply with the following conditions:

- (a) ensure the right of Nigeria, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of Nigeria and without obligation to contribute towards the costs of the project;
- (b) provide Nigeria, at its request, with preliminary reports, as soon as practicable and with the final results and conclusions after the completion of the research;

(c) undertake to provide access for Nigeria, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;

(d) if requested, provide Nigeria with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;

(e) ensure, subject to paragraph 2, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;

(f) inform Nigeria immediately of any major change in the research programme;

(g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

2. This section is without prejudice to the conditions established by the laws and regulations of Nigeria for the exercise of its discretion to grant or withhold consent for marine scientific research by international organizations, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

Section 42

Communications concerning marine scientific research projects

Communications concerning the marine scientific research projects shall be made through appropriate official channels, unless otherwise agreed.

Section 43

Implied consent

States or competent international organizations may proceed with a marine scientific research project six months after the date upon which the information required pursuant

to section 45 was provided to the Government, unless within four months of the receipt of the communication containing such information Nigeria has informed the State or organization conducting the research that:

- (a) it has withheld its consent; or
- (b) the information given by that State or competent international organization regarding the nature or objectives of the project does not conform to the manifestly evident facts; or
- (c) it requires supplementary information relevant to conditions and the information provided for under sections 41 and 42; or
- (d) outstanding obligations exist with respect to a previous marine scientific research project carried out by that State or organization, with regard to conditions established in section 42.

Section 44

Suspension or cessation of marine scientific research activities

1. The Government shall have the right to require the suspension of any marine scientific research activities in progress within its exclusive economic zone or on its continental shelf if:

- (a) the research activities are not being conducted in accordance with the information communicated as provided under section 41 upon which the consent of the Government was based; or
- (b) the State or competent international organization conducting the research activities fails to comply with the provisions of section 42 concerning the rights of Government with respect to the marine scientific research project.

2. The Government shall have the right to require the cessation of any marine scientific research activities in case of any non-compliance with the provisions of section 41 which amounts to a major change in the research project or the research activities.

3. The Government may also require cessation of marine scientific research activities if any of the situations contemplated in paragraph 1 are not rectified within a reasonable period of time.

4. Following notification by the Government of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

5. An order of suspension under paragraph 1 shall be lifted by Nigeria and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under sections 41 and 42 of this Act.

Section 45

Measures to facilitate marine scientific research and assist research vessels

The Government shall endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate marine scientific research conducted in accordance with this Act beyond its territorial sea and, as appropriate, to facilitate, subject to the provisions of the laws and regulations, access to the harbours and promote assistance for marine scientific research vessels which comply with the relevant provisions of this Part.

Section 46

Legal status

The installations or equipment referred to in this section 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 47

Safety zones

Safety zones of a reasonable breadth not exceeding a distance of 500 metres may be created around scientific research installations in accordance with the relevant provisions of this Act. All States shall ensure that such safety zones are respected by their vessels.

Section 48

Non-interference with shipping routes

The deployment and use of any type of scientific research installations or equipment shall not constitute an obstacle to established international shipping routes.

Section 49

Identification markings and warning signals

Installations or equipment referred to in this section shall bear identification markings indicating the State of registry or the international organization to which they belong and shall have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation, taking into account rules and standards established by competent international organizations.

Section 50

Responsibility and liability

1. States and competent international organizations shall be responsible for ensuring that marine scientific research, whether undertaken by them or on their behalf, is conducted in accordance with this Act.
2. States and competent international organizations shall be responsible and liable for the measures they take in contravention of this Act in respect of marine scientific research conducted by other States, their natural or juridical persons or by competent international organizations, and shall provide compensation for damage resulting from such measures.
3. States and competent international organizations shall be responsible and liable pursuant to section 58 for damage caused by pollution of the marine environment arising out of marine scientific research undertaken by them or on their behalf.

PART VII - MISCELLANEOUS

Section 51

Relief from prosecution

No action shall lie against any maritime enforcement officer or any other person appointed or authorized in that capacity to perform or in performance of any duty or authority imposed on him under this Act or any regulations.

Section 52

Repeals and amendments

The following enactments are repealed:

- a. Territorial waters Act 1967;
- b. Exclusive Economic Zone Decree 1978.

Section 53

Supremacy of this Act

Any provisions of any existing laws with respect to any of the maritime zones of Nigeria that are inconsistent with any provisions of this Act shall be read subject to the provisions of this Act.

PART VIII - OFFENCES AND JURISDICTION

Section 54

Offences

Whoever contravenes any provision of this Act, or any regulations made thereunder shall, without prejudice to any action which may be taken against such person under any other law, is guilty of an offence.

Section 55

Jurisdiction

Offences under this Act shall be tried by the Federal High Court and duly prosecuted by the Attorney General of the Federation.

Section 56

Enforcement

Any maritime enforcement official may at any given time where a contravention of this Act occurs, arrest the offender.

Section 57

Power to make regulations

1. Without prejudice to the aforementioned provisions, the Minister may make regulations for the implementation of this Act.
2. The regulations made under this subsection, may provide for:

- a. the regulation of the exploration and exploitation of the natural resources in the continental shelf;
- b. the protection and preservation of rare or fragile ecosystems within the marine environment;
- c. the regulation of the construction, maintenance of the artificial islands, offshore terminals, installations and other structures and devices;
- d. the prevention of pollution from vessels, especially by the discharge of oily residues such as bilge water, sludge and ballast water;
- e. the regulation and conduct of marine scientific research;
- f. fees for licensing;
- g. the rules and procedures ensuring that consent to undertake marine scientific research in the Nigerian maritime zones will not be delayed or denied unreasonably;
- h. any other matter required.

SCHEDULES

1. Schedule to the Maritime Zones Act, 2013

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU MAIKASUWA

Clerk to the National Assembly

.....Day of.....2013

EXPLANATORY MEMORANDUM

This Act provides, among other things, for the establishment of a Maritime Zone to be comprehensively regulated and any other matters connected therewith.

SCHEDULE TO NIGERIAN MARITIME ZONES ACT, 2013

(1) Short Title of the Bill	(2) Long Title of the Bill	(3) Summary of the Contents of the Bill	(4) Date passed by The Senate	(5) Date passed by the House of Representatives
Nigerian Maritime Zones Bill, 2013	An Act to provide for the Regulation of Nigeria's maritime zone; and for related matters.	The Bill provides for the comprehensive maritime regulation; and for related matters. 20132013

I certify that this Bill has been carefully composed by me with the decision reached by the National Assembly and found by me to be true and correct decision of the House and is in accordance with the provision of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 2013.

SALISU MAIKASUWA
Clerk to the National Assembly
.....Day of.....2013

I ASSENT

Dr Goodluck Ebelle Jonathan
President of the Federal Republic of Nigeria
.....Day of.....2013

