

Exclusive Economic Zone Decree No. 28 of 5 October 1978

Delimitation of Exclusive Economic Zone of Nigeria

1. (1) Subject to the other provisions of this Decree, there is hereby denominated a zone to be known as the Exclusive Economic Zone of Nigeria (hereinafter referred to as the "Exclusive Zone") which shall be an area extending from the external limits of the territorial waters of Nigeria up to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial waters of Nigeria is measured.

(2) Notwithstanding subsection (1) above but subject to the provisions of any treaty or other written agreement between Nigeria and any neighbouring littoral State, the delimitation of the Exclusive Zone between Nigeria and any such State shall be the median or equidistance line.

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Exploitation etc., of Exclusive Zone 1967 No. 5, 1969 No. 51, 1971 No. 30

2. (1) Without prejudice to the Territorial Waters Decree 1967, the Petroleum Decree 1969 or the Sea Fisheries Decree 1971, sovereign and exclusive rights with respect to the exploration and exploitation of the natural resources of the seabed, subsoil and superjacent waters of the Exclusive Zone shall vest in the Federal Republic of Nigeria and such rights shall be exercisable by the Federal Military Government or by such Federal Commissioner or agency as that Government may from time to time designate in that behalf either generally or in any special case.

(2) Subsection (1) of this section shall be subject to the provisions of any treaty to which Nigeria is a party with respect to the exploitation of the living resources of the Exclusive Zone.

Power to erect installations, etc. and offences in relation thereto

3. (1) For the purpose of exploring and exploiting, conserving and managing the natural resources and other activities for the economic exploitation and exploration of the Exclusive Zone, the appropriate authority may establish, or permit the establishment, operation and use by any other person subject to such conditions as may be prescribed, in designated areas -

- (a) artificial islands;
- (b) installations and structures.

(2) The appropriate authority may, for the purpose of protecting any installation in a designated area by order published in the Gazette, prohibit ships, subject to any exceptions provided in the order, from entering without its consent such part of that area as may be specified in such order.

(3) If any ship enters any part of a designated area in contravention of an order made under this section, its owner or master shall be liable on conviction to a fine of N5,000 or imprisonment for 12 months or to both unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

(4) In this section, "designated area" means any area of the Exclusive Zone so designated by the appropriate authority for the purposes of subsection (1) above.

Applicability of criminal and civil laws, etc.

4. (1) Any act or omission which

(a) takes place on, under or above an installation in a designated area or any waters within 200 metres of such an installation; and

(b) would, if taking place in any part of Nigeria, constitute an offence under the enactment in force in that part, shall be treated for the purposes of that law as taking place in Nigeria.

(2) Offences under subsection (1) above shall be triable by the Federal Revenue Court whether or not such offence would, if actually committed in Nigeria, be triable under the applicable enactment by a court other than the Federal Revenue Court.

(3) The prosecution of any offence under this Decree shall be at the instance of the Attorney-General of the Federation.

(4) In this section, "enactment" means any Act, Decree, Law, Edict relating to criminal or civil law (including torts) and any subsidiary instrument made thereunder including rules of court and, in matters other than criminal matters, rules of law applicable to or adopted in any part of Nigeria.

Offences by bodies corporate

5. (1) Where a body corporate is guilty of an offence under this Decree and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate or of any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of this section, "director" in relation to a body corporate established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Interpretation

6. In this Decree, unless the context otherwise requires:

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"the exclusive zone" means the exclusive economic zone of Nigeria as delimited by section 1 of this Decree.

Citation

7. This Decree may be cited as the Exclusive Economic Zone Decree 1978.