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Law of the Sea Country Study

Nigeria

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June 1975

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Geographic and Cartographic Research. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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UN LOS draft articles submitted by Nigeria
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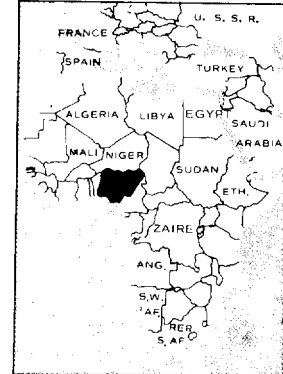
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NIGERIA

Part I -- Law of the Sea Analysis

A. SUMMARY (U)

In the law of the sea (LOS) forum, Nigeria is a leading moderate in the lesser-developed-country (LDC) group. Its main concern at the LOS conference is to secure exclusive jurisdiction over the resources in a broad area adjacent to its coast. Nigeria supports establishment of the exclusive coastal economic zone up to 200 miles* in breadth in which the coastal state would have sole authority to:



- dispose of the resources,
- protect the marine environment,
- enforce customs, immigration, and sanitary regulations, and
- grant permission to conduct scientific research and construct and operate offshore installations.

Nigeria would permit freedom of navigation and overflight in the coastal zone beyond the territorial sea.

If establishment of the exclusive coastal economic zone is sanctioned Nigeria will support a 12-mile territorial sea that incorporates a precisely defined innocent passage regime. On the straits transit issue, Nigeria has called for a balance between the interests of maritime states and straits states. On the exploitation of the deep seabed, the Nigerian delegation has pointed out the need to make conditions attractive for private investment and will accept joint ventures and parallel licensing.

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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Nigeria would guarantee landlocked and geographically disadvantaged states access to the sea and the living resources of the coastal zones of neighboring coastal states, and a share in the resources of the deep seabed. Nigeria supports compulsory dispute settlement, with the International Court of Justice as the primary tribunal in cases that cannot be settled by alternative peaceful means. The Nigerian delegation has given qualified approval to the archipelago concept espoused by archipelago states. On the issue of technology transfer, the delegation has asked for establishment of regional research and training centers, on-the-job training for LDC personnel, and the convening of marine science and technology conferences and seminars.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features (U)

Nigeria's location at the apex of the Gulf of Guinea will give rise to some very taxing problems when that country and its coastal neighbors, i.e., Cameroon, Dahomey, Equatorial Guinea (Fernando Poo), and Portugal (Principe and Sao Tome), come to delimit their mutual sea boundaries. Equidistant lines extended seaward from the ends of the Nigerian coast rapidly converge and intersect slightly more than 200 miles to sea, severely truncating Nigeria's slice of the west African continental margin. The situations of Cameroon and Dahomey are even worse.

Uses of the Sea (U)

Mineral Resources -- The Niger Delta and the Nigerian continental shelf contain immense petroleum reserves. Since the end of 1973, Nigeria has produced more petroleum than any other country in Africa; 1974 production averaged 2.3 million barrels a day, and Nigeria now ranks seventh among the world's producers. Petroleum is Nigeria's chief export and contributes more, by far, to the country's gross domestic product (GDP) than any other commodity.

Living Resources -- Nigeria is the largest consumer of fish and fish products in Africa, yet its own fishing industry contributes less than 5 percent of the country's GDP. The fishing fleet, which consists of canoes and coastal trawlers and shrimp boats, is supplemented by foreign ships chartered by the Nigerian Government for distant-water fishing.

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Nigeria's inland and coastal waters are not rich enough to satisfy the country's growing demand for fish, thus distant-water fisheries will have to take up the slack if the country intends to decrease its fish imports.

Marine Transportation -- The national merchant fleet, almost entirely government owned, carries only a small portion of Nigeria's international trade. The ships operate on routes between Nigeria and the major ports of west Africa and western Europe.

Naval and Air Transportation Considerations -- Although small, the Nigerian Navy is the largest naval force in west Africa, but it suffers from poor maintenance and spare parts shortages. The navy's mission is primarily coastal defense.

Nigerian Airways, Ltd., the government-owned national flag carrier flies to 12 countries in west Africa, Europe, and the Middle East and, in association with Pan American Airways, to New York City.

Political and Other Factors (U)

Nigeria has been less caught up in the emotionalism of the "common heritage of mankind" than some other LDCs. While the Nigerians support the general LDC positions on LOS issues, they view them pragmatically and often provide the voice of reason. They are among the influential LDC moderates.

The Federal Military Government has ruled Nigeria by decree since it seized power in a coup in 1966. General Yakubu Gowon, its Head, while basically pro-West and suspicious of Communist motives, is attempting to keep his country in the nonaligned camp. Lagos deals with the United States and the U.S.S.R. on an issue-oriented basis, almost devoid of ideology. Nigeria's closest international ties are with the United Kingdom.

Relations with the United States have improved since the 1967-70 civil war, when the pro-rebel sympathies of some U.S. private organizations and Washington's neutrality offended the Nigerian Government. The United States is Nigeria's largest market for crude oil exports and its third most important source of imports. U.S. investment approaches \$1 billion, or almost 50 percent of our investment in Black Africa.

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Nigeria strongly supports African nationalism and is a leader in the Organization of African Unity. While believing it inevitably will play a major leadership role in Africa, Nigeria has not flaunted its wealth, size, or military might for fear of intimidating its neighbors.

C. LAW OF THE SEA POLICY

Territorial Sea (C)

The Federal Military Government extended the breadth of Nigeria's territorial waters from 3 to 12 miles in 1967 and then to 30 miles in 1971. At Caracas in 1974, the Nigerian delegation tabled its articles (see Annex) that would allow a state to declare territorial waters up to a breadth of 50 miles. Just before Caracas; however, a Nigerian LOS official indicated to the visiting U.S. LOS team that Nigeria would accept the 12-mile territorial sea, in conjunction with a 200-mile exclusive coastal economic zone, if this was the consensus of the Conference. Nigeria's primary LOS concern is to secure exclusive jurisdiction over its coastal resources, the rationale for the successive extensions of its territorial sea.

The repeated violation of Nigerian territorial waters by the foreign ships and aircraft that provided arms and humanitarian relief to the rebels during the civil war has shaped in large measure the government's view on transit in the territorial sea. The Nigerian delegation has called for a precisely defined innocent passage regime in the territorial sea that:

- distinguishes between merchant ships and warships,
- requires prior permission for overflight, and
- sets forth explicit pollution control and safety regulations.

Straits (C)

Nigerian officials have admitted that the issue of navigation in international straits that are overlapped by territorial seas is not of vital concern to their government. They understand, however, that the issue is of considerable concern to others and have indicated a willingness to mediate a compromise between the interests of maritime states and straits states. The Nigerian delegation's successes so far remain obscure. Nigeria is well aware that much of the opposition to free and unimpeded

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transit is based on political and ideological considerations, but sees fear of submerged transit and nuclear accidents as the basic reasons behind some of the opposition.

Islands and Artificial Islands (U)

The Nigerian delegation, during its opening remarks at Caracas in 1974, listed the regime of islands as an issue that the Conference should resolve. It has said nothing definitive on islands since then, however. The regime of artificial islands, on the other hand, is more germane to the country's interests in view of the extensive petroleum production and exploration activity off its coast. At Caracas, Nigeria introduced draft articles on the coastal economic zone (see Annex) that call for coastal state jurisdiction over the construction and operation of artificial islands in the economic zone, limited only by consideration for international navigation.

Archipelagos (U)

Like the regimes of islands and transit in international straits, the regime of archipelagos is of little concern to Nigeria. The Nigerian delegation has done nothing more than offer support for the general archipelago theory, i.e., construction of baselines around the archipelago, international navigation in designated lanes within the archipelago, etc. It has, however, cautioned the archipelago states to be precise in their definition of transit through the archipelago.

Delimitation and Demarcation (U)

The Nigerian delegation is well aware of the consequences that its country's location in the Gulf of Guinea will have on delimitation of marine jurisdiction and has called for use of equitable rather than equidistant principles in the delimitation of international sea boundaries. Unless it is truly interested in the welfare of its country's coastal neighbors, however, the delegation might do better to espouse the equidistance principle, which would allot Nigeria the larger portion of the sea.

Contiguous Zone (U)

Nigeria wants the traditional contiguous zone jurisdictions over customs, fiscal matters, and immigration and sanitary regulations extended to cover the entire coastal economic zone.

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Coastal State Jurisdiction Beyond the Territorial Sea (U)

The draft articles on the economic zone that the Nigerian delegation introduced at Caracas give the coastal state exclusive jurisdiction over the resources, pollution control measures, and scientific research activities in a zone adjacent to its coast up to 200 miles in breadth. Freedom of navigation and overflight and the laying of submarine cables and pipelines by other states would prevail in the zone beyond the territorial sea.

Nigeria opposes national jurisdiction over the resources of the continental margin beyond the economic zone, seeing such as benefiting mainly the developed countries, many of which have extensive margins.

Fisheries (U)

Nigeria demands coastal state exclusivity over all facets of fishing in the coastal zone. In the event that it does not fully utilize the fish stocks in its economic zone, Nigeria would allow other states to take fish in the zone up to the maximum sustainable yield, but only through official agreement with the government in Lagos. The fishing of highly migratory species outside the coastal economic zone, Nigeria feels, should be governed by an international agency.

Deep Seabed (U)

The Nigerian Government has struck some very profitable bargains with the foreign oil companies that work its rich petroleum reserves and, in the process, has acquired an understanding of the operation and requirements of such companies. At the same time, Nigeria appreciates the feelings of fear and mistrust that many of its fellow LDCs have for these companies and their national governments regarding the exploitation of the deep seabed. In another move to strike a balance between diverse interests, the Nigerian delegations at both Caracas and Geneva, while supporting international control of seabed mining, urged that both private and state firms play a role.

At Caracas the delegation said that when the seabed is first opened for exploitation, conditions of exploitation must be attractive for private investment and proposed that private and state firms be licensed as the sole operators, subject to fees and other payments to the International Seabed Resource Authority (ISRA). Later, when the ISRA has accumulated sufficient capital and technology to conduct mining operations on its own, these firms would be phased out in favor of the Enterprise System,

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where the ISRA would be the sole operator. The delegation suggested that during the private/state firm phase, the ISRA should have a seat on the boards to verify income, profits, and costs.

At Geneva, the Nigerians tilted slightly further in favor of private and state firm participation by emphasizing their support for joint ventures and giving positive consideration to parallel licensing. Joint ventures or parallel licensing would assure a permanent place for private and state firms in the exploitation of the deep seabed. The latter, however, allows for greater private/state participation by reserving specified areas of the seabed for private/state exploitation and other areas for ISRA exploitation.

Nigeria wants the ISRA to control seabed production so as to maintain a stable world minerals market, with neither artificially high nor artificially low prices. ISRA control of production also would, Nigeria hopes, eliminate the specter of unemployment in the land-based mining industry should seabed mining prove more profitable.

The Nigerian delegation subscribes to the general LDC position that the one-nation-one-vote Assembly be the Authority's most powerful organ and that the Council be constituted on the basis of equal geographic representation. Nigeria opposes weighted voting and use of the veto.

Landlocked and Geographically Disadvantaged States (U)

Draft articles on the coastal economic zone that Nigeria introduced at Caracas in 1974 award to landlocked and geographically disadvantaged states -- as well as to all other states -- the right to fish in the exclusive economic zones of coastal states, provided suitable bilateral or regional agreements with the coastal state have been negotiated. Statements of the Nigerian delegation in Second Committee proceedings, however, offer preferential rights to landlocked and geographically disadvantaged states that are not apparent in the draft. Nigeria would guarantee them free transit through neighboring coastal states and access to coastal state marine fisheries -- on a reciprocal basis. The "reciprocal" condition obviously can refer in this situation only to transit. Presumably, Nigeria would deny these states access to the nonliving resources of the coastal seabed on the basis of reciprocity since coastal state rights to the nonliving resources in neighboring landlocked and geographically disadvantaged states has not been discussed in the LOS context. These states would have to rely upon the deep seabed for revenues from marine minerals.

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Marine Pollution (U)

Nigeria believes that the coastal state must have exclusive control of the regulation and preservation of the marine environment in the coastal economic zone. Pollution control standards, however, would be based on international and regional standards.

Nigeria supports the work of the Intergovernmental Maritime Consultative Organization (IMCO) and urges that the regulations for prevention of pollution in the various IMCO conventions be incorporated into the LOS treaty. The 1973 Convention for the Prevention of Pollution by Ships stipulates joint flag state/coastal state enforcement, which may be Nigeria's preference on the enforcement issue.

Scientific Research (U)

Nigeria endorses the Group of 77 position favoring the consent regime for scientific research in the coastal zone. Nigeria emphasizes, however, that the coastal state should normally give consent if the researcher demonstrates that the research is for peaceful purposes and allows coastal state participation, trains coastal state nationals in research techniques, and provides the coastal state with the resulting data and analyses.

Transfer of Technology (U)

In 1974 at Caracas, Nigeria sponsored one set of draft articles on technology transfer and cosponsored another (see Annex). The articles call for what amounts to the "spoon feeding" of LDCs with the full course of marine science and technology. Transfer would be accomplished on a state-to-state basis during the prosecution of a bilateral agreement to explore and/or exploit the coastal zone, via the proposed ISRA during the exploration and exploitation of the deep seabed, or under the auspices of other international organs through seminars, conferences, and the establishment of regional research and training centers.

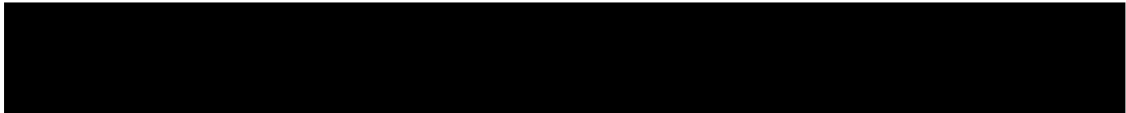
Settlement of Disputes (U)

Nigeria supports compulsory settlement of disputes with mediation and other nonjudicial peaceful means as the primary vehicles. Nigeria feels that the International Court of Justice should be the primary tribunal for marine disputes that cannot be settled otherwise, with, perhaps, special tribunals for technical issues such as fishing also playing a role.

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D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS (U)

The delegation to Geneva was again led by N.B. Graham-Douglas, Federal Attorney General and Commissioner for Justice. Nigerian LOS delegations have been composed of veteran LOS negotiators. However, decisions made by the negotiators are subject to review and approval of General Gowon and the Supreme Military Council.



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LOS Conference Attendees (U)	Seabed Committee Session					Third LOS Conference			
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar-May 75
*Captain H. ABDULLAHI Nigerian Navy					X			X	
Mr. A.A. ADEDERAN Solicitor-General Ministry of Justice						X			
Mr. T.A. ADEMAKINWA Acting Principal State Counsel								X	
*Mr. Oluyemi ADENIJI Director International Organizations Department Ministry of External Affairs			X				X	X	X
Mr. T.I. ADESALU Federal Ministry of Justice Lagos		X							
*Mr. M.O. ADIO Senior State Counsel Ministry of Justice							X	X	X
Miss C.M. AGUTA Senior State Counsel								X	X
Mr. O. ALO Head, Economic Division Ministry of External Affairs			X						
Mr. B.O. AWOKOYA Charge d'Affaires a.i. Embassy of Nigeria Berne	X								
Dr. A. AWOPETU First Secretary Permanent Mission to the UN								X	X

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LOS Conference Attendees (U)

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar-May 75
*E.O. BAYAGBONA Director Federal Fisheries Department (Now an official of UN Food and Agriculture Organization)					X				
*H.E. Dr. N.B. GRAHAM-DOUGLAS Attorney-General of the Federa- tion and Commissioner of Justice							X	X	X
Lt. Commander M.A.B. Elegbede Nigerian Navy								X	X
Mr. N.O. FADAYOMI Deputy Director Federal Fisheries Service Lagos				X					
Mr. I. JIMETA Minister Permanent Mission to the UN			X	X	X				
Mr. O. LOLOMARI Federal Ministry of Mines and Power Lagos		X							
*Mr. J.D. OGUNDERE Acting Solicitor General of the Federation								X	X
Dr. L.E. OKOGWU First Secretary Permanent Mission to the UN					X		X		
Mr. S.O. OKUNRIBIDO Federal Director of Public Prosecutions								X	
Mr. J.N. OLISA State Counsel								X	X

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LOS Conference Attendees (U)

Mr. O. OMOTOSO
 Senior State Counsel
 Federal Ministry of Justice
 Lagos

Mr. B.A. SHITTA-BEY
 Legal Adviser
 Federal Ministry of Justice

Mr. J.G. TOBOR
 Director
 Federal Ministry of Agriculture
 and Natural Resources

Mr. Abraham TUKURU
 Ministry of External Affairs

Mr. B.E. UGBARI

Seabed Committee Session						Third LOS Conference		
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
X								
		X	X	X	X	X		
					X		X	X
	X							
							X	X

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Nigeria

Part II - Background Information*

Geography

World region: Africa
Category: coastal
Bordering states: Dahomey, Niger, Chad, Cameroon, Equatorial
Guinea (Fernando Poo), Portugal (Principe and Sao Tome)
Bordering bodies of water: Atlantic Ocean (Gulf of Guinea)
Area of continental shelf: 12,500 sq. mi.
Area to 200 mi. limit: 61,500 sq. mi.
Area to edge of continental margin: 37,700 sq. mi.
Coastline: 530 statute mi.
Land: 357,000 sq. statute mi.
Population: 63,022,000

Industry and Trade

GDP: \$22.6 billion (FY75 current prices), \$360 per capita
Major industries; mining -- crude oil, natural gas, coal, tin,
columbite; processing industries -- oil palm, peanut, cotton,
rubber, petroleum, wood, hides, skins; manufacturing industries --
textiles, cement, building materials, food products, footwear,
chemical, printing, ceramics
Exports: \$9.3 billion (f.o.b., 1974), oil (92%), peanuts, palm
products, cocoa, rubber, cotton, timber, tin
Imports: \$2.8 billion (c.i.f., 1974), machinery and transport
equipment, manufactured goods, chemicals
Major trade partners: U.K., EC, U.S.
Merchant marine: 18 ships (1,000 GRT or over) totaling 109,400 GRT;
includes 17 cargo, 1 bulk (C)

Marine Fisheries

Catch: 156,000 metric tons (1970); imports -- \$3.7 million (1971)
Economic importance: nationally as an important source of animal
protein; locally provides employment as well as source of animal
protein
Nature: primarily coastal, limited distant-water

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Marine Fisheries (cont'd)

Species: bonga, sardinella, croaker, threadfin, grunt, shrimp, tuna
Nature of marine fisheries techniques: primarily artisanal, limited modern
Other countries fishing off coast: U.S., Japan, France, Spain, U.S.S.R., Cuba, Eastern European countries
Extent of foreign offshore fishing: limited, by chartered foreign vessels

Petroleum Resources

Petroleum: production -- 482.5 million 42-gal, bbl. (65.1 million metric tons) onshore, 182.7 million 42-gal. bbl. (24.7 million metric tons) offshore; proved recoverable reserves -- 9,200 million 42-gal bbl. (1,243 million metric tons) onshore, 3,400 million 42-gal. bbl. (459 million metric tons) offshore (1972)
Natural gas: production -- 438.7 billion cubic feet (12.4 billion cubic meters) onshore, 165.9 billion cubic feet (4.7 billion cubic meters) offshore; proved recoverable reserves -- 30,000 billion cubic feet (840 billion cubic meters) estimated onshore, 10,000 billion cubic feet (280 billion cubic meters) estimated offshore (1972)

Navy

Ships: 1 destroyer escort, 6 patrol, 5 motor gunboats, 1 mine warfare, 1 amphibious warfare, 4 auxiliary and service craft (C)

Government Leaders

Head of Federal Military Government and Commander in Chief of Nigerian Armed Forces, General Yakubu Gowon
Commissioner for External Affairs, Okoi Arikpo

Multilateral Conventions

Geneva Convention on the Continental Shelf, 1958.
Geneva Convention on the Territorial Sea and Contiguous Zone, 1958.
Geneva Convention on the High Seas, 1958.
Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958.
(IMC) International Convention for the Prevention of Pollution of the Sea by Oil, 1954
(IMCO) International Convention for the Safety of Life at Sea, 1960.
(IMCO) Regulations for the Prevention of Collisions of Vessels at Sea, 1960.

Multilateral Conventions (cont'd)

- (IMCO) Convention on Facilitation of International Maritime Traffic, 1965.
- (IMCO) International Convention on Load Lines, 1966.
- Nuclear Test Ban Treaty, 1963.
- UN Convention on transit Trade of Land Locked States, 1965.

Multilateral Declarations

Lusaka (Non-Aligned) Declaration.

Membership in Organizations Related to LOS Interests

AFDB	African Development Bank
Commonwealth	
ECA	Economic Commission for Africa
FAO	Food and Agriculture Organization
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruc- tion and Development (World Bank)
ICAO	International Civil Aviation Organization
ILO	International Labor Organization
IMCO	Inter-Governmental Maritime Con- sultative Organization
IMF	International Monetary Fund
ITU	International Telecommunications Union
Lake Chad Basin Commission	
Niger River Commission	
OAU	Organization of African Unity
OPEC	Organization of Petroleum Exporting Countries
Seabeds Committee	United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor beyond the Limits of National Jurisdiction
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UPU	Universal Postal Union
WHO	World Health Organization

Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1964	3 mi.	Interpretation Act of 1964, No. 1
	1967	12 mi.	Decree No. 5 of Mar. 8, 1967 <i>Party to Convention on Territorial Sea (June 26, 1961)</i>
	1971	30 mi.	Territorial Waters (Amendment) Decree 1971 No. 38, Aug. 26, 1971 <i>Supplement to Official Gazette No. 44, Vol. 58, Sept. 2, 1971. Part A</i>
Continental Shelf	1959	Adopted shelf concept in Proclamation but no precise definition	Mineral Oil (Amendment) Dec. 17, 1959
	1969		Decree No. 51 Petroleum Decree 1969 <i>Official Gazette, Nov. 27, 1969, 200 meters or further. Party to the Convention on the Continental Shelf (May 28, 1971)</i>
Exclusive Fishing	1971	12 mi.	Decree No. 30, June 10, 1971 <i>Refers only to motor fishing boats Require license for domestic or foreign ships</i>
	1971	30 mi.	Decree No. 38 See Fisheries Regulations 1972, <i>Official Gazette No. 39 Aug. 24, 1972, Supp.</i>
Customs	1971	30 mi.	Decree No. 38
Security	1971	30 mi.	Decree No. 38
Civil Jurisdiction	1971	30 mi.	Decree No. 38

* Principal source: Limits of the Seas, National Claims to Maritime
Jurisdiction, 2d Revision, State Dept./INR, April 1974.

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Action on Significant UN Resolutions

- Moratorium Resolution
(A/RES/2574 D, XXIV, 12/15/69) Abstain
Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.
- LOS Conference
(A/RES/2750 C, XXV, 12/17/70) Co-sponsor
Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.
- LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72) Co-sponsor
- Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72) In favor
Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.
- Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72) In favor
Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.
- Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72) In favor
Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.
- Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72) In favor
Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

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UNITED NATIONS

**THIRD CONFERENCE
ON THE LAW OF THE SEA**

Distr.
LIMITED

A/CONF.62/C.2/L.12
17 July 1974

ORIGINAL: ENGLISH

Second Committee

NIGERIA: DRAFT ARTICLES ON THE TERRITORIAL SEA

Article 1

(General Provisions: Nature and Characteristics)

Article 2

Limits of the Territorial Sea

The territorial sea shall not extend beyond 50 nautical miles from the baseline from which the breadth of the territorial sea is measured.

C-0384



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

Distr.
LIMITED

A/CONF.62/C.2/L.21/Rev.1
5 August 1974

ORIGINAL: ENGLISH

SECOND COMMITTEE

Nigeria: draft articles on the exclusive economic zone

Article 1

THE RIGHTS AND COMPETENCES OF A COASTAL STATE

1. A coastal State has the right to establish beyond its territorial sea, an exclusive economic zone the outer limit of which shall not exceed 200 nautical miles measured from the applicable baselines for measuring the territorial sea.
2. A coastal State has the following rights and competences in its exclusive economic zone:
 - (a) exclusive right to explore and exploit the renewable living resources of the sea and the sea-bed;
 - (b) sovereign rights for the purpose of exploring and exploiting the non-renewable resources of the continental shelf, the sea-bed and the subsoil thereof;
 - (c) exclusive right for the management, protection and conservation of the living resources of the sea and sea-bed, taking into account the recommendations of the appropriate international or regional fisheries organizations;
 - (d) exclusive jurisdiction for the purpose of control, regulation and preservation of the marine environment including pollution control and abatement;
 - (e) exclusive jurisdiction for the purpose of control, authorization and regulation of scientific research;
 - (f) exclusive jurisdiction for the purpose of protection, prevention and regulation of other matters ancillary to the rights and competences aforesaid and, in particular, the prevention and punishment of infringements of its customs, fiscal, immigration or sanitary regulations within its territorial sea and economic zone.
3. A coastal State shall have the exclusive right to authorize and regulate in the exclusive economic zone, the continental shelf, ocean bed and subsoil thereof, the construction, emplacement, operation and use of off-shore artificial islands and other installations for purposes of the exploration and exploitation of the non-renewable resources thereof.

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A/CONF.62/C.2/L.21/Rev.1

English

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4. A coastal State may establish a reasonable area of safety zones around its off-shore artificial islands and other installations in which it may take appropriate measures to ensure the safety both of its installations and of navigation. Such safety zones shall be designed to ensure that they are reasonably related to the nature and functions of the installations.

Article 2

THE RIGHTS AND COMPETENCES OF OTHER STATES

1. All States shall have the following rights in the exclusive economic zone of a coastal State:

- (a) freedom of navigation and overflight; and
- (b) freedom of laying of submarine cables and pipelines.

2. All States may exercise, subject to an appropriate bilateral or regional arrangement or agreement, the competence to exploit an agreed level of the living resources of the zone.

3. Land-locked and geographically disadvantaged States shall have the right to explore and exploit the living resources of the exclusive economic zones of neighbouring coastal States, subject to appropriate bilateral or regional arrangements or agreements with such coastal States.

Article 3

THE DUTIES OF A COASTAL STATE

1. A coastal State shall use its exclusive economic zone for peaceful purposes only.

2. A coastal State, in its exclusive economic zone, shall enforce applicable international standards regarding the safety of navigation.

3. A coastal State, in its exclusive economic zone, is under an international duty not to interfere without reasonable justification with:

- (a) the freedom of navigation and overflight, and
- (b) the freedom of laying of submarine cables and pipelines.

4. A coastal State shall not erect or establish artificial islands and other installations, including safety zones around them, in such a manner as to interfere with the use by all States of recognized sealanes and traffic separation schemes essential to international navigation.

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Article 4

THE DUTIES OF OTHER STATES

1. In the exclusive economic zone of the coastal State, all other States are duty bound not to interfere with the exercise by the coastal State of its rights and competences.
 2. In such an exclusive economic zone, all other States shall ensure compliance by vessels of their flag with.
 - (a) applicable international standards regarding the safety of navigation outside safety zones established by a coastal State around off-shore artificial islands and other installations used for the exploration and exploitation of the non-renewable resources of the zone; and
 - (b) the regulations of the coastal State regarding the safety of the said off-shore artificial islands and other installations as well as ancillary regulations of the coastal State regarding the enforcement of its customs, fiscal, immigration and sanitation laws.
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UNITED NATIONS

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NIGERIA: DRAFT ARTICLES ON THE DEVELOPMENT AND TRANSFER OF TECHNOLOGY

Article 1

1. To insure adequate and equitable transfer of technology in accordance with the concept of the common heritage of mankind in the ocean space, States with the capacity for marine scientific research shall always and at all levels associate with personnel of developing countries.

Article 2

1. Regional Scientific Research Centres shall be established, as suborgans of the International Sea-Bed Authority, in the developing countries.

2. The functions of such Regional Scientific Research Centres shall include:

(a) advanced training and education on all aspects of marine scientific research, particularly marine biology, oceanography, cartography, sea-bed mining, engineering and mineralogy;

(b) advanced management studies; and

(c) prompt publication of results of marine scientific research in readily available journals.

Article 3

1. The International Sea-Bed Authority shall ensure that adequate provisions are made in its exploration and exploitation licences and contracts with States and nationals of other States whether natural or juridical, for enterprises granted exploration and exploitation rights under such licences and contracts, to take on as members of their staff under training, nationals of developing countries whether coastal, land-locked or otherwise geographically disadvantaged.

2. The International Sea-Bed Authority shall make available to any country on request, blueprints and patents of plants and machinery used in the exploration and exploitation of the international area.

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3. The International Sea-Bed Authority shall obtain from any State to which it has granted the rights of exploration and exploitation of the sea-bed under licences or contracts on payment of reasonable fees or premiums, blueprints and patents of the plants and machinery used by such States or their nationals in the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction.

4. The International Sea-Bed Authority shall ensure that adequate provisions are made by it to facilitate the acquisition by any developing State or its nationals of the necessary skills and "know-how" in any undertaking by the Authority of enterprises for exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction.

Article 4

1. All States are under a duty to co-operate actively with the International Sea-Bed Authority to facilitate the transfer of skills in marine scientific research and technology to developing States and their nationals.



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Brazil, Ecuador, Egypt, Iran, Mexico, Morocco, Nigeria, Oman, Pakistan, Peru, Senegal, Somalia, Sri Lanka, Trinidad and Tobago, Tunisia, Uruguay, Venezuela and Yugoslavia: draft articles on the development and transfer of technology

Article 1

1. All States shall actively promote the development of the scientific and technological capacity of developing States with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment and the legitimate uses of ocean space, with a view to accelerating their social and economic development.

2. To this end, States shall, inter alia, either directly or through appropriate international organizations:

(a) promote the acquisition, development and dissemination of marine scientific and technological knowledge;

(b) facilitate the transfer of technology, including know-how and patented and non-patented technology;

(c) promote the development of human resources and the training of personnel,

(d) facilitate access to scientific and technological information and data;

(e) promote international co-operation at all levels, particularly at the regional, subregional and bilateral levels.

3. In order to achieve the above-mentioned objectives and taking into account the interests, special needs and conditions of developing States, States shall inter alia:

(a) establish programmes of technical assistance for the effective transfer of all kinds of marine technology to developing States;

(b) conclude agreements, contracts and other similar arrangements, under equitable and reasonable conditions;

(c) hold conferences, meetings and seminars on appropriate scientific and technological subjects.

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(d) promote the exchange of scientists, technologists and other experts;

(e) undertake projects, including joint-ventures, mixed enterprises and other forms of bilateral and multilateral co-operation.

Article 2

1. All States are under a duty to co-operate actively with the "Authority" to encourage and facilitate the transfer of skills in marine scientific activities and related technology to developing States and their nationals.

Article 3

The "Authority" shall, within its competence, ensure:

(1) that adequate provisions are made in its legal arrangements with juridical and natural persons engaged in marine scientific activities, the exploration of the international Area, the exploitation of its resources and related activities to take on under training as members of the managerial, scientific and technical staff constituted for these purposes, nationals of developing States whether coastal, land-locked or otherwise geographically disadvantaged, on an equitable geographical distribution.

(2) that all blueprints and patents of the equipment, machinery, devices and processes used in the exploration of the international Area, the exploitation of its resources and related activities be made available to all developing States upon request.

(3) that adequate provisions are made by it to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training in any undertaking by the Authority for exploration of the international Area, exploitation of its resources and related activities.

(4) that a Special Fund is established to assist developing States in the acquisition of necessary equipment, processes, plant and other technical know-how required for the exploration and exploitation of their marine resources.

Article 4

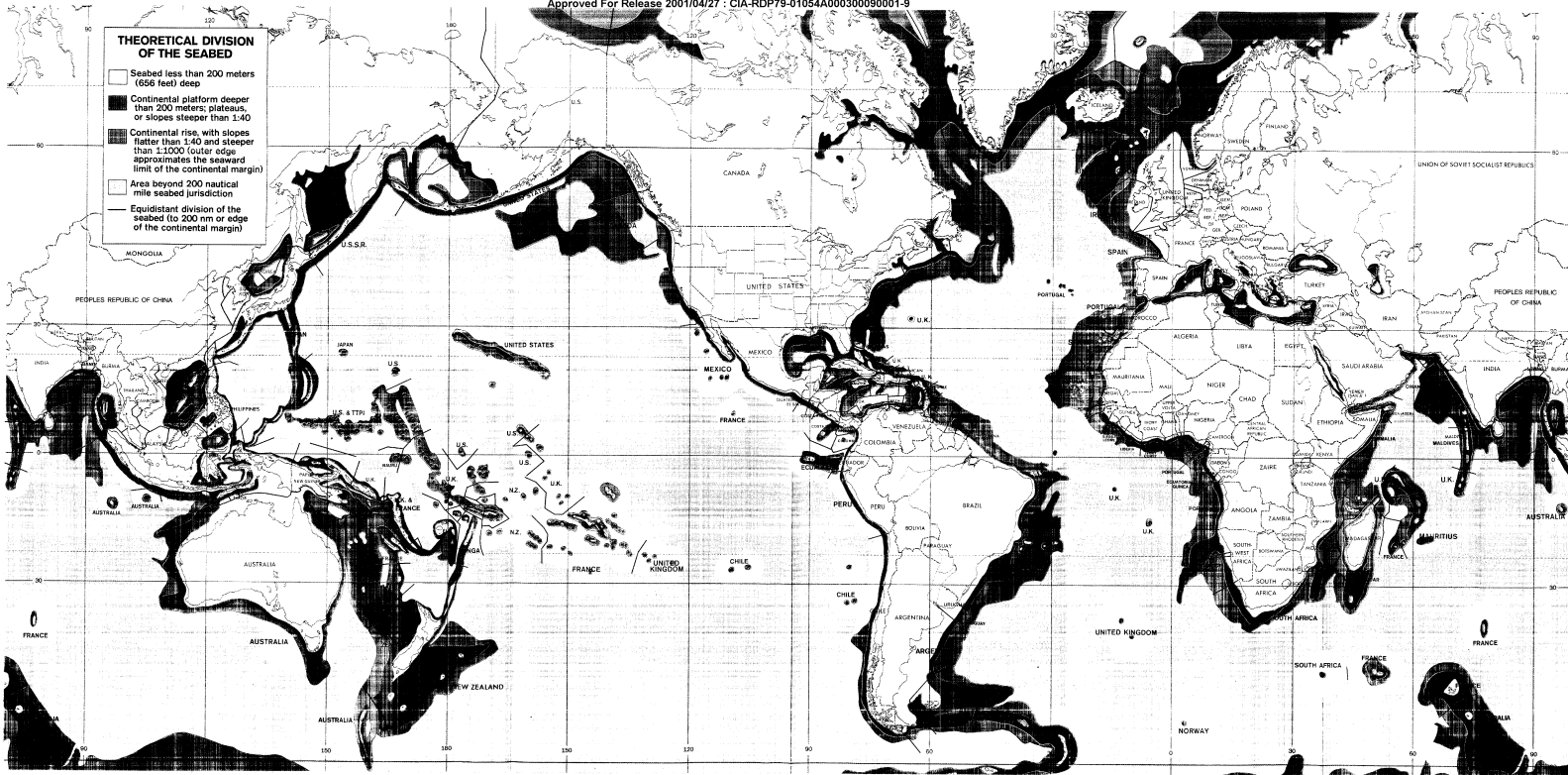
1. States shall promote the establishment in developing States of regional marine scientific and technological research centres, in co-ordination with the Authority, international organizations and national marine scientific and technological institutions.

2. The functions of such Regional Scientific and Technological Research Centres shall include, inter alia:

(a) training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geology, sea-bed mining and desalination technologies;

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- (b) management studies;
- (c) study programmes related to the preservation of the marine environment and the control of pollution;
- (d) organization of regional seminars, conferences and symposia;
- (e) acquisition and processing of marine scientific and technological data and information, in order to serve as regional data centres;
- (f) prompt dissemination of results of marine scientific and technological research in readily available publications;
- (g) serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and
- (h) technical assistance to the countries of the region.



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