

The Maritime Zones (Establishment) Decree, 1996

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

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

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

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

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

1. Interpretation

In this Decree, unless the context otherwise requires:

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

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

2. Territorial sea

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

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

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

4. Internal waters of the Republic

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

5. Use of territorial sea by foreign ships and aircraft

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

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

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

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

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

6. Suspension on innocent passage

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

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

7. Contiguous zone

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

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

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

8. Establishment of exclusive economic zone

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

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

9. Sovereign rights of Sierra Leone in exclusive economic zone

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

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

(b) Jurisdiction over-

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

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

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

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

10. Use of exclusive economic zone by other States

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

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

11. Continental shelf of Sierra Leone

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

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

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

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

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

12. Proof of limits of maritime zones

(1) The lines establishing the limits of the territorial sea, exclusive economic zone and the continental

shelf as shown on official charts shall be conclusive evidence of the limits of the continental shelf referred to in sections 2, 7, 8 and 11 respectively.

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

13. Offences in the exclusive economic zone

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

14. Penalties

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

15. Regulations

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

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

- (a) the protection and preservation of rare or fragile ecosystems within the marine environment;
- (b) the prevention, reduction and control of pollution of the marine environment caused by the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;
- (c) the prevention of pollution from vessels, especially discharge of oily residues such as bilge water, sludge and ballast water;
- (d) the prevention of pollution from installation and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, regulating the design, construction, equipment, operation and manning of such installations or devices; and
- (e) anything required or necessary to be prescribed.

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