

Maritime Zones (Delimitation) Law, 1986

WHEREAS the United Nations Convention on the Law of the Sea referred to in this Law as "the Convention" was signed by the Government of Ghana on the 10th day of December, 1982 at Montego Bay in Jamaica;

AND WHEREAS the Convention was ratified by the Government of Ghana on the 20th day of March, 1983;

AND WHEREAS it is necessary to give effect to the provisions of the Convention relating to the delimitation of the territorial sea, contiguous zone, exclusive economic zone and the continental shelf in order that these provisions of the Convention shall have the force of law in Ghana;

NOW THEREFORE IN PURSUANCE of the Provisional National Defence Council (Establishment) Proclamation, 1981 this Law is hereby made:

1. (1) It is hereby declared that the breadth of the territorial sea of the Republic shall not exceed twelve nautical miles measured from the low-water line along the coast of the Republic as marked on large-scale official charts.
(2) The outer limit of the territorial sea shall be the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.
2. (1) The Republic shall exercise sovereignty over the territorial sea subject to the provisions of the Convention and other rules of international law.
(2) The sovereignty of the Republic shall extend beyond its land territory and internal waters and to the airspace over the territorial sea as well as to its bed and subsoil.
3. It is hereby declared that waters on the landward side of the baseline of the territorial sea shall form part of the internal waters of the Republic.
4. (1) It is hereby declared that the contiguous zone of the Republic shall be that zone contiguous to the territorial sea which may not extend beyond twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.
(2) In the contiguous zone the Government may exercise the control necessary to:
 - (a) prevent infringement of its customs, fiscal immigration or sanitary laws and regulations;
 - (b) punish infringement of such laws and regulations if the infringement is committed within the territories of Ghana or the territorial sea.
5. (1) It is hereby declared that the exclusive economic zone of the Republic is that area beyond and adjacent to the territorial sea which does not extend beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.
(2) In the exclusive economic zone the Republic shall, to the extent permitted by international law, have:
 - (a) sovereign right for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;
 - (b) jurisdiction in accordance with the provisions of the Convention 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) such other rights and duties as are provided for in the Convention.

(3) The lines delimiting the outer limits of the exclusive economic zone shall be shown on official charts of a scale adequate for ascertaining their position.

6. (1) It is hereby declared that the continental shelf of the Republic shall comprise the sea-bed 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 baselines from which the breadth of the territorial sea is measured.

(2) The Government shall exercise over the continental shelf sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources.

(3) The rights conferred under subsection (2) of this section 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 shall consist of the mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species which at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(5) The lines delimiting the outer limits of the continental shelf shall be shown on official charts of a scale adequate for ascertaining their position.

7. The lines of delimitation of the territorial sea, exclusive economic zone and continental shelf as drawn on official charts shall be conclusive evidence of the limits of the territorial sea, exclusive economic zone and continental shelf as specified by sections 1, 5 and 6 of this Law.

8. (1) The Provisional National Defence Council may by legislative instrument, make regulations for giving full effect to the provisions of this Law.

(2) Regulations made under this section may prescribe a penalty for an infringement thereof of a fine not exceeding € 500,000 or a term of imprisonment not exceeding fifteen years or both and may also require the forfeiture of anything used in the commission of the offence.

(3) Where an offence under any regulations made under this section is committed by a body of persons:

(a) where the body of persons is a body corporate every director and officer of the body corporate shall be deemed to be guilty of the offence, and

(b) where the body corporate is a firm every partner of the firm shall be deemed to be guilty of the offence:

Provided that a person shall not be deemed to be guilty of an offence by virtue of this subsection if he proves that the act constituting the offence was committed by a person other than himself and without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

9. The Territorial Waters and Continental Shelf Decree, 1973 (N.R.C.D./165) and the Territorial Waters and Continental Shelf (Amendment) Decree, 1977 (S.M.C.D. 109) are hereby repealed.

Made this 2nd day of August, 1986.