

P.N.D.C.L. 159

MARITIME ZONES (DELIMITATION) ACT, 1986

ARRANGEMENT OF SECTIONS

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MARITIME ZONES (DELIMITATION) ACT, 1986¹

AN ACT to declare the breadth of the territorial sea and to provide for related matters.

1. Breadth of the territorial sea

(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 waterline 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

2. Extent of sovereignty

(1) The Republic exercises sovereignty over the territorial sea subject to the provisions of the Convention and any other rules of international law.

(2) The sovereignty of the Republic extends beyond its land territory and internal waters and to the airspace over the territorial sea as well as to its bed and subsoil.

1. This Act was issued as the Maritime Zones (Delimitation) Law, 1986 (P.N.D.C.L. 159) made on the 2nd day of August, 1986 and notified in the *Gazette* on 22nd August, 1986. The Preamble to the Decree, reads:

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

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 the law in Ghana.”

2. See also article 4 of the Constitution.

3. Internal waters

The waters on the landward side of the baseline of the territorial sea form part of the internal waters of the Republic.

4. Contiguous zone

(1) The contiguous zone of the Republic is 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, and,
- (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations,
 - (b) punish infringement of those laws and regulations if the infringement is committed within the territories of the Republic or the territorial sea.

5. Exclusive economic zone

(1) 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 has, to the extent permitted by international law,

- (a) sovereign rights 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 any 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 Convention³ with regard to
 - (i) the establishment and use of artificial islands, installations and structures,
 - (ii) marine scientific research, and
 - (iii) the protection and preservation of the marine environment; and
- (c) any other rights and duties that 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. Continental shelf

(1) The continental shelf of the Republic comprises 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.

3. That is the United Nations Convention on the Law of the Sea.

(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) do 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 consist of the mineral and any other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species which at the harvestable stage, 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. Proof of limits

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

8. Regulations

(1) The President may, by legislative instrument, make Regulations for giving effect to this Act.

(2) Regulations made under subsection (1) may prescribe a penalty for an infringement of a regulation of a fine not exceeding three thousand penalty units or a term of imprisonment not exceeding fifteen years or both the fine and the imprisonment and may require the forfeiture of anything used in the commission of the offence.

(3) Where an offence under the Regulations is committed by a body of persons,

(a) in the case of a body corporate, every director and officer of the body corporate shall be deemed to have committed that offence, and

(b) in the case of a firm, every partner of the firm shall be deemed to have committed that offence.

(4) A person shall not be convicted of an offence by virtue of subsection (3) if it is proved that the act constituting the offence was committed by another person and without the knowledge or connivance of, and that due diligence was exercised by, the accused to prevent the commission of the offence having regard to the circumstances.

9. Repeal

*Spent.*⁴

4. The section provided for the repeal of 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).

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