

AN EXAMINATION OF THE EXTENT OF APPLICATION OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) TO THE NIGERIAN MARITIME INDUSTRY

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Abstract

The United Nations Convention on the Law of the Sea (UNCLOS) 1982 provides the comprehensive legal framework governing the use, management and protection of the world's oceans. As a coastal State with extensive maritime resources and strategic interests in the Gulf of Guinea, Nigeria has assumed significant obligations under the Convention. This paper examines the scope of Nigeria's application of UNCLOS by evaluating its legal and institutional framework, the benefits derived from implementation, and the extent of its international obligations. The paper adopted a doctrinal research methodology, relying on treaties, legislation, judicial decisions, scholarly writings, and reports of international organisations. It finds that Nigeria has made substantial progress through legislative reforms, institutional development and improved maritime security, particularly in combating piracy and regulating offshore resources. However, persistent challenges, including marine pollution, illegal fishing, institutional fragmentation, inadequate funding, weak enforcement, and other threats. The

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paper concludes that Nigeria's application of UNCLOS though substantial still needs further compliance, as significant gaps remain between legislative commitments and practical implementation. It recommends strengthening institutional coordination, enhancing environmental protection, increasing investment in maritime infrastructure and scientific research, among others.

Keywords: United Nations Convention on the Law of the Sea (UNCLOS), Nigeria, maritime industry, ocean governance, marine environmental protection, Exclusive Economic Zone (EEZ)

1.0 INTRODUCTION

Prior to the adoption of the United Nations Convention on the Law of the Sea (UNCLOS), the law governing maritime affairs was largely derived from customary international law, judicial decisions, and fragmented treaty arrangements that proved inadequate in addressing emerging issues relating to maritime jurisdiction, environmental protection, marine scientific research, fisheries conservation, and the exploitation of seabed resources.¹ The inadequacies of this fragmented legal regime became increasingly apparent during the twentieth century as coastal States sought to extend their jurisdiction over adjacent maritime zones, while maritime powers continued to advocate the traditional doctrine of the freedom of the seas articulated by Grotius in *Mare Liberum*.² These competing interests culminated in the Third United Nations Conference on the Law of the Sea (UNCLOS

¹ R R Churchill and Amy Sander, *The Law of the Sea* (4th edn, Manchester University Press 2022) 7, 8

² Hugo Grotius, *Mare Liberum* (1609, Ralph Van Deman Magoffin tr, Oxford University Press 1916)

III), which, after nearly a decade of negotiations, produced the United Nations Convention on the Law of the Sea on 10 December 1982.³

Widely regarded as the "Constitution of the Oceans," UNCLOS represents the most comprehensive codification and progressive development of international maritime law.⁴ Comprising 320 Articles and nine Annexes, the Convention establishes an integrated legal framework governing the rights and obligations of States concerning maritime zones, navigation, marine environmental protection, fisheries management, marine scientific research, deep seabed mining, and compulsory dispute settlement.⁵ Unlike previous conventions that regulated isolated aspects of maritime affairs, UNCLOS introduced a unified legal order intended to promote peaceful uses of the oceans, equitable utilisation of marine resources, environmental sustainability, and international cooperation.⁶ The Convention has consequently become one of the most widely accepted multilateral treaties in international law, reflecting near-universal recognition of its normative authority.⁷

Nigeria, as a coastal State situated along the Gulf of Guinea⁸, possesses extensive maritime interests that render compliance with UNCLOS both a legal obligation and an economic necessity. The

³ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397 (UNCLOS).

⁴ Tommy TB Koh, 'A Constitution for the Oceans' (Remarks by the President of the Third United Nations Conference on the Law of the Sea, Montego Bay, 11 December 1982), reproduced in *United Nations Convention on the Law of the Sea 1982: A Commentary* (Vol I, Martinus Nijhoff 1993) xxiii.

⁵ Satya N Nandan and Shabtai Rosenne (eds), *United Nations Convention on the Law of the Sea 1982: A Commentary* (Vol I, Martinus Nijhoff 1993) 7

⁶ Ibid

⁷ James Harrison, *Making the Law of the Sea: A Study in the Development of International Law* (Cambridge University Press 2011) 5

⁸([Nigeria's Coastal Geography: Key Features and Accessibility / nigeriaz.com](https://nigeriaz.com)) Accessed on July 23, 2026

country has an estimated coastline of approximately 853 kilometres stretching from Badagry in Lagos State to Bakassi in Cross River State and exercises sovereign rights over an Exclusive Economic Zone extending 200 nautical miles into the Atlantic Ocean pursuant to Part V of UNCLOS.⁹ Nigeria signed the Convention on 10 December 1982 and ratified it on 14 August 1986, thereby accepting the legal obligations imposed upon State Parties under international law.¹⁰

The increasing emphasis on the Blue Economy, climate resilience, biodiversity conservation, and sustainable ocean governance further broadens the responsibilities of coastal States under contemporary international law. While UNCLOS provides the foundational legal framework for ocean governance, subsequent developments, including the Sustainable Development Goals, particularly Goal 14 concerning the conservation and sustainable use of oceans, seas, and marine resources, have reinforced the expectation that States integrate environmental sustainability with economic development¹¹. Consequently, compliance with UNCLOS can no longer be assessed solely through legislative enactments but must also be evaluated in terms of institutional effectiveness, environmental stewardship, maritime security, and the practical implementation of international obligations.

Against this backdrop, this paper critically reviews the scope of Nigeria's compliance with UNCLOS by examining the legal obligations imposed upon the State under the Convention, analysing the adequacy of domestic legislative and institutional mechanisms

⁹ UNCLOS arts 55–75; Exclusive Economic Zone Act, Cap E17 Laws of the Federation of Nigeria (LFN) 2004

¹⁰ United Nations Treaty Collection, 'United Nations Convention on the Law of the Sea: Status of Treaties'.

¹¹ United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development* UNGA Res 70/1 (25 September 2015), Goal 14.

adopted for its implementation, and evaluating the benefits and burdens associated with compliance. It argues that while Nigeria has made appreciable progress in implementing several aspects of the Convention, persistent legal, institutional, financial, and environmental challenges continue to impede full compliance. Accordingly, strengthening inter-agency coordination, enhancing maritime governance, investing in maritime infrastructure, and aligning domestic laws with evolving international standards remain imperative for the effective realization of Nigeria's obligations under UNCLOS.

This paper addresses gaps between the domestication of UNCLOS and practical implementation by undertaking a comprehensive review of the scope of Nigeria's compliance with UNCLOS through a balanced examination of its legal framework, institutional mechanisms, practical implementation, benefits and burdens. In doing so, the paper contributes to the growing body of scholarship on maritime governance by providing a holistic assessment of Nigeria's compliance with international maritime law.

2.1 THE EVOLUTION OF THE LAW OF THE SEA AND THE EMERGENCE OF UNCLOS

The contemporary law governing the oceans is the product of centuries of legal, political and economic developments that sought to reconcile competing claims of State sovereignty with the principle of freedom of the seas. Historically, the oceans were regarded as *res communis*, incapable of appropriation by any single State and available for the common use of mankind. This principle found its earliest and most influential articulation in Grotius' celebrated treatise *Mare Liberum* (The Free Sea), published in 1609. Grotius argued that the sea, by its very nature, was incapable of occupation and therefore should remain open to navigation, commerce and fishing by all nations without

restriction.¹² His doctrine emerged principally as a legal justification for Dutch commercial expansion and opposition to Portuguese claims of exclusive maritime dominion over the East Indies. Although rooted in the geopolitical realities of the seventeenth century, the doctrine of freedom of the seas subsequently evolved into one of the foundational principles of customary international law.¹³

The universal acceptance of *mare liberum* was, however, contested by proponents of territorial sovereignty over maritime spaces. In response to Grotius, the English jurist Selden published *Mare Clausum* in 1635, contending that the sea, like land territory, was susceptible to occupation and exclusive control by coastal States.¹⁴ Selden's theory reflected the growing inclination of maritime powers to exercise jurisdiction over adjacent waters for purposes of defence, fisheries management and revenue collection. The tension between these competing doctrines shaped the evolution of the law of the sea for several centuries and ultimately necessitated the formulation of internationally accepted limits on coastal State jurisdiction.¹⁵

By the eighteenth century, a compromise gradually emerged through the "cannon-shot rule," principally associated with the Dutch jurist Cornelius van Bynkershoek. According to this doctrine, the territorial sovereignty of a coastal State extended only as far as it could effectively defend from its shoreline, approximately three nautical miles the effective range of a cannon at the time.¹⁶ Although the three-

¹² Hugo Grotius, *Mare Liberum* (1609, Ralph Van Deman Magoffin tr, Oxford University Press 1916) 28.

¹³ Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 571–575; Donald R Rothwell and Tim Stephens, *The International Law of the Sea* (3rd edn, Hart Publishing 2023) 8.

¹⁴ John Selden, *Mare Clausum* (1635, David Armitage ed, Liberty Fund 2004).

¹⁵ RR Churchill, Vaughan Lowe and Amy Sander, *The Law of the Sea* (4th edn, Manchester University Press 2022) 4–11.

¹⁶ Cornelius van Bynkershoek, *De Dominio Maris* (1702); Shaw (n 29) 576.

mile territorial sea lacked any formal treaty basis, it became widely accepted as customary international law and remained the prevailing standard until the middle of the twentieth century.¹⁷ Advances in naval technology, offshore petroleum exploration and commercial fishing eventually rendered this limitation inadequate, as States increasingly sought greater control over adjacent maritime resources.

The aftermath of the Second World War marked a decisive turning point in the development of the law of the sea. In 1945, United States President Harry S Truman issued two landmark proclamations asserting sovereign rights over the natural resources of the continental shelf adjacent to the United States and recognising the need for conservation of coastal fisheries.¹⁸ These proclamations encouraged numerous coastal States to advance broader maritime claims extending beyond the traditional three-mile limit. Latin American States, including Chile, Peru and Ecuador, asserted sovereignty over maritime zones extending as far as 200 nautical miles from their coastlines, primarily to safeguard valuable fisheries resources.¹⁹ The proliferation of unilateral maritime claims created significant legal uncertainty and underscored the urgent need for a universally accepted legal framework.

In response to these developments, the United Nations convened the First United Nations Conference on the Law of the Sea (UNCLOS I) in Geneva in 1958. The Conference resulted in the adoption of four conventions: the Convention on the Territorial Sea and Contiguous Zone, the Convention on the High Seas, the Convention on the

¹⁷ Ibid

¹⁸ Harry S Truman, 'Policy of the United States with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf Proclamation No 2667 (28 September 1945) 10 Federal Register 12303.

¹⁹ James Harrison, *Making the Law of the Sea: A Study in the Development of International Law* (Cambridge University Press 2011) 34–39.

Continental Shelf and the Convention on Fishing and Conservation of the Living Resources of the High Seas.²⁰ Collectively, these instruments represented the first systematic attempt to codify customary rules governing maritime affairs. Nevertheless, they failed to resolve critical issues, particularly the maximum breadth of the territorial sea and the limits of coastal State jurisdiction over adjacent maritime areas²¹.

The Second United Nations Conference on the Law of the Sea (UNCLOS II), convened in 1960, similarly failed to achieve consensus on these contentious matters²². The absence of agreement led to continued unilateral expansion of maritime claims, thereby increasing the likelihood of interstate disputes concerning fisheries, navigation and offshore resource exploitation. By the late 1960s, rapid technological advances in offshore drilling, deep seabed mining and marine scientific research further complicated existing legal arrangements and highlighted the inadequacy of the 1958 Geneva Conventions²³.

These developments culminated in the Third United Nations Conference on the Law of the Sea (UNCLOS III), which met between 1973 and 1982 and remains one of the longest and most ambitious

²⁰ Convention on the Territorial Sea and the Contiguous Zone (1958) 516 UNTS 205; Convention on the High Seas (1958) 450 UNTS 11; Convention on the Continental Shelf (1958) 499 UNTS 311; Convention on Fishing and Conservation of the Living Resources of the High Seas (1958) 559 UNTS 285.

²¹ Ibid 15

²² Churchill, Lowe and Sander (n 31) 23

²³ UNCLOS arts 136–191; Satya N Nandan and Shabtai Rosenne (eds), *United Nations Convention on the Law of the Sea 1982: A Commentary* (Vol III, Martinus Nijhoff 1995)

diplomatic negotiations in the history of the United Nations²⁴. Unlike previous conferences, UNCLOS III adopted a consensus-based negotiating approach that enabled States with divergent political, economic and geographical interests to reach broad agreement on complex maritime issues. The resulting Convention, adopted at Montego Bay, Jamaica, on 10 December 1982, represents a comprehensive legal framework governing virtually every aspect of ocean governance.²⁵

UNCLOS introduced several transformative innovations into international maritime law. It formally recognised the Exclusive Economic Zone (EEZ), extending 200 nautical miles from the baselines, within which coastal States exercise sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources while preserving the freedoms of navigation and overflight enjoyed by other States²⁶. The Convention also clarified the legal regime governing the continental shelf, established detailed obligations concerning marine environmental protection under Part XII, regulated marine scientific research under Part XIII, and created compulsory dispute settlement mechanisms under Part XV, including the International Tribunal for the Law of the Sea (ITLOS).²⁷ These innovations significantly expanded the rights of coastal States while simultaneously imposing corresponding obligations to ensure the sustainable use and preservation of marine resources.

²⁴ Tommy TB Koh, 'A Constitution for the Oceans' in Satya N Nandan and Shabtai Rosenne (eds), *United Nations Convention on the Law of the Sea 1982: A Commentary* (Vol I, Martinus Nijhoff 1993) xxiii.

²⁵ United Nations Convention on the Law of the Sea (

²⁶ UNCLOS arts 55

²⁷ UNCLOS Parts XII, XIII and XV; see also *The M/V "Saiga" (No 2) (Saint Vincent and the Grenadines v Guinea)* (Judgment) ITLOS Case No 2 (1 July 1999).

For Nigeria, the adoption of UNCLOS represented a fundamental shift in the legal regulation of its maritime domain. The Convention not only recognised Nigeria's sovereign rights over extensive offshore resources but also imposed binding obligations concerning environmental protection, maritime security, fisheries conservation, navigation and regional cooperation. Consequently, any meaningful assessment of Nigeria's compliance with UNCLOS requires an appreciation of the Convention's historical evolution and its transformation from a codification of customary principles into the primary legal framework governing contemporary ocean governance.

6.1 NIGERIA'S OBLIGATIONS UNDER UNCLOS AND THE SCOPE OF ITS COMPLIANCE

Nigeria's ratification of the United Nations Convention on the Law of the Sea (UNCLOS) on 14 August 1986 marked the assumption of extensive legal obligations concerning the governance, utilisation and protection of its maritime domain. Although Nigeria operates under a dualist constitutional framework requiring treaty domestication before international agreements acquire the force of law domestically, ratification of UNCLOS nevertheless creates binding obligations at the international level pursuant to the principle of *pacta sunt servanda* embodied in Article 26 of the Vienna Convention on the Law of Treaties (VCLT)²⁸. Consequently, Nigeria is under a continuing obligation to ensure that its domestic legal framework, institutional architecture and administrative practices conform substantially to the standards prescribed under UNCLOS.

Unlike many multilateral treaties that regulate a single subject matter, UNCLOS establishes an integrated legal regime governing virtually every aspect of maritime affairs. Accordingly, assessing Nigeria's

²⁸ Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331 art 26

compliance requires an examination of several interconnected obligations, including the delimitation of maritime zones, the conservation and management of marine resources, the protection of the marine environment, maritime security, marine scientific research and international cooperation.

One of Nigeria's foremost obligations under UNCLOS concerns the establishment and regulation of its maritime zones. The Convention recognises the sovereignty of coastal States over their territorial sea extending up to twelve nautical miles from the baseline, while conferring sovereign rights over the Exclusive Economic Zone (EEZ) extending up to two hundred nautical miles for the purpose of exploring, exploiting, conserving and managing natural resources²⁹. Nigeria has substantially implemented these provisions through the Territorial Waters Act and the Exclusive Economic Zone Act, both of which define the limits of Nigeria's maritime jurisdiction in accordance with the Convention³⁰. The Supreme Court has equally recognised the strategic importance of maritime boundaries in disputes concerning offshore resources, particularly in *Attorney-General of the Federation v Attorney-General of Abia State & 35 Others*, where the Court examined the constitutional implications of offshore petroleum resources and reaffirmed the Federal Government's authority over offshore maritime zones³¹.

Nigeria's compliance is further reflected in its successful engagement with the Commission on the Limits of the Continental Shelf (CLCS). Pursuant to Article 76 of UNCLOS, coastal States may establish the outer limits of their continental shelf beyond two hundred nautical

²⁹ UNCLOS arts 2

³⁰ Territorial Waters Act, Cap T5 LFN 2004

³¹ *Attorney-General of the Federation v Attorney-General of Abia State & 35 Others* (2002) 6 NWLR (Pt 764) 542 (SC).

miles where geological evidence supports such claims³². Nigeria submitted information to the CLCS seeking recognition of its extended continental shelf in the Gulf of Guinea. This submission demonstrates Nigeria's willingness to utilise the institutional mechanisms established under UNCLOS for the protection of its sovereign rights over offshore natural resources³³. Nevertheless, legal commentators observe that while Nigeria has been proactive in asserting its maritime entitlements, greater investment in hydrographic surveys, marine geoscience and oceanographic research remains necessary to maximise the benefits of Article 76³⁴.

Another significant obligation imposed upon Nigeria concerns the protection and preservation of the marine environment. Part XII of UNCLOS imposes comprehensive duties requiring States to prevent, reduce and control marine pollution from land-based sources, vessels, seabed activities and atmospheric emissions³⁵. Article 192 expressly provides that "States have the obligation to protect and preserve the marine environment," while Articles 194 and 208 require the adoption of laws and regulations designed to minimise pollution arising from offshore petroleum activities and other marine operations³⁶. These provisions are particularly significant for Nigeria, whose economy is heavily dependent on offshore oil and gas production.

Nigeria has enacted several legislative measures aimed at fulfilling these obligations, including the National Oil Spill Detection and Response Agency (Establishment) Act, the Petroleum Industry Act

³² UNCLOS art 76

³³ Commission on the Limits of the Continental Shelf, *Summary of Recommendations in respect of Nigeria's Submission*.

³⁴ RR Churchill, Vaughan Lowe and Amy Sander, *The Law of the Sea* (4th edn, Manchester University Press 2022) 181

³⁵ UNCLOS Part XI

³⁶ *ibid* arts 192, 194 and 208.

2021, the Merchant Shipping Act 2007 and the Harmful Waste (Special Criminal Provisions) Act³⁷. The Petroleum Industry Act, in particular, introduces more comprehensive environmental obligations for petroleum operators by requiring host community development, environmental remediation and decommissioning plans for petroleum facilities³⁸. Furthermore, Nigeria is a party to several International Maritime Organization (IMO) conventions, including MARPOL 73/78³⁹, which complements UNCLOS by establishing detailed standards for preventing pollution from ships.⁴⁰

Despite these legislative efforts, Nigeria's compliance with Part XII of UNCLOS remains one of the most contested aspects of its maritime governance. The Niger Delta continues to experience extensive environmental degradation resulting from oil spills, gas flaring and inadequate remediation of polluted ecosystems. The United Nations Environment Programme's landmark Environmental Assessment of Ogoniland concluded that decades of petroleum activities had caused severe contamination of soil, groundwater and surface waters, with some communities exposed to drinking water contaminated by benzene at concentrations exceeding World Health Organization standards by several hundred times⁴¹. Although subsequent initiatives such as the Hydrocarbon Pollution Remediation Project (HYPREP) have sought to address these environmental challenges, implementation has proceeded slowly and has attracted criticism regarding institutional coordination, funding and transparency⁴².

³⁷ National Oil Spill Detection and Response Agency (Establishment) Act 2006

³⁸ Petroleum Industry Act 2021, chs III and IV.

³⁹ (MARPOL 73/78 - Wikipedia) accessed July 24, 2026

⁴⁰ International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

⁴¹ United Nations Environment Programme, *Environmental Assessment of Ogoniland* (UNEP 2011) 9

⁴² Hydrocarbon Pollution Remediation Project (HYPREP), *Project Implementation Reports*

The Supreme Court of Nigeria has equally emphasised the importance of environmental accountability in cases arising from petroleum pollution. In *Shell Petroleum Development Company of Nigeria Ltd v Isaiah*, the Court recognised the liability of petroleum operators for environmental damage occasioned by negligent operations⁴³. Similarly, foreign judicial proceedings, including *Okpabi v Royal Dutch Shell plc*, have reinforced the expectation that multinational oil corporations operating in Nigeria must observe internationally recognised environmental standards and may, in appropriate circumstances, owe duties of care extending beyond national borders⁴⁴. These developments illustrate that compliance with UNCLOS increasingly intersects with broader principles of environmental governance and corporate accountability.

UNCLOS also imposes obligations concerning the conservation and sustainable utilisation of living marine resources. Articles 61 and 62 require coastal States to determine the allowable catch within their EEZs, prevent over-exploitation and promote optimum utilisation of fisheries resources⁴⁵. These obligations have become increasingly significant for Nigeria in view of persistent illegal, unreported and unregulated (IUU) fishing within the Gulf of Guinea. According to the Food and Agriculture Organization, IUU fishing continues to undermine food security, reduce government revenue and threaten the sustainability of fish stocks across West Africa⁴⁶.

Nigeria has attempted to address these challenges through the Sea Fisheries Act, licensing requirements administered by the Federal Department of Fisheries and collaborative surveillance initiatives

⁴³ *Shell Petroleum Development Company of Nigeria Ltd v Isaiah* (2001) 11 NWLR (Pt 723) 168

⁴⁴ *Okpabi v Royal Dutch Shell plc* [2021] UKSC 3

⁴⁵ *Ibid*

⁴⁶ *Ibid* Art 66

involving the Nigerian Navy and NIMASA⁴⁷. Nevertheless, enforcement remains constrained by inadequate patrol vessels, limited technological surveillance, weak prosecution mechanisms and insufficient regional coordination. Consequently, several scholars argue that Nigeria's compliance with Articles 61 and 62 of UNCLOS remains largely normative rather than fully effective in practice⁴⁸.

Nigeria's enactment of the Suppression of Piracy and Other Maritime Offences Act 2019 represents a significant milestone in implementing these obligations. The Act is the first comprehensive anti-piracy legislation in West Africa and domesticates relevant provisions of UNCLOS and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention)⁴⁹. Combined with the Deep Blue Project coordinated by NIMASA and enhanced naval operations, the legislation has contributed significantly to the reduction of piracy incidents within Nigerian waters⁵⁰. The International Maritime Bureau has acknowledged Nigeria's substantial progress, noting a marked decline in piracy incidents in the Gulf of Guinea in recent years.

Nevertheless, compliance with UNCLOS extends beyond legislative enactment to encompass effective implementation, institutional capacity and sustained enforcement. While Nigeria has demonstrated considerable commitment through statutory reforms and institutional development, persistent deficiencies in environmental governance, fisheries management, maritime surveillance, hydrographic capacity

⁴⁷ Sea Fisheries Act, Cap S4 LFN 2004.

⁴⁸ I A Ayua and D A Guobadia (eds), *The Law and Practice of Environmental Law in Nigeria* (NIALS Press) 214

⁴⁹ Suppression of Piracy and Other Maritime Offences Act 2019; Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988).

⁵⁰ Nigerian Maritime Administration and Safety Agency (NIMASA), *Deep Blue Project Report* (2023).

and inter-agency coordination continue to impede full implementation of the Convention. Accordingly, Nigeria's compliance may best be characterised as **substantial but incomplete**, reflecting meaningful legislative progress alongside enduring structural and institutional challenges that require sustained governmental attention.

7.1 LEGAL FRAMEWORK

7.1.1 International Legal Framework

The principal international instrument is the United Nations Convention on the Law of the Sea 1982 (UNCLOS), which Nigeria signed in 1982 and ratified in 1986. Often described as the "*Constitution for the Oceans*," UNCLOS codifies the rights and obligations of States concerning maritime zones, navigation, marine environmental protection, fisheries management, marine scientific research and dispute settlement⁵¹. It provides the legal basis for Nigeria's sovereignty over its territorial sea, sovereign rights within its Exclusive Economic Zone (EEZ) and continental shelf, while imposing obligations to conserve marine resources and protect the marine environment.

Nigeria's treaty obligations are reinforced by the Vienna Convention on the Law of Treaties 1969, particularly the principle of *pacta sunt servanda*, which requires treaties to be performed in good faith⁵². In addition, several International Maritime Organization (IMO) Conventions, including MARPOL 73/78, SOLAS 1974, the STCW Convention 1978 and the SUA Convention 1988, complement

⁵¹ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397; Tommy T B Koh, 'A Constitution for the Oceans' in *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea* (United Nations 1983) xxxiii.

⁵² Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, arts 26

UNCLOS by establishing standards for maritime safety, marine pollution prevention and maritime security. Nigeria's environmental obligations are further strengthened by the Convention on Biological Diversity (CBD) and regional instruments such as the Yaoundé Code of Conduct and the Abuja Memorandum of Understanding on Port State Control, which promote cooperation in addressing piracy, illegal fishing and marine pollution⁵³.

7.1.2 Domestic Legal Framework

Nigeria implements its UNCLOS obligations through several domestic statutes. The constitutional foundation is provided by section 12 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which requires treaties to be domesticated before acquiring the force of law within Nigeria, a principle affirmed by the Supreme Court in *Abacha v Fawehinmi*⁵⁴.

Major legislation includes the Territorial Waters Act and the Exclusive Economic Zone Act, which establish Nigeria's maritime zones in accordance with UNCLOS⁵⁵. The Merchant Shipping Act 2007 regulates shipping, maritime safety and pollution control, while the Nigerian Maritime Administration and Safety Agency (NIMASA) Act 2007 establishes the country's principal maritime regulatory authority⁵⁶. Environmental compliance is strengthened by the Petroleum Industry Act 2021, which introduces provisions on environmental protection, decommissioning and remediation of offshore petroleum operations⁵⁷. Furthermore, the Suppression of Piracy and Other Maritime Offences Act 2019 domesticates relevant provisions of UNCLOS and the SUA

⁵³ Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79; Yaoundé Code of Conduct (2013)

⁵⁴ *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228 (SC).

⁵⁵ Territorial Waters Act, Cap T5, LFN 2004

⁵⁶ Merchant Shipping Act 2007

⁵⁷ Petroleum Industry Act 2021

Convention, providing Nigeria with a comprehensive legal framework for prosecuting piracy and other maritime crimes.⁵⁸

7.2 Institutional Framework

Implementation of UNCLOS in Nigeria is undertaken by specialised institutions. The Nigerian Maritime Administration and Safety Agency (NIMASA) serve as the principal maritime regulatory authority responsible for maritime safety, shipping development, marine pollution control and implementation of international maritime conventions⁵⁹. The Nigerian Navy complements these functions through maritime security operations, anti-piracy enforcement and the protection of offshore installations.

Other key institutions include the Nigerian Ports Authority (NPA), which regulates port operations; the National Oil Spill Detection and Response Agency (NOSDRA), responsible for oil spill prevention and response; the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), which oversees offshore petroleum operations; and the Federal Ministry of Marine and Blue Economy, established to coordinate national maritime and blue economy policies. The Federal High Court, by virtue of section 251 of the Constitution, exercises exclusive jurisdiction over admiralty and maritime matters, thereby playing a central role in the enforcement of maritime law⁶⁰.

8.1 LITERATURE REVIEW

The United Nations Convention on the Law of the Sea (UNCLOS) has generated an extensive body of scholarship examining its role in regulating maritime governance, balancing coastal State sovereignty with the principle of freedom of the seas, and promoting sustainable

⁵⁸ Ibid

⁵⁹ Nigerian Maritime Administration and Safety Agency Act 2007

⁶⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 251(1)(g)

ocean management. While considerable literature exists on the interpretation and application of the Convention generally, comparatively fewer studies have critically examined Nigeria's practical compliance with UNCLOS, particularly from the perspective of balancing the benefits derived from the Convention against the burdens associated with its implementation.

Donald Rothwell and Tim Stephens, who describe UNCLOS as the constitutional framework of modern ocean governance because it codifies customary international law while simultaneously establishing new legal regimes for maritime zones, marine environmental protection, fisheries management and dispute settlement⁶¹. The authors argue that the Convention's greatest achievement lies in creating a balance between the sovereign rights of coastal States and the collective interests of the international community. Although their work provides a comprehensive analysis of the Convention, its primary focus is international law generally rather than the peculiar implementation challenges encountered by developing coastal States such as Nigeria.

Similarly, Churchill, Vaughan Lowe and Amy Sander examine the evolution of the law of the sea from the doctrines of *mare liberum* and *mare clausum* to the adoption of UNCLOS in 1982⁶². They contend that the Convention represents a compromise between competing maritime interests by expanding coastal State jurisdiction while preserving the freedom of navigation and other traditional high seas freedoms. Their analysis is invaluable in understanding the legal

⁶¹ Donald R Rothwell and Tim Stephens, *The International Law of the Sea* (3rd edn, Hart Publishing 2023).

⁶² RR Churchill, Vaughan Lowe and Amy Sander, *The Law of the Sea* (4th edn, Manchester University Press 2022).

foundations of the Convention but pays limited attention to domestic implementation and compliance within African jurisdictions.

Shaw views UNCLOS as one of the most successful examples of the progressive development and codification of international law⁶³. According to Shaw, the Convention establishes an integrated legal regime governing maritime delimitation, marine scientific research, environmental protection and dispute settlement. However, he observes that the effectiveness of the Convention ultimately depends upon the willingness and capacity of States to implement its provisions through domestic legislation and institutional reforms. Shaw's observation is particularly relevant to Nigeria, where constitutional dualism and institutional challenges continue to affect treaty implementation.

From an environmental perspective, Alan Boyle and Catherine Redgwell argue that Part XII of UNCLOS significantly transformed international environmental law by imposing positive obligations upon States to protect and preserve the marine environment⁶⁴. They contend that coastal States are required not only to enact environmental legislation but also to exercise due diligence in preventing marine pollution. Their analysis provides an important framework for assessing Nigeria's compliance with environmental obligations, particularly in relation to pollution arising from petroleum exploration in the Niger Delta.

Harrison focuses on the institutional architecture created by UNCLOS and argues that the Convention's success lies in its ability to establish

⁶³ Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 571

⁶⁴ Alan Boyle and Catherine Redgwell, *Birnie, Boyle and Redgwell's International Law and the Environment* (4th edn, Oxford University Press 2021) 240

specialised bodies such as the International Tribunal for the Law of the Sea (ITLOS), the Commission on the Limits of the Continental Shelf (CLCS) and the International Seabed Authority (ISA)⁶⁵. Harrison maintains that these institutions have significantly enhanced legal certainty in maritime governance. However, his work does not substantially examine how developing countries utilise these institutions to protect their maritime interests.

Abram Chayes and Antonia Chayes advance the theory that treaty compliance should not be assessed solely by reference to ratification but by examining the practical behaviour of States in implementing international obligations⁶⁶. They distinguish between formal compliance and effective compliance, arguing that institutional capacity, political will and administrative competence are often more significant determinants of compliance than the existence of legal obligations. This theoretical framework is particularly useful in evaluating Nigeria's implementation of UNCLOS because it highlights the distinction between legislative reforms and actual enforcement.

Within the Nigerian context, Akinsanya argues that Nigeria's strategic location in the Gulf of Guinea imposes extensive responsibilities concerning maritime security, environmental protection and regional cooperation⁶⁷. He observes that while Nigeria has made notable progress in maritime legislation and anti-piracy enforcement, institutional weaknesses continue to impede effective implementation of international maritime obligations.

⁶⁵ James Harrison, *Making the Law of the Sea: A Study in the Development of International Law* (Cambridge University Press 2011)

⁶⁶ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995).

⁶⁷ Olusegun Akinsanya, 'Nigeria and Maritime Security in the Gulf of Guinea' (2019) *Nigerian Institute of International Affairs Journal*.

Similarly, Ayua and Guobadia examine environmental regulation in Nigeria and conclude that weak enforcement, inadequate funding and overlapping institutional mandates have significantly undermined environmental governance, particularly in the petroleum sector.⁶⁸ Their work is important because it demonstrates that the existence of comprehensive environmental legislation does not necessarily translate into effective protection of marine ecosystems.

Osinbajo, writing on Nigeria's petroleum industry and environmental regulation, argues that sustainable development within the Niger Delta requires stronger institutional accountability and stricter enforcement of environmental obligations imposed by both domestic and international law⁶⁹. Although his analysis predates the Petroleum Industry Act 2021, his observations remain relevant in assessing the environmental dimensions of Nigeria's compliance with UNCLOS.

From the perspective of maritime security, Murphy examines piracy in the Gulf of Guinea and argues that effective suppression requires a combination of legal reform, naval capacity, regional cooperation, and international assistance⁷⁰. His work provides valuable insight into the evolution of Nigeria's anti-piracy framework and supports the view that the enactment of the Suppression of Piracy and Other Maritime Offences Act 2019 represents a significant milestone in implementing UNCLOS obligations.

⁶⁸ IA Ayua and DA Guobadia (eds), *The Law and Practice of Environmental Law in Nigeria* (Nigerian Institute of Advanced Legal Studies 2016).

⁶⁹ Yemi Osinbajo, 'Legal and Institutional Framework for Environmental Protection in the Nigerian Petroleum Industry' (2003) *Journal of Energy and Natural Resources Law*.

⁷⁰ Martin N Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World* (Hurst & Co 2009)

Despite these important scholarly contributions, the existing literature reveals three significant gaps. First, many international scholars concentrate primarily on the interpretation of UNCLOS without undertaking a comprehensive evaluation of Nigeria's practical compliance with the Convention. Secondly, Nigerian scholarship often examines maritime security, environmental protection or petroleum regulation in isolation, rather than considering compliance with UNCLOS as an integrated legal framework. Thirdly, relatively few studies critically assess the relationship between the benefits Nigeria derives from UNCLOS and the financial, institutional and governance burdens associated with implementing its obligations.

8.1 POSITIVE IMPACTS OF NIGERIA'S COMPLIANCE WITH UNCLOS

Nigeria's compliance with the United Nations Convention on the Law of the Sea (UNCLOS) has generated substantial legal, economic, political and security benefits that extend beyond the mere fulfilment of treaty obligations. As one of Africa's foremost maritime nations, Nigeria's commitment to the Convention has enhanced its sovereign rights over maritime resources, strengthened its position within the international legal order, improved maritime security, facilitated international cooperation and promoted the sustainable development of its marine resources. Although the extent to which these benefits have been realised depends largely on the effectiveness of domestic implementation, it is evident that Nigeria's adherence to UNCLOS has fundamentally transformed the legal and institutional framework governing its maritime domain.

One of the most significant benefits arising from Nigeria's compliance with UNCLOS is the legal recognition and protection of its sovereign rights over extensive maritime zones. Unlike the traditional law of the sea, which restricted coastal State jurisdiction largely to the territorial

sea, UNCLOS considerably expanded the maritime entitlements of coastal States through the establishment of the Exclusive Economic Zone (EEZ) and the continental shelf regime. Articles 56 and 77 of the Convention confer upon coastal States exclusive sovereign rights for the exploration, exploitation, conservation and management of natural resources located within these maritime zones⁷¹. For Nigeria, these provisions have immense economic significance because they provide the legal basis for exercising exclusive jurisdiction over offshore petroleum deposits, fisheries, renewable marine energy and other natural resources situated within its EEZ and continental shelf.

The economic implications of these sovereign rights cannot be overstated. Nigeria remains one of Africa's leading producers of crude oil, with a substantial proportion of its petroleum reserves located offshore. The legal certainty created by UNCLOS has enabled Nigeria to regulate offshore petroleum exploration through domestic legislation, particularly the Petroleum Industry Act 2021, while simultaneously protecting its sovereign interests against competing maritime claims⁷². The Supreme Court's decision in *Attorney-General of the Federation v Attorney-General of Abia State & 35 Others* further affirmed the Federal Government's constitutional authority over offshore petroleum resources, thereby reinforcing the legal framework through which Nigeria exercises its rights under UNCLOS.⁷³ Consequently, compliance with the Convention has contributed significantly to the protection of one of Nigeria's most valuable economic assets.

⁷¹ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397, arts 56, 77.

⁷² Petroleum Industry Act 2021, ss 7

⁷³ *Attorney-General of the Federation v Attorney-General of Abia State & 35 Others* (2002) 6 NWLR (Pt 764) 542 (SC)

Closely connected to the recognition of sovereign rights is Nigeria's successful assertion of its maritime boundaries before international institutions. Article 76 of UNCLOS permits coastal States to establish the outer limits of their continental shelf beyond 200 nautical miles where geological evidence demonstrates the natural prolongation of the continental margin⁷⁴. Nigeria's submission to the Commission on the Limits of the Continental Shelf (CLCS) reflects the country's commitment to utilising the institutional mechanisms established under UNCLOS for the peaceful determination of maritime entitlements. Although the process of continental shelf delineation is highly technical and often resource-intensive, successful recognition of an extended continental shelf enhances Nigeria's access to additional seabed resources, including hydrocarbons and strategic minerals, thereby strengthening its long-term economic prospects.⁷⁵

Another important benefit of compliance lies in the promotion of maritime security and the suppression of piracy. For many years, the Gulf of Guinea was regarded as one of the world's most dangerous maritime regions, accounting for a significant proportion of global piracy and armed robbery incidents. Such insecurity discouraged foreign investment, increased shipping insurance premiums and disrupted maritime trade throughout West Africa⁷⁶. By implementing Articles 100 to 107 of UNCLOS through the enactment of the Suppression of Piracy and Other Maritime Offences Act 2019, Nigeria has significantly strengthened its legal capacity to investigate, prosecute and punish acts of piracy and other maritime offences⁷⁷. The legislation, together with the Federal Government's Deep Blue Project

⁷⁴ UNCLOS art 76

⁷⁵ Commission on the Limits of the Continental Shelf, *Rules of Procedure of the Commission on the Limits of the Continental Shelf* (UN Doc CLCS/40/Rev.1, 2008)

⁷⁶ International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 2024*.

⁷⁷ Suppression of Piracy and Other Maritime Offences Act 2019

and enhanced naval patrols, has produced measurable improvements in maritime security.

Recent reports published by the International Maritime Bureau demonstrate that piracy incidents within Nigerian waters have declined considerably in recent years, with the Gulf of Guinea no longer accounting for the overwhelming majority of global piracy incidents as it once did. This improvement⁷⁸ has enhanced investor confidence, reduced risks associated with maritime transportation and strengthened Nigeria's reputation as a responsible coastal State committed to ensuring the safety of international navigation. The International Maritime Organization has equally acknowledged Nigeria's increasing contribution to regional maritime security through collaborative initiatives such as the Yaoundé Architecture for Maritime Security in West and Central Africa.⁷⁹

Compliance with UNCLOS has also strengthened Nigeria's participation in international maritime cooperation. Modern maritime governance depends heavily upon cooperation among coastal States because issues such as piracy, marine pollution, illegal fishing and transboundary environmental degradation cannot be effectively addressed through unilateral action. The Convention expressly requires States to cooperate in protecting and preserving the marine environment, conserving living marine resources and suppressing piracy⁸⁰. Nigeria has increasingly participated in regional and international initiatives aimed at fulfilling these obligations, including cooperation with neighbouring Gulf of Guinea States, the Economic Community of West African States (ECOWAS), the Gulf of Guinea

⁷⁸ Ibid

⁷⁹ International Maritime Organization, *IMO Strategy for Maritime Security in West and Central Africa* (2024).

⁸⁰ UNCLOS arts 100, 117, 123, 192 and 197

Commission, the International Maritime Organization (IMO) and the African Union.

Such cooperation has facilitated technical assistance, intelligence sharing, joint naval exercises and harmonisation of maritime legislation across the region. The Yaoundé Code of Conduct, adopted in 2013, represents one of the most significant regional instruments aimed at combating piracy, armed robbery and illicit maritime activities in West and Central Africa⁸¹. Nigeria's active participation in the implementation of this framework demonstrates the practical benefits of UNCLOS in fostering collective maritime security and strengthening regional stability.

Equally important is the contribution of UNCLOS to environmental governance and sustainable ocean management. The Convention imposes comprehensive obligations upon States to prevent marine pollution, conserve marine biodiversity and ensure the sustainable utilisation of ocean resources⁸². Compliance with these provisions has influenced the development of Nigeria's domestic environmental legislation and institutional framework, including the establishment of the National Oil Spill Detection and Response Agency (NOSDRA), the enactment of environmental provisions under the Petroleum Industry Act 2021, and increased participation in international environmental conventions such as MARPOL and the Convention on Biological Diversity⁸³.

Although, environmental challenges remain significant, the legal obligations created by UNCLOS have strengthened public accountability regarding marine environmental protection. Nigerian

⁸¹ Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (Yaoundé Code of Conduct, 2013)

⁸² UNCLOS Part XII.

⁸³ National Oil Spill Detection and Response Agency (Establishment) Act 2006

courts have increasingly recognised environmental rights in disputes involving petroleum pollution, while affected communities have relied upon both domestic and international legal principles to demand remediation and compensation from polluting entities. Decisions such as *Shell Petroleum Development Company of Nigeria Ltd v Isaiah* and foreign decisions including *Okpabi v Royal Dutch Shell plc* illustrate the growing convergence between international environmental obligations and domestic judicial enforcement⁸⁴. Consequently, UNCLOS has indirectly contributed to the development of environmental jurisprudence within Nigeria by reinforcing the principle that economic exploitation of marine resources must be accompanied by corresponding responsibilities to protect the marine environment.

Furthermore, compliance with UNCLOS has positioned Nigeria to benefit from the emerging global blue economy. The concept of the blue economy emphasises the sustainable utilisation of ocean resources for economic growth, improved livelihoods and environmental sustainability⁸⁵. Nigeria's vast maritime domain presents considerable opportunities for economic diversification through fisheries, aquaculture, maritime transport, offshore renewable energy, marine biotechnology, tourism and seabed mineral development. Recognising these opportunities, the Federal Government established the Federal Ministry of Marine and Blue Economy in 2023 to coordinate national policies relating to sustainable maritime development⁸⁶. Compliance with UNCLOS provides the legal certainty necessary for attracting domestic and foreign

⁸⁴ *Shell Petroleum Development Company of Nigeria Ltd v Isaiah* (2001) 11 NWLR (Pt 723) 168

⁸⁵ United Nations Conference on Trade and Development, *Towards a Sustainable Ocean Economy* (UNCTAD 2023).

⁸⁶ Federal Ministry of Marine and Blue Economy, *National Policy on Marine and Blue Economy* (2024).

investment into these sectors by ensuring that maritime activities are conducted within an internationally recognised legal framework.

From a diplomatic perspective, Nigeria's adherence to UNCLOS reinforces its reputation as a responsible member of the international community committed to the rule of law. Respect for international legal obligations enhances Nigeria's credibility during negotiations concerning maritime boundary delimitation, resource management and regional security cooperation. It also strengthens Nigeria's capacity to invoke the dispute settlement mechanisms established under Part XV of the Convention whenever its maritime rights are threatened by other States⁸⁷. The peaceful resolution of the Cameroon–Nigeria maritime boundary dispute following the judgment of the International Court of Justice demonstrates the value of international legal mechanisms in maintaining regional peace and stability⁸⁸.

Despite these significant achievements, the benefits derived from Nigeria's compliance with UNCLOS remain partly constrained by deficiencies in domestic implementation. The legal rights recognised under the Convention cannot be fully realised without corresponding investments in maritime infrastructure, hydrographic surveying, environmental enforcement, fisheries management and institutional capacity. Consequently, while UNCLOS has provided Nigeria with an extensive legal framework for the protection and development of its maritime domain, the full economic and environmental dividends of compliance remain contingent upon sustained political commitment and effective governance.

⁸⁷ UNCLOS Part XV

⁸⁸ *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria: Equatorial Guinea intervening)* [2002] ICJ Rep 303.

9.1 CHALLENGES OF NIGERIA'S COMPLIANCE WITH UNCLOS

While Nigeria has derived considerable legal and economic advantages from complying with the United Nations Convention on the Law of the Sea (UNCLOS), compliance has also imposed substantial financial, institutional, legal and political challenges.

One of the most significant burdens associated with compliance is the enormous financial cost of maritime governance. The Convention requires coastal States to monitor extensive maritime zones, regulate shipping activities, conserve fisheries resources, prevent marine pollution, conduct hydrographic surveys, maintain search and rescue services, suppress piracy and protect offshore installations⁸⁹. For Nigeria, whose Exclusive Economic Zone extends approximately 200 nautical miles into the Atlantic Ocean, these responsibilities require continuous investment in surveillance technology, naval assets, maritime communication systems, satellite monitoring, patrol vessels and specialised personnel. Such investments are capital-intensive and often compete with other pressing national priorities, including healthcare, education, infrastructure development and internal security.

The financial implications of maritime security alone are considerable. The Federal Government's Integrated National Security and Waterways Protection Infrastructure, popularly known as the Deep Blue Project, involved the acquisition of special mission aircraft, helicopters, unmanned aerial vehicles (UAVs), interceptor boats, armoured vehicles and command-and-control infrastructure designed to combat piracy and other maritime crimes⁹⁰. Although the project

⁸⁹ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397, Parts II, V, VII and XII.

⁹⁰ Nigerian Maritime Administration and Safety Agency (NIMASA), *Deep Blue Project Report* (2023)

has significantly improved maritime security, its implementation required substantial public expenditure, while continuous maintenance, personnel training and technological upgrades remain ongoing financial obligations. These expenditures illustrate that compliance with UNCLOS extends beyond legislative enactment and requires sustained budgetary commitments that many developing States struggle to maintain.

Closely related to financial constraints is the challenge of institutional capacity. effective implementation of UNCLOS depends upon the existence of competent institutions capable of coordinating maritime governance across multiple sectors. In Nigeria, responsibility for implementing various aspects of the Convention is dispersed among numerous agencies, including the Nigerian Maritime Administration and Safety Agency (NIMASA), the Nigerian Navy, the Nigerian Ports Authority (NPA), the National Inland Waterways Authority (NIWA), the National Oil Spill Detection and Response Agency (NOSDRA), the Federal Ministry of Marine and Blue Economy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) and the Federal Department of Fisheries. While this institutional diversity reflects the multidisciplinary nature of maritime governance, it has also produced overlapping regulatory mandates, bureaucratic duplication and jurisdictional conflicts that frequently undermine effective policy implementation⁹¹.

Institutional fragmentation has been particularly evident in the regulation of marine environmental protection. Environmental responsibilities relating to offshore petroleum operations are shared among NOSDRA, the Federal Ministry of Environment, the Nigerian Upstream Petroleum Regulatory Commission and, to some extent,

⁹¹ Akintayo Ibidapo-Obe, 'Institutional Challenges in Nigeria's Maritime Administration' (2022) *Nigerian Institute of Advanced Legal Studies Journal* 118

state environmental agencies. The multiplicity of regulatory institutions has often resulted in inconsistent enforcement, duplication of inspections and uncertainty regarding institutional accountability⁹². Scholars have argued that without clearer delineation of institutional responsibilities and stronger inter-agency coordination, Nigeria's capacity to fulfil its obligations under Part XII of UNCLOS will remain significantly constrained⁹³.

Environmental degradation represents another major burden confronting Nigeria in implementing UNCLOS. Articles 192 and 194 of the Convention impose a general obligation upon States to protect and preserve the marine environment and to prevent pollution from all sources⁹⁴. For Nigeria, this obligation is particularly onerous because of the country's extensive dependence on petroleum production and the environmental legacy of decades of oil exploration in the Niger Delta. Oil spills resulting from pipeline failures, operational negligence, sabotage and illegal refining have caused widespread destruction of mangrove forests, wetlands, fisheries and coastal ecosystems. According to the United Nations Environment Programme (UNEP), environmental restoration in Ogoniland alone could require between twenty-five and thirty years of sustained remediation efforts⁹⁵.

The environmental burden is compounded by the high financial cost of remediation. The implementation of the recommendations contained in the UNEP Environmental Assessment of Ogoniland has required the establishment of the Hydrocarbon Pollution Remediation Project (HYPREP), whose activities include site remediation, shoreline

⁹² National Oil Spill Detection and Response Agency (Establishment) Act 2006

⁹³ A A Olomola, 'Marine Environmental Governance in Nigeria: Challenges and Prospects' (2021) 15 *Nigerian Journal of Environmental Law* 45.

⁹⁴ UNCLOS arts 192 and 194.

⁹⁵ United Nations Environment Programme, *Environmental Assessment of Ogoniland* (UNEP 2011) 13

restoration, groundwater treatment and public health interventions⁹⁶. Despite notable progress, implementation has proceeded slowly owing to funding constraints, procurement delays, technical challenges and concerns regarding transparency. Consequently, Nigeria continues to face criticism from both domestic and international observers concerning the pace of environmental remediation and the adequacy of enforcement against polluting entities.

Another burden associated with compliance concerns Maritime boundary management and regional cooperation. Although UNCLOS establishes comprehensive rules governing maritime delimitation, disagreements regarding the interpretation and application of these provisions frequently generate diplomatic tensions among neighbouring States. Nigeria's long-standing maritime boundary dispute with Cameroon, culminating in the International Court of Justice's decision in *Land and Maritime Boundary between Cameroon and Nigeria*, illustrates the political sensitivity associated with maritime delimitation⁹⁷. Although Nigeria ultimately complied with the Court's judgment by implementing the Green Tree Agreement, the transfer of the Bakassi Peninsula generated considerable political controversy and socio-economic hardship for affected communities⁹⁸. This experience demonstrates that compliance with international maritime law may occasionally require difficult political decisions capable of generating domestic opposition.

Compliance with UNCLOS also imposes significant technological and scientific obligations. The Convention requires coastal States to

⁹⁶ Hydrocarbon Pollution Remediation Project (HYPREP), *Project Update Report* (2024)

⁹⁷ *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria: Equatorial Guinea intervening)* [2002] ICJ Rep 303.

⁹⁸ Green Tree Agreement between the Federal Republic of Nigeria and the Republic of Cameroon concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula (signed 12 June 2006)

undertake hydrographic surveys, marine scientific research, environmental monitoring and oceanographic data collection to support maritime boundary delineation, navigation safety and environmental management⁹⁹. These activities require sophisticated technology, specialised expertise and sustained research funding. Nigeria has made progress through the Nigerian Navy Hydrographic Office and collaborations with international organisations; nevertheless, experts continue to identify significant deficiencies in hydrographic mapping, oceanographic research and marine data management¹⁰⁰. Such deficiencies limit Nigeria's ability to maximise the economic opportunities associated with its maritime domain while simultaneously constraining effective compliance with international standards.

Climate change has further expanded the burdens associated with UNCLOS compliance. Although the Convention predates contemporary climate change discourse, subsequent developments in international environmental law increasingly require coastal States to integrate climate resilience into ocean governance. Rising sea levels, coastal erosion, ocean acidification and biodiversity loss pose significant threats to Nigeria's coastal communities, offshore infrastructure and marine ecosystems¹⁰¹. Addressing these challenges requires substantial investment in coastal protection infrastructure, climate adaptation strategies, disaster preparedness and ecosystem restoration. Consequently, the scope of obligations associated with maritime governance has evolved considerably beyond those originally contemplated during the negotiation of UNCLOS.

⁹⁹ UNCLOS Parts XIII and XIV.

¹⁰⁰ International Hydrographic Organization, *Capacity Building Programme Annual Report* (2023)

¹⁰¹ Intergovernmental Panel on Climate Change (IPCC), *Sixth Assessment Report: Impacts, Adaptation and Vulnerability* (2022)

Another important burden concerns the domestication and continuous reform of maritime legislation. Section 12 of the Constitution of the Federal Republic of Nigeria provides that treaties do not automatically have the force of law unless enacted by the National Assembly¹⁰². Consequently, Nigeria must continually review and amend domestic legislation to ensure consistency with evolving international maritime obligations. This legislative process is often slow and subject to political considerations, thereby creating periods during which domestic legal frameworks may not fully reflect contemporary international standards. The dynamic nature of maritime law—including developments relating to marine biodiversity beyond national jurisdiction, offshore renewable energy and autonomous shipping—further increases the legislative burden placed upon coastal States.

Furthermore, compliance with UNCLOS has implications for national sovereignty. Although the Convention recognises extensive sovereign rights for coastal States, it simultaneously subjects the exercise of those rights to international legal limitations and compulsory dispute settlement procedures under Part XV¹⁰³. Coastal States may therefore be required to justify their maritime claims before international courts or tribunals, and adverse decisions may necessitate modifications to domestic policies or territorial administration. While such mechanisms strengthen the rule of law in international relations, they may also be perceived domestically as constraints upon sovereign decision-making.

It is therefore evident that the burdens associated with Nigeria's compliance with UNCLOS are multidimensional. They encompass substantial financial commitments, institutional reforms,

¹⁰² Constitution of the Federal Republic of Nigeria 1999 (as amended), s 12; *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228 (SC).

¹⁰³ UNCLOS Part XV

environmental responsibilities, technological investments, legislative adaptation and diplomatic engagement. Nevertheless, these burdens should not be viewed solely as costs. Rather, they represent the necessary obligations accompanying the extensive sovereign rights and economic opportunities conferred upon coastal States by the Convention. The real challenge for Nigeria is not the existence of these obligations, but the development of sufficient institutional capacity, political commitment and financial sustainability to fulfil them effectively.

10.1 CRITICAL EVALUATION OF NIGERIA'S COMPLIANCE WITH UNCLOS

The preceding discussion demonstrates that Nigeria's compliance with the United Nations Convention on the Law of the Sea (UNCLOS) cannot be accurately characterised as either complete compliance or outright non-compliance. Rather, Nigeria occupies an intermediate position in which significant legislative and institutional progress coexists with persistent implementation deficiencies. This distinction is important because compliance under contemporary international law is no longer measured solely by the ratification of treaties or the enactment of domestic legislation; instead, increasing emphasis is placed upon the effectiveness of implementation, institutional capacity, regulatory enforcement and measurable outcomes. As the International Law Commission has observed, the effectiveness of treaty obligations ultimately depends upon the willingness and ability of States to translate international commitments into practical domestic action¹⁰⁴.

From a normative perspective, Nigeria has established a relatively comprehensive legal framework for implementing UNCLOS.

¹⁰⁴ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries* (2001) II(2) *Yearbook of the International Law Commission* 31.

Successive legislative reforms including the Merchant Shipping Act 2007, the Nigerian Maritime Administration and Safety Agency Act, the Suppression of Piracy and Other Maritime Offences Act 2019 and the Petroleum Industry Act 2021 demonstrate a conscious effort to align domestic law with international maritime obligations¹⁰⁵. These enactments have modernised Nigeria's maritime legal regime and significantly improved the country's compliance with international shipping standards, maritime security obligations and offshore resource governance. Indeed, Nigeria is frequently cited as one of the few West African States to have enacted dedicated anti-piracy legislation implementing Articles 100 to 107 of UNCLOS, thereby strengthening regional maritime security¹⁰⁶.

Similarly, Nigeria has made appreciable progress in developing institutional mechanisms for maritime governance. The establishment and gradual strengthening of the Nigerian Maritime Administration and Safety Agency (NIMASA), the National Oil Spill Detection and Response Agency (NOSDRA), the Nigerian Navy Hydrographic Office and, more recently, the Federal Ministry of Marine and Blue Economy indicate increasing governmental recognition of the strategic importance of maritime affairs. These institutions have collectively enhanced Nigeria's capacity to regulate shipping, improve port administration, monitor maritime safety, suppress piracy and coordinate aspects of marine environmental protection.¹⁰⁷

The success of Nigeria's anti-piracy strategy illustrates the positive impact of effective institutional implementation. Prior to 2019, the Gulf of Guinea accounted for a substantial proportion of global piracy

¹⁰⁵ Merchant Shipping Act 2007

¹⁰⁶ International Maritime Organization, *Maritime Security in West and Central Africa* (2024)

¹⁰⁷ Nigerian Maritime Administration and Safety Agency Act 2007

incidents, attracting considerable international concern regarding the safety of navigation in West African waters¹⁰⁸. Following the enactment of the Suppression of Piracy and Other Maritime Offences Act and the operationalisation of the Deep Blue Project, piracy incidents within Nigerian waters declined significantly. The International Maritime Bureau has consistently reported that attacks against commercial vessels in the Gulf of Guinea have reduced markedly in recent years, a development widely attributed to enhanced naval patrols, regional cooperation and improved legal enforcement¹⁰⁹. This represents one of the clearest examples of successful domestic implementation of UNCLOS obligations.

Notwithstanding these achievements, the effectiveness of Nigeria's compliance remains undermined by persistent weaknesses in environmental governance. Although Nigeria has enacted extensive legislation relating to pollution control and environmental management, implementation remains inconsistent. The continuing incidence of oil spills, illegal refining, pipeline vandalism and delayed environmental remediation demonstrates that legal compliance has not translated into effective environmental protection. Part XII of UNCLOS imposes positive obligations requiring States not merely to enact legislation but also to adopt practical measures capable of preventing, reducing and controlling marine pollution¹¹⁰. In this respect, Nigeria's performance remains considerably below international expectations.

¹⁰⁸ International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 2021*.

¹⁰⁹ International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 2024*.

¹¹⁰ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397, arts 192

Equally problematic is the issue of institutional fragmentation. Maritime governance in Nigeria continues to involve numerous agencies exercising overlapping regulatory functions, often resulting in bureaucratic duplication, inconsistent policy implementation and uncertainty regarding institutional responsibility. While specialised institutions are indispensable for modern maritime administration, the absence of effective coordination mechanisms frequently undermines regulatory efficiency. Comparative experience demonstrates that successful maritime nations such as Norway, Singapore and Australia operate highly integrated maritime governance structures characterised by clear institutional mandates, coordinated policy implementation and robust information sharing¹¹¹. Nigeria's fragmented institutional architecture contrasts sharply with these models and remains one of the principal obstacles to effective compliance.

Another area warranting critical examination concerns the relationship between treaty ratification and domestic implementation within Nigeria's constitutional framework. Furthermore, Nigeria's compliance should be evaluated within the broader context of sustainable development and the emerging blue economy. The adoption of the Sustainable Development Goals, particularly Goal 14 concerning the conservation and sustainable use of oceans, has expanded international expectations regarding the responsibilities of coastal States¹¹². Compliance with UNCLOS today extends beyond maritime boundary delimitation and navigation rights to encompass biodiversity conservation, climate resilience, sustainable fisheries management and ecosystem restoration. Although Nigeria has demonstrated increasing commitment to the development of its blue

¹¹¹ Erik J Molenaar, 'Integrated Ocean Governance and Maritime Administration' (2020) 35 *International Journal of Marine and Coastal Law* 411

¹¹² United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development* UNGA Res 70/1 (25 September 2015), Sustainable Development Goal 14.

economy through institutional reforms and policy initiatives, practical implementation remains at an early stage. Significant investment in marine scientific research, offshore renewable energy, aquaculture and coastal ecosystem restoration will be necessary if Nigeria is to maximise the economic opportunities associated with sustainable ocean governance.

It is equally important to acknowledge that many of the challenges confronting Nigeria are not unique. Numerous developing coastal States experience similar difficulties arising from limited financial resources, inadequate technological capacity, weak institutional coordination and competing developmental priorities. UNCLOS imposes extensive obligations whose implementation often requires sophisticated maritime infrastructure and specialised expertise that may be difficult for developing countries to acquire independently. Accordingly, the Convention itself recognises the importance of international cooperation, technical assistance and capacity-building as essential components of effective implementation¹¹³. Nigeria has increasingly benefited from such cooperation through partnerships with the International Maritime Organization (IMO), the International Hydrographic Organization (IHO), the Food and Agriculture Organization (FAO) and regional maritime institutions. Expanding these collaborative arrangements remains essential for improving long-term compliance.

From a jurisprudential perspective, Nigeria's experience illustrates the broader distinction between formal compliance and effective compliance in international law. Formal compliance refers to the enactment of legislation and the establishment of institutions consistent with treaty obligations, whereas effective compliance concerns the practical achievement of the objectives that treaties seek

¹¹³ UNCLOS arts 202, 203, 266

to accomplish¹¹⁴. Nigeria performs relatively well with respect to the former but considerably less effectively with respect to the latter. This distinction explains why the country can simultaneously be regarded as compliant in certain respects such as maritime security and legislative reform while remaining deficient in others, particularly environmental protection, fisheries management and institutional coordination.

Ultimately, the effectiveness of Nigeria's compliance with UNCLOS should be assessed not solely by reference to legal texts but by the extent to which the Convention has improved maritime governance, protected marine ecosystems, promoted sustainable resource utilisation and strengthened the rule of law within Nigeria's maritime domain. Considerable progress has undoubtedly been achieved over the past two decades, particularly in maritime security, legislative modernisation and regional cooperation. Nevertheless, persistent implementation deficits continue to prevent Nigeria from fully realising the extensive legal and economic opportunities created by the Convention. Future reforms should therefore prioritise institutional integration, environmental accountability, technological innovation and sustained investment in maritime governance if Nigeria is to achieve comprehensive and effective compliance with UNCLOS.

11.1 RECOMMENDATIONS

In light of the foregoing analysis, the following recommendations are proposed:

i. Harmonisation and Modernisation of Maritime Legislation

Although Nigeria has enacted numerous statutes implementing aspects of UNCLOS, elements of the maritime legal framework remain

¹¹⁴ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995) 3

fragmented and, in some respects, outdated. The National Assembly should undertake a comprehensive review and consolidation of Nigeria's maritime legislation to eliminate inconsistencies, remove overlapping provisions and ensure full alignment with evolving international maritime standards, including recent developments concerning marine biodiversity beyond national jurisdiction (BBNJ), offshore renewable energy and climate-resilient ocean governance.¹¹⁵

ii. Strengthening Institutional Coordination

The multiplicity of agencies exercising overlapping responsibilities in maritime administration has contributed to regulatory inefficiency and institutional conflict. Government should establish a permanent inter-agency maritime coordination framework under the Federal Ministry of Marine and Blue Economy to facilitate policy harmonisation, information sharing, joint enforcement operations and integrated ocean governance. Such coordination should include NIMASA, the Nigerian Navy, the Nigerian Ports Authority, NOSDRA, the Nigerian Upstream Petroleum Regulatory Commission, the Federal Department of Fisheries and relevant environmental agencies.

iii. Increased Investment in Maritime Security Infrastructure

Nigeria should continue strengthening its maritime security architecture by expanding the Deep Blue Project, acquiring additional patrol vessels, unmanned aerial systems, satellite surveillance technology and integrated maritime domain awareness systems. Sustained investment in maritime intelligence and naval capacity is essential for combating piracy, illegal fishing, trafficking and other

¹¹⁵ Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (adopted 19 June 2023, not yet in force)

transnational maritime crimes in accordance with Articles 100–107 of UNCLOS.¹¹⁶

iv. Strengthening Marine Environmental Protection

Environmental compliance under Part XII of UNCLOS should become a national priority. Regulatory agencies should adopt stricter monitoring mechanisms for offshore petroleum activities, enforce environmental remediation obligations promptly and impose more effective sanctions against polluters. The implementation of the recommendations contained in the United Nations Environment Programme's *Environmental Assessment of Ogoniland* should be accelerated through adequate funding, transparency and independent oversight.¹¹⁷

v. Sustainable Fisheries Management

Nigeria should strengthen fisheries governance through enhanced monitoring of fishing activities, compulsory vessel tracking systems, stricter licensing procedures and stronger prosecution of illegal, unreported and unregulated fishing. Greater collaboration with neighbouring Gulf of Guinea States, the Food and Agriculture Organization (FAO) and regional fisheries management organisations will enhance compliance with Articles 61 and 62 of UNCLOS and promote long-term food security.

vi. Promotion of Marine Scientific Research

Effective implementation of UNCLOS requires reliable scientific data concerning Nigeria's marine environment. Government should increase funding for hydrographic surveys, oceanographic research,

¹¹⁶ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397, arts 100

¹¹⁷ United Nations Environment Programme, *Environmental Assessment of Ogoniland* (UNEP 2011).

marine biodiversity studies and seabed mapping through partnerships with universities, research institutes and international organisations. Enhanced scientific capacity will improve environmental management, maritime boundary administration and sustainable exploitation of marine resources.

12.1 CONCLUSION

The United Nations Convention on the Law of the Sea (UNCLOS) remains the cornerstone of contemporary international maritime law, providing a comprehensive legal framework for the governance, utilisation and protection of the world's oceans. For Nigeria, compliance with the Convention is both a legal obligation and a strategic necessity, given the country's extensive coastline, abundant offshore petroleum resources, growing blue economy and central role in maritime trade within the Gulf of Guinea. This paper has examined the extent to which Nigeria has implemented its obligations under UNCLOS, highlighting the legal, institutional and policy measures adopted to give effect to the Convention, while also evaluating the benefits and burdens associated with such compliance.

The analysis reveals that Nigeria has made significant progress in aligning its domestic legal framework with UNCLOS through the enactment of legislation such as the Merchant Shipping Act 2007, the Nigerian Maritime Administration and Safety Agency Act, the Suppression of Piracy and Other Maritime Offences Act 2019 and the Petroleum Industry Act 2021. The establishment and strengthening of institutions such as NIMASA, the Nigerian Navy, NOSDRA and the Federal Ministry of Marine and Blue Economy further demonstrate the country's commitment to implementing its treaty obligations. These reforms have strengthened Nigeria's sovereign rights over its maritime zones, enhanced maritime security through the reduction of piracy,

promoted regional cooperation and created opportunities for sustainable economic development within the blue economy.

However, the paper also establishes that Nigeria's compliance remains substantial but not complete. Persistent marine pollution in the Niger Delta, illegal, unreported and unregulated fishing, inadequate hydrographic capacity, weak environmental enforcement, institutional fragmentation and limited financial and technological resources continue to impede the effective implementation of several provisions of UNCLOS. These challenges reveal a significant gap between legislative compliance and practical enforcement, particularly regarding environmental protection and sustainable resource management.

Ultimately, Nigeria's experience demonstrates that compliance with UNCLOS extends beyond treaty ratification and legislative enactment; it requires effective institutions, adequate funding, political commitment and continuous adaptation to evolving international maritime standards. While Nigeria has laid a solid legal and institutional foundation for implementing the Convention, achieving full compliance will depend on strengthening governance, enhancing inter-agency coordination, investing in maritime infrastructure and scientific research, and adopting an integrated approach to ocean management. Such measures are indispensable if Nigeria is to maximise the economic, environmental and strategic benefits of its maritime domain while fulfilling its obligations under international law.