

ASSESSING THE EFFECTIVENESS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) IN NIGERIA'S MARITIME RESOURCE GOVERNANCE

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Abstract: *The United Nations Convention on the Law of the Sea (UNCLOS) provides the primary international legal framework for maritime resource governance. This paper examined the effectiveness of UNCLOS in Nigeria's maritime domain, analyzing its implementation across Nigeria's maritime zones and resource sectors. Through doctrinal legal analysis, the study evaluated Nigeria's compliance with UNCLOS obligations in fisheries management, environmental protection, and maritime security. It revealed that while Nigeria has ratified UNCLOS and enacted implementing legislations, significant gaps exist between normative commitments and practical implementation. The paper argued that UNCLOS effectiveness in Nigeria is undermined by inadequate domestic legislation, institutional fragmentation, enforcement deficits, and limited technical capacity. It concluded that enhancing UNCLOS effectiveness requires comprehensive legislative reform, institutional strengthening, improved enforcement mechanisms, and enhanced regional cooperation.*

Keywords: *UNCLOS, implementation Maritime Governance, resources, Nigeria*

Introduction

The United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982 and entering into force in 1994, constitutes the primary international legal framework governing the use and management of ocean spaces and marine resources (Tanaka, 2019:1). Often described as a “constitution for the oceans”, UNCLOS establishes comprehensive rules for maritime jurisdiction, resource management, environmental protection, navigation, and dispute settlement for state parties (Havercroft and Kloker, 2023). Nigeria ratified UNCLOS on 14 August 1986, thereby accepting the Convention's rights and obligations regarding its maritime domain (Babatunde & Abdulsalam, 2021: 533).

Nigeria possesses an extensive maritime domain comprising approximately 853 kilometers of coastline, an Exclusive Economic Zone (EEZ) extending 200 nautical miles into the Atlantic Ocean covering approximately 210,900 square kilometers, and continental shelf claims extending beyond the EEZ (Fadola, 2024: 42). This maritime domain contains significant natural resources, including fisheries, offshore oil and gas deposits, maritime transportation routes, and potential renewable energy sources (Ateme, 2021: 335). Effective governance of these resources is critical for Nigeria's economic development, food security, and environmental sustainability.

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Despite ratifying UNCLOS nearly four decades ago, Nigeria faces persistent challenges in maritime governance, including illegal, unreported, and unregulated (IUU) fishing; maritime insecurity manifested through piracy and armed robbery at sea; environmental degradation from offshore oil operations; and inadequate surveillance and enforcement capabilities (Okafor-Yarwood, 2019: 414). These challenges raise fundamental questions about UNCLOS's effectiveness as a governance framework in the Nigerian context.

This paper critically examines the effectiveness of UNCLOS in Nigeria's maritime resource governance. The central research issue deals with the extent to which UNCLOS provisions have been implemented in Nigeria. The paper employs the doctrinal research methodology, examining UNCLOS provisions, Nigerian implementing legislations, institutional frameworks, and compliance with treaty obligations. It is structured as follows: section 1 examines the UNCLOS normative framework and maritime zone regime; section 2 evaluates Nigeria's legal and institutional implementation framework; and section 3 assesses the UNCLOS effectiveness in Nigeria's maritime governance across key sectors. The conclusion summarizes the finding and made recommendations.

1. UNCLOS Normative Framework, Maritime Zones and Classification System

1.1 Historical Development and Adoption

UNCLOS emerged from the Third United Nations Conference on the Law of the Sea, which convened from 1973 to 1982, representing one of the most complex and prolonged multilateral negotiations in international law history (Cai, et al. 2022: 1166). The Convention was adopted on 10 December 1982 in Montego Bay, Jamaica, and entered into force on 16 November 1994, twelve months after the sixtieth ratification. As of 2025, UNCLOS has achieved near-universal acceptance with 169 state parties, demonstrating its status as customary international law (Vaangal, 2022: 7). UNCLOS codified and progressively developed existing customary law while creating new legal regimes for ocean governance (Zou & Qiang Ye, 2023). The Convention balances the competing interests of coastal states, maritime powers, landlocked and geographically disadvantaged states, and the international community as a whole. Its adoption represented a "package deal" whereby no provision could be subject to reservations, ensuring the Convention's integrity and universal application (Rothwell & Stephens, 2016: 22).

1.2 Maritime Zones under UNCLOS

UNCLOS establishes a comprehensive zonal approach to state maritime jurisdiction, creating distinct zones with varying levels of coastal state authority and corresponding obligations. It establishes seven of such distinct zones including internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf, high seas and the area (Treves, 2015: 39).

By Article 8 of UNCLOS, internal waters comprise waters on the landward side of the baseline from which the breadth of territorial waters is measured. Coastal states exercise complete sovereignty over these waters, equivalent to sovereignty over land territory, subject only to treaty obligations and customary international law (Tuhulele, et al. (2020: 376). Internal

waters include ports, harbors, bays, estuaries, and waters enclosed by straight baselines (UNCLOS, art. 8).

The territorial sea extends up to 12 nautical miles from the baseline (UNCLOS, art. 3). Coastal states exercise sovereignty over the territorial sea, including the airspace above it, the seabed, and subsoil (UNCLOS, art. 2; Martial, 1952: 245). However, this sovereignty is subject to the right of innocent passage, whereby foreign vessels may navigate through territorial waters without prior notification or authorization, provided the passage is not prejudicial to the peace, good order, or security of the coastal state (UNCLOS, art. 17-19). Activities such as weapon exercises, espionage, pollution, and fishing render passage non-innocent (Agyebeng, 2006: 371). Next to the territorial sea is the contiguous zone, which extends up to 24 nautical miles from the baseline (UNCLOS, art. 33). Within this zone, coastal states may exercise control necessary to prevent and punish infringement of customs, fiscal, immigration, and sanitary regulations within their territory or territorial sea. The contiguous zone represents a limited extension of coastal state enforcement jurisdiction rather than sovereignty (Eschenhagen & Jürgens, 2018: 1).

The Exclusive Economic Zone (EEZ) is the vast sea immediately after the contiguous zone, extending up to 200 nautical miles from the baseline (UNCLOS, art. 57). Within this zone, coastal states possess sovereign rights for exploring, exploiting, conserving, and managing living and non-living natural resources in the waters superjacent to the seabed, the seabed, and its subsoil; sovereign rights regarding other economic activities, such as energy production from water, currents, and winds; and jurisdiction over the establishment and use of artificial islands, installations, and structures (UNCLOS, art. 56). Coastal states also have jurisdiction over marine scientific research and protection and preservation of the marine environment in the EEZ. The EEZ regime represents a *sui generis* zone, neither territorial sea nor high seas, where coastal states possess functional jurisdiction rather than full sovereignty (Arévalo-Ramírez & Godio, 2026). Other states retain freedoms of navigation, overflight, and laying submarine cables and pipelines, subject to due regard for coastal state rights (UNCLOS, art. 58).

The continental shelf comprises the seabed and subsoil of submarine areas extending throughout the natural prolongation of a coastal state's land territory to the outer edge of the continental margin, or to 200 nautical miles where the continental margin does not extend that far (UNCLOS, art. 76). Where the continental margin extends beyond 200 nautical miles, coastal states may claim an extended continental shelf based on geological and geomorphological criteria, subject to approval by the Commission on the Limits of the Continental Shelf. Coastal states exercise sovereign rights over the continental shelf for exploring and exploiting its natural resources, primarily mineral and non-living resources, and sedentary species of living organisms. These rights are inherent and do not depend on effective occupation or express proclamation (*North Sea Continental Shelf case*, 1969).

The high seas comprise all ocean areas beyond national jurisdiction, open to all states for navigation, overflight, fishing, laying submarine cables and pipelines, constructing artificial islands, and marine scientific research (UNCLOS, art. 87). High seas freedoms are exercised with due regard for other states' interests and UNCLOS provisions (Oxman, 2020: 796). No state may subject any part of the high seas to its sovereignty (UNCLOS, art. 89).

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UNCLOS establishes a special international regime for the exploitation of natural resources in the High Sea under the designation of “The Area”, which comprise of the seabed, ocean floor, and subsoil beyond national jurisdiction (UNCLOS, art. 1). Under Article 136 of UNCLOS, the Area and its resources are the “common heritage of mankind”, to be exploited for the benefit of all humanity, with particular regard for developing states' interests. The International Seabed Authority is established to regulate activities in the Area and ensure equitable benefit sharing (UNCLOS, art. 156-157).

It is worthy of note that even before the adoption of UNCLOS III in 1982, Nigeria had enacted its domestic legislations on maritime jurisdiction that aligns with the provisions of the Convention. In 1967, Nigeria proclaimed its territorial waters through the Territorial Waters Act (TWA), which established a 12 nautical mile territorial sea (TWA, s. 1). In 1978, it enacted the Exclusive Economic Zone Act (EEZA), which proclaimed Nigeria's EEZ, consistent with emerging UNCLOS provisions, granting Nigeria sovereign rights over natural resources within 200 nautical miles (EEZA, s.1). Nigeria also submitted preliminary information on its extended continental shelf claim to the Commission on the Limits of the Continental Shelf in 2009, followed by a full submission in 2022 (UN Division for Ocean Affairs, 2025). These proclamations establish Nigeria's jurisdictional framework under UNCLOS, creating the legal basis for resource management, environmental protection, and enforcement within Nigerian maritime zones.

2. Nigeria's Legal and Institutional Regime for UNCLOS Implementation

2.1 Constitutional Framework

The Constitution of the Federal Republic of Nigeria 1999 (as amended) provides the foundational legal framework for maritime governance. Section 44(3) vests all minerals, mineral oils, and natural gas in, under, or upon any land (including land covered by water) in, under, or upon the territorial waters and the EEZ in the Federal Government. This provision establishes federal ownership of maritime resources, creating exclusive federal authority over resource exploitation (Egede, 2005: 73). The Constitution's Second Schedule, Part I (Exclusive Legislative List) grants the National Assembly exclusive legislative powers over matters relating to citizenship, immigration, emigration, passports, and visas (Item 17); maritime shipping and navigation, including ships and shipping on tidal waters (Item 39); and ports and harbors (Item 46).

These provisions establish federal legislative competence for maritime matters, preventing state-level interference with maritime governance (*A.G. Federation v. A.G. Abia* 2002). However, Section 6(6)(c) of the constitution declares Chapter II (Fundamental Objectives and Directive Principles of State Policy) non-justiciable (Odiye et al, 2016). Section 20 within Chapter II provides that “the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria”. The non-justiciability of environmental protection directives prevents citizens from directly enforcing constitutional environmental obligations through judicial proceedings, creating a significant gap in environmental rights protection including in the maritime domain (Okeke, 2025).

2.2 Legislative Implementation Framework

2.2.1 Exclusive Economic Zone Act 1978

The Exclusive Economic Zone Act (EEZA) 1978 constitutes Nigeria's primary legislation implementing UNCLOS EEZ provisions. Section 1 proclaims Nigeria's EEZ extending 200 nautical miles from the baseline, granting Nigeria sovereign rights for exploring, exploiting, conserving, and managing natural resources. Section 2 grants Nigeria jurisdiction over artificial islands, installations, marine scientific research, and environmental protection. However, the Act lacks substantive provisions on resource management methodologies, conservation measures, environmental protection standards, and enforcement mechanisms (Bassey, Ibas & Akpan, 2017: 215). It functions primarily as a jurisdictional proclamation rather than comprehensive resource management legislation, creating an implementation gap between UNCLOS obligations and domestic law (Folami, 2017).

2.2.2 Sea Fisheries Act 1992

The Sea Fisheries Act 1992 regulates fishing in Nigerian waters, including territorial waters and the EEZ (Akpan, 2017: 25). The Act prohibits fishing without a license, establishes licensing requirements for fishing vessels, and empowers the Minister to make regulations for fisheries management. However, it does not fully align with the UNCLOS in many aspects of conservation and exploitation of fishing: the absence of provisions requiring determination of maximum sustainable yield (MSY) or total allowable catch, contradicts Article 61 obligations of UNCLOS; it lacks ecosystem-based management approaches or precautionary principles; it does not contain adequate penalties for violations, limiting deterrent effect; there are inadequate provisions for monitoring, control, and surveillance; and the absence of provisions addressing IUU fishing comprehensively is debilitating (Obidimma, et al 2023: 70).

These deficiencies render the Act inadequate for fulfilling Nigeria's UNCLOS fisheries management obligations, contributing to overfishing and resource depletion (Okafor-Yarwood, 2019: 417).

2.2.3 Petroleum Industry Act 2021

The Petroleum Industry Act (PIA) 2021 modernized Nigeria's hydrocarbon governance framework, replacing previous fragmented legislation (Omorogbe, 2022: 22). The Act establishes regulatory authorities for upstream and midstream/downstream petroleum operations, creates frameworks for petroleum taxation and administration, and includes environmental management provisions. Part IV addresses environmental management, requiring environmental impact assessments for petroleum operations, establishing remediation obligations for environmental damage, and imposing penalties for environmental violations. However, critics argue that environmental protection provisions remain inadequate, particularly regarding offshore operations' environmental impacts, oil spill prevention and response, and liability for environmental damage (Okoro and Arinze-Umobi, 2022: 95).

2.2.4 Suppression of Piracy and Other Maritime Offences Act 2019

The Suppression of Piracy and Other Maritime Offences Act 2019 criminalizes piracy and related maritime offences, aligning Nigerian law with UNCLOS anti-piracy provisions (UNCLOS, arts. 100-107). Section 3 defines piracy consistent with UNCLOS Article 101, including illegal acts of violence, detention, or depredation committed for private ends by the

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crew or passengers of a private vessel against another vessel in the high seas or outside any state's jurisdiction (Ikoro & Onyekozuru, 2022: 2). The Act grants Nigerian courts universal jurisdiction over piracy, authorizes Nigerian naval vessels to seize pirate vessels, and establishes penalties including life imprisonment for piracy (SPOMO, ss.4-9). This legislation represents significant progress in implementing UNCLOS maritime security provisions, though enforcement challenges persist (Arugu, 2024: 147).

2.2.5 Other Relevant Legislation

Other relevant legislations relating to the implementation of UNCLOS in Nigeria, include the National Oil Spill Detection and Response Agency (NOSDRA) Act 2006, which establishes NOSDRA to coordinate oil spill response and environmental protection; the Nigerian Maritime Administration and Safety Agency (NIMASA) Act 2007, establishing NIMASA to regulate maritime transportation and shipping; the Coastal and Inland Shipping (Cabotage) Act 2003, to implement the Cabotage policy reserving domestic coastal trade for Nigerian vessels; and the Merchant Shipping Act 2007, which regulates merchant shipping operations in Nigerian waters.

These legislative frameworks while extensive, suffers from fragmentation, gaps, and inconsistencies, undermining comprehensive UNCLOS implementation in Nigeria (Orie & Nkum, 2023: 1).

2.3 Institutional Framework

Nigeria's maritime governance involves multiple institutions with overlapping and sometimes conflicting mandates.

2.3.1 Nigerian Maritime Administration and Safety Agency (NIMASA)

Established under the NIMASA Act 2007, NIMASA regulates maritime transportation, shipping safety, seafarer certification, and Cabotage implementation (NIMASA Act, s.22). NIMASA leads the Deep Blue Project (Integrated National Security and Waterways Protection Infrastructure), a maritime security initiative launched in 2021 to combat piracy and enhance surveillance (Arugu and Oyagiri, 2018: 90). Despite these responsibilities, NIMASA faces challenges including inadequate funding, corruption allegations, and limited enforcement capacity (Uzodike & Okoro, 2019: 1).

2.3.2 Nigerian Navy

The Nigerian Navy constitutes the primary maritime security enforcement agency, responsible for defending Nigerian waters, combating piracy and armed robbery at sea, preventing illegal fishing, and enforcing maritime laws (CFRN 1999, s.217). Constitutional provisions establish the Navy as part of the Armed Forces with maritime defense responsibilities. Resource constraints significantly limit Navy effectiveness, including insufficient vessels for extensive EEZ patrol, outdated equipment and technology, inadequate training and personnel, and limited operational funding (Omeni, 2022: 45). These constraints compromise surveillance and enforcement capabilities, enabling maritime crimes to persist.

2.3.3 Department of Fisheries

Located within the Federal Ministry of Agriculture and Rural Development, the Department of Fisheries regulates fisheries resources, issues fishing licenses, and develops fisheries policies (Ogunji & Wuertz, 2023). The Department suffers from chronic underfunding, limited technical capacity, inadequate scientific research capability, and insufficient enforcement personnel (Eli et al, 2025: 52). The absence of adequate fish stock assessments and monitoring systems prevents implementation of science-based fisheries management consistent with Article 61 of UNCLOS. Limited coordination with the Navy and NIMASA further undermines enforcement effectiveness (Kayoda, 2012: 152).

2.3.4 National Oil Spill Detection and Response Agency (NOSDRA)

The NOSDRA coordinates oil spill response, monitors compliance with environmental regulations in the petroleum sector, and enforces environmental standards (NOSDRA Act, ss.5-7). Challenges include limited resources for comprehensive monitoring, dependence on industry self-reporting, inadequate technical capacity for environmental assessment, and jurisdictional overlaps with other agencies (Osuji & Agbakwuru, 2022: 1125).

2.3.5 Nigerian Ports Authority

The Nigerian Ports Authority (NPA) manages seaport operations, develops port infrastructure, and ensures port security (NPA Act, s.7). Various challenges limit its functions and effectiveness, include port congestion, corruption and bribery, inadequate infrastructure, and security concerns (Okpara & Enyioko, 2022).

Despite the establishment of these institutions, Nigeria's maritime governance suffers from persistent coordination challenges. Effective UNCLOS implementation requires coordinated institutional responses, which is a challenge in Nigeria. For instance, multiple agencies possess overlapping responsibilities for maritime security, environmental protection, and resource management, creating jurisdictional confusion and duplication of effort (Kayoda, 2012: 154). There is limited information sharing between these agencies, which undermines coordinated enforcement and resource management. Coupled with this, Nigeria lacks a comprehensive national ocean policy integrating maritime governance across sectors and agencies (Anozie, 2019:193).

These challenges undermine UNCLOS implementation effectiveness, as the Convention's integrated approach requires harmonized institutional responses across maritime zones and resource sectors (Oke, 2023: 95).

3. Assessing UNCLOS Effectiveness in Nigerian Maritime Governance

This section assesses UNCLOS effectiveness by examining Nigeria's compliance with treaty obligations across key maritime sectors, identifying implementation gaps and their causes.

3.1 Fisheries Management and Conservation

Article 61(1) of UNCLOS requires coastal states to determine the allowable catch of living resources in their EEZ. Article 61(2) mandates using best scientific evidence available to ensure proper conservation and management measures, maintaining or restoring populations

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at levels producing maximum sustainable yield (MSY). Article 61(3) requires taking into account fishing patterns, interdependence of stocks, and internationally recommended standards. Article 62 obligates coastal states to promote optimal utilization of living resources, granting other states access to the surplus of allowable catch where the coastal state lacks capacity to harvest the entire allowable catch. Articles 63-64 require cooperation for shared stocks and highly migratory species. Article 73 authorizes enforcement through boarding, inspection, arrest, and judicial proceedings.

Nigeria's implementation of these UNCLOS treaty obligations is laden with substantial difficulties by the very nature of the technological advancement required to achieve success. First, Nigeria lacks comprehensive scientific data on fish stock status, population dynamics, and ecosystem health (Eli et al, 2025: 52). The Department of Fisheries possesses limited research capacity, and stock assessments are rarely conducted (Esin, 2025: 724). This deficiency violates Article 61(2) obligations requiring determination of allowable catch based on best scientific evidence. Second, Nigeria has not established MSY levels for fish stocks in its EEZ, contrary to Article 61 requirements (Bassey, Ibas and Akpan, 2017: 218). Without MSY determination, fisheries management lacks scientific basis, leading to potential overfishing and stock depletion (Somvanshi, 2003: 13). Third, while the Sea Fisheries Act requires fishing licenses, the licensing system suffers from corruption, inadequate monitoring of licensed vessels, limited enforcement of license conditions, and insufficient penalties for violations (Okafor-Yarwood, 2019: 418). Also, Illegal, Unreported, and Unregulated (IUU) fishing remains widespread in Nigerian waters, estimated to cost Nigeria approximately \$600 million annually (Yonmo & Asanebi, 2022: 2). Foreign fishing vessels, particularly from distant water fishing nations, engage in illegal fishing with limited enforcement consequences (Folami, 2017). Factors enabling IUU fishing include limited surveillance capability due to insufficient patrol vessels, corruption facilitating illegal access, weak penalties failing to deter violations, and jurisdictional confusion between enforcement agencies.

Coupled with these challenges, while Nigeria is a member of regional fisheries organizations, it has not fully implemented Article 63-64 cooperation obligations for shared and highly migratory stocks with regional countries (Chikelu, 2021: 27). As a result, UNCLOS effectiveness in Nigeria's fisheries sector is severely constrained. The absence of science-based management, widespread IUU fishing, and limited enforcement indicate fundamental implementation failures. While UNCLOS provides comprehensive normative obligations, Nigeria lacks the institutional capacity, technical expertise, and political will to translate these norms into effective resource management (Bassey, Ibas and Akpan, 2017: 220).

3.2 Environmental Protection

Part XII of UNCLOS establishes comprehensive environmental protection obligations. Article 192 imposes a general obligation to protect and preserve the marine environment. Article 194 requires states to take measures to prevent, reduce, and control pollution from all sources, including land-based sources, seabed activities, vessels, dumping, and atmospheric sources. Article 194(5) requires measures protecting rare or fragile ecosystems and habitats of depleted, threatened, or endangered species. Article 206 mandates environmental impact assessments when states have reasonable grounds to believe planned activities may cause

substantial pollution or significant ecological changes. These obligations apply throughout maritime zones, including the EEZ and continental shelf (Birnie, Boyle and Redgwell, 2009: 390).

An assessment of Nigeria's environmental protection framework reveals significant implementation gaps. For instance, although offshore oil production dominates Nigeria's maritime economy accounting for approximately 70% of national oil output, environmental oversight remains inadequate (Ole & Herbert, 2022: 144). NOSDRA lacks the capacity for comprehensive monitoring, and depends almost entirely on industry self-reporting, which creates conflict-of-interest concerns, inadequate environmental impact assessment enforcement, and insufficient penalties for environmental violations (Kumor, 2021: 162).

Oil spills also constitute a persistent environmental problem in Nigerian waters (Amah & Faga, 2021: 123). Factors that contribute to inadequate spill response include delayed detection due to limited surveillance, slow response time, inadequate cleanup technology and resources, insufficient operator liability, and limited environmental restoration (Faga & Ngwoke 2021: 225). Between 2015 and 2020, over 3,000 oil spills were recorded in Nigeria, many affecting marine and coastal ecosystems (Osuji and Agbakwuru, 2022: 1124). The government's heavy dependence on oil revenue creates conflicts between environmental protection and economic imperatives, undermining UNCLOS Article 192 obligations.

Similarly, land-based pollution, including agricultural runoff, industrial discharge, and solid waste, significantly impacts Nigerian coastal and marine areas (Diop, 1999: 55). Limited regulation and enforcement of these pollution sources violate Article 194 obligations requiring control of pollution from all sources. Moreover, Nigeria has established limited Marine Protected Areas (MPAs) to protect rare or fragile ecosystems, contrary to Article 194(5) obligations (Agbeja, 2017: 159). The absence of a comprehensive MPA network undermines ecosystem conservation and biodiversity protection. On the other hand, although the Environmental Impact Assessment Act 1992 requires EIAs for specified projects, implementation remains inconsistent, particularly for offshore operations (Eni, 2024: 9). EIAs often lack rigorous independent review, fail to adequately assess cumulative impacts, and impose inadequate mitigation requirements (Okoro and Arinze-Umobi, 2022: 96).

From the above assessment, it is clear that UNCLOS environmental protection provisions have limited effectiveness in Nigeria. While the normative framework exists, enforcement is severely constrained by institutional weaknesses, resource constraints, corruption, and economic dependencies. The government's prioritization of short-term economic gains over long-term environmental sustainability contradicts UNCLOS Article 192 obligations and threatens marine ecosystem health.

3.3 Maritime Security

Article 100 of UNCLOS requires states to cooperate to the fullest possible extent in repressing piracy. Article 101 defines piracy to include illegal acts of violence, detention, or depredation committed for private ends from one vessel against another on the high seas or outside any state's jurisdiction. Article 105 authorizes universal jurisdiction, permitting any state to seize pirate vessels, arrest persons, and seize property. Article 110 grants warships the right to board foreign vessels on the high seas where reasonable grounds exist to suspect piracy

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or unauthorized broadcasting. Within the EEZ, coastal states exercise enforcement jurisdiction over resource and environmental violations pursuant to Article 73.

This is an aspect of UNCLOS obligation that Nigeria has made measured progress in recent years to improve maritime security. First, the Suppression of Piracy and Other Maritime Offences Act 2019 in section 12 criminalized piracy and established universal jurisdiction, aligning Nigerian law with UNCLOS provisions. The Act also defines piracy in section 3 consistent with Article 101, authorizes Nigerian courts to prosecute pirates regardless of nationality or location of offense, and establishes severe penalties, including life imprisonment (s.6). Second, Nigeria launched the Deep Blue Project in 2021, which represents a comprehensive maritime security initiative that integrates air, sea, and land assets for surveillance and rapid response (Fadola, 2024: 47). The project consists of different components including a command, control, computer, communication, and information centre for integrated monitoring; special mission vessels for patrol and interdiction; special mission aircraft for aerial surveillance; fast intervention vessels for rapid response; and an armored vehicles for shoreline patrol. It has contributed immensely to the reductions in piracy incidents in Nigerian waters, demonstrating improved enforcement capacity. Third, Nigeria participates in regional maritime security initiatives, including the Gulf of Guinea Commission and the Yaoundé Architecture for maritime security cooperation (Ohagwa, 2022: 38). These initiatives facilitate information sharing, coordinated patrols, and joint enforcement operations. However, Nigeria has made limited efforts to deal with removal of abandoned or disused maritime installations or shipwrecks, which constitute security threat to maritime navigation, contrary to Article 60(3) obligation (Ole & Faga, 2017: 141).

Conclusions

This paper examined the effectiveness of UNCLOS in Nigeria's maritime resource governance. The analysis revealed a fundamental disconnect between Nigeria's normative commitments under UNCLOS and practical implementation. While Nigeria ratified UNCLOS in 1986 and enacted implementing legislations, substantial gaps exist in translating treaty obligations into effective resource management, environmental protection, and maritime security.

Despite the attempts made at aligning Nigeria's domestic legislations with UNCLOS, the paper found the existence of certain implementation challenges including legislative gaps that prevent full UNCLOS incorporation, institutional weaknesses limiting technical and enforcement capacity, inadequate inter-agency coordination fragmenting governance, competing economic priorities undermining sustainability objectives, and limited stakeholder engagement reducing governance legitimacy. These challenges demonstrate that UNCLOS, despite providing a comprehensive normative framework, cannot be effective without robust domestic implementation architecture, adequate institutional capacity, political commitment to enforcement, and inclusive governance processes.

The paper's findings have several implications. First, international legal frameworks, regardless of normative comprehensiveness, require strong domestic implementation to achieve effectiveness. Second, maritime governance demands integrated approaches transcending sectoral and institutional boundaries. Third, effective resource management

requires scientific capacity, enforcement capability, and political will—areas where Nigeria faces significant deficits. Fourth, sustainable ocean governance necessitates balancing economic development with environmental protection and long-term resource sustainability. UNCLOS provides Nigeria with a sound legal framework for maritime governance, but its effectiveness depends entirely on Nigeria's commitment to implementation. Realizing UNCLOS's potential requires comprehensive reforms addressing legislative gaps, institutional capacity, enforcement mechanisms, and governance coordination.

Based on the foregoing analysis, the following recommendations are proposed:

- a) Nigeria should consolidate its fragmented maritime statutes into a single, comprehensive Ocean Governance Act, aligning fully with UNCLOS obligations and providing clear rules for resource management, environmental protection, and enforcement.
- b) Existing laws, such as the Sea Fisheries Act and environmental regulations, should be revised to include science-based management, ecosystem approaches, stronger penalties for violations, and enforceable environmental standards for offshore operations.
- c) A central coordinating body should be established to harmonize the functions of agencies, such as NIMASA, the Navy, and NOSDRA, ensuring effective inter-agency collaboration, information sharing, and coherent maritime governance.
- d) Nigeria must invest in advanced surveillance technology—satellite tracking, vessel monitoring systems, and aerial patrols—while strengthening prosecution capacity and increasing penalties to deter illegal fishing, pollution, and piracy.
- e) Developing national marine research capacity through dedicated institutes and partnerships with international bodies is essential to support evidence-based policymaking and sustainable exploitation of marine resources.
- f) Nigeria should expand participation in Gulf of Guinea security initiatives and regional fisheries bodies to enhance shared patrols, legislative harmonization, and collective resource management across maritime boundaries.
- g) Maritime governance should incorporate coastal communities, civil society, and the private sector through participatory decision-making, benefit-sharing arrangements, and public awareness campaigns promoting ocean stewardship.
- h) Formulating a unified National Ocean Policy and implementing marine spatial planning will align economic, security, and environmental interests, ensuring sustainable development of Nigeria's maritime domain in line with UNCLOS and SDG 14.

REFERENCES

1. Agbeja, Y.E. (2017). Marine Protected Area: Prospective Tool for Ecosystem-based Fisheries Management in Nigeria. 9(6) *International Journal of Biodiversity and Conservation*. 158-166.
2. Agyebeng, W.K. (2006). Theory in Search of Practice: The Right of Innocent Passage in the Territorial Sea. 39(2) *Cornell International Law Journal*. 371-399.
3. Akpan, M.J.D. (2017). A Comparative Study of Nigeria's Sea Fisheries Act and Sea Fisheries Regulations vis-à-vis Malaysia's Fisheries Act. 3(2) *Donnish Journal of Law and Conflict Resolution*. 25-28.

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4. Amah, E.I. and Faga, H.P. (2021). Indigenous Peoples' Rights Over Natural Resources: An Analysis of Host Communities' Rights in Nigeria. 3(2) *Lampung Journal of International Law*. 119-136.
5. Anozie, C., Umahi, T., Onuoha, G., Nwafor, N. & Alozie, O.J. (2019). Ocean Governance, Integrated Maritime Security and its impact in the Gulf of Guinea: A Lesson for Nigeria's Maritime Sector and Economy. 11(2) *Africa Review*, 190-207.
6. Arévalo-Ramírez, W. & Godio, L.M.A. (2026). Coastal State jurisdiction over the EEZ and Foreign Military Activities. 184 *Marine Policy*, 106930.
7. Arugu, O.W. (2024). The Impact of the Suppression of Piracy and other Maritime Offences Act 2019 in the Fight against Piracy in Nigeria. 11(1) *NAU.JCPL*. 145-158.
8. Arugu, O.W. and Oyagiri, B.I. (2018). Appraisal of the Regulatory Functions of the Nigerian Maritime Administration and Safety Agency in the Implementation of Maritime Cabotage Policy in Nigeria. 3(1) *Issues and Responses in Maritime Law*. 85.
9. Ateme, M.E. (2021). Developing Marine and Coastal Resources in Nigeria: Prospects and Challenges. 3(4) *Maritime Technology and Research*. 335-347.
10. Attorney General of the Federation v Attorney General of Abia State & 35 Ors (2002) 6 NWLR (Pt 764) 542.
11. Babatunde, E. O. & Abdulsalam, M. M. (2021). Towards Maintaining Peacefulness of the Sea: Legal Regime Governing Maritime Safety and Security in Nigeria. 12 *Beijing Law Review*. 529-559
12. Bassey, i., Ibas, J. and Akpan, E. (2017). A Review of the Marine Fisheries Policy and Management in Nigeria. 5(2) *African Journal of Fisheries Science*. 215.
13. Birnie, P., Boyle, A. and Redgwell, C. (2009). *International Law and the Environment* (3rd edn, Oxford University Press).
14. Cai, Y., Peng, Y., Xu, Z. and Yuan, M. (2022). Exploring the Effect of Negotiation on UNCLOS. In Ali et al (eds.) *Proceedings of the 2022 6th International Seminar on Education, Management and Social Sciences* (ISEMSS). 1166-1175.
15. Chikelu, G.C. (2021). Regulating IUU fishing in Nigeria: a step towards discovering the untapped potentials of fisheries in Nigeria, (Unpublished M.Sc. dissertation, World Maritime University, Malmo, Sweden).
16. Diop, E.S. (1999). Overview of Land-based Sources and Activities Affecting the Marine, Coastal and Associated Freshwater Environment in the West and Central African Region. UNEP Regional Seas Reports and Studies No. 171. Available at: <https://aquadocs.org/server/api/core/bitstreams/c9661d71-1cdb-4e82-bbaa-171e3ea3feb7/content> (accessed 12 Oct. 2025).
17. Egede, E. (2005). Who owns the Nigerian offshore seabed: federal or states? An examination of the Attorney General of the Federation v. Attorney General of Abia State & 35 Ors Case. 49 *Journal of African Law*. 73-93.
18. Eli, A.A., Lelei, K.E., Kingdom, T., Okadi, D.I., Okogbue, B., Enize, B.T., Kwen, K., Nathaniel, M.A. and ZibsGodwin, F.I. (2025). Small-Scale Fishers in Sustainable Fisheries Management: The Bayelsa State Experience. 11(1) *International Journal of Fisheries and Aquaculture Research*. 50-65.
19. Eni, O., Ole, N.C., Faga, H.P. & Nwedu, C.N. (2024). Mapping the Weaknesses of Nigeria's Environmental Impact Assessment Mechanism as a Framework for Environmental Justice in the Petroleum Sector. 28(1) *Human Ecology Review*. 7-24.
20. Eschenhagen, P. & Jürgens, M. (2018). Protective Jurisdiction in the Contiguous Zone and the Right of Hot Pursuit: Rethinking Coastal States' Jurisdictional Rights. 19 *Melbourne Journal of International Law*. 1.
21. Esin, J.O., Evans, U.F. & Affiong, I.N. (2025). Blue Economy and the Fisheries Sector in Nigeria: Analysis of the Performance of Capture and Aquaculture Fisheries to Fish Production and Implication on Economic Growth. 10(3) *Int. J. Res. & Innov. Appl. Sci*. 723-737.

22. Fadola, A.B. (2024). Port Security Compliance: Safeguarding Nigeria's Critical Maritime Infrastructure. 8(10) *Wukari International Studies Journal*. 41-55.
23. Faga, H.P. & Ngwoke, R.A. (2021). The Niger Delta Agitation for Resource Control: Making Sense of Common Law Private Property Ownership Principles in the Management and Control of Oil Resources in Nigeria. 30(5) *Studia Iuridica Lublinensia*. 223-252.
24. Folami, T.O. (2017). Towards an integrated ocean governance regime and implementation of the Sustainable Development Goal 14 in Nigeria. (Unpublished M.Sc. Dissertation, World Maritime University, Malmo, Sweden), available at: https://commons.wmu.se/cgi/viewcontent.cgi?article=1591&context=all_dissertations.
25. Havercroft, J. and Kloker, A. (2023). A Constitution for the Ocean? An Agora on Ocean Governance. *Global Constitutionalism*. 1.
26. Ikoro, S. & Onyekozuru, G.H. (2022). An Appraisal of the Suppression of Piracy and Other Maritime Offences Act, 2019. 9(1) *Journal of Public Law*. 1-11.
27. Kayoda, W.O. (2012). Nigeria's Maritime Resources Protection: Integrated Approach for the Armed Forces. *NDC Journal*. 143-160.
28. Kumor, N.A. (2021). The Paradox of NOSDRA to Prevent and Quickly Respond to Oil Spills in Nigeria. 5(1) *American Journal of Humanities and Social Sciences Research*. 158-167.
29. Martial, J.A. (1952). State Control of the Air Space over the Territorial Sea and the Contiguous Zone. 30 *The Canadian Bar Review*. 245-263.
30. North Sea Continental Shelf Cases (Federal Republic of Germany v Denmark; Federal Republic of Germany v Netherlands) [1969] ICJ Rep 3.
31. Odiike, E. A., Faga, H. P., & Nwakpu, I. W. (2016). Incorporation of Fundamental Objectives and Directive Principles of State Policy in the Constitutions of Emerging Democracies: A Beneficial Wrongdoing or a Democratic Demagoguery? 7 *Beijing Law Review*. 267-277.
32. Ogunji, J. and Wuertz, S. (2023). Aquaculture Development in Nigeria: The Second Biggest Aquaculture Producer in Africa. 15 *Water*. 4224.
33. Ohagwa, P.U. (2022). Analysis of Nigeria's Deep Blue Project: a new paradigm for maritime security in the Gulf of Guinea (Unpublished M.Sc. dissertation, World Maritime University, Malmo, Sweden).
34. Okafor-Yarwood, I. (2019). Illegal, Unreported and Unregulated Fishing, and the Complexities of the Sustainable Development Goals (SDGs) for Countries in the Gulf of Guinea. 99 *Marine Policy*. 414.
35. Oke, M. (2023). Towards Achieving an Improved Maritime Industry in Nigeria. 20(2) *Nigerian Journal of Policy and Strategy*. 77-106.
36. Okeke, C. (2015). Environmental Rights As Constitutional Rights: Nigeria's Legal Evolution. Mondaq, available at: <https://www.mondaq.com/nigeria/environmental-law/1569150/environmental-rights-as-constitutional-rights-nigerias-legal-evolution>.
37. Okoro, U.S. and Arinze-Umobi, C. (2022). The Petroleum Industry Act 2021 and Quest for Stricter Environmental Regulation in Nigeria's Energy Sector. 3(1) *Law and Social Justice Review*. 87.
38. Ole, N. & Faga, H.P. (2017). Assessing the Impact of the Brent Spar Incident on the Decommissioning Regime in the North East Atlantic. 3(2) *Hasanuddin Law Review* 141-147.
39. Ole, N.C. & Herbert, E.B. (2022). The Nigerian Offshore Oil Risk Governance Regime: Does the Petroleum Industry Act 2021 Address the Existing Gaps? 31(3) *Studia Iuridica Lublinensia*. 143-163.
40. Omeni, A. (2022). Beyond African Pride: Corruption mechanisms in the Nigerian Navy and maritime sector. 50(1) *Scientia Militaria, South African Journal of Military Studies*. 45-64.
41. Omorogbe, Y. (2022). The Petroleum Industry Act from A Governance Perspective. 7 *Crescent University Law Journal*. 22-40.
42. Orie, E.G. & Nkum, K.J. (2023). An Examination of International Legal Framework for Maritime Safety and Security with Specific Reference to Challenges and Impediments to their Enforcement: Nigeria in Perspective. 3 *Cavendish Univ. Law Journal*. 1-27.

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LAW OF THE SEA (UNCLOS) IN NIGERIA'S MARITIME RESOURCE GOVERNANCE*

43. Osuji, J.N. and Agbakwuru, J.A. (2022). A Review on Effectiveness of Marine Pollution Control and Management in Nigeria. 26(6) *Journal of Applied Sciences and Environmental Management*. 1123.
44. Oxman, B.H. (2020). High Seas Governance: Gaps and Challenges. 114 *Am. J. Int'l L.* 796.
45. Rothwell, D. and Stephens, T. (2016). *The International Law of the Sea* (2nd edn, Hart Publishing).
46. Somvanshi, V.S. (2003). Indian Experience on Assessment, Measurement and Monitoring of Fishery Resources and Fishing Capacity. In S. Pascoe and D. Gréboval (eds.) *Measuring Capacity in Fisheries*, (FAO Fisheries Technical Paper. No. 445. Rome, FAO.).
47. Tanaka, Y. *The International Law of the Sea* (3rd edn, Cambridge University Press 2019).
48. Treves, T. (2015). Coastal States' Rights in the Maritime Area under UNCLOS. 12(1) *Revista de Direito Internacional, Brasilia*. 39-48
49. Tuhulele, P., Hendrapati, M., Noor, S.M., Ashri, M. (2020). State Sovereignty Claims for the Dealing with Sea Boundary Disputes. 3(11) *Sch. Int. J. Law Crime & Justice*. 376-383.
50. United Nations, Division for Ocean Affairs and the Law of the Sea, 'Submissions to the Commission on the Limits of the Continental Shelf', available at: https://www.un.org/depts/los/clcs_new/commission_submissions.htm (accessed 12th Oct. 2025).
51. United Nations: Nigeria – Submission for Extended Continental Shelf, October 2016, available at: https://www.un.org/depts/los/clcs_new/submissions_files/nga38_09/nga2016_executivesummary.pdf.
52. Uzodike, U. O., & Okoro, O. J. (2019). The Role of the Nigerian Maritime Administration and Safety Agency (NIMASA) in Enhancing Maritime Security in the Gulf of Guinea. 8(2) *Journal of African Union Studies*. 1-20.
53. Vaangal, K. (2022). Reexamining the UNCLOS: A Lack of Compliance and Enforceability. *Lex Portus*, 8(1). 7–27.
54. Yonmo, D.P. & Asanebi, D.H. (2022). Nigeria in the Context of Illegal, Unregulated and Unreported (IUU) Fishing in West African Coast. 2(1) *ESCAE Journal of Management and Security Studies*. 1-17.
55. Zou, K. & Ye, Q. (2023). The Relationship Between UNCLOS and Customary International Law: Some Reflections. 181 *Marine Policy*.

Legislation

56. Coastal and Inland Shipping (Cabotage) Act 2003.
57. Constitution of the Federal Republic of Nigeria 1999.
58. Environmental Impact Assessment Act 1992.
59. Exclusive Economic Zone Act 1978.
60. Merchant Shipping Act 2007.
61. National Oil Spill Detection and Response Agency (NOSDRA) Act 2006.
62. National Oil Spill Detection and Response Agency (NOSDRA) Act 2006.
63. Nigerian Maritime Administration and Safety Agency (NIMASA) Act 2007.
64. Nigerian Maritime Administration and Safety Agency (NIMASA) Act 2007.
65. Nigerian Ports Authority Act 1999, Cap. N126 LFN 2004.
66. Petroleum Industry Act 2021.
67. Sea Fisheries Act 1992.
68. Suppression of Piracy and Other Maritime Offences Act 2019.
69. Territorial Waters Act 1967.
70. United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 (UNCLOS).