LAW OF THE SEA*

Abstract
The essential element that govern law of the sea is that the land dominates the sea such that land territorial situation constitute the starting point in determining maritime rights of coastal states. This paper discusses rules of the law of the sea, jurisdictional limits, and enforcement of obligation under various treaties as well as conventions produced at the United Nations Conferences on the law of the sea held in Geneva at different times.

Keywords: Import and Export Trade, Buyers and Sellers, Incoterms, Bill of Laden and Invoice.

1. Introduction

Historically, the seas are known for two important functions i.e. medium of communication and vast reservoir of resources both living and non-living with the result that it stimulated the development of legal rules being considered in this article. Before the development of law of the sea, customary international law largely regulated the regime of the sea and law of the sea was the subject of the first completed attempt by international law commission [ILC] to place a large segment of the law on the multilateral treaty. The seas were at one time capable of subjection to national sovereignty and the Portuguese in the 17th Century proclaimed large straits of the High Seas as part of their territorial domain which claims stimulated response from Hugo Grotius who elaborated the doctrine of open sea whereby the Ocean as *res communis*[125] were to be accessible to all nations but incapable of appropriation and his views prevailed as we were told partly because it accorded with the interest of the North European States which demanded freedom of the sea for the purposes of exploration and expanding commercial relation with the East and consequently freedom of the sea became the basic principle of international law.

However, not all the seas were so characterised as it was permissible for a coastal state to appropriate a maritime belt around its coastline as territorial waters or territorial sea and treat it as an indivisible part of its domain. A greater part of the history of the sea revolves around the extent of territorial sea or rather, the precise location of the dividing line between it and the high sea including other recognised zones. The original stipulation linked the width *of the territorial sea to the ability of the coastal state to dominate it by* military means from the confines of its own shores. However, the present approach is for states to enlarge maritime belt and also subject more of the Oceans to their exclusive jurisdiction resulting in a trending international law moving rapidly in favour of even larger zones as a result of which coastal states may enjoy certain rights to the exclusion of other nations as in the case of Fishery Zones, Continental Shelf and more recently Exclusive Economic Zones which turned out to be a question to be decided by law of the sea. In the result, there has been a gradual shift in the law of the sea towards the enlargement of the territorial sea[126], the accepted maximum limit is now a width of 12 nautical miles in contrast with 3 nautical miles some years ago coupled with the continual assertion of jurisdictional rights over portions of what were regarded as high seas, reflect a basic change in emphasis in the attitude of states to the sea. As a result of the realisation of resources present in the sea and seabed, the predominance of concept of freedom of the high seas has been modified hence the tendency to assert even greater claims over the high sea. There has been this move towards proclaiming a common heritage of mankind regime over the seabed of the high sea. The law relating to the sea has been in a state of flux for several decades as a result of conflicting principles before series of conferences that led to the 1958 Convention on the Law of the Sea and then that of 1982.

The 1958 Convention on the High Sea stated in its preamble to be declaratory of established principle of international law while the other three instruments can be generally accepted as containing both reiteration of existing and new rules. It was in 1958 that efforts were made to codify or formulate the law of the sea at a United Nations Conference of the law of the sea held in Geneva which resulted in the following conventions.

a] The Geneva convention on the high seas
b] The Geneva Convention on the continental shelf.
c] The Geneva convention on fishing and living resources in the high sea.
d] The Geneva convention on the territorial sea and contiguous zone.

Essentially, these conventions bind parties to them by way of multilateral treaties but non- party states to the convention may be bound by their conduct as it ought to be shown that the conventions are declaratory of the existing customary law principle of the period. The 1958 Convention however failed to adequately deal with several question and most of its provisions have now been overtaken as a result of technological advancement in the area of Oil exploration, Oceanography and the effect of marine research. The codified 1958 Convention is

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[125] See example UN Convention on Law of the Sea 1982
[126] Ibid, article 8[1] see also Part IV of the Law of the Sea

described in the following manner: The United Nation Convention on the Law of the Sea [UNCCLOS 1]. By the year 1960, the international law commission again decided to address the abnormally noted in the 1958 Convention and this effort is known as the United Nation Convention on the Law of the Sea [UNCLOS 2]. Thereafter, from the year 1973, the United Nation Laws of the Sea Convention began meeting with a view to introducing a new draft in the law of the sea which resulted in the United Nation Convention on the law of the sea 1982 referred to as [UNCLOS 3] which was ratified by signatories in Jamaica on December 1st 1982. .

2. Jurisdictional Limits and Enforcement of Obligations

The Sea may be divided into the following zones which will be discussed in relation to the coastal states jurisdictional rights and powers as concerns its Internal Waters, Territorial Seas, Contiguous Zones, High Seas, Continental Shelf and also Exclusive Economic Zone , reason being that States jurisdictional rights are not the same which call for further explanation.

The Internal Waters

Apart from the archipelagic States, the internal waters of a State are waters on the landward side of the baseline of the territorial sea and they are deemed to be such part of the seas which is neither the high sea nor the relevant zones and the territorial seas and are accordingly declared as part of the coastal state. Internal waters whether harbours, lakes or rivers are such waters as are to be found on the landward side of the baseline from which the width of the territorial sea and other zones are measured and are assimilated within the territory of the state. They differ from territorial sea primarily because there is no right of innocent passage from which the ship of other states may benefit except where the establishment of a straight baseline has the effect of enclosing as internal water area which had not previously been considered as such.[127] In general, the coastal state may exercise its jurisdiction over foreign ships within its internal waters to enforce its laws. Although the judicial authority of the flag state may also act where the crimes occurred on board ship, this concurrent jurisdiction may be seen in two ways. In *R v Anderson*,[128] the court of criminal appeal in the United Kingdom[129] declared that an American National who committed manslaughter on board a British vessel in French internal waters was subject to the British courts even though he was also within the sovereignty of French justice [and American justice by reasons of his nationality] and also could correctly be convicted under the English law.

The US Supreme Court held in *Wildenhus* that the American courts had jurisdiction to try the crew members of a Belgium vessel for the murder of another Belgium national when the ship was docked in the port of Jessy City of New York. Perhaps it is important to note that a merchant ship in a foreign internal waters or port is automatically subject to local jurisdiction [unless there is an express agreement to the contrary] see article 27[1] of 1982 convention and article 19[1] of 1958 convention on territorial waters. However, a completely different situation operates when the foreign vessel involved is a warship. In such cases, the authorisation of the flag state is necessary before the coastal state may exercise its jurisdiction over the ship and its crew. This is due to the status of the warship as a direct arm of the sovereign of the flag state. The baseline of the state's territorial waters establishes much of a state's sovereignty over its territorial and internal waters and provides starting point for the measurement of the territorial waters of the state. The measurement of Internal waters start from the low water mark [LWM] and from the same low water mark you measure seaward. Other regimes of the sea include the territorial waters, the contiguous zone and the EEZ. The extent of the internal waters depends on the baseline from which the territorial waters are measured see *The Anglo Norwegian Fisheries Case*[130]. A low tide elevation wholly situated beyond the territorial sea will generate no territorial sea of its own[131]. Further, low tide elevation situated within 12 miles of another such elevation but beyond the territorial sea of the state may not be used for the determination of the breadth of the territorial sea, the so called leap-frogging method[132]. When a low tide elevation is situated in the overlapping area of the territorial sea of two states, both are in principle to use this as part of the relevant low water line in measuring their respective territorial sea[133]

The Territorial Sea

The territorial sea of a state is limited to 12 nautical miles from the baselines or low water mark as contained in article 2 and 3 of 1982 Geneva Convention. A coastal state enjoys sovereignty over the territorial sea, the airspace above it and the subsoil subject to the right of innocent passage of foreign ship. It may designate sea lanes and traffic schemes and may also suspend the right of innocent passage temporarily for security reasons after due

[127]Ibid, article 8[2] Law of the Sea
[128]Cox' s criminal cases 198
[129][1868] The Court of Criminal Appeal in the UK.
[130]ICJ Reports 1051 pg 116, 181 ILR pg 86
[131] Article 13[2] of the law of the sea convention 1982
[132] ICJ Reports, 2001 pp 40 also Nicaragua Vs Honduras Icj Reports 2007
[133] See *Quarter v Bahrain* ICJ Reports 2001 pp. 40

publications. It may levy charges for services rendered but not for mere passage, It may also not exercise criminal jurisdiction over a passing merchant ship unless the consequences of the crime disturbs the peace and the good order of the coastal state. Article 211 of Law of the sea convention provides thus Coastal States may in the exercise of their sovereignty within their territorial sea adopt laws and regulation for the prevention, reduction and control of marine pollution from foreign vessels including vessels exercising the right of innocent passage. The essence of this provision, aside from generally requiring regulation of activities to prevent marine pollution in the territorial sea of coastal states is that foreign ships have right of innocent passage. A coastal state can also exercise jurisdiction if assistance is requested by the master of the ship, diplomatic agent or consular agents of the flag state also if it is necessary for the suppression of illicit trafficking in narcotic drugs. The coastal states are also obliged not to impair innocent passage or discriminate against the ship of any state carrying cargo to or from the state. It must give appropriate notice of dangers to navigation which she has knowledge of. It is important to also note that the right of innocent passage does not apply to foreign aircrafts over territorial sea. Every underwater marine must navigate on the surface of the water while flying the state flag.

Right of Innocent Passage

This is the right of foreign merchant ship [Distinct from warship] to pass unhindered through the territorial sea of a coastal state. The right of innocent passage has been an accepted principle under the customary international law, the sovereignty of the coastal state notwithstanding. Article 14[4] of 1958 convention provide for innocent passage. Article 19[2] of 1958 convention developed the notion of innocent passage contained in 1958 convention by providing example of Pre- judicial passage such as the threat or use of force, weapons practice, spying, propaganda, breach of customs, fiscal immigration or sanitary regulations, wilful and serious pollution ,fishing, research and survey activities, interference with coastal communication and other facilities. In addition, a wide ranging clause also includes any activity not having a direct bearing on passage. Under article 24 of the 1982 convention, coastal states must not tamper with the innocent passage of the foreign ships, Article 17 of the 1958 convention on the territorial sea provided that foreign ships exercising the right of innocent passage were to comply with the laws and regulations enacted by the coastal states, in particular those relating to transport and navigation. This was developed in Article 2[1] of 1982 convention which expressly provided that the coastal states could adopt laws and regulations covering innocent passage.

International Straits

Article 16[4] of 1958 convention on the territorial sea declared that there shall be suspension of innocent passage of foreign ships through straits which are used for international navigation between one part of the high sea and another part of the high sea or the territorial sea of a sovereign[134] state.

The Contiguous Zone

The contiguous zone is a limit of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured or 12 nautical miles beyond the territorial sea of a coastal state. Where a state declare a contiguous zone since not all of them do, within this area it may exercise the control necessary to prevent inter- alia infringement of its laws within a delineated territorial sea. Where there is an infringement of the laws and regulation within its territory or territorial sea, the coastal states may also take action in the contiguous zone to punish the infringement. Article 24 of the 1958 Convention on territorial waters and Article 33 of 1982 Convention provide that in a zone of the high seas contiguous to the territorial sea, the coastal states may exercise the control necessary to: [a] Prevent infringement of its Customs, Fiscal, Immigration or Sanitary regulations within its territory or territorial sea; [b] Punish infringement of the above regulations committed within its territory or territorial sea. Thus, such contiguous zone was clearly differentiated from claims to full sovereignty as part of the territorial sea by being referred to as part of the high sea over which the coastal state may exercise particular right

The Continental Shelf

The Continental Shelf is a geological expression referring to the ledges that project from the continental land mass into the sea which was covered with only a relatively shallow layer of water [150-200 meters] and which eventually fall away into the ocean depths. The relevant fact about the continental shelf is that they are rich in oil and gas resources and the American president Truman made a proclamation in 1945 claiming that the continental shelf beneath the high sea but contiguous to the US is appertaining to the US and therefore subject to US control. The North Sea Continental Shelf case confirms such rights of coastal states to lay claim to the continental shelf as a national prolongation of its land territory into the sea. Article 1 of 1958 Convention define the continental shelf as the seabed and the subsoil of the marine area adjacent to the coast but outside the territorial sea to the depth of 200 nautical miles or beyond the limit to where the depth of the adjacent waters admit of the exploitation of natural resources of the said areas. Article 76[1] of 1982 Convention provides that the continental shelf shall:

[134] [1949] ICJ report pg 244

[a] Not exceed 200 nautical miles from the baseline of the territorial seas; [b] Beyond the 200 nautical miles, it must not exceed 350 nautical miles; [c] And 100 miles from the 250 meters isobaths. The coastal states exercise exclusive sovereign right over the area for the purpose of exploration of the natural resources. This right does not depend on occupation effective or notional or on proclamation. The super adjacent waters and the airspace are open to other users. From the foregoing, customary international law governed the use of the sea, but later many of these customary rules were codified in both the 1958 and 1982 convention. Note however that where a state is not a party to any of these conventions, it will not be bound by the convention. In such a situation, any dispute involving such state which borders on the dispute on the sea will be determined by customary international law

3. The High Seas

The basis for the maintenance of order in the high seas rests upon the concept of nationality of the ship and the consequent jurisdiction of the flag state over the ship. It is fundamentally the flag state that will enforce the rules and regulations not only of its municipal laws but that of international law as well. A ship without flag will be denied of most of its benefits and the rights available under the regime of the high sea. Each state is required to meet the conditions necessary to the grant of its nationality to ships intended for registration of ships in its territory and also the right to fly its flag. This nationality of ship will also depend on the fag which it flies but the article on the high sea convention of 1958 also stipulate that there must be a genuine link between the state and the ship in particular such that the state actively exercises jurisdiction and control over the ship flying its flag. This provision was intended to check the use of flags as ships are expected to sail under the flag of one state only and are subject to its exclusive jurisdiction. When a ship sails under the flag of more than one state according to convenience, it may be treated as a ship without nationality and will not be able to claim any of the nationality concerned. The ship that does not fly any state flag may be boarded and seized on the high sea and the basic principle relating to jurisdiction at the high sea is that the flag state alone may exercise such jurisdiction or right over the ship. This was elaborated in the Lotus case where it was held that vessel on the high sea are subject to no authority except that of the flag state whose fag it flies. War ships, ships on non-commercial services belonging to a state, have complete immunity from jurisdiction of any state other than the flag state.

State Immunity or Sovereign Immunity

State Immunity is a concept reflecting the view of his majesty such that it confirms absolute theory of State immunity. In earliest English case of Parliament Pergo[135] 1880 5 PD pg 197 where a state owned vessel used for the purpose of carrying mail and also used for carrying passengers as a business concern, the vessel collided in Debar Harbour which called for the arrest of Parliament Pergo and a proceeding in rem brought against the defaulting ship. The action failed because the ship belonged to government hence protected by absolute immunity theory principle. The state controls immense powers and perform functions that are in number and importance beyond every other body or association and these functions are largely in the interest of the public at large. However, the issue of sovereign immunity became of real importance from the last century when most state government started to own merchant ships but not without the controversy in a divided opinion as to whether a ship owned by a state can be proceeded against more so for a commercial activity. It then seemed inequitable that government owned vessels should enjoy immunity in respect of arrest when their vessel cause loss or damage to privately owned vessels. The view taken was that a state engaged in mundane or ordinary business of trading must in fairness submit to general rules applicable to traders in regards to a fact that majesty cannot be asserted in a market place and as such the bull was taken by the horn when the judicial committee of privy council decisively rejected the absolute theory of state immunity in a celebrated case of Philippine Admiral 1977 Appeal cases[136] where the Privy Council held that time has come to restrict the absolute theory of state immunity to ships engaging in public missions. The Privy Council therefore granted action in rem to chatterers for breach of chatter party and to shipping agents for goods supplied and to crews for disbursement even though the ship was said to be owned by a company while in reality it is an agent of the state. The House of Lords in 1981 in the case of Congress Del partigo[137] extended the restrictive theory to actions *in personam* as well. It should be noted that there is an international convention for the unification of certain rules concerning the immunity of state-owned ships 1926 and a protocol in 1934 also various amendments therein. These statutes assumed general principles of state immunity in respect to admiralty proceedings in actions *in rem* and *in personam* against these ships and hovercraft where the vessel is said to be immune but intended for use for a commercial purpose. The same apply to proceedings on commercial cargoes carried by ships used for commercial purposes. The privileges immunities may be extended or restricted by order of the court and the state of affair over sovereign immunity has been put on a statutory footing by the English state immunity Act 1978 of which the government have at last been able to ratify the international convention for the unification of certain rules concerning the immunity of state owned

[135] [1880] 5 , pg 197
[136][1977] Appeal Cases AC pg 377
[137] [1981] 2 Lloyds Report pg 367

ships. Section 24 of Admiralty Jurisdiction Act proscribed action in rem against government property but allows action *in personam* Section 3 states that where a proceeding has been commenced at an action in rem against a government ship or government property erroneously, the court may treat the action as action *in personam*. The rationale for this provision is clear that government is to be accorded the respect and also the presumption that it will pay up its just debt without having its assets seized. Nnaemeka JSC in Government of *Gongola State v Tukur*[138] said as against a star functionary, 'a pronouncement on a right with or without sanctions is enough and is expected to be instantly obeyed'. The underlining principle in all civilised society is that a coercive action against a government is unnecessary because a government must obey any judgement of its own court. In subsection [4] an explanation was made as to what government ship is and it is said to be a ship that belong or is for the time being demised or sub-demised to the Federal or State Government and includes a ship that is being used by or in connection with a port of the Nigerian Navy, but does not include a ship that belong or for the time being demised or sub-demised to a corporation that is an agency of the Federal or State Government. A government property means Cargo or other property that belong to the Federal or State Government but does not include cargo or other property that belong to a corporation that is an agency of the Federal or State Government

4. Mode of Exercise of Admiralty Jurisdiction on Action *in Rem*

To overcome the difficulties of actions *in personam*, maritime law made provisions for action in Rem which is directed against the Ship or Res and have since been recognised also applied in maritime law. Unlike action *in personam* which is directed against the ship owner, action in rem can only be exercised in specific cases under the admiralty jurisdiction of the Federal High Court as contained in Section 5[2] and Section 5[3] Admiralty jurisdiction Act 1991.

Damages and Reparation for Wrongful Arrest

The description of the owners or charterers businesses and obligation to third parties during the period of arrest are inevitable and the costs to such owners are enormous considering the fact that an order of arrest is usually ex-parte. Several issues arising from the full extent or scope of the effect of this arrest are yet to be resolved and owing to disagreement among lawyers from different countries, no uniform standard of liability is laid down for reparation or wrongful arrest in international convention for unification of certain rules relating to the arrest of Ocean going vessels. In 1952 arrest convention, keeping a ship under arrest for too long will certainly support a claim for reparation notwithstanding that the original arrest was legitimate. In the seminal case of *Evangelisimo*[139], the court held that a victim of a ship arrest cannot recover unless the person making the arrest acted *mala fide* or with *grossa negligentia*. This principle or maxim have proved too heavy a burden for ship owners to discharge and this principle of bad faith and *grossa negligentia* as enunciated by Loshinton in the celebrated admiralty case of *Evangelisimo* [Supra] and also followed in the case of Balart[140] is still applied rigorously in England today making it so impossible to obtain damages for wrongful arrest hence Nnaemeka JCA as he then was while adopting this High Court standard of *mala fide* observed in the case of Bosnia[141] 'that it is only when there is such a high degree of baselessness that *mala fide* or *grossa negligentia* can be inferred. The aggrieved ship-owner will have to prove by tendering evidence not only of the *mala fide* or *grossa negligentia* but also the damages claimed hence as in England great difficulty was experienced in Nigeria by the aggrieved ship owner in establishing a claim based on *mala fide* or *grossa negligentia.* However, the new regime established by Section 13 Admiralty jurisdiction Act 1991has lessened the burden of proof firstly by the use of terminology which Mr Mbanefo [SAN] called a user-friendly expression of unreasonable and without good cause instead of the archaic and forbidden term used prior to the 1991 Act. Section 13[1] reads as follows. Where in relation to a proceeding commenced under this decree a party unreasonably and without good cause [1] Demand excessive security in relation to the proceeding or, [11] Obtains the arrest of a ship or other property under this decree or; [iii]A party or other persons unreasonably and without good cause fails to give consent required under the decree for the release from arrest of a ship or other property, the party or persons shall be liable in damage to a party in the proceeding being a party or person who suffered loss or damage as a direct result.

The jurisdiction of the court shall extend to determining summarily and in relation to the proceeding a claim arising under subsection [1] of this section. It is obvious under Section 13 that those who suffered loss or damage as a direct result of the plaintiff conduct are more likely now to be compensated as the onus of proof would be a lot easier. The section also extends liability to parties who demand excessive security by way of foisting compromise before release and also the section enables the court to determine the issue of wrongful arrest summarily thereby avoiding the usual rules of civil procedure applicable within courts of admiralty jurisdiction.

[138] [1989] 4 NWLR pg 592 at 609
[139] [1958], Vol 14 ER 945
[140][1864] BR & L 321
[141][1983] 2 NSC pg 178

The rights to bring action for damages on wrongful arrest were at least procedural until the ruling of Karibi White JSC as he then was in Bosnia case[142].

The main rules of court guiding admiralty proceeding is the admiralty procedure rule 1993 now 2011. These rules of court were promulgated by the Chief Judge of Federal High Court pursuant to section 21 of Admiralty jurisdiction Act 1991 for carrying into effect the object of admiralty jurisdiction Act. The options specified by Order 11 Admiralty jurisdiction procedure Rules are to give a wronged ship owner the means either to [a] Apply to the court at any time within 3 months from the determination of the suit to award general damages; [b] To seek by way of oral application immediately after the judgement had been given an award of damages. The Court will probably from the fact already adduced before it summarily accesses a reasonable compensation for the defendant; [c] File an action for wrongful arrest against the plaintiff to claim all the provable damages of whatever nature actually suffered but, on the condition, that there has not been any compensation already awarded. Also, the common tortious claim for damages for malicious abuse of process is equally available here for victims of wrongful arrest see the Walter Wallet [143]case. Also another sort of damages or a form of reparation for wrongful or needless arrest which had been gaining ground despite not being a direct provision of the statute or the case law is that found in recent practice of some trial courts where in ordering arrest of a vessel, the court order the plaintiff to give an undertaken to compensate the defendant for losses suffered in the event that the arrest was made wrongfully or needlessly see the case of *Odili v MV Hemlock*[144]also *Dangote v MV Rea*[145] .This attitude of court of demanding undertaken is probably copied from the court of equity practice in interlocutory injunction. An arrest order being a form of interim relief is calculated to ensure that any judgement ultimately given will not be nugatory. In further support of this practice, is the provision on Order 11R1 Admiralty jurisdiction procedure Rule 2011 which allows admiralty courts to impose such terms and conditions as it may be just while ordering arrest. However notwithstanding these provisions, admiralty courts are not unanimous in requiring undertaken from the plaintiff before ordering arrest see the case of *D A Quing Shang*[146]. In the *D A Quing Shhang,* Uwaifo JCA as he then was specifically rejected the requirement of undertaken while ordering the arrest of D A Quing Shang

Arrest Convention

In the year 1952, international maritime convention on arrest of sea going ship was concluded in Brussels and the United Kingdom became a signatory to the pact which created a uniform regime of claims for which ships to be arrested in the jurisdiction of the state practice. It provided impetus in the UK for the statutory clarification of action in rem and *in personam* in relation to maritime claims. By Article 2 thereof arrest is defined as 'The detention of a ship by judicial process to secure a maritime claim in execution or satisfaction of judgement. The convention led to the enactment of the Administration of Justice Act 1956 which addressed a number of causes recognisable under admiralty jurisdiction to include concepts such as Sister Ship arrest and defines maritime claim as that which arises out of duty of care. Having ascertained that what admiralty jurisdiction Act 1952 vested in the State High Court and by extension the Federal High Court was the administration of justice Act 1956 in England, the pendulum of the exercise in Admiralty jurisdiction continued to swing between State High Court and Federal High Courts despite clear provisions on decree No 13 of 1973 vesting admiralty jurisdiction in the Federal High Court. It has been argued based on the combined effect of Section 1 of Administration of justice Act 1962 as well as the unlimited original jurisdiction conferred on the State High Court by the provisions of the constitution that the jurisdiction conferred on the State High Court by the aforesaid Act was not repealed by decree No 13 1973. This view was supported by the Supreme Court in *Jammal Steel Structure v ACB*[147] thus' It seems to us that only such causes or matters of admiralty as pertained to Federal Government Vessels or properties or revenue are within the Jurisdiction of Federal Revenue Court. In other words, admiralty jurisdiction was considered to be a parallel jurisdiction shared with the State High Court. However, the Supreme Court later declares in *American International Ins. Co v Ceekay Traders Ltd* [148] that the Federal High Court exercise the original admiralty jurisdiction to the exclusion of State High Court perhaps interpreting Section 8[1] of the Federal Revenue Court Act which states that insofar as the jurisdiction is conferred on the Federal Revenue Court in respect of causes and matters mentioned in this Act, the High Court of a state to that extent shall cease to have jurisdiction in such causes and matters. This remained the position until 1979 when the constitution of that year changed the name of the Federal Revenue Court to Federal High Court while preserving its existing jurisdiction on the State High Court and failed to give exclusive jurisdiction on admiralty to the Federal High Court. The effect

[142][1980] ,2 NSC pg 17
[143] [1893] pg 202
[144] [1990] 4 NSC Cases pg 63 at 68
[145] [1991] NSC Cases pt 130 at 133
[146] [1991] 4 NSC pg 79 at 88
[147][1973] ALL NLR 358
[148] [1981] 5 SC, 81

was that in *Bronik Motors Ltd v Wema Bank*[149i] the Supreme Court held that the State High Court had unlimited jurisdiction whether in Federal or State Causes and therefore when the case of *Savannah Bank Ltd v Pan Atlantic Shipping Co Ltd*[150] came before the Supreme Court, the court held that both the State and the Federal High Court had concurrent admiralty jurisdiction. This was the position until the commencement of the admiralty jurisdiction Decree 1991which settled with further clarification the relevant constitutional provision, issues of proper forum for admiralty causes and matters. Therefore the current position in Nigeria today is that with the combined effect of Section 19 Admiralty jurisdiction Act 1991, Section 7 & 8 [1] of the Federal High Court Act as amended, Section 2 of Decree 107 1993 which amended Section 230 of the 1979 Constitution and Section 251[19] of the 1999 Constitution, the Federal High Court now has exclusive original jurisdiction over admiralty matters in Nigeria see the case of *Crown Star & Co Ltd v Bali* [151]

5. Conclusion

Admiralty law and practice is that branch of law that govern law of the sea and by extension maritime law and administration not only in Nigeria also the entire world. However, this area of law is considered recondite and the view is taken by some school of thought that while there has been surfeit of literature in most other area of law, little has been written about maritime law. In the result, few lawyers have been able to master the basics but in the last few decades or so maritime law and practice have not only assumed some dimension, it has encouraged interest of some sort among legal practitioners especially with the enactment of Admiralty Jurisdiction Act 1991 which conferred exclusive jurisdiction in admiralty and related matters on Federal High Court in Nigeria. This paper examined Rule of law of the Sea in a study that made use of existing literature and case laws that were adequately cited and in a theoretical research work that was doctrinal and qualitative in order to explore more area of maritime law by looking at existing literature on law of the sea in case it may be found useful for teaching and learning outcome and also for those in maritime industry including legal practitioners. The law of any Country is not likely to restrict international relation between its subject and that of another, there is however labyrinth of legislation and in this case on Law of the Sea intended not only to protect individual interest but also that of the State

[149][1983] 3 SC 158[
[150][1987] 1 SCNJ ,87
[151] [2000] 1 NLR at 639 pg 37