

Law No. 60/IV/92 of 21 December 1992

Law No. 60/IV/92 delimiting the maritime areas of the Republic of Cape Verde and revoking Decree-Law No. 126/77 and all legal provisions which contravene this law

Considering the need to safeguard the fundamental interests of the nation with regard to the living and non-living resources of the maritime areas of the Republic of Cape Verde,

Considering the importance of maritime activities for the national economy and development,

Considering the evolution of the law of the sea as reflected in the United Nations Convention on the Law of the Sea, 1982,

By mandate of the people, the National Assembly decrees, under article 186 (b) of the Constitution of the Republic, the following:

CHAPTER I
Maritime areas

Article 1

For the purposes of this law the maritime areas under the jurisdiction of the Republic of Cape Verde shall be:

- (a) The internal sea;
- (b) The archipelagic waters;
- (c) The contiguous zone;
- (d) The territorial sea;
- (e) The exclusive economic zone;
- (f) The continental shelf.

CHAPTER II
Archipelagic waters

Article 2

The archipelagic waters of the Republic of Cape Verde shall include all the maritime area within the baselines drawn in conformity with article 24.

Article 3

The Republic of Cape Verde shall exercise sovereignty over the archipelagic waters, namely, over:

- (a) The respective mass of water, whatever its depth or breadth;
- (b) The superjacent airspace and the bed and subsoil of the corresponding sea;

- (c) The living and non-living resources in these waters.

Article 4

The Republic of Cape Verde may, within its archipelagic waters, draw baselines for the delimitation of internal waters.

Article 5

Without prejudice to the provisions of article 3, the Republic of Cape Verde shall respect any existing agreements which are related to activities in its archipelagic waters.

Article 6

Without prejudice to the provisions of article 4, foreign ships shall enjoy the right of innocent passage in the archipelagic waters of the Republic of Cape Verde, under the terms of, and in compliance with, the pertinent regulations.

CHAPTER III Territorial sea

Article 7

The territorial sea of Cape Verde shall have a breadth of 12 nautical miles, measured from the baselines defined in article 24.

Article 8

In the territorial sea, the Republic of Cape Verde shall exercise sovereignty over:

- (a) The mass of water;
- (b) The superjacent airspace;
- (c) The corresponding bed, soil and subsoil;
- (d) The living and non-living resources.

Article 9

Foreign ships shall enjoy the right of innocent passage through the territorial sea under the terms of, and in compliance with, the pertinent regulations.

CHAPTER IV Contiguous zone

Article 10

The Republic of Cape Verde shall establish a zone contiguous to the territorial sea whose external limit shall be 24 nautical miles measured from the baselines referred to in article 24.

Article 11

In its contiguous zone the Republic of Cape Verde shall exercise the control necessary to prevent and punish infringements committed in its territory, internal waters, archipelagic waters and territorial sea, to its customs, fiscal, health and emigration laws and regulations.

CHAPTER V
Exclusive economic zone

Article 12

The exclusive economic zone of the Republic of Cape Verde shall include the maritime zone whose internal limit corresponds to the external limit of the territorial sea and whose external limit corresponds to a line in which each point is at a distance of 200 miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

Article 13

In the zone defined in the preceding article the Republic of Cape Verde shall possess:

- (a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and its subsoil and the sovereign rights with regard to other activities for the economic exploitation and exploration of energy from the water, currents and winds;
- (b) Exclusive jurisdiction, with regard to:
 - (i) The establishment and use of artificial islands, installations and structures;
 - (ii) Marine scientific research;
 - (iii) The protection and preservation of the marine environment;
 - (iv) Any other rights not recognized to third States.

Article 14

Without prejudice to the provisions of article 26, in the exclusive economic zone all States shall enjoy:

- (a) Freedom of navigation;
- (b) Freedom of overflight.

Article 15

The exercise of the freedoms and related rights to which the preceding article refers shall respect the sovereign rights, as well as the laws and regulations of the Republic of Cape Verde.

Article 16

In the exercise of the freedoms referred to in article 14, any unauthorized fishing or exploration activity, as well as any activity which causes pollution or is prejudicial to the marine environment or to the natural resources of the exclusive economic zone, or to the economic interests of the Republic of Cape Verde, shall be prohibited.

CHAPTER VI
Continental shelf

Article 17

The continental shelf of the Republic of Cape Verde shall comprise the seabed and subsoil of the submarine areas that extend beyond the territorial sea up to a distance of 200 nautical miles from the baselines referred to in article 24.

Article 18

On its continental shelf, the Republic of Cape Verde shall possess sovereign rights for the purpose of exploring and exploiting its natural resources, both living and non-living.

Article 19

The rights referred to in the preceding article shall be exclusive in the sense that, if the Republic of Cape Verde does not explore the continental shelf or exploit its natural resources, no other State or entity may undertake these activities without the express consent of the competent Cape Verdean authorities.

Article 20

The Republic of Cape Verde shall have the exclusive right to authorize and regulate drillings in its continental shelf for whatever purpose.

CHAPTER VII
General provisions

Article 21

The laying, maintenance or repair of submarine pipelines or cables by third States in the maritime areas defined in article 1 may be carried out only with the prior authorization of the Republic of Cape Verde.

Article 22

In application of this Law, the Government shall prepare special regulations with regard to:

- (a) Protection of the marine environment;
- (b) Artificial installations;
- (c) Submarine pipelines and cables;
- (d) Archaeological and historical objects;
- (e) Scientific marine research;
- (f) Sea lanes in the archipelagic waters;
- (g) Drilling on the continental shelf;
- (h) Contiguous zones;
- (i) Exercise of the right of innocent passage by foreign ships in the archipelagic waters and in the territorial sea.

Article 23

The competent national authorities shall make provision for the conservation and sound management of the biological resources of the maritime areas under the jurisdiction of the Republic of Cape Verde.

Article 24

The baseline from which the breadth of the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental platform are measured shall be made up of straight lines which join the outermost points of the islands and islets, determined by the following coordinates:

Point	Latitude N	Longitude W	Observ.
A-	14° 48' 43.17"	24° 43' 48.85"	I. Brava
C-P1 a Rainha	14° 49' 59.10"	24° 45' 33.11"	I. Brava
C-P1 a Faj	14° 51' 52.19"	24° 45' 09.19"	I. Brava
D-P1 Vermelharia	16° 29' 10.25"	24° 19' 55.87"	S. Nicolau
E-	16° 36' 37.32"	24° 36' 13.93"	Ilheu Raso
F-P1 a da Peça	16° 54' 25.10"	25° 18' 11.00"	Santo Antao
F-	16° 54' 40.00"	25° 18' 32.00"	Santo Antao
G-P1 a Camarim	16° 55' 32.98"	25° 19' 10.76"	Santo Antao
H-P1 a Preta	17° 02' 28.66"	25° 21' 51.67"	Santo Antao
I-P1 a Mangrade	17° 03' 21.06"	25° 21' 54.44"	Santo Antao
J-P1 a Portinha	17° 05' 33.10"	25° 20' 29.91"	Santo Antao
K-P1 a de Sol	17° 12' 25.21"	25° 05' 56.15"	Santo Antao
L-P1 a Sinagoga	17° 10' 41.58"	25° 01' 38.24"	Santo Antao

Point	Latitude N	Longitude W	Observ.
M-Pta Espechim	16° 40' 51.64"	24° 20' 38.79"	S. Nicolau
N-Pta Norte	16° 51' 21.13"	22° 55' 40.74"	Sal
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-Ilheu Cascalho	16° 11' 31.04"	22° 40' 52.44"	I. Boavista
P1-Ilheu Baluarte	16° 09' 05.00"	22° 39' 45.00"	I. Boavista
Q-Pta do Roque	16° 05' 09.83"	22° 40' 26.06"	I. Boavista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	I. Maio
S-	15° 09' 02.21"	23° 06' 24.98"	I. Maio
T-	14° 54' 10.78"	23° 29' 36.09"	Santiago
U-D. Maria Pia	14° 53' 50.00"	23° 30' 54.50"	Santiago
V-Pta Pesqueiro	14° 48' 52.32"	24° 22' 43.30"	I. do Fogo
X-Pta Nho Martinho	14° 48' 25.59"	24° 42' 34.92"	I. Brava
Y=A	14° 48' 43.17"	24° 43' 48.85"	I. Brava

Article 25

Marine scientific research by foreign entities in the maritime areas of the Republic of Cape Verde shall be permitted under the terms and conditions defined in the law and regulations on the subject.

Article 26

Without prejudice to the provisions of this Law, all the activities by foreign entities or ships in the maritime areas subject to the sovereignty or jurisdiction of the Republic of Cape Verde shall respect the principle of the peaceful uses of the oceans.

Article 27

Any activities which cause pollution or harm the marine environment, or are prejudicial to the resources in the national maritime areas or to the economic interests of the Republic of Cape Verde, shall be prohibited.

Article 28

Without prejudice to the rights of identifiable owners and the norms of salvage or other norms of maritime law, and to practices in the field of intercultural exchanges, the location, exploration and recovery of any object of an archaeological and historical character, as well as treasures existing in the maritime areas of the Republic of Cape Verde as defined in article 1, by any entity, whether national or foreign, shall require the express authorization of the competent national authorities.

CHAPTER VIII

Final and transitional provisions

Article 29

In the cases in which the external limit of the exclusive economic zone and of the continental shelf of the Republic of Cape Verde, defined in conformity with this Law, coincides with part of an exclusive economic zone or the continental shelf of a neighbouring State, the maritime frontier shall be fixed by an agreement to be negotiated with the State in question, in accordance with the applicable international law.

Article 30

Violations of this Law shall be punishable in conformity with the pertinent laws and regulations.

Article 31

Decree-Law 126/77 and all legal provisions which contravene this Law shall be revoked.

Article 32

This Law shall enter into force immediately.

Approved on 10 December 1992.