

The Congress of the Republic of Guatemala,

Considering that the marine resources off the coast of the Guatemalan nation constitute a heritage of its inhabitants which must be safeguarded for the benefit of present and future generations;

Considering that such resources have been the object of exploitation of every kind by foreign fishing fleets, to the detriment of the conservation thereof;

Considering that there is a majority consensus in the international community on the extent of the territorial sea and on the necessity of exploiting other sea areas to the benefit of the coastal State;

Considering that there also exists international agreement in principle on the exploration and exploitation of the submarine shelf and the sea-bed, likewise to the benefit of the coastal State, without prejudice to the rights of mankind;

Considering that, in accordance with article 3 of the Constitution of the Republic, Guatemala exercises full sovereignty and dominion over its territory, which includes the sea-bed and subsoil, continental shelf, territorial waters and superjacent airspace and extends to the natural resources and wealth existing therein, without prejudice to free maritime and aerial navigation in accordance with the law and with the provisions of international treaties and conventions;

Considering that since 1939, as confirmed by Legislative Decree of the Legislative Assembly No. 2535, of 21 April 1941, Guatemala has declared that its territorial sea extends 12 nautical miles from the low-water line;

Considering that the international community has succeeded in identifying principles of the law of the sea which harmonize the divergent views of States;

Considering that, in accordance with article 129, paragraph 4, of the Constitution of the Republic, the tidal zone, the continental shelf and the airspace, to such extent and in such form as shall be determined by the law or by duly ratified international agreements, are the property of the nation and that, consequently, it is for the Congress of the Republic to delimit the extension of the maritime space over which

its rights, jurisdiction and sovereignty shall be exercised;

Acting in exercise of the powers assigned it by article 170, paragraph 1, of the Constitution of the Republic;

Decrees as follows:

Article 1. Guatemala reiterates its sovereignty, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea, which extends 12 nautical miles from the relevant baselines. Such sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2. Ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea in accordance with international law.

Article 3. The Republic of Guatemala establishes an exclusive economic zone which shall extend 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

This zone shall include:

- (a) Sovereign rights for the purpose of exploring and of exploiting, conserving and managing the natural resources, both renewable and non-renewable, of the continental shelf (bed and subsoil), the sea-bed and subsoil and the superjacent waters;
- (b) Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and similar structures, including the customs, fiscal, sanitary and immigration regulations pertaining thereto;
- (c) Exclusive jurisdiction with regard to:
 - (i) Other activities for the exploration and economic exploitation of the zone, such as the production of energy derived from the water or from tides or winds;
 - (ii) Scientific research;
- (d) Jurisdiction with regard to the preservation of the marine environment, including the control and elimination of pollution;
- (e) Such other rights and obligations as may derive from jurisdiction over the zone.

Article 4. Guatemala recognizes within its exclusive economic zone the right of other States, whether coastal or land-locked, to freedom of navigation and overflight, the laying of cables and pipelines and, subject to the participation of a representative of the Government, other internationally lawful uses of the sea relating to navigation and communications.

Article 5. The appropriate organs shall enact the laws and regulations relating to fishing, conservation of species, marine pollution and other relevant activities in the territorial sea, in the exclusive economic zone, on the continental shelf (bed and subsoil) and on the sea-bed.

Until such time as the appropriate laws and regulations are enacted, the laws and regulations relating to the territorial sea shall apply in the exclusive economic zone, to the extent that they are applicable to the nature of the said zone.

Article 6. The Executive shall conclude the relevant agreements with adjoining coastal States; it shall issue licences for fishing or any other activity relating to the exploration and exploitation of the territorial sea and of the exclusive economic zone and shall enforce the legislation on the subject.

Article 7. A qualified officer of the Navy shall participate, as a delegate, in the delegations of Guatemala to conferences relating to maritime questions.

Article 8. The Guatemalan Army shall be responsible for ensuring respect for the rights of the Republic over its territorial sea and over the exclusive economic zone.

Article 9. This Decree shall enter into force on the date of its publication in the Diario Oficial.

This Decree shall be transmitted to the Executive for publication and implementation.

DONE at the Palace of the Legislature, Guatemala City, on 9 June 1976.

Donaldo Alvarez Ruiz

President

Secretary

Secretary