

Decree Law No. 126/77

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No. 53

REPUBLIC OF CAPE VERDE

Boletim Oficial [Official Gazette]

Decree Law No. 126/77 of December 31

Considering the need to safeguard the fundamental interests of the Nation with regard to the living and nonliving resources of the maritime space of the Republic of Cape Verde;

Considering the importance of fisheries for the national economy, particularly with regard to the revitalization of ports and small-scale local fishing;

Considering changes in the Law of the Sea;

In View Of the provisions of the National Popular Assembly resolution of December 31, 1977;

By Virtue Of the powers conferred by Article 15 (4) of the Law of July 5, 1975 on the Political Organization of the State, the Government decrees and I promulgate the following law:

Article 1

The territorial sea of the Republic of Cape Verde has a breadth of 12 nautical miles, measured from the baselines defined in this decree law. The outer limit of the territorial sea is located at a distance of 12 nautical miles from the nearest point of the given baseline.

Article 2

The baseline from which the breadth of the territorial sea of the Republic of Cape Verde is measured consists of the straight lines that join the outermost points of the coast and islands, as determined by the following principal geographic coordinates:

Latitude	Longitude		
1 — 14° 53' 8" N	23° 31' W	/W —	Ponta Temerosa — Santiago
2 — 14° 49' N	24° 22' 5" W		Ponta do Pescadeiro — Fogo
3 — 14° 48' 4" N	24° 42' 2" W		Ponta Nho Martinho — Brava
4 — 14° 50' 1" N	24° 45' 4" W		Ponta Prainha — Brava
5 — 17° 02' 5" N	25° 22' W		Ponta Preta — Santo Antão
6 — 17° 12' 2" N	25° 05' 9" W		Ponta do Sol — Santo Antão
7 — 16° 51' 2" N	22° 55' 5" W		Ponta Norte — Sal
8 — 16° 50' N	22° 53' 7" W		Ponta da Casaca — Sal
9 — 16° 09' 1" N	22° 39' 8" W		Ilhéu Baluarte — Boa Vista
10 — 16° 02' 9" N	22° 41' 2" W		Pé do Branco — Boa Vista
11 — 15° 10' 1" N	23° 05' 6" W		Ponta Flamengos — Maio
12 — 15° 07' N	23° 09' 2" W		Ponta Poça Grande — Maio
13 — 14° 54' 2" N	23° 29' 3" W	/W —	Ponta das Bicudas — Santiago
14 — 14° 53' 9" N	23° 30' 7" W	/E —	Ponta Temerosa

Article 3

The waters enclosed by the baselines constitute the archipelagic waters of the Republic of Cape Verde.

Article 4

The sovereignty which the State of Cape Verde exercises over all the territory composed of the emerged surface, the archipelagic waters, and the territorial sea, as defined in the foregoing articles, also extends to the air space above that territory, to the bed and subsoil of the aquatic territory formed by the archipelagic waters and the territorial sea, and all living and nonliving natural resources found in the aforementioned areas.

Article 5

Without prejudice to the provisions of the preceding articles and in accordance with the principles of international law, the Republic of Cape Verde respects the freedom of innocent passage and overflight along established navigation routes.

Article 6

The outer limit of the exclusive economic zone of the State of Cape Verde is a line every point of which is at a distance of 200 nautical miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

Article 7

1. Within the zone defined in the previous article, the State of Cape Verde exercises exclusive jurisdiction in matters of conservation and exploitation of living and nonliving natural resources.
2. Except as otherwise specified in this decree-law, foreign vessels are prohibited from fishing in the exclusive economic zone.

Article 8

1. In order to ensure rational exploitation of the living resources of the exclusive economic zone, the State of Cape Verde may, by means of bilateral agreements, authorize access by other States to the surplus of the allowable catch.
2. Fishing in the archipelagic waters and the territorial sea of the Republic of Cape Verde is reserved for nationals.

3. Harvesting of crustaceans in the exclusive economic zone is also reserved for nationals.

Article 9

For purposes of this decree-law, the terms 'fisheries' and 'fishing' are understood to mean the pursuit, catching, harvesting, or utilization of the living resources of the sea.

Article 10

The Government will publish and enforce fisheries regulations for the archipelagic waters, the territorial sea, and the exclusive economic zone.

Article 11

The State of Cape Verde will cooperate with the competent international, regional, and subregional organizations with respect to conservation of the living resources of the sea.

Article 12

Taking into account the applicable rules of international law, the Government may establish special regulations for the exclusive economic zone, specifically with regard to:

- (a) Protection of the environment;
- (b) Scientific research;
- (c) Artificial installations, both permanent and temporary;
- (d) Submarine cables and pipelines;
- (e) Exploration and exploitation.

Article 13

1. Violation of the provisions of Article 7 (2) shall be punishable by a fine of up to 20,000 escudos per ton of gross tonnage of the violating vessel.

Violation of the provisions of Article 8 (2, 3) shall be punishable by a fine of up to 35,000 escudos per ton of gross tonnage of the violating vessel.

3. The court which tries the violation may, in accordance with the seriousness of the case, order the seizure and forfeiture to the State of the vessel and its equipment, accessories, nets, gear, tackle, and fish.

4. In cases of repeated violation, the penalty shall be increased from a fine to imprisonment.

Article 14

The State of Cape Verde will respect the right of States adjoining economic zones and declares its willingness to establish bilateral negotiations concerning such conflicts of law as may arise from the application of the principles contained in this decree-law.

Article 15

All legal provisions contrary to this decree-law are hereby revoked.

Article 16

This decree-law enters into force immediately.

Seen and approved in the Council of Ministers Pedro Pires, Abílio Duarte, Silvino da Luz, Osvaldo Lopes da Silva, Carlos Reis, Herculano Vieira, João Pereira Silva, David Almada.

Promulgated on December 5, 1977.

Let these presents be published.

Aristides Maria Pereira, President of the Republic.

To be presented to the National Popular Assembly.