International Boundary Study

SERIES A

LIMITS IN THE SEAS

Straight Baselines

GUINEA

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No. 40

STRAIGHT BASELINES: GUINEA

The Geographer
Office of the Geographer
Bureau of Intelligence and Research

STRAIGHT BASELINES: GUINEA

The Government of Guinea has created a straight-baseline system by Presidential Decree No. 244, dated June 3, 1964. A translation of the Journal Officiel of July 1, 1964, is as follows:

By Decree of the President of the Republic:

The limits of territorial waters in the Republic of Guinea are fixed as follows:

-To the north, by parallel of altitude 10º56'42.55" north, and

-To the south, by parallel of altitude 9º03'18" north, along a distance of 130 sea miles seaward, reckoning from a straight line passing by the south-west of Sene Island of the Tristao group, and to the south, by the south-west foreland (cape) of Tamara Island, at low tide.

Fishing inside Guinean territorial waters is prohibited to foreign vessels.

Infringement to stipulations of Article 11 of the present Order is liable to a fine of 500,000 to 1,000,000 GF. This fine is doubled if contravention is repeated.

There is a recidivism, when within a delay of 2 years a court sentence has been given against the offender for his violation of above noted stipulations.

Agents of the Marine Marchande [agency similar to Coast Guard] whose duty is to control and watch territorial waters, Agents of Customs and those of the National Navy, in general all judiciary officers are entitled to establish the contravention, draw up official reports, conduct or have someone conduct the violators to the nearest port.

Within the three days following disembarkment, they must submit their reports and any other justificatory document to the Official in charge of the Marine Marchande or to the Governor of the Administrative Region involved.

The Officer or the Agent who conducted or arranged to conduct the hailed vessel should leave it at the disposal of the Merchande which will seize the fishing equipment.

Fishing proceeds, if any, shall be also seized and sold by public auction under the supervision of the Official in charge of the Marine Marchande after authorization given by the Governor of the Region. Sales proceeds shall be paid into the Treasury. Independently of the fine stated in Article III above, the competent court will order the confiscation of fishing instruments and

equipment, the use of which led to the violation. It also orders the confiscation of the price of fishing proceeds seized on the vessel. This price as well as the amount of fine are all paid into the treasury.

Proceedings shall take place at the discretion of the Attorney General. They will be instituted within three months following the day the contravention was established.
Proceedings are held before the Court of Petty Sessions (Tribunal de Police Correctionnel) within the jurisdiction of which the port where the violation took place is located.

The court shall rule within the shortest possible delay.

If the convicted man does not pay the totality of his charges, the vessel shall be detained until the complete payment of these charges.

If the convicted lodges an appeal or opposition, he may ask the court for free exit of the vessel by depositing the amount of the fine and of all other charges.

The organization of regulations governing fishing within Guinean territorial waters will be the object of a decree to be issued by the Minister of Transport.

ANALYSIS

The Presidential Decree unilaterally established sea boundaries between Guinea and Portuguese Guinea, on the north, along the parallel of 10º56'42.55" North; and between Guinea and Sierra Leone, on the south, along the parallel of 9º03'18" North. The perpendicular distance between these two parallels measures approximately 113.5 nautical miles. The values of the two selected parallels appear to represent the seaward termini of the two international land boundaries although there is some doubt that the precision of the northern limit, for example, is justified.

On the north, Ihla Poilao and certain low-tide elevations associated with Portuguese Guinea are situated south of the unilateral boundary. The Portuguese straight baselines for the overseas province also extend south of the sea boundary; Poilao, in fact, serves as a basepoint for the system.[1]

The Presidential Decree also created a claimed territorial sea of 130 nautical miles for Guinea.
The Guinean straight-baseline system is unique. One straight line has been drawn

[1] See International Boundary Study Series A No. 30, November 13, 1970, "Straight Baselines: Portuguese Guinea".

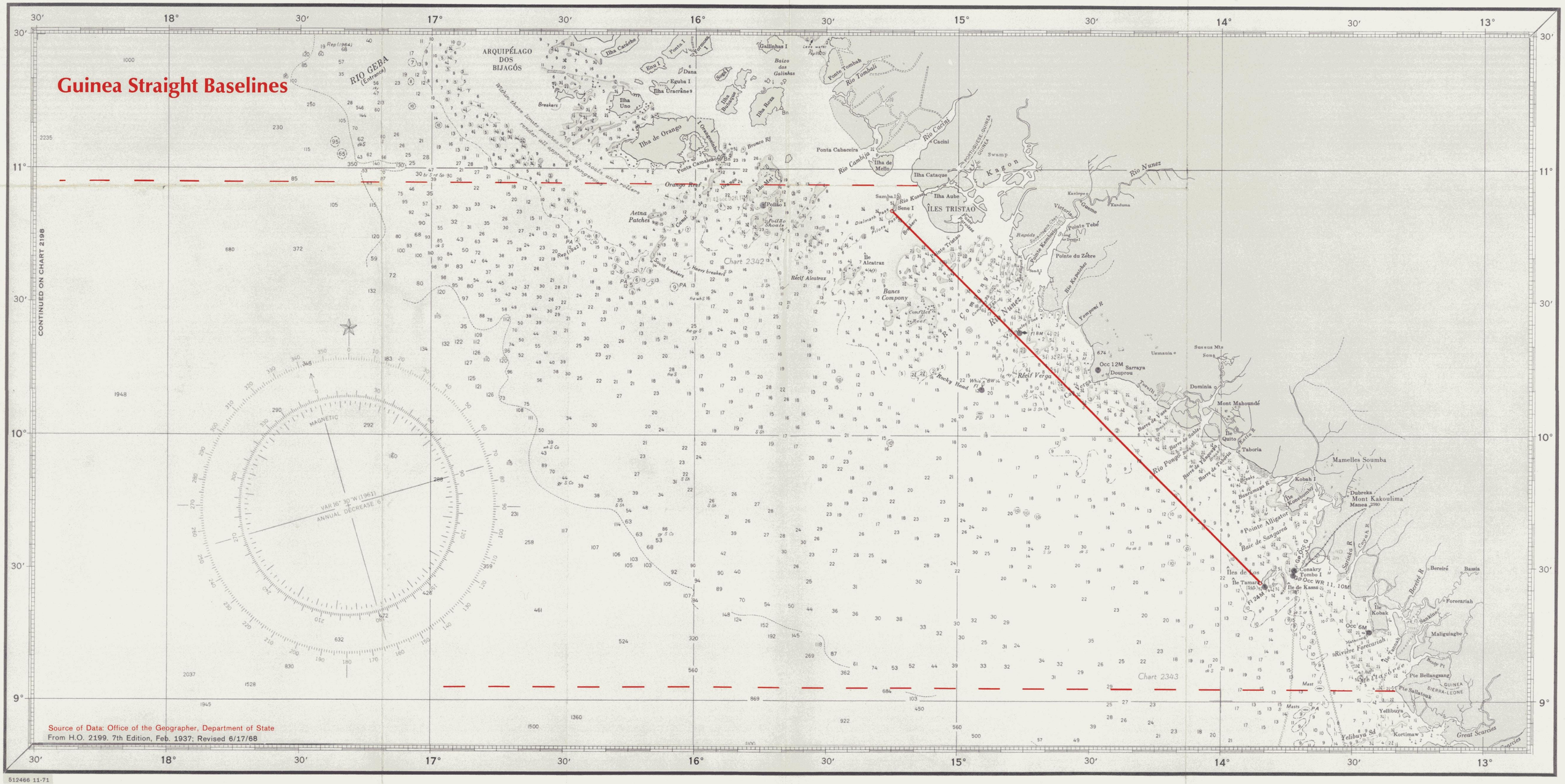
connecting the northernmost Guinean island to the most-seaward southern island. The straight baseline measures nearly 120 nautical miles in length. The language of the decree, however, is ambiguous, and the defined line could extend beyond the Ile Tamara presumably to the unilateral sea boundary with Sierra Leone. The text describes the line as "passing by" the southwest cape of Tamara although no terminus is provided. It is assumed, as a result, that the line as mapped on the attached chart is a reasonably accurate portrayal of the intent of the Decree. Should the straight baseline continue to the Sierra Leonean line, an additional 37 nautical miles would be added to produce a total length of 157 nautical miles.

The straight baseline, as stated, is unique in the world practice of states. the coastline of Guinea, in addition, can scarcely be defined as "deeply indented and cut into" or "fringed with islands." The straight baseline, however, does mark the limit of shoal waters for is entire length with the exception of a bay-like indentation opposite Taboria (9º56'N.; 13º56'W.). In the vicinity of Taboria, the straight baseline is 14 nautical miles from shoal water.

The system does not otherwise meet the general standards for straight baselines which have been used to evaluate the previous studies of this series.

In the northwest, the Ile Alcatraz and associated rocks and low-tide elevations are situated seaward of the straight baseline. As a consequence of the general direction of the coast, the extreme breadth of the territorial sea, and the location of Alcatraz, the straight baseline has little effect on the location of the outer limit of the claimed Guinean territorial sea.

Guinea Straight Baselines



Source of Data: Office of the Geographer, Department of State
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