International Boundary Study

SERIES A

LIMITS IN THE SEAS

Straight Baselines

DOMINICAN REPUBLIC

BUREAU OF
INTELLIGENCE
AND RESEARCH

No. 5

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No. 5

Dominican Republic Straight Baselines

The Geographer
Office of Strategic and Functional Research
Bureau of Intelligence and Research

DOMINICAN REPUBLIC STRAIGHT BASELINES

On September 6, 1967 the Government of the Dominican Republic passed a law creating straight baselines for sectors of the Dominican coast. According to the act, certain lines were specific bay closing lines while the remainder enclosed "historic bays." The language of the legislation is as follows:

THE NATIONAL CONGRESS, IN THE NAME OF THE DOMINICAN REPUBLIC, HAS ENACTED THE FOLLOWING LAW:

No. 186

Article 1. The following is hereby established as the territorial sea of the Dominican Republic: the zone of the sea adjacent to its coasts and to the coasts of the islands over which the Dominican Republic exercises its sovereignty, which, measured from the low-water line or from the straight baselines, as the case may be, extends six miles in the direction of the high seas.

Article 2. The bays of Manzanillo, a stretch of the coast between the axis of the mouth of the Masacre or Dajabon River and Punta de Manzanillo; Rincón, between Cape Cabrón and Cape Samaná, Samaná, between Cape Samaná and Cape San Rafael; Yuma, between Punta Espada and Punta Aljibe; Andrés, between Punta Magdalena and Punta Caucedo; Ocoa, between Punta Salinas and Punta Martín García; Neyba, between Punta Martín García and Punta Avarena, and Aguilas, between Cape Falso and Cape Rojo conform to the classic geographic definition of a bay; consequently, the waters that are within the straight lines connecting the points delimiting them are internal waters and, therefore, under the full sovereignty of the State.

Paragraph 1. The bays of Santo Domingo, a stretch of the coast between Punta Palenque and Cape Caucedo, and Escocesa, between Cape Francés Viejo and Cape Cabrón are hereby declared historic bays. Consequently, the waters of these bays that come within the straight lines drawn through the points defining them are internal waters and under full national sovereignty.

Paragraph 2. The territorial waters adjacent to the bays of Santo Domingo, Escocesa, and other bays and portions of internal waters shall be measured from the straight baselines that connect the points delimiting them and in the direction of the high seas.

Article 3. An additional zone contiguous to the territorial sea, known as the Contiguous Zone, is hereby established, comprising a belt of sea adjacent to the outer limit of the territorial sea and extending six nautical miles in the direction of the high seas.

Paragraph. In this contiguous zone, the Dominican State will exercise the necessary powers of jurisdiction and control to prevent violations of its health, fiscal, and customs laws and laws for the protection and conservation of fish and other natural resources of the sea.

Article 4. The delimitations, plotting, or juridical regime of the territorial sea and the zone contiguous to Manzanillo Bay and its vicinity may be established by a treaty with the neighboring Republic of Haiti. Meanwhile, the Dominican Republic will follow the rules of international law and equity that it has been observing in the aforesaid bay and the waters adjacent thereto.

Article 5. The delimitation of the territorial sea and the contiguous zone in the mouth of the Pedernales River shall conform to the rules of international law.

Article 6. The Dominican State states, in general, that its territorial sea, for which reason it reserves the right to participate, on an equal footing, in any study organization or in any research or regulatory system concerning the conservation of the above-mentioned resources in any of the zones of the high seas, even if its nationals have not engaged or are not engaged in the exploitation thereof.

Paragraph. Consequently, it is declared in the national interest to conserve and maintain the productivity of the resources of the sea in the Silver Bank, the center of which is at 20º 32' 5" N. Lat., 69º 42' W. Lon., and Navidad Bank, the center of which is at 20º 01' N. Lat., 68º 51' W. Lon.

Article 7. The Dominican State will exercise rights of sovereignty over the continental shelf for purposes of its exploration and the exploitation of its natural resources. Therefore, no one may undertake the aforesaid activities without the express consent of the Dominican State.

Paragraph. For the purposes of this article, the term "continental shelf" refers to: (a) the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the aforesaid areas; (b) the seabed and subsoil of the analogous submarine regions adjacent to the coasts of the islands under Dominican sovereignty.

Article 8. This law annuls any other law or part of law in conflict therewith.

Done in the Senate of the National Congress at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on September 6, 1967, 124th Year of Independence and 105th Year of the Restoration.

Miguel Angel Luna Morales
President

Yolanda Pimentel de Perez
Secretary

Julio Sergio Zorrilla Dalmasi
Secretary

Done in the Chamber of Deputies of the National Congress at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on September 7, 1967, 124th Year of Independence and 105th Year of the Restoration.

Patricio Badía Lara
President

Domingo Porfirio Rojas Niña
Secretary

Caridad R. de Sobrino
Secretary

JOAQUIN BALAGUER

President of the Dominican Republic, Exercising the powers conferred on me by Article 55 of the Constitution of the Republic,

I promulgate this Law and order that it be published in the Gaceta Oficial for the purposes of information and observance.

Done at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on September 13, 1967, 124th Year of Independence and 105th Year of the Restoration.

Joaquin Balaguer

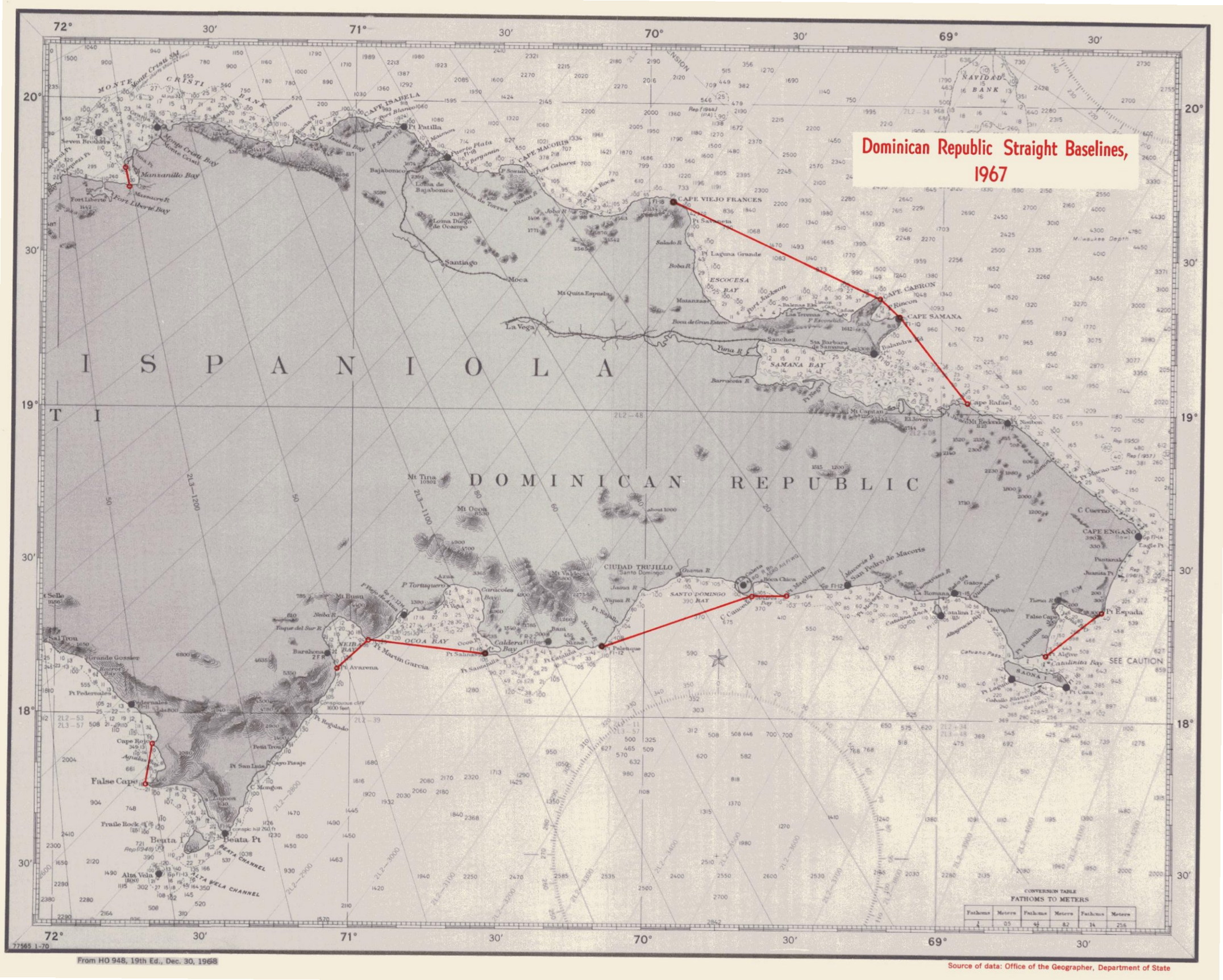
The straight baseline segments have been plotted on large scale hydrographic charts. From these, the following analyses have been made:

Points	Length	Comments
Massacre R. – Punta Manzanillo	3.5	Point of origin is the terminal of the Haiti boundary. Enclosed Manzanillo Bay meets legal requirements of a bay.
Cape Viejo Frances – Cane Cabron	45.0	Escocesa Bay is claimed as a historic bay although it was not included in UNA/CONF. 13/1. See below.

Points	Length	Comments
Cape Cabron – Cape Samana	4.9	Encloses a legal and geographic bay (Rincon.).
Cape Samana – Cape Raphael	21.4	Enclosed waters of Samana Bay meet legal and geographical requirements of a bay.
Punta Espado – Punta Aljibe	13.6	Bahia de Yuma does not meet the semicircularity requirement.
Punta Magdalena – Cape Caucedo	6.7	The enclosed waters of Andres Bay do not meet the semicircularity requirement.
Cape Caucedo – Punto Palenque	31.7	Santo Domingo Bay is claimed as a historic bay although not included in UN A/CONF. 13/1. See below
Punta Salinas – Punta Martin Garcia	22.7	Ocoa Bay claimed as a geographic bay although it does not meet the semicircularity requirement. Formerly claimed as a historic bay. See below.
Punta Martin Garcia – Punta Avarena	8.2	Neiba (Neyba) Bay as enclosed meets the Semicircularity requirement. Claimed earlier as a historic bay.
Cabo Falso – Cabo Rojo	7.8	Ensenada de los Aguilas as enclosed does not meet the semicircularity requirement.
Total	165.5 nautical miles	

The ten straight baseline segments have a total length of 165.5 nautical miles and they cover approximately fifty per cent of the Dominican coastline. According to the law, eight of the straight baselines enclose geographic bays, four of which--Yuma, Andres, Ocoa and Aguilas--however, do not meet the semicircularity requirements of a legal bay. The final two coastal indentations are claimed as historic bays. In contrast, in Memorandum concerning Historic Bays (Preparatory Document No. 1) by the Secretariat of the United Nations for the U.S. Conference on the Law of the Sea (A/CONF. 13/1 20 September 1957), three bays--Samana, Ocoa and Neyba (Neiba)--are listed as "historic bays." The source for this declaration is Dominican Act No. 3342 of 13 July 1952 as quoted in Laws and Regulations on the Regime of the Territorial Sea (ST/LEG/SER.B/6, p.11). All three bays are claimed in the 1967 legislation as geographic bays. Two of the bays have closing lines longer than 10 but shorter than 24 nautical miles while the third, Neiba, has a bay closing line of only 8.2 nautical miles.

The legislation of 1967, however, adds the "bights" of Escocesa and Santo Domingo as "historic bays"; the 1952 legislation, in contrast, does not include them within Dominican historic waters. Ocoa Bay, claimed in the 1967 legislation to meet the requirements of a bay, which it does not, was stated in the earlier law to be a historic bay. Presumably, Ocoa retains this status although it fails the legal definition as a bay.



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