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Limits in the Seas

No. 98

ARCHIPELAGIC STRAIGHT BASELINES:

SAO TOME AND PRINCIPE

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the maritime areas of coastal nations.

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Bureau of Intelligence and Research

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On June 16, 1978, the Democratic Republic of Sao Tome and Principe placed into force Decree-Law No. 14/78 which established straight baselines (Article 2--see Annex 1) and a 12-nautical-mile territorial sea (Article 1). The waters within these straight baselines, which connect the salient points of the outer islands, are considered to be archipelagic waters over which Sao Tome and Principe claims total sovereignty (Article 4). Within these claimed archipelagic waters Sao Tome and Principe "shall respect the freedom of navigation in and overflight of straits or sea lanes used for international navigation" (Article 5).

On November 19, 1982, Sao Tome and Principe effected Decree-Law No. 48/82, which amended the archipelagic straight baseline system (see Annex 2). The amended straight baselines comprise 14 basepoints.[1] Although not stated in the law, it was assumed, when preparing the attached map, that points 1 and 14 are to be joined by a straight baseline as well.

The map is based on U.S. DMAHTC chart 57180 and is for illustrative purposes only. The positioning of the basepoints on this chart differs slightly from the geographic locations cited in the law. This probably is due to the use of a different datum and ellipsoid; these parameters are cited in paragraph 2 of Sao Tome and Principe's Decree-Law No. 48/82.

The 1982 Convention on the Law of the Sea contains certain provisions related to Archipelagic States.[2] Article 47 sets out criteria to which States must adhere when establishing baselines (see Annex 3). Among the objective criteria are that the ratio of the water area to the land area situated within the baseline system must fall within the range of 1 to 1 and 9 to 1. In addition, the length of any individual baseline shall not exceed 100 nautical miles except that up to 3 percent of the total number of baselines may have a length up to 125 nautical miles.

The Sao Tome and Principe baseline system appears to meet the objective criteria set forth in Article 47. The distances between the basepoints range between 0.38 nautical miles (segment 1-2--see Table 1) and 99.53 nautical miles (segment 8-9).

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[1] The law does not specify the type of straight lines which are to connect the basepoints; i.e., geodesic, great circle, or rhumb.

[2] These provisions are found in Part IV, Articles 46-54, of the Convention, which has been signed by Sao Tome and Principe, but is not yet in force. The United States has not signed the Convention, but with respect to its provisions concerning traditional uses of the oceans, the United States has stated it will respect the rights of other States in the waters off their coasts, under international law as reflected in the Convention, so long as the rights and freedoms of the United States and others, under international law, are respected by coastal States.

Table 1
Distance Between Basepoints

Basepoints	Distance (nautical miles)
1-2	0.38
2-3	0.47
3-4	8.52
4-5	4.29
5-6	2.61
6-7	1.21
7-8	3.62
8-9	99.53
9-10	5.94
10-11	3.57
11-12	7.09
12-13	85.89
13-14	14.65
14-1	6.79

Sao Tome and Principe, located in the Gulf of Guinea, comprises essentially the two large islands which form its name and several smaller islands. Basepoints 1-8 and 13-14 are situated on or about the southern island of Sao Tome; basepoints 9-12 are located on or near the island of Principe. The longest segments of 99.53 and 85.89 nautical miles connect the northern islands to the southern islands. Except for the two small islands of Pedras Tinhosas, the intervening area between the two large islands is water with depths ranging from 100 to 1,700 fathoms (600-10,200 feet).

This baseline system does meet the water-to-land-area ratio standard set forth in Article 47 (1) above:

Water Area = 3,886 sq. kilometers
Land Area = 964 sq. kilometers

Water-to-Land-Area-Ratio: 4.03:1

The other articles in Part IV of the Convention on the Law of the Sea set out the legal status of the archipelagic waters and the rights of the archipelagic States, as well as the rights of other States. Article 52 recognizes the right of ships of all States to innocent passage through archipelagic waters. Article 53 recognizes the rights of all ships and aircraft to "archipelagic sea lanes passage," that is, navigation and overflight, in the normal mode, through sea lanes and air routes designated by the archipelagic State or, if none are so designated, through the routes normally used for international navigation. In its laws, Sao Tome and Principe has undertaken to "respect the freedom of navigation in and overflight of straits or sea lanes used for international navigation" (Article 5, Decree-Law No. 14-78),

but it has not designated any sea lanes or air routes.

Annex 1

Decree-Law No. 14/78 of 16 June 1978

Considering the provisions of article 4, paragraph 2, of the Constitution,

Considering that it is necessary to delimit the breadth of the territorial sea of the Democratic Republic of Sao Tome and Principe;

Considering that, to this end, the baseline from which the breadth is measured should be determined using geographical co-ordinates and in accordance with historical antecedents and geographical, geological, economic and political characteristics;

By virtue of the powers conferred on them in article 26, paragraph 1, of the Constitution, the Government of the Republic of Sao Tome and Principe adopts and the President of the Republic promulgates the following decree-law:

Article 1. The territorial sea of the Democratic Republic of Sao Tome and Principe shall extend for 12 nautical miles measured from the baseline determined by the present decree-law and its outer limit shall be the line every point of which is at a distance of 12 nautical miles from the nearest point on the baseline.

Article 2. The baseline from which the breadth of the territorial sea of the Democratic Republic of Sao Tome and Principe is measured shall be the straight lines joining the outermost points of the two main islands, the islets and the surrounding low-tide reefs; it shall be determined by the following geographical co-ordinates:

		Latitude	Longitude
1	Ilhéu das Rolas (E)	0° 03' 18" S	6° 31' 47" E
2	Ilhéu das Rolas (S)	0° 03' 13" S	6° 31' 24" E
3	Ilhéu das Rolas (SW)	0° 03' 32" S	6° 31' 01" E
4	Ilhéu Gabado	0° 07' 54" N	6° 29' 08" E
5	Ilhéu Coco	0° 12' 02" N	6° 27' 58" E
6	Ponta Furada	0° 14' 39" N	6° 27' 57" E
7	Ponta Diogo Vaz	0° 19' 10" N	6° 29' 56" E
8	Pedra da Galé	1° 43' 41" N	7° 22' 56" E
9	Ilheus Monteiros	1° 41' 12" N	7° 28' 18" E
10	Ponta da Garça	1° 37' 54" N	7° 27' 47" E
11	Ilhéu Caroço	1° 30' 54" N	7° 25' 56" E
12	Ilhéu Santana	0° 14' 31" N	6° 45' 56" E

Article 3. The waters within the baseline shall be the archipelagic waters of the

Democratic Republic of Sao Tome and Principe.

Article 4. The sovereignty which the State of Sao Tome and Principe exercises throughout the national territory, which is composed of the islands of Sao Tome, Principe, Pedras Tinhosas, Ilheu das Cabras, Ilheu das Rolas and other adjacent islets, the archipelagic waters, the territorial sea, the superjacent air space, and the subsoil of the land space, shall extend to the ocean floor and the subsoil of the belt of water formed by the archipelagic waters and the waters of the territorial sea, and also to all the natural living and non-living resources which are to be found in all the above-mentioned areas, over which the State of Sao Tome and Principe shall exercise its sovereignty.

Article 5. The Democratic Republic of Sao Tome and Principe, without prejudice to the provisions of the preceding articles, and in accordance with the principles of international law, shall respect freedom of navigation in and overflight of straits or sea lanes used for international navigation.

Article 6. All relevant legal provisions that are in conflict with the present decree-law are hereby repealed.

Article 7. The present decree-law shall enter into force as from the date of its publication.

Seen and approved by the Council of Ministers on 18 May 1978.

Promulgated on 13 June 1978.

Annex 2

Decree-Law No. 48/82 of 19 November 1982

Democratic Republic of
Sao Tome and Principe
Permanent Mission to the United Nations
801 Second Avenue
New York, N. Y. 10017

STP/UN/0005/83

On instructions from my Government, I have the honour to transmit to you herewith the text of Decree-Law No. 48/82 of 19 November 1982, which determines the straight baselines joining the most salient points of the islands of Sao Tome and Principe.

I should be grateful if you would arrange for this text to be distributed to Member States as a United Nations document.

Accept, Sir, the assurances of my highest consideration.

(Signed) Adriano Cassandra
Chargé d'Affaires

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General of the United Nations

Council of Ministers

Decree-Law No. 48/82

Considering the necessity of correcting the geographic coordinates which in Article 2 of Decree-Law No. 14/78, of June 16, determine the straight baselines joining the most salient points of the islands of Sao Tome and Principe;

Considering further the advisability of determining more coordinates in order to provide perfect continuity of plotting the straight baselines;

Given Decree-Law No. 14/78, of June 16;

The pertinent articles of the Convention of the Law of the Sea, approved by the Third United Nations Conference on the Law of the Sea on
April 30, 1982, having been examined;

Now and therefore;
Exercising the power conferred by Article 32 of the Constitution, the Government of the Democratic Republic of Sao Tome and Principe decrees and I promulgate the following:

Article 1. Article 2 of Decree-Law No. 14/78, of June 16, shall be amended to read as follows:

Article 2, -1. The baseline from which the extension of the territorial waters of the Democratic Republic of Sao Tome and Principe is measured consists of the straight line successively joining the most salient points of the two principal islands, islets and emerged reefs surrounding them and is determined by the following geographic coordinates:

Coordinates

		Latitude	Longitude
1	Ilhéu das Rolas (SE)	0 00 45"S	6 31 44"E
2	Ilhéu das Rolas (S)	0 00 47 S	6 31 21 E
3	Ilhéu das Rolas (SW)	0 00 28 S	6 31 00 E
4	Ilhéu Gabado (SW)	0 07 52 N	6 29 05 E
5	Ilhéu Coco (W)	0 12 02 N	6 27 58 E
6	Ponta Furada	0 14 39 N	6 27 56 E
7	Ponta Alema (W)	0 15 48 N	6 28 20 E
8	Ponta Diogo Vaz (W)	0 19 06 N	6 29 51 E
9	Pedra da Galé (NW)	1 43 40 N	7 22 55 E
10	Ilheus Monteiros (NE)	1 41 14 N	7 28 20 E
11	Ponto a Sul da Ponta da Garca) (E)	1 41 14 N	7 27 52 E
12	Ilhéu Caroço (SE)	1 30 47 N	7 26 05 E
13	Ilhéu Santana (E)	0 14 29 N	6 45 59 E
14	Sete Pedras (SE)	0 02 17 N	6 37 48 E

2. The ellipsoid and the datum used in the definition of the geographic coordinates are the following:

Ellipsoid used: International

Datum:

Island of Sao Tome

? Fortaleza y= 0° 20' 49" .02 N

L= 6 44 41 .85 E

Island of Principe

? Morro do Papagaio y= 1° 36' 46" .87 N

L= 7 23 39 .65 E

Article 3. This decree-law becomes effective immediately.

Seen and approved in Council of Ministers on November 19, 1982.

……

Promulgated December 2, 1982.
Let it be published.

The President of the Republic, MANUEL PINTO DA COSTA.

Annex 3

Article 47 of the 1982 Convention on the Law of the Sea Archipelagic Baselines

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.

2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 percent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.

3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.

4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.

5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.

6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.

7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.

8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical co-ordinates of points, specifying the geodetic datum, may be substituted.

9. The archipelagic State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Archipelagic Straight Baselines:

SAO TOME AND PRINCIPE

BASE POINTS: Claimed Archipelagic Straight Baselines

1.	Ilhéu das Rolas (SE)	0°00′45″S 6°31′44″E
2.	Ilhéu das Rolas (S)	0°00′47″S 6°31′21″E
3.	Ilhéu das Rolas (SW)	0°00′28″S 6°31′00″E
4.	Ilhéu Gabado (SW)	0°07′52″N 6°29′05″E
5.	Ilhéu Coco (W)	0°12′02″N 6°27′58″E
6.	Ponta Furada	0°14′39″N 6°27′56″E
7.	Ponta Alema (W)	0°15′48″N 6°28′20″E
8.	Ponta Diogo Vaz (W)	0°19′06″N 6°29′51″E
9.	Pedra da Galé (NW)	1°43′40″N 7°22′55″E
10.	Ilhéus Monteiros (NE)	1°41′14″N 7°28′20″E
11.	Ponto a Sul da Ponta da Garça (E)	1°37′40″N 7°27′52″E
12.	Ilhéu Caroço (SE)	1°30′47″N 7°26′05″E
13.	Ilhéu Santana (E)	0°14′29″N 6°45′59″E
14.	Sete Pedras (SE)	0°02′17″N 6°37′48″E

Legend

Claimed archipelagic straight baselines

Claimed archipelagic waters

Note: There may be areas near the islands which could be claimed as internal waters.

Claimed 12 nautical mile territorial sea limit

100 — Depths in fathoms

1554

0 2 4 6 8 10 12
Nautical Miles

Mercator Projection
Scale 1:300,000 at Latitude 0°45′N
Based on DMAHTC 57180, 4th ed., Rev. 6/14/75

This map is for illustrative purposes and has been prepared for a Department of State *Limits in the Seas* study.

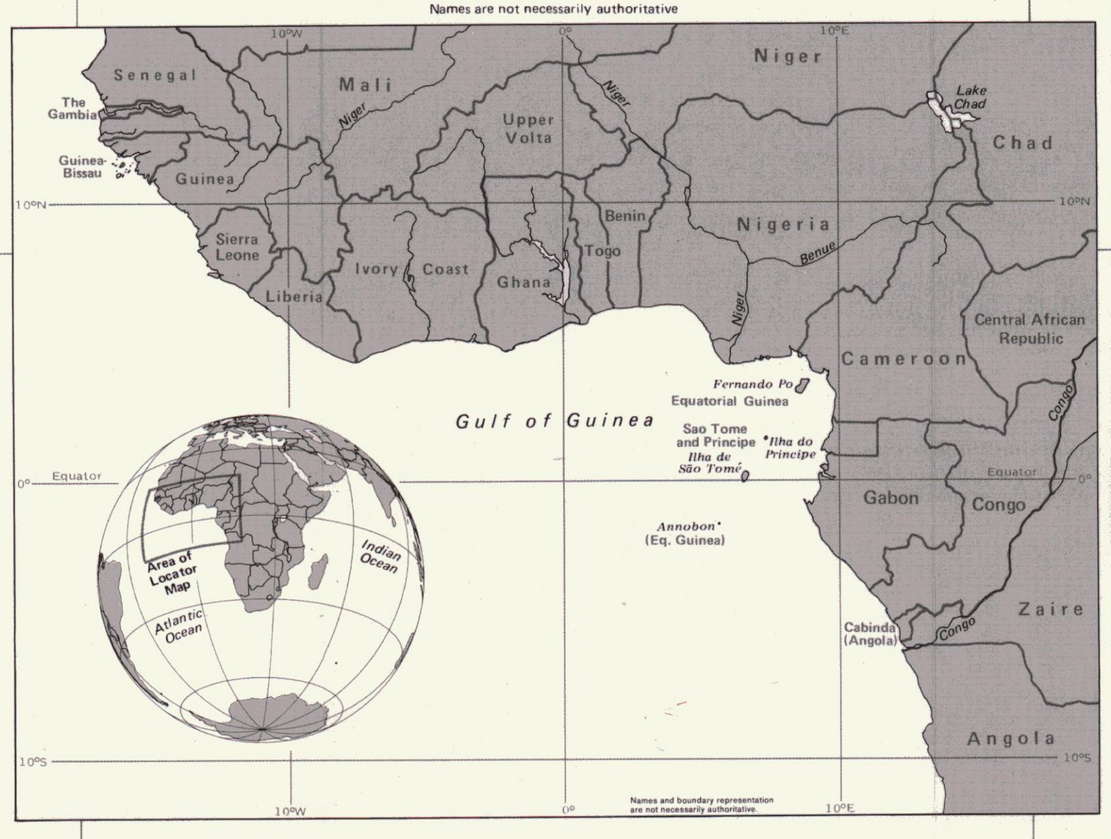
Names are not necessarily authoritative

ILHA DO PRÍNCIPE
Santo Antonio
Baía das Agulhas
Baía de Santo António
Broad Bay
Pedra da Galé
Ilhéus Monteiros
Ponto a Sul da Ponta da Garça
Ilhéu Caroço
PEDRAS TINHOSAS
Tinhosa Pequena
Tinhosa Grande

ILHA DE SÃO TOMÉ
São Tomé
Baía de Ana Chaves
Ilhéu das Cabras
Ilhéu Santana
Ponta Diogo Vaz
Ponta Alema
Ponta Furada
Ilhéu Coco
Ilhéu Gabado
Baía da Praia Grande
Sete Pedras
Canal das Rolas
Ilhéu das Rolas

12 nautical miles

6°30′E 7°00′E 7°30′E
1°30′N 1°00′N 30′N Equator 0°



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