

United States Department of State
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Limits in the Seas

No. 129

Cabo Verde:

Archipelagic and other Maritime Claims and Boundaries



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CABO VERDE

ARCHIPELAGIC AND OTHER MARITIME CLAIMS AND BOUNDARIES

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**Office of Ocean and Polar Affairs
Bureau of Oceans and International Environmental and Scientific Affairs
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This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State. The purpose of the series is to examine a coastal State's maritime claims and/or boundaries and assess their consistency with international law. This paper represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the of the limits claimed.

This study, and earlier studies in this series, may be downloaded from <http://www.state.gov/e/oes/ocns/opa/c16065.htm>. Comments and questions should be emailed to LimitsInTheSeas@state.gov. Principal analysts for this study are Brian Melchior and Kevin Baumert.

Introduction

This study analyzes the maritime claims and maritime boundaries of the Republic of Cabo Verde, including its archipelagic baseline claim. Cabo Verde Law No. 60/IV/92 of December 21, 1992 (Annex 1 to this study) took effect December 21, 1992, and established a 12-nautical mile (nm) territorial sea, 24-nm contiguous zone and 200-nm exclusive economic zone, as well as the coordinates of the archipelagic baselines.¹ The archipelagic baselines are shown on Map 1 to this study. Cabo Verde ratified the United Nations Convention on the Law of the Sea (LOS Convention) on August 10, 1987 and acceded to the 1994 Agreement relating to the Implementation of Part XI of the Convention on April 23, 2008.²

Basis for Analysis

The LOS Convention contains certain provisions related to archipelagic States. Article 46 provides that an “archipelagic State” means “a State constituted wholly by one or more archipelagos and may include other islands.” An “archipelago” is defined as “a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.”

Only an “archipelagic State” may draw archipelagic baselines. Article 47 sets out geographic criteria to which archipelagic States must adhere when establishing archipelagic baselines (Annex 2 to this study).

Under Article 47.1, 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. In addition, the length of any baseline segment shall not exceed 100 nm except that up to 3 percent of the total number of baselines may have a length up to 125 nm (Article 47.2).

Additional provisions of Article 47 state that such baselines shall not depart to any appreciable extent from the general configuration of the archipelago; that such baselines shall not be drawn, with noted exceptions, using low-tide elevations; and that the system of such baselines shall not be applied in such a manner as to cut off from the high seas or exclusive economic zone (EEZ) the territorial sea of another State (Article 47.3 - 47.5). In addition, baselines shall be shown on charts or, alternatively, substituted by lists of geographical coordinates of points, specifying the

¹ The text of the Cabo Verde Law No. 60/IV/92 of December 21, 1992, is available from UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/CPV.htm>. This law revoked Decree-Law No. 126/77 and all other legal provisions which contravene the new law. The 1977 law can be found in *Baselines: National Legislation with Illustrative Maps* (United Nations, 1989), at 99. The archipelagic baselines claimed by Cabo Verde through this 1977 law were not consistent with the LOS Convention. The United States protested that claim diplomatically and via operational assertions by U.S. naval vessels.

² United Nations Convention on the Law of the Sea, Montego Bay, opened for signature Dec. 10, 1982, entered into force Nov. 10, 1994, 1833 UNTS 397, available from DOALOS, at: http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm

geodetic datum; the charts or lists of shall be deposited with the Secretary-General of the United Nations (Article 47.8 - 47.9).

The LOS Convention further reflects the specific rights and duties given to archipelagic States over their land and water territory. Article 53 allows the archipelagic State to “designate sea lanes . . . suitable for the continuous and expeditious passage of foreign ships . . . through . . . its archipelagic waters and the adjacent territorial sea.” Also, Article 53.12 provides that “[i]f an archipelagic State does not designate sea lanes . . . , the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.”

Analysis³

Cabo Verde is an archipelagic State located in the North Atlantic Ocean due west of Mauritania and Senegal. Cabo Verde consists of eight main islands, and a number of smaller islands and other features. Some of the islands and features are used for drawing the archipelagic baselines. The archipelagic baseline system of Cabo Verde is composed of 25 line segments, ranging in length from 0.42 nm (segment F-P1 to F) to 99.88 nm (segment C-P1 to D-P1), with a total length of 539 nm.

The archipelagic baseline system of Cabo Verde meets the water-to-land area ratio set forth in Article 47.1:

Total Area = 39,996 square kilometers
 Water Area = 35,963 square kilometers
 Land Area = 4,033 square kilometers⁴
 Water-to-land area ratio = 8.92 to 1

In accordance with Article 47.2 of the LOS Convention, none of the baseline segments exceed 100 nm in length. Annex 3 to this study lists the lengths of each segment.

The configuration of the baselines does not appear to depart to any appreciable extent from the general configuration of the archipelago (Article 47.3). None of the baselines appear to be drawn using low tide elevations (Article 47.4). The baselines are not drawn in a way that would cut off from the high seas or EEZ the territorial sea of another State (Article 47.5).

Cabo Verde has deposited the geographic coordinates of its baselines with the UN Secretary General (Article 47.9). However, in doing so, it appears as though Cabo Verde did not specify the geodetic datum for the coordinates (Article 47.8).⁵

³ Calculations for this analysis were conducted in ESRI ArcMap 10, using the Universal Transverse Mercator, Zone 26 North, projection and are based on the World Geodetic System 1984 (WGS84) datum.

⁴ Land area number may be found in the CIA World Factbook entry for Cabo Verde, at: <https://www.cia.gov/library/publications/the-world-factbook/geos/cv.html>.

⁵ As stated in note 3, *supra*, for the geographic calculations and purposes of creating the illustrative map, this study assumes that these coordinates are based on WGS84.

Therefore, with the exception of the matter of the specifying the relevant geodetic datum, Cabo Verde's archipelagic baseline system set forth in Law No. 60/IV/92 appears to be consistent with Article 47 of the LOS Convention.

Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf

By Law No. 60/IV/92, the archipelagic waters of Cabo Verde comprise those waters enclosed by the archipelagic baselines. Cabo Verde's 12-nm territorial sea and 24-nm contiguous zone, established in Articles 7 and 10 of Law No. 60/IV/92, are measured from the archipelagic baselines established in this law. Article 12 of Law No. 60/IV/92 established a 200-nm EEZ measured from the archipelagic baselines.

Article 17 of Law No. 60/IV/92 sets forth Cabo Verde's 200-nm continental shelf. It does not refer to any continental shelf beyond 200 nm. On May 7, 2009, Cabo Verde submitted to the Commission on the Limits of the Continental Shelf preliminary information on the limits of its continental shelf beyond 200 nm.⁶

Navigation

Articles 6 and 9 of the law state that "...foreign ships shall enjoy the right of innocent passage..." in the archipelagic waters and territorial sea, respectively, of Cabo Verde. In each case, the right of innocent passage is recognized "under the terms of, and in compliance with, the pertinent regulations." The laws and regulations that a coastal State may adopt relating to innocent passage are set out in Article 21 of the LOS Convention.

Cabo Verde's law does not mention the right of archipelagic sea lanes passage for all ships and aircraft, which is provided for in Article 53 of the LOS Convention. As of January 2014, the Cabo Verde government had not formally designated any archipelagic sea lanes. Since no archipelagic sea lanes have been designated in accordance with the LOS Convention, the "right of archipelagic sea lane passage may be exercised through the routes normally used for international navigation" (Article 53.12).

The declaration by Cabo Verde upon its signature of the LOS Convention in 1982 and reaffirmed upon ratification in 1987 states "In the exclusive economic zone, the enjoyment of the freedoms of international communication, in conformity with its definition and with other relevant provisions of the LOS Convention, excludes any non-peaceful use without the consent of the coastal State, such as exercises with weapons or other activities which may affect the rights or interests of the said state"⁷ The United States has rejected this interpretation. The weapons/exercises declaration was not contained in the 1992 law.

Exclusive Economic Zone Jurisdiction

⁶ The preliminary information of Cabo Verde is available from DOALOS, at: http://www.un.org/depts/los/clcs_new/commission_preliminary.htm.

⁷ *Law of the Sea Bulletin* No. 10, at 8 (1987), available at: http://www.un.org/Depts/los/doalos_publications/los_bult.htm and http://www.un.org/Depts/los/convention_agreements/convention_declarations.htm.

Article 13, pertaining to the EEZ, states that Cabo Verde “shall possess . . . (b) exclusive jurisdiction, with regard to (i) The establishment and use of artificial islands, installations and structures; (ii) Marine scientific research; (iii) The protection and preservation of the marine environment; and (iv) Any other rights not recognized to third States.” Subparagraphs (i), (ii), and (iii) of Article 13 mirror the permissible bases of jurisdiction set forth in Article 56 of the LOS Convention. However, whereas Cabo Verde claims “exclusive jurisdiction” with respect to these elements, the LOS Convention provides merely for “coastal State . . . jurisdiction *as provided for in the relevant provisions of this Convention*” (emphasis added). With respect to subparagraph (iv) referring to “any other rights not recognized to third States,” the LOS Convention does not provide for exclusive coastal state jurisdiction in this regard.

Article 14 of the law recognizes that high seas freedoms of navigation and overflight are available to all States within its EEZ. This is a partial recognition of the rights of other States in the EEZ. Article 58 of the LOS Convention states that, in addition to the freedoms of navigation and overflight, all States also enjoy, subject to the relevant provisions of the LOS Convention, “the freedoms . . . of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.”

Submarine Cables and Pipelines

Article 21 of the law states that the “laying, maintenance or repair of submarine pipelines or cables by third States” in any of Cabo Verde’s maritime zones “may be carried out only with the prior authorization of the Republic of Cabo Verde.” Article 58.1 of the LOS Convention provides that, in the EEZ, the laying of submarine cables and pipelines is a high seas freedom that all States enjoy, subject to the relevant provisions of the LOS Convention.

Other relevant provisions relating to submarine cables and pipelines are found in Part VI of the LOS Convention concerning the continental shelf. In particular, Article 79.1 provides that “[a]ll States are entitled to lay submarine cables and pipelines on the continental shelf, in accordance with the provisions of this article.” Articles 79.2 and 79.3 state that “[s]ubject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, the coastal State may not impede the laying or maintenance of such cables or pipelines” and that “[t]he delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal State.” The law’s requirement for prior authorization with regard to the laying and maintenance of cables on Cabo Verde’s continental shelf is not found in the LOS Convention.

Underwater Cultural Heritage

Article 28 of the law provides, in part, that “. . . the location, exploration and recovery of any object of an archaeological and historical character, as well as treasures existing in the maritime areas of the Republic of Cape Verde . . . by any entity, whether national or foreign, shall require

the express authorization of the competent national authorities.”⁸ Under Article 303.1 of the LOS Convention, all nations share a duty to protect such objects and cooperate for this purpose. However, the LOS Convention limits a coastal State’s jurisdiction over such objects to the seaward limit of the coastal State’s 24-nm contiguous zone. Any enforcement of this provision against a foreign flagged vessel outside of the 24-nm contiguous zone would be inconsistent with the Convention, unless it is done with the consent of the flag State.

Maritime Boundaries

Cabo Verde has established its maritime boundaries with Mauritania and Senegal. Cabo Verde has a very short unresolved boundary with The Gambia. The maritime boundaries are shown on Map 2 to this study.

Cabo Verde’s maritime boundary agreement with Senegal, concluded in 1993, delimits the two countries’ EEZs and continental shelves. The boundary extends approximately 150 nm in a north-south direction and is composed of 8 points.⁹ According to Article 1, the “maritime frontier” established by the agreement is a median line that “for practical reasons of simplification, has been corrected,” as reflected in the coordinates set forth in Annex I of the treaty. Annex II of the treaty reproduces the archipelagic baselines of Cabo Verde (as reflected in Law No. 60/IV/92), whereas Annex III reproduces the coordinates describing the claimed baselines of Senegal.

Cabo Verde’s maritime boundary agreement with Mauritania was concluded in 2003 but is not yet in force.¹⁰ The agreement provides for a boundary extending approximately 160 nm in a north-south direction composed of 18 points. According to Article 1, the “frontier” established by the agreement is “a median line the points of which are equidistant from the nearest points on the baselines of the two countries.” The agreement establishes “a tripartite frontier point,” which is the northern terminus of the Cabo Verde-Senegal maritime boundary and the southern terminus of the boundary established in this agreement.

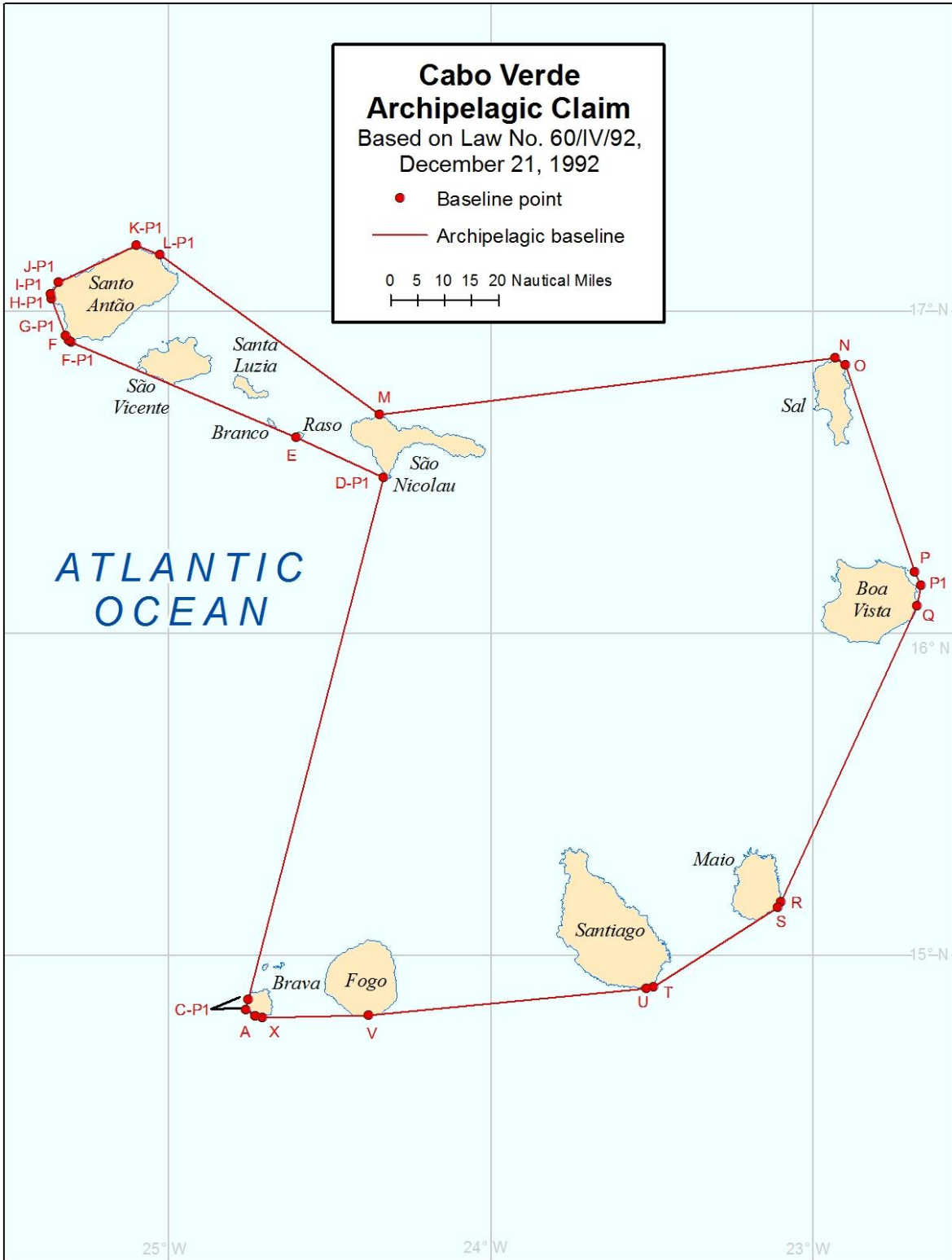
⁸ Cabo Verde’s declaration made upon ratification of the LOS Convention provided, in part: “The Republic of Cape Verde declares, without prejudice to article 303 of the United Nations Convention on the Law of the Sea, that any objects of an archaeological and historical nature found within the maritime areas over which it exerts sovereignty or jurisdiction, shall not be removed without its prior notification and consent.” *Law of the Sea Bulletin* No 10, at 8 (1987), available at: http://www.un.org/Depts/los/doalos_publications/los_bult.htm.

⁹ Treaty on the Delimitation of the Maritime Frontier between the Republic of Cape Verde and the Republic of Senegal, Dakar, Feb. 17, 1993, entered into force Mar. 25, 1994, 1776 UNTS 305, *Law of the Sea Bulletin* No. 26, at 45-49 (1994), III *International Maritime Boundaries* 2279-2291 (1998). Text available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/CPV-SEN1993MF.PDF>.

¹⁰ Treaty on the Delimitation of the Maritime Frontier between the Islamic Republic of Mauritania and the Republic of Cape Verde, Praia Sept. 19, 2003, not in force, *Law of the Sea Bulletin* No. 55, at 32-35 (2004); V *International Maritime Boundaries* 3694-3707 (2005). Text available from DOALOS, at: http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/CPV_MRT2003MB.pdf.

Map 1

Illustrative Map of Cabo Verde's Archipelagic Baselines



Map 2

Illustrative Map of Cabo Verde's Maritime Boundaries



Annex 1

Cabo Verde Law No. 60/IV/92 of December 21, 1992

Law No. 60/IV/92 delimiting the maritime areas of the Republic of Cape Verde and revoking Decree-Law No. 126/77 and all legal provisions which contravene this law,

Considering the need to safeguard the fundamental interests of the nation with regard to the living and non-living resources of the maritime areas of the Republic of Cape Verde,

Considering the importance of maritime activities for the national economy and development,

Considering the evolution of the law of the sea as reflected in the United Nations Convention on the Law of the Sea, 1982,

By mandate of the people, the National Assembly decrees, under article 186 (b) of the Constitution of the Republic, the following:

CHAPTER I Maritime areas

Article 1

For the purposes of this law the maritime areas under the jurisdiction of the Republic of Cape Verde shall be:

- (a) The internal sea;
- (b) The archipelagic waters;
- (c) The contiguous zone;
- (d) The territorial sea;
- (e) The exclusive economic zone;
- (f) The continental shelf.

CHAPTER II Archipelagic waters

Article 2

The archipelagic waters of the Republic of Cape Verde shall include all the maritime area within the baselines drawn in conformity with article 24.

Article 3

The Republic of Cape Verde shall exercise sovereignty over the archipelagic waters, namely, over:

- (a) The respective mass of water, whatever its depth or breadth;
- (b) The superjacent airspace and the bed and subsoil of the corresponding sea;
- (c) The living and non-living resources in these waters.

Article 4

The Republic of Cape Verde may, within its archipelagic waters, draw baselines for the delimitation of internal waters.

Article 5

Without prejudice to the provisions of article 3, the Republic of Cape Verde shall respect any existing agreements which are related to activities in its archipelagic waters.

Article 6

Without prejudice to the provisions of article 4, foreign ships shall enjoy the right of innocent passage in the archipelagic waters of the Republic of Cape Verde, under the terms of, and in compliance with, the pertinent regulations.

CHAPTER III Territorial sea

Article 7

The territorial sea of Cape Verde shall have a breadth of 12 nautical miles, measured from the baselines defined in article 24.

Article 8

In the territorial sea, the Republic of Cape Verde shall exercise sovereignty over:

- (a) The mass of water;
- (b) The superjacent airspace;
- (c) The corresponding bed, soil and subsoil;
- (d) The living and non-living resources.

Article 9

Foreign ships shall enjoy the right of innocent passage through the territorial sea under the terms of, and in compliance with, the pertinent regulations.

CHAPTER IV Contiguous zone

Article 10

The Republic of Cape Verde shall establish a zone contiguous to the territorial sea whose external limit shall be 24 nautical miles measured from the baselines referred to in article 24.

Article 11

In its contiguous zone the Republic of Cape Verde shall exercise the control necessary to prevent and punish infringements committed in its territory, internal waters, archipelagic waters and territorial sea, to its customs, fiscal, health and emigration laws and regulations.

CHAPTER V Exclusive economic zone

Article 12

The exclusive economic zone of the Republic of Cape Verde shall include the maritime zone whose internal limit corresponds to the external limit of the territorial sea and whose external limit corresponds to a line in which each point is at a distance of 200 miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

Article 13

In the zone defined in the preceding article the Republic of Cape Verde shall possess:

- (a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and its subsoil and the sovereign rights with regard to other activities for the economic exploitation and exploration of energy from the water, currents and winds;
- (b) Exclusive jurisdiction, with regard to:
 - (i) The establishment and use of artificial islands, installations and structures;
 - (ii) Marine scientific research;
 - (iii) The protection and preservation of the marine environment;
 - (iv) Any other rights not recognized to third States.

Article 14

Without prejudice to the provisions of article 26, in the exclusive economic zone all States shall enjoy:

- (a) Freedom of navigation;
- (b) Freedom of overflight.

Article 15

The exercise of the freedoms and related rights to which the preceding article refers shall respect the sovereign rights, as well as the laws and regulations of the Republic of Cape Verde.

Article 16

In the exercise of the freedoms referred to in article 14, any unauthorized fishing or exploration activity, as well as any activity which causes pollution or is prejudicial to the marine environment or to the natural resources of the exclusive economic zone, or to the economic interests of the Republic of Cape Verde, shall be prohibited.

CHAPTER VI
Continental shelf

Article 17

The continental shelf of the Republic of Cape Verde shall comprise the seabed and subsoil of the submarine areas that extend beyond the territorial sea up to a distance of 200 nautical miles from the baselines referred to in article 24.

Article 18

On its continental shelf, the Republic of Cape Verde shall possess sovereign rights for the purpose of exploring and exploiting its natural resources, both living and non-living.

Article 19

The rights referred to in the preceding article shall be exclusive in the sense that, if the Republic of Cape Verde does not explore the continental shelf or exploit its natural resources, no other State or entity may undertake these activities without the express consent of the competent Cape Verdean authorities.

Article 20

The Republic of Cape Verde shall have the exclusive right to authorize and regulate drillings in its continental shelf for whatever purpose.

CHAPTER VII
General provisions

Article 21

The laying, maintenance or repair of submarine pipelines or cables by third States in the maritime areas defined in article 1 may be carried out only with the prior authorization of the Republic of Cape Verde.

Article 22

In application of this Law, the Government shall prepare special regulations with regard to:

- (a) Protection of the marine environment;
- (b) Artificial installations;
- (c) Submarine pipelines and cables;
- (d) Archaeological and historical objects;
- (e) Scientific marine research;
- (f) Sea lanes in the archipelagic waters;
- (g) Drilling on the continental shelf;
- (h) Contiguous zones;
- (i) Exercise of the right of innocent passage by foreign ships in the archipelagic waters and in the territorial sea.

Article 23

The competent national authorities shall make provision for the conservation and sound management of the biological resources of the maritime areas under the jurisdiction of the Republic of Cape Verde.

Article 24

The baseline from which the breadth of the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental platform are measured shall be made up of straight lines which join the outermost points of the islands and islets, determined by the following coordinates:

Point	Latitude N	Longitude W	Observ.
A-	14° 48' 43.17"	24° 43' 48.85"	I. Brava
C-P1 a Rainha	14° 49' 59.10"	24° 45' 33.11"	I. Brava
C-P1 a Faj	14° 51' 52.19"	24° 45' 09.19"	I. Brava
D-P1 Vermelharía	16° 29' 10.25"	24° 19' 55.87"	S. Nicolau
E-	16° 36' 37.32"	24° 36' 13.93"	Ilheu Raso
F-P1 a da Peça	16° 54' 25.10"	25° 18' 11.00"	Santo Antao
F-	16° 54' 40.00"	25° 18' 32.00"	Santo Antao
G-P1 a Camarim	16° 55' 32.98"	25° 19' 10.76"	Santo Antao
H-P1 a Preta	17° 02' 28.66"	25° 21' 51.67"	Santo Antao
I-P1 a Mangrade	17° 03' 21.06"	25° 21' 54.44"	Santo Antao
J-P1 a Portinha	17° 05' 33.10"	25° 20' 29.91"	Santo Antao
K-P1 a de Sol	17° 12' 25.21"	25° 05' 56.15"	Santo Antao
L-P1 a Sinagoga	17° 10' 41.58"	25° 01' 38.24"	Santo Antao

Point	Latitude N	Longitude W	Observ.
M-Pta Espechim	16° 40' 51.64"	24° 20' 38.79"	S. Nicolau
N-Pta Norte	16° 51' 21.13"	22° 55' 40.74"	Sal
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-Ilheu Cascalho	16° 11' 31.04"	22° 40' 52.44"	I. Boavista
P1-Ilheu Baluarte	16° 09' 05.00"	22° 39' 45.00"	I. Boavista
Q-Pta do Roque	16° 05' 09.83"	22° 40' 26.05"	I. Boavista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	I. Maio
S-	15° 09' 02.21"	23° 06' 24.98"	I. Maio
T-	14° 54' 10.78"	23° 29' 36.09"	Santiago
U-D. Maria Pia	14° 53' 50.00"	23° 30' 54.50"	Santiago
V-Pta Pesqueiro	14° 48' 52.32"	24° 22' 43.30"	I. do Fogo
X-Pta Nho Martinho	14° 48' 25.59"	24° 42' 34.92"	I. Brava
Y=A	14° 48' 43.17"	24° 43' 48.85"	I. Brava

Article 25

Marine scientific research by foreign entities in the maritime areas of the Republic of Cape Verde shall be permitted under the terms and conditions defined in the law and regulations on the subject.

Article 26

Without prejudice to the provisions of this Law, all the activities by foreign entities or ships in the maritime areas subject to the sovereignty or jurisdiction of the Republic of Cape Verde shall respect the principle of the peaceful uses of the oceans.

Article 27

Any activities which cause pollution or harm the marine environment, or are prejudicial to the resources in the national maritime areas or to the economic interests of the Republic of Cape Verde, shall be prohibited.

Article 28

Without prejudice to the rights of identifiable owners and the norms of salvage or other norms of maritime law, and to practices in the field of intercultural exchanges, the location, exploration and recovery of any object of an archaeological and historical character, as well as treasures existing in the maritime areas of the Republic of Cape Verde as defined in article 1, by any entity, whether national or foreign, shall require the express authorization of the competent national authorities.

CHAPTER VIII

Final and transitional provisions

Article 29

In the cases in which the external limit of the exclusive economic zone and of the continental shelf of the Republic of Cape Verde, defined in conformity with this Law, coincides with part of an exclusive economic zone or the

continental shelf of a neighbouring State, the maritime frontier shall be fixed by an agreement to be negotiated with the State in question, in accordance with the applicable international law

Article 30

Violations of this Law shall be punishable in conformity with the pertinent laws and regulations.

Article 31

Decree-Law 126/77 and all legal provisions which contravene this Law shall be revoked.

Article 32

This Law shall enter into force immediately.

Approved on 10 December 1992.

Annex 2**United Nations Convention on the Law of the Sea*****Article 47******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 per cent 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 State 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 partly 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 coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Annex 3

Cabo Verde Archipelagic Baseline Segments

Baseline Segment	Length (nm)		Baseline Segment	Length (nm)
A to CP-1	2.10		M to N	82.24
CP-1 to CP-1	1.92		N to O	2.21
CP-1 to D-P1	99.88		O to P	40.38
DP-1 to E	17.33		P to P-1	2.66
E to FP-1	43.96		P-1 to Q	3.96
FP-1 to F	0.42		Q to R	60.16
F to G-P1	1.07		R to S	1.19
G-P1 to H-P1	7.36		S to T	26.90
H-P1 to I-P1	0.87		T to U	1.31
I-P1 to J-P1	2.57		U to V	50.44
J-P1 to K-P1	15.52		V to X	19.24
K-P1 to L-P1	4.46		X to A	1.23
L-P1 to M	49.25			