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INTERNATIONAL BOUNDARY STUDY

Series A

LIMITS IN THE SEAS

No. 21

STRAIGHT BASELINES: VENEZUELA

The Geographer
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STRAIGHT BASELINES: VENEZUELA

A Presidential Decree, dated July 10, 1968, created a straight baseline for eastern Venezuela. The straight baseline (SBL), in effect, closes the delta system of the Orinoco River. However, the SBL does extend beyond the limits of Venezuelan-administered territory into the neighboring state of Guyana.

The text of the decree is as follows:

Raul Leoni President of the Republic employing the attributions conferred on him by the National Constitution and in conformity with the Law of the Territorial Sea, Continental Shelf, Protection of Fishing and Air Space and with the Ratifying Law of the Convention of the Continental Shelf:

Considering that Article Two of the Law of the Territorial Sea, Continental Shelf, Protection of Fishing and Air Space and Article Four and following of the Ratifying Law of the Convention on the Continental Shelf wherein the places where the conditions of the Continental seaboard and islands require it to foresee the drawing of straight base lines from which the Territorial Sea is measured:

Considering that in various zones of the Venezuelan seaboard there exists geographic conditions requiring the initiation of the fixing of the said lines in sectors of the seaboard of the Republic, it is decreed:

Article One - the following straight base line is drawn in the sector of the Venezuelan seaboard embracing a point between the dividing line of the river Essequibo and Arguapiche Point in the Federal Territory Delta Amacuro from a point with the coordinates nine degrees, twenty seven minutes and thirty seconds of North Latitude and sixty degrees and fifty two minutes of West Longitude to another point with the coordinates eight degrees and twenty six minutes of North Latitude and fifty nine degrees, thirty four minutes and thirty seconds of West Longitude.

Article Two - the Territorial Sea and Contiguous Zone corresponding to Venezuela in the sector is measured from the straight base line where it has been drawn and from the low tide line in the remainder of its length with the exception contained in Article Four.

Article Three - the rights of Sovereignty of Venezuela over the territorial waters whose restoration is claimed from Guyana are expressly reserved, that is to say, the strip three miles wide along the coasts of the territory included between the mouth of the River Essequibo and the mouth of the River Guainia as well as the interior waters in the said zone defined by the straight base line drawn in the present decree.

Article Four - the straight base line at the mouth of the River Essequibo will be in accordance with that of the neighbouring state.

Article Five - the official Notes that are published hereafter will make clear the measure adopted by the present decree.

Article Six - the Ministers of External Relations, Defence, Public Works, Agriculture and Communications are charged with the execution of the present decree.

VENEZUELAN EXPLANATORY NOTE

This decree of the National Executive according to official information has the following significance: the territorial sea of Venezuela is twelve miles wide in accordance with Venezuelan law and that of Guyana only three miles, that is to say, the band three miles measured from the seaboard of the territory in dispute corresponding at the moment to Guyana and the adjoining band of nine miles considered as the high sea by the State of Guyana. For Venezuela, as a consequence of its claim, the said band is Venezuelan territory in which her Sovereignty may be exercised but before making any material act of possession Venezuela must make public her title of dominion to the said sea. Also Venezuela can do it on the basis of the treatise of the straight base line in the zone and in accordance with Venezuelan law and international conventions. In this way, the Venezuelan State will be able to take concrete steps of dominion in relation, for example, to the oil concessions that the State of Guyana have conceded in this zone.

ANALYSIS

The straight baseline extends 98.9 nautical miles and closes the delta of the Orinoco River. A point, west of the middle of the line, is situated approximately 22 nautical miles from the nearest mainland. In contrast, the principal mouth of the Orinoco is over 30 nautical miles from the SBL. Point B has been selected approximately 26 miles east of Punta Playa, the coastal terminus of the current Guyana-Venezuela boundary. While Venezuela has laid claim to territory as far as the Essequibo River, Guyana rejects this claim (see International Boundary Study No. 21: British Guiana (Guyana) - Venezuela Boundary, March 14, 1963).

The straight baseline does not depart, to any appreciable degree, from the general trend of the mainland coast as determined by small-scale charts. The waters enclosed by the SBL do not meet the legal definition of a bay. Moreover, the eastern terminal point is situated approximately 50 nautical miles to the east of the eastern natural entrance point for the Orinoco system as well as being 26 nautical miles beyond the existing international boundary.