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INTERNATIONAL BOUNDARY STUDY

Series A

LIMITS IN THE SEAS

No. 27

STRAIGHT BASELINES: PORTUGAL

The Geographer
Office of the Geographer
Directorate for Functional Research
Bureau of Intelligence and Research

STRAIGHT BASELINES: PORTUGAL

The Government of Portugal, on August 22, 1966, decreed a new law on the territorial sea of the State:

LAW OF THE SEA
PORTUGAL
LAW 2130

In the name of the Nation, the National Assembly decrees and I promulgate the following law:

Base I

1. The normal base line from which the width of the territorial sea is measured is defined by the low-tide line along the coast, as it is indicated in maritime maps officially recognized for this purpose by the Portuguese State.
2. The closing between points on its coast and straight base lines will be drawn by the Portuguese State in accordance with International Law and published in a special decree.

Base II

1. The Portuguese State recognizes the right of ships of all States to innocent passage through its territorial sea, with the limitations provided by International Law.
2. Passage is not innocent to the extent that it threatens either directly or indirectly the peace, order, or security of the Portuguese State, and specifically when a ship:
 - (a) does not identify itself by name and flag when asked to;
 - (b) being a submarine, does not navigate at normal surface level with its flag hoisted;
 - (c) stops or anchors without a normal navigational reason or force majeure requiring it;
 - (d) by its proceedings, its objectives, the nature of its cargo, the people on board, or for any other reasons does not meet the standards of Portuguese law which govern jurisdiction within the territorial sea.

Base III

The Portuguese State exercises in the high sea zone contiguous to its territorial sea, up to twelve miles from the base line, powers granted by international law and specifically the control necessary:

- (a) to prevent and stop infractions of customs, fiscal, sanitation, or immigration laws in its territory or in its territorial sea;
- (b) to guarantee, in case of emergency or when national security is believed threatened, its legitimate defense as permitted by International Law.

Base IV

When no agreement to the contrary exists with a State whose coasts are adjacent or facing those of the Portuguese State, the limit of the territorial sea or contiguous zone will not go beyond the median line in which all points are equidistant from the nearest points along the base lines from which the territorial sea of each of the two States are measured.

Base V

1. Without prejudice to historical rights, conventions, and other international agreements, the Portuguese State exercises exclusive fishing rights and jurisdiction over fishing matters in the high sea zones adjacent to its territorial sea up to twelve miles from the base line of that sea.
2. In the zone between six and twelve miles from the base line of its territorial sea, it is incumbent upon the Portuguese State to regulate fishing and enforce such regulations, as long as they do not discriminate against foreign ships which have a right to fish in this zone.
3. The outer limits of the fishing zones established in this Base will be reconciled with the provisions of the preceding Base.

Let it be published and its provisions carried out.

Government of the Republic, August 22, 1966 -- Americo Deus
Rodrigues Thomaz.

On June 27, 1969, a supplemental decree created straight baselines and closing lines permitted under Article 1 of Law 2130. The language of the decree for Continental Portugal reads as follows:

MINISTRY OF THE NAVY

Office of the Minister

Decree-Law No. 47,771

Whereas it has become necessary to define straight closing lines and baselines to supplement the baseline for the continental European coast and the coasts of the Provinces of Guinea, Angola, and Mozambique established in Section I, Article 1, of Law No. 2130 of August 22, 1966;

By virtue of Section I, Article 2, thereof;

By virtue of the authority conferred under Article 109 (2) (1) of the Constitution, the Government decrees and I hereby promulgate the following law:

Article 1

Along the continental European coast and the coast of the Provinces of Guinea, Angola, and Mozambique, the normal baseline for measuring the breadth of the territorial sea, established in Section I of Law No. 2130, shall be supplemented by the straight closing lines and baselines defined by the points whose geographic coordinates are contained in the following tables:

(1) Straight closing lines and baselines supplementing the normal baseline along the continental European coast:

Points	Latitude N.	Longitude W.
Cabo Raso.....	38° 42' 29"	09° 29' 06"
Cabo Espichel.....	38° 24' 46"	09° 43' 17"
Cabo de Sines	37° 57' 00"	08° 53' 24"

Cabo = Cape.

...

Article 2

Besides the closing lines referred to in the preceding article, the Portuguese State shall use as a baseline for measuring the breadth of the territorial sea those deriving from the application of international law to the entrance of bays used by vessels to load, unload, or anchor, the mouths of rivers, and the entrances to ports.

Article 3

In due time, the Portuguese State will define, in keeping with international law, the straight closing lines and baselines for the coasts of other sections of the national territory.

Let this be published and enforced.

Palace of the Government of the Republic, June 27, 1967.

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Proença -- Francisco Pereira Neto de Carvalho.

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J. da Silva Cunha

The supplemental decree creates one line consisting of two segments. The first of these two serves to close the Tagus River estuary but it also encloses a coastal indentation associated with the river system. The second segment produces the same effect for the Sado River estuary system.

Sector	Length (n.m.)	Comments
Cabo Raso - Cabo Espichel	21.7	The decree line could be construed as a bay-closing line only if the waters of the Tagus estuary are considered to appertain to the "bay." In view of the geographic isolation of the estuary, the interpretation does not seem valid. The maximum penetration of the coastal indentation is approximately 7 nautical miles, considerably less than half the width of the opening.
Cabo Espichel - Cabo de Sines	31.25	The length of the closing line is greater than the 24 nautical miles maximum permitted under the Geneva Convention for bays. Although the maximum penetration of the indentation is 16.1 nautical miles, greater than 1/2 the width, the indentation does not meet the semi-circularity requirements of a bay unless the waters of the Sado estuary are also included. Like the Tagus, the Sado is geographically isolated from and quite distinct from the coastal indentation.

The straight baselines or closing lines for Continental Portugal total a mere 52.95 nautical miles. The total length of the nautical coastline measures approximately 400 nautical miles. In the strictest sense, the decree lines do not form straight baselines; rather, they are estuary closing lines which included associated coastal indentations.