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INTERNATIONAL BOUNDARY STUDY

Series A

LIMITS IN THE SEAS

No. 28

STRAIGHT BASELINES: ANGOLA

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

STRAIGHT BASELINES: ANGOLA

The Government of Portugal, on August 22, 1966, issued a new decree -law on the territorial sea of the state including the overseas provinces:

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.

This Law No. 2130 was supplemented on June 27, 1967 by a decree (No. 47,771) which created certain bay-closing and straight baselines. The sections of the decree concerning Angola are as follows:¹

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.

1. See International Boundary Study, Series A, No. 27. STRAIGHT BASELINES: PORTUGAL for the remainder of the text.

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:

...

(3) Straight closing lines and baselines supplementing the normal baseline in Angola:

Points	Latitude S.	Longitude E.
Ponta Spilimberta.....	08° 35' 00"	13° 22' 15"
Point of ilha da Luanda.....	08° 45' 34"	13° 15' 43"
Point on ilha de Luanda	08° 47' 02"	13° 13' 54"
Point S. of ponta do Mossulo.....	08° 52' 42"	13° 07' 42"
Giraul.....	15° 08' 02"	12° 06' 40"
Barreiras Brancas.....	15° 13' 00"	12° 04' 07"
Praia do Navio.....	16° 14' 09"	11° 48' 00"
Point S. of ponta da Marca.....	16° 32' 39"	11° 40' 20"

...

The decree creates straight baselines which, in effect, enclose Luanda harbour and its associated waters, the Bay (Baia de) Mossâmedes, and the Bay (Baia dos) Tigros. The latter two bays are situated in southwestern Angola, near the South-West Africa frontier.

Segment	Length (n.m.)	Comments
Ponta Spilimberta - unnamed point on Luanda island	12.75	The line closes the Bay of Bengo situated to the northeast of Luanda. Bengo does not meet the semi-circularity requirement of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone to qualify as a bay even if the waters behind Luanda island are included.

Segment	Length (n.m.)	Comments
Unnamed point on Luanda island - unnamed point south of Ponta Mussolo	8.25	The points chosen do not constitute the "natural closing points" of the bay; rather they extend beyond. However, the waters enclosed by the line would meet the criteria of a bay. It has not been determined if the two water bodies enclosed by the two segments could together be a legal bay. Luanda island, however, can not be said to fringe the coast.
Giraul - Barreiras Brancas	5.5	The southern point of this bay-closing line is beyond the natural closing point of the bay. It is a legal bay.
Praia do Navio - unnamed point south of Ponta da Marca	20.3	The enclosed Baia dos Tigres is a geographical and legal bay although the "natural entrance points" have not been utilized by the closing line. More logical selections would extend the line from Ponta da Marca eastward to the opposite shore. All of this shore north of the latter point faces on the Atlantic rather than the bay.

The four shore segments created by the decree total only 46.8 nautical miles in length. The total natural coast line of Angola, including Cabinda, is greater than 800 nautical miles. Relatively speaking, the baselines represent a very small portion of the coast, closing off natural indentations on an otherwise featureless shoreline.