

Act No. 15/1984 of 12 November 1984
on the Territorial Sea and Exclusive Economic Zone
of the Republic of Equatorial Guinea(1)

Statement of reasons

Considering article 7, paragraphs 2 and 4, of the Basic Law of Equatorial Guinea, which provides that the State shall exercise full sovereignty over its territory and that the extent of the territorial sea shall be defined by law;

Considering also the important changes in international law that have occurred in recent years as a result of the adoption of the United Nations Convention on the Law of the Sea of 14 December 1982, which the Republic of Equatorial Guinea has acceded to and ratified;

For these reasons, it has clearly become necessary to issue clear and detailed rules concerning the territorial sea and exclusive economic zone over which the state of Equatorial Guinea exercises full sovereignty and where it may explore and exploit exclusively all natural resources, whether living or non-living, while scrupulously respecting the principles of the above-mentioned Convention and other norms of international law.

By virtue of the foregoing, and in accordance with the law adopted by the House of People's Representatives, I hereby decree the following:

PART I
The territorial sea

Article 1

The sovereignty of the Republic of Equatorial Guinea extends to the entire national territory consisting, in accordance with the boundaries inherited from the colonial era, of the mainland area of Río Muni and the islands of Bioko, Annobón, Corisco, Elobey Grande, Elobey Chico and adjacent islets, internal waters and the adjacent belt of sea described as the territorial sea.

This sovereignty is exercised, in accordance with international law, over the water column, the sea-bed and subsoil, the resources of this sea and the superjacent airspace.

Article 2

The breadth of the territorial sea shall be 12 nautical miles measured from the baselines.

Article 3

The baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

Where there are river mouths, bays, ports, islands and other indentations, however, the baselines for

measuring the territorial sea shall be the straight baselines set, in accordance with international law, by the Technical Commission established by this Act.

Article 4

Except where otherwise provided, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the Republic of Equatorial Guines.

Article 5

With regard to coastal States the coastline of which is adjacent to or opposite the coastline of the Republic of Equatorial Guinea, the territorial sea shall not extend beyond a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two States, drawn in accordance with international law, is measured.

Article 6

Ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea of the Republic of Equatorial Guinea.

Article 7

Passage is innocent so long as it is not prejudicial to the peace, good order or security of Equatorial Guinea.

Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of Equatorial Guinea if in the territorial sea it engages in any of the following activities:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Equatorial Guinea, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act of propaganda or any act aimed at collecting information to the prejudice of the defence or security of Equatorial Guinea;
- (d) The launching, landing or taking on board of any aircraft or military device;
- (e) The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Equatorial Guinea;
- (f) Any act of serious international pollution contrary to international law;
- (g) The carrying out of any fishing activities, research activities or hydrographic surveys without the corresponding authorization or licence;
- (h) Any act aimed at interfering with any systems of communication or any other facilities or installations of Equatorial Guinea;
- (i) Any other activity not having a direct bearing on passage.

Article 8

In the territorial sea, submarines and any other foreign underwater vehicles are required to navigate on the surface and to show their flag.

Article 9

Notwithstanding the provisions of article 6 of this Act, foreign ships, by the mere fact of exercising the right of innocent passage through the territorial sea, shall have to comply with any laws and regulations relating to innocent passage enacted by Equatorial Guinea in respect of all or any of the following:

- (a) The safety of navigation and the regulation of maritime traffic;
- (b) The protection of navigational aids and other facilities or installations;
- (c) The protection of cables and pipelines;
- (d) The conservation of the living resources of the sea;
- (e) The prevention of infringement of fisheries laws and regulations;
- (f) The preservation of the environment and the prevention, reduction and control of pollution thereof;
- (g) Marine scientific research and hydrographic surveys;
- (h) The prevention of infringement of customs, fiscal, immigration and sanitary laws and regulations.

PART II

The exclusive economic zone

Article 10

The exclusive economic zone is an area beyond and adjacent to the territorial sea.

The exclusive economic zone of the Republic of Equatorial Guinea extends from the outer limit of the territorial sea of the Republic of Equatorial Guinea up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 11

1. Except where otherwise provided in international treaties concluded with States whose coastlines are opposite or adjacent to those of Equatorial Guinea, the outer limit of the exclusive economic zone of Equatorial Guinea shall not extend beyond the equidistant median line.

2. Equidistant line means that line every point of which is at an equal distance from the nearest points on the line of passage drawn from each State in accordance with international law.

Article 12

In the exclusive economic zone, the Republic of Equatorial Guinea has sovereign rights for the purpose of exploiting, exploring, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation of the zone.

Article 13

In the exclusive economic zone, the Republic of Equatorial Guinea has exclusive jurisdiction with regard to:

- (a) Marine scientific research;
- (b) The establishment and use of artificial islands, installations and structures;
- (c) The protection and preservation of the environment;
- (d) Any other matters which the Government of the Republic of Equatorial Guinea may establish, in accordance with international law.

Article 14

In the exclusive economic zone, fishing shall be reserved for nationals of Equatorial Guinea.

Foreign fishermen shall be able to fish in the exclusive economic zone only when a provision to this effect exists in international treaties concluded by the Republic of Equatorial Guinea with the corresponding States or when the competent authority of Equatorial Guinea grants a special licence outside the framework of an international agreement.

Additional provisions

1. There is hereby established a Technical Commission consisting of representatives of the Ministries of Foreign Affairs and Co-operation; Water, Woods and Reforestation; National Defence; Justice and Worship; Mines and Hydrocarbons; and Public Works, Housing and Urban Development, which shall be responsible for preparing, for submission to the Council of Ministers, charts of an adequate scale showing the baselines used to measure the breadth of the territorial sea, and the limits derived therefrom, in accordance with the provisions of this Act.

2. Such charts shall be accompanied by lists of geographical co-ordinates of points, each of which shall specify the geodetic datum. These charts shall form part of this Act.

3. The above-mentioned Ministries shall designate their respective representatives to the Technical Commission within one month from the date of publication of this Act in the official information media.

4. Any matter not covered by this Act shall be covered by the provisions of the United Nations Convention on the Law of the Sea of 30 April 1982.

Final provisions

1. All legislation conflicting with this Act, in particular Decree-Law No. 17/1970 of 24 September 1970 and Decree-Law No. 28/1976 of 17 October 1976, is hereby revoked.

2. This Act shall enter into force on the date of its publication in the official information media.

Done at Malabo on the twelfth day of November, nineteen hundred and eighty-four.

For a Better Guinea,

Signed: Obiang Mguema Mbasogo, President of the Republic

Endnotes

1 (Note - Note)

Original: Spanish