

United States Department of State
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Limits in the Seas

No. 130

Dominican Republic:

Archipelagic and other Maritime Claims and Boundaries



LIMITS IN THE SEAS

No. 130

DOMINICAN REPUBLIC

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 Dominican Republic, including its archipelagic baseline claim. Dominican Republic Law No. 66-07 of May 22, 2007 (Annex 1 to this study) took effect May 22, 2007, 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. The Dominican Republic later ratified the United Nations Convention on the Law of the Sea (LOS Convention) and consented to be bound by the 1994 Agreement relating to the Implementation of Part XI of the Convention on July 10, 2009.²

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).

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

¹ The text of Law No. 66-07 of May 22, 2007 is available from the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/DOM.htm>. As discussed below, the archipelagic baselines claimed by the Dominican Republic through this law are not consistent with the LOS Convention. The United States and the United Kingdom diplomatically protested this claim. See *infra* note 4 and Annex 4 of this study.

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.

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

The Dominican Republic is located in the Caribbean Sea to the southeast of the Turks and Caicos Islands (U.K.), and to the west of Puerto Rico (U.S.) and to the east of Haiti on the island of Hispaniola. The Dominican Republic claims it is an archipelagic State, namely a State that is “constituted wholly by one or more archipelagos and [that] may include other islands” (LOS Convention, Article 46). The United States and some other countries have not accepted this claim.⁴ Law No. 66-07 provides that the Dominican Republic is an “archipelago . . . formed on the western part of the island of Santo Domingo, or Hispaniola, by an extensive array of 150 smaller islands whose names and locations are stated in this Act, a large number of reefs and low-water elevations . . .” (Article 2).

The archipelagic baseline system of the Dominican Republic is composed of 20 line segments, ranging in length from 0.30 nm (segment 16-17) to 95.81 nm (segment 19-20), with a total length of 581 nm.

Assuming that the Dominican Republic qualifies as an archipelagic State under the LOS Convention, the archipelagic baseline system of the Dominican Republic meets the water-to-land area ratio set forth in Article 47.1:

Total Area = 98,029 square kilometers
 Water Area = 49,709 square kilometers
 Land Area = 48,320 square kilometers⁵
 Water-to-land area ratio = 1.03 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.

Pursuant to Article 47.3, the configuration of the baselines does not appear to depart from the general configuration of the archipelago, assuming that all the Dominican Republic’s islands and

³ Calculations for this analysis were conducted in ESRI ArcMap 10, using the Universal Transverse Mercator, Zone 19 North, projection and are based on the World Geodetic System 1984 (WGS84) datum.

⁴ In an October 18, 2007 joint demarche to the Dominican Republic, and later reiterated in the joint U.S., U.K., and Japan demarche of 2008 and again in U.S. and U.K. joint demarches of 2010 and 2012, the United States and United Kingdom contested the Dominican Republic’s claim to be an archipelagic state and requested additional information from the Dominican Republic. The 2007 demarche is reproduced in Annex 4 of this study and can also be found in *Law of the Sea Bulletin*, No. 66, available at http://www.un.org/Depts/los/doalos_publications/los_bult.htm and *Digest of United States Practice in International Law* 2007, at 641-643. The 2010 demarche may be found in the 2010 *Digest*, at 522-524. The 2012 demarche may be found in the 2012 *Digest*, at 421-422. For a contrary view, see S. Kopela, “2007 Archipelagic Legislation of the Dominican Republic: An Assessment,” 24 *Int’l J. Marine & Coastal L.* 501-533 (2009).

⁵ Land area number may be found in the CIA World Factbook entry for Dominican Republic, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/dr.html>.

other natural features can properly be considered part of the “archipelago,” as defined in Article 46 of the LOS Convention.

Article 47.4 of the LOS Convention states that “[s]uch baselines shall not be drawn to and from low-tide elevations...”, unless these elevations have installations built permanently above sea level or are at a distance not exceeding the breadth of the territorial sea (12 nm) from the nearest island. From point 4, the Dominican Republic claims eight baseline segments (4-5, 5-6, 6-7, 7-8, 8-9, 10-11, 11-12, and 12-13) beginning at Arenas Key, incorporating Mouchoir, Silver (La Plata), and Navidad Banks, and connecting to Cape Engaño Key. Available information indicates no islands are on the aforementioned banks; rather, the points appear to be on low-tide elevations which have no lighthouses or similar installations, and exceed the breadth of the territorial sea from the nearest island.⁶

The Dominican Republic has not applied its baselines in such a manner as to cut off from the high seas or EEZ the territorial sea of another State (Article 47.5). However, its baselines do impinge on claimed maritime zones of neighboring States, as discussed below.

In conclusion, the archipelagic baseline system of the Dominican Republic does not appear to be consistent with the LOS Convention. Even assuming that the Dominican Republic qualifies as an archipelagic State under the LOS Convention, the archipelagic baseline system includes segments drawn from low-tide elevations that do not satisfy the conditions in Article 47.4 of the Convention. Further, the water-to-land area ratio set forth in Article 47.1 has been met only by utilizing such low-tide elevations.

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

By Law No. 66-07, the archipelagic waters of the Dominican Republic comprise those waters enclosed by the archipelagic baselines. The Dominican Republic has declared a territorial sea (Article 9), contiguous zone (Article 13), and an EEZ (Article 14) of 12, 24, and 200 nm, respectively. The breadth of each of these zones is measured from the archipelagic baselines. Law No. 66-07 does not address the continental shelf.

Article 14 of Law No. 66-07 defines the outer limit of the Dominican Republic’s EEZ claim. There are 498 points listed in this article, all based on the WGS84 datum. Portions of the claimed EEZ impinge on the claimed maritime limits of the United Kingdom (Turks and Caicos Islands), The Netherlands (Aruba and Curaçao), Haiti, and the United States (Puerto Rico). The Dominican Republic’s claimed EEZ also disregards the Dominican Republic’s maritime boundary with Venezuela (discussed below).

Navigation

Article 53 of the LOS Convention provides that all ships and aircraft enjoy the right of archipelagic sea lanes passage, either through designated sea lanes and air routes or, where no

⁶ According to NGA Region 16, Digital Nautical Chart No. 27005, corrected 14 August 2010, there are no permanently dry features on the northern banks. The United States and United Kingdom have requested documentation regarding the status of these base points. See US-U.K. joint demarche, *supra* at note 4 and Annex 4.

such designations have been made, through the routes normally used for international navigation. Law No. 66-07 does not mention this right.

Articles 5 and 11 of Law No. 66-07 recognize the right of “innocent passage through [the Dominican Republic’s] archipelagic waters and superjacent airspace.” These articles also provide that this is “without prejudice to right of the Dominican State to designate passage routes” Although this provision does not comport with the Convention, it may be an attempt by the Dominican Republic to refer to archipelagic sea lanes passage (which unlike “innocent passage” includes overflight) and the designation of “sea lanes” that traverse archipelagic waters (LOS Convention, Article 53). An archipelagic State may designate such sea lanes, and also traffic separation schemes, provided that “an archipelagic State shall refer [such] proposals to the competent international organization with a view to their adoption” (Article 53, paragraphs 1 and 9). As the competent international organization, the International Maritime Organization (IMO) may “adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe, or substitute them” (Article 53.9). As of January 2014, the Dominican Republic had not designated sea lanes or prescribed traffic separation schemes, nor had it presented proposals to this effect to the IMO. 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).

Article 12 of Law No. 66-07 states that “ships and aircraft containing cargoes of radioactive substances or highly toxic chemicals” navigating through the archipelagic waters and territorial sea or its superjacent airspace shall not be considered innocent. This provision is inconsistent with the LOS Convention. Articles 17 and 52 of the LOS Convention state that “ships of all States . . . enjoy the right of innocent passage through . . .” the territorial sea and archipelagic waters, respectively. Article 23 of the LOS Convention states in part that “. . . ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.” This obligation applies to the flag State; the LOS Convention does not permit a coastal State to render passage non-innocent due to carriage of hazardous cargo.⁷ With regard to aircraft exercising the right of archipelagic sea lanes passage, Articles 39 and 54 refer to the safety measures prescribed by the Rules of the Air established by the International Civil Aviation Organization.

Internal Waters / Historic Bay Claims

Article 6 of Law No. 66-07 claims certain bodies of waters as internal waters. Most of these claims were previously made in the Law No. 186, of September 13, 1967. The Dominican Republic’s law refers to the headlands of the claimed juridical bays, but does not provide any geographic coordinates or show the bay closing lines on any charts. Article 16 of the LOS Convention states that “the baselines for measuring the breadth of the territorial sea determined in accordance with articles . . . 9 [mouths of rivers] and 10 [bays] . . . shall be shown on charts of a

⁷ The United States and the United Kingdom noted in their joint demarches to the Dominican Republic that it does not accept this provision, and they consider all ships, regardless of cargo, means of propulsion, or armament, enjoy the right of innocent passage. *See* Annex 4 and *supra* note 4.

scale or scales adequate for ascertaining their position. Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted.” Further, Article 16 provides that the coastal State shall deposit a copy of each such chart or list with the Secretary-General of the United Nations. It does not appear that the Dominican Republic has deposited with the Secretary General such a chart or list, or otherwise given due publicity to the charts or lists of geographic coordinates that would be needed to support the claims contained in Article 6 of Law No. 66-07.

Article 7 of Law No. 66-07 provides “[t]he following shall be considered historic bays: Santo Domingo, the area enclosed between Cabo Palenque and Punta Caucedo, and the Escocesa, the area between Cabo Francés Viejo and Cabo Cabrón. The waters that enclose them shall be considered internal waters.” Santo Domingo and Escocesa Bays are not recognized by the United States as historic bays.⁸

Underwater Cultural Heritage

Article 15 of Law No. 66-07 states that “[t]he Dominican Republic shall exercise jurisdiction over the exclusive economic zone as provided for in the 1982 United Nations Convention on the Law of the Sea . . .” The Additional Paragraph following Article 16 refers in part to “salvage operations with respect to treasures from ancient sunken vessels within the exclusive economic zone which constitute part of the national cultural heritage.” Under Article 303.1 of the LOS Convention, all nations share a duty to protect such objects and cooperate for this purpose. Article 303.3 provides that “[n]othing in this article affects the rights of identifiable owners, the law of salvage or other rules of admiralty, or laws and practices with respect to cultural exchanges.” To the extent that the Dominican Republic is relying on coastal State jurisdiction to implement this provision, Article 303.2 limits coastal State jurisdiction over such objects to the seaward limit of the coastal State’s 24-nm contiguous zone.

Maritime Boundaries

The Dominican Republic has established its maritime boundaries with Colombia and Venezuela, and has concluded a maritime boundary agreement with the United Kingdom that is not yet in force. The Dominican Republic has undelimited maritime boundaries with Haiti, the Netherlands (to include Aruba and Curaçao), and the United States (Puerto Rico).

The Dominican Republic’s boundary agreement with Colombia, concluded in 1978, establishes an all-purpose “marine and submarine” boundary, based on equidistance.⁹ The boundary consists of a 103-nm line connecting two points, and then extending further to the east “up to

⁸ See *Limits in the Sea* No. 5, “Straight Baselines, Dominican Republic,” Jan. 25, 1970 (LIS No. 5); *Maritime Claims Reference Manual*, DoD 2005.1-M, U.S. Navy Judge Advocate General’s Corps; US-U.K. joint demarche, Annex 4 and *supra* note 4; J. Ashley Roach and Robert W. Smith (Roach and Smith), *Excessive Maritime Claims*, 3rd edition, Martinus Nijhoff Publishers, 2012, p. 43.

⁹ Agreement on Delimitation of Marine and Submarine Areas and Maritime Co-operation between the Republic of Colombia and the Dominican Republic (with map), Santo Domingo, Jan. 13, 1978, entered into force Feb. 15, 1979, 1275 UNTS 363, I *International Maritime Boundaries* 477, available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/COL-DOM1978MC.PDF>.

where the delimitation must be made with a third state” (Article 2).¹⁰ The agreement also delimits a Zone of Joint Scientific Research and Common Fishing Exploitation that straddles the boundary. This maritime boundary and Dominican Republic’s other boundaries are shown on Map 1 of this study. The Dominican Republic’s claimed EEZ limit, as set forth in Law No. 66-07, adheres closely to the boundary set forth in this agreement with Colombia.

The Dominican Republic’s boundary agreement with Venezuela, concluded in 1979, establishes an all-purpose “marine and submarine” boundary, based on equidistance.¹¹ The boundary consists of two sectors. Sector A consists of an approximately 110-nm line connecting six points, and then extending further to the west “to another point where the delimitation must be made with a Third State” (Article 2). Sector B is located to the east of Sector A and extends to the east along a geodesic line. The Dominican Republic’s claimed EEZ limit, as set forth in Article 14 of Law No. 66-07, does not appear to take into account the Dominican Republic’s maritime boundary with Venezuela. Specifically, the outer limit of the claimed EEZ does not follow any portion of the agreed boundary in Sector A, but rather intersects it.

The Dominican Republic and the United Kingdom (on behalf of the Turks and Caicos Islands) agreed to an all-purpose maritime boundary on August 2, 1996.¹² This agreement is not in force. The boundary set forth in the agreement is 283 nm long and consists of four straight-line segments defined by five individual coordinate points. The Dominican Republic’s claimed archipelagic baseline infringes on the boundary set forth in this agreement. Under the agreement, Mouchoir Bank is located on the Turks and Caicos side of the boundary, whereas Article 2 of Law No. 66-07 claims this bank as part of the Dominican Republic’s archipelago. This boundary agreement may undermine the apparent Dominican Republic view that its “islands waters and other natural features” enclosed by Law No. 66-07 are “so closely interrelated that [they] form an intrinsic geographical, economic and political entity, or which historically have been regarded as such” (LOS Convention, Article 46).

As of January 2014, the Dominican Republic had not yet concluded maritime boundary agreements with its other neighbors – Haiti, the Netherlands (to include Aruba and Curaçao), and the United States (Puerto Rico). The United States published its EEZ limits, which include an equidistance line between Puerto Rico and Dominican Republic, in a 1995 *Federal Register* notice.¹³ The Dominican Republic’s claimed EEZ limit overlaps the U.S. claimed EEZ.

¹⁰ It should be noted that this boundary was drawn on the basis of an equidistance line measured on a map and not on a geodetic sphere. Therefore, there is significant distortion in the line and the geodetic datum is unknown.

¹¹ Treaty on the Delimitation of Marine and Submarine Areas between the Republic of Venezuela and the Dominican Republic, Santo Domingo, Mar. 3, 1979, entered into force Jan. 15, 1982, I *International Maritime Boundaries* 577 (1993), available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/VEN-DOM1979SA.PDF>.

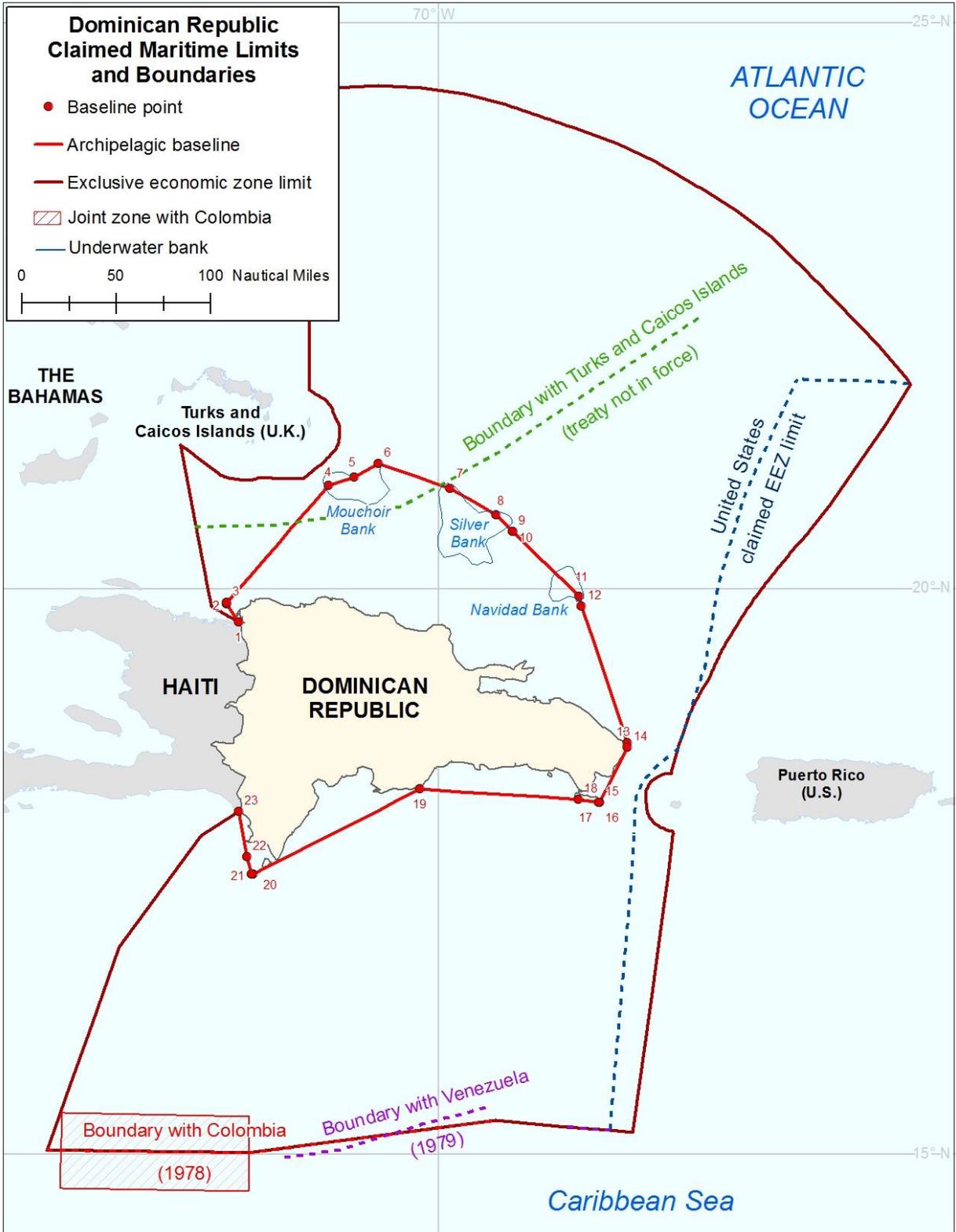
¹² Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Dominican Republic Concerning the Delimitation of the Maritime Boundary between the Dominican Republic and the Turks and Caicos Islands, Aug. 2, 1996, not in force; UK White Paper Cmnd. 3461; III *International Maritime Boundaries* 2235-2243 (1998), available at: <http://www.marineregions.org/documents/DOM-GBR1996TC.pdf>.

¹³ 60 *Fed. Reg.* 43825, Vol. 60, No. 163, Aug. 23, 1995, available at: <http://www.gpo.gov/fdsys/pkg/FR-1995-08-23/pdf/95-20794.pdf>.

One provision of Law No. 66-07 addresses the situation of undelimited boundaries. Specifically, with respect to the EEZ, Article 21 of the Act states: “The Dominican State shall initiate the appropriate processes for resolving delimitation issues pending with third States, in accordance with the principles established in the present Act.”

Map 1

Illustrative Map of the Archipelagic Baselines of Dominican Republic



Annex 1

Dominican Republic Act 66-07 of May 22, 2007

*National Congress
on behalf of the Republic*

CONSIDERING that the maritime delimitation of the Dominican Republic should be carried out in accordance with the best interests of the nation and in conformity with the rules governing the international law of the sea and with geomorphologic, terrestrial, marine and underwater features;

CONSIDERING that the marine resources and assets of the seabed and its subsoil in themselves constitute a potential for national development that should be enhanced by the Dominican State;

CONSIDERING that Act No. 186 of 13 September 1967 on maritime delimitation contains defects related to universally accepted jurisdictional areas which undermine our sovereignty and limit our possibilities of gaining access to marine sources that are vital to economic development;

CONSIDERING that the 1982 United Nations Convention on the Law of the Sea is a valid instrument that defines marine areas and their features;

CONSIDERING that maritime areas themselves and the riches contained therein are vital sources for national development;

CONSIDERING that on various occasions in the past there have been attempts to alienate part of the national territory, in contravention of the principles of the Constitution of the Republic;

CONSIDERING that the extension of the territorial sea at the same time implies a need to recalculate the extent of the other marine areas, especially the exclusive economic zone;

CONSIDERING that it is necessary to establish institutions and to accept resources to research, quantify, conserve and make rational use of the riches contained within the territorial sea and exclusive economic zone;

CONSIDERING that the proposal to assume the status of an archipelagic State, presented to the National Congress by marine expert Carlos Antonio Michelén, has been duly considered and studied by two committees in the Chamber of Deputies and submitted for public discussion, and has also been endorsed by the most qualified international bodies in that field, thereby proving its validity under international law;

GIVEN the 1982 United Nations Convention on the Law of Sea;

GIVEN article 5 of the Constitution of the Republic.

HAS ISSUED THE FOLLOWING LAW:

Article 1. The Dominican Republic shall hereby be declared an archipelagic State.

Article 2. The archipelago of the Dominican Republic is formed by the western part of the island of Santo Domingo, or Hispaniola, and by an extensive array of 150 smaller islands whose names and locations are stated in this Act, a large number of reefs and low-water elevations, the Montecristi Bank, with its centre at Lat. 19° 59.806' N, and Long. 071° 36.194'; Mouchoir Bank (Banco del Pañuelo), with its centre located at Lat. 20° 55' N and Long. 070° 45' 00" Lat. 20° 57' 00" N and Long. 070° 38' 00" W; Silver Bank, with its centre located at Lat. 20° 32' 30" N, and Long. 069° 42' 00" W; Banco Innominado, with its centre located at Lat. 20° 21.343' and Long. 069° 04.929' W, with its centre located at Lat.; Navidad Bank, with its centre located at Lat. 20° 01' 00" N, Long. 068° 51' 00" W; Banco del Caballo with its centre located at Lat. 18° 06.082' N and 068° 44.246' W; the Silver, Navidad, Beata and

Alto Velo Straits, and the Beata Ridge adjoining the Barahona peninsula, other natural elements and the waters that connect them.

Article 3. The sovereignty of the Dominican Republic, as an archipelagic State, extends to the waters enclosed by the archipelagic baselines drawn, regardless of their depth or distance from the coast, as well as the airspace over the archipelagic waters, and to their bed and subsoil and the living and non-living resources contained therein.

Article 4. The waters enclosed by archipelagic baselines shall be called archipelagic waters.

Article 5. In accordance with the rules of international law, the Dominican Republic respects the right of innocent passage through its archipelagic waters and superjacent airspace, without prejudice to the right of the Dominican State to designate passage routes and closing lines of its internal waters.

Article 6. The following are internal waters under the full sovereignty of the Dominican Republic: the bays of Manzanillo, comprising the coastal area lying between the median line of the mouth of the Massacre River, in Dajabón, and Punta Manzanillo; Rincón, between Cabo Cabrón and Cabo Samaná; Samaná, between Cabo Samaná and Cabo San Rafael; Yuma, between Punta Espada and Punta Aljibe; Andrés, between Punta Magdalena and Punta Caucedo; Ocoa, between Punta Salinas and Punta Martín García; Neyba, between Punta Martín García and Punta Averena, and Águilas, between Cabo Falso and Cabo Rojo.

Additional paragraph: The internal waters of the Dominican Republic shall be considered archipelagic waters, subject to the jurisdiction of the Dominican State.

Article 7. The following shall be considered historic bays: Santo Domingo, the area enclosed between Cabo Palenque and Punta Caucedo, and the Escocesa, the area between Cabo Francés Viejo and Cabo Cabrón. The waters that enclose them shall be considered internal waters.

Article 8. The archipelagic baseline from which the breadth of the territorial sea, the contiguous zone and the exclusive economic zone shall be measured is comprised of segments of straight lines that join the points whose geodesic coordinates are as follows:

- (1) 19° 42' 07" N 71° 45' 29" W Outer limit of the Masacre river;
- (2) 19° 52' 00" N 71° 52' 08" W Cayo Arenas 11.67 continues at low tide to the following point;
- (3) 19° 52' 27" N 71° 51' 53" W Cayo Arenas
- (4) 20° 54' 36" N 70° 57' 54" W Mouchoir Bank 80.05 continues at low tide to the following point;
- (5) 20° 58' 60" N 70° 44' 31" W Mouchoir Bank continues at low tide to the following point;
- (6) 21° 06' 14" N 70° 31' 28" W Mouchoir Bank
- (7) 20° 53' 07" N 69° 53' 19" W Silver Bank 38.00 continues at low tide to the following point;
- (8) 20° 39' 02" N 69° 28' 59" W Silver Bank;
- (9) 20° 30' 07" N 69° 20' 07" W Banco Innombrado 12.16 continues at low tide to the following point;
- (10) 20° 30' 07" N 69° 20' 07" W Banco Innombrado;
- (11) 19° 54' 55" N 68° 45' 09" W Navidad Bank 48.09 continues at low tide to the following point;
- (12) 19° 50' 31" N 68° 43' 40" W Navidad Bank;
- (13) 18° 38' 19" N 68° 19' 15" W Cayo Cabo Engaño 75.54;
- (14) 18° 35' 50" N 68° 19' 21" W Cabo Engaño 2.48;
- (15) 18° 06' 37" N 68° 34' 15" W Isla Cuidado 32.37 continues at low tide to the following point;
- (16) 18° 06' 37" N 68° 34' 15" W Isla Cuidado;
- (17) 18° 06' 32" N 68° 34' 33" W Isla Saona 0.30 continues at low tide to the following point;
- (18) 18° 08' 12" N 68° 45' 30" W Punta Laguna;
- (19) 18° 13' 34" N 70° 09' 30" W Punta Palenque 80.15;
- (20) 17° 28' 18" N 71° 38' 11" W Isla Alto Velo 95.86 continues at low tide to the following point;
- (21) 17° 28' 39" N 71° 38' 57" W Isla Alto Velo;
- (22) 17° 37' 37" N 71° 41' 25" W Isla Los Frailes 9.22;
- (23) 18° 01' 54" N 71° 45' 36" W Punta Frontera de Pedernales 24.53

(Datum: WGS 84).

Additional paragraph: These points are geodesic points and shall be adjusted to the corresponding values subject to in situ verification by the Dominican State.

Article 9. The breadth of the territorial sea of the Dominican Republic is 12 nautical miles measured from the archipelagic baseline in the direction of the high seas.

Article 10. The sovereignty of the Dominican Republic extends to the territorial sea, the seabed and subsoil and the living and non-living resources contained therein, as well as to the airspace over the territorial sea.

Article 11. The Dominican Republic, in accordance with international law, respects the right of innocent passage through its territorial waters and the superjacent airspace, without prejudice to the right of the Dominican State to designate passage routes.

Article 12. The Dominican Republic does not regard as innocent passage through its archipelagic and territorial waters, or its superjacent airspace, the movement of vessels and aircraft containing cargo consisting of radioactive substances or highly toxic chemicals which may be used as instruments of mass destruction or to cause serious harm to human health or the environment.

Article 13. The contiguous zone includes the marine area contiguous to the territorial sea extending 24 nautical miles measured from the archipelagic baseline in the direction of the high seas. The Dominican Republic shall exercise jurisdiction over this zone as provided in the 1982 United Nations Convention on the Law of the Sea (Montego Bay).

Article 14. An exclusive economic zone is hereby established, consisting of the marine area adjacent to the outer limit of the contiguous zone and extending up to 200 nautical miles measured from the archipelagic baseline in the direction of the high seas. The outer limit of the exclusive economic zone is defined by a set of straight lines connecting points whose geodesic coordinates are the following:

[List of the 497 coordinates omitted.]

(Datum: WGS 84)

Additional paragraph: These boundary points are geodesic points and may be adjusted to their corresponding values subject to in situ verification by the Dominican State.

Article 15. The Dominican Republic shall exercise jurisdiction over the exclusive economic zone as provided for in the 1982 United Nations Convention on the Law of the Sea (Montego Bay).

Article 16. There shall be established a statutory body known as the National Maritime Authority, whose main function is to oversee the research, conservation and exploitation of living and non-living resources of the sea, seabed and subsoil. It shall also be responsible for domestic and international representation on all matters concerning the sea, its use and rights pertaining thereto.

Additional paragraph: It shall be a national priority to prepare a register of the living and non-living, renewable and non-renewable resources of the superjacent waters, seabed and subsoil in the exclusive economic zone, as well as salvage operations with respect to treasures from ancient sunken vessels within the exclusive economic zone which constitute part of the national cultural heritage.

Article 17. The National Maritime Authority governing the exclusive economic zone shall be led by a collegial body whose membership shall be as follows:

- (a) Chairman, appointed by the Executive Branch, holding the rank of Secretary of State;
- (b) State Secretary for Industry and Commerce;
- (c) Dominican Port Authority;
- (d) State Secretary for the Environment and Natural Resources;
- (e) Navy.

Additional paragraph I. Revenue budget and the Public Expenditures Act shall provide, on an annual basis, for the funds necessary for the operations of the National Maritime Authority.

Additional paragraph II. A multisectoral advisory committee shall be established as a deliberative body to participate in the decision-making process, acting at the request of the Chairman of the National Maritime Authority. The committee shall consist of representatives of the Navy, the Dominican Naval League, the Autonomous University of Santo Domingo, private universities, the Academy of Sciences of the Dominican Republic and business associations.

Article 18. The Navy and Armed Forces of the Dominican Republic shall coordinate and support the defence and monitoring plans established by the National Maritime Authority.

Article 19. Each year a commemorative month shall be designated between 13 March and 14 April to promote the dissemination of information about the sea and its resources.

Article 20. The geodesic points established in the present Act correspond to the maritime areas of the Dominican Republic, the archipelagic baselines and the baselines that delimit the exclusive economic zone, as shown in the attached map.

Article 21. The Dominican State shall initiate the appropriate processes for resolving delimitation issues pending with third States, in accordance with the principles established in the present Act.

Article 22. The National Maritime Authority shall elaborate the relevant regulations to enforce the present Act.

DEROGATIONS

Article 23. This Act shall repeal and replace Act No. 186 of 13 September 1967 on the Territorial Sea of the Dominican Republic and its amendments, as well as any other Act that runs counter to its provisions.

DONE in the Chamber of Deputies, the National Congress at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on 4 April 2006, 163rd Year of Independence and 143rd Year of the Restoration.

Alfredo Pacheco Osoria, President
Severina Gil Carreras, Secretary
Josefina Alt. Marte Durán, Secretary

Subject: Act concerning the declaration of the Dominican Republic as an archipelagic State

DONE in the Senate of the National Congress at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on 26 July 2006; 163rd Year of Independence and 143rd Year of the Restoration.

Andrés Bautista García, President
Enriquillo Reyes Ramírez, Secretary
Pedro José Alegría Soto, Secretary

Exercise the powers conferred on Leonel Fernández Reyna President of the Dominican Republic by article 55 of the Constitution of the Republic, I PROMULGATE this Act and order that it be published in the Gaceta Oficial for the purposes of information and observance.

DONE at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, 22 May 2007; 164th Year of Independence and 144th Year of the Restoration.

Leonel Fernández Reyna

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**Dominican Republic Archipelagic Baseline Segments**

Baseline Segment	Length (nm)	Baseline Segment	Length (nm)
1-2	11.67	12-13	75.47
2-3	0.51	13-14	2.47
3-4	80.02	14-15	32.34
4-5	13.26	16-17	0.30
5-6	14.17	17-18	10.55
6-7	37.98	18-19	80.07
7-8	26.75	19-20	95.81
8-9	12.16	20-21	0.81
10-11	47.30	21-22	9.24
11-12	5.55	22-23	24.51

Annex 4

Text of a joint demarche undertaken by the United Kingdom of Great Britain and Northern Ireland and the United States of America in relation to the law of the Dominican Republic number 66-07 of May 22, 2007, done on October 18, 2007

The Embassies of the United Kingdom of Great Britain and Northern Ireland and the United States of America present their compliments to the Ministry of Foreign Affairs and refer to Law No. 66-07 of May 22, 2007, by which the Dominican Republic:

- a) declared itself an Archipelagic State,
- b) drew straight baselines connecting a number of turning points on certain banks and keys,
- c) claimed certain bodies of waters as internal waters and others as historic bays,
- d) sets out the coordinates of the outer limits of its claimed exclusive economic zone (EEZ),
- e) purported to limit the right of innocent passage through its archipelagic waters and territorial sea (and overflight) to those ships and aircraft not carrying cargoes of radioactive substances or highly toxic chemicals,
- f) does not recognize the right of archipelagic sea lanes passage, and
- g) claimed rights over old shipwrecks within its EEZ.

Archipelagic States

The Embassies recall that articles 46 and 47 of Part IV of the United Nations Convention on the Law of the Sea (the Convention) establish the criteria by which a State may be considered an archipelagic State and may draw archipelagic baselines. One of those criteria is that the turning points of straight archipelagic baselines may only join the outermost islands and drying reefs of the archipelago, and may not be drawn to or from low-tide elevations except in two enumerated circumstances.

The information available to the governments of the United Kingdom and the United States do not show that the turning points set out in Law No. 66-07 are all above water at high tide, or that they qualify for either of the exceptions in article 47, suggesting that they do not qualify as turning points under article 47, paragraph 1, of the Convention, and that the Dominican Republic does not meet the other requirements of article 47 to be an archipelagic State.

The governments of the United Kingdom and the United States would be grateful if the Ministry could provide to their Embassies documentation regarding the status of these turning points as islands or drying reefs that are above water at high tide, or that they otherwise meet the requirements of article 47.

Navigational rights

If the Dominican Republic qualifies as an archipelagic State, which the governments of the United Kingdom and the United States do not accept, the Embassies note that Articles 11 and 12 of Law No. 66-07 do not recognize the right of archipelagic sea lanes passage set out in article 53 of the Convention. The Embassies would be grateful if the Dominican Republic would clarify this.

Whether or not the Dominican Republic qualifies as an archipelagic State, the governments of the United Kingdom and the United States cannot accept as being consistent with the law of the sea the limitations on the exercise of innocent passage set out in article 12 of Law No. 66-07. All ships, regardless of cargo, means of propulsion, or armament, enjoy the right of innocent passage through the territorial sea.

Exclusive Economic Zone (EEZ)

The Embassies note that article 14 of Law No. 66-07 sets out a series of coordinates purporting to delimit the outer limit of the Dominican Republic's EEZ. The Embassies note that portions of the claimed EEZ impinge on the rights of the United Kingdom in respect of the Turks and Caicos Islands and of the United States in respect of Puerto Rico.

The Embassies further note that the paragraph following article 14 appears to claim rights to old shipwrecked vessels in its claimed EEZ, rights which are not accorded to coastal States in Part V of the Convention.

Internal waters and historic bays

The Embassies also note that articles 6 and 7 of Law No. 66-07 claim certain bodies of waters as internal waters and historic bays. Pending examination of those claims, the governments of the United Kingdom and the United States cannot accept these claims as valid under international law.

Reservation of rights

Accordingly, the governments of the United Kingdom and the United States reserve their rights and those of their territories and citizens.