

PRIORITY

(Security Classification)

739.022/8-1952

FOREIGN SERVICE DESPATCH

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FROM : Ciudad Trujillo

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DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON.

August 7, 1952

DATE

REF : -----

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SUBJECT: Law Establishing the Territorial Waters of the Dominican Republic

On July 4, 1952, President Trujillo sent a message to the Dominican Senate concerning the delimitation of the territorial waters of the Dominican Republic according to an article in the local press (El Caribe, July 9, 1952) which is forwarded herewith in six copies as Enclosure 1. The proposed legislation was enacted into Law No. 3342 on July 13, 1952. It was published in the Gaceta Oficial No. 7447 dated July 19, 1952.

Additional copies of the Gaceta Oficial will not be available for some time but the text of the law is contained in an article from La Nacion dated July 15, 1952 which is transmitted in six copies as Enclosure 2.

The law establishes the territorial waters of the Republic as a zone of three nautical miles from a line half way between low tide and high tide with special exceptions outlined in the law. These exceptions are concerned mostly with the straits and waters embraced by certain capes and islands belonging to the Republic and historical bays such as Samaná, Ocoa and Nieba over which the state claims full sovereignty without regard to distance from shore. With respect to the Bay of Manzanillo, which borders both the Dominican Republic and Haiti, the President asserted in his message to the Senate that, in the absence of a treaty with Haiti on the subject, the rule of international law and equity would continue to be observed as it has up to this time.

Article 4 of the law establishes a supplementary contiguous zone to a distance of 12 nautical miles. Within this contiguous zone, the Dominican Republic declares that it exercises jurisdiction and the necessary control to prevent infractions of the sanitary, fiscal and customs laws of the Republic and for the protection and conservation of fish and other marine species.

Article 5 reserves the right to exploit such natural resources and wealth as may be found on the floor of the ocean or subsoil resources in the contiguous zone and to erect any buildings or other installations necessary to such exploitation.

Article 8 anticipates any possible change in international law and usage by declaring that the territorial jurisdiction indicated represents

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the minimum aspirations of the Republic and does not represent an unalterable position with respect to any "progressive" tendencies of international law which might materialize in this regard.

In discussing this matter with Dominican naval officers, the Naval Attaché gained the impression that they did not regard the promulgation of a law concerning territorial waters at this time to be of any great importance or to possess any particular significance. It appears to be merely the codifying and giving legal effect to what has always been their practice with regard to jurisdiction over neighboring waters in order to conform to the practice of other nations and international law. As far as the Embassy is aware, this law represents no real change from conditions existing previous to its passage.

For the Ambassador:

Allen H. Lester
Allen H. Lester
Assistant Attaché

Enclosures:

1. President Trujillo's message to the Seante re territorial waters, El Caribe, July 9, 1952
2. Law No. 3342 as published in La Nacion, July 15, 1952

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