

Law No. 8.617 of 4 January 1993,
on the territorial sea, the contiguous zone,
the exclusive economic zone and the continental shelf(1)

The President of the Republic

I hereby make it known that the National Congress decrees and I sanction the following law:

CHAPTER I
TERRITORIAL SEA

Article 1

The Brazilian territorial sea is a belt of sea twelve nautical miles in breadth, measured from the low-water line along the Brazilian coast, as marked on large-scale charts officially recognized by Brazil.

Sole Paragraph(2)

In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines, joining appropriate points, will be employed in drawing the baseline from which the breadth of the territorial sea is measured.

Article 2

The sovereignty of Brazil extends to the territorial sea, to the airspace over the territorial sea, as well as to its bed and subsoil.

Article 3

Ships of all States enjoy the right of innocent passage through the Brazilian territorial sea.

Paragraph 1. - Passage is innocent as long as it is not prejudicial to peace, good order or the security of Brazil and shall be continuous and expeditious.

Paragraph 2. - Innocent passage may include stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Paragraph 3. - In the Brazilian territorial sea, foreign ships are subject to the regulations established by the Brazilian Government.
(3)

CHAPTER II
THE CONTIGUOUS ZONE

Article 4

The Brazilian contiguous zone is a belt of sea which extends from twelve to twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 5

In the contiguous zone, Brazil may exercise the control necessary to:

- I. Prevent infringement of the customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
 - II. Punish infringement of the laws and regulations committed within its territory or territorial sea.
- (4)

CHAPTER III EXCLUSIVE ECONOMIC ZONE

Article 6

The Brazilian exclusive economic zone is a belt of sea which extends from twelve to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 7

In the exclusive economic zone, Brazil has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

Article 8

In the exclusive economic zone, Brazil, in exercising its jurisdiction, has the exclusive right to regulate marine scientific research, the protection and preservation of the marine environment, as well as the establishment, operation and use of all types of artificial islands, installations and structures.

Article 9

In the exclusive economic zone, military exercises and manoeuvres, in particular those involving the use of weapons or explosives, may only be carried out by other States with the consent of the Brazilian Government.

Article 10

In the exclusive economic zone, all States enjoy the freedoms of navigation and overflight, as well as other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships and aircraft.

CHAPTER IV CONTINENTAL SHELF

Article 11

The continental shelf of Brazil comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Sole Paragraph

The outer limits of the continental shelf will be established in accordance with article 76 of the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982.

Article 12

Brazil exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

Sole Paragraph

The natural resources referred to in this article consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 13

In the continental shelf, Brazil, in exercising its jurisdiction, has the exclusive right to regulate marine scientific research, the protection and preservation of the marine environment, as well as the construction, operation and use of all types of artificial islands, installations and structures.

Paragraph 1. In the continental shelf, marine scientific research may only be carried out by other States with the consent of the Brazilian Government, in accordance with the current legislation which regulates the matter.

Paragraph 2. The Brazilian Government has the exclusive right to authorize and to regulate drilling on the continental shelf, for any purpose.

Article 14

All States are entitled to lay submarine cables and pipelines on the continental shelf.

Paragraph 1. The delineation of the course for the laying of such cables and pipelines on the continental shelf is subject to the consent of the Brazilian Government.

Paragraph 2. The Brazilian Government may establish conditions for the laying of cables or pipelines entering its territory or territorial sea.

Article 15

This law enters into force on the date of its publication.

Article 16

Decree Law No. 1.098, of 25 March 1970, and other provisions to the contrary are hereby revoked.

Brasilia, 4 January 1993, 172nd year of the Independence and 105th year of the Republic.

Endnotes

1 (Note - Note)

Text accompanied by an unofficial translation transmitted by the Permanent Mission of Brazil to the United Nations in a note verbale dated 18 February 1993.

Published in the Federative Republic of Brazil Diario Oficial (Official Gazette), No. 2, Tuesday, 5 January 1993.

2 (Note - Note)

Article level or integrated with text with bold attribute ? (appears below also).

3 (Note - Note)

Para. 1-3 - article level? (as in 'Sole Para.' above). Appears below also.

4 (Note - Note)

Numerals I-II ?