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LIMITS IN THE SEAS

An abstract geometric design consisting of several overlapping, three-dimensional rectangular planes. The planes are rendered with a halftone dot pattern, creating a sense of depth and shadow. The planes are arranged in a way that they appear to be stacked and shifted relative to each other, creating a complex, layered structure. The overall effect is that of a stylized architectural or geometric composition.

No. 64
CONTINENTAL SHELF BOUNDARY:
ARGENTINA-URUGUAY

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the continental shelf of maritime nations.

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No. 64

CONTINENTAL SHELF BOUNDARY:

ARGENTINA-URUGUAY

October 24, 1975

The Geographer
Office of the Geographer
Bureau of Intelligence and Research

The Governments of the Argentine Republic and the Oriental Republic of Uruguay signed on November 19, 1973, a treaty regarding their lateral maritime and continental shelf boundaries. Ratifications were exchanged and the agreement came into force on February 12, 1974. Although neither government is a party to the 1958 Geneva Convention on the Continental Shelf, each government has adopted the 1958 Convention definition of the continental shelf: Argentina Law 17,094-M (Article 2), 1967; Uruguay Decree of February 21, 1963.

With regard to the maritime boundary delimitation between the two states, the Treaty of the Rio de la Plata and its Maritime Limits states, in part, that:

The Governments of the Oriental Republic of Uruguay and the Republic of Argentina, in the same spirit of cordiality and harmony reflected in the Ramirez-Saenz Pena Protocol of 1910 and reaffirmed in the Joint Declaration on the External Limit of the Rio de la Plata [Plata River] of 1961 and the Protocol of the Rio de la Plata of 1964, led by the common purpose of eliminating the difficulties that could emerge from lack of legal definition with respect to the exercise of their equal rights in the Rio de la Plata and failure to determine the boundary between their respective maritime jurisdictions, and determined to lay the bases of a broader cooperation between the two countries and to strengthen the existing bonds of traditional friendship and deep affection that unite their people, have resolved to conclude a Treaty to solve those problems, taking into account the special features of the river and maritime territories involved and the technical requirements of their comprehensive utilization, and within the framework of respect for the sovereignty, rights, and interests of the two States.

Part I

Rio de la Plata

Chapter I

Jurisdiction

Article 1. The Rio de la Plata extends from the parallel of Punta Gorda to an imaginary straight line joining Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina), in conformity with the provisions of the Treaty on the Limits of the Uruguay River of April 7, 1961 and the Joint Declaration on the Outer Limit of the Rio de la Plata of January 30, 1961.

Article 2. A strip of exclusive jurisdiction adjacent to each Party's coast on the river is hereby established.

This coastal strip shall be seven nautical miles wide between the outer limit of the river and an imaginary straight line joining Colonia (Uruguay) and Punta Lara (Argentina) and two nautical miles wide from that line to the parallel of Punta Gorda. However, the outer limits of the strips shall be deflected as necessary in order that they will not overlap with the limits of channels located in waters of common use and so as to include port access channels.

Such limits shall not be less than 500 meters distant from the limits of channels located in waters of common use or more than 500 meters distant from the limits or mouths of port access channels.

Article 3. Outside the coastal strips, the jurisdiction of each Party shall apply to the Party's own flag vessels.

That jurisdiction shall also apply to third-country flag vessels involved in accidents with vessels of that Party.

The provisions of the first and second paragraphs notwithstanding, the jurisdiction of a Party shall apply in all cases involving its security or when unlawful acts are committed that may have an effect in its territory, irrespective of the flag of the vessel involved.

If the security of both Parties is involved, or if the unlawful act has an effect in both territories, the jurisdiction of the Party whose coastal strip is nearest to the place where the vessel is apprehended shall prevail.

Article 10. The Parties may use, under equal conditions and in any circumstances, the channels located in the waters of common use.

Article 11. In the waters of common use, navigation by public and private vessels of the countries of the Rio de la Plata basin and public and private third-flag merchant ships, shall be permitted without prejudice to rights previously granted the Parties under treaties in force. Moreover, each Party shall permit the passage of third-flag warships authorized by the other Party, provided such passage does not affect its order or security.

Article 41. Each party may explore and exploit the resources of the bed and subsoil of the river in the areas adjacent to their respective coasts up to a line determined by the following geographic points fixed on the charts made by the Comision Mixta Uruguayo-Argentina de Levantamiento Integral del Rio de la Plata [Uruguayan-Argentine Joint Commission for the Comprehensive Survey of the Plata River] and published by the Servicio de Hidrografia Naval de la Republica Argentina [Naval Hydrographic Service of the Argentine Republic], which are part of this Treaty:

9	34°12'0	58°15'1
10	34°13'3	58°12'5
11	34°15'2	58°10'0
12	34°17'7	58°05'5
13	34°20'0	58°03'9
14	34°21'7	58°01'2
15	34°22'8	58°00'6
16	34°26'6	57°56'4
17	34°33'0	57°56'1
18	34°40'0	57°57'1

Chart H-117, Second Edition, 1973

<u>Points</u>	<u>South Latitude</u>	<u>West Longitude</u>
19	34°47'0	57°32'0
20	34°52'0	57°20'0
21	35°11'0	57°00'0

Chart H-113, First Edition, 1969

<u>Points</u>	<u>South Latitude</u>	<u>West Longitude</u>
22	35°10'3	56°43'0
23	35°38'0	55°52'0

Article 42. Installations or other works necessary for the exploration or exploitation of the resources of the riverbed and subsoil shall not interfere with navigation through passages or channels normally used in the river.

Article 43. Ore beds or deposits extending across the line established in Article 41 above shall be exploited in such a way that the distribution of the amounts of the resource extracted from them is proportional to the amount of that resource lying on each side of said line.

Each Party shall exploit beds or deposits of this type without causing material prejudice to the other Party, in accordance with the requirements to make comprehensive and rational use of the resource, and adhering to the criterion set forth in the first paragraph.

Chapter VIII

Islands

Article 44. Existing islands or any island that may emerge in the river in the future shall belong to one of the two Parties depending on which side of the line indicated in Article 41 they are on, with the exception of what is provided for Martin Garcia Island in Article 45.

Article 45. Martin Garcia Island shall be devoted exclusively to a natural preserve for the conservation and preservation of the native fauna and flora, under the jurisdiction of the Argentine Republic, without prejudice to the provisions of Article 63.

Article 46. If the Martin Garcia Island merges with another island, its boundaries shall follow the contours of Martin Garcia Island as shown on chart H-118, to which Article 41 refers. Nevertheless, alluvial growths of Martin Garcia Island affecting its present natural access to the Martin Garcia (Buenos Aires) and El Infierno Channels shall belong to this island.

Chapter IX

Pollution

Article 47. For purposes of this Treaty pollution shall be understood to mean the direct or indirect introduction of harmful substances by man into the aquatic environment.

Article 48. Each Party agrees to protect and preserve the aquatic environment and, in particular, to prevent its pollution, establishing standards and adopting appropriate measures in conformity with applicable international agreements and in consonance, when applicable, with the guidelines and recommendations of international technical organizations.

Article 49. The Parties agree not to lower, in their respective laws:

(a) The technical standards in force for preventing water pollution; and

(b) The penalties established for violations.

Article 50. The Parties agree to inform each other of any water pollution standards they may plan to establish.

Article 51. Each Party shall be responsible to the other Party for damage sustained because of pollution caused by its own activities or by those of natural or juristic persons domiciled in its territory.

Article 52. The jurisdiction of each Party with respect to any infraction relating to pollution shall be exercised without prejudice to the rights of the other Party to receive compensation for the damage it, in turn, may have sustained as a consequence of the infraction.

To that end, the Parties shall cooperate with each other.

Chapter X

Fisheries

Article 53. Each Party shall have the exclusive right to fish in its own coastal strip, as indicated in Article 2.

Outside the coastal strips, the Parties recognize the freedom of each other's vessels to fish in the river.

Article 54. The Parties shall agree upon standards to regulate fisheries in the river with respect to the conservation and preservation of living resources.

Article 55. When the intensity of fishing activities makes it necessary, the Parties shall agree upon the authorized maximum amounts of catch per species, as well as on necessary periodic adjustments. Such amounts of catch shall be distributed equally between the Parties.

Article 56. The Parties shall exchange, on a regular basis, pertinent information concerning their fishing efforts and catch per species, as well as on the roster of vessels authorized to fish in the waters of common use.

Chapter XI

Research

Article 57. Each Party may conduct scientific studies or research throughout the river, provided that it gives prior notice to the other Party and informs it of the nature and the findings of such studies and research.

Each Party may, moreover, participate in all phases of any study or research undertaken by the other Party.

Article 58. The Parties shall promote the conduct of joint scientific studies of common interest, especially those relating to the comprehensive survey of the river.

Chapter XII

Administrative Commission

Article 59. The Parties shall appoint a joint commission which shall be called the Comision Administradora del Rio de la Plata (Plata River Administrative Commission) and shall be composed of an equal number of members from each Party.

Article 66. The Administrative Commission shall have the following functions:

(a) To promote the conduct of joint scientific studies and research relating, in particular, to the evaluation, conservation, preservation, and rational use of living resources and the prevention and elimination of pollution and other harmful effects of the use, exploration, and exploitation of the waters of the river;

(b) To prescribe river fishery standards for the conservation and preservation of living resources;

(c) To coordinate pilotage regulations;

(d) To coordinate the adoption of common search and rescue plans, manuals, terminology, and systems of communication;

(e) To establish the procedure to follow and the information to provide in cases where units of one Party participating in search and rescue operations enter or leave the territory of the other Party;

(f) To prescribe the formalities that must be carried out for the temporary importation of search and rescue equipment into the territory of the other Party;

(g) To coordinate the aids to navigation and beacons;

(h) To establish lightering zones in conformity with the provisions of Article 28;

(i) To transmit expeditiously to the Parties the communications, information, and notices originated by them in conformity with Part I of this Treaty.

(j) To perform the other functions assigned to it under this Treaty and such other functions as the Parties may agree to assign to it in its charter, through exchange of notes, or by means of other forms of agreement.

Chapter XIV

Lateral Maritime Boundary

Article 70. The lateral maritime boundary and the continental shelf boundary between the Oriental Republic of Uruguay and the Argentine Republic are defined by an equidistant line, determined by the adjacent coasts methods, which begins at the midpoint of the baseline consisting of an imaginary straight line that joins Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

Article 71. A bed or deposit extending on either side of the line established in Article 70 shall be exploited in such a way that the distribution of the volumes of resource extracted from the said bed or deposit is proportional to the volume of the resource located on each side of the said line.

Each Party shall carry out the exploitation of such beds or deposits without causing appreciable damage to the other Party and in accordance with the requirements of a comprehensive and rational utilization of the resource consistent with the criterion set forth in the first paragraph.

Chapter XV

Navigation

Article 72. Both Parties guarantee the freedom of navigation and overflight of the seas under their respective jurisdictions seaward of 12 nautical miles measured from the corresponding baselines, and, in the mouth of the Rio de la Plata [River Plata] beginning at its outer limit, without restrictions other than those deriving from the exercise by each party of its powers with regard to exploration, conservation, and exploitation of resources, protection and preservation of the environment, scientific research, and construction and emplacement of installations, and of those powers referred to in Article 86.

Chapter XVI

Fishing

Article 73. The Parties agree to establish a common fishing zone, seaward of 12 nautical miles measured from the respective coastal baselines, for the duly registered vessels of their flags. The aforesaid zone shall be determined by two arcs of circles with radii of 200 nautical miles whose center points are, respectively, Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

Article 74. The volumes of catch, by species, shall be determined equitably, in proportion to the ichthyological resources of each of the Parties, evaluated on the basis of scientific and economic criteria.

The volume of catch that one of the Parties authorizes for third-flag vessels shall be counted as part of the share of that Party.

Article 75. The areas established in fishing licenses issued by the Argentine Republic and the Oriental Republic of Uruguay to third-flag vessels in their respective maritime jurisdictions may not exceed the line fixed in Article 70.

Article 76. The Parties shall exercise appropriate functions of control and supervision on both sides, respectively, of the line referred to in Article 75, and shall coordinate them adequately.

The Parties shall exchange lists of the vessels of their respective flags that operate in the common zone.

Article 77. Under no circumstances shall the provisions of this chapter be applicable to the capture of aquatic mammals.

Chapter XVII

Pollution

Article 78. The dumping of hydrocarbons resulting from the washing of tanks, the pumping of bilge and ballast, and, in general, any other action capable of causing pollution, is prohibited in the zone included within the following imaginary lines:

- (a) Beginning at Punta del Este (Uruguay) and proceeding to
- (b) A point at latitude 36°14'S., longitude 53°32'W.; from there to
- (c) A point at latitude 37°32'S., longitude 55°23'W.; from there to
- (d) Punta Rasa del Cabo San Antonio (Argentina); and, finally, from this point to the initial point at Punta del Este.

Chapter XVIII

Research

Article 79. Each Party shall authorize the other to carry out studies and research of an exclusively scientific nature in its respective maritime jurisdiction within the zone of common interest defined in Article 73, provided that sufficient prior notice is given indicating the characteristics of the study or research to be carried out and the areas and locations in which it will be done.

This authorization may be denied only in exceptional circumstances and for limited periods.

The authorizing Party shall have the right to participate in all phases of such studies and research and to know and have the use of the results.

Chapter XIV

Mixed Technical Commission

Article 80. The Parties shall establish a Mixed Technical Commission, composed of an equal number of delegates for each party, charged with the conduct of research and the adoption and coordination of plans and measures relative to the conservation, preservation, and rational exploitation of living resources and to the protection of the marine environment in the zone of common interest defined in Article 73.

Article 82. The Mixed Technical Commission shall perform the following functions:

- (a) Fix the volumes of catch per species and allot them to the Parties, in accordance with the provisions of Article 74, as well as adjusting them periodically;
- (b) Promote the joint conduct of scientific research, particularly within the zone of common interest, with special reference to the evaluation, conservation, and preservation of the living resources and their rational exploitation, and the prevention and elimination of pollution and other toxic effects that could result from the use, exploration, and exploitation of the marine environment;
- (c) Make recommendations and submit plans tending to assure the maintenance of the value and equilibrium of the bio-ecological systems;
- (d) Establish standards and measures relative to the rational exploitation of the species in the zone of common interest, and the prevention and elimination of pollution;
- (e) Prepare plans for the preservation, conservation, and development of the living resources in the zone of common interest, to be submitted for the consideration of the respective Governments;
- (f) Promote studies and submit plans on the harmonization of the Parties' laws regarding matters for which the Commission is responsible;
- (g) Transmit expeditiously to the Parties the communications, opinions, and information that the Parties exchange in accordance with the provisions of Part II of this treaty;
- (h) Perform such other duties as the Parties may assign it in the Charter or through exchange of notes or other forms of agreement.

Part III

Defense

Chapter XX

Article 85. Questions relating to the defense of the entire focal area of the Plata River shall be in the exclusive jurisdiction of the Parties.

Chapter XXIII

Ratification and Entry Into Force

Article 92. This Treaty shall be ratified in accordance with the procedures set forth in the legal codes of the Parties and shall enter into force by means of an exchange of instruments of ratification to be effected in the City of Buenos Aires.

In witness whereof, the above-mentioned Plenipotentiaries signed and affixed their seals to two identical copies thereof at Montevideo on November 19, 1973.

Ministry of Foreign Affairs

Montevideo, November 19, 1973

Sir:

I have the honor of addressing Your Excellency in relation to the Treaty of the Rio de la Plata and Its Maritime Limit, concluded today between our Governments.

In that connection, I concur with Your Excellency's statement that the "port access channels" referred to in Article 2 of the above-mentioned treaty, are the following:

Uruguayan access channels to:

1. The port of Carmelo
2. The port of Conchillas
3. San Juan Bar
4. The port of Colonia
5. Puerto Sauce
6. The port of Montevideo
7. The port of Piriapolis
8. The bay of Maldonado

Argentine access channels to:

1. Parana de las Palmas River (Emilio Mitre Channel)
2. Lujan River (Coastal Channel)
3. The port of Buenos Aires
4. The port of La Plata

Similarly, with respect to the "freedom of overflight" mentioned in Article 72, this should be understood with the limitations imposed upon it by the operative international conventions on the subject.

This note and that of Your Excellency of the same date and identical tenor, shall constitute an agreement between our two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency

Alberto J. Vignes,
Minister of Foreign Affairs and Worship
of the Argentine Republic.

ANALYSIS

The delimitation of the continental shelf boundary between Argentina and Uruguay is plotted on the attached U.S. Naval Oceanographic Charts 23030 and 24052.

The boundary (points 9-23) extends for a distance of 161.12 nautical miles and has 15 turning or terminal points.¹ The distance between points ranges from 2.06 nautical miles (from point 14 to 15) to 50.01 nautical miles (from point 22 to 23). The depth of water in this area of the Rio de la Plata is quite shallow. The range in depth of water around the boundary, up to point 23, is from less than 3 fathoms to approximately 7 fathoms.

The boundary is not an equidistant line, but generally follows the navigation channel. One point on the boundary (point 10) is equidistant from both states. Points 11 to 17 and 22 to 23 are closer to Uruguay while points 9 and 18 to 21 are closer to Argentina.

While the island of Martin Garcia (which is on the Uruguayan side of the boundary) is placed under the jurisdiction of Argentina, the Treaty states that the island "shall be devoted exclusively to a natural preserve for the conservation and preservation of the native fauna and flora..." (Article 45).

Argentina and Uruguay consider the imaginary straight line joining Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonia (Argentina) as the closing line of the Rio de la Plata. Owing to the length of this line (approximately 118.34 nautical miles) and the nature of the enclosed water body, the closing line has been protested by several foreign states.

1. Points 1-8 are analyzed in "Argentina-Uruguay Boundary," International Boundary Study, No. 68 (Revised), Department of State, Office of the Geographer, October 1, 1975

Beyond point 23 the shelf boundary is defined in Article 70 as "an equidistant line, determined by the adjacent coasts methods." Since specific coordinates of this segment of the boundary are not cited in the Treaty, the continental shelf boundary on the attached chart beyond point 23 consists of provisional lines developed by the Department of State's Geographer on a U.S. chart.

From point 23 the line continues seaward as the perpendicular bisector of the Argentina-Uruguay closing line of the Rio de la Plata. Point 23 is supposed to be equidistant from the two States; a .09 nautical mile calculated discrepancy from equidistance can probably be attributed to the different charts used. While point 23 is the intended mid-point of the river closing line, it is not an equidistant point between the two States. Pta. Brava, south of Montevideo, is closer to point 23 than any other Uruguayan or Argentine territory.

The perpendicular bisecting line is the boundary until it reaches point A, approximately 112.70 nautical miles seaward of point 23. At this point the configuration of Argentina's coast would cause the true equidistant boundary to be diverted toward Uruguay, Assuming, that the phrase in the Treaty "determined by the adjacent coasts methods..." (Article 70) means that all possible points on both coasts are to be considered in drawing the equidistant boundary, then the shelf boundary continues as the line connecting point 23 to points A, B, C, D, E, and F. If, however, the intention of the Treaty is to continue the shelf boundary seaward from point 23 as the perpendicular bisector of the river closing line, then this is depicted on the attached chart as a dashed line to points where it is 200 nautical miles from Uruguay (UR) and from Argentina (AR).

From point A to point E the boundary is affected by Pta. Medanos (Argentina) and the segment of the Argentina-Uruguay Rio de la Plata closing line connecting point 23 with Pta. del Este (Uruguay). Since there are an infinite number of points on a straight line affecting the equidistant delimitation, the line connecting point A to point E in reality is a segment of a parabolic curve. At point E the Uruguayan island of Lobos influences the shelf boundary. The equidistant boundary continues seaward from point E until it reaches point F which is 200 nautical miles from the island of Lobos and from Pta. Medanos.

In Article 73 of the Treaty the two States establish a common fishing zone based on a criterion different from the equidistance principle used for the continental shelf delimitation. The common fishing zone lies seaward of each country's 12-nautical-mile territorial sea with the outer limits "determined by two arcs of circles with radii of 200-nautical-miles whose center points are, respectively, Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina)." The arcs would thus pass through points UR and AR rather than through point F.

In Article 78 a zone is established in which the discharge of hydrocarbons "resulting from the washing of tanks, the pumping of bilge and ballasts..." is prohibited. On the attached chart this zone is depicted by the lines connecting Punta del Este (Uruguay), P₁, P₂, and Punta Rasa del Cabo San Antonio (Argentina). The total area encompassed in this zone is approximately 11,821 square nautical miles.

PHYSICAL CHARACTERISTICS OF THE ARGENTINA-URUGUAY

CONTINENTAL SHELF BOUNDARY

Turning or Terminal Points	Distance Between Points (n.m.)	Closest Argentina Territory	Distance, Land to Boundary Point (n.m.)	Closest Uruguay Territory	
9	3.14	I. Martin Garcia	1.68	3.56	Carreta Rocks
10	3.36	I. Martin Garcia	3.56	3.56	Carreta Rocks
11	4.89	I. Martin Garcia	5.82	5.31	Carreta Rocks
12	2.65	I. Martin Garcia	9.93	4.28	Pta. Pereira
13	3.14	I. Martin Garcia	12.56	5.31	Mainland
14	2.06	I. Martin Garcia	15.34	4.60	Mainland
15	5.57	I. Martin Garcia	16.45	4.89	Mainland
16	6.71	Pta. Colorada	20.46	2.37	I. de Hornos
17	7.22	Mainland	15.97	5.17	I. San Gabriel
18	21.86	Mainland	7.87	11.99	I. San Gabriel
19	11.26	Pta. Blanca	11.81	19.54	Pta. Artilleros
20	25.15	Mainland	13.22	24.27	Mainland
21	14.10	Mainland	12.05	30.98	Pta. San Gregorio
22	50.01	Pta. Salvador Grande	25.29	39.48	La Panela
23		Cabo San Antonio	59.16	43.98	Montevideo
				59.07	Pta. del Este