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LIMITS IN THE SEAS

No. 66
HISTORIC WATER BOUNDARY:
INDIA-SRI LANKA

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No. 66

Historic Waters Boundary: India-Sri Lanka

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The Geographer
Office of the Geographer
Bureau of Intelligence and Research

The Government of the Republic of Sri Lanka has accepted the delimitation of the "waters" of Palmyra Force on July 1, 1956, of India's Not to 156, April as follows:

ARTICLE 2

The coordinates of the positions specified in Article 1 are geographical coordinates and the straight lines connecting them are indicated in the chart annexed hereto which has been signed by the surveyors authorized by the two Governments, respectively.

ARTICLE 3

The actual location of the aforementioned positions at sea and on the seabed shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

ARTICLE 4

Each country shall have sovereignty and exclusive jurisdiction and control over the waters, the islands, the continental shelf and the sub soil thereof, falling on its own side of the aforesaid boundary.

ARTICLE 5

Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.

ARTICLE 6

The vessels of India and Sri Lanka will enjoy in each other's waters such rights as they have traditionally enjoyed therein.

ARTICLE 7

If any single geological petroleum or natural gas structure or field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the boundary referred to in Article 1 and the part of such structure or field which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned.

ARTICLE 8

This Agreement shall be subject to ratification. It shall enter into force on the date of exchange of the instruments of ratification which will take place as soon as possible.

FOR THE GOVERNMENT
OF THE REPUBLIC OF
INDIA

Sd/- Indira Gandhi
New Delhi 26 6.74

FOR THE GOVERNMENT
OF THE REPUBLIC OF
SRI LANKA

Sd/- Sirimavo R.D. Bandaranaike
Colombo 28.6.74

Note: The chart referred to in Article 2 of the agreement is B.A. Chart 68a. The size of the chart precludes its annexing herewith.

Palk Bay, an inlet of the Bay of Bengal, is bordered by the Indian peninsula on the west, the island chain of Adams Bridge on the south, and the island of Ceylon on the east. The principal access to the Bay of Bengal is through Palk Strait, north of Sri Lanka. The bay measures approximately 74 nautical miles along its north-south axis and 76 nautical miles on the major east-west axis. Many islands are situated within the eastern quadrant of the bay. However, the dimensions preclude the inclusion of all waters within claimed 12-mile territorial seas measured from the baselines of the two states.

The question of historicity of Palk Bay was resolved by the decision rendered in the Annakumar Pillai v. Muthupayal case, heard in the Appellate Criminal Division of the Indian High Court in Madras in 1903-04. At this time, both Sri Lanka (Ceylon) and India were under various forms of U.K. administration. The suit involved rights to chank beds and pearl grounds in Palk Bay and the adjacent Gulf of Mannar (Manaar). According to the decision, Palk Bay was "landlocked by His Majesty's dominions for eight-ninths of its circumference ... [and] effectively occupied for centuries by the inhabitants of the adjacent districts of India and Ceylon respectively."

The Court added that "[w]e do not think that Palk's Bay can be regarded as being in any sense the open sea and therefore outside the territorial jurisdiction of His Majesty." Further, British occupation had, according to the Court, received "the acquiescence of other nations."

Although the current boundary agreement concerns only Palk Bay, the Gulf of Mannar was also deemed by the decision to be an "historic bay."

II. ANALYSIS

The India-Sri Lanka agreement delimits a maritime boundary containing two terminal and four turning points through the historic waters of Palk Bay. While the agreement does not specify the Palk Bay closing line, it may be inferred from the location of Position 1 and the geographic features of the adjacent coasts of India and Sri Lanka. On the north, the "natural entrance point" appears to be the low-water headland of Point Calimere, while the southern point is Palmyrah Point on the northeast coast of Ceylon. The total length of this closing line is approximately 35.107 nautical miles.

The total length of the maritime boundary is 85.375 nautical miles. Distances between the Positions of the treaty are as follows:

Positions	Distance in Nautical Miles	Approximate water depths
1 - 2	28.735	6.5 fathoms
2 - 3	20.832	6.5 - 7 fathoms
3 - 4	20.004	7 - 6.75 fathoms
4 - 5	8.883	6.75 - 6 fathoms
5 - 6	6.921	6 fathoms to low tide

The relationships between the positions and the national baselines of India and Sri Lanka are as follows:

POSITION	DISTANCE TO BA	
	INDIA	SR
		N.M.

1	15.748	19.
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III. SUMMARY

The delimitation reflects a selective, i.e. modified, application of the principle of equidistance. As noted, the maritime boundary divides the historic waters and the seabed of Palk Bay. Traditional fishing rights of both parties, however, are preserved. The boundary agreement further serves to settle peacefully the Kachchitivu island dispute and to delimit the India-Sri Lanka boundary in the Adams Bridge region.

It is understood that further negotiations between the two States have begun to extend the maritime boundary eastward into the Bay of Bengal and southward through the Gulf of Mannar. The waters of the latter are also deemed to be "historic" by India and Sri Lanka.