



Limits in the Seas

No. 79 – November 3, 1978

Colombia - Panama

Maritime Boundaries

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INTERNATIONAL BOUNDARY STUDY

LIMITS IN THE SEAS

No. 79

MARITIME BOUNDARIES: COLOMBIA-PANAMA

November 3, 1978

This paper is one of a series issued by the Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State. The aim of the series is to set forth the basis of national arrangements for the measurement of marine areas by coastal States. It is intended for background use only. This paper does not necessarily represent an official acceptance by the United States Government of the limits claimed.

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On November 20, 1976, the Governments of the Republic of Colombia and the Republic of Panama signed an agreement delimiting maritime boundaries in the Caribbean Sea and the Pacific Ocean. Instruments of ratification were exchanged and the treaty entered into force on November 30, 1977. The full text is as follows:

The Republic of Colombia and the Republic of Panama,

Aware of the fact that international cooperation and reciprocity afford the best means of resolving matters of mutual concern among friendly nations, especially when there are natural bonds of proximity between them;

Agreeing on the feasibility and necessity of taking steps to demarcate their marine and submarine areas in the Pacific Ocean and the Caribbean Sea;

Informed regarding the preservation of sovereignty and jurisdiction in the marine areas germane to each country, and the unencumbered, expeditious communication through them;

Mutually concerned about the adoption of appropriate measures for the preservation, conservation, and utilization of the resources which exist in those waters, and for the prevention, control and elimination of pollution therein; and

Thoroughly aware of the feasibility of states' adopting measures in keeping with the new developments relating to the Law of the Sea,

Have resolved to conclude a treaty, and have designated as their plenipotentiaries:

His Supreme Excellency the President of the Republic of Colombia [designating] His Excellency Dr. Indalecio Lievano Aguirre, the minister of foreign affairs;

His Supreme Excellency the President of the Republic of Panama [designating] His Excellency Mr. Aquilino Boyd, the minister of foreign relations;

Who, their respective full powers having been conveyed and found satisfactory and proper order, have agreed upon the following:

Article I.

To stipulate as the boundary between their respective marine and submarine areas, regardless of the legal system that has been or may be established therein:

A. In the Caribbean Sea:

1. The median line all points on which are equidistant from the closest points on the base lines from which the width of each nation's territorial sea is measured, from the point at

which the international land boundary touches the sea at Cabo Tiburon (8°41'07.3" north latitude and 77°21'50.9" west longitude) to the point situated at 12°30'00" north latitude and 78°00'00" west longitude.

In accordance with the principle of equidistance agreed upon herein, with the exception of some minor deviations that have been approved to simplify the route, the median line in the Caribbean Sea is comprised of straight lines drawn between the following points:

	North Latitude	West Longitude
Point A:	8°41'07.3"	77°21'50.9"
Point B:	9°09'00"	77°13'00"
Point C:	9°27'00"	77°03'00"
Point D:	10°28'00"	77°15'00"
Point E:	11°27'00"	77°34'00"
Point F:	12°00'00"	77°43'00"
Point G:	12°19'00"	77°49'00"
Point H:	12°30'00"	78°00'00"

2. Starting at the point situated at 12°30'00" north latitude and 78°00'00" west longitude, the delimitation of the marine and submarine areas belonging to each of the two nations consists of a series of straight lines drawn between the following points:

	North Latitude	West Longitude
Point H:	12°30'00"	78°00'00"
Point I:	12°30'00"	79°00'00"
Point J:	11°50'00"	79°00'00"
Point K:	11°50'00"	80°00'00"
Point L:	11°00'00"	80°00'00"
Point M:	11°00'00"	81°15'00"

B. In the Pacific:

1. The median line all points on which are equidistant from the closest points on the baselines from which the width of each nation's territorial sea is measured, from the point at which the international land boundary touches the sea at 7°12'39.3" north latitude and 77°53'20.9" west longitude to the point situated at 5°00'00" north latitude and 79°52'00" west longitude.

In accordance with the principle of equidistance agreed upon herein, with the exception of some minor deviations that have been approved to simplify the route, the median line in the Pacific Ocean is comprised of straight lines drawn between the following points:

	North Latitude	West Longitude
Point A:	7°12'39.3"	77°53'20.9"
Point B:	6°44'00"	78°18'00"
Point C:	6°28'00"	78°47'00"
Point D:	6°16'00"	79°03'00"
Point E:	6°00'00"	79°14'00"
Point F:	5°00'00"	79°52'00"

2. Starting at the point situated at 5°00'00" north latitude and 79°52'00" west longitude, the delimitation of the marine and submarine areas belonging to each of the two nations consists of parallel 5°00'00" as far as the location where the delimitation must be made with a third nation.

Paragraph: The lines and points agreed upon have been shown on the nautical charts signed by the plenipotentiaries which are attached to this treaty as Annexes I and II, with the understanding that, in any event, the spirit of the treaty will prevail.

Article II.

To accept and respect the methods whereby each of the two nations is now exercising, or may in the future exercise its sovereignty, jurisdiction, vigilance, control or rights in the marine and submarine areas adjoining its coasts which have been delimited by virtue of this treaty, in accordance with the stipulations that each country has made or may make in the future, and with the regulations related to its own internal law.

Article III.

The Republic of Panama, in view of the great significance of the fact that the Republic of Colombia, as the country adjacent to the Great Gulf of Panama, has expressly acknowledged the status of the latter's historic bay, requests such acknowledgement of Colombia.

The Republic of Colombia, aware of the fact that its express acknowledgement of the status of the historic bay of the Great Gulf of Panama is highly significant to the incontestability of that status, declares that it does not object to the provisions made by the Republic of Panama in this respect by virtue of its Law No. 9 of 30 January 1956.

Article IV.

The Republic of Colombia and the Republic of Panama will give reciprocal recognition for freedom of navigation, innocent passage and free traffic, as the case may be, for their vessels sailing in the marine areas subject to their sovereignty, jurisdiction, vigilance or

control. This recognition will be observed without detriment to the right of each of the two parties to specify maritime routes and systems for the division of traffic in their territorial seas, or to the observance of the regulations contained in the internal law of each party and the terms of international laws.

Article V.

To promote cooperation between the two nations in coordinating the measures for conservation applied by each in the marine areas subject to their sovereignty, jurisdiction, vigilance or control, particularly with regard to the species which move beyond their respective marine areas, taking into account for this purpose the recommendations of the competent agencies and the most reliable and up-to-date scientific data.

Such cooperation will not preclude the sovereign right of each nation to adopt whatever standards and regulations it may deem fitting within the realm of its respective jurisdiction.

Article VI.

Each of the parties expresses its determination to cooperate with the other, insofar as it is able, in implementing the most suitable measures for preventing, reducing and curbing any pollution of the marine environment that may affect the neighboring nation, regardless of the source thereof, coordinating insofar as possible the measures stipulated in the terms of its internal law for this purpose.

Article VII.

This treaty will be subjected for ratification to the constitutional procedures of the major contracting parties, and will go into effect when the instruments of ratification are exchanged, an act which will take place in Panama City.

In certification whereof, the plenipotentiaries have signed this treaty, in two copies, today, 20 November 1976, in the city of Cartagena, Republic of Colombia. Aquilino Boyd. Indalecio Lievano Aguirre.

Analysis

The following analysis is based on the largest scale charts available, and the geodesic distances have been calculated by computer. The calculations may be based on a spheroid different from the one utilized by the two countries. Slight discrepancies may, therefore, appear in any comparison.

Caribbean Sea

The Colombia-Panama maritime boundary in the Caribbean Sea is depicted on the attached DMA/HC chart No. 36000. The boundary consists of 13 terminal or turning points

connecting "straight lines"¹ which are shown as rhumb lines on the map. The length of the boundary from point A to point M is 523.12 nautical miles.

From point M the Colombia-Panama line continues at a 225° azimuth to an unspecified trijunction point with Costa Rica. At the time of the agreement, this trijunction point had not been determined. On March 17, 1977, Colombia and Costa Rica concluded an agreement which defined the first point as "the intersection of a straight line, drawn with azimuth 225° from a point located at latitude 11°00'00"N and longitude 81°15'00"W, with the parallel 10°49'00"N. This point is situated at approximately 10°49'0"N, 81°25'45"W, 15.22 nautical miles southwest of point M.

Thus, the entire length of the Colombia-Panama maritime boundary in the Caribbean Sea is approximately 538.34 nautical miles.

Point A coincides with the seaward terminus of the Colombia-Panama land boundary. For approximately half of the distance, the boundary (points A-H, 242.24 nautical miles) follows, according to the agreement, an equidistant line with minor deviations. As shown in Annex I calculations, the section of the boundary from points A to F varies slightly from a true equidistant line.

Between turning points G to M, however, the deviations from equidistance become greater. The description of the boundary from turning points H to M is found in a separate section of the treaty which contains no reference to the equidistant method. It is interesting to note that at point I the boundary is one-half the distance to Colombia (Roncador Cays)² that it is to Panama. The geometry of the boundary from points H-M, however, lends no credence to the possibility that the Colombian offshore cays received a consistently less consideration or "weight" than the Panamanian mainland. At turning point L, for example, Cayus del Este Sudeste (Colombia) is closer to the boundary than is any Panamanian territory. This section of the boundary, points H-M, has a step-like configuration, in the development of which simplicity appears to have been the important criterion.

Pacific Ocean

The Colombia-Panama maritime boundary in the Pacific Ocean has been plotted on the attached DMA/HC chart No. 21033. The boundary has six terminal or turning points and extends approximately 180.53 nautical miles in a general southwesterly direction from the Colombia-Panama land boundary terminus (point A). From point F the boundary continues westward along the 5°00'00" N. latitude parallel until it intersects a boundary with a third

¹ The treaty states that the line "is comprised of straight lines" without specifying the nature of the line, i.e., rhumb, great circle, or geodesic.

² On September 8, 1972, the United States and Colombia signed a treaty whereby the United States renounced all claims to sovereignty over Roncador Cays. The treaty was sent to the U.S. Senate by the President on January 9, 1973, where it is still pending ratification.

country. To date, this trijunction point remains undetermined.

Except for agreed-upon minor deviations, the treaty states that the Pacific Ocean boundary between points A to F has been developed as an equidistant line. Annex II lists the relevant geographical calculations. The line from points A to D comes relatively close to an equidistant line, with the differences in distance from the Colombian and Panamanian coasts, at the turning points, being less than 1 nautical mile. At point E, however, the boundary is almost 7 nautical miles closer to Panama than it is to Colombia; and as the boundary reaches point F, it is approximately 20 nautical miles closer to Colombian territory. The map clearly shows that the 5°00'00" N latitude westward extension brings the boundary much closer to the Colombian island of Malpelo than to the Panamanian coastline.

Article III of the treaty constitutes Colombian acceptance and recognition of Panama's 1956 declaration that the Gulf of Panama is an historic bay.

ANNEX I

COLOMBIA - PANAMA
(CARIBBEAN SEA)

TURNING POINT	NEAREST COLOMBIA TERRITORY	DISTANCE TO TURNING POINT (NAUTICAL MILES)		NEAREST PANAMA TERRITORY	DISTANCE BETWEEN TURNING POINTS
A	Land Boundary Terminus				29.10
B	Cabo Tiburon (Point A)	29.1	28.6	Las Isletas	20.46
C	Isla Tortuguilla	48.4	48.1 48.2	Isla Pajaros Las Isletas	61.86
D	Islas del Rosario	87.4	86.6 86.3	Cayo Ingles Punta Bravia	61.63
E	Islas del Rosario Isla del Tesoro	129.2 129.7	128.4	Cayos Holandes	34.02
F	Punta Canoas Punta Canoas (2)	155.3 155.5	154.1 154.1	Cayos Holandes Cayos Holandes (2)	19.81
G	Roncador Cay	148.6	170.0 170.0	Cayos Holandes Cayos Holandes (2)	15.36
H	Roncador Cay	133.9	177.7 178.2	Cayos Holandes Cayos Holandes (2)	58.69
I	Roncador Cay	86.4	173.5 173.6	Cayos Holandes Cayos Holandes (2)	39.82
J	Roncador Cay	118.3	133.8 134.3	Cayos Holandes (2) Cayos Chichime	

TURNING POINT	NEAREST COLOMBIA TERRITORY	DISTANCE TO TURNING POINT (NAUTICAL MILES)		NEAREST PANAMA TERRITORY	DISTANCE BETWEEN TURNING POINTS
K	Cayos del Este Sudeste	91.9	132.4 133.0	Los Farallones Isla Tambor	58.84
L	Cayos del Este Sudeste	119.7	83.7 84.8	Los Farallones Isla Tambor	49.77
M*	Cayos de Albuquerque	77.9	110.9 111.0	Wreck Rock Isla Colon	73.76

From point M the boundary continues along a straight line at a 225° azimuth to a point where a boundary with a third country becomes effective.

ANNEX II

**COLOMBIA - PANAMA
(PACIFIC OCEAN)**

TURNING POINT	NEAREST COLOMBIA TERRITORY	DISTANCE TO TURNING POINT (NAUTICAL MILES)		NEAREST PANAMA TERRITORY	DISTANCE BETWEEN TURNING POINTS
A	Land Boundary Terminus				37.61
B	Punta Marzo Roca Latitude	36.25 36.31	37.00	Isla Mono	32.96
C	Rocas Octavia Rocas Octavia (2)	67.82 67.93	67.80	Punta Cocalito	19.91
D	Rocas Octavia Rocas Octavia (2)	86.73 86.79	87.47	Punta Cocalito	19.33
E	Rocas Octavia (2)	103.22	96.38	Frailes del Sur	70.72
F*	Isla de Malpelo	118.57	138.14	Punta Morro de Puercos	

* From point F the boundary continues west along the 5° parallel of latitude to a point where a boundary with a third country becomes effective.