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LIMITS IN THE SEAS

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No. 86
MARITIME BOUNDARY:
CHILE - PERU

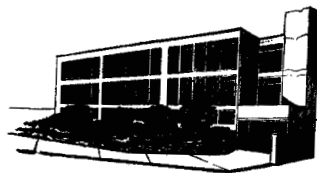


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LIMITS IN THE SEAS

No. 86

MARITIME BOUNDARY: Chile-Peru

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The Maritime Boundary

Chile, Ecuador, and Peru proclaimed the Declaration on the Maritime Zone (Annex I) on August 18, 1952, at the First Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific. Article II states that as a "principle of their international maritime policy" each state possesses sovereignty and jurisdiction over the area of sea adjacent to its own territory extending "not less than 200 nautical miles" from the coast. In Article IV the maritime boundaries between the states are proclaimed to be the "parallel of latitude drawn from the point of which the land frontier between the two countries reaches the sea." Both Chile and Peru have ratified the declaration.¹

The Special Maritime Frontier Zone

On December 4, 1954, Chile, Ecuador, and Peru issued an agreement (Annex II) creating a special maritime frontier zone of 10 nautical miles' breadth on each side of the parallel of latitude forming the maritime boundary between the respective states. The zone commences 12 nautical miles from the coast of each state. The purpose of the zone is to avoid inadvertent violations of the maritime boundaries by national fishermen. Fishing and hunting within 12 nautical miles from the coasts, however, are to be reserved exclusively to the nationals of each respective state. Both Chile and Peru have ratified the agreement.

Analysis

The Chile-Peru maritime boundary and the special maritime frontier zone are illustrated on the attached map. Although according to the 1952 declaration the maritime zone of each state is to be bounded by the specific parallel of latitude on which the seaward terminus of the land territory is situated, the agreed-upon parallel of latitude is actually located slightly to the north of the land boundary terminus.

1. Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Agreements and Other Documents 1952-1966 (English Version). Lima, Peru: General Secretariat, 1967.

The maritime boundary extends along the 18° 23' 03" parallel of South latitude, which coincides with the parallel of latitude on which the Peru-Chile land boundary marker No. 1 has been placed. Marker No. 1 lies a short distance to the northeast of the Chile-Peru coastal boundary point.²

The seaward limit of the maritime boundary is not clearly defined in the declaration. On the attached map the maritime boundary is depicted as extending 200 nautical miles from each coast. Owing to coastal configurations, the Peruvian segment of the boundary extends farther seaward than the Chilean segment. Point C on the map is situated 200 nautical miles from Chile (i.e., from the land boundary terminus that is the nearest point on the Chilean coast); however, this point is approximately 120 nautical miles from the nearest point on Peru's coast. The point on this parallel of latitude 200 nautical miles from Peru (i.e., from Pta. San Juan) is not reached until point P; this point is more than 360 nautical miles from the land boundary terminus.

The maritime boundary traverses rather deep water; depths reach 2,500-3,000 fathoms (15,000-18,000 feet). Areas of less than 100 fathoms are virtually non-existent along this portion of the South American coast.

The outer limits of the special maritime frontier zone are also not clearly defined because of the coastal configuration. The Peruvian 10-nautical-mile wide zone extends approximately 160 nautical miles farther seaward from the western end of the Chilean zone. The eastern end of the Peruvian special frontier zone is delimited by 12-nautical-mile arcs drawn from the coastline. The nearest Chilean territory to the eastern section of the frontier zone is situated at the land boundary terminus.

2. In 1969 the Joint Chilean-Peruvian Boundary Commission established two land alignment towers to aid mariners to establish their position with respect to the maritime boundary. Both towers have been placed on the 18° 23' 03" South parallel of latitude. One tower has been placed 6 meters west of marker No. 1, in Peruvian territory, while the other tower has been placed 1,843.8 meters east of marker No. 1, in Chilean territory.

Article II of the 1952 declaration states that Chile and Peru possess "sole sovereignty and jurisdiction" over the area of sea extending "not less than 200 nautical miles" from their coasts. As stated in the preface to the declaration, the purpose for establishing the zone was to "ensure the conservation and protection of its natural resources...."

Prior to 1952, Peru had declared national sovereignty and jurisdiction over the continental shelf and adjacent sea (Supreme Decree No. 781, August 11, 1947). This decree, however, did not affect "the right to free navigation by ships of all nations" (Article 4). In 1965 Peru implemented a law creating a 200-nautical-mile territorial sea.³

Chile currently claims a 3-nautical-mile territorial sea. Chile's 200-nautical-mile "maritime zone" gives it exclusive jurisdiction "necessary to reserve, protect, preserve, and exploit the natural resources and wealth of any kind which may be found over, in or under the said seas."

3. The United States does not recognize any state's claim to a territorial sea breadth in excess of 3 miles. In the UN Law of the Sea negotiations, however, the United States has expressed its willingness to accept a maximum territorial sea breadth 12 miles within the framework of a comprehensive and acceptable Law of the Sea treaty.

DECLARATION ON THE MARITIME ZONE

- 1.- Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.
- 2.- It is therefore the duty of each Government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of its country.
- 3.- Hence it is likewise the duty of each Government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically that their seas are irreplaceable sources of essential food and economic materials.

For the foregoing reasons the Governments of Chile, Ecuador and Peru, being resolved to preserve for and to make available to their respective peoples the natural resources of the areas of sea adjacent to their coasts, hereby declare as follows:

- I) Owing to the geological and biological factors affecting the existence, conservation and development of the marine fauna and flora of the waters adjacent to the coasts of the declarant countries, the former extent of the territorial sea and contiguous zone is insufficient to permit the conservation, development and use of those resources, to which the coastal countries are entitled.
- II) The Governments of Chile, Ecuador and Peru therefore proclaim as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.
- III) Their sole jurisdiction and sovereignty over the zone thus described includes sole sovereignty and jurisdiction over the sea floor and subsoil thereof.

IV) The zone of 200 nautical miles shall extend in every direction from any island or group of islands forming part of the territory of a declarant country. The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nautical miles from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point of which the land frontier between the two countries reaches the sea.

V) This declaration shall not be construed as disregarding the necessary restrictions on the exercise of sovereignty and jurisdiction imposed by international law to permit the innocent and inoffensive passage of vessels of all nations through the zone aforesaid.

VI) The Governments of Chile, Ecuador and Peru state that they intend to sign agreements or conventions to put into effect the principles set forth in this Declaration and to establish general regulations for the control and protection of hunting and fishing in their respective maritime zones and the control and coordination of the use and working of all other natural products or resources of common interest present in the said waters.

Santiago, 28th August, 1952

Julio Ruiz Bourgeois	Jorge Fernandez Salazar	Alberto Ulloa
Chilean Delegate	Ecuadorean Delegate	Peruvian Delegate

AGREEMENT RELATING TO A SPECIAL MARITIME FRONTIER ZONE

The Governments of the Republics of Chile, Ecuador and Peru, in accordance with the agreement known as Resolution No. X, signed in Santiago, Chile, on 8th October 1954 by the Permanent Commission of the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific,

After seeing the proposals and recommendations approved in October of the present year by the said Permanent Commission,

Have designated the following plenipotentiaries:

His Excellency the President of the Republic of Chile has nominated H.E. Sr. Alfonso Bulnes Calvo, Ambassador Extraordinary and Chilean Plenipotentiary in Peru;

His Excellency the President of the Republic of Ecuador has nominated H.E. Sr. Jorge Salvador Lara, Charge d'Affaires of Ecuador in Peru; and

His Excellency the President of the Republic of Peru has nominated H.E. Sr. David Aguilar Cornejo, Minister of Foreign Affairs of Peru,

Who;

AND WHEREAS:

Experience has shown that innocent and inadvertent violations of the maritime frontier between adjacent States occur frequently because small vessels manned by crews with insufficient knowledge of navigation or not equipped with the necessary instruments have difficulty in determining accurately their position on the high seas;

The application of penalties in such cases always produces ill-feeling in the fishermen and friction between the countries concerned, which may affect adversely the spirit of co-operation and unity which should at all times prevail among the countries signatories to the instruments signed at Santiago; and

It is desirable to avoid the occurrence of such unintentioned infringements, the consequences of which affect principally the fishermen:

AGREE:

FIRST: A special zone is hereby established, at a distance of 12 miles from the coast, extending to a breadth of 10 nautical miles on either side of the parallel which constitutes the maritime boundary between the two countries.

SECOND: The accidental presence in the said zone of a vessel of either of the adjacent countries, which is a vessel of the nature described in the paragraph beginning with the words "Experience has shown" in the preamble hereto, shall not be considered to be a violation of the waters of the maritime zone, though this provision shall not be construed as recognizing any right to engage, with deliberate intent, in hunting or fishing in the said special zone.

THIRD: Fishing or hunting within the zone of 12 nautical miles from the coast shall be reserved exclusively to the nationals of each country.

FOURTH: All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the Conference of the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

IN TESTIMONY OF WHICH, the respective plenipotentiary representatives of the Governments of Chile, Ecuador and Peru sign three copies of this document in Lima on the fourth day of the month of December in the year one thousand nine hundred and fifty four.

FOR THE CHILEAN GOVERNMENT:
Alfonso Bulnes Calvo

FOR THE ECUADOREAN GOVERNMENT:
Jorge Salvador Lara

FOR THE PERUVIAN GOVERNMENT:
David Aguilar Cornejo