

LIMITS IN THE SEAS

12
6398
.845
L54

no. 90

WASHINGTON, D.C. 20520
THE GEOGRAPHER



No. 90
CONTINENTAL SHELF BOUNDARY:
ITALY - SPAIN

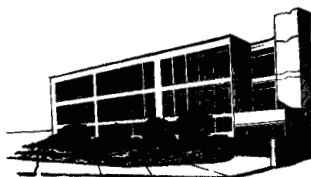


THE AMERICAN UNIVERSITY
Washington College of Law Library



This Book Belonged to
The Private Collection
of Judge Richard R. Baxter

THE AMERICAN UNIVERSITY
Washington College of Law
Law Library
Washington, D.C.



KZ
6398
.R45
L54

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 maritime areas of coastal nations.

Intended for background use only, this research document does not represent an official acceptance of the United States Government of the line or lines represented on the charts or, necessarily, of the specific principles involved, if any, in the original drafting of the lines. Principal analyst for this study: Robert W. Smith. Additional copies may be requested by mail from The Office of The Geographer, Department of State, Washington, D.C. 20520, or by telephone (Area Code 202, 632-2022).

LIMITS IN THE SEAS

No. 90

CONTINENTAL SHELF BOUNDARY:

Italy-Spain

May 14, 1980

Office of the Geographer
Bureau of Intelligence and Research

CONTINENTAL SHELF BOUNDARY: ITALY-SPAIN

On February 19, 1974, the Governments of the Italian Republic and the Spanish State signed an agreement delimiting a continental shelf boundary in the Mediterranean Sea between the islands of Minorca and Sardinia. Instruments of ratification were exchanged and the treaty entered into force on November 16, 1978. The full text of the agreement is as follows:

Convention between Spain and Italy
on the Determination of the Continental
Shelf between the two States

The Chief of the Spanish State and the President of the Italian Republic desiring to set the dividing line between the respective parts of the Continental shelf in the Mediterranean Sea, over which parts each one of these States exercises, respectively, sovereign rights respecting the exploration and the exploitation by it of its natural resources, have decided to conclude a Convention and to this end have agreed to the following provisions:

Article 1 (1): The dividing line of the Continental shelf between Spain and Italy will remain established following the criterion of equidistance from respective baselines.

(2): The Contracting Parties agree that, for the moment, the delimitation will not extend north further than point A, and south further than point L.

(3): Between points A and L, the dividing line remains defined by the geodesic lines which follow the great circle arcs which unite the points whose coordinates are as follows:

| <u>POINTS</u> | <u>LATITUDE NORTH</u> | <u>LONGITUDE EAST</u> |
|---------------|-----------------------|-----------------------|
| A | 41° 09.3' | 5° 56.6' |
| B | 41° 06.5' | 5° 57.6' |
| C | 40° 35.7' | 6° 07.8' |
| D | 40° 31.7' | 6° 08.9' |
| E | 40° 27.3' | 6° 10.1' |
| F | 40° 21.5' | 6° 11.9' |
| G | 40° 01.7' | 6° 18.0' |
| H | 39° 37.5' | 6° 18.0' |
| I | 39° 20.8' | 6° 13.0' |
| L | 38° 55.0' | 6° 05.8' |

The line AL appears traced on the Italian Nautical Chart no. 432 on a scale of 1:1,000,000 edited in 1965, which is annexed to the present Convention.

Article 2 (1): Where a deposit (yacimiento) of natural resources is split between the dividing line of the Continental shelves and the part of the deposit situated on one of the sides of the dividing line is exploitable in total or in part from installations situated on the other side of the line, the Contracting Parties will endeavour, having previously consulted the permit holders to exploitation rights, if any, to come to an agreement on the method of exploitation of the deposit so that the exploitation would be the most profitable possible and in such a way that each of the Parties preserves the control of its rights over the natural resources of its Continental shelf. This procedure will apply in particular if the method of exploitation of that part of the deposit situated one side of the dividing line affects the conditions of exploitation of the other part of the deposit.

(2): In case exploitation is already taking place respecting natural resources of a deposit situated on one side and the other (both) side of the dividing line of the Continental shelf, the Contracting Parties will endeavour, having consulted the permit holders, if any, to come to an agreement on an adequate indemnity.

Article 3 (1): The Contracting Parties will endeavour to solve by diplomatic way in the briefest delay possible whatever controversy may arise on the interpretation and application of the present Convention.

(2): In case where the controversy has not been resolved within four months following the date on which one of the Contracting Parties has made known its intention to begin the procedure set-out in the previous paragraph, such controversy will be submitted to the International Court of Justice upon the request of one of the Contracting Parties.

Article 4: None of the provisions of the present Convention will affect the regime of the waters or the airspace above them.

Article 5: A Contracting Party will take all possible measures to avoid that the exploration of the Continental shelf in the Mediterranean Sea and the exploitation of its natural resources will prejudice the ecological equilibrium of the said sea or interfere (entorpezcan) unjustifiably with other legitimate uses thereof.

Article 6: The present Convention will be ratified and the instruments of the ratification will be exchanged in Rome. It will come in force on the day of the exchange of the instruments of ratification.

In witness thereof, the respective Plenipotentiaries have signed the present Convention.

Done in Madrid on the 19th of February 1974 in two originals, each one in Italian and Spanish, both text being equally authentic.

Analysis

The continental shelf boundary is depicted on the attached map, which has been based on United States DMAHTC Chart 310. The straight lines drawn on the map are rhumb lines. According to the treaty, however, the boundary is defined by segments of geodesics. For this analysis, geodesic distances have been calculated by computer on a spheroid different from the one utilized by the two countries. Slight discrepancies may, therefore, appear in any comparison.

The continental shelf boundary is comprised of nine segments, eight turning points, and two terminal points. The boundary runs generally in north-south direction in rather deep water (over 200 fathoms) for a total distance of 137.19 nautical miles. The boundary is situated in between Minorca Island (Spain) and Sardinia (Italy). These islands are situated approximately 125 nautical miles and 115 nautical miles from their respective mainlands.

According to the treaty, the boundary has been developed using the equidistance method. The attached appendix lists the relevant geographical characteristics of the boundary line. It will be noted that most turning points are not located precisely equidistant from both baselines. Where possible, published basepoint coordinates have been used to calculate basepoint-to-boundary turning point distances. Although both Italy and Spain have claimed straight baseline systems for the islands of Sardinia and Minorca, it appears that the straight baselines have not been used in determining the course of the equidistant line. Given slight discrepancies in any calculation comparison, it appears that the parties have sought to develop a true equidistant line. Three turning points (B, H, and L), however, calculate to be more than 1 nautical mile closer to one coast than to the other.

The two states have agreed that for the time being the boundary will not extend north of point A and south of point L, presumably to take into account future negotiations with third parties. Assuming the equidistance method is utilized, the Italo-Spanish boundary will continue another 5 miles northward, where a trijunction will be encountered with France. A potential Algerian maritime zone will be encountered approximately 8 miles south of point L.

APPENDIX
ITALY-SPAIN CONTINENTAL SHELF BOUNDARY

| TURNING POINT | DISTANCE BETWEEN TURNING POINTS (Nautical Miles) | ITALIAN TERRITORY | DISTANCE TO TURNING POINTS (Nautical Miles) | SPANISH TERRITORY |
|---------------|--|--|---|--------------------------------------|
| A | 2.90 | Rock, northwest of Pt. Scoglietto* (Sardinia) | 102.0 | Cabo Favaritx** (Minorca) |
| B | 31.74 | Rock, northwest of Pt. Scoglietto* Capo Dell' Argentiera* (Sardinia) | 101.0 101.4 | Cabo Favaritx** |
| C | 4.08 | Capo Dell' Argentiera* Isola Plana* | 91.8 | Cabo Favaritx** Isola Colom |
| D | 4.49 | Capo Dell' Argentiera* Isola Plana* | 91.5 | Isola Colom |
| E | 5.96 | Isola Foradaca* Isola Plana* Isola Foradaca* | 91.1 91.6 91.0 | Punta del Espero Punta del Espero |
| F | 20.33 | Isola Plana* Isola Foradaca* Capo Caccia (Sardinia) | 90.0 90.3 90.9 | Punta del Espero** |

| TURNING POINT | DISTANCE BETWEEN TURNING POINTS (Nautical Miles) | ITALIAN TERRITORY | DISTANCE TO TURNING POINTS (Nautical Miles) | | SPANISH TERRITORY |
|---------------|--|-------------------------|---|------|--------------------|
| G | 24.18 | Isola Foradaca* | 90.9 | 91.4 | Punta del Espero** |
| | | Capo Caccia | 91.4 | | |
| | | Il Catalano* | 91.6 | | |
| H | 17.13 | Il Catalano* | 92.7 | | Punta del Espero** |
| | | Isole di San Pietro | 90.4 | 92.5 | |
| | | Isola di San Pietro*(2) | 93.3 | | |
| I | 26.38 | Isoladi San Pietro*(2) | 93.6 | 93.1 | Punta del Espero** |
| | | | | 93.1 | Isla del Aire** |
| L | | Isoladi San Pietro*(2) | 97.6 | 98.6 | Isla del Aire** |

* Coordinates for this Italian basepoint taken from Presidential Decree No. 816 of April 26, 1977; Gazetta Ufficiale No. 305, November 9, 1977.

** Coordinates for this Spanish basepoint taken from Royal Decree No. 2510/1977 of August 5, 1977; Bulletin Oficial Des Estado No. 234, September 30, 1977.