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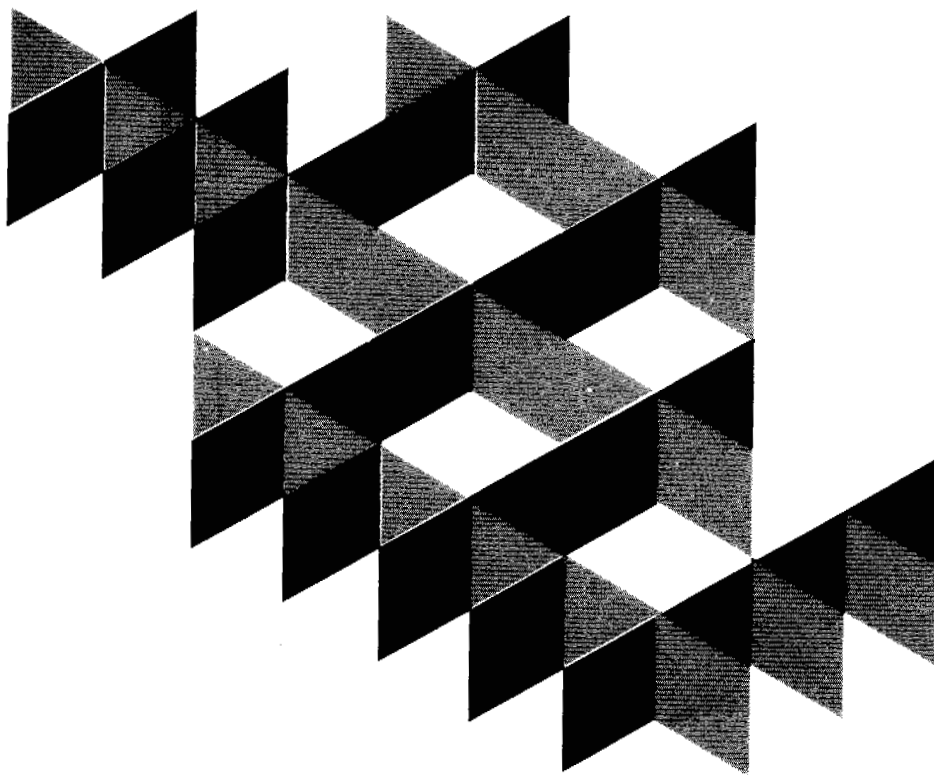


Limits in the Seas

No. 97

MARITIME BOUNDARIES:

COSTA RICA - PANAMA



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.

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Office of The Geographer
Bureau of Intelligence and Research

MARITIME BOUNDARIES: COSTA RICA-PANAMA

On February 2, 1980, the Governments of the Republic of Costa Rica and the Republic of Panama signed an agreement delimiting maritime boundaries in the Caribbean Sea and in the Pacific Ocean. The treaty entered into force upon the exchange of instruments of ratification on February 11, 1982. The full text (translation) of this agreement is as follows:

TREATY CONCERNING DELIMITATION OF MARINE AREAS AND
MARITIME COOPERATION BETWEEN THE REPUBLIC OF COSTA RICA
AND THE REPUBLIC OF PANAMA

The Republic of Costa Rica and the Republic of Panama,

CONVINCED that cooperation is the most effective way of dealing with matters of common interest to nations, especially when they share the same geographic area;

AWARE of the advisability and need to delimit their marine areas in the Caribbean Sea and the Pacific Ocean;

FULLY convinced of the need to safeguard their sovereignty and jurisdiction over their respective marine areas, and the need for unimpeded and rapid transit through such areas;

MUTUALLY interested in adopting appropriate measures to protect, preserve, and utilize the resources in the aforementioned areas and to prevent, control, and eliminate pollution in those areas;

HAVE RESOLVED to conclude a Treaty and, to that end, have appointed their plenipotentiaries as follows:

His Excellency the President of the Republic of Costa Rica: His Excellency Rafael Angel Calderon Fournier, Minister of Foreign Relations; and

His Excellency the President of the Republic of Panama: His Excellency Carlos Ozores Typaldos, Minister of Foreign Affairs.

ARTICLE I

[The Republic of Costa Rica and the Republic of Panama have decided] to establish as the boundary between their marine areas the following lines:

- A. Caribbean Sea (1)
- B. Pacific Ocean (2)

(1) In the Caribbean Sea: The median line every point of which is equidistant from the nearest points on the baselines

from which the breadth of the territorial sea of each state is measured in accordance with public international law; from the termination of the land boundary between the two countries, at a point located in the mouth of the Sixaola River, latitude 09°34'16" North, longitude 82°34'00" West, along a straight line to a point located at latitude 10°49'00" North, longitude 81°26'08.2" West, where the boundaries of Costa Rica, Colombia, and Panama intersect.

(2) In the Pacific Ocean: The median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each state is measured in accordance with international public law; the boundary between the maritime areas of the two countries shall consist of a straight line starting at the southernmost point of the land boundary at Punta Burica and terminating at a point at latitude 05°00'00" North and longitude 84°19'00" West.

Additional Clause: The lines and points agreed upon are shown on the nautical chart which is signed by the plenipotentiaries and is attached to this treaty as an annex with the agreement that, in all cases, the text of this treaty shall prevail.

Article II

[The parties will] accept and respect the ways in which each of the two states currently exercises, or may exercise in the future, its sovereignty, jurisdiction, protection, control, or rights in the marine areas adjacent to its coasts, as delimited by this treaty, in accordance with the measures that each country has established or may establish in the future and with the regulations of its domestic law.

Article III

The Republic of Panama, in view of the great importance of specific recognition by the Republic of Costa Rica, as a neighboring country, of the Gran Golfo de Panama (Gulf of Panama) as an historic bay, has requested such recognition from Costa Rica.

The Republic of Costa Rica, aware that its specific recognition that the Gran Golfo de Panama (Gulf of Panama) has the nature of an historic bay is very important insofar as the incontestability of that nature is concerned, declares that it does not object to the provisions to that effect set forth by the Republic of Panama in its Law No. 9 of January 30, 1956.

ARTICLE IV

[The parties will] cooperate fully in order to protect the renewable and nonrenewable resources within the marine areas over which they exercise, or will exercise in the future, sovereignty, jurisdiction, or surveillance, and in order to utilize such resources for the benefit of their own countries.

ARTICLE V

[The parties will] encourage the fullest international cooperation in order to coordinate the conservation measures each state applies in the areas of the sea under its sovereignty or jurisdiction, especially with respect to migratory species, taking into consideration the recommendations of competent agencies and the most reliable, up-to-date scientific data. Such international cooperation will not impair the sovereign right of each state to adopt, within the framework of its own marine jurisdiction, any rules and regulations that it deems appropriate.

ARTICLE VI

[The parties will] mutually facilitate in every way possible the development and utilization of living resources in their marine areas.

ARTICLE VII

Each party will cooperate with the other, to the best of its ability, in applying the most appropriate measures to prevent, reduce, and control pollution of the marine environment that may affect the neighboring state, regardless of the source. To that end, they will coordinate their efforts to the extent possible under domestic law.

ARTICLE VIII

[The parties will] cooperate fully in encouraging expeditious movement of international navigation in the seas subject to each state's sovereignty or jurisdiction.

ARTICLE IX

Ratification of this treaty will be subject to the constitutional process of each of the contracting parties. The treaty will enter into force upon the exchange of the instruments of ratification in Panama City.

Analysis

The Costa Rica-Panama maritime boundaries are depicted on the attached illustrative map. According to Article I of the agreement, an official map was attached to the treaty.

The course of the boundaries is defined in Article I of the agreement. In the Caribbean the boundary consists of one segment, which connects the land boundary terminus to a point to the northeast where the maritime "limits of Costa Rica, Colombia, and Panama intersect."¹ The boundary traverses rather deep waters; it reaches the 100-fathom depth contour only four nautical miles from the coast, and at the tripoint with Colombia the water depth exceeds 1600 fathoms.²

The treaty states that the boundary is a "median line whose points are all equidistant from the points nearest to the base from which the width of the territorial sea of each State is measured..."; the boundary, however, is not an equidistant line in its entirety. A boundary of one segment would only be an equidistant line if the coasts were perfectly straight and smooth. This boundary may be said to be akin to a perpendicular to the general direction of the coastline measured in the area of the land boundary terminus. The maritime boundary and an equidistant line coincide from the land boundary terminus to a point on the boundary approximately 32 nautical miles seaward from the coast.

At this point other coastal features would influence the course of an equidistant line; in particular, Panama's Isla de Colon and Costa Rica's Punta Mona, situated about 19 nautical miles and 6 nautical miles, respectively, from the land boundary terminus, would cause the equidistant line to deviate from the agreed boundary. The seaward terminus of the boundary is approximately 100.1 nautical miles from Isla de Colon, the nearest Panamanian or Costa Rican territory (this "tripoint" is about 84 nautical miles south of Cayos de Albuquerque).

Similar to the boundary in the Caribbean Sea, the negotiated boundary in the Pacific Ocean consists of one segment. The boundary extends from the land boundary terminus at Punta Burica southwestward to a point on the 5° parallel of north latitude 200 nautical miles from Punta Burica.

1. For a discussion of the other boundaries, see Limits in the Seas No. 79, "Maritime Boundaries: Colombia-Panama" and No. 84, "Maritime Boundary: Colombia-Costa Rica."

2. One fathom = 6 feet = 1.829 meters.

The 100-fathom depth contour is crossed approximately 3.5 nautical miles from the coast; the final boundary point is situated in an area where the water depth exceeds 1000 fathoms.

Although the treaty states that this boundary also is a median line, it also is more akin to a perpendicular to the general direction of the coast. To consider the boundary an equidistant line one would have to disregard coastal irregularities and a number of near-shore Panamanian islands and the Costa Rican Isla del Coco, the latter of which is about 165 nautical miles from the terminus of the maritime boundary.

On a non-boundary issue, Article III constitutes Costa Rica's acknowledgment of Panama's claim to the Gulf of Panama as a historic bay.³

3. The United States Government does not concur with the principle set forth in Article III of this treaty.