

No. 16398

**COLOMBIA
and
PANAMA**

**Treaty on the delimitation of marine and submarine areas
and related matters (with maps). Signed at Cartagena
on 20 November 1976**

Authentic text: Spanish.

Registered jointly by Colombia and Panama on 3 February 1978.

**COLOMBIE
et
PANAMA**

**Traité relatif à la délimitation des zones marines et sous-
marines et à des sujets connexes (avec cartes). Signé à
Carthagène le 20 novembre 1976**

Texte authentique : espagnol.

Enregistré conjointement par la Colombie et le Panama le 3 février 1978.

[TRANSLATION — TRADUCTION]

TREATY¹ ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND RELATED MATTERS BETWEEN THE REPUBLIC OF PANAMA AND THE REPUBLIC OF COLOMBIA

The Republic of Panama and the Republic of Colombia,

Aware of the fact that international co-operation and reciprocity offer the best means of settling matters of common concern to friendly nations, especially when those nations are linked naturally by proximity;

Being of one mind with respect to the expediency and necessity of delimiting their marine and submarine areas in the Pacific Ocean and the Caribbean Sea;

Having agreed on the safeguarding of sovereignty and jurisdiction in the marine areas belonging to each country and of free and expeditious passage through them;

Believing the adoption of satisfactory measures for the preservation, conservation and exploitation of existing resources in those waters and the prevention, control and elimination of pollution therein to be in their mutual interest, and

Convinced of the desirability of the adoption by the two States of measures based on recent developments in the law of the sea,

Have decided to conclude a treaty and have for that purpose appointed as their Plenipotentiaries:

His Excellency the President of the Republic of Panama: His Excellency Mr. Aquilino E. Boyd, Minister for Foreign Affairs;

His Excellency the President of the Republic of Colombia: His Excellency Dr. Indalecio Liévano Aguirre, Minister for Foreign Affairs;

who, having exchanged their full powers, found to be in good and due form, have agreed on the following:

Article I. To designate as the boundary between their respective marine and submarine areas, irrespective of the legal regime established or to be established therein:

A. *In the Caribbean Sea:*

1. The median line whose points are all equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured, from the point at which the international land frontier meets the sea at Cape Tiburón (latitude 8° 41' 07" 3 north and longitude 77° 21' 50" 9 west) to a point situated at latitude 12° 30' 00" north and longitude 78° 00' 00" west.

In accordance with the principle of equidistance hereby agreed upon, except for a few minor deviations which have been agreed upon in order to simplify the drawing of the line, the median line in the Caribbean Sea shall be constituted by straight lines joining the following points:

¹ Came into force on 30 November 1977, the date of exchange of the instruments of ratification, which took place at Panama, in accordance with article VII.

	<i>Latitude north</i>	<i>Longitude west</i>
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. From the point at latitude 12° 30' 00" north and longitude 78° 00' 00" west the delimitation of the marine and submarine areas belonging to each State shall be constituted by a series of straight lines joining the following points:

	<i>Latitude north</i>	<i>Longitude west</i>
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"

From Point M, the delimitation continues in a straight line at azimuth 225° (45° south-west) to the point where the maritime boundaries with a third State require delimitation.

B. *In the Pacific:*

1. The median line whose points are all equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured, from the point at which the international land frontier meets the sea at latitude 7° 12' 39" 3 north and longitude 77° 53' 20" west to the point situated at latitude 5° 00' 00" north and longitude 79° 52' 00" west.

In accordance with the principle of equidistance hereby agreed upon, except for some minor deviations which have been agreed upon to simplify the drawing of the line, the median line in the Pacific Ocean shall be constituted by straight lines joining the following points:

	<i>Latitude north</i>	<i>Longitude west</i>
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. From the point situated at latitude 5° 00' 00" north and longitude 79° 52' 00" west the delimitation of the marine and submarine areas belonging to each State shall be constituted by the parallel 5° 00' 00" as far as the point where delimitation with a third State is required.

Paragraph: The lines and points agreed upon are shown on the nautical charts which, having been signed by the plenipotentiaries, are appended to this Treaty as annexes I and II,¹ it being understood that the wording of the Treaty shall prevail in all cases.

Article II. To recognize and respect the procedures through which each State at present exercises or may in future exercise sovereignty, jurisdiction, surveillance, control or rights in the marine and submarine areas adjacent to its coasts delimited by virtue of this Treaty, in accordance with the conditions established or to be established by each country and with the regulations of its own domestic law.

Article III. In view of the great importance which the Republic of Panama attaches to express recognition by the Republic of Colombia, as the neighbouring country on the Gulf of Panama, of that gulf's status of historic bay, it has requested such recognition of Colombia.

The Republic of Colombia, aware that its express recognition that the Gulf of Panama has the status of historic bay is of great importance for the incontrovertibility of that status, declares that it has no objection to the provisions on that subject set forth by the Republic of Panama in Act No. 9 of 30 January 1956.

Article IV. The Republic of Panama and the Republic of Colombia shall, on a reciprocal basis, recognize, in the marine areas under their sovereignty, jurisdiction, surveillance or control, freedom of navigation, innocent passage and transit passage, as appropriate, for their vessels sailing in those areas. Such recognition shall apply without prejudice to the right of each Party to designate sea lanes and traffic separation schemes in its territorial sea, and to the observance of the provisions of the domestic law of each Party and of international law.

Article V. To promote co-operation between the two States in order to co-ordinate any conservation measures applied by each of them in the marine areas under its sovereignty, jurisdiction, surveillance or control, particularly in respect of species which migrate beyond their respective marine areas, taking into account for that purpose the recommendations of the competent agencies and the most reliable and up-to-date scientific data.

Such co-operation shall not affect the sovereign right of each State to adopt, within the framework of its respective jurisdiction, such rules and regulations as it deems appropriate.

Article VI. Each Party affirms its resolve to co-operate with the other, to the maximum extent possible, in the implementation of the most satisfactory measures to prevent, reduce and control any pollution of the marine environment, from whatever source, which may affect the neighbouring State, and to co-ordinate, as far as possible, any measures to that end provided for in its domestic law.

Article VII. This Treaty shall be submitted for ratification through the constitutional procedures of the High Contracting Parties and shall enter into force upon the exchange of instruments of ratification, which shall take place at Panama.

¹ See insert in a pocket at the end of this volume.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Treaty, in duplicate, on this twentieth day of November one thousand nine hundred and seventy-six, at Cartagena, Republic of Colombia.

[Signed]

AQUILINO E. BOYD

[Signed]

INDALECIO LIÉVANO AGUIRRE
