UTT Symposium on Enhancing Ocean Governance

Review of maritime delimitation in the southern Caribbean

Gerald Thompson

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Legal obligation: Article 15 of UNCLOS stipulate a median line delimitation of the territorial sea. Articles 74 and 83 stipulate that the delimitation of the exclusive economic zone ("**EEZ**") and of the continental shelf ("**CS**") between States with opposite or adjacent coasts, "*shall be effected by **agreement** on the **basis of international law**, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve **an equitable solution***".

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Why is delimitation necessary?

Predictability and stability: in conserving and sustainably using the living and non-living resources of its EEZ and CS, the coastal State needs the predictability and stability of knowing with certainty where its jurisdiction ends and the jurisdiction of another coastal State begins.

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Predictability and stability

A coastal State has obligations under IL to other States which use the sea. Which State has jurisdiction over certain maritime spaces is important to regulate: **innocent passage** in the territorial sea and archipelagic waters; **transit passage** through straits and archipelagic sea lanes; **navigation and overflight**; **laying of submarine cables and pipelines**; and **access to the surplus** of the allowable catch.

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Practical necessity

Negotiated Maritime Boundaries

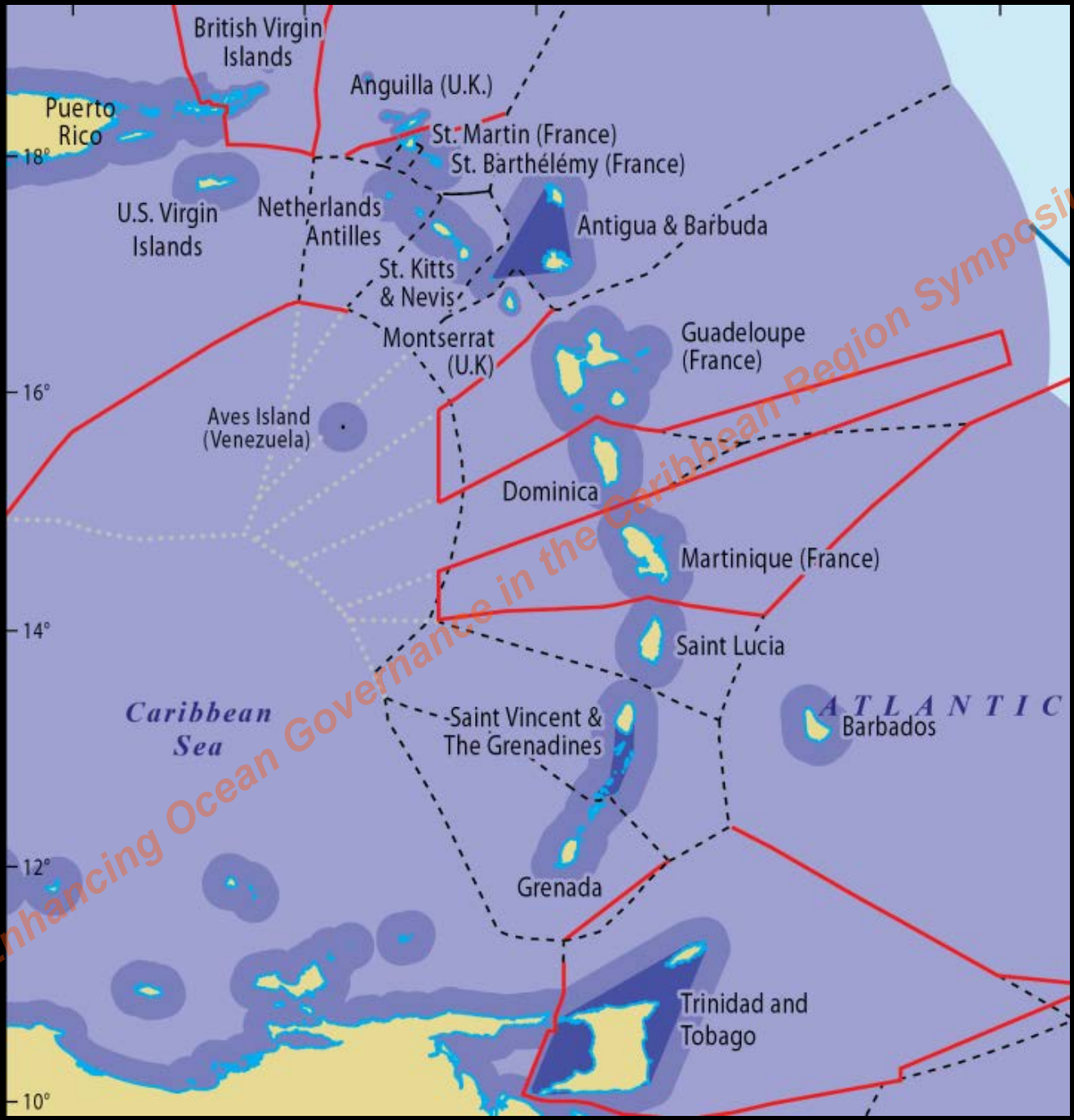
- UK-Venezuela Gulf of Paria Treaty, 1942
- United States of America- Venezuela (Aves Island), 1978
- Venezuela and The Netherlands, 1978
- Venezuela and the Dominican Republic, 1979
- French Republic (Martinique and Guadeloupe) and Venezuela (Aves Island), 1980
- French Republic (Martinique) and Saint Lucia, 1981
- French Republic and Barbados, 2009
- Trinidad and Tobago and Grenada, 2010
- Barbados and Saint Vincent and the Grenadines, 2015.

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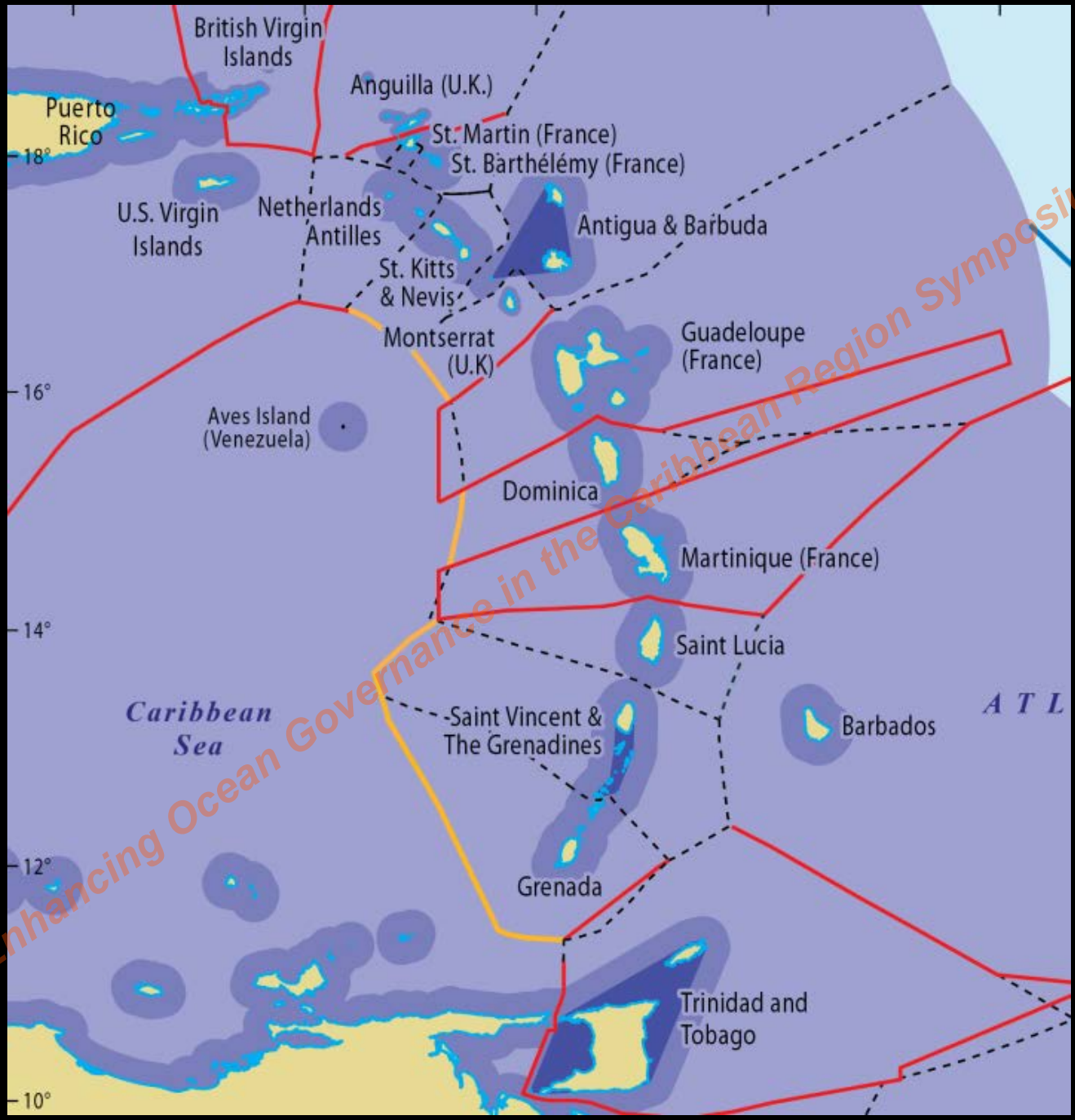
Maritime boundaries settled by arbitration

- Barbados v. Trinidad and Tobago Trinidad, Award delivered 11 April 2006; and
- Guyana v. Suriname, Award delivered 17 September 2007.

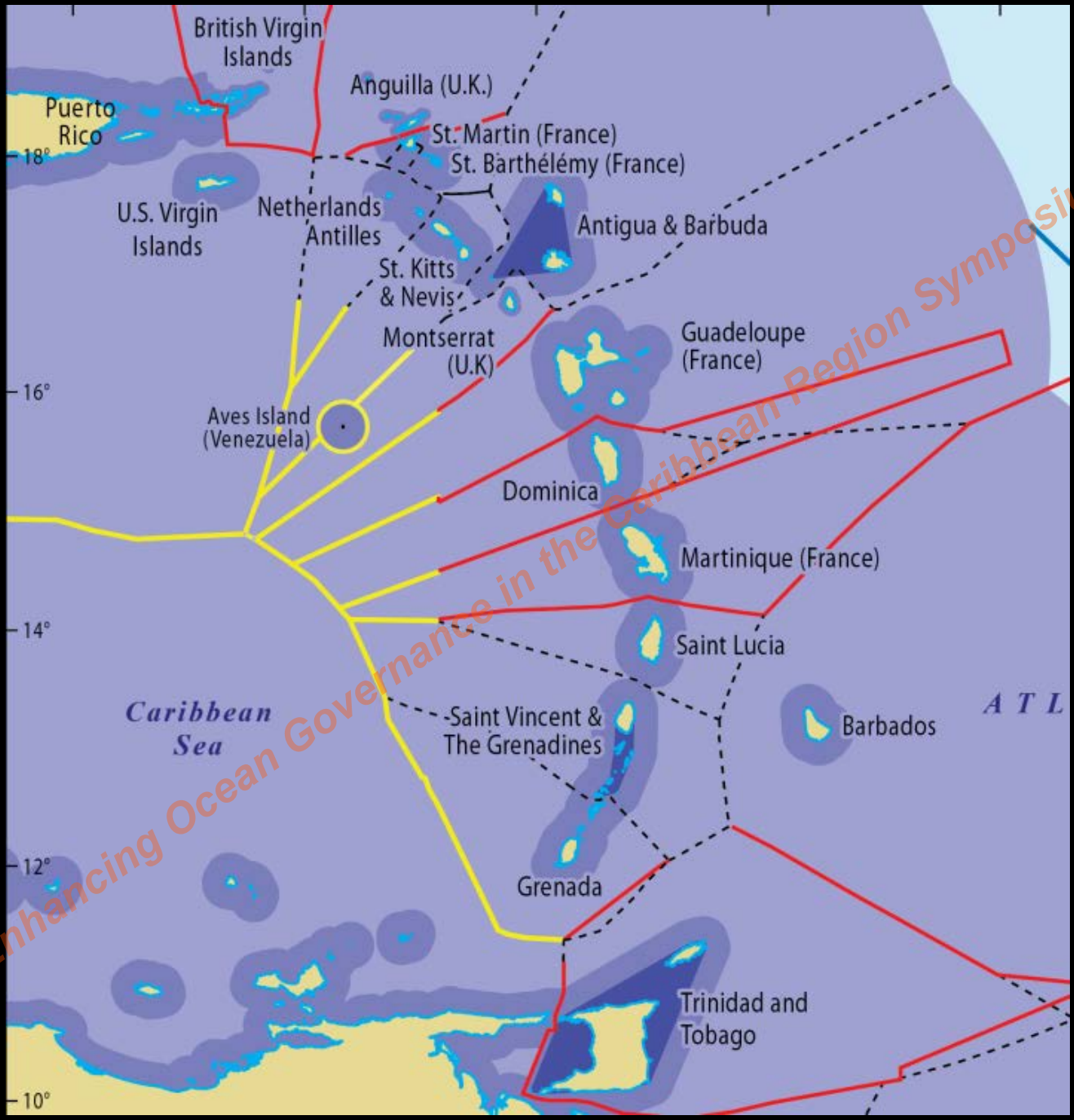
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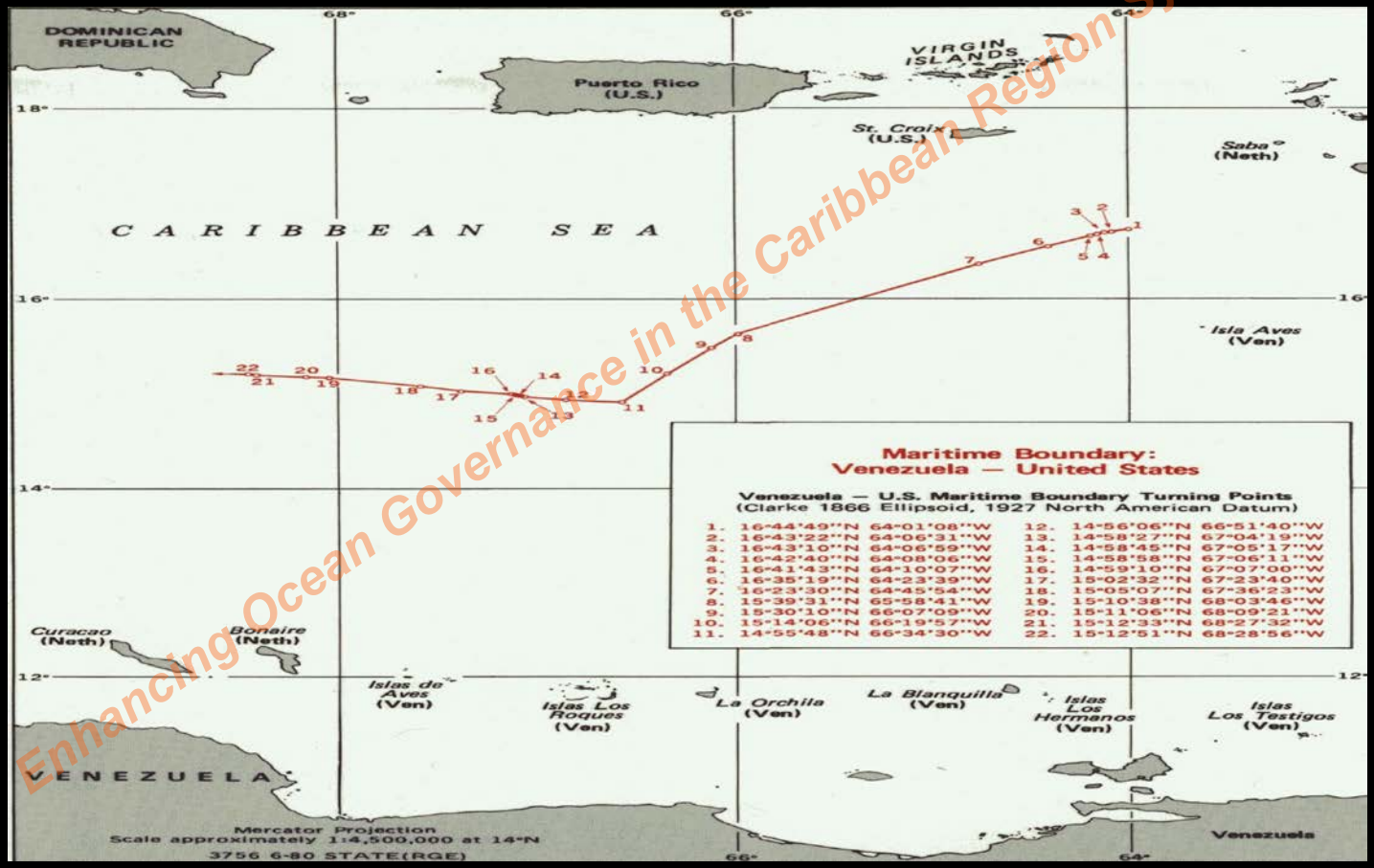
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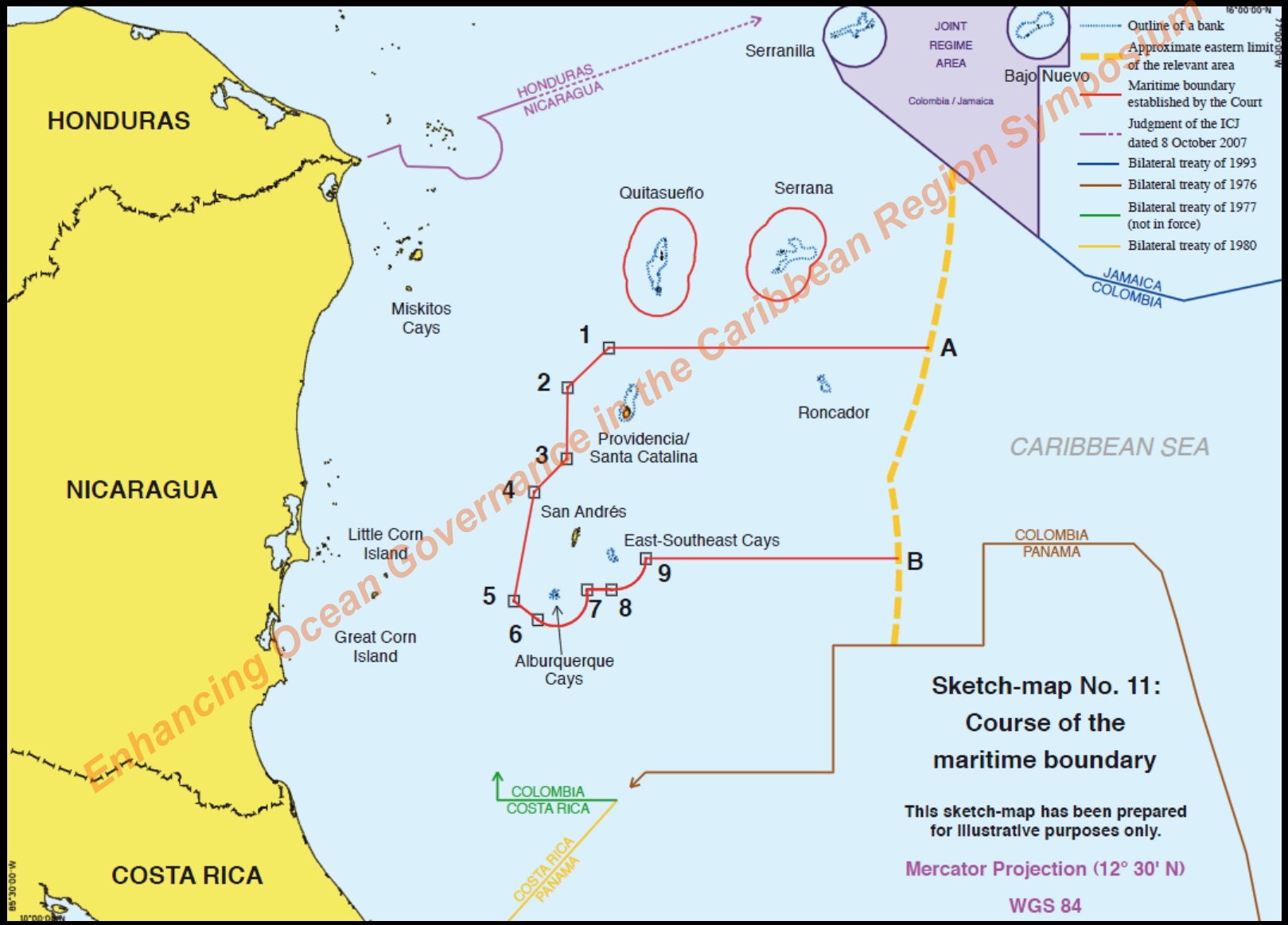
US-Venezuela Delimitation Agreement (Aves Island)

Equidistance boundary between Aves and US Virgin Is



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Nicaragua v. Colombia Judgment, 2012



Nicaragua v. Colombia Judgment, 2012

"It has not been suggested by either Party that QS 32 is anything other than a rock which is incapable of sustaining human habitation or economic life of its own under Article 121, paragraph 3, of UNCLOS, so this feature generates no entitlement to a continental shelf or exclusive economic zone."

Judgment, Paragraph 183

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Quitasueño, QS 32



QS 32:
14° 22′ 07.2″N;
81° 08′ 31.5″W

Coral 1.505 meters above MSL.

Time 10:25
Date 1 Dec 09

Note the white guano on the rock indicating that it is above water at all times.

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Nicaragua v. Colombia Judgment, 2012

"In the case of Serrana, the Court recalls that it has already concluded that it is unnecessary to decide whether or not it falls within the rule stated in Article 121, paragraph 3, of UNCLOS.* Its small size, remoteness and other characteristics mean that, in any event, the achievement of an equitable result requires that the boundary line follow the outer limit of the territorial sea around the island." (*Para. 238)*

* "In the present case, the Court similarly concludes that it is not necessary to determine the precise status of the smaller islands, since any entitlement to maritime spaces which they might generate within the relevant area (outside the territorial sea) would entirely overlap with the entitlement to a continental shelf and exclusive economic zone generated by the islands of San Andrés, Providencia and Santa Catalina." (*Para .180)*

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Southwest Cay, Serrana Bank



http://oceandots.com/atlantic/san-andres/serrana-cay.php



http://en.wikipedia.org/wiki/File:Serrana.jpg

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Aves Island



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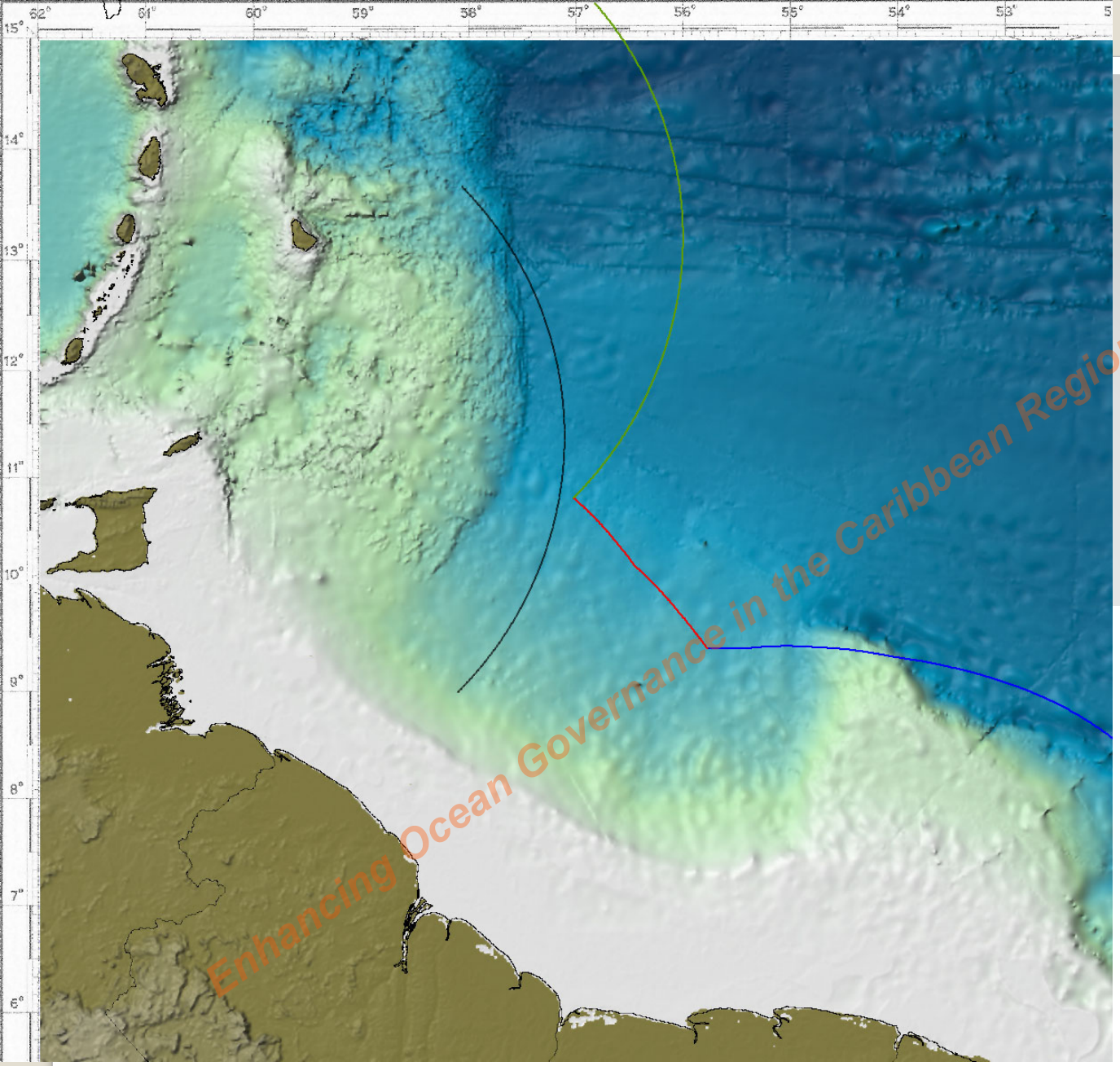
http://upload.wikimedia.org/wikipedia/commons/4/42/Isla_de_Aves_Venezuela_000.jpg

Some maritime boundaries still to be settled

- Grenada-Venezuela
- Guyana-Venezuela
- Trinidad and Tobago-Saint Vincent and the Grenadines
- Belize-Guatemala

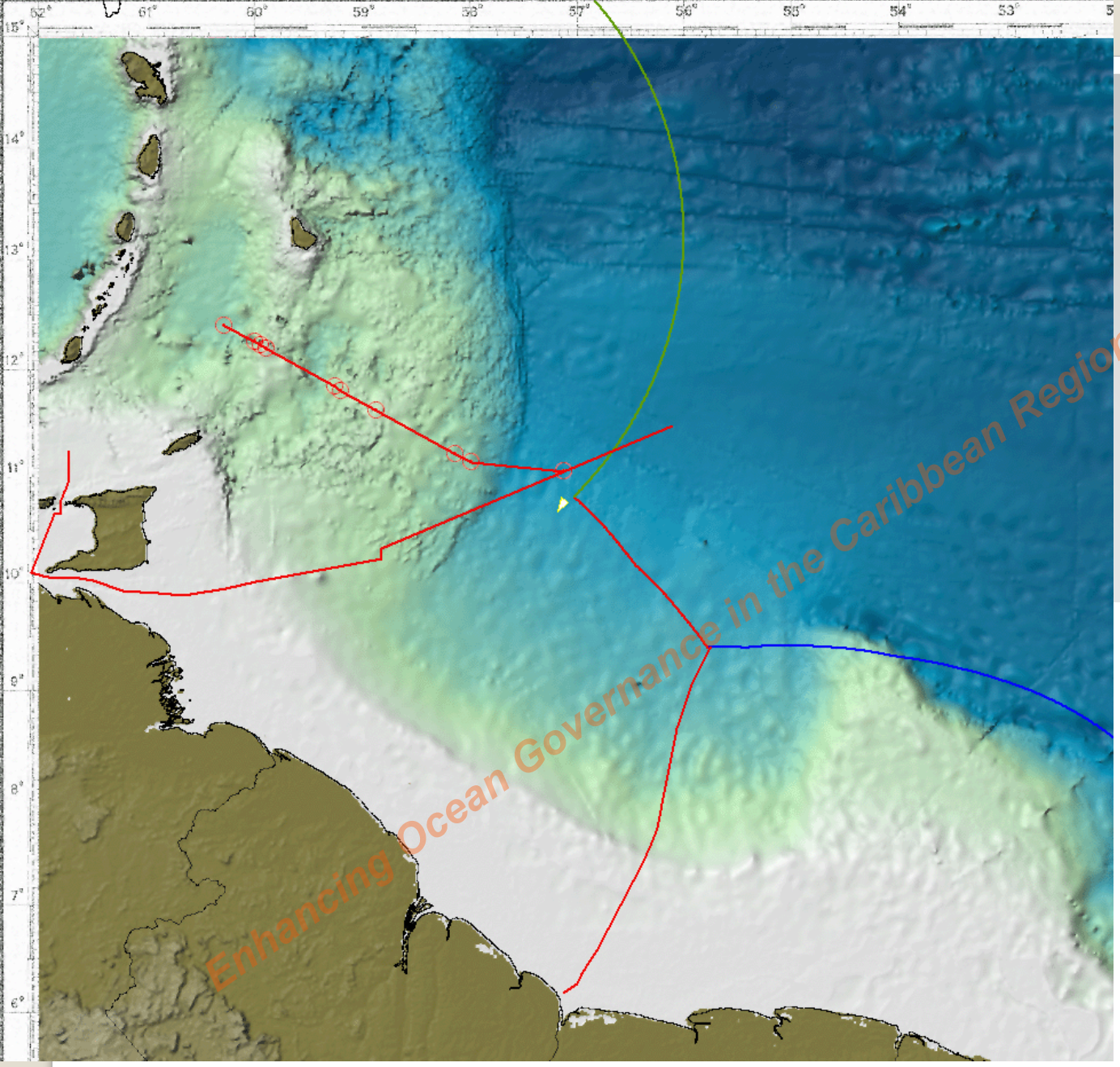
- The issue of equidistance in Grenada and Guyana negotiations

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Outer limits up to 200 M

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Agreements in force

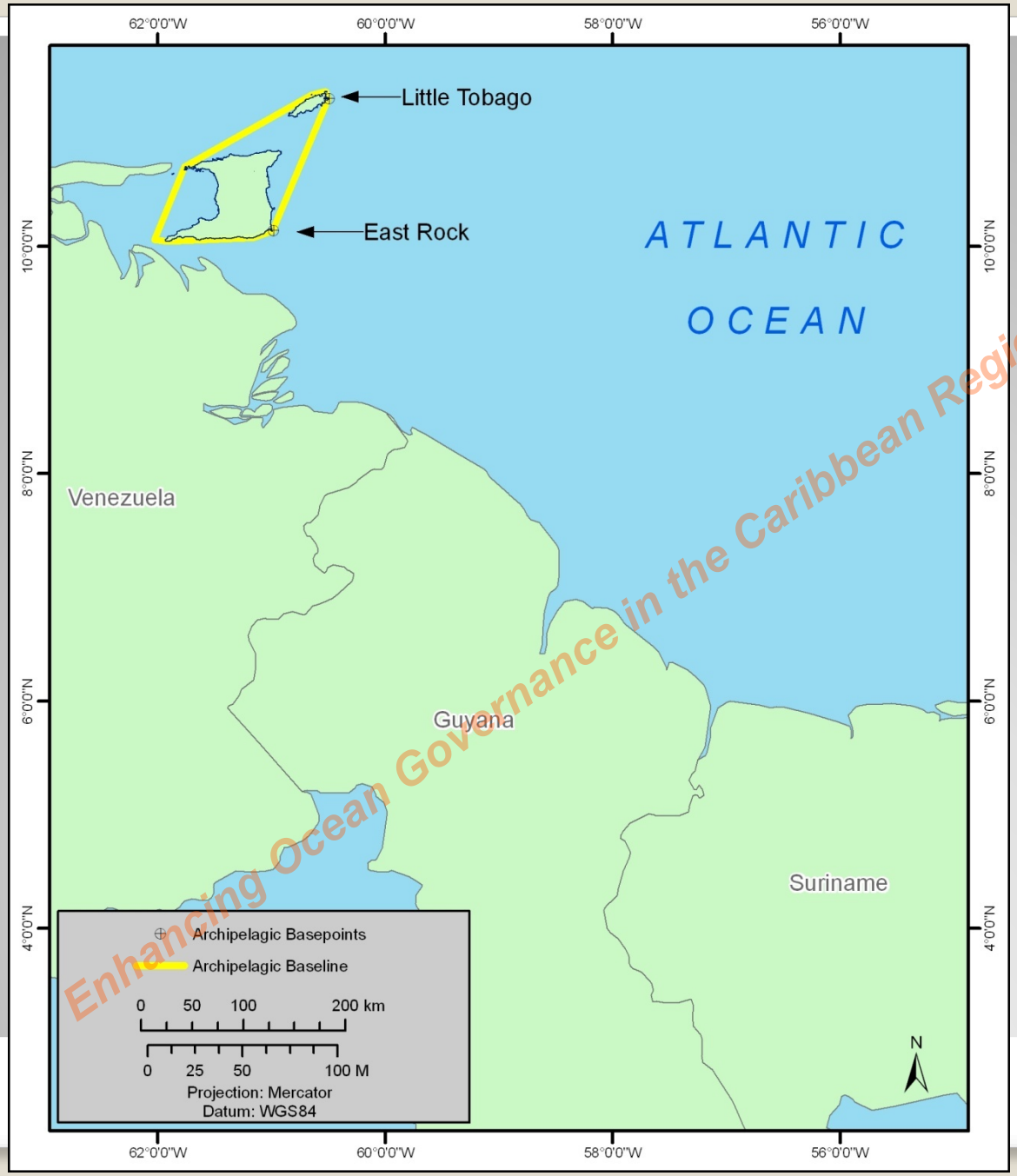
1990 Agreement binding on Trinidad and Tobago and Venezuela

2006 Award binding on Trinidad and Tobago and Barbados

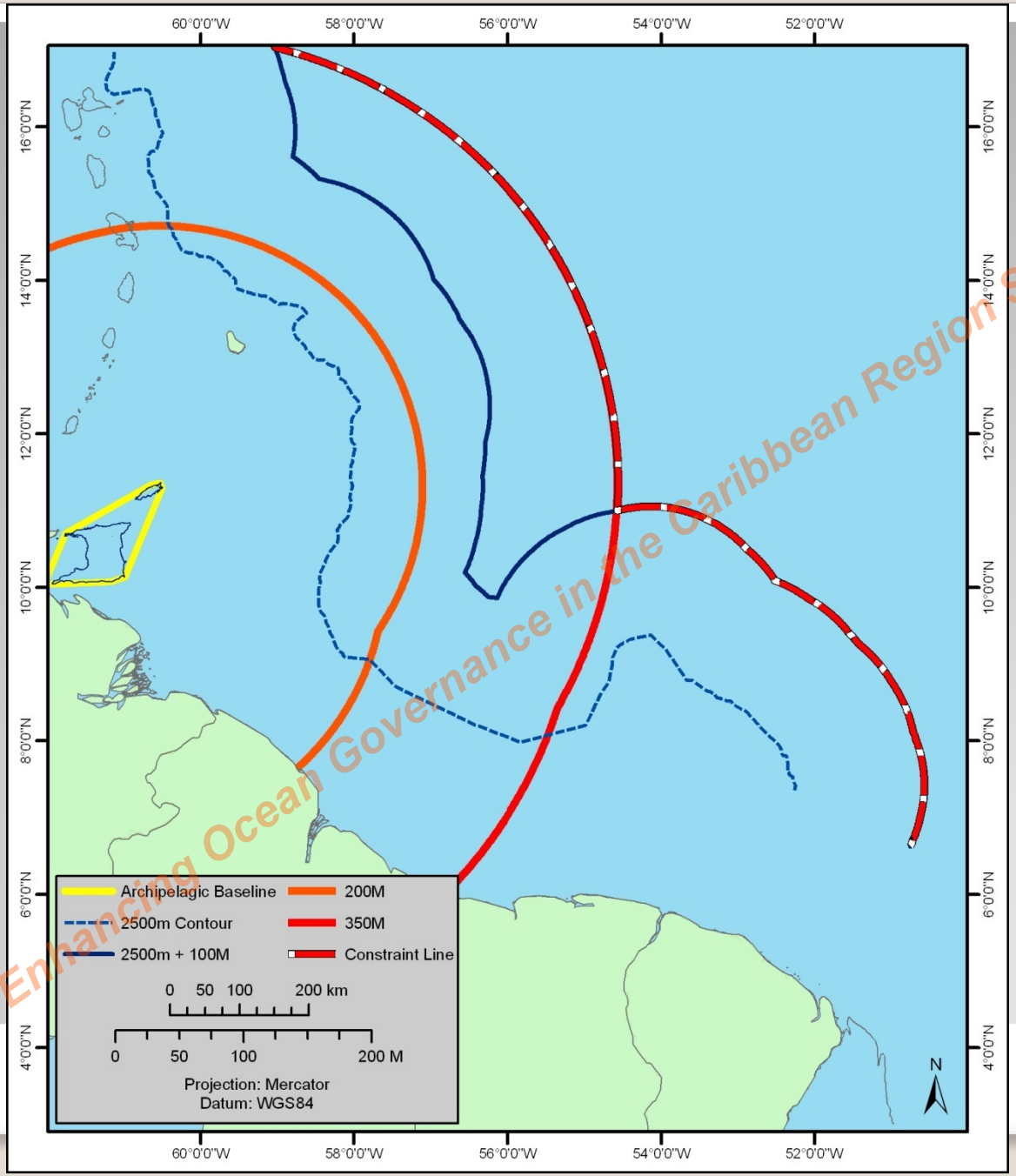
2003 Agreement binding on Guyana and Barbados

2007 Tribunal Award

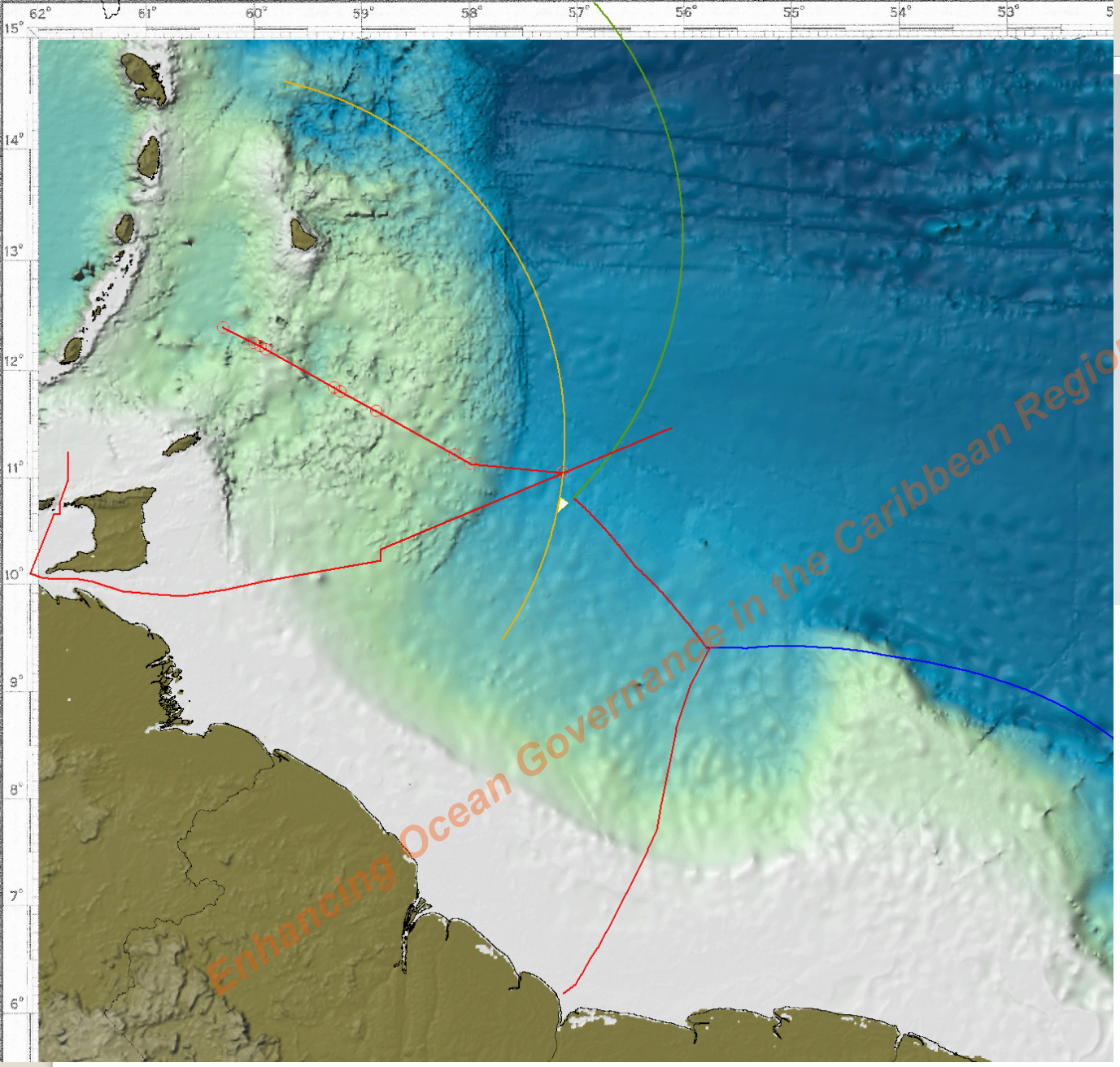
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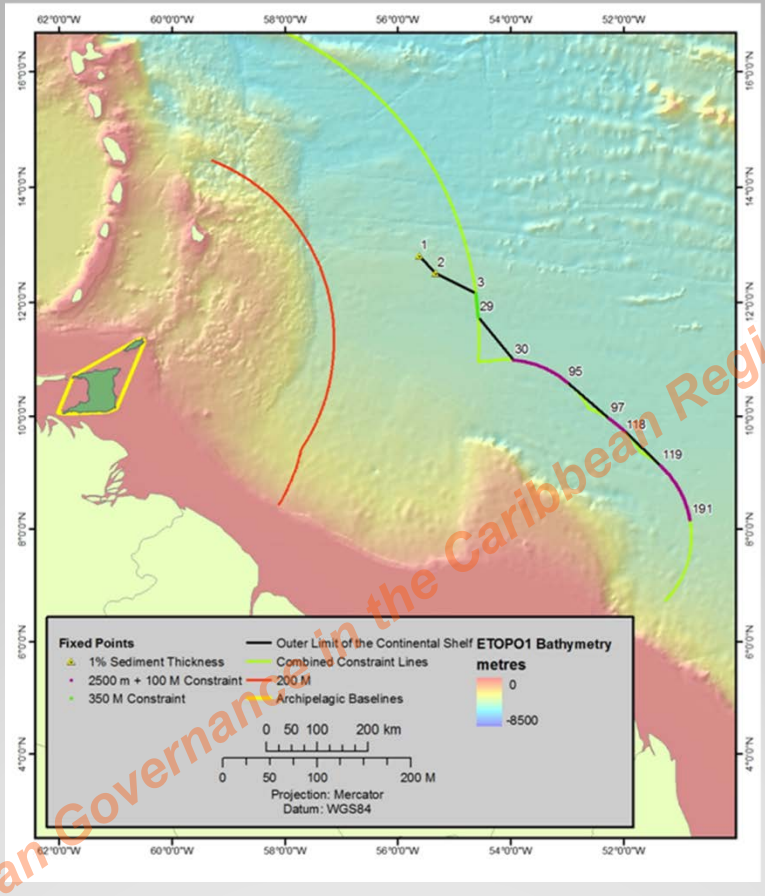


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The combined role of the boundary between Trinidad and Tobago and Venezuela and the 200 M outer limit from Trinidad and Tobago

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Outer limit of Trinidad and Tobago Continental Shelf

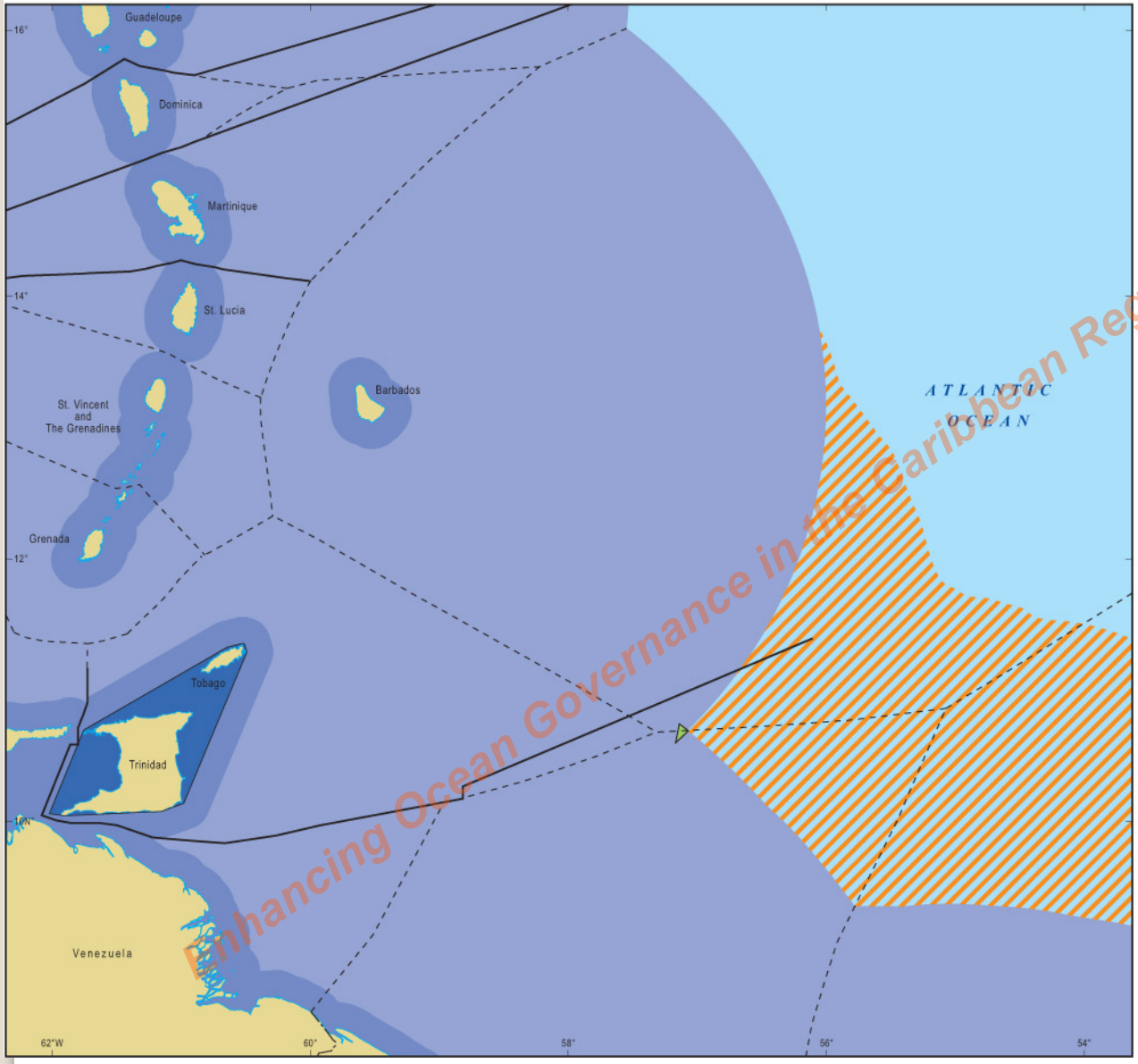


Figure 1.3

Potential extent of outer continental shelf in Atlantic sector (taken from Barbados Letter of 6 September 2004, Map 1)

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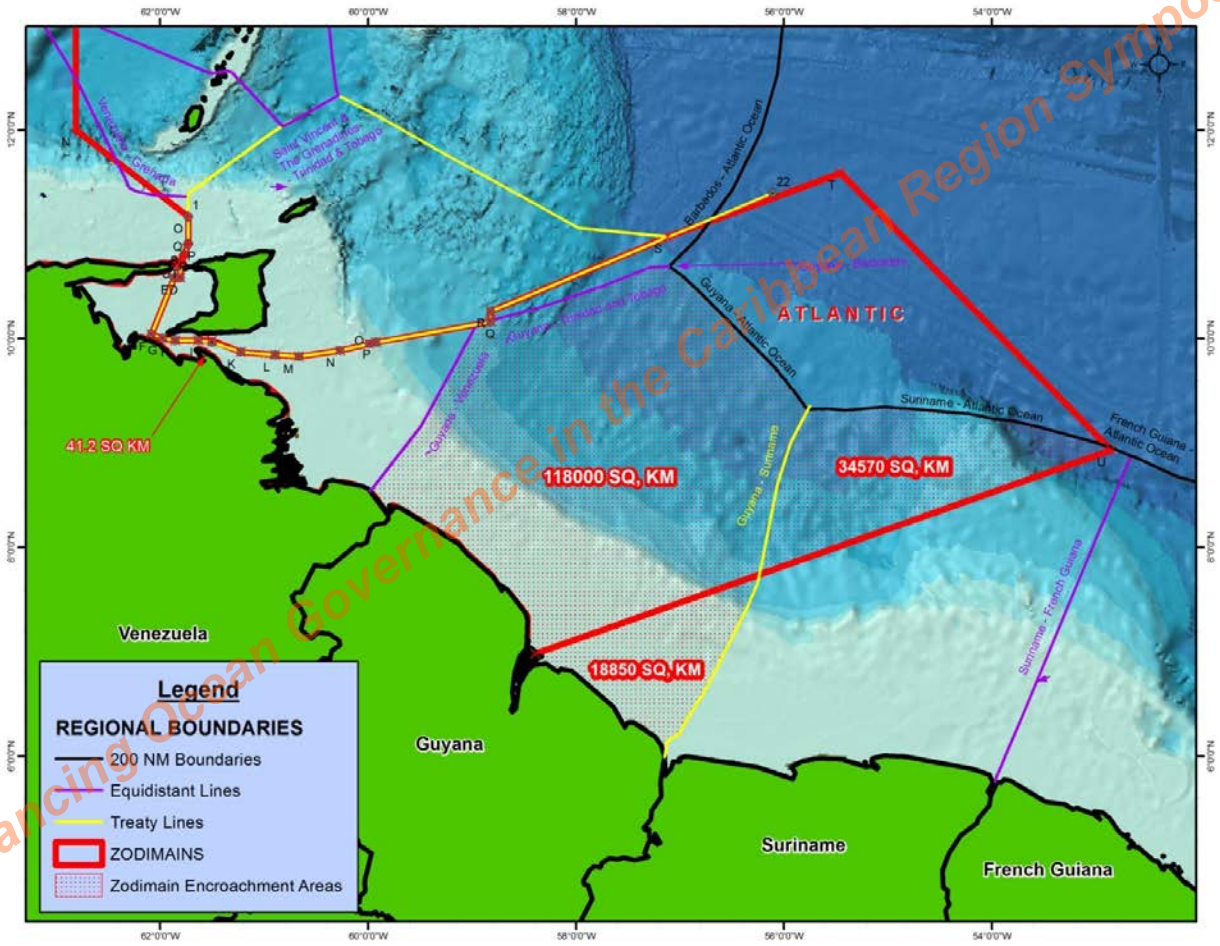
Map showing convergence of the extended CS of Barbados, Guyana, Suriname, Trinidad&Tobago and Venezuela



Source: Maps were adapted by Author from Google Earth, 2009 (http://earth.google.com/). This map as well as the rest of the maps from Google Earth are for illustrative purposes only.

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Effect of Venezuelan decree no. 1.787



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