Decree of 8 May 1986, containing general rules concerning the exploration for and exploitation of minerals (Mining Decree)

[original text at SCM, Vol. III, Annex 54]

Articles 1(h), 2(6) and 71

**Article 1**
In this Decree, the following terms mean:

[....]

h. Mining activities:
   Prospecting, exploration, exploitation, small-scale mining and exploitation of building materials.

[....]

**Article 2**

[....]

(6) Nobody is allowed to conduct mining and related activities otherwise than in accordance with legislation concerning mining. These activities may only be conducted after having obtained a title from the competent authority, as defined in Article 6.

[....]

**Article 71**
Anyone who:

a. conducts mining activities without having been granted a mining title;

[....]

will be punished with imprisonment for a maximum of two years and/or a monetary penalty of a maximum of hundred thousand guilders.
Rights to Oceanic Resources

Deciding and Drawing Maritime Boundaries

Edited by

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and

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Geographic Considerations in Maritime Boundary Delimitations

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1. INTRODUCTION

Anyone who has been involved in any stage of establishing a maritime boundary realizes that the process can be exceedingly complex. The geographical and technical aspects of maritime boundary delimitation are of first importance since one should have full appreciation of the area that is to be delimited prior to getting into the legal and political stages of the delimitation process.

While it often has been said that every boundary region is unique, such an observation is not very useful when seeking a boundary delimitation methodology. For that reason I would like to develop first some general categories into which boundaries can be placed. The categorization hopefully may assist in developing a framework from which comparative analysis of negotiated boundaries and potential boundaries can be made. Secondly, I will address several technical items that should be included in any maritime boundary agreement. Several boundary disputes have arisen due mainly to the omission of technical information in the original treaty or arbitration award. Although a limited amount of theory may be detected from my remarks, most of my observations will be based on state practice.

II. TYPES OF BOUNDARIES

A few years ago I attempted to inventory the maritime boundaries of the world. Several definitional questions arose which, depending on the answers, influenced my final count. I counted 377 potential boundaries. These included those that had been negotiated or arbitrated and those that were still unresolved. I am sure that others would arrive and indeed have arrived (there have been several people who have attempted to do this counting exercise) at different results. If I remember my criteria correctly, I counted negotiated continental shelf boundaries as completed boundaries. However, since my inventory I realize that this may not necessarily reflect the actual situation since one or both states may desire a boundary dividing the respective territorial seas, fishing zones, or exclusive economic zones (EEZs) in

a manner different than the way the continental shelf boundary was developed. Turkey, for example, has resisted Soviet attempts to convert their Black Sea continental shelf boundary to an EEZ boundary. From my reading on the problem I believe this is due mainly to historical fisheries that Turkey has which lie closer to the Soviet coast. On the other hand, some states, such as Finland and the Soviet Union in the Baltic, have agreed to use their previously negotiated continental shelf boundary as their maritime boundary separating water column jurisdiction. It also appears likely that later this year when the United Kingdom extends its territorial sea to 12 miles, that they and France will transform, by treaty, a part of their continental shelf boundary that is situated in the Dover Strait into a territorial sea boundary. Thus, my count of 377 that I took about a decade ago may be on the low side. Conversely, several potential boundaries in my count may not come to fruition due to the delimitation methods used by particular states. When one counts potential boundaries, equidistant lines, being mathematical constructs, are the easiest hypothetical boundaries to create. So when countries negotiate a non-equidistant boundary, some potential boundaries may become moot.

The former occurred when the Netherlands and Venezuela negotiated the boundary in the south-central Caribbean. Although their boundary approximates an equidistant line where it runs between the Netherlands Antilles and the Venezuelan mainland, the line deviates substantially from an equidistant line as it proceeds northward into the central Caribbean, to Venezuela’s favor. Thus, the northern terminus of that boundary is not an equidistant point between those two states. Consequently, a potential Netherlands-U.S. boundary (between the Netherlands Antilles and Puerto Rico) is no longer required since the U.S. and Dutch maritime zones no longer overlap.

I seem to be drawing out a point the reader may have concluded already. The value of knowing the absolute count for the number of boundaries may be limited. More important may be (1) the knowledge of the types of boundaries that have been delimited, (2) the geographical circumstances and any special treatments given to them, and (3) the methods used. An important first step in a comparative boundary analysis will be to understand fully the geographical features of the boundary region to be delimited. If a comparative analysis is to be made, the characterization of the boundary area usually will develop and change as more is known of other delimitations.

In the course of preparing for the Gulf of Maine arbitration, we reviewed and analyzed the state practice of world maritime boundaries with particular emphasis on identifying similarities and differences to the Gulf of Maine. This identification of similar and different geographical characteristics was done, of course, to support our position before the Chamber. It should be pointed out that in our particular review of boundaries in the comparative analysis of the geographical characteristics, we had a particular goal: to convince five judges that our boundary in the Gulf of Maine was, by all tests, a line based on equitable legal principles and suited to
the geographical realities of the region. I would like to think that our geographical analyses and subsequent presentations before the Court were objective and reasoned, and that we did not “refashion” geography to our liking. Needless to say that in preparing for either a round of bilateral negotiations or arbitration, the temptation exists to view the geography in a biased fashion.

III. GEOGRAPHICAL CONSIDERATIONS

What then are some of the geographical situations that have created delimitation difficulties for states? How have states negotiated or judges arbitrated boundaries taking into account (or in some cases failing to take into account) these geographical difficulties?

A. Location Factors

The first geographical factor that should be identified is the locational relationship between, or among, states in the region. This relationship essentially will determine the type of boundary delimitation required and perhaps suggest an appropriate methodology. Coastal states sharing a land boundary, at a minimum, will need a territorial sea boundary. Depending on the location of a third state, additional maritime boundaries will be needed to separate other maritime jurisdictions permitted under international law. Neighboring states not having a common land boundary may still need a delimited territorial sea and other maritime zones depending on the distance between their coasts, and in some instances non-adjointing states on the same coast may have a boundary.

B. Opposite v. Adjacent Relationships

The geographical relationship between states, (i.e., whether states are opposite or adjacent to each other) often is not apparent or clearly definable. States indeed are adjacent to each other at the point where their land boundary reaches the coast. States are indeed opposite where their coastlines face each other and are nearly parallel. But other geographical situations are not as clearly defined.

In its judgment in the North Sea Continental Shelf Cases, the ICJ made an interesting observation on this subject of adjacency. At one point in its deliberation the court said that Denmark and the Netherlands were neither opposite nor adjacent states. The two states do not share a land boundary, so they are not adjacent based on that criterion. At the time the two states took their respective disputes with the Federal Republic of Germany to the Court, there existed a negotiated Denmark-Netherlands continental shelf boundary. The Court’s statement can be read to mean
either that (1) states can have a geographical relationship other than adjacency or opposition, or (2) a continental shelf boundary should not exist between Denmark and the Netherlands. Thus, from a boundary perspective the two states do not possess the qualities of adjacency or opposition.

Eight years later when a court of arbitration decided the Anglo-French Arbitration, further statements were made on the idea of adjacency. When determining whether the United Kingdom and France were opposite or adjacent to each other, the Court stated that it “must have regard to the actual geographical relation to each other and to the continental shelf at each position along the boundary.”2 Thus two elements of adjacency were identified: the relationship of the states to each other – the coastlines – and the relationship of the state to the continental shelf sitting off its coast.

What meaning and significance this distinction between adjacent and opposite states takes on is not always readily apparent. However, as certain delimitation principles and methodologies have been developed, it has been seen, by both technical experts and lawyers, that many adjacent state situations require greater flexibility in application of these principles and methodologies to create an equitable boundary. The need for flexibility becomes particularly important as boundaries are extended beyond the territorial sea.

The 1982 Law of the Sea Convention (LOS) addresses territorial sea boundary delimitations between opposite or adjacent states in Article 15 which states:

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

This provision essentially reproduces Article 12 of the Convention on the Territorial Sea and the Contiguous Zone. Thus, a state, failing agreement, may not extend its territorial sea limit beyond a median line unless by reason of historic title or other special circumstances. However, similar to a lot of concepts, the concepts of historical title and special circumstances are vague and are subject to interpretation.

Generally, however, it has been believed that because of the relatively narrow breadth of the territorial sea, lines based on equidistance would result in an equitable boundary. The effects of certain geographical features such as offshore islands, coastal promontories, or convex coasts become accentuated as boundaries extend further seaward.

The Federal Republic of Germany (FRG) effectively illustrated the distorting
Geographic Considerations

effect of promontories to the ICJ in the 1969 Continental Shelf Cases with Denmark and the Netherlands. Germany presented a graph which shows the effect the presence of a headland has on an equidistant line. (See Figure 1.) With a straight coastline and no headland, the equidistant line would be the perpendicular line to the coast at the land boundary terminus. As the headland of one state protrudes further seaward, the equidistant line "diverts" toward or "encroaches" upon the neighboring state (State B on graph). This diversion or encroachment increases the further seaward the line extends.

![Graph showing effect of headland on equidistant line](image)

Fig. 1. Effect of the presence of a headland on an equidistant line. (adapted from the Oral Arguments of the Federal Republic of Germany, 1969 Continental Shelf Cases).

The United States in its Gulf of Maine Memorial, extended the FRG graph to 200 nautical miles. (See Figure 2.) As we stated in our case, "a deviation from a line drawn perpendicular to the general direction of the coast of only 5 kilometers (2.7 nautical miles), at a distance of 5 kilometers from the coast, will grow to one of 44 nautical miles (81 kilometers) at a distance of 200 nautical miles (370 kilometers)."
C. Islands

The location of islands in a boundary region has been a source of many disputes. Usually the problem arises when an island or group of islands of one state is situated in such a location as to cut off what otherwise would be another state's proper extension of maritime jurisdiction. States have resolved this dilemma in several ways of which the following provides a sampling.

In several delimitation agreements islands have been recognized as warranting some maritime jurisdiction. For example, in the Italy-Tunisia continental boundary agreement, the Italian islands of Pantelleria, Linosa, and Lampedusa were given a full territorial sea of 12 nautical miles and a one-nautical-mile belt of continental
Geographic Considerations

shelf. The Italian island nearest to the Tunisian coast, Isolotto Lampione, received only a territorial sea. In the creative Australia-Papua New Guinea treaty, the states agreed to give small Australian islands located in the northern part of the Torres Strait, near the Papua New Guinea coast, a territorial sea of three nautical miles but no continental shelf.

Saudi Arabia has negotiated two continental shelf boundary agreements in which special consideration was given to islands. With Iran, certain islands were accorded only the territorial sea and with Bahrain certain small islands and low-tide elevations were ignored completely in the creation of a boundary.

There are several ongoing negotiations that have become snagged due to the location of islands and subsequent effect that these islands have on a delimitation based on the equidistant methodology. Canada and France may arbitrate their maritime boundary between the French islands of St. Pierre and Miquelon and Newfoundland. In 1972 the two states successfully negotiated the territorial sea boundary. There the boundary runs generally in an east-west direction between the two French islands and Newfoundland. However, a dispute arose as they tried to determine how much maritime jurisdiction these two French islands, which are obviously far from the French mainland coast, should get to the south where they cross over a substantial area of relatively shallow sea, an area of less than a hundred fathoms.

Other examples of where the presence of islands are causing delimitation problems include the Colombia-Venezuela delimitation, particularly at the mouth of the Gulf of Venezuela and the impact of Venezuela’s Los Monjes islands on an equidistant line; the Greece-Turkey Aegean problem; the Ireland-U.K.-Rockall Bank situation which seems to be becoming more complex by the month depending upon how many countries are joining that dispute; Sweden-Soviet Union and the Baltic-Gotland Island problem; and there are several others including situations where not only is the effect of islands a role but sovereignty of the islands themselves may be in dispute. In such a situation the boundary delimitation process would be at a standstill until the sovereignty issue is resolved.

D. Coastal Configuration

The coastal configuration in the vicinity of the required maritime boundary can have a significant impact on the choice of delimitation methods. Configuration becomes particularly critical for states sharing a land boundary where the coastline changes direction at or near the land boundary terminus. Two good examples of this appear in the North Sea and in the Gulf of Maine. In the North Sea the FRG contended that it should not be deprived of its natural prolongation merely because its coastline is concave.

To digress for a moment, I would like to point out a couple of aspects of
Germany’s argument: its use of cartography to help show its dilemma. Germany presents its boundary situation most effectively by showing the two equidistant lines, that is between the FRG and Denmark on the one hand, and the FRG and the Netherlands on the other, converging in front of its coastline. The map it presents is not shown with a normal north-south orientation, but rather the top of the map is west.5 (See Figure 3.) The effect of this orientation is to direct one’s attention to the point where the equidistant lines converge.

Fig. 3. Map presented by Federal Republic of Germany to accentuate the resulting inequity if equidistant lines are used to delineate the maritime boundary. Rather than the normal north-south orientation, north lies to the right side of the map. (adapted from the German Memorial, 1969 Continental Shelf Cases).

Fig. 4. Identical map shown in normal north-south orientation. Loss of visual impact is obvious.
Geographic Considerations

One element in map design is that “the optical center of a map is a point slightly (about 5 percent) above the center of the boundary shape of the map border.” According to this principle, the “optical center” of the German map is at the point of convergence. By turning the map 90 degrees to the normal north-south orientation the “optical center” would be situated approximately at the seaward terminus of the Denmark-FRG land boundary. (See Figure 4.) Loss of visual impact is obvious.

Before leaving the North Sea I would like to mention another cartographic and geographic device that Germany used to accentuate its great loss due to the coastal configuration. Germany developed most of its arguments using a macro-geographic scale. Throughout the proceedings Germany attempts to discuss its continental shelf boundaries in terms of the entire North Sea. By developing its argument on the entire North Sea, Germany is able to show to the Court that it would receive a

Fig. 5. Additional loss of visual impact of equidistant lines illustrated separately.
mere 1/25 of the North Sea continental shelf using the equidistant method. By combining the two cases against Germany into one proceeding, Denmark and the Netherlands allow Germany to argumentatively and cartographically focus the areal scope of the court cases. Throughout their arguments both Denmark and the Netherlands categorically state that each boundary must be considered on its own merits. Even though the Court mentions that there exist two separate cases, it would be hard to deny that the two equidistant lines, shown on the same map, do “look” unfair to Germany. Conversely, maps showing each equidistant line on its own do not “look” bad for Germany. (See Figure 5.) Thus, the mental image of the entire area is planted early and nurtured throughout the proceedings by the Federal Republic of Germany.

Coastal configuration was a major geographical consideration for the U.S. in the Gulf of Maine case. The U.S. argued that an equidistant line did not produce an equitable solution due, in large measure, to the fact that there was a major change in the direction of coasts at the land boundary terminus. Though Canada has a shorter coastal front facing the Gulf of Maine, the southwestern coast of Nova Scotia, it was getting a disproportionate share of the Gulf of Maine using the equidistant method.

I do not intend to say much more on the Gulf of Maine case but I would only point out two things. First, the concept of scale. I refer back to the manner in which Germany effectively developed its boundary arguments on a macro-geographic scale using the entire North Sea to emphasize how little it would receive employing the equidistance method.

Many of the arguments presented by both Canada and the United States were based on certain levels of geographic scale. Assertions involving geographical presentations, such as coastal fronts, general direction, and affected areas, all required a determination of which part of the coasts were to be included in this dispute. Disagreements between the two sides arose on this question. For example, the question as to whether or not the Bay of Fundy was part of the Gulf of Maine for the purpose of this delimitation was very important. The answer affected several of the boundary theories placed before the court by both sides including the calculation of proportionality figures.

Secondly, the Gulf of Maine case is filled with geography. For a more complete review of possible geographic considerations of boundary delimitation I recommend a review of the entire set of pleadings of both parties. It is also becoming apparent from an analysis of other arbitrations that geography, particularly aspects related to coastline characteristics, do receive serious analysis by the judges.
Geographic Considerations

IV. GEOGRAPHIC CONSIDERATIONS IN DRAFTING TREATIES

Let me conclude by giving a quick review of some of the geographical-technical issues that should be a part of any negotiator’s checklist. In this modern age of technology, users of marine space are becoming quite sophisticated in knowing exact positions at sea. Precision in positioning will vary according to the activity. Those involved in hydrocarbon exploration and exploitation, for example, are achieving a phenomenal position precision of a meter or less. In any case, maritime boundary agreements must have unambiguous and technically complete language that is satisfactory to both states and applicable to the users.

A clear, yet not always appreciated, need is to develop a line that will be applied by everyone in the same way. This may not always occur if charts or information based on different spheroids or geodatums are used. The geodesists have come a long way in understanding an defining the dimensions of the earth, or geoid. But in establishing a “best fit” of a spheroid (which is a mathematically-defined surface) to the geoid for a given area in the world, countries have developed different spheroids. Similarly, countries have developed different horizontal and vertical datums by which they developed their charts.

While it appears that the World Geodetic System (WGS) will be the preferred system to use in boundary delimitations, the important factor is that the countries agree to utilize a common system. The positioning problem is particularly acute in areas of the world lacking recent charting. The Pacific is an area where geodetic work is underway. Many of the land positions found on current Pacific charts are based on astronomical techniques used by 19th century whaling expeditions. Although the chart itself may say revised 1978 or 1980, the revision may indeed only apply to a new location of a light or a LORAN system being placed on top of the chart. It may not necessarily reflect the accurate position of the land territory.

A. Straight Lines

Boundaries usually are described in agreements as a series of straight lines connecting geographical coordinates. Unfortunately, these “straight lines” are not defined adequately which, in some situations, have led to disputes. Common types of straight lines are great circle arcs, small circle arcs, loxodromes or rhumb lines, and geodesics. The difference between any two types of straight lines may be significant, depending on length and direction. The British, for example, believe they lost several hundred square nautical miles to the French when the last segment of their arbitrated line was described as a rhumb line instead of a geodesic or great circle.
B. Other Geographic Terms

Finally, I note a related problem encountered in interpreting existing boundary agreements: the appearance of the non-descript geographical term that defines the boundary. Terms like mouth of a river, navigable channel, crest of a mountain, point of deepest penetration into the coast, thalweg, to name but a few. Geographical features are not static, they change continually. To use general terms begs for trouble. Let me give two examples, one where states anticipated a change in environment; one where dispute arose from ambiguous language.

The 1970 Mexico-U.S. boundary, which went out only 12 nautical miles, begins at the center of the mouth of the Rio Grande. The two sides, recognizing the ambulatory nature of the river, sought to create a boundary with a reasonable degree of permanence. The initial point would be the center of the mouth, wherever it may be. The second point was fixed at a point 2,000 feet due east of where the center of the mouth was at the time the treaty was signed. Thus, the initial point may have meandered depending on how the river enters into the sea, but point two would remain stable as a hinge.

In the Libya-Tunisia Continental Shelf case, the judges determined the one boundary turning point by reference to the westernmost point of the Gulf of Gabes which penetrates into the Tunisia coastline and they gave it an approximate position. The two states have not yet reached an agreement to implement the decision due in part to Tunisia’s challenge of the determination based on the Gulf of Gabes’s geography. Tunisia argues more recent surveys indicate this westernmost point to be about five miles to the south of what the Court said the approximate coordinate should be. Should the Gulf of Gabes’s westernmost point be moved five miles to the south, Tunisia would gain continental shelf.

NOTES AND REFERENCES

* The views expressed are those of the author and do not necessarily represent the views of the U.S. Government.

4. Case concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America), Memorial 159 (graph at 161) (Decision of Sept. 27, 1982).
5. German Memorial, I Pleadings 73 (fig. 18).
6. Robinson, A. H. and R. D. Sales, Elements of Cartography 264 (3d ed.).
Argentina–Uruguay

Report Number 3–2

Agreement between the Government of Argentina and the Government of Uruguay Relating to the Delimitation of the River Plate and the Maritime Boundary between Argentina and Uruguay

Signed: 19 November 1973

Entered into force: 12 February 1974

Published at: UNTS No. 21424

Limits in the Seas No. 64 (1975)
15 ILM 251 (1974)
I Canadian Annex 273 (1983)
II Libyan Annex No. 32 (1983)
1 Conforti & Francalanci 185 (1979)

1 SUMMARY

In its 92 articles the Río de la Plata Treaty not only delimits both parties' jurisdiction within the river (taking into account within the river, inter alia, the navigation channels), but also establishes the maritime boundary between the parties, seaward of the closing line at the mouth of the river. No account is taken of navigation channels seaward of the closing line of the river.

The treaty provides, in its Article 10, that the lateral maritime boundary and the continental shelf boundary between Uruguay and Argentina is defined by an equidistant line, determined by the adjacent coasts, which begins at the midpoint of the straight baseline that joins Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

The boundary is an all-purpose delimitation line, referring both to the maritime and the continental shelf boundary. It does not refer specifically to the exclusive economic zones of the parties.

The outer limit of the boundary line, seaward of the closing line is not indicated. This is perhaps because the continental shelf in this area has a natural

prolongation beyond 200 nautical miles (m.m.), which would eventually be subject to the rules of delimitation with the area provided in Article 76, paras. 4, 5, and 6 and Annex II of the 1982 Law of the Sea Convention.

II CONSIDERATIONS

1 Political, Strategic, and Historical Considerations

In 1961 the two countries issued a joint declaration on the outer limit of the Río de la Plata, which states that the River Plate extends from the parallel of Punta Gorda to an imaginary straight line joining Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

The maritime area seaward of the closing line of the river was delimited by means of an equidistant line, determined by the adjacent coasts method, beginning at the mid-point of that straight baseline.

It is understood that originally the Argentine authorities preferred to establish the delimitation by means of a parallel from the mid-point, as is done in the Pacific Ocean in other South American maritime delimitations. That method would have led to inequitable results for Uruguay, which had already agreed, in a joint declaration with Brazil, to follow the median line in its delimitation on the other maritime boundary to the north. In the joint declaration in 1969 both Uruguay and Brazil expressed their common view that the median line was the method adopted by international doctrines and practices, and in multilateral conventions, particularly Article 12 of the 1958 Geneva Convention on the Territorial Sea, thus suggesting that it should be followed in this delimitation.

2 Legal Regime Considerations

The consequence of the establishment of a closing line at the mouth of the Río de la Plata is that the waters behind that line are internal waters, within the exclusive jurisdiction of the parties. The closing line at the mouth of the river has been protested by several maritime powers, adducing its length of 118 n.m. and asserting that the applicable legal regime should be that of multirational bays or estuaries.

Argentina and Uruguay have answered these protests by asserting that, according to historical, geographical, and legal considerations, the Río de la Plata is a river: (1) it is not only called so but has also been treated as such since its discovery in 1515; (2) this character is confirmed by the nature of the enclosed water body, which is not salted as that of the sea; (3) the existence of deep currents; (4) its extremely shallow depths which make it navigable only by dredged channels; and, finally, (5) the existence of a series of sand banks between Punta del Este and Punta Rasa, constituting a typical bar at the mouth of the river. In answering the above-mentioned protests,
both states have confirmed their respect for the freedom of navigation in these waters, established under existing treaties and decrees.

Article 2 and following of the Río de la Plata Treaty determine the respective jurisdictions of the parties within the river, according to the nature of the activity to be exercised therein, or the geographical features of the course. A line of equidistance is fixed in certain sections.

The maritime delimitation only begins seaward of the closing line. Since the parties are recognized to have equal rights within the river, the maritime boundary had to start from the midpoint of the closing line. Despite an initial inclination in certain quarters in Argentina to follow from that midpoint the line of its parallel as in the Pacific, the parties finally agreed to adopt the line of equidistance determined by the adjacent coasts method. In so doing, they followed the same criterion which had been adopted by Brazil and Uruguay in a joint declaration issued in 1969.

Both Argentina, on 19 January 1967, and Uruguay, on 3 December 1969, claimed a 200-mile territorial sea, but freedom of navigation and overflight in that area is guaranteed by the treaty. Today, in the light of the developments in the Law of the Sea, the boundary line may be considered as an all-purpose delimitation line, dividing both the exclusive economic zone and the continental shelf of the parties.

The treaty contemplates the possibility of exploitation of a bed or deposit extending on either side of the line. In such a case, the bed or deposit shall be exploited in such a way that the distribution of the volume of the resource extracted from the bed or deposit must be proportional to the volume of the resource located on each side of the line.

The treaty also provides for a common fishing zone, seaward of 12 nautical miles, measured from the respective coastal baselines, for duly registered vessels of their flags. This zone is determined by two arcs of circles with radii of 200 n.m. whose center points are, respectively, Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina). The whole area encompassed by these two arcs constitutes the common fishing zone.

The treaty provides that any dispute concerning its interpretation or application which cannot be resolved through direct negotiations may be submitted by either party to the International Court of Justice whenever said dispute could not be resolved by a conciliation procedure within a joint Comisión Administrativa del Río de la Plata.

3 Economic and Environmental Considerations

The common fishing zone established in Article 73 of the treaty, beyond the agreed boundary, is based on the fact that the main fishing species for commercial exploitation move towards the south, seeking cooler waters, in the summer months. The treaty provides that the volume of catch per species is to be determined equitably, in proportion to the ichthyological resources of each of the parties, evaluated on the basis of scientific and economic criteria.
With respect to pollution, the treaty establishes a zone in which the discharge of hydrocarbons resulting from the washing of tanks, the pumping of bilge, and ballasts is prohibited. On the accompanying map this zone is depicted by the lines connecting Punta del Este (Uruguay), and Punta Rasa del Cabo San Antonio (Argentina).

Economic and environmental considerations have not otherwise affected the location of the line or the regime established by the agreement.

4 Geographical Considerations

While within the Río de la Plata the coasts of the two parties bear an opposite relationship, beyond the closing line the coasts of the two parties assume an adjacent relationship, a fact acknowledged in the treaty (Article 70).

The equidistant boundary line was determined by the adjacent coast method including as basepoints Punta Médanos in Argentina and Isla de Lobos, off the coast of Uruguay.

5 Islands, Rocks, Reefs, and Low-Tide Elevations Considerations

Seaward of the closing line at the mouth of the river, the coasts of Argentina and Uruguay have similar configurations without any promontories that would substantially affect the delimitation. However, the Isla de Lobos in Uruguay has been attributed full effect as a base point for drawing the boundary and thus influences the line in favor of Argentina. This island, where marine seals gather, has permanent human installations to exploit this resource as well as a lighthouse.

6 Baseline Considerations

The whole maritime delimitation in this case is based on the establishment of a closing line as a baseline at the mouth of the Río de la Plata between Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina). This is a mutually agreed baseline.

7 Geological and Geomorphological Considerations

Seaward of the closing line there extends a fairly broad area of shallow continental shelf in the physical sense. Depths of 200 meters (m) are reached some 110 n.m. out in the sea, at which point the seabed begins to deepen more rapidly. Depths of 3000 m are reached 170 n.m. seaward of the closing line. No deep troughs appear to exist, however, and the geomorphology generally parallels the coast. There are no unusual bathymetric features seaward of the closing line. The geological and geomorphological considerations have not affected the boundary line, but the natural prolongation of the shelf beyond
200 n.m. may explain why no outer limit has been indicated for the boundary line.

8 Method of Delimitation Considerations

The maritime boundary is defined as an equidistant line, determined by the adjacent coasts.

The configuration of Argentina’s coast causes the true equidistant boundary to be diverted toward Uruguay since all points on both coasts are considered in drawing the equidistant boundary. Consequently, the line connects Point 23 to Points A, B, C, D, E, and F on the map. The boundary is not a perpendicular bisector of the river closing line, an alternative contemplated in Limits in the Seas No. 64 and represented there by a dashed line.

On 15 July 1974 the parties exchanged maritime charts in which they agreed on the drawing of the lateral maritime boundary, the common fishing zone and the common area in which the discharge of hydrocarbons is forbidden.

As already indicated, the boundary, which is the true equidistant line, takes into account Punta Médanos in Argentina and the Isla de Lobos in Uruguay.

From Point A to Point E in the attached map the boundary is affected by Punta Médanos (Argentina) and the segment of the Argentina–Uruguay Río de la Plata closing line connecting Point 23 with Punta del Este (Uruguay). The line connecting Point A to Point E is in reality a segment of a parabolic curve. At Point E the Uruguayan island of Lobos influences the shelf boundary. The equidistant boundary continues seaward from Point E until it reaches Point F which is 200 n.m. from the island of Lobos and from Punta Médanos.

9 Technical Considerations

The delimitation of the maritime boundary between Argentina and Uruguay is plotted on the attached US Naval Oceanographic Chart No. 23030 and No. 24052. Since specific coordinates of the boundary are not cited in the treaty, the delimitation line on the attached map beyond Point 23 consists of provisional lines which were developed by the Department of State’s Geographer on a US Chart.

10 Other Considerations

None.

IV RELATED LAW IN FORCE

A Law of the Sea Conventions
Report Number 3–2

B Maritime Jurisdiction Claimed at the Time of Signature

Argentina: 200-mile territorial sea
Uruguay: 200-mile territorial sea

C Maritime Jurisdiction Claimed Subsequent to Signature

No change

V REFERENCES AND ADDITIONAL READINGS

US Department of State, LIMITS IN THE SEAS No. 64 (1975)

Prepared by Eduardo Jiménez de Aréchaga
Agreement Between the Government of Argentina and the Government of Uruguay Relating to the Delimitation of the River Plate and the Maritime Boundary Between Argentina and Uruguay

The Governments of the Oriental Republic of Uruguay and the Republic of Argentina, in the same spirit of cordiality and harmony reflected in the Ramirez-Saenz Pena Protocol of 1910 and reaffirmed in the Joint Declaration on the External Limit of the Río de la Plata [Plata River] of 1961 and the Protocol of the Río de la Plata of 1964, led by the common purpose of eliminating the difficulties that could emerge from lack of legal definition with respect to the exercise of their equal rights in the Río de la Plata and failure to determine the boundary between their respective maritime jurisdictions, and determined to lay the bases of a broader cooperation between the two countries and to strengthen the existing bonds of traditional friendship and deep affection that unite their people, have resolved to conclude a Treaty to solve those problems, taking into account the special features of the river and maritime territories involved and the technical requirements of their comprehensive utilization, and within the framework of respect for the sovereignty, rights, and interests of the two States.

PART I

RÍO DE LA PLATA
CHAPTER I

JURISDICTION

Article 1

The Río de la Plata extends from the parallel of Punta Gorda to an imaginary straight line joining Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina), in conformity with the provisions of the Treaty on the Limits of the Uruguay River of April 7, 1961 and the Joint Declaration on the Outer Limit of the Río de la Plata of January 30, 1961.

Article 2

A strip of exclusive jurisdiction adjacent to each Party’s coast on the river is hereby established.

This coastal strip shall be seven nautical miles wide between the outer limit of the river and an imaginary straight line joining Colonia (Uruguay) and Punta Lara (Argentina) and two nautical miles wide from that line to the parallel of Punta Gorda. However, the outer limits of the strips shall be deflected as necessary in order that they will not overlap with the limits of channels located in waters of common use and so as to include port access channels.

Such limits shall not be less than 500 meters distant from the limits of channels located in waters of common use or more than 500 meters distant from the limits or mouths of port access channels.

Article 3

Outside the coastal strips, the jurisdiction of each Party shall apply to the Party’s own flag vessels.

That jurisdiction shall also apply to third-country flag vessels involved in accidents with vessels of that Party.

The provisions of the first and second paragraphs notwithstanding, the jurisdiction of a Party shall apply in all cases involving its security or when unlawful acts are committed that may have an effect in its territory, irrespective of the flag of the vessel involved.

If the security of both Parties is involved, or if the unlawful act has an effect in both territories, the jurisdiction of the Party whose coastal strip is nearest to the place where the vessel is apprehended shall prevail.

Article 10

The Parties may use, under equal conditions and in any circumstances, the channels located in the waters of common use.
Article 11

In the waters of common use, navigation by public and private vessels of the countries of the Río de la Plata basin and public and private third-flag merchant ships, shall be permitted without prejudice to rights previously granted the Parties under treaties in force. Moreover, each Party shall permit the passage of third-flag warships authorized by the other Party, provided such passage does not affect its order or security.

Article 41

Each party may explore and exploit the resources of the bed and subsoil of the river in the areas adjacent to their respective coasts up to a line determined by the following geographic points fixed on the charts made by the Comisión Mixta Uruguaya–Argentina de Levantamiento Integral del Río de la Plata [Uruguayan–Argentine Joint Commission for the Comprehensive Survey of the Plata River] and published by the Servicio de Hidrografía Naval de la República Argentina [Naval Hydrographic Service of the Argentine Republic], which are part of this Treaty:

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<td>23</td>
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Article 42

Installations or other works necessary for the exploration or exploitation of the resources of the riverbed and subsoil shall not interfere with navigation through passages or channels normally used in the river.

Article 43

Ore beds or deposits extending across the line established in Article 41 above shall be exploited in such a way that the distribution of the amounts of the resource extracted from them is proportional to the amount of that resource lying on each side of said line.

Each Party shall exploit beds or deposits of this type without causing material prejudice to the other Party, in accordance with the requirements to make comprehensive and rational use of the resource, and adhering to the criterion set forth in the first paragraph.

CHAPTER VIII

ISLANDS

Article 44

Existing islands or any island that may emerge in the river in the future shall belong to one of the two Parties depending on which side of the line indicated in Article 41 they are on, with the exception of what is provided for Martin Garcia Island in Article 45.

Article 45

Martin Garcia Island shall be devoted exclusively to a natural preserve for the conservation and preservation of the native fauna and flora, under the jurisdiction of the Argentine Republic, without prejudice to the provisions of Article 63.

Article 46

If the Martin Garcia Island merges with another island, its boundaries shall follow the contours of Martin Garcia Island as shown on chart H-118, to which Article 41 refers. Nevertheless, alluvial growths of Martin Garcia Island affecting its present natural access to the Martin Garcia (Buenos Aires) and El Infierno Channels shall belong to this island.
CHAPTER IX

POLLUTION

Article 47

For purposes of this Treaty pollution shall be understood to mean the direct or indirect introduction of harmful substances by man into the aquatic environment.

Article 48

Each Party agrees to protect and preserve the aquatic environment and, in particular, to prevent its pollution, establishing standards and adopting appropriate measures in conformity with applicable international agreements and in consonance, when applicable, with the guidelines and recommendations of international technical organizations.

Article 49

The Parties agree not to lower, in their respective laws:
(a) The technical standards in force for preventing water pollution; and
(b) The penalties established for violations.

Article 50

The Parties agree to inform each other of any water pollution standards they may plan to establish.

Article 51

Each Party shall be responsible to the other Party for damage sustained because of pollution caused by its own activities or by those of natural or juristic persons domiciled in its territory.

Article 52

The jurisdiction of each Party with respect to any infraction relating to pollution shall be exercised without prejudice to the rights of the other Party to receive compensation for the damage it, in turn, may have sustained as a consequence of the infraction.

To that end, the Parties shall cooperate with each other.
CHAPTER X

FISHERIES

Article 53

Each Party shall have the exclusive right to fish in its own coastal strip, as indicated in Article 2.

Outside the coastal strips, the Parties recognize the freedom of each other’s vessels to fish in the river.

Article 54

The Parties shall agree upon standards to regulate fisheries in the river with respect to the conservation and preservation of living resources.

Article 55

When the intensity of fishing activities makes it necessary, the Parties shall agree upon the authorized maximum amounts of catch per species, as well as on necessary periodic adjustments. Such amounts of catch shall be distributed equally between the Parties.

Article 56

The Parties shall exchanged, on a regular basis, pertinent information concerning their fishing efforts and catch per species, as well as on the roster of vessels authorized to fish in the waters of common use.

CHAPTER XI

RESEARCH

Article 57

Each Party may conduct scientific studies or research throughout the river, provided that it gives prior notice to the other Party and informs it of the nature and the findings of such studies and research.

Each Party may, moreover, participate in all phases of any study or research undertaken by the other Party.
Article 58

The Parties shall promote the conduct of joint scientific studies of common interest, especially those relating to the comprehensive survey of the river.

CHAPTER XII

ADMINISTRATIVE COMMISSION

Article 59

The Parties shall appoint a joint commission which shall be called the Comision Administradora del Río del la Plata (Plata River Administrative Commission) and shall be composed of an equal number of members from each Party.

Article 66

The Administrative Commission shall have the following functions:
(a) To promote the conduct of joint scientific studies and research relating, in particular, to the evaluation, conservation, preservation, and rational use of living resources and the prevention and elimination of pollution and other harmful effects of the use, exploration, and exploitation of the waters of the river;
(b) To prescribe river fishery standards for the conservation and preservation of living resources;
(c) To coordinate pilotage regulations;
(d) To coordinate the adoption of common search and rescue plans, manuals, terminology, and systems of communication;
(e) To establish the procedure to follow and the information to provide in cases where units of one Party participating in search and rescue operations enter or leave the territory of the other Party;
(f) To prescribe the formalities that must be carried out for the temporary importation of search and rescue equipment into the territory of the other Party;
(g) To coordinate the aids to navigation and beacons;
(h) To establish lighterage zones in conformity with the provisions of Article 28;
(i) To transmit expeditiously to the Parties the communications, information, and notices originated by them in conformity with Part I of this Treaty.
(j) To perform the other functions assigned to it under this Treaty and such other functions as the Parties may agree to assign to it in its charter, through exchange of notes, or by means of other forms of agreement.
CHAPTER XIV

LATERAL MARITIME BOUNDARY

Article 70

The lateral maritime boundary and the continental shelf boundary between the Oriental Republic of Uruguay and the Argentine Republic are defined by an equidistant line, determined by the adjacent coasts methods, which begins at the midpoint of the baseline consisting of an imaginary straight line that joins Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

Article 71

A bed or deposit extending on either side of the line established in Article 70 shall be exploited in such a way that the distribution of the volumes of resource extracted from the said bed or deposit is proportional to the volume of the resource located on each side of the said line.

Each Party shall carry out the exploitation of such beds or deposits without causing appreciable damage to the other Party and in accordance with the requirements of a comprehensive and rational utilization of the resource consistent with the criterion set forth in the first paragraph.

CHAPTER XV

NAVIGATION

Article 72

Both Parties guarantee the freedom of navigation and overflight of the seas under their respective jurisdictions seaward of 12 nautical miles measured from the corresponding baselines, and, in the mouth of the Río de la Plata [River Plata] beginning at its outer limit, without restrictions other than those deriving from the exercise by each party of its powers with regard to exploration, conservation, and exploitation of resources, protection and preservation of the environment, scientific research, and construction and emplacement of installations, and of those powers referred to in Article 86.
CHAPTER XVI

FISHING

Article 73

The Parties agree to establish a common fishing zone, seaward of 12 nautical miles measured from the respective coastal baselines, for the duly registered vessels of their flags. The aforesaid zone shall be determined by two arcs of circles with radii of 200 nautical miles whose center points are, respectively, Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

Article 74

The volumes of catch, by species, shall be determined equitably, in proportion to the ichthyological resources of each of the Parties, evaluated on the basis of scientific and economic criteria.

The volume of catch that one of the Parties authorizes for third-flag vessels shall be counted as part of the share of that Party.

Article 75

The areas established in fishing licenses issued by the Argentine Republic and the Oriental Republic of Uruguay to third-flag vessels in their respective maritime jurisdictions may not exceed the line fixed in Article 70.

Article 76

The Parties shall exercise appropriate functions of control and supervision on both sides, respectively, of the line referred to in Article 75, and shall coordinate them adequately.

The Parties shall exchange lists of the vessels of their respective flags that operate in the common zone.

Article 77

Under no circumstances shall the provisions of this chapter be applicable to the capture of aquatic mammals.
CHAPTER XVII

POLLUTION

Article 78

The dumping of hydrocarbons resulting from the washing of tanks, the pumping of bilge and ballast, and, in general, any other action capable of causing pollution, is prohibited in the zone included within the following imaginary lines:

(a) Beginning at Punta del Este (Uruguay) and proceeding to
(b) A point at latitude 36° 14' S., longitude 53° 32' W.; from there to
(c) A point at latitude 37° 32' S., longitude 55° 23' W.; from there to
(d) Punta Rasa del Cabo San Antonio (Argentina); and, finally, from this point to the initial point at Punta del Este.

CHAPTER XVIII

RESEARCH

Article 79

Each Party shall authorize the other to carry out studies and research of an exclusively scientific nature in its respective maritime jurisdiction within the zone of common interest defined in Article 73, provided that sufficient prior notice is given indicating the characteristics of the study or research to be carried out and the areas and locations in which it will be done.

This authorization may be denied only in exceptional circumstances and for limited periods.

The authorizing Party shall have the right to participate in all phases of such studies and research and to know and have the use of the results.

CHAPTER XIV

MIXED TECHNICAL COMMISSION

Article 80

The Parties shall establish a Mixed Technical Commission, composed of an equal number of delegates for each party, charged with the conduct of research and the adoption and coordination of plans and measures relative to the conservation, preservation, and rational exploitation of living resources and to
the protection of the marine environment in the zone of common interest defined in Article 73.

Article 82

The Mixed Technical Commission shall perform the following functions:
(a) Fix the volumes of catch per species and allot them to the Parties, in accordance with the provisions of Article 74, as well as adjusting them periodically;
(b) Promote the joint conduct of scientific research, particularly within the zone of common interest, with special reference to the evaluation, conservation, and preservation of the living resources and their rational exploitation, and the prevention and elimination of pollution and other toxic effects that could result from the use, exploration, and exploitation of the marine environment;
(c) Make recommendations and submit plans tending to assure the maintenance of the value and equilibrium of the bio-ecological system;
(d) Establish standards and measures relative to the rational exploitation of the species in the zone of common interest, and the prevention and elimination of pollution;
(e) Prepare plans for the preservation, conservation, and development of the living resources in the zone of common interest, to be submitted for the consideration of the respective Governments;
(f) Promote studies and submit plans on the harmonization of the Parties' laws regarding matters for which the Commission is responsible;
(g) Transmit expeditiously to the Parties the communications, opinions, and information that the Parties exchange in accordance with the provisions of Part II of this treaty;
(h) Perform such other duties as the Parties may assign it in the Charter or through exchange of notes or other forms of agreement.

PART III

DEFENSE

CHAPTER XX

Article 85

Questions relating to the defense of the entire focal area of the Plata River shall be in the exclusive jurisdiction of the Parties.
CHAPTER XXIII

RATIFICATION AND ENTRY INTO FORCE

Article 92

This Treaty shall be ratified in accordance with the procedures set forth in the legal codes of the Parties and shall enter into force by means of an exchange of instruments of ratification to be effected in the City of Buenos Aires.

In witness whereof, the above-mentioned Plenipotentiaries signed and affixed their seals to two identical copies thereof at Montevideo on November 19, 1973.

MINISTRY OF FOREIGN AFFAIRS

Montevideo, November 19, 1973

Sir:

I have the honor of addressing Your Excellency in relation to the Treaty of the Río de la Plata and Its Maritime Limit, concluded today between our Governments.

In that connection, I concur with Your Excellency’s statement that the ‘port access channels’ referred to in Article 2 of the above-mentioned treaty, are the following:

Uruguayan access channels to:
1. The port of Carmelo
2. The port of Conchillas
3. San Juan Bar
4. The port of Colonia
5. Puerto Sauce
6. The port of Montevideo
7. The port of Piriapoli
8. The bay of Maldonado

Argentine access channels to:
1. Parana de las Palmas River (Emilio Mitre Channel)
2. Lujan River (Coastal Channel)
3. The port of Buenos Aires
4. The port of La Plata

Similarly, with respect to the ‘freedom of overflight’ mentioned in Article
72, this should be understood with the limitations imposed upon it by the operative international conventions on the subject.

This note and that of Your Excellency of the same date and identical tenor, shall constitute an agreement between our two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency
Alberto J. Vignes,
Minister of Foreign Affairs and Worship.
of the Argentine Republic
Brazil—France (French Guiana)

Report Number 3–3

Agreement Between the Government of Brazil and the Government of France Relating to the Maritime Delimitation Between Brazil and French Guiana

Signed: 30 January 1981

Entered into force: 30 January 1981*

Published at: Maritime Boundary Agreements (1970–84)
87 (1987)
25 ILM 367 (1986)
I Canadian Annex 669 (1983)
II Conforti & Francalanci 205 (1987)

SUMMARY

The treaty between France and Brazil, dated 30 January 1981, establishes the maritime limit between the adjacent coasts of French Guiana and Brazil by means of a line drawn from the midpoint of the closing line of the bay of Cypock, a binational bay shared by Brazil and France. This line presents slight variations with respect to a line of strict equidistance, but it affects an exchange of areas of approximate equivalence.

This boundary is an all-purpose one, applying both to the sea area and the continental shelf, as made clear by the treaty which states that the maritime boundary includes the continental shelf.

The outer limit of the boundary is not specified but both parties have claimed a 200-nautical mile (n.m.) exclusive economic zone (France) or territorial sea including the sea floor and its subsoil (Brazil). Consequently, the maritime limit may be considered to reach to that distance. The coasts involved in this delimitation are adjacent.

* Article 3 of the agreement provides that the treaty will come into effect on the date of the signing of the documents.

II CONSIDERATIONS

1 Political, Strategic, and Historical Considerations

The treaty provides that the starting position of the boundary is at the intersection of the boundary in the bay of Cyapock and the outer limit of the bay.

In the preamble of the treaty, it is stated that the parties concluded it in consideration of the Utrecht Treaty of 11 April 1713, the decision of the Court of Arbitration of the Swiss Federal Council of 1 December 1900, and pursuant to the application established by the Mixed Franco-Brazilian Commission on the delimitation of boundaries.¹

2 Legal Regime Considerations

France, a party to the 1958 Convention on the Continental Shelf, claimed, on 12 February 1978, a 200-n.m. exclusive economic zone and Brazil claimed, on 25 March 1970, a 200-n.m. territorial sea which includes the floor of the sea and its subsoil.

The treaty is said to be based on the applicable rules and procedures of international law, and to take into consideration the work of the Third United Nations Conference on the Law of the Sea. Consequently, the boundary is a single line applying both to the continental shelf and the exclusive economic zone.

This agreement provides that all disagreements that could occur between the parties on the interpretation or application of the treaty will be resolved by peaceful means recognized by international law.

3 Economic and Environmental Considerations

Economic considerations, the exploitation of the resources of the area, or environmental concerns do not seem to have influenced the delimitation of the boundary line.

4 Geographic Considerations

The relationship of the coasts of the parties is one of adjacency.

The boundary is perpendicular to the general direction of the coasts of Brazil and French Guiana. It coincides roughly with the line of equidistance because of the straight baseline and the absence of promontories or other special circumstances on the coasts of either party that would markedly affect an equidistant line.

¹ The decision of the Court of Arbitration of the Swiss Federal Council of 1 December 1990 is published in LA FONTAINE, Pasicrisie Internationale, 564–578.
The relevant coasts in the delimitation area are roughly of the same length, so no question of proportionality seems to have arisen in this case.

5 Islands, Rocks, Reefs, and Low-Tide Elevations Considerations

The island of Le Grand Connétable, off the coast of French Guiana, influences the location of the equidistant line, but the parties decided not to take it fully into account in the first half of the boundary. However, the area thus lost by French Guiana was compensated by a projection of the second half of the boundary line towards the northeast.

No rocks, reefs, or other special geographical characteristics appear to exist in the boundary area that would call for special treatment or consideration.

6 Baseline Considerations

As already indicated, the starting position of the maritime limit was fixed at the intersection of the boundary in the bay of Cayapock and the outer limit of the bay. This signifies that a closing line of the bay was established as a baseline with the agreement of both parties.

7 Geological and Geomorphological Considerations

There do not appear to be any distinct seabed features that could have been used to affect the delimitation of the boundary.

8 Method of Delimitation Considerations

The method used was to define the boundary line by the loxodromic curve of the true azimuth. This line varies slightly from a line of strict equidistance, as may be seen in the attached map taken from the annexes to the Reply submitted by Canada in the Gulf of Maine case.\(^2\) The attached map shows that the boundary to 200 n.m. produces an exchange of areas between the parties of approximate equivalence.

9 Technical Considerations

The maritime limit is defined by the loxodromic curve of the true azimuth 41° 30’, drawn from a point situated 04° 30’ 30” N. lat. and 51° 38’ 12” W. long. This azimuth and these coordinates are relative to the Brazilian geodetic system of reference, Datum Horizontal – Corrego Alegre. This geodetic system is the one on which the Brazilian nautical chart No. 110, first edition,

\(^2\) I. CANADIAN ANNEX, Agreement No. 84.
27 April 1979, was based on an utilization during the Sixth Conference of the Franco-Brazilian Mixed Commission on the boundary delimitation.

10 Other Considerations

None.

IV RELATED LAW IN FORCE

A Law of the Sea Conventions

Brazil: Ratified the 1982 LOS Convention
France: Party to the 1958 Geneva Continental Shelf Convention

B Maritime Jurisdiction Claimed at the Time of Signature

Brazil: 200-mile territorial sea
France: 12-mile territorial sea, 200-mile exclusive economic zone

C Maritime Jurisdiction Claimed Subsequent to Signature

No change.

V REFERENCES AND ADDITIONAL READINGS

None.

Prepared by Eduardo Jiménez de Aréchaga
Agreement Between the Government of Brazil and the Government of France Relating to the Maritime Delimitation Between Brazil and French Guiana

His Excellency The President of The French Republic,
Mr. Valéry Giscard d'Estaing
His Excellency The President of The Federal Republic of Brazil,
Mr. João Baptista de Oliveira Figueiredo

Anxious to favour the widest possible development of friendly relations and good neighbourhood that exists between their countries,

Realizing the necessity to establish, positively, the maritime limits, including the continental shelf, between Guiana (French Republic) and the Federal Republic of Brazil,

Based on the rules and procedures of International Law, applicable on this matter, and taking into consideration the works of the 3rd United Nations Conference on the Law of the Sea,

In consideration of the Utrecht Treaty of the 11th of April 1713, the decision of the court of arbitration of the Swiss Federal Council of December 1st 1900 and pursuant to the application that has been established by the Mixed Commission Franco-Brazilian on the limitation of boundaries,

Following the negotiations that were held in Paris from 24 to 28 September 1979 and in Brasilia from 19 to 23 January 1981.

Have resolved to conclude the present treaty and have appointed,

THE PRESIDENT OF THE FRENCH REPUBLIC:
M. Jean-François Poncet, Minister of External Affairs
THE PRESIDENT OF THE FEDERAL REPUBLIC OF BRAZIL:
M. Ramiro Saraiva Guerreiro, Minister of State of External Relations who are in agreement with the following clauses:

Article 1

1 The maritime limit line, including the one of the continental shelf between Guiana (French Republic) and The Federal Republic of Brazil, is defined by the loxodromic curve of the true azimuth forty-one degrees, thirty minutes (41° 30''), from a position situated four degrees, thirty minutes, thirty seconds of latitude North (04° 30' 30'' N) and fifty-one degrees, thirty-eight minutes, twelve seconds of longitude West (51° 38' 12'' W). This azimuth and these coordinates are relative to the Brazilian geodetic system of reference "Datum Horizontal – Corregio Alegre".

2 This geodetic system is the one from which was established the Brazilian nautical chart number 110, first edition April 27, 1979, that has been utilized during the Sixth Conference of the Mixed Commission Franco-Brazilian for the boundaries delimitations.

3 The starting position defined in the present article is at the intersection of the boundary in the bay of Cyapock, boundary established during the Fifth Conference of the Mixed Commission, and the outer limit of the bay, established during the Sixth Conference of the Commission.

Article 2

All disagreement that could occur between the parties on the interpretation or application of the present treaty will be resolved by peaceful means recognized by the International Law.

Article 3

The present treaty will come into effect on the date of the signing of the documents.

IN WITNESS WHEREOF, the Undersigned have signed the present treaty and affixed their seal.

Dated and signed in Paris, 30 January 1981 in two original copies, French and Portuguese, both texts being official.

For the President of the French Republic

For the President of the Federal Republic of Brazil
Brazil–Uruguay

Report Number 3-4

Agreement between the Government of Brazil and the Government of Uruguay Relating to the Maritime Delimitation between Brazil and Uruguay

Signed: 21 July 1972; approved by Uruguayan legislature on 5 March 1974

Entered into force: 12 June 1975

Published at: 1120 UNTS 133 (1978)
Limits in the Seas No. 73 (1976)
Maritime Boundary Agreements (1970-84) 103 (1987)
I Canadian Annex 247 (1983)
II Libyan Annex No. 30 (1983)
II Conforti & Franchalanci 209 (1987)

I SUMMARY

This agreement establishes a lateral maritime boundary between the two adjacent countries by means of a single line running nearly perpendicular to the general line of the coast. The length of the line is not specified, but may be calculated at 200 nautical miles (n.m.) (371 kilometers). This is based on the provision in the agreement stating that the line runs to the outer limit of the territorial seas claimed by the parties, which, at the time the agreement was signed, was 200 n.m. for both states. It is an all-purpose line applicable both to the territorial sea claimed by the parties and to their respective continental shelves.

In a joint declaration in 1969 both countries recognized as the lateral limit of their respective maritime jurisdictions the line equidistant from the nearest points of the coastlines of both states.

In implementing the declaration, the parties agreed on a line nearly perpendicular to the general direction of the coast. In the geographical context of the relevant area, this line achieved substantially the same result as a true or strict equidistant line.

1 Political, Strategic, and Historical Considerations

On 10 May 1969, three years before the agreement was signed, Brazil and Uruguay issued a joint declaration stating that both countries recognized as the lateral limit of their respective maritime jurisdictions the line whose points are equidistant from the nearest points on the baseline.

This declaration in support of the method of equidistance invoked the precedents established by international doctrines, practice, and multilateral conventions, particularly Article 12 of the 1958 Geneva Convention on the Territorial Sea.

Neither of the states was a party to the 1958 Conventions. The reference to the Convention and to precedents established by international doctrines and practices may have been intended to express the strong view of both parties that in the pending delimitation between Argentina and Uruguay, the method of the parallel, adopted by the South American countries in the Pacific, should be discarded, since it would reduce inequitably the maritime area belonging to Uruguay.

2 Legal Regime Considerations

In the joint declaration, both governments decided to utilize a joint commission on the limits and the definition of the border, assisted by the hydrographic services of both countries, to take the necessary steps to define and identify the median line referred to in the declaration.

Since the joint declaration provided that the boundary had to start from the point where the two countries' common border reaches the Atlantic Ocean, the delimitation of the maritime boundary required the agreement of the parties on the exact location of that point. According to the land boundary treaties between both countries, dating from the middle of the 19th century, that point was the mouth of the Chuy Stream. But the mouth of this stream changes its location depending on the ocean tide and other geomorphological factors. It was first necessary to agree on the exact location of the mouth of the Chuy Stream whose bed had been recognized as unstable since the first Boundary Commission Report of 15 June 1853. On 12 October 1971, the Joint Boundary Commission fixed the location of the mouth of the Chuy Stream at the point defined by the intersection of the line running from the present Chuy lighthouse in a direction nearly perpendicular to the general line of the coast.

In determining the exact location of the boundary, the parties also agreed to follow the same bearing, that is to say a line nearly perpendicular to the general direction of the coast. Inasmuch as there are no distinct promontories on the coasts of either party that would markedly affect the equidistant line, the use of a perpendicular from the coast achieved substantially the same result. The map presented by Canada in an annex to its Reply on State
Practice,\textsuperscript{1} shows the slight differences between the line that was agreed and a hypothetical equidistant line. In thus smoothing the line of equidistance, the parties agreed that a simplified and normal line was equitable to both sides.

The boundary is an all-purpose line applicable both to the territorial sea claimed by the parties and to their respective continental shelves. Both parties have proclaimed their sovereignty over the adjacent seas and the sea-floor and subsoil thereof (Brazil, Decree Law of 26 March 1970 and Uruguay, Decree of 3 December 1969 No. 604/969). Today, in the light of the developments in the Law of the Sea, the line may be considered as an all-purpose delimitation line, dividing both the exclusive economic zone and the continental shelf.

3 Economic and Environmental Considerations

In the preamble to the joint declaration of 10 May 1969, the parties emphasize the importance to the development of Brazil and Uruguay and to the welfare of their peoples of the protection of natural resources, particularly the living resources of the sea off the coasts of both countries. They expressed the desire to conform to the legal obligations defined in the Agreement on Fishing and Conservation of Living Resources which calls for cooperation between the two countries in this sector of their economies.

While these considerations determined the 200 n.m. claims of the parties, they did not affect the location of this maritime boundary.

4 Geographic Considerations

The establishment of the maritime boundary was facilitated by the geographical fact that the delimitation involved states with adjacent coasts which run in a fairly straight northeast–southwest direction in the vicinity of the land frontier. As already indicated, a prerequisite for the maritime delimitation was the agreed location of the point where the land boundary reaches the ocean.

5 Islands, Rocks, Reefs, and Low-Tide Elevations Considerations

There are no special or unusual geographical characteristics in the boundary area, such as islands, rocks, reefs, etc. that called for special treatment or consideration in determining the boundary.

6 Baseline Considerations

None of the parties had established in the boundary area straight baselines or closing lines of bays or rivers. The boundary was measured from normal

\textsuperscript{1} 1 Canadian Annex, Agreement No. 35 at 248.
baselines. Point Palmar in Uruguay and a Brazilian mainland point northeast of Chuy Stream were the basepoints, located approximately 200 n.m. from the terminal boundary point.

7 Geological and Geomorphological Considerations

In the boundary area the seabed descends to depths of 3000 meters(m), but without any distinct features seaward of the land frontier. The bathymetric contours generally run parallel to the direction of the coast. The geomorphology of the seabed descends to a depth of over 3000 m, but there are no distinct troughs or other seabed features that had any effect on the boundary.

8 Method of Delimitation Considerations

The method used was to establish a rhumb line nearly perpendicular to the general direction of the coast. Commencing at the mouth of the Chuy Stream, the boundary extends seaward at a 128° azimuth (from true north). The relationship of the coasts of the shelf is one of adjacency. The coasts of the two states in the vicinity of the initial segment of the delimitation line are roughly equal in length so no question of proportionality arose.

9 Technical Considerations

The maritime lateral boundary between the two countries is defined by the rhumb line which, starting from the established point, runs on a bearing of 128 sexagesimal degrees (counting from true north) to the outside limit of the territorial sea of both countries. The extension of that rhumb line running inland passes by the Chuy lighthouse.

10 Other Considerations

None.

IV RELATED LAW IN FORCE

A Law of the Sea Conventions

Brazil: Ratified the 1982 LOS Convention

B Maritime Jurisdiction Claimed at the Time of Signature

Brazil: 200-mile territorial sea
Uruguay: 200-mile territorial sea
C Maritime Jurisdiction Claimed Subsequent to Signature

No change

V REFERENCES AND ADDITIONAL READINGS

1 Canadian Annex 247 (1985)
Libyan Annex 30 (1983)
US Department of State, Limits in the Seas No. 73 (1976)
Texts:
   Notes of 21 July 1972, 12 June 1975
   Declaration of 10 May 1969

Prepared by Eduardo Jiménez de Aréchaga
Agreement between the Government of Brazil and the Government of Uruguay Relating to the Maritime Delimitation between Brazil and Uruguay

Notes of Ratification Exchanged between the Brazilian Embassy and the Uruguayan Minister of Foreign Affairs

With reference to the treaties and other instruments on this subject in force between Uruguay and Brazil – especially the Boundary Treaties of October 12, 1851, and May 15, 1852, and the related reports signed by the Boundary Commissioners, and, more recently, the Joint Declaration on Limits of Maritime Jurisdiction, signed by the Uruguayan and Brazilian Foreign Ministers on May 10, 1969, and the Joint Declaration of the Presidents of Uruguay and Brazil, signed on May 11, 1970 – the Uruguayan-Brazilian Joint Boundary Commission met in Rio de Janeiro, as Your Excellency is aware, for its 38th conference, with the intention of formally executing the above-mentioned Joint Declaration on Limits of Maritime Jurisdiction and Article 6 of the above-mentioned Declaration of the Presidents of Uruguay and Brazil.

Consequently, in the Report drawn up at the 38th conference, held on October 12, 1971, the Uruguayan-Brazilian Joint Boundary Commission established the mouth of Chuy Stream, whose bed has been recognized as unstable since the first Boundary Commission Report of June 15, 1853, as follows:

'The location of the mouth of Chuy Stream shall be fixed at the point defined by the intersection of the line running from the present Chuy light in a direction nearly perpendicular to the general line of the coast, on the same bearing as the maritime lateral boundary (specified below), with the Atlantic Ocean. The maritime lateral boundary between the two countries shall be defined by the rhumb line which, starting from the above-established point, shall run on a bearing of 128 sexagesimal degrees (counting from true north) to the outside limit of the territorial sea of both countries. The extension of that rhumb line running inland passes by the Chuy light. Both of the
Commission Heads also state that the principal marker No. 1 (reference marker), erected by the Joint Boundary Commission in 1853 near the left bank of Chuy Stream and on firm ground for better protection from the water, will be maintained in its original position, and that at the opportune time the necessary works to ensure that Chuy Stream will have its normal outlet at the above-established point will be undertaken.

In view of the foregoing, I have the honor to inform Your Excellency that the Uruguayan Government agrees to adopt, jointly, with the Brazilian Government, the measures necessary to ensure the prompt execution of the works to fix the mouth of Chuy Stream permanently at the point established by both parties.

This note and Your Excellency’s note of this same date and context shall constitute an agreement on this matter.

I avail myself of this opportunity to renew to Your Excellency the expressions of my highest consideration.

Further Exchange of Notes Concerning the Implementation of the Agreement, Dated 12 June 1975

I have the honor to inform Your Excellency that Uruguay [Brazil] has completed the domestic formalities for the approval of the text of the Agreement on the Final Establishment of the Chuy River Bank and the Lateral Sea Limit between the Oriental Republic of Uruguay and the Federal Republic of Brazil concluded at Montevideo by an exchange of notes dated July 21, 1972.

Consequently, I consider that this note and Your Excellency’s note of similar content and date determine the entry into force today of the aforesaid Agreement on the Final Establishment of the Chuy River Bank and the Lateral Sea Limit between the Oriental Republic of Uruguay and the Federal Republic of Brazil.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.
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The national economy and its development have some restraining effects on the oil and natural gas sectors. The surcharge on crude oil and natural gas, which are major sources of state revenue, is a significant policy instrument. The surcharge has been increased over the years, reflecting the government's need to raise additional revenue due to a chronic fiscal deficit. The government also imposes excise taxes on imported goods and services, which contribute to the overall revenue. The combination of surcharges and excise taxes serves to moderate the impact of imported goods on the domestic economy.

The fiscal policy measures aim to maintain macroeconomic stability and ensure sustainable growth. To achieve this, the government has implemented austerity measures, including reductions in government expenditure and increased taxation. These measures have helped to reduce the fiscal deficit and stabilize the currency. However, they have also resulted in a decrease in government spending, which may have a positive impact on the private sector and the economy overall.

The government has also prioritized investments in infrastructure, education, and healthcare, recognizing the importance of these sectors for long-term economic growth. These investments are expected to stimulate job creation and enhance the country's competitiveness. Additionally, the government has implemented policies to promote foreign direct investment, aiming to attract more international businesses to Suriname.

In conclusion, while there are some challenges, the government's fiscal policy measures are designed to ensure a stable macroeconomic environment, which is crucial for sustained economic growth and development. The government continues to monitor the economy closely and adjust policy measures as necessary to address any emerging issues.
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Policy-Making and Institutional Conditions
A Political Practice

Political practices refer to the actions and behaviors that are engaged in by political entities, such as governments, political parties, and political leaders. These practices can range from everyday actions to more structured behavior within political institutions. Political practices can have a significant impact on the functioning of political systems and the outcomes of political decisions.

In the context of international relations, political practices can be analyzed at various levels, including state practices, international practices, and practices within international organizations. Understanding political practices is crucial for assessing the effectiveness of political actions and for predicting the likely outcomes of political decisions.
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C. Effect of Political Factors

Economic degradation, political instability, and lack of political will and aspirations for the betterment of the people and the country are among the main reasons for the erosion of the Portuguese colonial presence in Suriname. The Portuguese government has been slow in recognizing and addressing these issues, which have contributed to the erosion of the country's economic and political stability. The current political climate in Suriname is characterized by political instability, economic degradation, and lack of political will and aspirations for the betterment of the country.

II. Rejoinder of Suriname

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The situation in Suriname is complex and multifaceted, and the government of Suriname has been working to address the challenges faced by the country. The government has implemented various policies and programs to promote economic growth, political stability, and social development.

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Political Strength and Historical Contributions

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A strategic factor is an observable and repeatable event that is the result of an underlying cause and is associated with the occurrence of a strategic outcome. The strategic factor is often used as a measure of the effectiveness of a strategic action or as an indicator of the potential for a strategic outcome. In the context of the strategic factor analysis, the Rejoinder of Suriname Annex SR34 provides additional information that is relevant to the strategic factors under consideration.

B. Types of Security Concerns

The security of the information systems of the government is a critical concern. The security of the information systems is important because it is the foundation upon which all other aspects of the government's operations depend. The security of the information systems is also important because it is the foundation upon which all other aspects of the government's operations depend.

C. Introduction

The Rejoinder of Suriname Annex SR34 provides additional information that is relevant to the strategic factors under consideration.

D. Strategic Factors

In the context of the strategic factor analysis, the Rejoinder of Suriname Annex SR34 provides additional information that is relevant to the strategic factors under consideration.
Rejoinder of Suriname

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The purpose of this annex is to provide a detailed explanation of the background situation and the context of Suriname's stance on the issue. The annex includes comprehensive analysis and documentation to support Suriname's position, including legal and historical perspectives.

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Access to and from the Open Sea

In this section, Suriname emphasizes the importance of accessible and secure maritime routes. It argues that the open sea access is crucial for trade, economic development, and national security. The annex provides evidence from international law and treaty obligations to support its claims.

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Exclusionary Interests

Suriname highlights its exclusive economic zones (EEZs) and continental shelves (CS) as per international law. The annex contains detailed maps and legal arguments to support Suriname's territorial claims and rights over marine resources.

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The annex concludes by reiterating Suriname's commitment to peaceful resolution and cooperation in the Caribbean region while respecting the sovereignty and territorial integrity of all nations involved.
Rejoinder of Suriname

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The text on this page is a continuation of the discussion on the relationship between economic and political stability in Suriname. The document appears to be a formal or legal text, possibly a legal brief or a report, given the language and structure. The text is discussing the economic and political conditions in Suriname, with a focus on economic stability and the political situation.

The text mentions "economic and political conditions" and references "Annex SR34," indicating that this page is part of a larger document or report. The content is dense and technical, typical of legal or official correspondence.

The text also includes references to Suriname, suggesting that the document is related to Suriname's political or economic situation. The language used is formal, consistent with official correspondence or legal documents.
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The Rejoinder is the response of the Suriname government to the original submission of the Suriname

Annex SR34. It is part of the diplomatic process and is written in a formal, professional tone. The

Rejoinder is used to present arguments, provide evidence, and address the claims made in the

original submission.

The Rejoinder focuses on the political and legal aspects of the disputed issue, providing a comprehensive

analysis of the case. It includes a detailed examination of the legal precedents, international law,

and the specific circumstances of the case. The Rejoinder also outlines the Suriname government's

position and arguments, as well as its proposals for resolving the dispute.

The Rejoinder is an important document in the diplomatic process, as it allows both parties to

present their perspectives and arguments in a structured and formal manner. It is submitted to

international bodies or organizations as part of the formal diplomatic process and is used to

establish the Suriname government's position on the disputed issue.

The Rejoinder is an important tool in the resolution of international disputes, as it provides a

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Policy, Strategy, and Physical Coordination
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The political position of Suriname in the United Nations.

A different approach may be expected where the intent is to extend...
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[Document content]

[Excerpt]

[Further document content]