

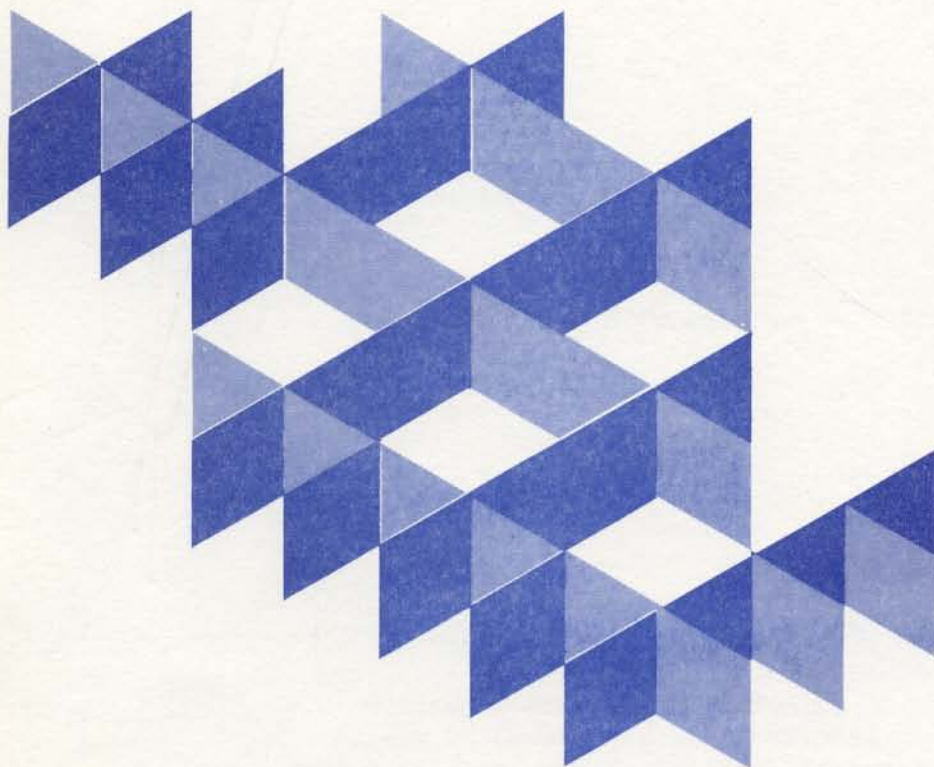
United States Department of State
*Bureau of Oceans and International
Environmental and Scientific Affairs*



Limits in the Seas

No. 110

**MARITIME BOUNDARY:
CUBA - UNITED STATES**



This paper is one of a series issued by the Office of Ocean Law and Policy, Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State. The aim of the series is to set forth the basis of national arrangements for the measurement of marine areas by coastal states. It is intended for background use only. This paper does not necessarily represent an official acceptance by the United States Government of the limits claimed.

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February 21, 1990

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INTRODUCTION

On December 16, 1977, the Governments of the United States of America and the Republic of Cuba signed an agreement delimiting a maritime boundary in the Straits of Florida and eastern Gulf of Mexico. The parties agreed to provisional application of the agreement, effective January 1, 1978, pending permanent entry into force of the agreement following the exchange of instruments of ratification. To date, this exchange has not occurred. Subsequent to the signing of this agreement Notes have been exchanged on six occasions (every two years) extending the provisional application of the agreement. The latest agreement occurred December 26, 1989.

The text of the maritime boundary agreement is reproduced at Annex 1 of this report; a copy of the most recent exchange of notes extending the provisional application of the agreement is reprinted at Annex 2.

BACKGROUND

The 1977 negotiations leading to the maritime boundary agreement were one of the first formal and direct discussions the United States and Cuba held for many years. Each country had, in 1977, extended its maritime jurisdiction to 200 miles, Cuba claiming an exclusive economic zone, the United States claiming an exclusive fishing zone.¹ Since the two countries are less than 400 miles apart there exists an area in the southern portion of the Straits of Florida and eastern Gulf of Mexico where their respective claims overlap. (See attached illustrative map).

Following the claims to extended resource jurisdiction, each side viewed an agreed boundary as important to avoid enforcement problems and to establish an agreed limit for fisheries and continental shelf activities. Meetings were held in New York City and in Havana in early 1977. Realizing that there were several technical issues to overcome, the parties on April 27, 1977, agreed, through an exchange of notes, on a line to serve as a modus vivendi for 1977, pending conclusion of negotiations. The boundary agreement that was signed later that year differs only slightly from the April agreement. Although the treaty has been submitted to the U.S. Senate for its advice and consent to ratification, final action on the agreement has been deferred because of the political relations between the two countries, not due to any stated objection to the boundary itself.

THE BOUNDARY AREA

The United States and Cuba have opposing coasts that range between 77 and 90 miles apart. The coastlines facing the boundary are the Florida Keys and the United States and the northern coast, including Havana, of Cuba. To the east each state will have a maritime boundary with The Bahamas. The eastern-most point in this delimitation is equally distant

¹ All distances in this study are nautical miles. One nautical mile equals 1,852 meters.

from The Bahamas, Cuba, and the United States.

The water depths along the boundary are relatively deep. The 100- fathom depth contour is encountered quite near both coasts. Along the eastern half of the boundary the water depths are generally less than 1000 fathoms (6000 feet) and relatively uniform, ranging between 550 and 650 fathoms. The water depth along the course of the western half of the boundary is deeper at about 1800 fathoms.

THE NEGOTIATIONS

The parties agreed early on in their talks to employ the equidistance method. The fishery enforcement limit the United States had unilaterally established on March 1, 1977, was a strict equidistant line with 48 turning and terminal points. The modus vivendi line agreed to by Cuba and the United States in April 1977 (to remain in force through 1977) simplified this line to 17 turning and terminal points. In the east, the first three points of the modus vivendi line included the tripoint, equidistant with The Bahamas, and two new turning points; the remaining 14 turning points coincided with the published United States fishery enforcement limit. The modus vivendi line was slightly north of the published United States line in the east, displacing an area of about 39 square nautical miles.

During the first round of discussions it was clear that each side did not have up-to-date and accurate data of the other side's coastline. This data gap resulted in incorrect positioning of the other side's basepoints and minor disagreement over the location of an equidistant line. Since both Cuba and the United States make their charts using the 1927 North American Datum and Clarke Ellipsoid of 1866, this technical problem was easily overcome with the exchange of large-scale charts.

One issue requiring compromise concerned Cuba's straight baseline claim made in February 1977.² The United States does not recognize Cuba's straight baselines along its northern coast on the grounds that the geographic conditions, as prescribed under international law, are not met. Specifically, Cuba's coastline is neither deeply indented nor fringed with islands in this area. The United States does not claim straight baselines along its coast. Cuba gains an advantage over the United States in the eastern part of the boundary if an equidistant line is created by using Cuba's straight baselines against the United States low-water line. The western portion of the boundary was not influenced by Cuba's straight baselines.

To avoid an impasse in the talks, Cuba and the United States agreed to calculate an equidistant line from the relevant basepoints on their respective low-water lines and a second equidistant line from the Cuban straight baselines and comparable hypothetical construction lines along the United States coast. These two equidistant lines were separated by as much as approximately three miles. A compromise line was then

² For analysis of Cuba's straight baseline claim see Limits in the Seas No. 76, October 28, 1977. The United States protested parts of the baseline system in 1984.

negotiated that ran between these two equidistant lines, essentially dividing the intervening area equally between them. Comparing the negotiated boundary line to the original line published by the United States in March 1977, the United States gained a net area of approximately 235 square nautical miles; a slight area loss in the eastern part of the boundary area, offset in the central and western portions of the boundary.

THE BOUNDARY

The boundary consists of 27 turning and terminal points and is 313.4 miles long. In the east, the starting point is a tripoint, approximately 40 miles distant from the coasts of The Bahamas (Cay Sal), Cuba, and the United States. From the tripoint the boundary extends in a general westward direction until turning point 13; it then turns in a northwestward direction until reaching the terminus, 200 miles from the Cuban and U.S. coasts. The distance between boundary turning points ranges from 2.12 miles (between points 10 and 11) to 35.34 miles (between points 26 and 27) and averages about 12 miles.

The boundary separates all types of maritime jurisdiction permitted under international law. At the time the treaty was signed, Cuba claimed a 200-mile exclusive economic zone and the United States a 200-mile fishery zone. Subsequent to the signing the United States, in 1983, claimed a 200-mile exclusive economic zone.

CUBA — U.S. MARITIME BOUNDARY

Cuba — U.S. Maritime Boundary Turning Points

(Clarke 1866 Ellipsoid, 1927 North American Datum)

1. 23°55'30"N 81°12'55"W	10. 23°49'40"N 82°48'54"W	19. 24°09'35"N 84°29'28"W
2. 23°53'50"N 81°19'44"W	11. 23°49'30"N 82°51'12"W	20. 24°13'18"N 84°38'40"W
3. 23°50'50"N 81°30'00"W	12. 23°49'22"N 83°00'00"W	21. 24°16'39"N 84°46'08"W
4. 23°50'00"N 81°40'00"W	13. 23°49'50"N 83°15'00"W	22. 24°23'28"N 85°00'00"W
5. 23°49'03"N 81°50'00"W	14. 23°51'20"N 83°25'50"W	23. 24°26'35"N 85°06'20"W
6. 23°49'03"N 82°00'12"W	15. 23°52'25"N 83°33'02"W	24. 24°38'55"N 85°31'55"W
7. 23°49'40"N 82°10'00"W	16. 23°54'02"N 83°41'36"W	25. 24°44'15"N 85°43'12"W
8. 23°51'12"N 82°25'00"W	17. 23°55'45"N 83°48'12"W	26. 24°53'55"N 86°00'00"W
9. 23°51'12"N 82°40'00"W	18. 23°58'36"N 84°00'00"W	27. 25°12'25"N 86°33'12"W

