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Limits in the Seas

No. 103

STRAIGHT BASELINES:

COLOMBIA

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of marine areas of the division of the maritime areas of coastal states.

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LIMITS IN THE SEAS

No. 103

STRAIGHT BASELINES:

COLOMBIA

April 30, 1985

Office of The Geographer
Bureau of Intelligence and Research

On June 13, 1984, the President of the Republic of Colombia issued Decree No. 1436, which established a system of straight baselines for both the Pacific Ocean and Caribbean Sea coasts of Colombia. The translation of the full text of this Decree follows:

Republic of Colombia
Ministry of Foreign Affairs
General Secretariat

Decree No. 1436 of June 13, 1984

partially regulating Article 9 of Law 10 of 1978:

The President of the Republic of Colombia
by virtue of his constitutional powers
and especially those vested in him by Article 120 (3)
of the National Constitution, and

WHEREAS

It is necessary to establish baselines from which to measure the breadth of the territorial sea and the exclusive economic zone of the nation;

The Colombian coast, both on the Pacific Ocean and the Caribbean Sea, is deeply indented and cut into and has fringes of islands, and therefore the method of straight baselines may be employed, as provided for in Article 4 of Law 10 of 1978;

The government has decided to establish some straight baselines, in accordance with international law and as provided for in Article 9 of Law 10 of 1978;

DECREES:

Article 1: The breadth of the territorial sea shall be measured from the normal baseline, as established by Article 4 of Law 10 of 1978, and from the straight baselines indicated below. Names for the geographic end points have been taken from United States Defense Mapping Agency Hydrographic and Topographic Center nautical charts No. 21033, scale 1:1,000,000 and No. 24036, scale 1:956,170, for the Colombian coasts on the Pacific Ocean and the Caribbean Sea, respectively:

PACIFIC COAST

FROM			TO		
Point	Lat. North	Long. West	Point	Lat. North	Long. West
1	07°12'39.3"	77°53'20.9"	2	06°47'07"	77°41'30"
	(Colombia-Panama Boundary)			(Octavia Rocks)	

2	06°47'07" (Octavia Rocks)	77°41'30"	3	06°11'35"	77°29'37"
3	06°11'35"	77°29'37"	4	05°29'15" (Cape Corrientes)	77°32'53"
4	05°29'15" (Cape Corrientes)	77°32'53"	5	04°12'30" (Cacahual Island- SW)	77°31'45"
5	04°12'30" (Cacahual Island- SW)	77°31'45"	6	03°00'23" (Coll-Gorgona Point)	78°10'00"
7	02°56"23' (Gorgonilla Island)	78°13'17"	8	02°35'33"	78°26'04"
9	02°11'00" (San Ignacio Bay- Patia River Delta)	78°41'07"	10	01°37'18" (Cape Manglares)	79°02'36"

ATLANTIC COAST To

1	11°51'07.41" (Castilletes)	71°19'23"	2	12°00'25"	71°08'20"
3	12°26'10"	71°43'45"	4	12°14'50" (Pilon de Azucar)	72°08'00"
5	12°13'08" (Farallon Island)	72°10'50"	6	11°20'18" (Cape Aguja)	74°12'47"
6	11°20'18" (Cape Aguja)	74°12'47"	7	11°06'53" (Tajamar Bocas de Ceniza)	74°50'38"
8	11°06'50" (Tajamar Bocas de Ceniza)	74°51'05"	9	10°48'12" (Garita Point)	75°15'42"
9	10°48'12" (Garita Point)	75°15'42"	10	10°44'45" (Arena Island)	75°21'10"
10	10°44'45" (Arena Island)	75°21'10"	11	10°34'35" (Canoas Point- North)	75°30'28"
12	10°33'30" (Canoas Point – South)	75°30'52"	13	10°10'10" (Rosario Islands-Occidental Rock)	75°48'10"
13	10°10'10" (Rosario Islands-Occidental Rock)	75°48'10"	14	09°23'42" (Fuerte Island)	76°11'23"
14	09°23'42" (Fuerte Island)	76°11'23"	15	08°41'07.3" (Cape Tiburon)	77°21'50.9"

Article 2: The waters enclosed by the straight baselines established in the preceding article shall be considered internal waters and thus the State shall have the right to exercise absolute sovereignty over them in accordance with the rules accepted by international law.

Article 3: This decree shall become effective from the date of its issuance.

To be published and executed.

Done in Bogota, D.E., June 13, 1984
[s] Belisario Betancur

[Signature]
Rodrigo Lloreda Caicedo
Minister of Foreign Affairs

[Signature]
Gustavo Matamore D'Costa
Minister of National Defense

ANALYSIS

Caribbean (Atlantic) Coast

The Colombian straight baseline system and territorial sea claim in the Caribbean Sea is illustrated on the attached map (based on US DMAHTC chart 24036, which was used by the Colombian Government and cited in Article 1 of its decree). Colombia has identified 15 basepoints and created 10 baseline segments that have lengths ranging in distance from 6.4 nm to 130.5 nm (see Table 1).

Table 1

Distances Between Straight Baseline Turning Points: Caribbean

Segment	Distance (nm)
1- 2	14.3
3- 4	26.3
5- 6	130.5
6- 7	39.5
8- 9	30.5

Segment	Distance (nm)
9-10	6.4
10-11	13.7
12-13	28.9
13-14	51.8
14-15	81.6

Colombia has applied straight baselines to the entire coastline except the smooth northeastern coast of the Guajira Peninsula. It has justified the use of straight baselines by stating in the preamble of the decree that "The Colombian coast, both on the Pacific Ocean and the Caribbean Sea, is deeply indented and cut into and has fringes of islands…." This is essentially a recitation of the criteria for straight baselines articulated in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone (as well as in the 1982 United Nations Convention on the Law of the Sea), permitting straight baselines where "the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity…." These characteristics, however, do not apply to all areas of Colombia's Caribbean coastline.

In the east, segment 1 connects a point on a small peninsula near Castilletes and the Venezuelan land boundary terminus with an unnamed point on the southeast coast of the Guajira Peninsula. There are no offshore islands here, and there is a general curvature in the coastline, but it is not deeply indented. The straight baseline closes off approximately 17 sq. nm of previous territorial sea.

Segment 2 connects a point on the northern coast of the Guajira Peninsula (point 3) with Pilon de Azucar (point 4). Two bays exist along this stretch of coastline--Honda Bay and El Portete--which could be closed off using bay closing line methods. The remaining part of this section of the coastline is relatively smooth. There are no offshore islands in this region.

The long third segment (130.5 nm) connects Farallon Island (point 5), situated just off the northwest tip of the Guajira Peninsula, with Cape Aguja (point 6) in the north-central part of the Colombian coast. Although the coastline changes direction three times between these two coastal features, it is not deeply indented, nor are there fringing islands. By employing this particular straight baseline, Colombia has enclosed as internal waters approximately 2,100 sq. nm of waters which previously had been territorial sea (1,500 sq. nm) or high seas (600 sq. nm) and has created an additional 1,300 sq. nm area of territorial sea.[1]

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[1] It should be noted that, in areas where straight baselines are appropriate, the right of innocent passage is preserved. The 1958 Convention on the Territorial Sea and the Contiguous Zone (Article 5) states (and the 1982 Law of the Sea Convention has similar language in Article 8):
"Where the establishment of a straight baseline in accordance with article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 14 to 23, shall exist in those waters."

Segment 4 connects Cape Aguja with Tajamar Bocas de Ceniza (point 7), which is located at the mouth of the Magdalena River. Along this section, the Colombian coastline could be characterized as an over-large bay because the closing line of this well-marked indentation (it meets the semicircle test) measures approximately 39 nm. According to Article 7 (5) of the 1958 Convention on the Territorial Sea and the Contiguous Zone, the criteria for a straight baseline is that it be "drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length." The Colombian baseline would have to be pulled landward to satisfy this criterion.

From the western side of the Magdalena River mouth, segment 5 extends southwest to Garita Point (point 9) running landward of the one small island situated off this section of the coast. The coastline is neither fringed with islands, nor is it deeply indented.

Segments 6 and 7 run from Garita Point out to Arena Island (point 10) and then back to the mainland at Canoas Point (point 11). At Garita Point the coastline changes direction to run south for approximately 5 nm before turning to the southwest. This directional change does not constitute a deep indentation. The two small islets of Arena and Cascajal could not be categorized as fringing islands.

The next two segments, 8 and 9, continue from Canoas Point (point 12) to the Rosario Islands (point 13) and then to Fuerte Island (point 14). Segment 8 is the one area off the Colombian Caribbean coast that contains fringing islands. The Rosario Islands, Baru Island, and Tierra Bomba Island fringe about 65 percent of this section of the coastline. It is questionable, however, whether the baseline should continue to Fuerte Island. Landward of segment 9 are the small San Bernardo Islands, which fringe only about 10 percent of this coastal section. From the Rosario Islands it might be more appropriate to draw the shortest line back to the mainland and then continue south along the mainland low-water line. At San Bernardo Point, a bay closing line could be drawn across the Morrosquillo Gulf.

The final segment connects Fuerte Island with Cape Tiburon at the Panama land boundary terminus (point 15). From Piedras Point, on the mainland across from Fuerte Island, to Caribana Point, to the east of Cape Tiburon, there is a slight northeast to southwest curvature in the coastline with only one small island situated offshore. Straight baselines may not be appropriate along this portion of the coast, but a closing line could be drawn across the entrance to the Uruba Gulf.

Pacific Coast

Colombia's claimed straight baseline and territorial sea on the Pacific Ocean coast is

illustrated on the attached map that is based on US DMAHTC chart 21033 and which Colombia used in developing its baseline system (Article 1 of the decree). Ten coastal points and seven baseline segments have been identified; the segments range in distance from 24.4 nm (between points 7 and 8) to 81.6 nm (between points 5 and 6) (see Table 2).

Table 2

Distances Between Straight Baseline Turning Points: Pacific Ocean

Segment	Distance (nm)
1- 2	28.1
2- 3	37.5
3- 4	42.4
4- 5	76.8
5- 6	81.6
7- 8	24.4
9-10	40.0

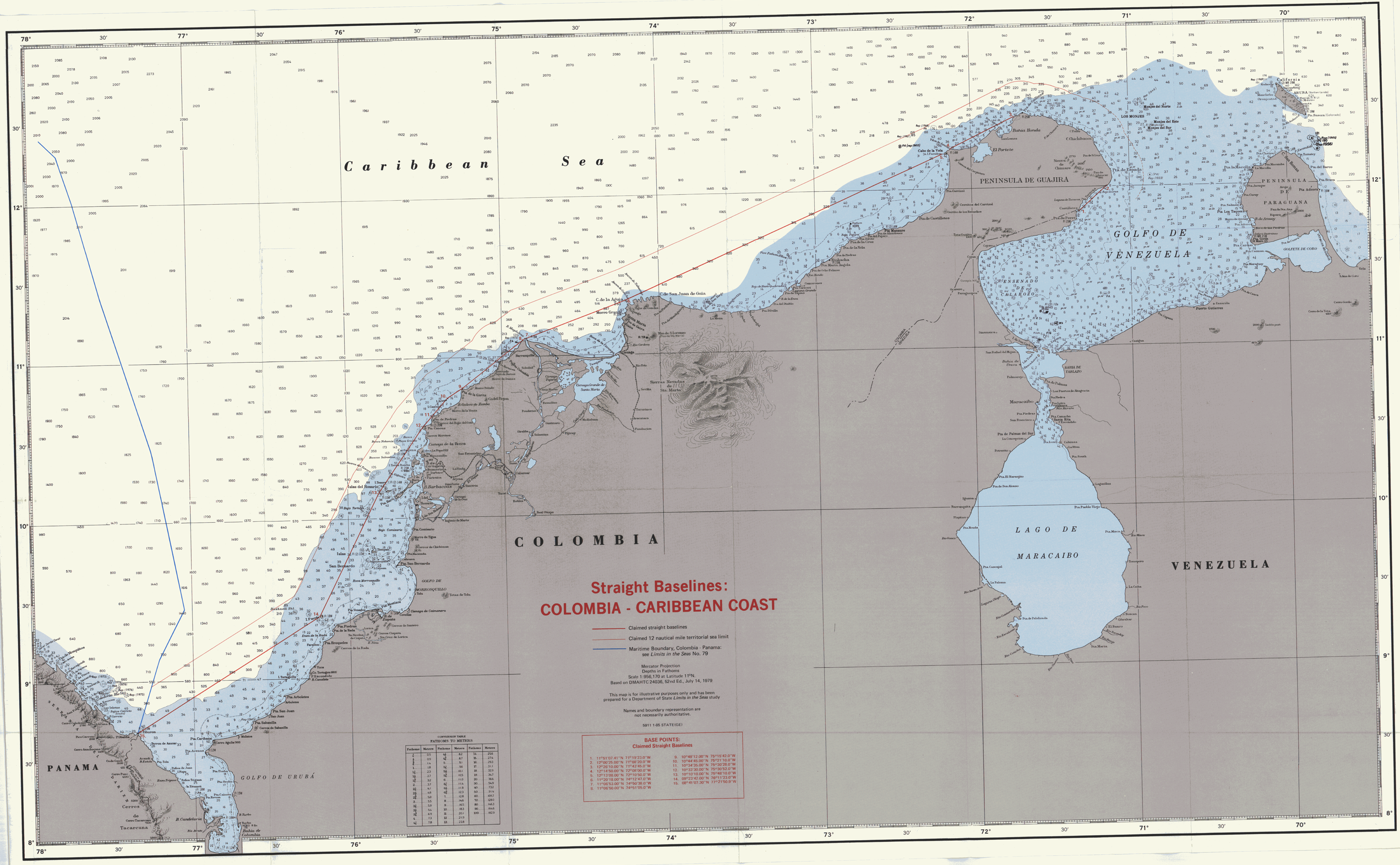
From the Panama land boundary terminus, the Colombian coastline runs in a general southeasterly direction for about 120 nm before reaching a large peninsula and Cape Corrientes. The only deep indentation along this stretch of coastline is Cupica Gulf; a bay closing line could be drawn from Cruces Point to Solano Point. Tibuga Gulf, as defined by segment 2 (between points 2 and 3), fails the semicircle test and cannot be considered an over-large bay. In fact, there are no possible closing lines for the Tibuga Gulf that would meet the semicircle test, indicating that this section is a mere curvature in the coast and not deeply indented.

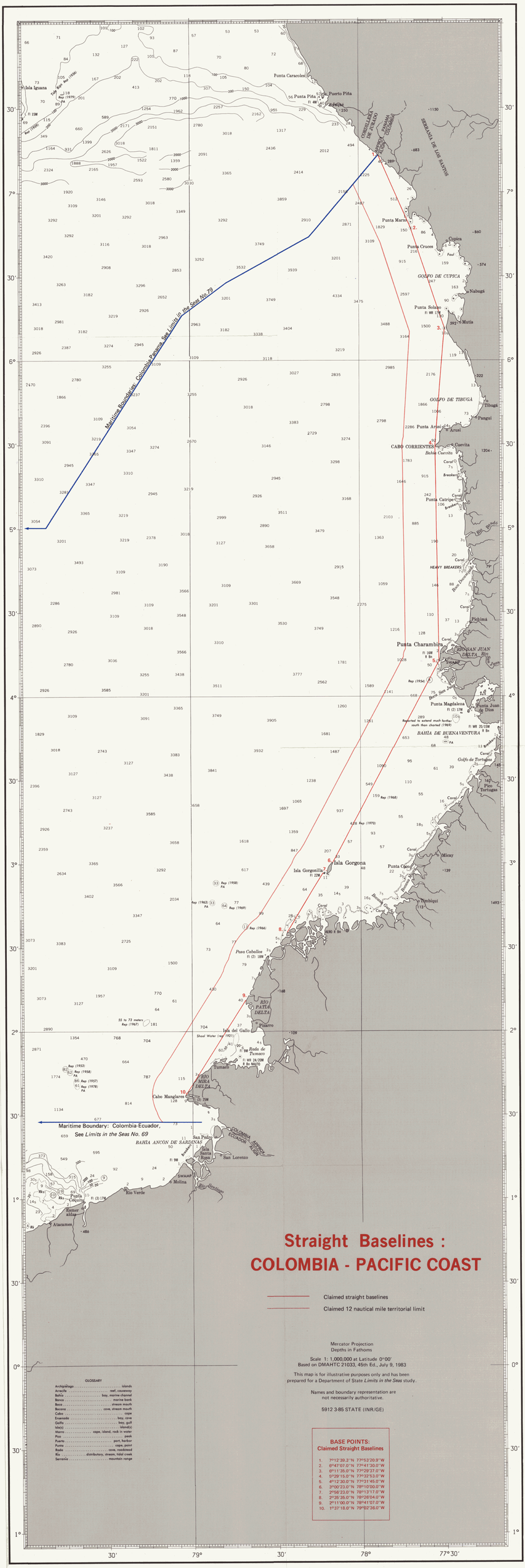
Between Cape Corrientes and Charambira at the mouth of the San Juan River, the coastline runs due south. Several small rivers empty into the Pacific along this stretch of coast, and closing lines across their mouth can be drawn. There are no islands in this area, and therefore segment 3 (between turning points 3 and 4) does not appear appropriate.

From the San Juan River south to the Ecuador land boundary terminus, the coastline changes direction numerous times, and several rivers empty into the Pacific, creating deltaic areas. There are only two offshore islands, Gorgona and Gorgonilla; they cannot therefore be considered fringing islands. The Colombian baselines which extend to these islands and back to the mainland do not reflect the actual nature of the coast. Straight baselines may be more appropriately drawn along the islands found in the delta area, and bay closing lines could be drawn at Buenaventura Bay and the bay found between the Patia River and the Miro River deltas.

Conclusion

With the exception of several select areas, straight baselines do not appear to be appropriate for the Colombian coastline. There are very few islands off either coast; those in the Pacific are mostly islands associated with the river deltas. Except for several bays, the coastline along both coasts is relatively smooth. And, in most areas, the changes in coastal directions do not create deep indentations.


Caribbean Sea
COLOMBIA
VENEZUELA
PANAMA
PENINSULA DE GUAJIRA
GOLFO DE VENEZUELA
LAGO DE MARACAIBO
GOLFO DE URUBÁ
GOLFO DE MORROSQUILLO
Sierras Nevadas de Sta. Marta
Cerros de Tacarcuna
Bahia de Colombia
Straight Baselines:
COLOMBIA - CARIBBEAN COAST
Claimed straight baselines
Claimed 12 nautical mile territorial sea limit
Maritime Boundary, Colombia - Panama: see Limits in the Seas No. 79
Mercator Projection
Depths in Fathoms
Scale 1:956,170 at Latitude 11°N.
Based on DMAHTC 24036, 52nd Ed., July 14, 1979
This map is for illustrative purposes only and has been prepared for a Department of State Limits in the Seas study
Names and boundary representation are not necessarily authoritative.
5911 1-85 STATE(GE)
BASE POINTS:
Claimed Straight Baselines
1. 11°51'07.41"N 71°19'23.0"W
2. 12°00'25.00"N 71°08'20.0"W
3. 12°26'10.00"N 71°43'45.0"W
4. 12°14'50.00"N 72°08'00.0"W
5. 12°13'08.00"N 72°10'50.0"W
6. 11°20'18.00"N 74°12'47.0"W
7. 11°06'53.00"N 74°50'38.0"W
8. 11°06'50.00"N 74°51'05.0"W
9. 10°48'12.00"N 75°15'42.0"W
10. 10°44'45.00"N 75°21'10.0"W
11. 10°34'35.00"N 75°30'28.0"W
12. 10°33'30.00"N 75°30'52.0"W
13. 10°10'10.00"N 75°48'10.0"W
14. 09°23'42.00"N 76°11'23.0"W
15. 08°41'07.30"N 77°21'50.9"W
CONVERSION TABLE
FATHOMS TO METERS



Straight Baselines : COLOMBIA - PACIFIC COAST

Claimed straight baselines

Claimed 12 nautical mile territorial limit

Mercator Projection
Depths in Fathoms

Scale 1: 1,000,000 at Latitude 0°00'
Based on DMAHTC 21033, 45th Ed., July 9, 1983

This map is for illustrative purposes only and has been prepared for a Department of State *Limits in the Seas* study.

Names and boundary representation are not necessarily authoritative.

5912 3-85 STATE (INR/GE)

BASE POINTS:
Claimed Straight Baselines

1.	7°12'39.3"N 77°53'20.9"W
2.	6°47'07.0"N 77°41'30.0"W
3.	6°11'35.0"N 77°29'37.0"W
4.	5°29'15.0"N 77°32'53.0"W
5.	4°12'30.0"N 77°31'45.0"W
6.	3°00'23.0"N 78°10'00.0"W
7.	2°56'23.0"N 78°13'17.0"W
8.	2°35'35.0"N 78°28'04.0"W
9.	2°11'00.0"N 78°41'07.0"W
10.	1°37'18.0"N 79°02'36.0"W

GLOSSARY

Archipiélago	islands
Arrecife	reef, causeway
Bahía	bay, marine channel
Banco	marine bank
Boca	stream mouth
Bocana	cove, stream mouth
Cabo	cape
Ensenada	bay, cove
Golfo	bay, gulf
Isla(s)	island(s)
Morro	cape, island, rock in water
Pico	peak
Puerto	port, harbor
Punta	cape, point
Rada	cove, roadstead
Río	distributary, stream, tidal creek
Serranía	mountain range