

THREE TREATIES ESTABLISHING MARITIME
BOUNDARIES BETWEEN THE UNITED STATES AND
MEXICO, VENEZUELA AND CUBA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THREE TREATIES ESTABLISHING MARITIME BOUNDARIES :
THE TREATY ON MARITIME BOUNDARIES BETWEEN THE
UNITED STATES OF AMERICA AND THE UNITED MEXICAN
STATES, SIGNED AT MEXICO CITY, MAY 4, 1978 (EX. F,
96-1) ; THE MARITIME BOUNDARY TREATY BETWEEN THE
UNITED STATES OF AMERICA AND THE REPUBLIC OF
VENEZUELA, SIGNED AT CARACAS ON MARCH 28, 1978
(EX. G, 96-1) ; AND THE MARITIME BOUNDARY AGREE-
MENT BETWEEN THE UNITED STATES OF AMERICA AND THE
REPUBLIC OF CUBA, SIGNED AT WASHINGTON, DE-
CEMBER 16, 1977 (EX. H, 96-1)



JANUARY 23, 1979.—Treaties were read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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WASHINGTON : 1979

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *January 19, 1978.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, three treaties establishing maritime boundaries: the Treaty on Maritime Boundaries between the United States of America and the United Mexican States, signed at Mexico City on May 4, 1978; the Maritime Boundary Treaty between the United States of America and the Republic of Venezuela, signed at Caracas on March 28, 1978; and the Maritime Boundary Agreement between the United States of America and the Republic of Cuba, signed at Washington, December 16, 1977.

These treaties are necessary to delimit the continental shelf and overlapping claims of jurisdiction resulting from the establishing of a 200 nautical mile fishery conservation zone off the costs of the United States in accordance with the Fishery Conservation and Management Act of 1976, and the establishment of 200 nautical mile zones by these neighboring countries.

The treaty with Mexico establishes the maritime boundary between the United States and Mexico for the area between twelve and two hundred nautical miles off the coasts of the two countries in the Pacific Ocean and Gulf of Mexico. In this regard, it supplements the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, signed at Mexico November 23, 1970, which establishes maritime boundaries out to twelve nautical miles off the respective coasts. The treaty with Venezuela establishes the maritime boundary between the two countries in the Caribbean Sea, between Puerto Rico and the U.S. Virgin Islands and Venezuela where the 200 nautical mile zones overlap. The treaty with Cuba establishes the maritime boundary between the two countries in the Straits of Florida area and the eastern Gulf of Mexico where the 200 nautical mile zones overlap.

I believe that these treaties are in the United States interest. They are consistent with the United States interpretation of international law that maritime boundaries are to be established by agreement in accordance with equitable principles in the light of relevant geographic circumstances. They will facilitate law enforcement activities, and provide for certainty in resource development.

I also transmit for the information of the Senate the report of the Department of State with respect to each of these treaties.

I recommend that the Senate give early consideration to these treaties and advice and consent to their ratification.

JIMMY CARTER.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, December 27, 1978.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to the transmittal thereof to the Senate for its advice and consent to ratification, the Maritime Boundary Agreement between the United States of America and the Republic of Cuba, signed at Washington, December 16, 1977. The treaty establishes the maritime boundary between the United States and Cuba in the Straits of Florida area and in the eastern Gulf of Mexico where the 200 nautical mile zones would overlap.

The establishment of a 200 nautical mile fishery conservation zone off the coast of the United States pursuant to the Fishery Conservation and Management Act of 1976, and of a 200 nautical mile zone off the coast of Cuba pursuant to Decree Law No. 2 of February 24, 1977, created the need for agreement on the maritime boundary in order to avoid enforcement problems and to provide for certainty in the development and exploitation of resources in the area where such 200 nautical mile zones would overlap.

Discussions between officials of the two governments were held on this subject in New York and Havana during the early part of 1977. It was agreed that more technical work was needed before a maritime boundary could be established and that data and charts needed to be exchanged to facilitate an understanding. Pending further negotiations, the two governments agreed, through an exchange of notes dated April 27, 1977, on a line which would serve as a *modus vivendi* for 1977. Following the exchange of relevant data and charts and further negotiations in Washington, representatives of the two governments signed a boundary agreement on December 17, 1977.

The operative portion of the treaty consists of five articles.

Article I sets out the specific geographic coordinates which define the maritime boundary as depicted on the map enclosed at Annex A. The maritime boundary is 313 nautical miles in length, and consists of twenty-six geodetic line segments connecting twenty-seven points. Its eastern terminus is a trijunction point measured from United States, Cuban and Bahamian territory. Its western terminus is in the eastern Gulf of Mexico 200 nautical miles from the coasts of the two countries. The maritime boundary described in Article I is a negotiated boundary developed on the basis of equitable principles in light of the relevant geographic circumstances.

Article II clarifies the technical data which was used in determining the maritime boundary. It lists the relevant maps and notes that the computational bases are the Clarke 1866 ellipsoid and the 1927 North American Datum.

Article III describes the legal effect of the maritime boundary. It provides that neither country shall claim or exercise for any purpose sovereign rights or jurisdiction over the waters or seabed and subsoil on the other country's side of the maritime boundary.

Article IV establishes that the sole purpose of the treaty is to establish the maritime boundary. It also contains a disclaimer which makes clear that agreement on the maritime boundary does not constitute recognition of the jurisdiction that the other country may claim to exercise in the delimited area beyond that otherwise recognized by each country. In this connection, the United States and Cuba maintain different positions concerning the breadth of the territorial sea and the nature of jurisdiction that may be exercised within the 200 nautical mile zone.

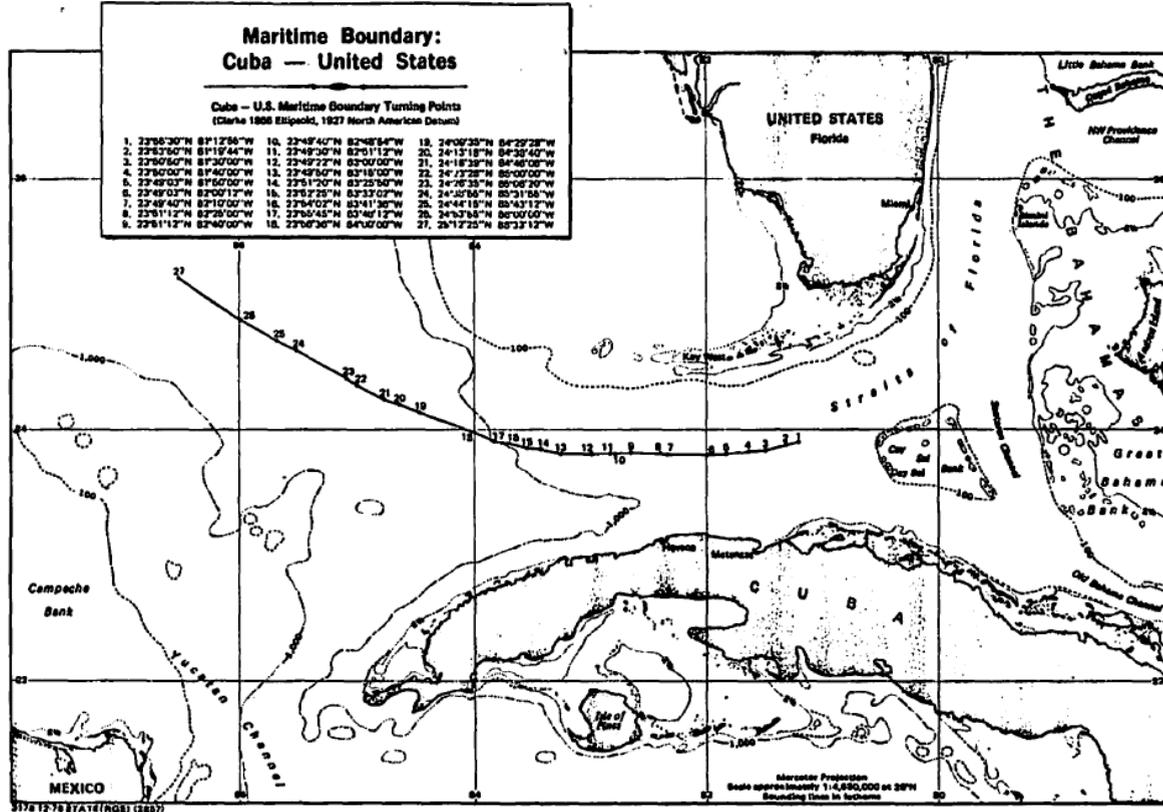
Article V provides that the treaty will enter into force on the date of exchange of instruments of ratification. Since the maritime boundary set forth in the treaty differs in some respects from that established by the *modus vivendi* of April 27, 1977, Article V also provides that the maritime boundary set forth in the treaty will be applied provisionally for two years from January 1, 1978. Both countries have acted in accordance with this provision.

I recommend that this treaty be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

CYRUS VANCE.

Enclosure: Annex A-Chart of the maritime boundary between the United States and Cuba.



MARITIME BOUNDARY AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CUBA

Desirous of establishing the maritime boundary between the United States of America and the Republic of Cuba, as a result of the enactment, by the Government of the United States of America, of Public Law No. 94-265 of April 13, 1976, and by the Government of the Republic of Cuba, of Decree-Law No. 2 of February 24, 1977, the two Governments have agreed as follows:

ARTICLE I

The maritime boundary between the United States of America and the Republic of Cuba shall be determined by the geodetic lines connecting the following coordinates:

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

ARTICLE II

The geodetic and computational bases used are the Clarke 1866 ellipsoid, the 1927 North American Datum, and the following charts:

Charts published by the National Ocean Survey of the United States of America:

Chart NOS No.11438, 6th Edition, September 20, 1975;
 Chart NOS No.11439, 13th Edition, June 7,1975;
 Chart NOS No.11441, 27th Edition, July 24, 1976;
 Chart NOS No. 11442, 16th Edition, April 10, 1976;
 Chart NOS No.11445, 15th Edition, July 24,1976.

Charts published by the Instituto Cubano de Hidrografia of the Republic of Cuba:

Chart ICH No. 15001, 1st Edition, October 1, 1975;
 Chart ICH No. 15002, 1st Edition, March 1, 1976;
 Chart ICH No. 15003, 1st Edition, September 1, 1975;
 Chart ICH No. 15004, 1st Edition, October 1, 1975;
 Chart ICH No. 15005, 1st Edition, October 1, 1975;
 Chart ICH No. 15006, 1st Edition, May 1, 1975.

ARTICLE III

South of the maritime boundary the United States of America shall not, and north of the maritime boundary the Republic of Cuba shall not, claim or exercise sovereign rights or jurisdiction over the waters or seabed and subsoil.

ARTICLE IV

This Agreement, the sole purpose of which is to establish the location of the maritime boundary between the United States of America and the Republic of Cuba, shall not prejudice or affect the positions of either Party concerning: the nature of the sovereign rights exercised by States; the rules of international law with respect to the exercise of jurisdiction over the waters or seabed and subsoil; or any other matter relating to the law of the sea.

ARTICLE V

This Agreement is subject to ratification in accordance with the respective constitutional procedures of the two States.

The Parties agree to apply the terms of this Agreement provisionally from January 1, 1978, for a period of two years, and it will enter into force permanently on the date of exchange of instruments of ratification.

Done at Washington, December 16, 1977, in English and Spanish, both texts being equally authentic.

For the Government of the United States of America:
 For the Government of the Republic of Cuba:

Max B. Feldman

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