

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

Limits in the Seas

No. 149

Spain

Maritime Claims and Boundaries



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SPAIN
MARITIME CLAIMS AND BOUNDARIES

November 23, 2020

**Office of Ocean and Polar Affairs
Bureau of Oceans and International Environmental and Scientific Affairs
U.S. Department of State**

This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the U.S. Department of State. The purpose of the series is to examine a coastal State's maritime claims and/or boundaries and assess their consistency with international law. This study represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the limits claimed.

This study, and earlier studies in this series, may be downloaded from <https://www.state.gov/limits-in-the-seas/>. Comments and questions should be emailed to LimitsInTheSeas@state.gov. Principal analysts for this study are from the Department of State's Office of Ocean and Polar Affairs and the Office of the Legal Adviser.

Introduction

This study analyzes the maritime claims and maritime boundaries of the Kingdom of Spain (Spain), including Spain's mainland, the Balearic Islands in the Mediterranean Sea, and the Canary Islands in the Atlantic Ocean.¹

The Basis for Analysis section summarizes Spain's maritime claims and boundaries and discusses the relevant provisions of the international law of the sea. The Analysis section that follows examines these claims and boundaries from a geographic and legal perspective, including for consistency with the international law of the sea. The Conclusion briefly summarizes the results of this study's analysis of Spain's maritime claims.

Basis for Analysis

The basis for this study's analysis of Spain's maritime claims is the international law of the sea as reflected in the United Nations Convention on the Law of the Sea (Convention).² Spain ratified the Convention on January 15, 1997.

Summary of Spain's Maritime Claims and Boundaries

Through its domestic legislation and other enactments, Spain has established a 12-nautical mile (M) territorial sea,³ 24-M contiguous zone,⁴ a 200-M exclusive economic zone (EEZ) in the Atlantic Ocean and northwest Mediterranean Sea.⁵ Although Spanish law does not appear to formally declare a continental shelf, Spain has made submissions to the Commission on the Limits of the Continental Shelf pertaining to the outer limits of the continental shelf beyond 200 M.⁶ Through its domestic regulations, Spain claims straight baselines (from which its maritime zones are measured) along most of its mainland coast and also parts of the coasts of the Balearic Islands and Canary Islands.⁷ Selected laws and regulations of Spain are reproduced in Annexes to this study.

¹ The Kingdom of Spain also includes its exclaves located on the northern coast of Africa, which are beyond the scope of this study.

² [United Nations Convention on the Law of the Sea](#), Montego Bay, opened for signature Dec. 10, 1982, entered into force Nov. 16, 1994, 1833 UNTS 397. The United States considers the substantive provisions of the Convention cited in this study to reflect customary international law, as do international courts and tribunals. *See, e.g.*, J.A. Roach, "Today's Customary International Law of the Sea," 45 *Ocean Dev't & Int'l L.*, 239–252 (2014).

³ *Act No. 10/1977 of 4 January 1977* (Annex 1 to this study), available from UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at its [website](#) pertaining to Spain's maritime claims and boundaries.

⁴ *Act No. 27/1992 of 24 November 1992 concerning national ports and merchant shipping* (Annex 2 to this study), art. 7.1, and second supplementary provision, relevant excerpts available from DOALOS, *id.*

⁵ *Act No. 15/1978 on the Economic Zone of 20 February 1978* (establishing an EEZ in the Atlantic, Annex 3 to this study) and *Royal Decree No. 236/2013 of 5 April 2013* (establishing an EEZ in the Northwest Mediterranean, Annex 4 to this study), available from DOALOS, *supra* note 3.

⁶ *See submissions, infra* notes 33, 35, 36, and associated text.

⁷ *Royal Decree No. 2510/1977 of 5 August 1977* (Annex 6 to this study), available from DOALOS, *supra* note 3.

Baselines

Part II of the Convention sets forth rules governing coastal baselines, from which the seaward limits of maritime zones are measured. The normal baseline is the low-water line along the coast, as described in Article 5 of the Convention. Additional related provisions are found in Articles 6 (reefs), 9 (mouths of rivers), 10 (bays), 11 (ports), 12 (roadsteads), and 13 (low-tide elevations).

The Convention also permits the method of straight baselines, but only where the coastal geography meets certain conditions, namely (1) “[i]n localities where the coastline is deeply indented and cut into” or (2) where “there is a fringe of islands along the coast in its immediate vicinity” (Article 7, paragraph 1).

Where the coastal geography does permit the use of straight baselines, Article 7 provides additional requirements for the drawing of straight baselines:

- straight baselines shall not depart to any appreciable extent from the general direction of the coast (paragraph 3);
- sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters (paragraph 3);
- such baselines shall not be drawn, with noted exceptions, to and from low-tide elevations (paragraph 4);
- account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage (paragraph 5); and
- the system of such baselines may not be applied in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone (paragraph 6).⁸

Accordingly, assessing whether a coastal State’s straight baselines conform to international law involves a two-step process: (1) analyzing the coastline in question to determine if the geographic requirements of paragraph 1 of Article 7 are met and, if so, (2) assessing whether the straight baselines drawn by the coastal State meet the additional requirements in Article 7 described above.

With respect to the first step, the International Court of Justice (ICJ) has observed that “the method of straight baselines ... is an exception to the normal rules for the determination of baselines” and “*must be applied restrictively*,” where “either the coastline is deeply indented and cut into, or that there is a fringe of islands along the coast in its immediate vicinity,” as provided for in paragraph 1 of Article 7.⁹ The United States agrees with this view and considers that, in localities where these requirements are not strictly met, the use of straight baselines is not permitted.

With respect to the second step, considering that some of the additional requirements in Article 7 do not establish exact standards, assessing a coastal State’s straight baselines necessarily entails a

⁸ Note also the phrase in paragraph 1, referring to straight baselines “joining appropriate points.”

⁹ *Case Concerning Maritime Delimitation and Territorial Questions Between Qatar and Bahrain* (merits), 2001, ICJ Rep. 103, para. 212. Emphasis added. The Court added: “The fact that a State considers itself a multiple-island State or a *de facto* archipelagic State does not allow it to deviate from the normal rules for the determination of baselines unless the relevant conditions are met.” *Id.* at para. 213.

degree of subjective judgment as to the reasonableness of the approach taken.¹⁰ For example, a coastal State may not enclose sea areas beyond the territorial sea limit (as measured from the normal baseline) using baseline segments that are unreasonably long.¹¹

Part IV of the Convention contains the rules regarding the drawing of archipelagic baselines by archipelagic States. An “archipelagic State” means “a State constituted wholly by one or more archipelagos and may include other islands” (Article 46(a)). Only an “archipelagic State” may draw archipelagic baselines (Article 47).

The articles of the Convention referred to above comprehensively regulate the baselines that coastal States may establish. Where the conditions described in those articles are not met, the Convention provides for the use of the normal baseline. As stated in Article 5, “[e]xcept where otherwise provided in this Convention, the normal baseline” is the low-water line along the coast. “[T]o suit different conditions,” the Convention also permits a coastal State to determine its baselines by a combination of methods (Article 14), and for an archipelagic State to delimit its internal waters using Articles 9 (mouths of rivers), 10 (bays), and 11 (ports) (Article 50).

Waters on the landward side of normal and straight baselines are internal waters (Article 8), as are the waters within closing lines related to reefs, mouths of rivers, bays, and ports (Articles 6, 9, 10, and 11). Waters on the landward side of archipelagic baselines are archipelagic waters (Article 49).

Maritime Zones

International law, as reflected in the Convention, contains rules governing a coastal State’s entitlement to maritime zones.

Part II of the Convention sets forth the rules governing the territorial sea, which may extend up to 12 M from the baselines, and in which the coastal State exercises sovereignty subject to the right of innocent passage and other rules of international law (Articles 2 and 3). Provisions related to innocent passage are set forth in Articles 17 to 32. In addition, Part II describes a contiguous zone, extending beyond the territorial sea to a maximum of 24 M from the baselines, within which a coastal State may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea (Article 33).

¹⁰ For example, in the context of evaluating whether Norway’s straight baselines depart to any appreciable extent from the general direction of the coast, the ICJ noted in the *Fisheries Case* that the baselines in question “appear[] to the Court to have been kept within the bounds of what is moderate and reasonable.” *Fisheries Case (U.K. v. Norway)*, 1951 I.C.J. 116 (Dec. 18), pp. 142. For discussion, see, e.g., DOALOS, *Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea*, at 24–26 (1989).

¹¹ See e.g., [Limits in the Seas](#) No. 127 (2005) (considering 24 M as a “general rule” for maximum length, with a view to preventing waters beyond 12 M from the low-water line from becoming internal waters). The assessment of the International Law Association (ILA) Committee on Baselines under the International Law of the Sea did not consider there to be a maximum length for Article 7 straight baseline segments, but stated that “the longer the length of a straight baseline the more difficult it will be for that baseline to comply with Article 7.” [Conference Report of the Committee](#), Sydney (2018), para. 109.

Part V of the Convention sets forth provisions related to the EEZ, which may extend to a maximum of 200 M from the baselines. Within the EEZ, the coastal State has enumerated rights, notably, “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources” and “jurisdiction as provided for” in the Convention with regard to “the establishment and use of artificial islands, installations and structures” as well as “marine scientific research” and “the protection and preservation of the marine environment” (Article 56). At the same time, the freedoms of navigation, overflight, laying and maintenance of submarine cables, and other lawful uses of the sea related to these freedoms are preserved in the EEZ (Articles 58 and 87).

Part VI of the Convention sets forth provisions relating to the continental shelf, which extends to the outer edge of the continental margin or to a distance of 200 M from the baselines, as described in Article 76. The coastal State exercises sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources; these rights are “exclusive” and “do not depend on occupation, effective or notional, or on any express proclamation” (Article 77). Subject to certain provisions, however, all States are entitled to lay submarine cables and pipelines on the continental shelf (Article 79).

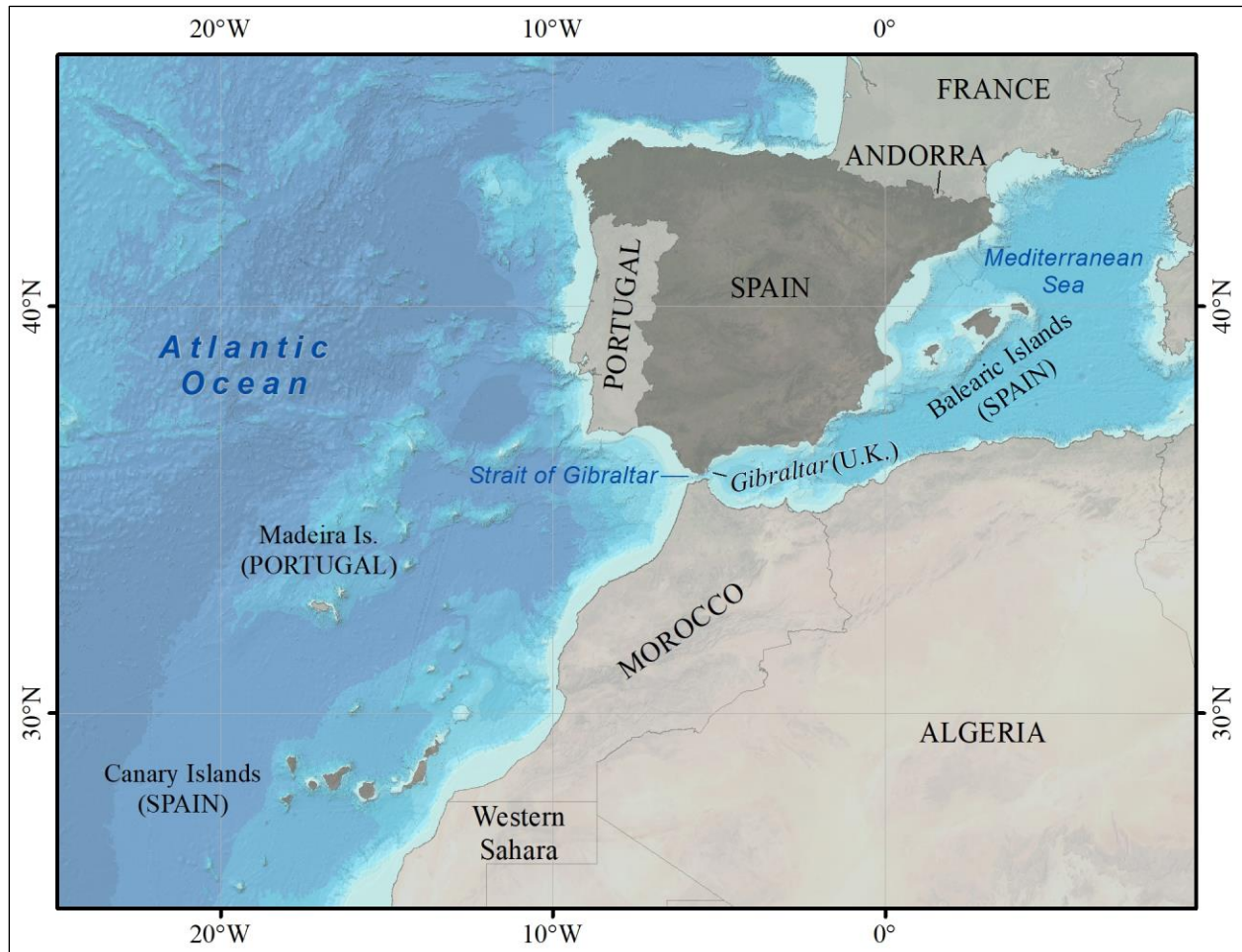
Maritime Boundaries

Maritime boundary delimitation issues arise when the maritime zones of neighboring States overlap. Articles 15, 74, and 83 of the Convention set forth provisions regarding the delimitation of maritime boundaries between opposite and adjacent coastal States. Article 15, concerning delimitation of the territorial sea, provides that “failing agreement . . . to the contrary,” one State is not entitled “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.” However, this provision “does not apply . . . 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.”

With respect to the delimitation of the EEZ and continental shelf, Articles 74 and 83 provide, respectively, that the delimitation “shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.” Thus, the location of a maritime boundary is usually a matter for the coastal States with overlapping maritime zones to resolve by agreement, and international law provides considerable flexibility so long as these States consider the outcome an “equitable” one.

Analysis¹²

Spain is a coastal State located in southwestern Europe, on the Iberian Peninsula. Its mainland coast borders the Atlantic Ocean and the Mediterranean Sea. Spain shares land boundaries with France, Portugal, and the United Kingdom (Gibraltar). In addition to mainland Spain, the Kingdom of Spain includes two archipelagos, the Balearic Islands and the Canary Islands (Map 1). The Balearic Islands are located in the Mediterranean Sea, separated from the east coast of Spain by approximately 45 M (83 km). The Canary Islands are located in the Atlantic Ocean approximately 540 M (1,000 km) southwest of the Spanish mainland.



Map 1. Regional view with mainland Spain, Balearic Islands, and Canary Islands. Scale 1:25,000,000.

The Kingdom of Spain also includes its exclaves located on the northern coast of Africa, which are beyond the scope of this study.

¹² Geographic analysis was conducted using tools in Esri ArcGIS 10.5.1 and CARIS LOTS 4.1.1. Geographic names used in this study are those officially approved by the U.S. Government. Names in parentheses are variations that are not necessarily recognized by the United States. Annex 9 provides the cartographic and projection details for each map.

Baselines

Spain uses the normal baseline (low-water line) and straight baselines along its coasts.¹³ Through its *Royal Decree No. 2510/1977* Spain has established straight baselines with respect to (1) its mainland, (2) the Balearic Islands, and (3) the Canary Islands. (This decree is reproduced in Annex 6 of this study; baselines are depicted in Maps 2–4 and 6.) Spain’s straight baselines are comprised of points defined by geographic coordinates, connected by geodetic lines. In locations where Spain has not established straight baselines, the normal baseline is used.

Annex 7 to this study lists the length of each straight baseline segment pertaining to Spain’s mainland; the length of each baseline segment for the Balearic Islands and the Canary Islands is shown in tables below.

Mainland

Spain’s *Royal Decree* of 1977 establishes a straight baseline system for its mainland coast that consists of 84 points and 75 segments (Map 2).

- Points 1–33 lie along the north and north-west coasts of Spain (Atlantic Ocean), extending from the land boundary with France (point 1) to just north of the land boundary with Portugal (point 33).
- Points 34–42 are along southwest coast of Spain (Atlantic Ocean), from the land boundary with Portugal to the Strait of Gibraltar.
- Points 43–84 are along the south and east coasts (Mediterranean Sea), from the Strait of Gibraltar to the land boundary with France.

Spain uses the normal baseline in nine relatively small areas along its mainland coast.¹⁴

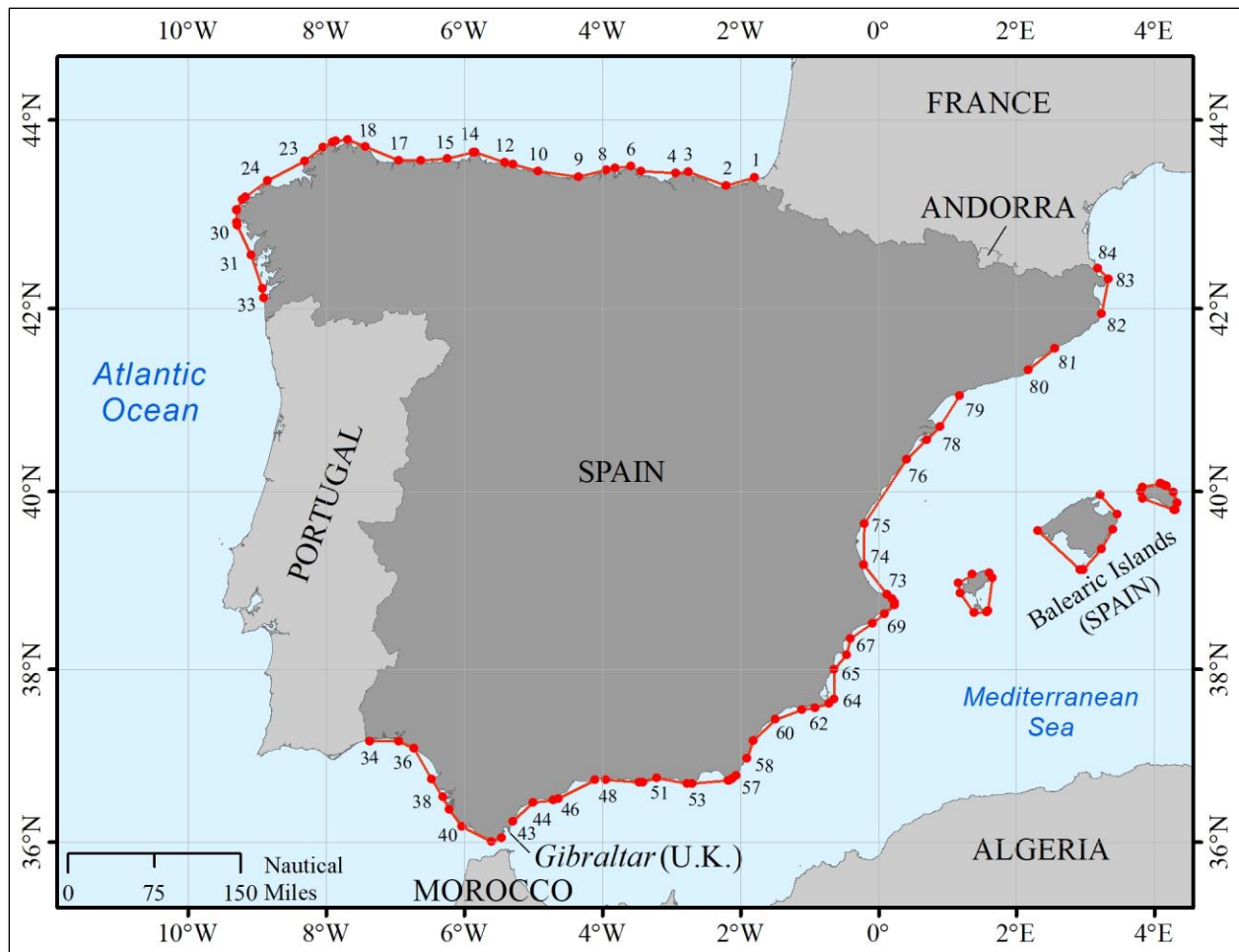
Spain’s coastline is generally smooth, marked by shallow indentations and promontories, with few fringing islands.¹⁵ In some areas the coastline is rugged and serrated, but with only small indentations (e.g., north coast, near segments 14–17). Spain’s northwest coast is characterized by numerous small bays (segments 18–27). Spain’s west coast, north of Portugal (near segments 30–33), is characterized by deeper indentations (12–15 M) and fringing islands within the mouths of several of the indentations.

The vast majority of Spain’s mainland coast is neither “deeply indented and cut into” nor is it fringed with “islands along the coast in its immediate vicinity.” Accordingly, with the possible exception of parts of its western coastline, Spain’s mainland coast does not meet the geographic requirements in Article 7 of the Convention for the use of straight baselines.

¹³ *Act No. 10/1977*, *supra* note 3 and Annex 1 to this study, art. 2.

¹⁴ Spain uses the normal baseline between the following points (with approximate distances between the points indicated in parentheses): 5–6 (separated by 7.2 M), 27–28 (0.5 M), 47–48 (7.1 M), 57–58 (13.7 M), 79–80 (48.3 M), and 81–82 (37.9 M). Spain also uses the normal baseline between point 33 and the terminus of the land boundary with Portugal (a distance of approximately 14.9 M), between point 42 and Gibraltar (United Kingdom), and between Gibraltar and point 43 (a distance of approximately 5.8 M).

¹⁵ The unsuitability of Spain’s mainland coastline for straight baselines due to its smooth character has been noted by V. Prescott & C. Schofield, *The Maritime Political Boundaries of the World*, at 150 (2d ed., 2005) (referring to a “clear breach of Article 7(1)”).



Map 2. Spain's straight baselines pertaining to its mainland. Scale: 1:12,000,000.

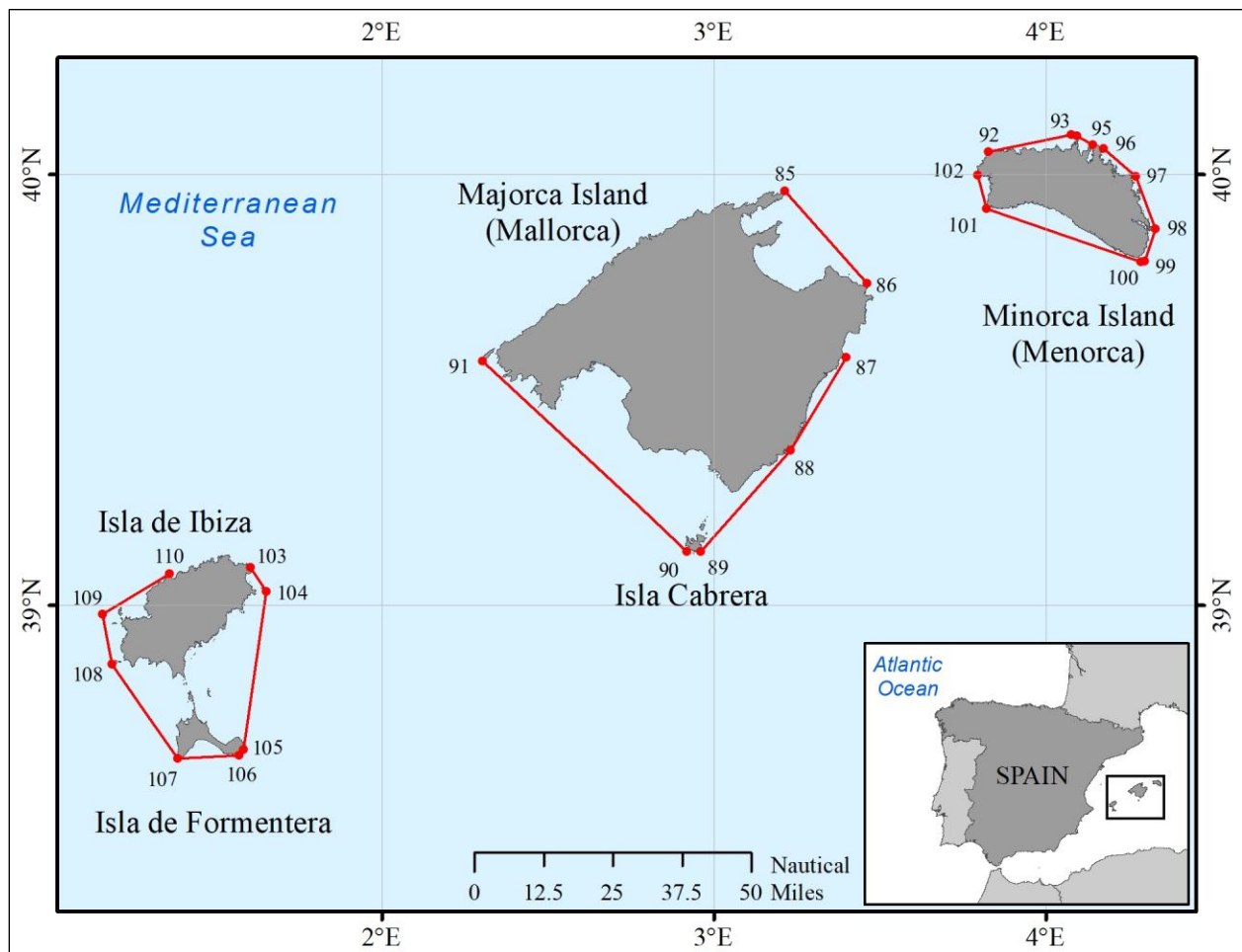
The 84 baseline points for Spain's mainland are located on coastal promontories and islands close to the mainland shore. The longest baseline segment is approximately 51.4 M in length (segment 75–76), and most segments range from 10 to 30 M in length. As noted above, Spain uses the normal baseline in limited areas along its coastline. Coastal areas where Spain uses the normal baseline have a character similar to many areas where it uses straight baselines.

Most of Spain's straight baselines lie in relatively close proximity to the mainland coast. For example, although segment 75–76 exceeds 50 M in length and is not justifiable under Article 7, it generally parallels the coastline within a slight concavity, extending a maximum of 3 M from the mainland. This is further evidence of the fact that the coastline is not deeply indented and cut into. At the same time, however, it means that the effects of these straight baselines are relatively minor. For parts of Spain's western coastline that arguably meet the requirements of Article 7, the straight baseline segments used by Spain are nearly the functional equivalent of juridical bay closing lines. Specifically, segments 30–33 enclose what appear to be five juridical bays that would meet the requirements of Article 10 of the Convention for the drawing of bay closing lines.

Balearic Islands

The Balearic Islands form an archipelago in the western Mediterranean Sea that consists of four main islands: Majorca Island (Mallorca), Minorca Island (Menorca), Isla de Ibiza, and Isla de Formentera (Map 3). Majorca is the largest of the Balearic Islands and is centrally located within the archipelago. Minorca lies approximately 20 M to the northeast of Majorca, and Ibiza is located approximately 43 M to the southwest of Majorca. Formentera lies south of, and is nearly contiguous with, Ibiza. Numerous smaller islands lie off the coasts of these main islands. The archipelago as a whole has a linear extent of approximately 155 M (trending northeast to southwest). The western part of the archipelago (Ibiza) lies approximately 45 M from the mainland coast of Spain.

Spain's *Royal Decree No. 2510/1977* establishes a straight baseline system for the Balearic Islands that consists of 26 points and 17 segments. Consistent with the *Decree*, the analysis below groups baselines according to the islands of: (1) Majorca and Isla Cabrera, (2) Minorca, and (3) Ibiza and Formentera. Spain uses the normal baseline in several areas along the coastlines of Majorca, Minorca, and Ibiza.



Map 3. Spain's straight baselines pertaining to the Balearic Islands. Map 4 shows an enlargement in the vicinity of point 109. Scale: 1:2,500,000.

(1) Majorca and Isla Cabrera (points 85–91). Majorca is approximately 100-km long (east-west) and 70-km wide at its widest point (north-south). The small island of Isla Cabrera lies about 7 M south of Majorca. Spain’s baseline system for Majorca and Isla Cabrera consists of four segments connecting seven points (Table 1). Spain uses the normal baseline in coastal areas without straight baseline segments, namely the entire northwest coast and part of the east coast.

Table 1. *Spain’s baseline system for Majorca and Isla Cabrera*

Segment (points)	Length (M)	Location / Description
85–86	17.2	Northeast coast, enclosing Bahía de Alcudia
87–88	15.1	Parallels the southeast coast
88–89	18.9	Connects Majorca Island with Isla Cabrera, to the south
90–91	39.0	Connects Isla Cabrera with the western tip of Majorca

Majorca has a generally smooth coastline marked by a number of indentations and promontories. In several areas, the coastline is rugged and serrated, particularly on the southwest facing coast of Majorca’s westernmost promontory (southeast of point 91), with several shallow coastal indentations typically penetrating less than 1 M inward. While several of these indentations constitute juridical bays, they lack the character of deep coastal indentations. Majorca generally lacks fringing islands, with Isla Cabrera being the only notably offshore island. Several small islands lie between Isla Cabrera and the coast of Majorca. Collectively, however, Isla Cabrera and its adjacent small islands do not constitute a “fringe of islands,” as described in Article 7; these islands are oriented perpendicular to, rather than “along the coast” of Majorca.¹⁶

Because the coastline of Majorca is not “deeply indented and cut into” nor is it fringed with “islands along the coast in its immediate vicinity,” it does not meet the geographic requirements in Article 7 for the use of straight baselines.

Even if Majorca’s coast met the geographic requirements for straight baselines, a number of baseline segments, including 88–89 and 90–91 (which connect to Isla Cabrera), appear to depart considerably from the general direction of the coast and enclose waters that are not sufficiently closely linked to the land domain to be subject to the regime of internal waters. Bahía de Palma (located within segment 90–91) and Bahía de Alcudia (within segment 85–86) appear to be juridical bays that would meet the requirements of Article 10 of the Convention for the drawing of a bay closing line. Adjustments to these baseline segments would need to be made to meet the requirements of Article 10.

(2) Minorca (points 92–102). Minorca is approximately 48-km long and 20-km wide at its widest point. Spain’s baseline system for Minorca consists of seven segments connecting 11 points (Table 2). Spain uses the normal baseline in limited coastal areas without straight baseline segments, most notably the on the west coast of Minorca.

¹⁶ For discussion of this criteria in Article 7, see DOALOS, *Baselines*, *supra* note 10, pp. 20–21.

Table 2. *Spain's baseline system for Minorca.*

Segment (points)	Length (M)	Location / Description
92–93	11.8	Northwest coast
94–95	2.5	North coast, connecting prominent coastal promontories
96–97	6.0	North coast, connecting prominent coastal promontories
97–98	7.7	Northeast coast, connecting prominent coastal promontories
98–99	4.8	East coast, connecting Minorca to a small island approximately 0.6 M offshore
100–101	22.6	Mostly paralleling the concave south coast
101–102	4.7	Southwest coast

Minorca's north, west, northeast coasts are rugged and serrated, with promontories and shallow indentations penetrating 1 to 3 M inland. Several isolated islands lie offshore these areas. Minorca's southern coast is concave and relatively smooth, with shallow bays and indentations (less than 0.5 M). Because the coastline of Minorca is not "deeply indented and cut into" nor is it fringed with "islands along the coast in its immediate vicinity," it does not meet the geographic requirements in Article 7(1) for the use of straight baselines.

Despite having a length of more than 22 M, segment 100–101 lies close to the shoreline (no more than 3 M from the nearest point). This is further evidence of the fact that the coastline in that entire area is not deeply indented and cut into. Between points 92 and 102, Spain uses the normal baseline. The coastline in that area has a character that is not substantially different from the adjacent coastal areas where Spain uses straight baselines. Segment 94–95 encloses what appear to be two juridical bays that would meet the requirements of Article 10 of the Convention for the drawing of a bay closing line. Several other baseline segments could be adjusted to enclose what appear to be small juridical bays. (These bays are small and not visible at the scale of Map 3.)

(3) Ibiza and Formentera (points 103–110). Ibiza is approximately 44-km long and 20-km wide at its widest point. Spain's baseline system for Ibiza and Formentera consists of six segments connecting eight points (Table 3). Spain uses the normal baseline in coastal areas without straight baseline segments, most notably on the north coast of Ibiza.

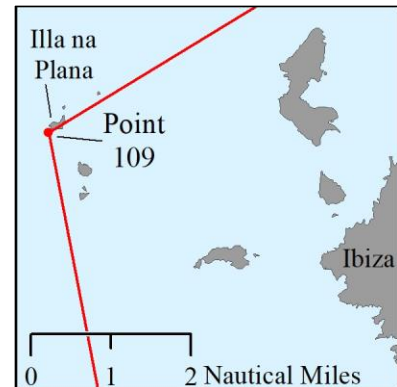
Table 3: *Spain's baseline system for Ibiza and Formentera.*

Segment (points)	Length (M)	Location / Description
103–104	4.1	Northeast coast, connecting Ibiza to a small island 0.9 M offshore
104–105	22.4	Connecting a small island off Ibiza with the southeast coast of Formentera
106–107	8.7	South coast of Formentera
107–108	16.3	Connecting Formentera with a small island off Ibiza
108–109	7.1	Connecting small islands off Ibiza's west coast
109–110	11.0	Connecting a small island off Ibiza's west coast to the north coast

Ibiza's coastline is rugged and serrated, with promontories and shallow indentations typically penetrating less than 1 M inland. An isolated island lies off Ibiza's east coast, near point 104. Several islands lie off Ibiza's west coast, near point 108; however, the islands are oriented

perpendicular to the coast, rather than “along the coast,” as provided for in Article 7. Further north, several islands, including Illa na Plana and Illa na Bosc, lie off Ibiza’s northwest coast, near point 109 (Map 4). These and other islands are scattered within 3 M of the main coastline and could arguably be considered “a fringe of islands along the coast in its immediate vicinity.” The coastline of Formentera is generally smooth, with promontories and a peninsular feature (also with smooth coastlines) comprising the east side of the island.

Because the coastlines of Ibiza and Formentera are not “deeply indented and cut into” nor are they fringed with “islands along the coast in its immediate vicinity,” with the sole possible exception of the islands off the northwest coast of Ibiza noted above, they do not meet the geographic requirements in Article 7 for the use of straight baselines. Between points 103 and 110, Spain uses the normal baseline. The coastline in that area appears more rugged than other coastal areas of Ibiza and Formentera where Spain uses straight baselines.



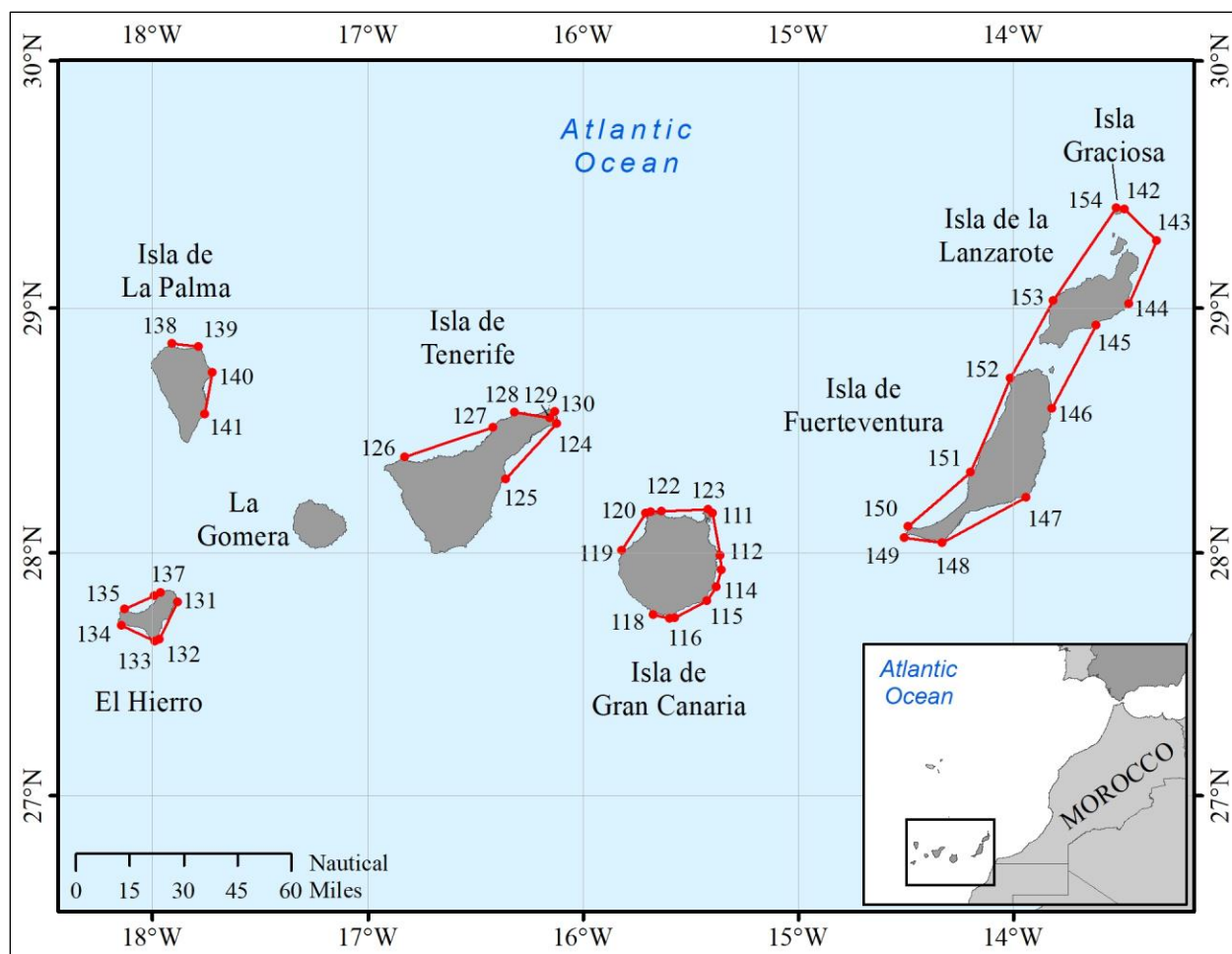
Map 4. Point 109 off the northwest of Isla de Ibiza. (See also Map 3 for location.) Scale: 1:175,000.

Even if the coastlines of Ibiza and Formentera met the requirements for straight baselines, several baseline segments, including 104–105 and 107–108 (which join Ibiza and Formentera), appear to depart considerably from the general direction of the coast and enclose waters that are not sufficiently closely linked to the land domain to be subject to the regime of internal waters. In several areas, it appears that Spain could enclose small juridical bays with closing lines that meet the requirements of Article 10 (Bays).

Canary Islands

The Canary Islands constitute an archipelago in the Atlantic Ocean located approximately 560 M (1037 km) southwest of Spain’s mainland and 52 M (96 km) from the coast of Morocco (Map 5). The Canary Islands consist of eight main islands (from northeast to southwest): Isla Graciosa (La Graciosa), Isla de la Lanzarote, Isla de Fuerteventura, Isla de Gran Canaria, Isla de Tenerife, La Gomera, Isla de la Palma, and El Hierro. Some smaller islands lie offshore these main islands. The archipelago spans an east-west extent of approximately 270 M and a north-south extent of about 100 M.

Spain’s *Royal Decree No. 2510/1977* establishes a straight baseline system for individual islands and one island group in the Canary Islands that consists of 44 points and 29 segments. Consistent with the *Decree*, the analysis below groups the baselines pertaining to the islands of: (1) Gran Canaria, (2) Tenerife, (3) El Hierro, (4) La Palma, and (5) Isla Graciosa, Lanzarote, and Fuerteventura (and smaller islands). Spain uses the normal baseline for parts of the coastlines of all five of these islands (or group of islands) and, also, for the entirety of La Gomera, for which Spain has not drawn straight baselines.



Map 5. Spain's straight baselines pertaining to the Canary Islands (1977). Scale: 1:3,850,000.

(1) Gran Canaria (points 111–123). Gran Canaria is a roughly circular island having a diameter of about 44 km. Spain's baseline system for Gran Canaria consists of 10 segments connecting 13 points (Table 4). Spain uses the normal baseline in coastal areas without straight baseline segments, most notably the southwest coast of Gran Canaria.

Table 4: Spain's baseline system for Gran Canaria.

Segment (points)	Length (M)	Location / Description
111–112	10.5	East coast, connecting coastal promontories
112–113	3.7	East coast, connecting coastal promontories
113–114	4.4	East coast, connecting coastal promontories
114–115	4.0	Southeast coast, connecting coastal promontories
115–116	9.0	Southeast coast, connecting coastal promontories
117–118	4.1	South coast, connecting coastal promontories
119–120	10.9	Northwest coast, connecting coastal promontories
120–121	1.3	North coast, connecting coastal promontories
121–122	2.5	North coast, connecting coastal promontories

122–123	11.6	North coast, connecting coastal promontories
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Gran Canaria is ringed by small coastal promontories, with the exception of its convex southwest coast. Several of these promontories are small peninsular features. Between coastal promontories, the coastline of Gran Canaria is generally either smooth (e.g., between segments 115–116 and 119–120) or rugged and serrated, with only shallow indentations penetrating less than 1 M inland. Because the coastline of Gran Canaria is not “deeply indented and cut into” nor is it fringed with “islands along the coast in its immediate vicinity,” it does not meet the geographic requirements in Article 7 for the use of straight baselines.

(2) **Tenerife** (points 124–130). Tenerife is roughly triangularly shaped with a length of about 80 km and width of about 45 km. Spain’s baseline system for Tenerife consists of four segments connecting seven points (Table 5). Spain uses the normal baseline in coastal areas without straight baseline segments, most notably the entire southern portion of the island.

Table 5: *Spain’s baseline system for Tenerife.*

Segment (points)	Length (M)	Location / Description
124–125	18.5	Southeast coast, spanning a concave area
126–127	22.8	Northwest coast, spanning a concave area
128–129	8.8	North coast
129–130	2.0	North coast

Where Spain has employed straight baselines on Tenerife, the coastline exhibits concavity and slight ruggedness with only modest coastal indentations of less than 1 M. Because the coastline of Tenerife is not “deeply indented and cut into” nor is it fringed with “islands along the coast in its immediate vicinity,” it does not meet the geographic requirements in Article 7 for the use of straight baselines. Basepoint 129 appears misplaced, as it lies nearly 4 km inland.

(3) **El Hierro** (points 131–137). El Hierro is roughly triangularly shaped with three main promontories, between which lie concave coastlines. At its widest, El Hierro spans about 29 km. Spain’s baseline system for El Hierro consists of four segments connecting seven points (Table 6). Spain uses the normal baseline in coastal areas without straight baseline segments, most notably the entire southern portion of the island.

Table 6: *Spain’s baseline system for El Hierro.*

Segment (points)	Length (M)	Location / Description
131–132	10.1	Southeast coast, spanning a concave area
133–134	9.3	Southwest coast, spanning a concave area
135–136	8.0	Northwest coast, spanning a concave area
136–137	1.9	Northwest coast, spanning a small concavity

Where Spain has employed straight baselines on El Hierro, the coastline exhibits concavity and is generally smooth. Because the coastline of El Hierro is not “deeply indented and cut into” nor is

it fringed with “islands along the coast in its immediate vicinity,” it does not meet the geographic requirements in Article 7 for the use of straight baselines. None of the concavities enclosed by straight baselines on El Hierro can be considered deep indentations. Rather, they are mere curvatures of the coastline, none of which meets the requirements of Article 10 of the Convention for the drawing of a bay closing line.

(4) La Palma (points 139–141). La Palma is roughly triangularly shaped with a length of about 45 km and width of about 28 km. Spain’s baseline system for La Palma consists of two segments connecting four points (Table 7). Spain uses the normal baseline in areas without straight baseline segments, most notably the entire western, southern, and northeast-facing coasts of the island.

Table 7: Spain’s baseline system for La Palma.

Segment (points)	Length (M)	Location / Description
138–139	6.5	North coast, spanning a concave area
140–141	10.3	East coast, spanning a concave area

Spain has employed straight baselines on La Palma in areas where the coastline exhibits concavity. In the northern concavity, the coastline is generally smooth. In the eastern concavity, the coastline has more rugosity, but lacks significant indentations. Because the coastline of La Palma is not “deeply indented and cut into” nor is it fringed with “islands along the coast in its immediate vicinity,” it does not meet the geographic requirements in Article 7 for the use of straight baselines. Neither of the two concavities enclosed by straight baselines on La Palma would meet the requirements of Article 10 of the Convention for the drawing of a bay closing line.

(5) Isla Graciosa, Lanzarote, and Fuerteventura (and smaller islands) (points 142–154). These are the easternmost of the Canary Islands. Unlike Spain’s other baselines for the Canary Islands, this baseline system encloses three of the main islands of the Canaries (and several smaller islands) together in a single baseline system. The largest of these islands are Lanzarote and Fuerteventura, with lengths of approximately 55 and 90 km, respectively. Spain’s baseline system for these islands consists of nine segments connecting 13 points (Table 8). Spain uses the normal baseline in parts of the west coasts of Lanzarote and Fuerteventura.

Table 8: Spain’s baseline system for Isla Graciosa, Lanzarote, and Fuerteventura (and smaller islands).

Segment (points)	Length (M)	Location / Description
142–143	10.9	Isla de Alegranza (in the north) connecting to a small island approximately 7 M east of Isla Graciosa
143–144	16.8	Connecting the small island with the east coast of Lanzarote
145–146	23.0	West coast of Lanzarote to west coast of Fuerteventura
147–148	23.3	Southeast coast of Fuerteventura, spanning a concave area
148–149	9.4	Southern tip of Fuerteventura, spanning a concave area
150–151	20.4	Southwest coast of Fuerteventura, spanning a concave area
151–152	24.9	West coast of Fuerteventura, spanning two concave areas
152–153	21.6	East coast of Fuerteventura to east coast of Lanzarote

153–154	27.3	Lanzarote to Isla de Alegranza (in the north)
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The coastlines of Isla Graciosa, Lanzarote, Fuerteventura, and Isla de Alegranza are typically rugged, but with only shallow indentations penetrating less than 1 M inland. The southern coastlines of Fuerteventura are characterized by smooth concavities. The islands in this group are aligned in a linear fashion, such that none constitute “a fringe of islands along the coast” (i.e., the islands do not “fringe” one another). Because the coastlines of these islands are not “deeply indented and cut into” nor are they fringed with “islands along the coast in its immediate vicinity,” they do not meet the geographic requirements in Article 7 for the use of straight baselines.

Even if the coastlines of Isla Graciosa, Lanzarote, Fuerteventura, and Isla de Alegranza met the geographic requirements for straight baselines, a number of the baseline segments—particularly those connecting separate islands—appear to depart considerably from the general direction of the coast and enclose waters that are not sufficiently closely linked to the land domain to be subject to the regime of internal waters. A number of these segments extend across maritime spaces where there are no coasts at all. Basepoint 154 appears misplaced; although Spain’s *Decree* of 1977 describes it as being located on “Punta Grieta (Alegranza),” its geographic coordinate is located in open water approximately 18 M north of that location.¹⁷

Canary Islands (2010 Legislation)

Subsequent to the establishment of the straight baseline system described above, Spain’s *Law 44/2010* set forth a “perimeter” around the Canary Islands in 2010 that “follows the general configuration of the Archipelago.”¹⁸ The perimeter set forth in *Law 44/2010* consists of 18 segments connecting 20 points (Table 9, Map 6).

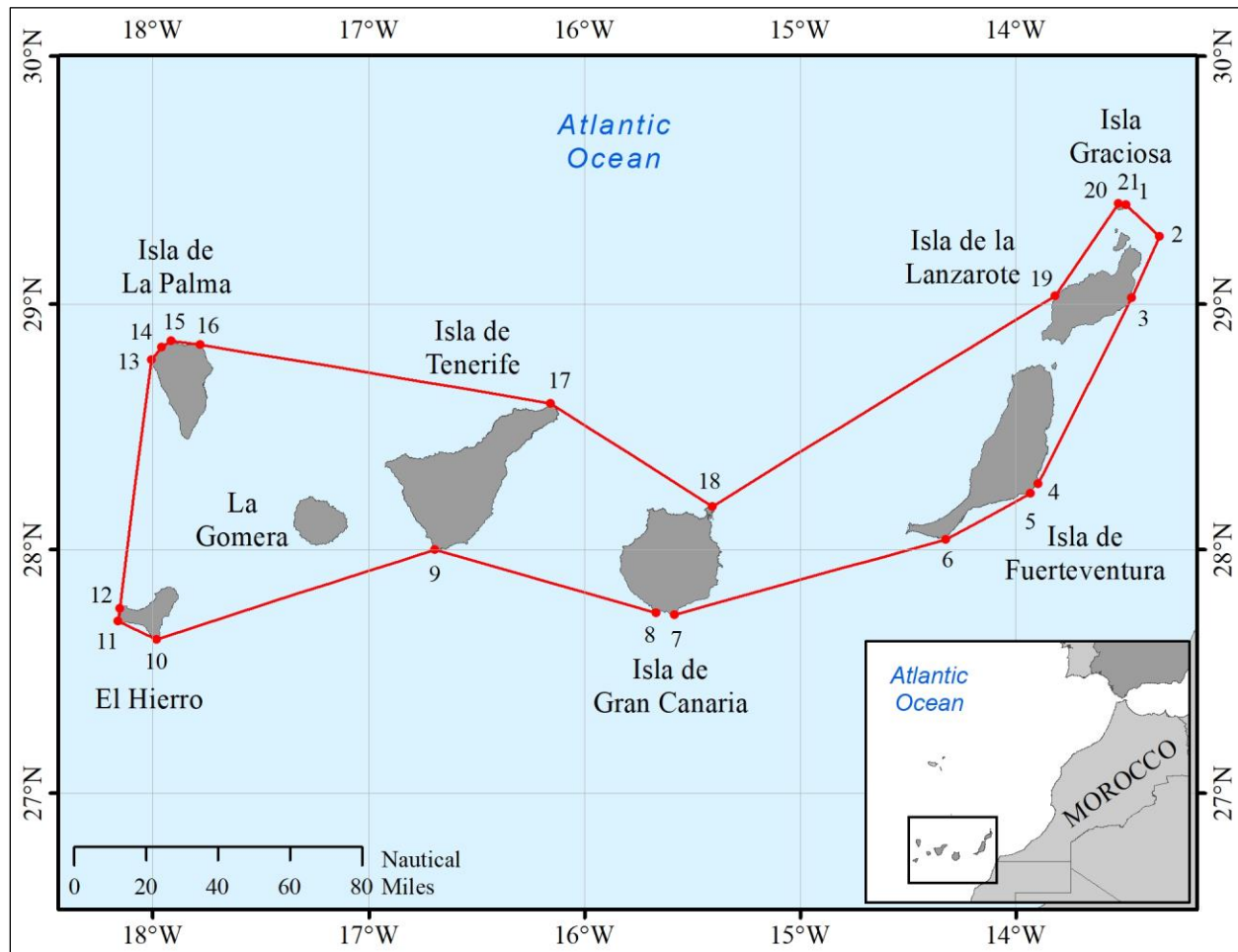
Table 9: *Baseline system for the Canary Islands described in Law 44/2010.*

Segment (points)	Length (M)	Location / Description
1–2	11.2	Isla de Alegranza connecting to a small island ~7 M east of Isla Graciosa
2–3	16.4	Connecting the small island with the east coast of Lanzarote
3–4	50.6	Connecting Lanzarote to west coast of Fuerteventura
5–6	23.6	Spanning southeast coast of Fuerteventura
6–7	69.4	Connecting Fuerteventura with southern tip of Gran Canaria
8–9	56.7	Connecting Gran Canaria with southern tip of Tenerife
9–10	72.1	Connecting Tenerife with southern tip of El Hierro
10–11	10.6	South coast of El Hierro
11–12	3.1	East coast of El Hierro
12–13	61.2	Connecting El Hierro with northwest coast of La Palma
13–14	4.0	Northwest coast of La Palma
14–15	2.7	North coast of La Palma

¹⁷ This point is depicted on Map 3 as being located on Isla de Alegranza, which appears to be the intention of Spain. See *infra*, note 46, Annex 6.

¹⁸ *Law 44/2010*, Dec. 30, 2010, published in the *Boletín Oficial del Estado*, No. 318, Sec. 1, p. 109237 (Dec. 31, 2010). An English translation of *Law 44/2010* is in Annex 8 to this study.

15–16	7.3	North coast of La Palma
16–17	86.7	Connecting La Palma with small island off the northern tip of Tenerife
17–18	47.0	Connecting Tenerife with north coast of Gran Canaria
18–19	98.5	Connecting Gran Canaria with east coast of Lanzarote
19–20	27.2	Connecting Lanzarote with northwest coast of Isla de Alegranza
20–1	1.9	North coast of Isla de Alegranza



Map 6. Spain's "perimeter" delimiting "Canarian Waters" (2010). According to Spain, this perimeter does not alter the straight baselines promulgated in 1977. Scale: 1:3,850,000.

Spain's baselines for the Canary Islands promulgated in 1977 appear to remain in effect for purposes of measuring the breadth of Spain's maritime zones under international law. The 2010 legislation appears to have only domestic legal effect. Spain's *Law 44/2010* indicates that the perimeter delimits "Canarian waters" which "constitute the special maritime zone of the Canarian Autonomous Community." In doing so, the perimeter helps clarify the "distribution of

jurisdictional powers” between the Spanish State and this autonomous community.¹⁹ The law further provides that the perimeter established around the Canary Islands “shall not alter the delimitation of Canarian maritime spaces as established by Spanish law pursuant to current international law.”

Spain’s 2014 partial submission to the Commission on the Limits of the Continental Shelf concerning the Canary Islands also relies on *Royal Decree 2510/1977*; it neither depicts nor utilizes the “archipelagic” perimeter of the Canary Islands described in *Law No. 44/2010* as the baseline for measuring the breadth of Spain’s maritime zones.²⁰ Moreover, in 2015, Spain’s Permanent Mission to the United Nations communicated a note verbale to the UN Secretariat clarifying as follows:

The Government of Spain would like to note that the baselines used to measure the breadth of the continental shelf in the partial submission on the limits of the continental shelf of Spain west of the Canary Islands are set out in *Royal Decree No. 2510/1977*.... *Law No. 44/2010 does not define baselines*²¹

Because the 2010 perimeter around the Canary Islands was established for the sole purpose of internal distribution of authority within Spain, and because Spain does not purport to use it to measure the breadth of its maritime zones, they need not be evaluated with reference to the international law of the sea.²² Had Spain sought to give international effect to the line segments making up the perimeter described in *Law No. 44/2010*, they would neither meet the requirements of Article 7 for straight baselines nor could they be considered archipelagic baselines under Part IV of the Convention. As provided in Article 47, only “[a]n archipelagic State may draw straight archipelagic baselines.” Article 46 defines an archipelagic State as “a State constituted *wholly* by one or more archipelagos and may include other islands” (emphasis added).

Continental States with offshore archipelagos, such as Spain, are not archipelagic States and therefore may not draw archipelagic baselines. Proposals were made during the Third U.N.

¹⁹ *Id.* The Explanatory Statement accompanying the law also states that the “territorial description” of the Canary Islands found in Article 2 of the Statute of Autonomy of the Canary Islands is “incomplete ... without a delimitation of the waters in a manner that is consistent with the notional framework of the Canary Islands as an archipelago.”

²⁰ *Partial Submission of Data and Information on the Limits of the Continental Shelf of Spain to the West of the Canary Islands*, Executive Summary, at p. 14, para. 7-9 (stating baselines applied are the low-tide line or straight baselines from the Royal Decree of 1977), at p. 15 (map depicting such baselines). Available on the DOALOS [website](#).

²¹ Communication of the Permanent Mission of Spain to the United Nations, No. 076 MP/bcm (Apr. 22, 2015), available on the DOALOS [website](#) (translated from Spanish). Emphasis added. This appears to be a response from a note verbale of March 10, 2015 from Morocco’s Permanent Mission of the United Nations that “recalls that the Kingdom of Morocco notified the Government of the Kingdom of Spain at the appropriate time of its reservations related to the Spanish Government’s interpretation in [Law No. 44/2010 on the waters of the Canary Islands] of the provisions of Part IV of the [Law of the Sea Convention], concerning archipelagos.” Available on the DOALOS [website](#) (translated from French).

²² Language contained in Article 1(1) of Spain’s EEZ legislation (reproduced in Annex 3 of this study) creates some ambiguity regarding Spain’s claimed ability to measure the breadth of its EEZ from straight baselines connecting the outermost points of its archipelagos, including the Canary Islands. As discussed below, there is no basis for this provision in international law, and any effort to implement it would be inconsistent with international law as reflected in the Convention.

Conference on the Law of the Sea (UNCLOS III, 1973–1982) that would have enabled Spain to draw baselines around the Canary Islands utilizing the archipelagic baseline provisions that were eventually adopted as Article 47 of the Convention.²³ However, as reflected in the Convention, States decided to limit the applicability of Article 47 to archipelagic States. As provided in Article 5, the normal baseline must be used where no other provision of the Convention allows for a departure from the general rule.

Discussion

Spain has utilized straight baselines for most of its mainland coast and parts of its two archipelagos, the Balearic Islands and the Canary Islands. Nearly all of Spain's coasts, however, do not meet the geographic requirements in Article 7 of the Convention for the use of straight baselines. With the few possible exceptions noted above, such as the northwest coast of Ibiza, Spain's coastlines are not "deeply indented and cut into" nor are they fringed with "islands along the coast in its immediate vicinity." Accordingly, Spain's use of straight baselines is generally not consistent with international law, as reflected in Article 7.

With respect to the Balearic Islands and Canary Islands, Spain often uses the normal baseline where coastlines are convex and straight baselines where coastlines are concave. However, coastal concavity is not a sufficient justification for the use of straight baselines, and such concavities do not render a coastline "deeply indented and cut into." Whether the coastline is concave or convex, it must meet the requirements in Article 7 described above in order to justify the use of straight baselines. In Spain's case, coastlines where straight baselines are used often have a rugosity similar to the coastlines where Spain uses the normal baseline.

Spain has generally chosen an island-by-island approach to baselines in the Balearic Islands and Canary Islands. In this sense, each island is treated individually with respect to the establishment of straight baselines. Spain has joined islands together with straight baselines only when those islands are separated from one another by less than 5 M. Although Spain's *Law No. 44/2010* establishes a perimeter around the entire Canary Islands, this perimeter has only domestic and not international legal effect.

Compared to using normal baselines, Spain's straight baselines have the effect of enclosing areas of territorial sea as internal waters and extending the territorial sea limit beyond 12 M from the normal baselines. In many areas, the straight baselines lie in close proximity to the coastline and, accordingly have a relatively minor effect on the territorial sea and other maritime limits. However, Spain's straight baseline system for Isla Graciosa, Lanzarote, and Fuerteventura (Canary Islands), has a considerable effect, enclosing more than 2,000 km² of territorial sea, including the waters between the islands, as internal waters. These straight baselines also extend the breadth of the territorial sea well beyond 12 M from the low-water line in some areas.

²³ III OFFICIAL RECORDS 227, UN Doc. [A/CONF.62/C.2/L.51](#) (1974). See also, views expressed later in the Third Conference, 126th Plenary Meeting, XIII *Official Records*, 19, UN Doc. [A/CONF.62/SR.126](#) (1980) and 190th Plenary Meeting, XVII *Official Records*, 96, UN Doc. [A/CONF.62/SR.190](#) (1982).

Maritime Zones

Internal Waters

Spain *Act No. 10/1977* and its *Act No. 27/1992* refer to the internal waters of Spain, which are those waters lying landward of the baseline.²⁴

The validity of Spain's internal waters claims depend upon the validity of its straight baseline claims. As discussed above, those claims are generally not consistent with international law, as reflected in Article 7 of the Convention. Accordingly, much of Spain's internal waters claims are not valid, and its maritime zones should be measured from the normal baseline. As discussed above, in some areas, Spain could enclose juridical bays with closing lines that meet the requirements of Article 10 (Bays).

Territorial Sea

Spain's *Act No. 10/1977* establishes a 12 M territorial sea. The terms of this Act pertaining to the territorial sea are generally consistent with international law, as reflected in Part II (Territorial Sea and Contiguous Zone) of the Convention.²⁵

Contiguous Zone

Spain's *Act No. 27/1992* refers to a contiguous zone of Spain, which extends from the outer limit of the territorial sea up to a distance of 24 M from the baselines. The terms of this Act pertaining to the contiguous zone are generally consistent with international law, as reflected in Part II of the Convention.²⁶

Exclusive Economic Zone

In 1978, Spain's *Act No. 15/1978* established a 200-M EEZ.²⁷ This Act applies to the Atlantic coasts of Spain (mainland and islands) and contains a provision authorizing the government of Spain to extend the provisions of the Act to other coasts of Spain. Under this authority, Spain established in its 1997 *Royal Decree No. 1315/1997* a Fisheries Protection Zone in the Mediterranean Sea.²⁸ In 2013, Spain established in its *Royal Decree No. 236/2013* an EEZ in the same area.²⁹

²⁴ *Act No. 10/1977*, *supra* note 3 and Annex 1 to this study, art. 1; *Act No. 27/1992*, *supra* note 4 and Annex 2 to this study, art. 7.

²⁵ *Act No. 10/1977*, *supra* note 3 and Annex 1 to this study, arts. 1–3.

²⁶ *Act No. 27/1992*, *supra* note 4 and Annex 2 to this study, art. 7 and second supplementary provision.

²⁷ *Act No. 15/1978*, *supra* note 5 and Annex 3 to this study.

²⁸ *Royal Decree 1315/1997, of 1 August 1997, establishing a Fisheries Protection Zone in the Mediterranean Sea* (Annex 5 to this study), available from DOALOS, *supra* note 3.

²⁹ *Royal Decree No. 236/2013*, *supra* note 5 and Annex 4 to this study.

With respect to Spain's assertion of sovereign rights and jurisdiction in its EEZ, Spain's *Act No. 15/1978* and subsequent decrees are generally consistent with international law, as reflected in Part V (Exclusive Economic Zone) of the Convention. The Act establishes exclusive rights of Spain with respect to the natural resources of the EEZ and also "[s]uch other rights as may be determined by the Government in accordance with international law."³⁰ The Act authorizes the government to enact related regulations and establishes enforcement jurisdiction.

With respect to the seaward extent of Spain's EEZ, Spain's *Act* of 1978 provides that the outer limit of the EEZ extends 200 M from the baselines. The *Act* contains two other provisions relevant to the seaward extent of the EEZ, the second of which is inconsistent with international law as reflected in the Convention.

First, in instances where a boundary treaty has not been established with a neighboring State, the *Act* provides that "the outer limit of the economic zone shall be the median or equidistant line." Spain's *Royal Decree* of 2013 implements this approach in the Mediterranean Sea, where geographic coordinates delineate the outer limit of the EEZ, extending south from Spain's mainland "continuing eastward to the equidistant line between the coastal States, drawn in conformity with international law, up to the maritime boundary with France."

Second, the Act states the following:

In the case of archipelagos, the outer limit of the economic zone shall be measured from straight base lines joining the outermost points of the islands and islets forming the archipelagos, so that the resulting perimeter conforms to the general configuration of each archipelago.

This provision has no basis in international law. Article 57 of the Convention provides that the EEZ "shall not extend beyond 200 nautical miles *from the baselines from which the breadth of the territorial sea is measured*" (emphasis added). No exception is made for offshore archipelagos, and a coastal State may not measure the breadth of its EEZ from baseline points that differ from those used to measure the breadth of its territorial sea. This provision is inconsistent with international law and is not recognized by the United States.

For archipelagic States, Article 48 of the Convention provides that the breadth of the EEZ and other maritime zones is measured from archipelagic baselines drawn in accordance with Article 47. However, as discussed in the preceding section, Spain is not an archipelagic State. Therefore, Spain may not draw archipelagic baselines joining the outermost points of an archipelago, nor can it measure the breadth of its EEZ from such baselines. Moreover, as discussed in the preceding section, Spain has not actually established baselines connecting the outermost points of either of its archipelagos; the perimeter established in 2010 around the Canary Islands only has domestic legal effect.³¹

³⁰ *Act No. 15/1978*, *supra* note 5 and Annex 3 to this study, art. 1.2.

³¹ Although *Law 44/2010* promulgates baselines enclosing the entirety of the Canary Islands, Spain does not assert those baselines internationally, as discussed *supra*, text corresponding to notes 19–21.

Continental Shelf

Spain's domestic laws and other enactments do not appear to define its continental shelf.³² However, Spain has made three submissions to the Commission on the Limits of the Continental Shelf that provide information on the limits of its continental shelf beyond 200 M.

In 2006, Spain made a partial joint submission, together with France, Ireland, and the United Kingdom, pertaining to the continental shelf in the area of the Celtic Sea and the Bay of Biscay (to the north and northwest of Spain's mainland).³³ In 2009, the Commission adopted its recommendations pertaining to this area.³⁴

In 2009, Spain made a partial submission to the Commission pertaining to the area of Galicia, off its west coast.³⁵ The Commission has not yet issued recommendations relating to this submission. The outer limit of the continental shelf of Spain described in this submission connects with the outer limit recommended by the Commission in its 2009 recommendations pertaining to the Celtic Sea and the Bay of Biscay.

In 2014, Spain made a partial submission to the Commission pertaining to the area west of the Canary Islands.³⁶ The Commission has not yet issued recommendations relating to this submission.

Map 7 depicts the outer limits of the continental shelf of Spain reflected in its submissions to the Commission.

Navigation and Overflight

Spain's *Act No. 10/1977* does not address navigation within the territorial sea. The relevant provisions of the Convention concerning innocent passage in the territorial sea are found in Articles 17 to 32. Because Spain borders straits used for international navigation, the provisions of Part III of the Convention (concerning transit passage) are also relevant.

In its declaration upon signing the Convention, Spain made several assertions of coastal State authority over transit passage in straits used for international navigation.³⁷ The United States has protested Spain's regulation of transit passage by aircraft, including State aircraft, through straits

³² The continental shelf rights of a coastal State nevertheless exist even in absence of express proclamation. *Convention, supra* note 2, art. 77.

³³ Joint Submission to the Commission on the Limits of the Continental Shelf in respect of the area of the Celtic Sea and the Bay of Biscay (Executive Summary), 2006, available from the DOALOS [website](#).

³⁴ Summary of the Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Joint Submission made by France, Ireland, Spain, and the United Kingdom of Great Britain and Northern Ireland in respect of the Area of the Celtic Sea and the Bay of Biscay, 2009, available from the DOALOS [website](#).

³⁵ Partial Submission on the Limits of the Spanish Continental Shelf in respect of the area of Galicia (Executive Summary), 2009, available from the DOALOS [website](#).

³⁶ Partial Submission of Data and Information on the Limits of the Continental Shelf of Spain to the West of the Canary Islands (Executive Summary), 2014, available from the DOALOS [website](#).

³⁷ See UN Treaty Collection [website](#), Chapter XXI, Law of the Sea.

used for international navigation as inconsistent with international law as reflected in Part III of the Convention.³⁸

Spain's *Act No. 15/1978* states that the establishment of its EEZ "shall not affect the freedom of navigation, the freedom of overflight" These freedoms are provided for in Article 87 of the Convention, and are applicable in the EEZ in so far as they are not incompatible with the Convention's provisions pertaining to the EEZ.³⁹

Spain's *Act No. 27/1992* contains a number of provisions related to navigation and overflight. Its Article 111 states:

In order to prevent the conduct of illicit activities or trafficking of any kind, the Government may stop, restrict or place conditions on the navigation of certain categories of civilian ships in internal waters, the territorial sea or the contiguous zone.

Its Article 112 states:

In order to protect the safety of navigation and prevent pollution of the marine environment in waters over which Spain exercises sovereignty, sovereign rights or jurisdiction, [Spain] may visit, inspect, search, seize, initiate legal proceedings and, in general, take any steps deemed necessary in respect of ships which infringe or may infringe those legal rights.

Any application of these provisions that hampers the right of innocent passage (in the territorial sea), impedes the right of transit passage (in a strait used for international navigation), or restricts the freedom of navigation and overflight (in the EEZ), except in accordance with the Convention, would be inconsistent with international law.

Undersea Cables and Pipelines

Spain's *Act No. 15/1978* recognizes that the high seas freedom to lay submarine cables is applicable in its EEZ and states that the establishment of its EEZ "shall not affect" this freedom. The freedom to lay pipelines is not referred to in Spain's *Act*. The relevant provisions of international law relating to the laying and maintenance of submarine cables and pipelines is reflected in Part VI of the Convention, in particular Article 79.

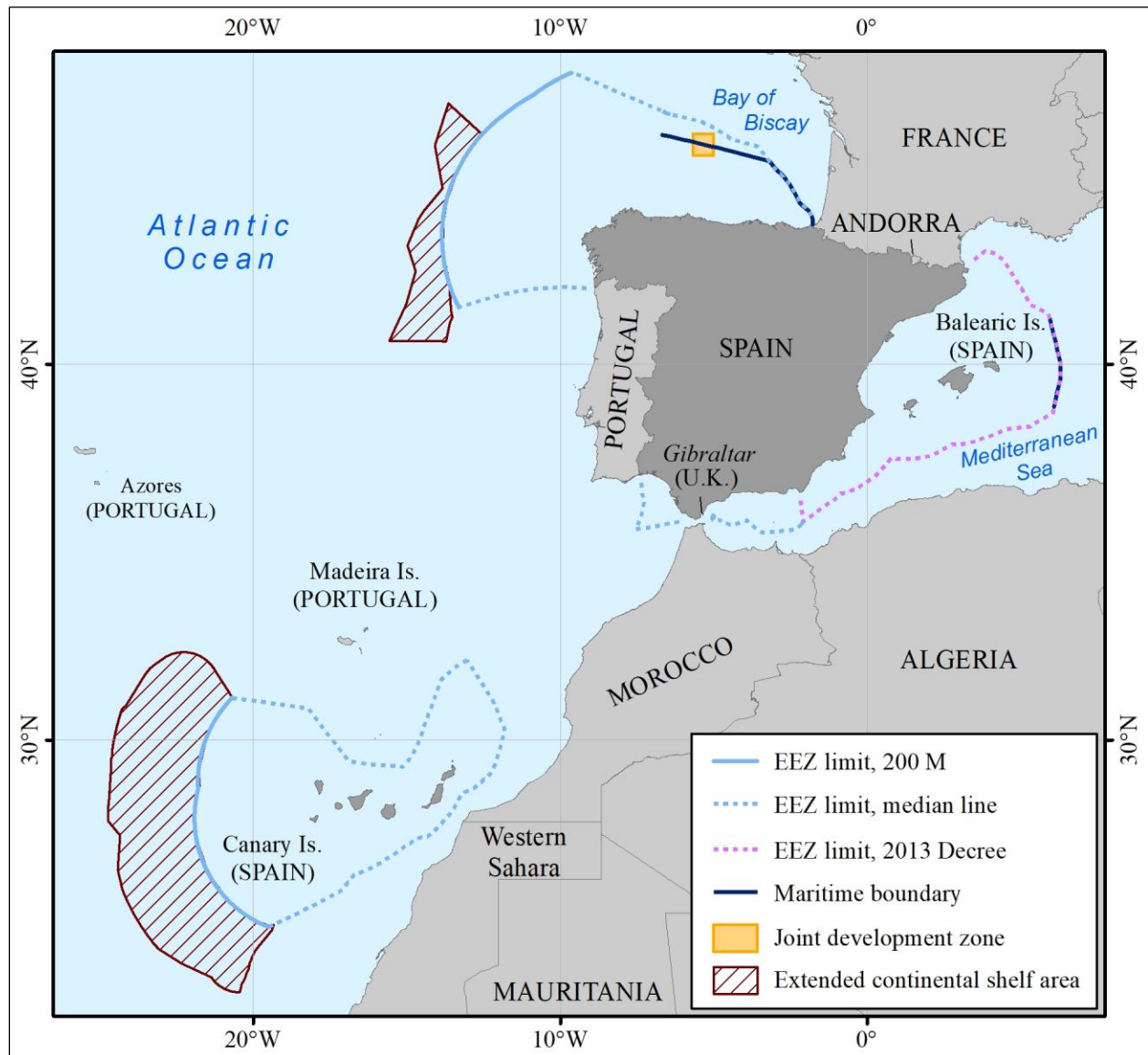
Maritime Boundaries

Spain has concluded maritime boundary agreements with France, Italy, and Portugal. These agreements are discussed briefly below. Spain has a number of undelimited maritime boundaries with its neighboring States, including the States mentioned above, as well as Morocco and Algeria.

³⁸ See [*Limits in the Seas*](#) No. 112 (1992), p. 68.

³⁹ *Convention*, *supra* note 2, art. 58(2).

Spain's maritime boundaries are shown on Map 7 to this study. Also depicted on Map 7 is the outer limit of Spain's claimed EEZ, as set forth in its *Act No. 15/1978* (in the Atlantic Ocean) and *Royal Decree* of 2013 (in the Mediterranean Sea). These limits appear to partially implement Spain's *Act No. 15/1978*, which provides that, in the absence of a maritime boundary agreement with a neighboring State, "the outer limit of the economic zone shall be the median or equidistant line."



Map 7. Maritime limits and boundaries of Spain. The map depicts Spain's maritime boundaries, claimed EEZ limits, and continental shelf limits reflected in Spain's submissions to the Commission on the Limits of the Continental Shelf. The northernmost continental shelf outer limit point has been recommended by the Commission in its 2009 recommendations pertaining to the Celtic Sea and Bay of Biscay (France, Ireland, Spain, and United Kingdom). Scale: 1:25,000,000.

Spain-France

In 1974, Spain and France concluded two treaties establishing maritime boundaries in the Bay of Biscay (Atlantic). The first treaty delimits the territorial sea between the two States, on the basis of equidistance, extending from the land boundary to a location that is 12 M from the nearest points on the respective territorial sea baselines of the two States.⁴⁰

The second treaty delimits the continental shelf between the two States, extending seaward from the terminus of the territorial sea boundary.⁴¹ The continental shelf boundary has two main parts. The first part of the boundary is established on the basis of equidistance and consists of 13 straight line segments connecting 14 points, with a total length of approximately 97 M. The second part of the boundary, which deviates from equidistance, consists of a single segment of approximately 153 M extending to the northwest within the Bay of Biscay. The agreement contains provisions pertaining to natural resources extending across the continental shelf boundary, including an approximately 833-M² joint development zone that straddles part of the boundary.

The terminus of this boundary is located in the mouth of the Bay of Biscay, well short of the 200 M limits of the two States, and approximately 110 M from the northern coast of Spain. The continental shelf beyond this boundary terminus is not delimited.

It appears as though the two States have not delimited their respective EEZs within the Bay of Biscay and the more seaward areas. It also appears as though Spain and France have not delimited their maritime zones within the Mediterranean Sea.

Spain-Portugal

In 1976, Spain and Portugal concluded two treaties delimiting the territorial sea, contiguous zone, and continental shelf between the two States in the Atlantic Ocean. However, these treaties have not entered into force.⁴² The two countries have additional unresolved maritime boundaries, including with respect to the Canary Islands (Spain) and the Madeira Islands (Portugal).

Spain-Italy

In 1974, Spain and Italy concluded a treaty delimiting the continental shelf on the basis of equidistance between Minorca Island (Spain) and Sardinia (Italy) in the Mediterranean Sea.⁴³ The

⁴⁰ Convention between France and Spain on the Delimitation of the Territorial Sea and the Contiguous Zone in the Bay of Biscay, Paris, Jan. 29, 1974, entered into force Apr. 5, 1975, available from DOALOS, *supra* note 3. See also, [Limits in the Seas](#) No. 83 (1979). Pursuant to Article 3 of this treaty and Spain's *Act No. 10/1977*, this agreement now delimits only the territorial sea of the two States.

⁴¹ Convention between Government of the French Republic and the Government of the Spanish State on the Delimitation of the Continental Shelves of the Two States in the Bay of Biscay, Paris, Jan. 29, 1974, entered into force Apr. 5, 1975, available from DOALOS, *supra* note 3. See also, [Limits in the Seas](#) No. 83 (1979).

⁴² See J.I. Charney and L.M. Alexander (eds), *International Maritime Boundaries*, at 1791–1800 (stating that “Portugal is now opposed to ratification and favors the equidistant line for both boundaries”).

⁴³ Convention between Spain and Italy on the Delimitation of the Continental Shelf between the two States, Madrid, Feb. 19, 1974, entered into force Nov. 16, 1978, available from DOALOS, *supra* note 3. See also, [Limits in the Seas](#) No. 90 (1980).

boundary is composed of geodetic lines connecting eight points, with a total length of approximately 137 M. The agreement contains provisions pertaining to the existence of possible hydrocarbon deposits extending across the boundary line. Although this treaty does not delimit the EEZ, the outer limits of Spain's EEZ (points 37–41), as promulgated in its *Royal Decree* of 2013, align with this continental shelf boundary.

Conclusion

Spain has established straight baseline systems pertaining to its mainland, the Balearic Islands, and the Canary Islands. With a few possible exceptions, these baselines are not consistent with international law, as reflected in Article 7 of the Convention. However, the effects of these straight baseline systems are generally minor, in that they lie in relatively close proximity to the normal baseline and enclose relatively small amounts of maritime space.

The provisions of Spain's legislation and other enactments pertaining to its maritime zones, including the navigation provisions, appear to be generally consistent with international law as reflected in the Convention. The notable exception is Spain's EEZ legislation, which provides that the outer limits of its EEZ pertaining to archipelagos is "measured from straight base lines joining the outermost points of the islands and islets forming the archipelagos." While this provision lacks a basis in international law, it appears that Spain has not implemented it; its baselines pertaining to the Balearic Islands and the Canary Islands do not enclose the islands forming the archipelagos within a single system of straight baselines. The United States has also protested Spain's asserted authority to regulate transit passage by aircraft through straits used for international navigation as inconsistent with international law as reflected in Part III of the Convention.

Spain has partially delimited its maritime boundaries with its neighboring States. It appears as though Spain has partially or completely unresolved maritime boundaries with Algeria, France, Italy, Morocco, and Portugal.

Annex 1

Act No. 10/1977 of 4 January 1977

Article 1

The sovereignty of the Spanish State shall extend, beyond its land territory and its internal waters, to the territorial sea adjacent to its coast, delimited in accordance with the provisions of the following articles. Such sovereignty shall be exercised, in accordance with international law, over the water column, seabed, subsoil and resources of the territorial sea, and over the superjacent airspace.

Article 2

The inner limit of the territorial sea shall be determined by the low-water line and by such straight baselines as may be established by the Government.

Article 3

The outer limit of the territorial sea shall be determined by a line drawn in such a way that the points constituting it are at a distance of 12 nautical miles from the nearest points of the baselines referred to in the preceding article.

Article 4

Failing agreement to the contrary, the territorial sea shall not, in relation to neighbouring countries and countries whose coasts are opposite to those of Spain, extend 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 countries is measured, such baselines being drawn in accordance with international law.

Article 5

This Act shall not affect the fishing rights recognized or established for foreign vessels under international agreements.

FIRST FINAL PROVISION

This legal enactment is not to be interpreted as recognition of any rights or situations in connection with the waters of Gibraltar other than those referred to in article 10 of the Treaty of Utrecht, of 13 July 1713, between the Crowns of Spain and Great Britain.

...

Annex 2

Act No. 27/1992 of 24 November 1992 concerning national ports and merchant shipping (excerpts)

Article 7

Areas and types of navigation

1. Areas of navigation are those areas, in addition to internal waters, the territorial sea, the contiguous zone and the exclusive economic zone, over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- For the purposes of this Act, "Spanish internal waters" means those waters situated within the baselines of the territorial sea, including rivers, lakes and continental waters.

- "Territorial sea" means the sea extending to a distance of 12 nautical miles from the baselines from which its breadth is measured.

- "Contiguous zone" means the zone extending from the outer limit of the territorial sea up to a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

- "Exclusive economic zone" means the zone extending from the outer limit of the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. Depending on the area in which it takes place, navigation shall be internal, coastal, external or extra-national.

- "Internal navigation" means navigation which takes place wholly within the area of a given port or other Spanish internal waters.

- "Coastal navigation" means navigation other than internal navigation which is carried out between ports or points in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- "External navigation" means navigation between ports or points in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction and ports or points outside those areas.

- "Extra-national navigation" means navigation between ports or points outside areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

3. Depending on the conditions under which it takes place, navigation may be classified as regular or irregular.

- "Regular navigation" means navigation that is subject to predetermined itineraries, schedules, tariffs and conditions of transport.

- "Irregular navigation" means navigation not listed in the preceding paragraph.

4. Navigation that serves the public interest means any navigation deemed necessary to ensure essential maritime communications on the Peninsula between the Peninsula and the non-peninsular Spanish territories, and between non-peninsular Spanish territories. The Government shall classify navigation in accordance with the aforementioned categories.

...

Second supplementary provision
Contiguous zone

In the contiguous zone defined in article 7.1 of this Act, the Government may take the necessary control measures to:

- (a) Prevent violations of customs, smuggling, taxation, immigration and health laws and regulations in national territory and territorial waters;
- (b) Punish such violations.

Annex 3

Act No. 15/1978 on the Economic Zone of 20 February 1978

Article 1

1. In a belt of sea to be called the exclusive economic zone, which shall extend from the outer limit of the Spanish territorial sea for a distance of 200 nautical miles from the base lines used to measure the breadth of the territorial sea, the Spanish State shall have sovereign rights for the purposes of exploring and exploiting the natural resources of the seabed, subsoil thereof and its superjacent waters.

In the case of archipelagos, the outer limit of the economic zone shall be measured from straight base lines joining the outermost points of the islands and islets forming the archipelagos, so that the resulting perimeter conforms to the general configuration of each archipelago.

2. In accordance with the provisions of the preceding paragraph, the rights of the Spanish State shall include:

- (a) The exclusive right to the natural resources of the Zone;
- (b) The authority to enact regulations concerning the preservation of, exploration for and exploitation of such resources with a view to the protection of the protection of the marine environment;
- (c) Exclusive jurisdiction to enforce all relevant measures;
- (d) Such other rights as may be determined by the Government in accordance with international law.

Article 2

1. Except as provided in international treaties with States whose coasts are opposite or adjacent to Spanish coasts, the outer limit of the economic zone shall be the median or equidistant line.

2. For the purposes of this article, "median or equidistant line" shall mean the line every point of which is equidistant from the nearest points on the base lines drawn in accordance with international law from which the breadth of the territorial sea of each State is measured. In the case of archipelagos, the median or equidistant line shall be determined on the basis of the archipelagic perimeter drawn in accordance with article 1, paragraph 1.

Article 3

1. Fishing in the economic zone shall be reserved for Spanish nationals, and subject to agreements between the Governments concerned, to nationals of those countries whose fishing vessels have habitually fished in the zone.

2. Foreign fishermen not covered by the preceding paragraph may not fish in the economic zone, except as provided in international treaties to which Spain is a party.

Article 4

The provisions of Law No. 93/1962 of 24 December setting forth penalties for fishing violations committed by foreign vessels shall be applicable in the economic zone.

Article 5

1. The establishment of an economic zone shall not affect the freedom of navigation, the freedom of overflight and the freedom to lay submarine cables.
2. In the exercise of the freedom of navigation, foreign fishing vessels must comply with Spanish laws designed to prevent such vessels from fishing in the economic zone, including the laws concerning the carrying of fishing tackle.

FINAL PROVISIONS

1. The application of the provisions of this law shall be limited to the Atlantic coasts of Spain, both of the mainland and the islands, including the coasts on the Cantabrian Sea; the Government shall have the right to extend these provisions to other coasts of Spain.
2. Law No. 93/1962 of 24 December setting forth penalties for fishing violations committed by foreign vessels, Law No. 20/1967 of 8 April on the extension of the reserved fishing belt and any other laws which are contrary to the provisions of this Law shall be amended as may be necessary for the application of this Law.
3. The Government and the competent official bodies shall adopt the necessary measures for the application of this Law.

Annex 4

Royal Decree No. 236/2013 of 5 April 2013

Translated from Spanish
OFFICIAL STATE GAZETTE

No. 92 Wednesday, 17 April 2013 Sect. I. Page 29146

I. GENERAL PROVISIONS

MINISTRY OF THE PRESIDENCY

4049 *Royal Decree No. 236/2013, of 5 April 2013, establishing the
Exclusive Economic Zone of Spain in the Northwest Mediterranean*

The United Nations Convention on the Law of the Sea (UNCLOS), of 10 December 1982, defines the Exclusive Economic Zone (EEZ), establishes the rights and duties of the coastal State and of third States regarding the Zone, and specifies how it is to be delimited.

Articles 55 and 57 state that “The exclusive economic zone is an area beyond and adjacent to the territorial sea”, which “shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured”. In the case of countries with opposite or adjacent coasts, article 74.1, states that the delimitation of the zone “shall be effected by agreement on the basis of international law, as referred to in article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution”.

As regards the rights of the coastal State, article 56.1 of the Convention establishes that it has “(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment; (c) other rights and duties provided for in this Convention”.

Although it predates Spain’s accession to the UNCLOS, Act 15/1978, of 20 February, regulating the Economic Zone of the Sea and its Beaches, regulates said zone in terms that are fully consistent with the Convention because it reflects the customary international law existing at the time of its promulgation. Its sphere of application is in principle limited, as noted in Final Provision One, to “the Atlantic coasts of Spain, both of the mainland and of the islands, including the coasts on the Cantabrian Sea”. However, the Act “empowers the Government to extend these provisions to other coasts of Spain”.

Accordingly, in exercise of the option allowed to the Government by Act 15/1978, of 20 February, in view of the growing importance of exploitation of the resources existing in the EEZ in the Mediterranean, and for the purposes set forth in the UNCLOS, namely to allow the coastal State to exercise its sovereign rights, Spain is establishing its own EEZ in the Northwest Mediterranean, without prejudice to its extension in future to other Spanish coasts.

Wherefore, on the joint proposal of the Ministries of Foreign Affairs and Cooperation; of Defence; of Industry, Energy and Tourism; of Agriculture, Food and the Environment; and of the Economy and Competitiveness; and following deliberation by the Council of Ministers at its meeting of 5 April 2013,

I HEREBY DECREE:

Article 1. Establishment of an Exclusive Economic Zone of Spain in the Northwest Mediterranean Sea

An Exclusive Economic Zone of Spain is hereby established in the Northwest Mediterranean, starting from the outer limit of the territorial sea, up to coordinate point Lat. 35° 57.46' North; Long. 2° 5.31' West (WGS84 datum), bearing 173° (S007 E) from Cabo de Gata, at a distance of 46 nautical miles from the above-mentioned coordinate point, and continuing eastward to the equidistant line between the coastal States, drawn in conformity with international law, up to the maritime boundary with France, as detailed in the table below.

DATUM WGS 84

Point	Latitude			Longitude		
	Degrees	Minutes		Degrees	Minutes	
1	36	31.21	N	2	9.67	W
2	35	57.46	N	2	5.31	W
3	36	3.06	N	1	54.9	W
4	36	16.55	N	1	33.4	W
5	36	22.37	N	1	23.33	W
6	36	30.17	N	1	8.33	W
7	36	34.96	N	0	59.73	W
8	36	41.09	N	0	52.81	W
9	36	41.61	N	0	51.12	W
10	36	45.33	N	0	32.57	W
11	36	46.9	N	0	26.82	W
12	36	50.81	N	0	17.82	W
13	36	55.3	N	0	8.54	W
14	36	57.55	N	0	3.9	W
15	37	2.63	N	0	5.09	E
16	37	10.28	N	0	17.31	E
17	37	21.86	N	0	31.16	E
18	37	35.84	N	0	46.02	E
19	37	36.48	N	0	47.06	E

20	37	36.06	N	0	57.62	E
21	37	35.82	N	1	28.79	E
22	37	36.69	N	1	36.06	E
23	37	38.1	N	1	52.18	E
24	37	40.12	N	2	2.4	E
25	37	42.23	N	2	11.05	E
26	37	58.19	N	2	46	E
27	37	58.78	N	3	10.6	E
28	37	59.21	N	3	13.17	E
29	38	0.71	N	3	22.19	E
30	38	12.4	N	4	6.93	E
31	38	17.65	N	4	22.06	E
32	38	21.81	N	4	35.07	E
33	38	22.59	N	4	49.29	E
34	38	25.53	N	5	18.34	E
35	38	37.39	N	5	44.06	E
36	38	46.85	N	6	3.37	E
37	38	57.03	N	6	6.29	E
38	39	37.49	N	6	18	E
39	40	1.63	N	6	18	E
40	40	36.24	N	6	7.63	E
41	41	9.42	N	5	56.61	E
42	41	14.85	N	5	53.23	E
43	41	25.51	N	5	25.89	E
44	41	27.35	N	5	20.17	E
45	41	40.26	N	5	10.54	E
46	41	50.55	N	5	2.39	E
47	41	51.53	N	5	1.31	E
48	42	30	N	4	29.25	E
49	42	31.67	N	4	27.22	E
50	42	42.68	N	4	10	E
51	42	44.9	N	3	49.73	E
52	42	35.15	N	3	32.14	E
53	42	32.65	N	3	28.71	E
54	42	31.65	N	3	25.88	E

Article 2. Modification of the Zone established in the preceding Article

The limits specified in the preceding Article may, if necessary, be modified in the light of any delimitation agreements to be concluded with the affected coastal State, under article 74 of the United Nations Convention on the Law of the Sea, of 10 December 1982.

Final Provision. Entry into force

The present Royal Decree shall enter into force on the date of its publication in the Official

State Gazette.

Done in Madrid, on 5 April 2013.

JUAN CARLOS R.

SORAYA SÁENZ DE SANTAMARÍA ANTÓN
Vice-President of the Government, Minister of the Presidency

Annex 5⁴⁴

Royal Decree 1315/1997, of 1 August 1997, establishing a Fisheries Protection Zone in the Mediterranean Sea

I. General Provisions

Act 15/1978, of 20 February, on the exclusive economic zone, provides in its first final provision that the extension of the Spanish Exclusive Economic Zone to 200 miles shall apply only to the Spanish coasts, both peninsular and insular, on the Atlantic Ocean, including the Bay of Biscay. Nevertheless, that final provision authorizes the Government to approve its extension to other Spanish coasts.

As the Government had not exercised the authority accorded to it by that final provision, Act 15/1978 was not applicable to the Mediterranean Sea, and accordingly Spain, in conformity with the United Nations Convention on the Law of the Sea, opened for signature at Montego Bay on 10 December 1982 and ratified by Spain on 15 January 1997, exercises sovereign jurisdiction in that sea only over the 12 nautical miles of the territorial sea, and specialized jurisdiction in the other 12 miles corresponding to the contiguous zone.

The Mediterranean Sea possesses some very specific characteristics in terms of the living marine resources that are found in its waters. For example, it is one of the few breeding grounds in the world for the red tuna, whose uncontrolled exploitation by countries in disregard of the Recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), which cover the adjacent seas, including the Mediterranean, may lead to a truly critical situation for this species.

In the course of recent years there has been a marked increase in the fishing effort by industrial vessels from countries not belonging to the Mediterranean basin, operating in many cases without any kind of control barely 12 miles from the coastal zones.

Community conservation and control measures are not applicable beyond 12 miles measured from the baselines of the coastal States to vessels flying other flags, with the consequent frustration to which this gives rise both for the fisheries sector and for the resource management policy Spain is seeking to pursue in the Mediterranean.

On the other hand, it is in Spain's interest, in order not to increase the regional imbalances at the national level, to maintain a labour-intensive small-scale fleet in the Mediterranean engaging in high-quality fishing.

The over-exploitation of the fishery resources of the Mediterranean necessitates the taking of measures to prevent the fish populations being exhausted in the near future. To this end, an appropriate resource conservation policy needs to be pursued, and this is impossible to implement when these measures are restricted to the 12 miles of the territorial sea.

Accordingly, and in exercise of the authority given by the first final provision of Act 15/1978, of 20 February, on the economic zone, it is deemed necessary to establish in the Mediterranean Sea a fisheries protection zone between Cabo de Gata and the French border. This zone is the one in greatest need of protection, in that it is the optimum one of the main fish species.

In drawing it up, the sector concerned was consulted.

Wherefore, on the proposal of the Minister of Agriculture, Fisheries and Food in agreement with the Council of State, and after deliberation by the Council of Ministers at its meeting of 1 August 1997,

⁴⁴ Geographic names are not necessarily those officially used by the United States.

I order:

Article I

A fisheries protection zone is hereby established in the Mediterranean Sea, delimited by an imaginary line starting from Punta Negra-Cabo de Gata (latitude 36° 43' 35" North; longitude 002° 9' 95" West), proceeding in the direction 181° (S001 W) to the point (latitude 35° 54' 5 " North; longitude 002° 12' 0" West) at a distance of 49 nautical miles from the above-mentioned starting point, and continuing eastward to the equidistant line with neighbouring countries, drawn in conformity with international law, up to the maritime boundary with France.

Article II

In the said zone, the Kingdom of Spain shall have sovereign rights for purposes of conservation of living marine resources, as well as for the management and control of fishery activity, without prejudice to the measures for protection and conservation of resources that have been or may be enacted by the European Union.

Final Provision: Entry into Force

The present Royal Decree shall enter into force on the day following its publication in the Official Gazette of the State.

DONE at Palma de Mallorca on 1 August 1997

Annex 6⁴⁵

Royal Decree No. 2510/1977 of 5 August 1977

Article 1

The straight baselines for the delimitation of Spanish jurisdictional waters, referred to in article two of Act No. 20/1967, of 8/April, shall be the following:

<u>Map</u>		ATLANTIC OCEAN	<u>North</u>	<u>West</u>
<u>Number</u>	<u>#</u>	<u>North and north-west coast of Spain</u>	<u>Latitude</u>	<u>Longitude</u>
128	1	From Islote Amuitz (Cabo Higuier)	43° 23,76	01° 47,60
	2	to Guetaria (Isla San Antón N.)	43° 18,68	02° 12,19
	3	to Cabo Machichaco (Peñón)	43° 27,44	02° 45,25
	4	to Islote Villano (Cabo Villano)	43° 26,45	02° 56,10
	5	to Punta Pescador	43° 27,90	03° 26,20
127	6	From Cabo Ajo	43° 30,83	03° 35,30
	7	to Cabo de Lata	43° 29,65	03° 48,70
	8	to Islote La Perla (Punta Somocueva)	43° 28,38	03° 56,71
	9	to Cabo Oriambre	43° 24,34	04° 20,60
	10	to Cabo de Mar	43° 27,75	04° 55,60
	11	to Lastres	43° 32,10	05° 17,78
	12	to Punta del Olivo	43° 33,28	05° 24,75
	13	to Islote La Gavieta (Cabo Peñas)	43° 39,65	05° 50,50
126a	14	to Islote Las Monistas (Cabo Peñas)	43° 39,87	05° 52,02
	15	to Islote Chouzano (Cabo Vidio)	43° 35,78	06° 14,65
	16	to Islote Romanellas	43° 34,55	06° 37,65
	17	to Islote Orrio de Tapia	43° 34,58	06° 56,95
	18	to Islote El Pie (Los Farallones)	43° 43,15	07° 26,22
125A	19	to Islote El Estaquín (Pta. de la E. de Bares)	43° 47,52	07° 41,45
	20	to Islote Caballo Juan (Cabo Ortegá)	43° 46,83	07° 52,05
	21	to Punta del Limo	43° 46,10	07° 54,28
	22	to Punta Candelaria (Islote)	43° 42,85	08° 02,85
	23	to Cabo Prior	43° 34,12	08° 18,92
	24	to Isla Sisarga (Grande)	43° 21,75	08° 50,93
	25	to Punta del Boy	43° 11,35	09° 10,42
	26	to Cabo Villano	43° 09,85	09° 12,88
124	27	to Cabo Toriñana	43° 03,39	09° 17,95
	28	From Punta Insua (Islote)	43° 02,90	09° 18,06
	29	to Berrón de la Nave (Cabo la Nave)	42° 55,25	09° 17,95
	30	to Centolo de Finisterre	42° 53,38	09° 17,36
	31	to Cabo Corrubedo	42° 34,48	09° 05,50

⁴⁵ Notes: (1) Lines in the decree without geographic coordinates have been omitted; (2) each coordinate has been given a unique number in this study (#, second column) for analytical purposes; (3) geographic names are not necessarily those officially used by the United States.

	32	to Islote del Faro (Isla Cies)	42° 12,80	08° 55,12
	33	to Cano Sillero (Islote Carral)	42° 06,91	08° 54,03
		<u>South-west coast of Spain</u>		
115	34	From southern point of Isla Canela	37° 10,25	07° 22,40
	35	to Punta Umbría	37° 10,30	06° 56,90
	36	to Torre del Oro (Ruins) to Bajo Salmedina (Torre Baliza) (Chipiona)	37° 05,38	06° 43,70
	37		36° 44,00	06° 28,50
	38	to Castillo de San Sebastián	36° 31,77	06° 18,86
	39	to Castillo de Sancti Petri	36° 22,85	06° 13,15
	40	to Cabo Trafalgar	36° 11,03	06° 02,03
	41	to Tarifa (Isla)	36° 00,15	05° 36,50
	42	to Punta del Acebuche	36° 03,06	05° 27,85
		<u>MEDITERRANEAN SEA</u>		
		<u>South and east coasts of Spain</u>		
116	43	From Punta Carbonera	36° 14,70	05° 18,00
	44	to Punta de Baños	36° 27,61	05° 00,35
	45	to Torre de Calahonda	36° 29,32	04° 42,60
	46	to Punta de Calaburras	36° 30,50	04° 38,30
	47	to Punta de Vélez-Málaga	36° 43,60	04° 06,20
	48	Punta de Torrox	36° 43,66	03° 57,36
	49	to Cabo Sacratif	36° 41,70	03° 28,05
	50	to Punta de Llano	36° 41,73	03° 25,05
	51	to Punta Negra	36° 44,78	03° 12,58
	52	to Punta de las Entinas	36° 40,89	02° 46,22
	53	to Punta del Sabinal	36° 41,02	02° 42,03
	54	to Punta Baja (Cabo Gata)	36° 43,20	02° 11,00
	55	to Punta Negra (Cabo Gata)	36° 43,35	02° 09,95
119	56	to Morro Genovés	36° 44,30	02° 06,83
	57	to Punta de Loma Pelada	36° 46,75	02° 03,53
	58	Punta de Media Naranja	36° 58,33	01° 54,15
	59	to Garrucha (Green Light)	37° 10,97	01° 48,91
	60	to Monte Cope	37° 25,40	01° 29,40
117	61	to Cabo Tiñoso	37° 32,15	01° 06,40
	62	to Cabo del Agua	37° 33,32	00° 55,05
	63	to Punta de la Espada	37° 36,50	00° 43,00
	64	to Islas Hormigas	37° 39,39	00° 38,88
	65	to Cabo Cervera	37° 59,92	00° 38,70
	66	to Isla de Tabarca	38° 09,60	00° 27,95
	67	to Cabo de las Huertas	38° 21,06	00° 24,20
	68	to Punta de la Escaleta	38° 31,45	00° 05,35

				<u>East</u>
				<u>Longitude</u>
119	69	to Punta de Ifach	38° 37,78	00° 05,03
	70	to Cabo de la Nao	38° 43,84	00° 14,20
	71	to Isla del Portichol	38° 45,50	00° 13,98
	72	to Cabo de S. Antonio	38° 48,17	00° 11,83
	73	to Puerto de Denia (Green light)	38° 50,80	00° 07,43
				<u>West</u>
				<u>Longitude</u>
	74	to Cabo Cullera	39° 11,14	00° 12,93
	75	to Puerto de Sagunto (Pier end)	39° 38,54	00° 12,42
				<u>East</u>
				<u>Longitude</u>
	76	to Peñiscola	40° 21,45	00° 24,50
	77	to Punta de la Baña	40° 34,50	00° 41,85
	78	to Cabo Tortosa	40° 43,16	00° 53,20
	79	to Cabo de Salou	41° 03,23	01° 10,24
	80	From Barcelona (Light)	41° 20,11	02° 10,22
120	81	to Arenys de Mar (Breakwater end)	41° 34,30	02° 33,30
	82	From Cabo Bagur	41° 56,90	03° 13,96
	83	to Isla Maza de Oro (Cabo Creus)	42° 19,05	03° 19,90
	84	to the frontier	42° 26,00	03° 10,40
<u>Balearic Islands</u>				
<u>Islands of Mallorca and Cabrera</u>				
119	85	From Cabo Formentor	39° 57,70	03° 12,80
	86	to Cabo del Freu	39° 44,90	03° 27,65
	87	From Punta de Amer	39° 34,60	03° 23,80
	88	to Punta Galera	39° 21,65	03° 13,80
	89	to Islote Imperial	39° 07,55	02° 57,60
	90	From Punta Anciola	39° 07,55	02° 55,12
	91	to Cabo Llebeitx (Dragonera)	39° 34,10	02° 18,20
<u>Island of Minorca</u>				
	92	From Cabo Nati	40° 03,10	03° 49,50
	93	to Islote Nitge	40° 05,52	04° 04,50
	94	From Cabo Caballería	40° 05,30	04° 05,50
	95	to Punta d'es Murté	40° 04,10	04° 08,40
	96	From Punta Damtinat	40° 03,60	04° 10,30
	97	to Cabo Favaritx	39° 59,70	04° 16,20
	98	to Cabo Espero	39° 52,50	04° 19,70
	99	to Isla del Aire (E)	39° 47,95	04° 17,80
	100	From Isla del Aire (W)	39° 47,90	04° 17,05
	101	to Cabo Dartuch	39° 55,30	03° 49,26
	102	to Cabo Binicous	39° 59,90	03° 47,60
<u>Islands of Ibiza and Formentera</u>				
119	103	From Punta Jonch	39° 05,32	01° 36,25

104	to Isla Tagomago	39° 01,90	01° 39,15
105	to Faro de Formentera	38° 39,70	01° 35,00
106	From Punta Rotja	38° 38,90	01° 34,15
107	to Cabo Berbería	38° 38,40	01° 23,10
108	to Islote Vedra	38° 51,75	01° 11,20
109	to Islote Bleda Plana	38° 58,70	01° 09,50
110	to Cabo Eubarca	39° 04,42	01° 21,62

ATLANTIC OCEAN

Canary Islands

Island of Gran Canaria

207	111	From El Roque (La Isleta)	28° 09,80	15° 23,85
	112	to Roque de Melenera	27° 59,45	15° 21,77
	113	to Península de Gando	27° 55,78	15° 21,39
	114	to Roque Arinaga	27° 51,58	15° 22,78
	115	to Punta Teneffe	27° 48,30	15° 25,41
	116	to Playa Maspalomas (E)	27° 44,05	15° 34,41
	117	From Playa Maspalomas (W)	27° 43,95	15° 35,83
	118	to Punta Taozo	27° 44,85	15° 40,38
	119	From Isla de la Aldea	28° 00,72	15° 49,30
	120	to Punta Sardina	28° 09,83	15° 42,45
	121	to Punta Ortiz	28° 10,10	15° 41,05
	122	to Punta Guanarteme	28° 10,25	15° 38,19
	123	to Punta de la Isleta	28° 10,73	15° 25,10

Island of Tenerife

	124	From Punta Antequera	28° 31,88	16° 07,39
	125	to Punta del Socorro	28° 18,20	16° 21,60
	126	From Punta de Buenavista	28° 23,55	16° 49,65
	127	to Punta del Viento	28° 30,95	16° 25,18
	128	From Punta Hidalgo	28° 34,65	16° 19,10
	129	to Roques de Anaga (N)	28° 33,20	16° 09,20
	130	to Roque Bermejo	28° 34,75	16° 07,80

Island of Hierro

520	131	From Punta Caleta	27° 47,91	17° 53,00
	132	to Punta del Miradero	27° 38,80	17° 58,10
	133	From Punta de la Restinga	27° 38,22	17° 59,35
	134	to Punta de Orchilla	27° 42,21	18° 08,78
	135	From Punta de la Sal	27° 46,22	18° 07,85
	136	to Punta y Roques de Salmor	27° 49,42	17° 59,63
	137	to Punta del Negro	27° 50,30	17° 57,74

Island of La Palma

519	138	From Punta Juan Adalid	28° 51,38	17° 54,55
	139	to Punta del Corcho	28° 50,57	17° 47,18
	140	From Punta Llana	28° 44,24	17° 43,35
	141	to Punta de Arenas Blancas	28° 34,12	17° 45,46

Islands of Lanzarote, Fuerteventura
Alegranza, Graciosa, Montaña Clara and
Lobos

204				
206	142	From Punta Delgada (Alegranza)	29° 24,10	13° 29,00
	143	to Roque del Este	29° 16,50	13° 20,00
	144	to Cabo Ancones	29° 01,10	13° 27,80
	145	From Punta Lima	28° 55,80	13° 36,87
	146	to Punta del Tarajalillo	28° 35,45	13° 49,25
	147	From Punta de la Entallada	28° 13,65	13° 56,55
	148	to Punta del Matorral	28° 02,60	14° 19,80
	149	to Punta Jandia	28° 03,72	14° 30,35
	150	From Punta Pesebre	28° 06,52	14° 29,35
	151	to Risco Blanco	28° 19,90	14° 11,88
	152	to Punta de Tostón	28° 42,90	14° 00,80
	153	to Punta de la Ensenada	29° 01,85	13° 48,90
	154 ⁴⁶	to Punta Grieta (Alegranza)	29° 42,50	13° 31,35

The geographical co-ordinates have been taken from the Spanish nautical maps listed below:

Number	Edition	Date
128	First	December 1952
127	First	March 1953
126a	Second	June 1952
125A	Second	October 1952
124	First	January 1966
116	Second	September 1963
117	Second	June 1966
119	First	September 1956
120	First	April 1954
207	Second	September 1968
520	First	September 1974
519	Second	September 1974
204	Second	February 1975
206	First	January 1972
115	First	July 1967

⁴⁶ Note: This geographic coordinate is located in open water approximately 18 M north of “Punta Grieta (Alegranza).” It appears the minutes within the latitudinal coordinate (29° 42,50) may be juxtaposed. In the maps presented in this study, this point is plotted at 29° 24,50, which is a location near the northwest coastline of Isla de Alegranza.

Annex 7

Segment Lengths of Mainland Straight Baselines

Start Point	End Point	Segment Length (M)
1	2	18.6
2	3	25.6
3	4	8.0
4	5	22.0
6	7	9.8
7	8	6.0
8	9	17.9
9	10	25.7
10	11	16.7
11	12	5.2
12	13	19.8
13	14	1.1
14	15	16.9
15	16	16.8
16	17	14.0
17	18	22.9
18	19	11.9
19	20	7.7
20	21	1.8
21	22	7.0
22	23	14.6
23	24	26.4
24	25	17.6
25	26	2.3
26	27	7.5

Start Point	End Point	Segment Length (M)
28	29	7.6
29	30	1.9
30	31	20.8
31	32	23.0
32	33	5.9
34	35	20.4
35	36	11.6
36	37	24.6
37	38	14.5
38	39	10.0
39	40	14.8
40	41	23.4
41	42	7.6
43	44	19.2
44	45	14.4
45	46	3.7
46	47	29.0
48	49	23.6
49	50	2.4
50	51	10.5
51	52	21.6
52	53	3.4
53	54	25.0
54	55	0.9
55	56	2.7

Start Point	End Point	Segment Length (M)
56	57	3.6
58	59	13.3
59	60	21.2
60	61	19.5
61	62	9.1
62	63	10.1
63	64	4.4
64	65	20.5
65	66	12.9
66	67	11.8
67	68	18.1
68	69	10.3
69	70	9.4
70	71	1.7
71	72	3.2
72	73	4.3
73	74	25.8
74	75	27.4
75	76	51.4
76	77	18.6
77	78	12.2
78	79	23.9
80	81	22.4
82	83	22.6
83	84	9.9

Annex 8

Law No. 44/2010 of December 30 on the Waters of the Canary Islands

(Translated from Spanish by the U.S. Department of State)

Office of the Head of State

JUAN CARLOS I

KING OF SPAIN

To All To Whom These Presents Shall Come,

Know Ye: That both Legislative Chambers have passed, and I hereby approve, the following Law.

EXPLANATORY STATEMENT

Over the past 30 years, at least 40 parliamentary initiatives have been introduced on the delimitation of the waters of the Canary Islands. These initiatives have ranged from written and spoken questions to appearances, motions, and interrogatories requiring written answers. Most of these have been launched by Canary Islands Senator Victoriano Ríos who in 2003 presented the first of the two draft laws on this subject, which were debated but failed to pass during the last two legislative terms.

This is a subject of extraordinary importance for both the Canary Islands and the Spanish State, and I cannot further postpone action on this matter without doing harm, especially to all Canarians, who have a right to a clear delimitation of their waters for a wide variety reasons involving, in particular, security, environmental protection, and the resources in those waters.

Article 132.2 of the Constitution considers both the territorial sea and the natural resources of the exclusive economic zone to be “property in the public domain of the state,” by virtue of which the state has jurisdiction to delimit them in accordance with the relevant provisions of international law.

At the same time, Article 147.2(b) of the Constitution states that the Statutes of Autonomy must include provisions on the delimitation of the territory of the Autonomous Communities, inasmuch as such provisions will limit the sphere within which those communities’ laws will have effect and within which their jurisdiction may be exercised.

In accordance with these Constitutional precepts, Article 2 of the Statute of Autonomy of the Canary Islands, as amended by Law No. 4/1996 of December 30, 1996, provides that “the Canarian Archipelago consists of the seven islands known as El Hierro, Fuerteventura, Gran Canaria, La Gomera, Lanzarote, La Palma, and Tenerife, as well as the islands of Alegranza, La Graciosa, Lobos, Montaña Clara, Roque del Este, and Roque del Oeste.”

That territorial description is incomplete, however, without a delimitation of the waters in a manner that is consistent with the notional framework of the Canary Islands as an archipelago, as embodied in the above-mentioned Article 2, encompassing both Canarian land and Canarian maritime spaces.

Sole Article. Canarian Waters.

1. A perimeter shall be drawn joining the outermost points of the islands or islets that Article 2 of the Canarian Statute of Autonomy designates as part of the Canarian Archipelago, in such a way that this perimeter follows the general configuration of the Archipelago as established in the Annex to this Law. The

waters located inside the perimeter shall be called “Canarian waters” and shall constitute the special maritime zone of the Canarian Autonomous Community.

2. State jurisdiction or autonomous-community jurisdiction over Canarian waters and, where applicable, over other maritime spaces surrounding the Canary Islands that are under the sovereignty or jurisdiction of the Spanish state, shall be exercised taking into account the distribution of jurisdictional powers established in the Constitution and the Statute for both those spaces and those land areas.

Sole Additional Provision: Respect for International Law

The drawing of the perimeter shall not alter the delimitation of Canarian maritime spaces as established by Spanish law pursuant to current international law.

First Final Provision: Implementing Regulations

The Government of the Kingdom of Spain is hereby authorized to issue any regulatory provisions that may be needed for the implementation of this Law, after so informing the Canarian Government.

Second Final Provision. Entry into Effect.

This Law shall enter into effect three months after its publication in the Official State Gazette.

Therefore,

I hereby order all Spanish nationals, individuals, and authorities to comply with and enforce this Law.

Madrid, December 30, 2010

JUAN CARLOS R.

JOSÉ LUIS RODRÍGUEZ ZAPATERO
Prime Minister

ANNEX I

The outermost points of the islands or islets comprising the Canarian Archipelago, used for the purpose of determining the straight baselines drawn in such a way that the resulting perimeter follows the archipelagic configuration, as indicated in the Sole Article of this Law, are set forth below:

	Latitude N	Longitude W
* 1. From Punta Delgada (Alegranza)	29° 24', 10	13° 29', 40
to Roque del Este	29° 16', 50	13° 20', 00
2. From Roque del Este to Punta de Tierra Negra	29° 01', 50	13° 27', 80
3. From Punta de Tierra Negra to (4) Punta de las Borriquillas	28° 16', 20	13° 53', 80
5. From Punta Entallada (Lantaílla)	28° 13', 80	13° 56', 00
to Punta del Matorral	28° 02', 50	14° 19', 50
6. From Punta del Matorral to (7) Punta de Maspalomas (GC)	27° 44', 00	15° 35', 00
8. From Punta de Arguineguín	27° 44', 50	15° 40', 10

to Punta de la Rasca (TF)	28° 00', 00	16° 41', 60
9. From Punta de la Rasca to Punta de Los Saltos (EH)	27° 38', 00	17° 59', 00
10. From Punta de Los Saltos to Punta de La Orchilla	27° 42', 50	18° 09', 80
11. From Punta de La Orchilla to Punta del Verodal	27° 45', 60	18° 09', 30
12. From Punta del Verodal to Punta Gutiérrez (LP)	28° 46', 50	18° 00', 50
13. From Punta Gutiérrez to Punta de Vallero	28° 49', 60	17° 57', 60
14. From Punta de Vallero to Punta de Juan Adalid	28° 51', 10	17° 55', 00
15. From Punta de Juan Adalid to Punta Cumplida	28° 50', 10	17° 46', 80
16. From Punta Cumplida to Roque de Fuera (Anaga. TF)	28° 35', 80	16° 09', 50
17. From Roque de Fuera to Morro de La Vieja (Isleta. GC)	28° 10', 60	15° 24', 50
18. From Morro de La Vieja to Punta de la Ensenada (LZ)	29° 02', 00	13° 49', 00
19. From Punta de la Ensenada to Punta Grieta (Alegranza)	29° 24', 50	13° 31', 50
20. From Punta Grieta to Punta Delgada (Alegranza)	29° 24', 10	13° 29', 40

* The configuration begins and ends at Alegranza.

Abbreviations:

GC: Gran Canaria.

TF: Tenerife.

EH: El Hierro.

LP: La Palma.

LZ: Lanzarote.

The geographic coordinates have been taken from Kingdom of Spain nautical chart No. 209. Publication name: Canary Islands. Publication date: Cádiz 1958. Updated: July 1992.

ANNEX II

A map of the Canarian archipelago, as referenced in Article 1 and Annex I of the Draft Law on the Waters of the Canary Islands, is attached herewith.

[Map not included.]

Annex 9

Map Details

Map 1: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, shaded relief: [GEBCO 2019 Shaded Relief Web Map Service](#). Source, Shoreline Data: NGA.

Map 2: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, Shoreline Data: NGA.

Map 3: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, Shoreline Data: NGA.

Map 4: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, Shoreline Data: NGA.

Map 5: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, Shoreline Data: NGA.

Map 6: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, Shoreline Data: NGA.

Map 7: Projection: Mercator (Sphere), Datum: WGS 1984, Central meridian: 0°. Source, Shoreline Data: NGA. Source, continental shelf limits: GRID-Arendal, accessed August 20, 2020. The EEZ limit (200 M and median line) depictions are approximated for illustrative purposes.