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

Limits in the Seas

No. 151

Panama

Maritime Claims and Boundaries
LIMITS IN THE SEAS

No. 151

PANAMA

MARITIME CLAIMS AND BOUNDARIES

September 2022

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. This study was prepared by Department of State’s Office of Ocean and Polar Affairs and Office of the Legal Adviser. The principal analysts for this study are Kevin Baumert and Amanda Williams.
Introduction

This study analyzes the maritime claims and maritime boundaries of the Republic of Panama (Panama).

The Basis for Analysis section summarizes Panama’s maritime claims and boundaries and discusses the relevant provisions of the international law of the sea. The Analysis section that follows examines Panama’s maritime 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 Panama’s maritime claims.

Basis for Analysis

The basis for this study’s analysis of Panama’s maritime claims is the international law of the sea as reflected in the United Nations Convention on the Law of the Sea (Convention).1 Panama ratified the Convention on July 1, 1996. The Convention is binding on Panama and other parties to the Convention as a matter of international treaty law. The United States considers the substantive provisions of the Convention cited in this section to reflect customary international law binding on all States, as do international courts and tribunals.2

Summary of Panama’s Maritime Claims and Boundaries

Through its domestic legislation and other enactments, Panama has established a territorial sea, contiguous zone, exclusive economic zone (EEZ), and continental shelf in the Caribbean Sea and eastern Pacific Ocean.3 Through its domestic regulations, Panama claims straight baselines (from which its maritime zones are measured) pertaining to its Caribbean and Pacific coasts.4 Panama also claims the Gulf of Panama as an historic bay.5 Selected provisions from Panama’s laws and declarations are reproduced in Annexes to this study.

---

3 Law No. 38 of 4 June 1996 ratifying the United Nations Convention on the Law of the Sea (hereinafter 1996 Law); National Executive Decree Law No. 7 of 10 February 1998, art. 2(6) (hereinafter 1998 Decree Law; Annex 1 to this study), available from UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at its website pertaining to Panama’s maritime claims and boundaries.
4 Permanent Mission of the Republic of Panama to the United Nations, communication MPP NY-532/19 of May 22, 2019, communicating note verbale N.V. – A.J.-MIRE-2019-00050, dated April 15, 2019, containing the lists of coordinates that make up the straight baselines from which breadth of the territorial sea of the Republic of Panama is measured, in accordance with Law No. 47 of 28 August 2018, published in Gaceta Oficial No. 28,602 (Aug. 31, 2018) of the Republic of Panama (coordinates reproduced in Annex 2 to this study).
5 Statement made upon ratification, reprinted in Law of the Sea Bulletin No. 32, at 11 (1996) (Annex 3 to this study). This statement is not presented as a reservation or exception to the Convention and does not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to Panama. Convention, supra note 1, arts. 309 and 310.
Baselines

International law, as reflected in Part II of the Convention, sets forth rules governing the baselines from which the limits of maritime zones are measured. Article 5 defines the normal baseline as “the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.” 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). 6

Where the coastal geography allows for the use of straight baselines, Article 7 provides additional requirements for the drawing of straight baselines. Relevant provisions in paragraphs 3 to 6 of Article 7 state that:

- “[t]he drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast”;
- “the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters”;
- “[s]traight baselines shall not be drawn,” with specific and limited exceptions, “to and from low-tide elevations”;
- “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”; and
- “[t]he system of straight 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.”

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. 7 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.

---

6 The straight baseline provisions in Article 7 are substantially the same as those found in Article 4 of the 1958 Convention on the Territorial Sea and the Contiguous Zone, opened for signature Apr. 29, 1958, 516 UNTS 205 (entered into force Sept. 10, 1964). Most of those provisions, in turn, were drawn from the ICJ’s 1951 judgment in the Fisheries Case (United Kingdom v. Norway), 1951 I.C.J. 116 (Dec. 18).
7 Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (merits), 2001, ICJ Rep. 103, para. 212.
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 degree of subjective judgment as to the reasonableness of the approach taken.\(^8\) 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.\(^9\)

Waters on the landward side of the baseline are internal waters (Article 8), including the waters within closing lines related to reefs, mouths of rivers, bays, and ports (Articles 6, 9, 10, and 11).

### “Historic” Bays

Article 10 (Bays) contains the only substantive provision of the Convention that refers to “historic” bays (paragraph 6). It simply states that the provisions of Article 10 concerning juridical bays “do not apply to so-called ‘historic’ bays.” This provision is identical to the one contained in Article 7 of the 1958 Convention on the Territorial Sea and the Contiguous Zone.\(^10\)

The United States has taken the view that, in order to establish the existence of a historic bay, a State must demonstrate (1) open, notorious, and effective exercise of authority over the body of water in question; (2) continuous exercise of that authority; and (3) acquiescence by foreign States in the exercise of that authority.\(^11\) These limitations are consonant with the views of influential international legal authorities, including the 1962 study on the “Juridical Régime of Historic Waters, Including Historic Bays,” commissioned by the Conference that adopted the 1958 Geneva Conventions on the law of the sea.\(^12\) The United States also considers that the burden of establishing the existence of a historic bay is on the claimant(s).

### 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 nautical miles (M) from the baselines and in which the coastal State exercises sovereignty

---


\(^9\) See, e.g., *Limits in the Seas* No. 127, “Taiwan’s Maritime Claims,” U.S. Dep’t of State (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.

\(^10\) Convention on the Territorial Sea and the Contiguous Zone, supra note 6.


subject to the right of innocent passage and other rules of international law (Articles 2, 3, and 17-32). In addition, Part II describes a contiguous zone, which may not extend beyond 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).

Part V of the Convention sets forth provisions related to the EEZ, which may extend up to 200 M from the baselines (Article 57). 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, subject to the relevant provisions of the Convention, all States enjoy the freedoms of navigation, overflight, laying and maintenance of submarine cables, and other internationally lawful uses of the sea related to these freedoms (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 to States in delimiting maritime boundaries.
Analysis\textsuperscript{13}

Panama is a coastal State located in Central America that shares land boundaries with Costa Rica to its west and Colombia to its east (Map 1). Panama is located on the Isthmus of Panama, which connects North and South America and separates the Atlantic Ocean and Pacific Ocean. The northern coast of Panama faces the Caribbean Sea; on its southern coast, to the east, is the large Gulf of Panama within which are numerous islands. Panama’s landmass is divided by the Panama Canal, a vital shipping conduit that connects the Atlantic Ocean and the Pacific Ocean.

\textit{Map 1. Regional view of Panama and neighboring States. Scale 1:10,000,000.}

\textsuperscript{13} Geographic analysis was completed using tools in Esri ArcGIS 10.7.1 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 4 to this study provides the cartographic and projection details for each map.
Baselines

In 2019, Panama communicated the geographic coordinates pertaining to its straight baselines to the United Nations.14 These baselines extend along the entirety of Panama’s Caribbean and Pacific coastlines; there are no areas where Panama uses the normal baseline. The length of each baseline segment is shown in tables below. The geographic coordinates for Panama’s baselines are reproduced in Annex 2 to this study.

Map 2. Panama’s straight baselines. Scale: 1:4,450,000.

14 Note verbale, supra note 4.
Caribbean Coast (North)

Panama’s straight baseline system for its northern coast consists of 11 points and 10 segments (Table 1; Map 2). The terminus points LBC-00 and LBC-10 connect to the land boundaries of Costa Rica and Colombia, respectively.

Table 1. Panama’s baseline system for its Caribbean coast (north)

<table>
<thead>
<tr>
<th>Segment (points)</th>
<th>Length (M)</th>
<th>Location / Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBC-00 to 01</td>
<td>17</td>
<td>Panama-Costa Rica land boundary to small offshore island</td>
</tr>
<tr>
<td>LBC-01 to 02</td>
<td>50</td>
<td>Encloses Laguna de Chiriquí; connects to Isla Escudo de Veraguas</td>
</tr>
<tr>
<td>LBC-02 to 03</td>
<td>120</td>
<td>Encloses Golfo de los Mosquitos</td>
</tr>
<tr>
<td>LBC-03 to 04</td>
<td>4</td>
<td>Joins two northernmost islands</td>
</tr>
<tr>
<td>LBC-04 to 05</td>
<td>48</td>
<td>Connects to Archipiélago de San Blas (Kuna Yala)</td>
</tr>
<tr>
<td>LBC-05 to 06</td>
<td>6</td>
<td>Joins two islands within Archipiélago de San Blas (Kuna Yala)</td>
</tr>
<tr>
<td>LBC-06 to 07</td>
<td>34</td>
<td>Connects Archipiélago de San Blas (Kuna Yala) to a small offshore island</td>
</tr>
<tr>
<td>LBC-07 to 08</td>
<td>10</td>
<td>Connects small offshore islands; parallel to coastline</td>
</tr>
<tr>
<td>LBC-08 to 09</td>
<td>20</td>
<td>Connects small offshore islands; parallel to coastline</td>
</tr>
<tr>
<td>LBC-09 to 10</td>
<td>33</td>
<td>Small offshore island to Panama-Colombia land boundary</td>
</tr>
</tbody>
</table>

Panama’s Caribbean coastline is generally smooth, marked by one significant indentation (Laguna de Chiriquí) and fringing islands in several areas. In some areas, the use of straight baselines is appropriate; in other locations, where the conditions in Article 7 are not met, the use of straight baselines is not permitted.

- **Segment LBC-00 to 01.** The coastline in this area is smooth, and baseline segment 00-01 departs from the general direction of the coastline by connecting to an offshore island. Accordingly, this baseline segment is not consistent with Article 7.

- **Segment LBC-01 to 02.** The coastline in this area is smooth. This coastal area is characterized by Laguna de Chiriquí, a significant indentation that is fringed with numerous islands at its mouth. Although Laguna de Chiriquí could be enclosed using straight baselines or bay closing lines, the 50-M long segment drawn by Panama bypasses the lagoon entrance and connects to Isla Escudo de Veraguas, an isolated island located approximately 10 M off the mainland coast. Adjustments to Panama’s baseline in this area would be needed to conform to Article 7.

- **Segment LBC-02 to 03.** This extremely long baseline segment (120 M) encloses the Golfo de los Mosquitos, a gentle coastal indentation with a generally smooth coastline. This area is not deeply indented or cut into, nor is it fringed with islands in the immediate vicinity. The baseline segment drawn by Panama extends as far as 24 M from the coastline, and is not consistent with Article 7. The normal baseline is appropriate in this area.
• **Segment LBC-03 to 04.** This short, 4-M segment connects the northernmost islands of Panama, which are located in close proximity (within 2 M) of the mainland coast.

• **Segments LBC-04 to 07.** These three baseline segments enclose the coastal Archipiélago de San Blas (Map 2, inset). This archipelago consists of several hundred small islands lying within 10 M of the convex, north-facing coastline of mainland Panama. Although this area clearly meets the geographic requirement of Article 7 of a “fringe of islands along the coast in its immediate vicinity,” Panama has enclosed this archipelago using long baseline segments that extend well beyond the fringing islands. Segments 04-05 and 06-07 have lengths of 48 and 34 M, respectively, and enclose some areas that do not meet the geographic requirements of Article 7. Accordingly, adjustments to baseline segments 04-05 and 06-07 would be needed to conform to Article 7.

• **Segments LBC-07 to 10.** These three baseline segments parallel the convex, northeast-facing coastline of Panama. Several areas along this part of Panama’s coast appear to meet the geographic requirement of Article 7 of a “fringe of islands along the coast in its immediate vicinity.” Panama’s lengthy baselines, however, extend along the entirety of the coastline and, as a result, enclose several areas that do not meet this requirement. Accordingly, adjustments would be needed to conform to Article 7. These baseline segments, however, lie close to the mainland and have only a small effect on the outer limits of the territorial sea and other maritime zones.

**Pacific Coast (South)**

Panama’s straight baseline system for its southern coast consists of eight points and seven segments (Table 2; Map 2). The terminus points LBP-00 and LBP-07 connect to the land boundaries of Costa Rica and Colombia, respectively.

<table>
<thead>
<tr>
<th>Segment (points)</th>
<th>Length (M)</th>
<th>Location / Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBP-00 to 01</td>
<td>0.7</td>
<td>Panama-Costa Rica land boundary to small offshore island</td>
</tr>
<tr>
<td>LBP-01 to 02</td>
<td>1.4</td>
<td>Connects to Isla Burica</td>
</tr>
<tr>
<td>LBP-02 to 03</td>
<td>0.4</td>
<td>Connects two points on Isla Burica</td>
</tr>
<tr>
<td>LBP-03 to 04</td>
<td>50</td>
<td>Isla Burica to Isla Montuosa</td>
</tr>
<tr>
<td>LBP-04 to 05</td>
<td>31</td>
<td>Isla Montuosa to Isla Jicarita</td>
</tr>
<tr>
<td>LBP-05 to 06</td>
<td>60</td>
<td>Isla Jicarón to the southernmost point on the mainland</td>
</tr>
<tr>
<td>LBP-06 to 07</td>
<td>174</td>
<td>Encloses the Gulf of Panama and waters seaward of the Gulf; connects from the mainland to the Panama-Colombia land boundary</td>
</tr>
</tbody>
</table>

Panama’s Pacific coastline is marked by two large indentations, namely the Golfo de Chiriquí to the west and the Gulf of Panama to the east, as well islands of varying sizes lying off the mainland coast. Bisecting these two indentations is the Península de Azuero. In several areas within the coastal indentations, the use of straight baselines or bay closing lines are appropriate; in other
locations, where the conditions in Article 7 are not met, the use of straight baselines is not permitted.

- **Segments LBP-00 to 03.** These three short segments extend from the Panama-Costa Rica land boundary to several small islands immediately offshore.

- **Segments LBP-03 to 06.** These three long segments connect to Isla Montuosa (LBP-04), Isla Jicarita (LBP-05), and the southernmost point on the Península de Azuero (LBP-06) to enclose the Golfo de Chiriquí and the waters seaward of the Golfo de Montijo. Although the coastline in this area has juridical bays and some islands that could be enclosed using the provisions of Articles 7 and 10 (Bays), the baselines drawn by Panama simply connect the outermost Panamanian islands without regard to the requirements of Article 7. Isla Montuosa (LBP-04) and Isla Jicarita (LBP-05) are not part of a fringe of islands along the coast in its immediate vicinity.
  - Isla Montuosa (LBP-04) is located more than 40 M from the mainland and is separated from the adjacent baseline points by 50 M and 31 M, respectively.
  - Isla Jicarita (LBP-05) is located in close proximity to a number of other islands, including the larger Isla de Coiba. However, the spatial configuration of these islands is perpendicular to the coast rather than “along the coast,” as provided for in Article 7.
  - LBP-06 is located on the Península de Azuero. The coastline on both sides of this point has no significant indentations and no offshore islands.

Significant adjustments to Panama’s baseline in this area would be needed to conform to Article 7.

- **Segment LBC-06 to 07.** This 174-M long baseline segment, which is among the longest in the world, encloses the Gulf of Panama. As discussed below, the Gulf of Panama does not have the status of a “historic bay” and, therefore, cannot be enclosed as internal waters on that basis. There is, likewise, no basis under Article 7 to enclose this vast area of ocean as internal waters. The mid-point of this east-west oriented baseline segment lies nearly 110 M from the coastline directly north. Furthermore, baseline segment 06-07 has been drawn without regard to the natural entrance points of the coastal indentation. Point LBC-06 lies along a smooth coastline approximately 50 M from the Gulf of Panama. Similarly, LBC-07 is located at the terminus of the Panama-Colombia land boundary, far seaward of any coastal indentation. Indeed, this baseline segment is located approximately 16 M seaward of where Panama describes the closing line of the Gulf of Panama (Map 2). This results in the additional enclosure of approximately 7,500 square kilometers of internal waters on the seaward side of the Gulf of Panama. Thus, segment 06-07 is inconsistent with Article 7 and is also misaligned with Panama’s own geographic definition of the Gulf of Panama.
Historic Bays

Panama claimed the Gulf of Panama as a “historic bay” in 1956. Panama’s law asserting this claim states that Panama has been “exercising sovereignty since time immemorial over the waters of the Gulf of Panama” and that such sovereignty has “had the tacit acquiescence of all states.” This historic bay is delimited by an “imaginary straight line drawn from West to East, from Punta Mala . . . to Punta de Jaqué.” The closing line has a length of approximately 108 M and is shown on Map 2. Panama reiterated historic bay claim in 1996 in its declaration made upon ratification of the Convention, which is reproduced in Annex 3 of this study.

The United States does not consider that the Gulf of Panama meets the legal requirements for a historic bay, discussed in the Basis for Analysis section. Accordingly, the United States protested this claim in 1956, stating the following:

The Government of the United States avails itself of this opportunity to take exception both to the operative provisions of Law No. 9 and the thesis on which they are based insofar as this measure purports to claim or confirm any general jurisdiction by Panama over waters of the Gulf of Panama . . .

My Government submits that the Gulf of Panama does not qualify as a historic bay under international law. This body of water has never enjoyed the character of a historic bay, whether by immemorial claim or by treatment as such by the community of nations. The Gulf of Panama was not recognized as a historic bay at the time of the separation of Panama from Colombia, and nothing that has occurred subsequently has been of a character to give the Gulf of Panama the character of a historic bay.

Accordingly, my Government cannot accept the unilateral declaration contained in Law No. 9 as resulting in giving the Gulf of Panama the character of a historic bay.

The United States protested this historic bay claim again in 1988. Colombia and Costa Rica, in their respective maritime boundary agreements with Panama, have declared that they do not object to Panama’s historic bay claim.

Maritime Zones

In 1996, Panama enacted Law No. 38, which incorporates the entirety of the Convention into Panamanian law. Article I of this law reads as follows: “Approved in all its parts the United

---

15 Law No. 9 of 30 January 1956, published in the Gaceta Oficial No. 12,939 (Apr. 24, 1956), and statement of Panama made upon ratification of the Convention, supra note 5 (Annex 3).
16 Law No. 9 of 30 January 1956, preamble, supra note 15. Translation from Spanish.
17 Id., art. 2.
19 Roach and Smith, supra note 18, at 60.
20 Panama-Colombia Treaty, infra note 29, art. III; Panama-Costa Rica Treaty, infra note 32, art. III.
21 1996 Law, infra note 3.
Nations Convention on the Law of the Sea, that to the letter says,” followed by a verbatim reproduction of all 320 articles and 9 annexes contained in the Convention.\textsuperscript{22}

In 1998, Panama enacted Decree Law No. 7, which defines “maritime zones and internal waters” as “the zones and waters defined in Law No. 38 . . . including the territorial sea, the contiguous zone, the internal waters, the exclusive economic zone and the continental shelf of the Republic of Panama.”\textsuperscript{23} Panama’s 1998 Decree Law also created the Maritime Authority of Panama which, among other functions, has the responsibility “[t]o ensure strict compliance with the provisions of the United Nations Convention on the Law of the Sea of 1982 and with the other international treaties, agreements and instruments relating to the maritime sector which have been ratified by Panama.”\textsuperscript{24}

The effect of incorporating the Convention directly into domestic law is not always clear, and does not have the same effect as domestic law clearly articulating a State’s maritime claims. On some matters, such as baselines and maritime zones, the Convention sets forth the applicable legal rules, which coastal States must then implement. The Convention provides the maximum breadth of the different maritime zones,\textsuperscript{25} for instance, and coastal States may decide for themselves whether to establish such zones and, if so, whether to extend those zones to the maximum permissible breadth.

With respect to Panama, in light of its 1996 and 1998 laws, it appears that Panama treats its domestic laws as claiming all maritime zones described in the Convention, consistent with their maximum breadth under international law. By incorporating the Convention into its domestic law, Panama has also aligned its domestic law with international law with respect to the rights and obligations of the coastal State (Panama) and other States within each maritime zone.

\textit{Internal Waters}

Article 8 of the Convention, which is incorporated into Panama’s domestic law, provides that internal waters are “waters on the landward side of the baseline.” The validity of Panama’s internal waters claims depends upon the validity of its straight baseline claims. As discussed above, those baselines are often inconsistent with international law, as reflected in Article 7 of the Convention. Accordingly, much of Panama’s internal waters claims are not valid, and its maritime zones should be measured in some locations from the normal baseline or revised straight baselines that align with the requirements of Article 7.

\textit{Territorial Sea and Contiguous Zone}

Part II of the Convention sets forth the applicable legal regime for the territorial sea and contiguous zone. By incorporating these provisions into its domestic law, Panama has aligned its domestic law with the Convention’s relevant provisions governing these maritime zones, including with respect to innocent passage and other jurisdictional provisions. Panama’s 1996 law also has the

\begin{enumerate}
\item Id. Translation from Spanish.
\item 1998 Decree Law, supra note 3, art. 2(6).
\item Id., art. 4(6).
\item Convention, supra note 1, arts. 3 (territorial sea), 33 (contiguous zone), and 57 (EEZ).
\end{enumerate}
effect of superseding Panama’s prior 200-M territorial sea claim. Panama now appears to claim a territorial sea with a breadth of 12 M and a contiguous zone extending from the outer limit of the territorial sea to a breadth of 24 M from the baseline, consistent with the Convention. Panama’s excessive straight baselines, discussed above, have the effect of extending the outer limits of these zones beyond what is permitted by the Convention and Panama’s domestic law, to the extent that the latter successfully incorporates the Convention.

**Exclusive Economic Zone and Continental Shelf**

Parts V and VI of the Convention set forth the applicable legal regimes for the EEZ and continental shelf, respectively. By incorporating these provisions into its domestic law, Panama has aligned its domestic law with the Convention’s relevant provisions governing these maritime zones, including with respect to navigational rights and freedoms, resource-related rights, submarine cables and pipelines, marine scientific research, and other jurisdictional provisions. Panama appears to claim an EEZ extending 200 M from the baselines. The EEZ and continental shelf of Panama appear to extend to Panama’s maritime boundaries with its neighboring States. Panama’s geographic position in relation to its neighbors appears to preclude continental shelf area that extends beyond 200 M from the baselines. Accordingly, Panama has not made any submissions to the Commission on the Limits of the Continental Shelf.

**Maritime Boundaries**

Panama has concluded maritime boundary agreements with Costa Rica and Colombia, including with respect to the maritime areas in the Caribbean and Pacific. Panama’s boundaries are shown on Map 3 and discussed further below. It appears as though Panama has completed its maritime boundary delimitations with its neighbors.

**Panama-Colombia**

In 1976, Panama and Colombia concluded a treaty delimiting “their respective marine and submarine areas.” The boundaries established delimit the territorial sea, exclusive economic zone, and continental shelf of the two countries in both the Caribbean Sea and Pacific Ocean.

In the Caribbean Sea, the boundary consists of straight lines connecting 13 points (lettered A–M). From point A, which is the terminus of the Colombia-Panama land boundary, the maritime boundary extends to point H on the basis of equidistance, with “some minor deviations” in order to simplify the line. From points H to M, the boundary follows a stair-step

---


27 Notwithstanding Panama’s excessive baselines, it does not appear that any area of Panama’s claimed EEZ extends beyond 200 M from a valid baseline point.

28 *See website* of the Commission on the Limits of the Continental Shelf (listing submissions, including preliminary information submissions, made by coastal States).

pattern marked by 90 degree turns. This part of the boundary separates the maritime jurisdiction of Panama and the maritime jurisdiction generated by Colombian islands in the Caribbean, including San Andrés y Providencia. From Point M, the delimitation continues along an azimuth (45° southwest) “until a point where the maritime limits with a third State should be made.”

In the Pacific Ocean, the boundary consists of straight lines connecting five points (lettered A–F). From point A, which is the terminus of the Colombia-Panama land boundary, the maritime boundary extends to point F on the basis of equidistance, with “some minor deviations” in order

---

30 *Panama-Colombia Treaty, supra* note 29, art. I(A)(2).
to simplify the line. From points F, the delimitation continues west, along the 5° N line of latitude, “as far as the location where the delimitation must be made with a third nation.”31

The Panama-Colombia maritime boundaries in the Caribbean and Pacific terminate at the end points of the Panama-Costa Rica maritime boundaries, discussed below. Taking these endpoints into consideration, the length of the Panama-Colombia maritime boundaries are approximately 539 M in the Caribbean Sea and 448 M in the Pacific Ocean.

Panama-Costa Rica

In 1980, Panama and Costa Rica concluded a treaty delimiting their “marine areas.”32 The boundaries established delimit the territorial sea and the exclusive economic zone of the parties in both the Caribbean Sea and Pacific Ocean. It is not clear whether the boundaries also delimit continental shelf of the two countries.33

In the Caribbean Sea, the boundary consists of a single segment, which extends from the terminus of the Panama-Costa Rica land boundary to a point to the northeast “where the boundaries of Costa Rica, Colombia, and Panama intersect.”34 This point is located at 10° 49’ 00” N, 81° 26’ 08.2” W,35 and is indicated as an “X” on Map 3. The length of the boundary is approximately 100 M.

Similarly, in the Pacific Ocean, the boundary consists of a single segment, which extends from the terminus of the Panama-Costa Rica land boundary to a point to the southwest on the 5° N line of latitude. At this location, the boundary intersects the Panama-Colombia boundary which, as discussed above, extends along the 5° N line of latitude. This intersection point is indicated as a “Y” on Map 3. The length of the boundary is approximately 200 M.

The Panama-Costa Rica treaty states that the boundaries are “median line[s] whose points are all equidistant from the points nearest to the base from which the width of the territorial sea of each State is measured . . . .”36 Although these one-segment boundaries approximate an equidistance line, they are not strictly based on equidistance.37

31 Id., art. I(B)(2).
33 The title of the treaty, as well as numerous provisions, refer to the delimitation of “marine areas.” Panama-Costa Rica Treaty, supra note 32. While the seabed and subsoil that comprises the continental shelf could be considered a “marine area,” Panama’s boundary treaty with Colombia, supra note 29, refers to the delimitation of “marine and submarine areas.” (Emphasis added.) For discussion, see Nweihed, supra note 32, at 538, 540.
34 Panama-Costa Rica Treaty, supra note 32, art. I(1).
35 Id., art. I(1).
36 Id., art. I(1) and I(2).
37 For discussion, see Limits in the Seas No. 97, supra note 32, at 5, and Nweihed, supra note 32, at 537, 540–544. For a map comparing the boundaries to strict equidistance lines, see Nweihed, supra note 32, at 546.
Conclusion

Panama has incorporated the Convention into its domestic law and established a domestic legal authority to promote compliance with the Convention. In most respects, this approach aligns Panama’s maritime claims with the relevant provisions of the Convention. However, Panama’s approach to baselines is not fully consistent with the Convention. Panama does not use the normal baseline in any areas along its coasts. Instead, Panama uses straight baselines in all locations, including in coastal areas that do not meet the geographic requirements of Article 7 of the Convention. Panama’s baselines along its Pacific coast are particularly excessive and lie seaward of the closing line claimed by Panama with respect to its historic claim to the Gulf of Panama, which the United States continues to not recognize.
Annexes

Annex 1

Decree Law No. 7 (of 10 February 1998)

"Creating the Maritime Authority of Panama"
Published in the Gaceta Oficial, No. 23,484,
Tuesday, 17 February 1998
NATIONAL EXECUTIVE
DECREE LAW NO. 7
(of 10 February 1998)

“Creating the Maritime Authority of Panama, unifying the various maritime jurisdictions of the Public Administration and enacting other provisions”

THE PRESIDENT OF THE REPUBLIC
Pursuant to his constitutional powers, in particular the power conferred by article 1, paragraph 3, of Law No. 1 of 2 January 1998, the Cabinet Council having given a favourable opinion,
DECRES:

CHAPTER I
Description, definitions and general rules

Article 1

An autonomous State body, called the Maritime Authority of Panama (hereinafter “the Authority”), shall be created . . . .

Article 2

For the purposes of the application and regulation of this Decree Law, the following terms used therein shall have the meaning defined below:

1. Maritime sector means all activities related to the merchant marine, ports system, marine and coastal resources, human resources and auxiliary maritime industries of the Republic of Panama;

***

6. Maritime zones and internal waters means the zones and waters defined in Law No. 38 of 4 June 1996, which ratified the United Nations Convention on the Law of the Sea, signed on 10 December 1982 at Montego Bay, Jamaica. This term includes the territorial sea, the contiguous zone, the internal waters, the exclusive economic zone and the continental shelf of the Republic of Panama;

Article 3

The Authority’s principal objectives shall be:
1. To administer, promote, regulate, design and execute policies, strategies, laws and regulations, plans and programmes relating, directly, indirectly or by association, with the functioning and development of the maritime sector;

***


**Article 4**

The Authority shall have the following functions:

***

2. To recommend policies and measures, perform administrative acts, and enforce the laws and regulations applicable to the maritime sector;

3. To carry out measures to safeguard the national interests in the maritime zones and internal waters;

4. To administer, preserve, restore and exploit marine and coastal resources;

5. To work together with the Ministry of Agricultural Development to ensure that the country’s aquatic resources are developed in strict compliance with the international obligations of the State of Panama, for which the Authority bears the primary responsibility;

6. To ensure strict compliance with the provisions of the United Nations Convention on the Law of the Sea of 1982 and with the other international treaties, agreements and instruments relating to the maritime sector which have been ratified by Panama;

7. To assess and propose to the Executive, and to other State bodies which so require, the necessary measures for the adoption of international treaties and agreements relating to activities carried on within the maritime sector;

8. To represent Panama in international organizations with respect to maritime sector matters, in coordination with the Ministry of Foreign Affairs;

9. To coordinate with the National Maritime Service the enforcement of national legislation in the maritime zones and internal waters of the Republic of Panama;

***
Annex 2

Straight Baselines: Geographic Coordinates

The tables below present the lists of geographic coordinates that make up the straight baselines from the breadth of the territorial sea of the Republic of Panama is measured in the Caribbean Sea and the Pacific Ocean, as contained in Panama’s note verbale N.V. – A.J.-MIRE-2019-00050 of April 15, 2019, and in accordance with Law No. 47 of 28 August 2018, published in Gaceta Oficial No. 28,602 (Aug. 31, 2018) of the Republic of Panama. Coordinates are in the WGS84 datum.

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude North</th>
<th>Longitude West</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBC-00</td>
<td>9° 34' 20.440&quot;</td>
<td>82° 33' 41.979&quot;</td>
</tr>
<tr>
<td>LBC-01</td>
<td>9° 27' 38.944&quot;</td>
<td>82° 18' 08.490&quot;</td>
</tr>
<tr>
<td>LBC-02</td>
<td>9° 06' 24.695&quot;</td>
<td>81° 33' 14.943&quot;</td>
</tr>
<tr>
<td>LBC-03</td>
<td>9° 38' 33.463&quot;</td>
<td>79° 38' 09.976&quot;</td>
</tr>
<tr>
<td>LBC-04</td>
<td>9° 38' 45.505&quot;</td>
<td>79° 33' 48.036&quot;</td>
</tr>
<tr>
<td>LBC-05</td>
<td>9° 35' 58.034&quot;</td>
<td>78° 46' 23.701&quot;</td>
</tr>
<tr>
<td>LBC-06</td>
<td>9° 35' 31.425&quot;</td>
<td>78° 40' 11.453&quot;</td>
</tr>
<tr>
<td>LBC-07</td>
<td>9° 20' 07.990&quot;</td>
<td>78° 10' 20.191&quot;</td>
</tr>
<tr>
<td>LBC-08</td>
<td>9° 14' 56.426&quot;</td>
<td>78° 01' 59.840&quot;</td>
</tr>
<tr>
<td>LBC-09</td>
<td>9° 03' 26.027&quot;</td>
<td>77° 46' 08.634&quot;</td>
</tr>
<tr>
<td>LBC-10</td>
<td>8° 40' 36.322&quot;</td>
<td>77° 22' 13.808&quot;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude North</th>
<th>Longitude West</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBP-00</td>
<td>8° 02' 26.452&quot;</td>
<td>82° 54' 11.584&quot;</td>
</tr>
<tr>
<td>LBP-01</td>
<td>8° 01' 45.120&quot;</td>
<td>82° 53' 58.740&quot;</td>
</tr>
<tr>
<td>LBP-02</td>
<td>8° 01' 01.418&quot;</td>
<td>82° 52' 46.246&quot;</td>
</tr>
<tr>
<td>LBP-03</td>
<td>8° 00' 51.880&quot;</td>
<td>82° 52' 23.558&quot;</td>
</tr>
<tr>
<td>LBP-04</td>
<td>7° 28' 05.187&quot;</td>
<td>82° 14' 44.862&quot;</td>
</tr>
<tr>
<td>LBP-05</td>
<td>7° 12' 18.844&quot;</td>
<td>81° 47' 57.007&quot;</td>
</tr>
<tr>
<td>LBP-06</td>
<td>7° 12' 13.509&quot;</td>
<td>80° 48' 01.788&quot;</td>
</tr>
<tr>
<td>LBP-07</td>
<td>7° 13' 07.254&quot;</td>
<td>77° 52' 58.890&quot;</td>
</tr>
</tbody>
</table>
Annex 3

Statement of Panama made upon Ratification to the UN Convention on the Law of the Sea

The Republic of Panama, in depositing its instrument of ratification of the United Nations Convention on the Law of the Sea (adopted by Law No. 38 of 4 June 1996 and promulgated in Official Journal No. 23.056 of 12 June 1996), declares that it has exclusive sovereignty over the “historic Panamanian bay” of the Golfo de Panama, a well-marked geographic configuration the coasts of which belong entirely to the Republic of Panama. It is a large indentation or inlet to the south of the Panamanian isthmus, where sea waters superjacent to the seabed and subsoil cover the area between latitudes 7° 28’ 00” North and 7° 31’ 00” North and longitudes 79° 59’ 53” and 78 ° 11’ 40”, both west of Greenwich, these being the positions of Punta Mala and Punta Jaque, respectively, west and east of the entrance of the Golfo de Panama. This large indentation penetrates fairly deep into the Panamanian isthmus. The width of its entrance, from Punta Mala to Punta de Jaque, is some 200 kilometres and it penetrates inland a distance of 165 kilometres (measured from the imaginary line joining Punta Mala and Punta Jaque to the mouths of the Rio Chico east of Panama City).

Given its present and potential resources, the historic bay of the Golfo de Panama is a vital necessity for the Republic of Panama, in terms of both security and defence (this has been the case since time immemorial) and in economic terms, as its marine resources have been utilized since ancient times by the inhabitants of the Panamanian isthmus.

It is oblong in shape, with a coastal outline that roughly resembled a calf's head, and its coastal perimeter, which measures some 668 kilometres, is under the maritime control of Panama. According to this delimitation, the historic bay of the Golfo de Panama has an area of approximately 30,000 square kilometres.

The Republic of Panama declares that, in the exercise of its sovereign and territorial rights and in compliance with its duties, it will act in a manner compatible with the provisions of the Convention and reserves the right to issue further statements on the Convention if necessary.
Annex 4

Map Details

**Software:** Maps were created in ArcGIS 10.7.1.

**Projection:** All maps, including locator maps, are in the Mercator projection and WGS 1984 datum.

**Basemap data sources:**
- Shoreline data: National Geospatial-Intelligence Agency
- Esri ocean basemap: Esri, Garmin, General Bathymetric Chart of the Oceans (GEBCO), National Oceanic and Atmospheric Administration (NOAA) National Centers for Environmental Information, and other contributors.

**Map 1:** Scale 1:10,000,000. Locator map scale: 1:200,000,000.

**Map 2:** Scale 1:1:4,450,000. Archipiélago de San Blas (Kuna Yala): 1:1,100,000. Locator map scale: 1:125,000,000.

**Map 3:** Scale 1:8,000,000. Locator map scale: 1:125,000,000.