

# U.S. – Bahamas Maritime Boundary



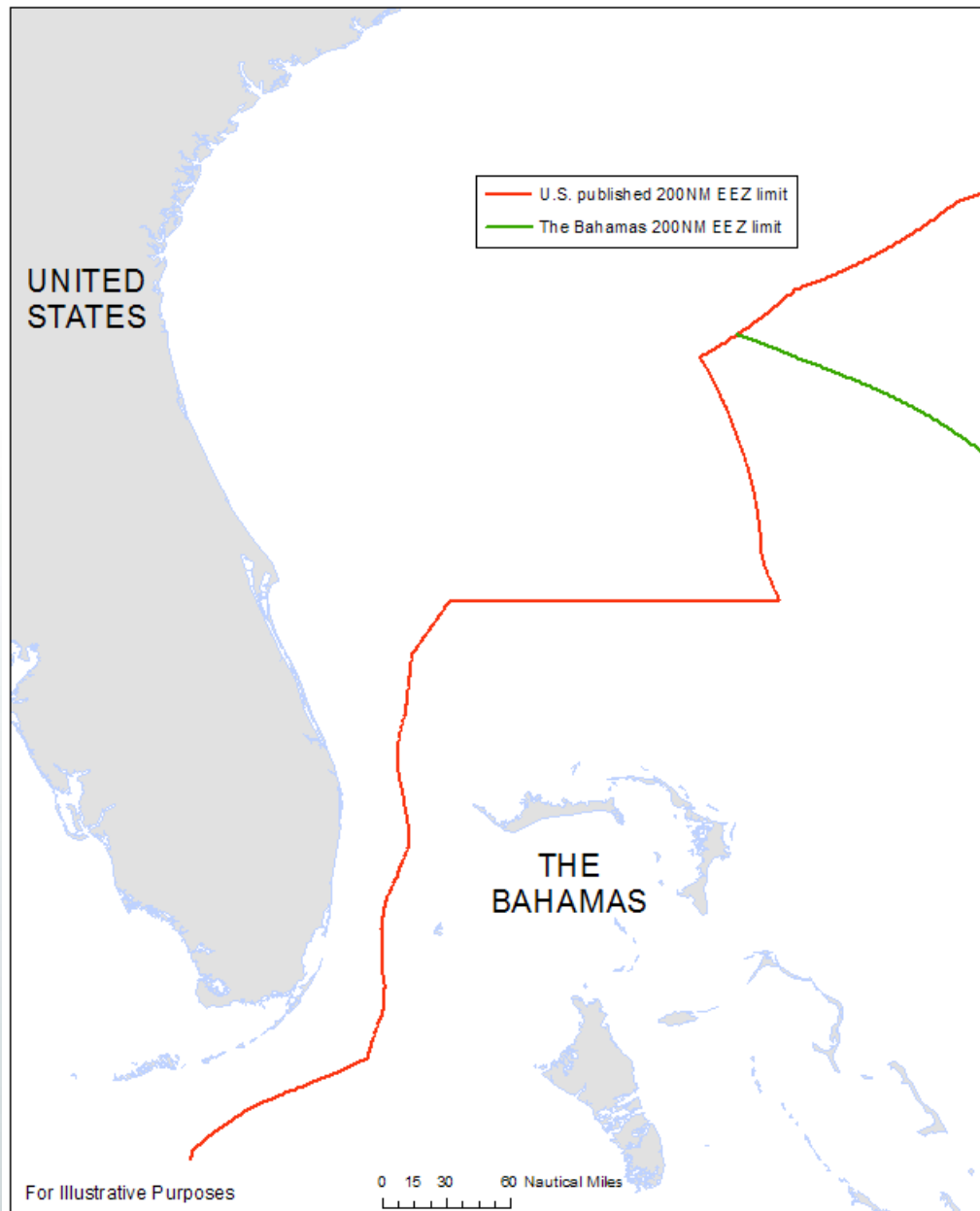
**South Atlantic Fishery Management Council  
Charleston, South Carolina  
September 13, 2012**

**Brian Van Pay  
Office of Ocean and Polar Affairs  
U.S. Department of State**

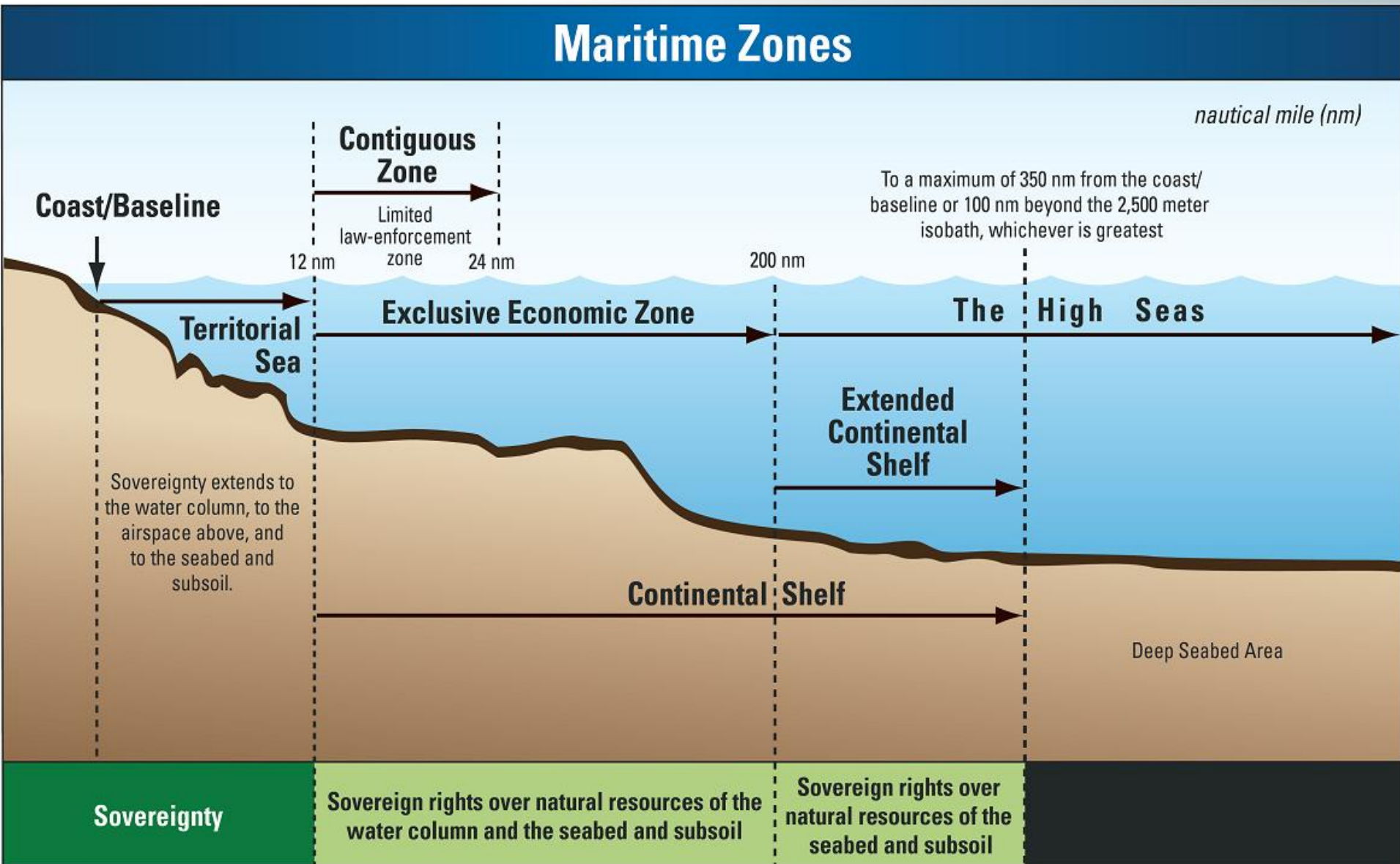
# Overview

- Background on maritime zones, including extended continental shelf
- Background on U.S. maritime boundaries
- Short history of U.S.-Bahamas maritime boundary
- Goal: Understand equities of the South Atlantic Fishery Management Council

# Current Situation

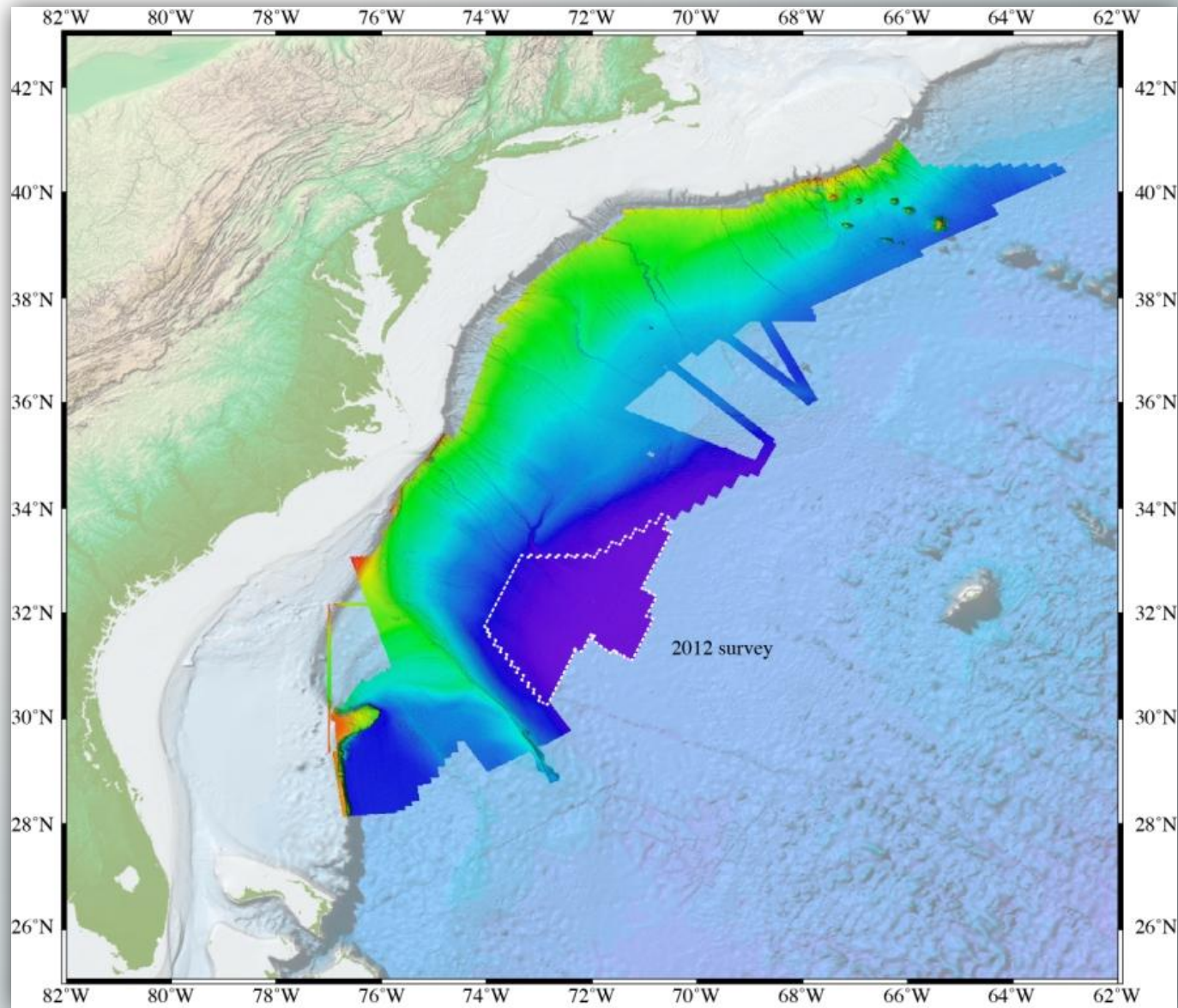


# Maritime Zones



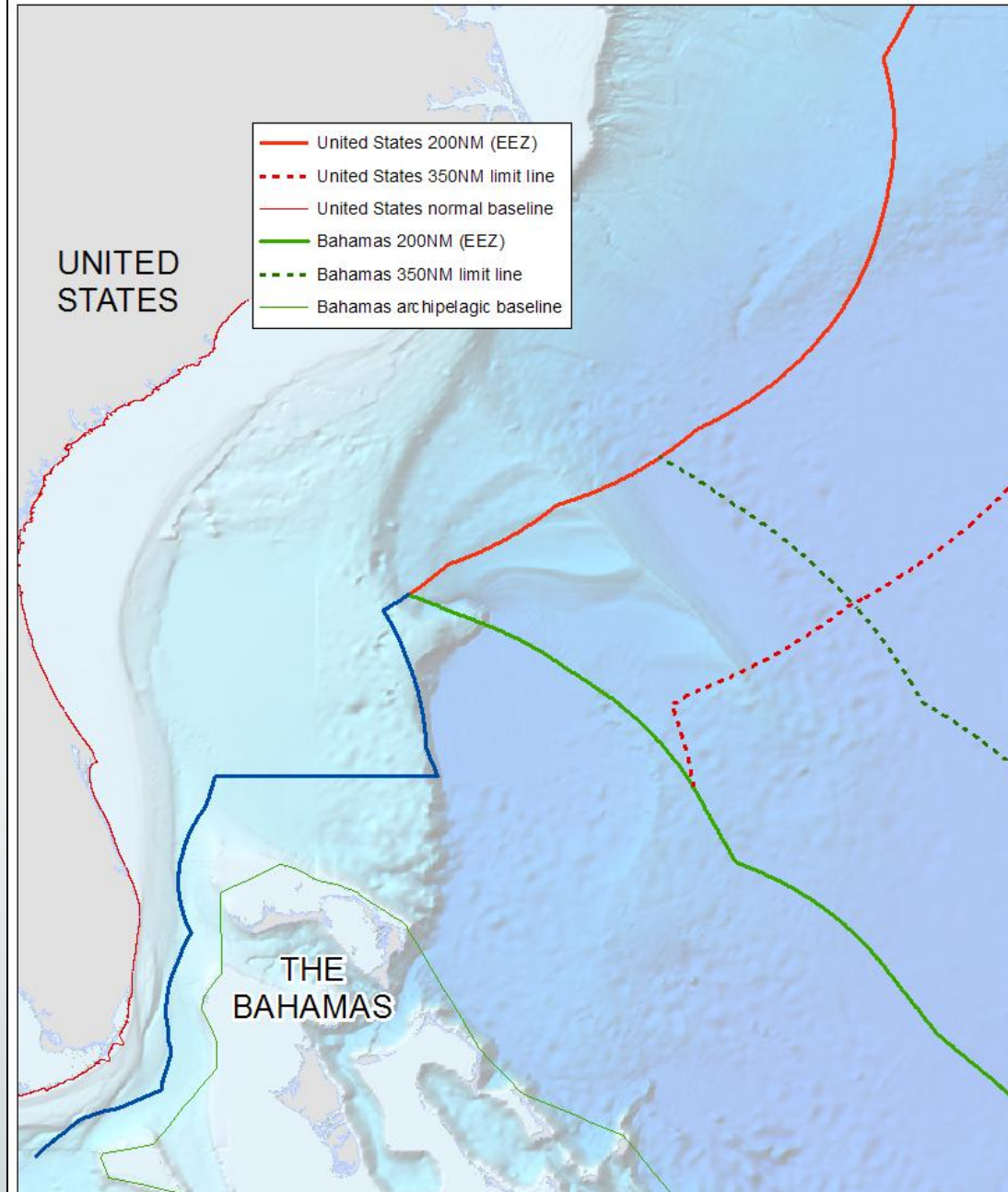
# Atlantic Bathymetric Data Collection

In an effort to delineate continental shelf beyond 200 nm





# The United States and The Bahamas



# U.S. Maritime Boundaries

30 maritime boundaries with 16 countries



United States

Bahamas, Canada, Cuba,  
Dominican Republic, Japan,  
Kiribati, Marshall Islands,  
Mexico, Micronesia,  
Netherlands, New Zealand,  
Russia, Tonga, United  
Kingdom, Venezuela,  
Western Samoa

# U.S. Maritime Boundaries

- Half of all maritime boundaries have yet to be determined across the globe.
- The U.S. has 30 potential maritime boundaries with 16 different countries.
  - 12 boundaries based on treaty and 1 based on decision from chamber of ICJ.
  - 17 undelimited boundaries.
  - The U.S. only has 1 partially delimited maritime boundary with Canada (among our 4).



# **U.S. Maritime Boundary Agreements**

- 1) U.S. – United Kingdom (Passamaquoddy Bay), 1910**
- 2) U.S. – Mexico Maritime Boundary Treaty (Rio Grande and Colorado River), 1970**
- 3) U.S. – Cuba, 1977**
- 4) U.S. (Puerto Rico and U.S. Virgin Islands) – Venezuela, 1978**
- 5) U.S. – Mexico (Gulf of Mexico and Pacific Ocean), 1978**
- 6) U.S. (American Samoa) – New Zealand (Tokelau), 1980**
- 7) U.S. (American Samoa) – New Zealand (Cook Islands), 1980**
- 8) U.S. – Soviet Union, 1990**
- 9) U.S. (Puerto Rico and U.S. Virgin Islands) – United Kingdom (British Virgin Islands), 1993**
- 10) U.S. (U.S. Virgin Islands) – United Kingdom (Anguilla), 1993**
- 11) U.S. (American Samoa) – New Zealand (Niue), 1997**
- 12) U.S. – Mexico (Western Gap), 2000**

## **International Court of Justice Chamber Decision**

- 1) U.S. – Canada (Gulf of Maine, portion of EEZ), 1984**

# U.S. Maritime Boundaries (Undelimited)

- 1) U.S. (American Samoa) – Samoa (EEZ)
- 2) U.S. (American Samoa) – Tonga (EEZ)
- 3) **U.S. – The Bahamas (EEZ and ECS)**
- 4) U.S. – Canada (Beaufort Sea, EEZ and ECS)
- 5) U.S. – Canada (Dixon Entrance, EEZ)
- 6) U.S. – Canada (Juan de Fuca, EEZ)
- 7) U.S. – Canada (Gulf of Maine, EEZ and ECS)
- 8) U.S. – Cuba (Eastern Gap ECS)
- 9) U.S. (Howland Island and Baker Island) – Kiribati (EEZ)
- 10) U.S. (Kingman Reef and Palmyra Atoll) – Kiribati (EEZ)
- 11) U.S. (Jarvis Island) – Kiribati (EEZ)
- 12) U.S. (Guam) – Federated States of Micronesia (EEZ)
- 13) U.S. (Northern Mariana Islands) – Japan (EEZ and ECS)
- 14) U.S. – Mexico (Eastern Gap ECS)
- 15) U.S. (Puerto Rico) – Dominican Republic (EEZ)
- 16) U.S. (Virgin Islands) – The Netherlands (Antilles) (EEZ)
- 17) U.S. (Wake Island) – Marshall Islands (EEZ)

# Maritime Boundary Law

- Source: Law of the Sea Convention (“UNCLOS”)
- Basic approach:
  - To be effected by agreement on the basis of international law.
  - In order to achieve an equitable solution

## U.S. Practice

- Treaties subject to U.S. Senate advice and consent.
- Single, all purpose maritime boundary (i.e. through all maritime zones).

# What's in a boundary treaty?

- Must include maritime boundary description
  - Coordinates
  - Geodetic line connecting coordinates
  - Datum
  - Typically includes an illustrative map
- Can include resource-related provisions, such as how to handle transboundary hydrocarbons.
- Agreements can range from simple (few articles) to complex (many articles and annexes)



# How does the U.S. handle undelimited boundaries?

**Federal Register Notice (FRN) declares U.S. maritime boundaries.**

**FRN Issued by State Department. Last one was published August 1995.**

**Working to negotiate unresolved boundaries.**

[FR Doc. 95-20947 Filed 8-22-95; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF STATE

[Public Notice 2237]

### Exclusive Economic Zone and Maritime Boundaries; Notice of Limits

By Presidential Proclamation No. 5030 made on March 10, 1983, the United States established an exclusive economic zone, the outer limit of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

The Government of the United States of America has been, is, and will be, engaged in consultations and negotiations with governments of neighboring countries concerning the delimitation of areas subject to the respective jurisdiction of the United States and of these countries.

The limits of the exclusive economic zone of the United States as set forth below are intended to be without prejudice to any negotiations with these countries or to any positions which may have been or may be adopted respecting the limits of maritime jurisdiction in such areas. Further, the limits of the exclusive economic zone set forth below

sovereign rights and jurisdiction as permitted under international law, pending the establishment of permanent maritime boundaries by mutual agreement in those cases where a boundary is necessary and has not already been agreed.

Publication of a notice on this subject which is effective immediately upon publication is necessary to effectively exercise the foreign affairs responsibility of the Department of State. (See Title 5 U.S.C. 553 (a)(1)(B).)

Unless otherwise noted, the coordinates in this notice relate to the Clarke 1866 Ellipsoid and the North American 1927 Datum ("NAD 27"). Unless otherwise specified, the term "straight line" in this notice means a geodetic line.

### U.S. Atlantic Coast and Gulf of Mexico

In the Gulf of Maine area, the limit of the exclusive economic zone is defined by straight lines connecting the following coordinates<sup>1</sup>:

1. 44°46'35.346" N., 66°54'11.253" W.
2. 44°44'41" N., 66°56'17" W.
3. 44°43'56" N., 66°56'26" W.
4. 44°39'13" N., 66°57'29" W.
5. 44°36'58" N., 67°00'36" W.
6. 44°33'27" N., 67°02'57" W.
7. 44°30'38" N., 67°02'38" W.
8. 44°29'03" N., 67°03'42" W.
9. 44°25'27" N., 67°02'16" W.
10. 44°21'43" N., 67°02'33" W.
11. 44°14'06" N., 67°08'38" W.
12. 44°11'12" N., 67°16'46" W.

# U.S. – Bahamas Maritime Boundary

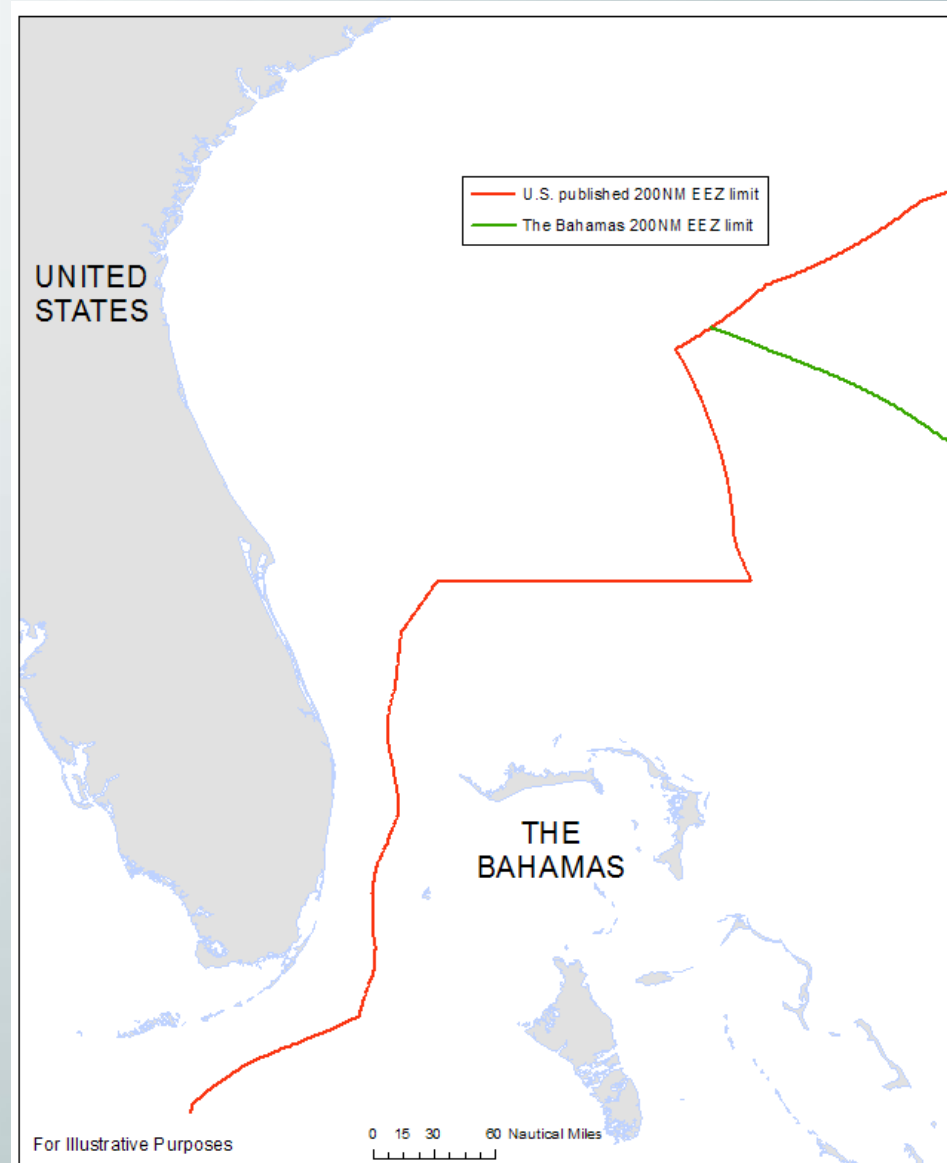
## Selected History

- **1975:** The Bahamas imposed a ban on U.S. fisherman fishing for spiny lobster in its waters.
- **1976:** U.S. established 200 nm fishery conservation zone and published it in Federal Register.
- **1996:** Bahamian legislation that declares The Bahamas an archipelagic State enters into force.
- **2004:** U.S. begins to collect data off Atlantic coast to delineate its continental shelf beyond 200 nm.
- **2009:** Bahamas issues preliminary information document on its continental shelf beyond 200 nm.
- **2012:** First round of maritime boundary negotiations in Nassau.

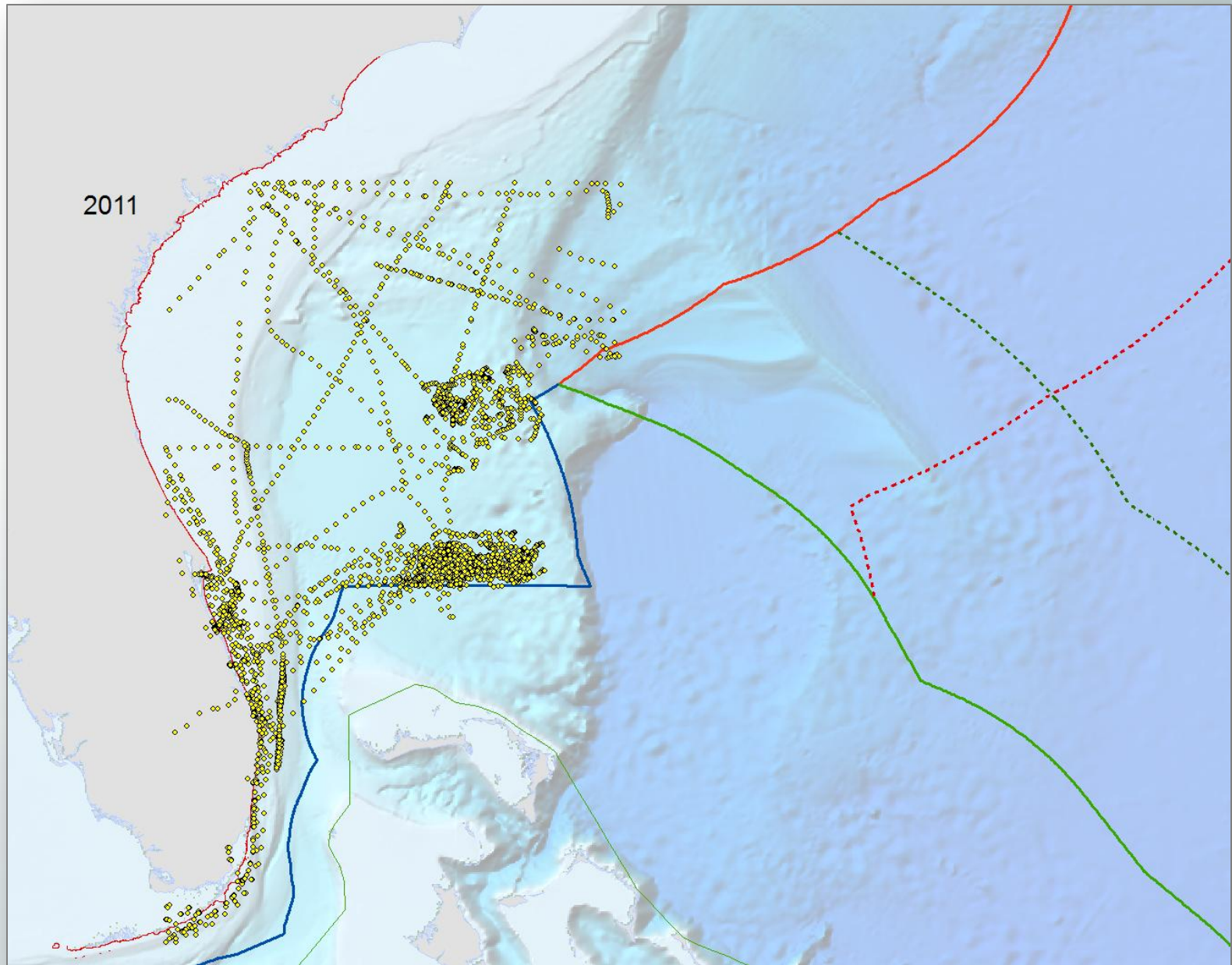
# U.S. – Bahamas Maritime Boundary

## Three Parts

1. The Straits of Florida
2. North of the Straits, within the EEZ
3. Beyond 200 nautical miles

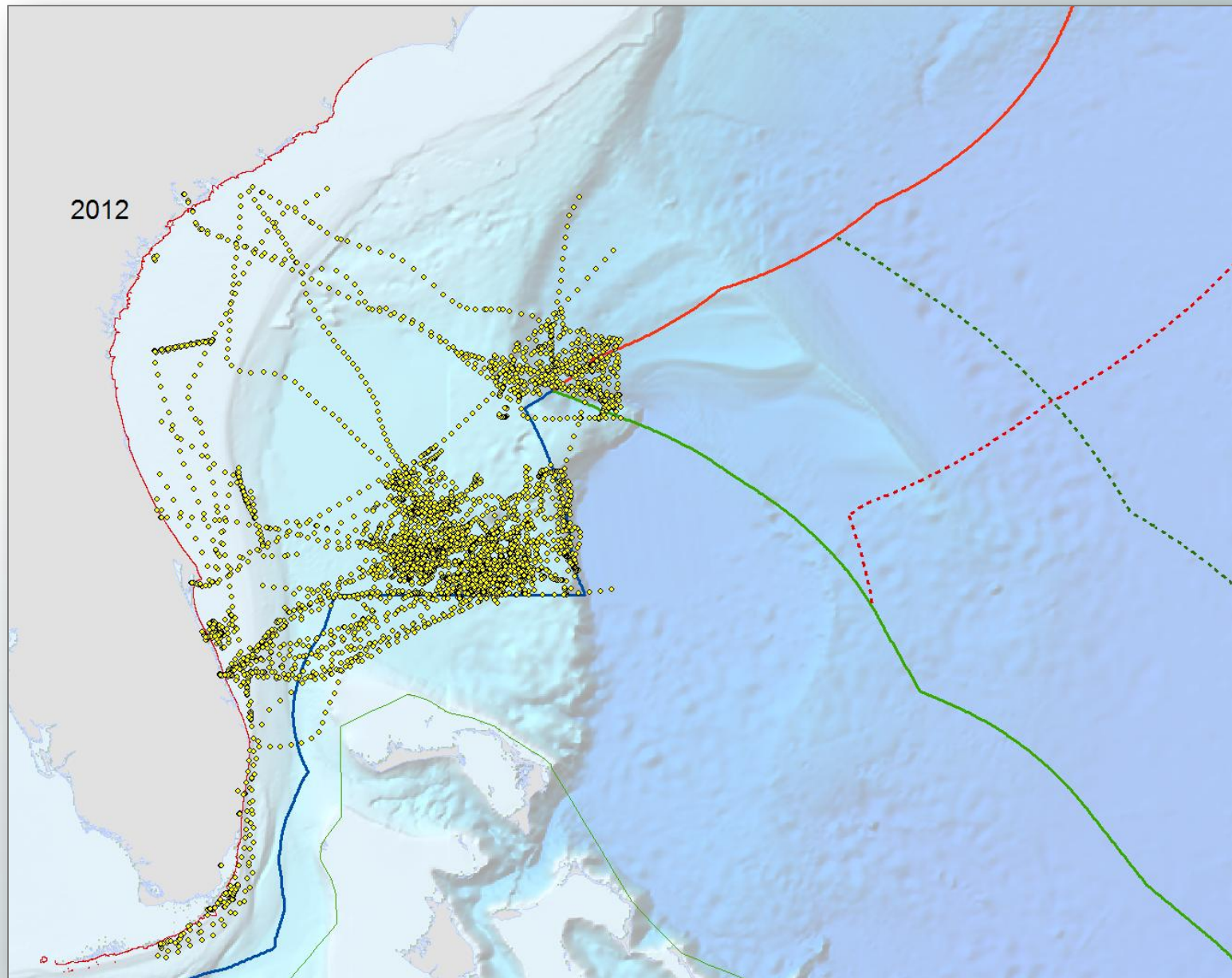


# VMS Plots 2011






# VMS Plots 2012



# Questions

- What are the geographic distributions of commercially important species?
- Do the distributions change by season or year?
- Are there areas of key spawning or other important lifecycle habitats for commercial species?
- Are there maps that depict these distributions?
- Are the VMS plots representative of fish distributions or regulations with spatial boundaries?
- What areas are most important to U.S. fishermen?
  - The Straits?
  - The portion just north of the east-west line?
  - Edge of the EEZ?
- How important is the shelf break?
- What else do negotiators need to know?

# Questions and Discussion

A photograph of a lighthouse on a small island in the ocean. The lighthouse is white with a red roof and a red lantern room. It is situated on a small, rocky island with some greenery. The ocean is blue with white-capped waves. The sky is clear and blue.

**Brian Van Pay**  
**Office of Ocean and Polar Affairs**  
**U.S. Department of State**  
**vanpaybj@state.gov**  
**202-647-5123**