

INTERNATIONAL COURT OF JUSTICE

**TERRITORIAL AND MARITIME DISPUTE
(NICARAGUA v. COLOMBIA)**

**REPLY OF THE
GOVERNMENT OF NICARAGUA**

VOLUME II

18 SEPTEMBER 2009

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PART I

**ANNEXES TO THE REPLY OF THE
GOVERNMENT OF NICARAGUA**

DIPLOMATIC NOTES

ANNEX 1

Note N E.D. 3/20 from the Prime Minister of Antigua and Barbuda to the United Nations Secretary-General, 19 June 1997

(http://www.un.org/Depts/los/doalos_publications/los_bult.htm
Division for Ocean Affairs and the Law of the Sea Office of Legal Affairs. Bulletin N. 35, United Nations, New York, 1997, p. 97)

B Protests from the States

1. Antigua and Barbuda

Letter dated 19 June 1997 from the Government of Antigua and Barbuda with regard to maritime treaties and a protest with regards to the status granted to “Isla Aves”

I present my compliments and refer to the Maritime Treaties signed by the Republic of Venezuela and the United States of America which entered into force on 24 November 1980; Republic of Venezuela and the Kingdom of the Netherlands which entered into force on 15 December 1978; Republic of Venezuela and the French Republic which entered into force on 28 January 1983.

I have the honour to inform that the Government of Antigua and Barbuda wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of Antigua and Barbuda wishes to recall further that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the artificial installation and structure erected adjacent to “Isla Aves” shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The Maritime Boundary Treaties referred to above appear to grant “Isla Aves” full status of territorial sea, exclusive economic zone and

continental shelf. The Government of Antigua and Barbuda has not acquiesced in the maritime boundary treaties.

The Government of Antigua and Barbuda protests the status granted to “Isla Aves” in the above-mentioned maritime boundary treaties and kindly requests the Secretary-General of the United Nations in his capacity as the depositary of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the parties to the said Convention³.

³ Transmitted to the States parties to the United Nations Convention on the Law of the Sea in note verbale LOS/SP/1, dated 12 August 1997.

ANNEX 2

Note from the Permanent Mission of St. Kitts and Nevis to the United Nations to the United Nations Secretary-General, 16 July 1997

(http://www.un.org/Depts/los/doalos_publications/los_bult.htm
Division for Ocean Affairs and the Law of the Sea Office of Legal Affairs. Bulletin N. 35, United Nations, New York, 1997, pp. 98-99)

3. St. Kitts and Nevis

Note dated 16 July 1997 addressed to the Secretary-General of the United Nations referring to the bilateral maritime boundary delimitation treaties⁶

Note to the Secretary-General of the United Nations from the Government of St Kitts and Nevis referring to bi-lateral maritime boundary delimitations treaties made between:

1. Republic of Venezuela and the United States of America; entered into force 24 November 1980;
2. Republic of Venezuela and the Kingdom of the Netherlands; entered into force 15 December 1978;
3. Republic of Venezuela and the French Republic; entered into force 28 January 1983;

with regard to the status of the Venezuelan territory known as
“Isla Aves”

The Government of St. Kitts and Nevis wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of St. Kitts and Nevis wishes further to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the

⁶ Communicated by the Permanent Mission of St. Kitts and Nevis to the United Nations in a note verbale dated 16 July 1997.

artificial installation and structure erected adjacent to “Isla Aves” shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The maritime boundary treaties referred to above appear to grant “Isla Aves” full status of territorial sea, exclusive economic zone and continental shelf. The Government of St. Kitts and Nevis has not acquiesced in the maritime boundary treaties referred to above.

The Government of St. Kitts and Nevis protests the status granted to “Isla Aves” in the above-mentioned maritime boundary treaties and kindly request the Secretary-General of the United Nations in his capacity as the depository of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the parties to the said Convention.⁷

⁷ Transmitted to the States parties to the United Nations Convention on the Law of the Sea in note verbale LOS/SP/2, dated 13 August 1997.

ANNEX 3

Note from the Minister of Foreign Affairs, Tourism and Information of Saint Vincent and the Grenadines to the United Nations Secretary-General, 7 August 1997

(http://www.un.org/Depts/los/doalos_publications/los_bult.htm
Division for Ocean Affairs and the Law of the Sea Office of Legal Affairs. Bulletin N. 35, United Nations, New York, 1997, p. 100)

5. Saint Vincent and Grenadines

Note dated 8 August 1997 addressed to the Secretary-General of the United Nations referring to the bilateral maritime boundary delimitation treaties⁹

Note to the Secretary-General of the United Nations from the Government of Saint Vincent and Grenadines referring to bilateral maritime boundary delimitations treaties made between:

1. Republic of Venezuela and the United States of America; entered into force 24 November 1980;
2. Republic of Venezuela and the Kingdom of the Netherlands; entered into force 15 December 1978;
3. Republic of Venezuela and the French Republic; entered into force 28 January 1983;

with regard to the status of the Venezuelan territory known as
"Isla Aves"

The Government of Saint Vincent and Grenadines wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of Saint Vincent and Grenadines wishes further to recall that, as recognized in customary international law and as

⁹ Communicated by the Permanent Mission of Saint Vincent and Grenadines to the United Nations in a note verbale dated 8 August 1997.

reflected in the 1982 United Nations Convention on the Law of the Sea, the artificial installation and structure erected adjacent to “Isla Aves” shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The maritime boundary treaties referred to above appear to grant “Isla Aves” full status of territorial sea, exclusive economic zone and continental shelf. The Government of Saint Vincent and Grenadines has not acquiesced in the maritime boundary treaties referred to above.

The Government of Saint Vincent and Grenadines protests the status granted to “Isla Aves” in the above-mentioned maritime boundary treaties and kindly request the Secretary-General of the United Nations in his capacity as the depository of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the parties to the said Convention.¹⁰

¹⁰ Transmitted to the States parties to the United Nations Convention on the Law of the Sea in note verbale LOS/SP/3, dated 9 September 1997.

ANNEX 4

Diplomatic Note N. MRE/DM/152/02/08, from the Minister for Foreign Affairs of Nicaragua to the Minister for Foreign Affairs of Colombia, 12 February 2008



MINISTRY OF FOREIGN RELATIONS

Managua, 12 February 2008
MRE/DM/152/02/08

Mr. Minister:

It is an honour to address you in reference to Nicaragua's sovereignty in the Caribbean Sea.

In this respect, I hereby inform you that on February 10 last, while fishermen and divers of the Nicaraguan-flagged lobster fishing boat 'Lady Dee III' were fishing within Nicaraguan waters, they were subjected to intimidation by a frigate of the Colombian Navy at coordinates 14° 36' 00" N latitude and 082° 02' 00" W longitude. Such an act, at the above-mentioned position, can only be considered a violation of Nicaraguan sovereignty.

In this sense, on behalf of the Government of National Reconciliation and Unity, I hereby present a formal protest requesting that the necessary measures be taken to ensure that incidents of this nature are not repeated and that we abide by the sentence issued by the International Court of Justice at The Hague on 13 December 2007, striving to preserve peace and security in the region.

I avail myself of this opportunity to reiterate the assurances of my highest consideration and esteem.

[Signed]

Samuel Santos López

[Seal:] MINISTRY OF FOREIGN
RELATIONS
Managua
REPUBLIC OF NICARAGUA
CENTRAL AMERICA

H. E. Fernando Araujo Perdomo
Minister of Foreign Relations of Colombia
His Office

Copies:

Mr. Secretary-General of the UN
Mme. President of the ICJ
Mr. Secretary-General of the OAS

ANNEX 5

Letter (A/62/697) from the President of Nicaragua to the United Nations Secretary-General, 14 February 2008

United Nations

A/62/697



General Assembly

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English
Original: Spanish

Sixty-second session

Agenda items 15, 73 and 77

The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Report of the International Court of Justice

Oceans and the law of the sea

Letter dated 14 February 2008 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

I have the honour to refer to the conversation you had yesterday with the Foreign Minister of Nicaragua, Samuel Santos López, and to the letter he gave to you from the President of Nicaragua. In that regard, I am enclosing herewith a copy of that letter (see annex) and should like to request that it be circulated as a document of the General Assembly under agenda items 15, 73 and 77.

(Signed) María **Rubiales de Chamorro**
Ambassador
Permanent Representative

08-24198 (E) 210208 250808



Annex to the letter dated 14 February 2008 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

11 February 2008

I am writing to draw your attention, and that of the Member States of the United Nations, to the situation between the Republic of Nicaragua and the Republic of Colombia, which, in the view of the Nicaraguan Government, may pose a threat to the maintenance of international peace and security.

The differences between the Governments of Nicaragua and Colombia date back to the historic dispute between the countries concerning sovereignty over certain maritime spaces, islands and emerging areas located in the Caribbean Sea. Nicaragua submitted that dispute, which was filed as the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, to the International Court of Justice on 6 December 2001.

Following Colombia's attempts to challenge the Court's jurisdiction to hear the case and thus to prevent the dispute from being resolved in accordance with international law, the Court issued its Judgment on 13 December 2007.

In that Judgment, the Court rejected the objections to its jurisdiction submitted by Colombia and unanimously found that it had jurisdiction to adjudicate upon:

- The dispute concerning "sovereignty over the maritime features claimed by the Parties other than the islands of San Andrés, Providencia and Santa Catalina";
- The dispute concerning "the maritime delimitation between the Parties" (para. 142 (3) of the Judgment).

In other words, the Court found that it had jurisdiction to hear the principal claim submitted by Nicaragua, namely that the 82nd meridian does not constitute a maritime boundary; it also found that it had jurisdiction to hear Nicaragua's claim concerning the Roncador, Serrana and Quitasueño keys and all other maritime features in the area, except for the three named islands, i.e. San Andrés, Santa Catalina and Providencia.

With regard to those three islands, the Judgment states only that the Court does not have jurisdiction to hear that part of the claim and will not therefore rule on that question. Nicaragua wishes to point out that it maintains its claim to sovereignty over those three islands, as it has done throughout its history.

With regard to Nicaragua's request that the Court should rule that the 1928 Treaty between Nicaragua and Colombia and its 1930 Protocol of Ratification did not set the 82nd meridian west as the maritime boundary between the two States, the Court found in favour of Nicaragua, explaining clearly that:

"Consequently, after examining the arguments presented by the Parties and the material submitted to it, the Court concludes that the 1928 Treaty and 1930 Protocol did not effect a general delimitation of the maritime boundary between Colombia and Nicaragua" (para. 120 of the Judgment).

The Court's Judgment thus recognizes only that there are no maritime boundaries between the States; it does not determine what those boundaries might be since, in accordance with the request made by Nicaragua in its application, that

question will be addressed in a subsequent decision of the Court. However, the fact that such boundaries have not been established does not mean that they should be imposed unilaterally in order to prevent the relationship between the two States from deteriorating. Most States do not have clearly defined maritime borders but still manage to maintain cordial and neighbourly relations.

Accordingly, Nicaragua was surprised and concerned to see that, despite the clarity with which the aforementioned points were set out, the Colombian authorities are still maintaining that the 82nd meridian is the boundary between the maritime spaces of Nicaragua and Colombia.

On 13 December 2007, the very day on which the Court handed down its Judgment, the President of the Republic of Colombia stated that his Government would maintain "the current maritime boundaries until they [were] amended by appropriate legal instruments" (para. 8 of the "Presidential statement on the occasion of the issuance of the Judgment of the Court in The Hague", Casa Nariño, 13 December 2007).

That initial statement made by the President of Colombia has been reiterated on various occasions by the Colombian authorities. In the most recent public declaration of that position, the Ministry of External Relations released a letter dated 28 January 2008 in which it reiterates that Colombia will continue to exercise sovereignty up to the 82nd meridian. (The texts of Colombia's letters of 13 December 2007 and 28 January 2008 are attached.)*

As well as making public declarations, the Colombian authorities have used force to prevent Nicaraguan vessels from going about their business to the east of the 82nd meridian. On Sunday, 10 February 2008, a Colombian war frigate threatened the Nicaraguan fishing vessel "El Lady Dee III" in Nicaraguan waters.

The Government of Nicaragua is of the opinion that the decisions of the International Court of Justice are final and should be treated with the utmost respect. Accordingly, the Government of Nicaragua takes the view that the aforementioned official declarations of the Government of Colombia and the use of its military forces to impose its position do not contribute to the maintenance of good relations between the two States but rather pose a threat to peace insofar as they constitute an attempt to curtail Nicaragua's sovereignty and its sovereign rights over its maritime spaces. Nicaragua would like to make it clear that it will not cease to exercise its rights in those maritime spaces for the benefit of Nicaraguan fishermen and other workers.

For that reason, the Nicaraguan Government felt it appropriate to bring the situation to the attention of the Secretary-General and to request that it be brought to the attention of the Member States, so that they can be aware of the threats to peace and international law inherent in the overbearing actions of the Government of Colombia.

(Signed) Daniel Ortega Saavedra

* The texts are not attached to this document.

ANNEX 6

Letter (A/62/733) from the Colombian Minister for Foreign Affairs replying the note sent to the United Nations Secretary General by the President of Nicaragua, 25 February 2008

United Nations

A/62/733



General Assembly

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Agenda items 73 and 77

Report of the International Court of Justice
Oceans and the law of the sea

Letter dated 29 February 2008 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General

I have the honour to write to you in order to transmit the original text of the note of 25 February 2008 signed by the Minister for Foreign Affairs (see annex), containing the reply of the Government of the Republic of Colombia to the note sent to you by the President of Nicaragua on 11 February.

I should be grateful if you would take the necessary steps to have the attached note circulated as a document of the General Assembly, under agenda items 73 and 77.

(Signed) Claudia **Blum de Barberi**
Ambassador
Permanent Representative

08-26794 (E) 120308 130308



Annex to the letter dated 29 February 2008 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General

I have the honour to write to you with respect to the communication signed by the President of Nicaragua, Daniel Ortega, in reference to the judgment on preliminary objections handed down by the International Court of Justice on 13 December 2007 in the case concerning the Territorial and Maritime Dispute (Nicaragua v. Colombia), in which my country has been involved since 6 December 2001 and will continue to be in accordance with the provisions of the Statute of the Court and the Rules of Court.

In its judgment on preliminary objections delivered on 13 December 2007, the Court found that despite Nicaragua's claims to the contrary, the Esguerra-Bárceñas Treaty of 1928 between Colombia and Nicaragua, in which Nicaragua recognized the sovereignty of Colombia over the Archipelago of San Andrés and Providencia, settled the matter of sovereignty over the islands of San Andrés, Providencia and Santa Catalina and that there was no extant legal dispute between the parties on that question.

The Court further found that the aforementioned Treaty and its Protocol of Exchange of Ratifications did not establish the general delimitation of the maritime boundary between the two States. That delimitation would be a matter for the Court to define in the proceedings on the merits.

Ever since the Court delivered its Judgment, and without prejudice to the rights of Colombia in the maritime areas belonging to the Archipelago of San Andrés and Providencia, Colombia has been careful to do no more than maintain the status quo existing on 6 December 2001, the date on which Nicaragua filed its Application instituting proceedings in the International Court of Justice.

In this connection, Colombia has made every effort to ensure that ships flying its flag do not engage in fishing or other activities west of the 82nd meridian. In turn, it has continued to take routine measures designed to ensure that any fishing vessel that engages in activities to the east of that line has been licensed to do so by the competent Colombian authorities.

In a matter of this kind, the current practice under international law is to maintain the status quo until such time as a final judgment has been delivered by the Court.

After an extended meeting on 11 February 2008 between the President of the Court and the agents of the parties, the International Court of Justice fixed 11 November 2008 as the time limit for the filing of the Colombian Counter-Memorial. At that time, Colombia will set out its position with regard to the maritime boundary between the two States.

The Government of Colombia has refrained from responding to the offensive pronouncements of President Daniel Ortega and other Nicaraguan authorities, who have also persisted in encouraging their fishing vessels to carry out their activities east of the 82nd meridian in areas in which they have never done so in the 187 years of Nicaragua's existence as an independent nation and over which Colombia has peacefully and continuously exercised its maritime jurisdiction for many years.

In fact, in outright contravention of the Court's judgment, the Government of Nicaragua continues to unilaterally refer to these areas as Nicaraguan and to reiterate its claims to the islands of San Andrés, Providencia and Santa Catalina — which have already been definitively rejected by the Court.

In short, Nicaragua continues to dispute the core issue on which the Court has indeed delivered a judgment — the sovereignty of Colombia over the islands of San Andrés, Providencia and Santa Catalina and, at the same time, is falsely accusing Colombia of violating a maritime boundary which the Court has yet to delimit.

(Signed) Fernando **Araújo Perdomo**
Minister for Foreign Affairs

ANNEX 7

Diplomatic Note N. MRE/DM-DGAJST/ghw/476/05/08, from the Minister for Foreign Affairs of Nicaragua to the Minister for Foreign Affairs of Colombia, 20 May 2008

Managua, 20 May 2008
MRE/DM-DGA/ST/ghw/476/05/08

Excellency:

I have the honor to address Your Excellency on the occasion of making reference to the sovereign rights of Nicaragua in the Caribbean Sea.

In this respect, I wish to inform you that the Naval Forces of the Nicaraguan Army informed this Ministry that on May 6 last the Nicaraguan flag “VIKING” fishing vessel was boarded and searched by a rapid boat of the Navy of Colombia while it was located at latitude 13° 45’00”N and longitude 081°57’00”W.

Excellency, I wish to express that such act is not only a provocation and threat to peace and security in the region, but also constitutes an offense to the integrity and sovereignty of the Republic of Nicaragua, so I make a formal protest in the name of the Government of National Reconciliation and Unity before the illustrious Government of Colombia.

Further, I request Your Excellency give instructions as may be opportune to prevent acts of this nature from happening again and to respect the Sentence issued by the International Court of Justice at The Hague on 13 December 2007.

I avail myself of this opportunity to reiterate to you the assurances of my highest consideration and esteem.

Illegible Signature
Samuel Santos López

[Seal:] MINISTRY OF FOREIGN
RELATIONS
Managua
REPUBLIC OF NICARAGUA
CENTRAL AMERICA

Excellency
Mr. Fernando Araujo
Minister of Foreign Relations of the
Republic of Colombia
Bogota.

ANNEX 8

**Diplomatic Note N. MRE/DSF/CAM N. 33703, from the
Colombian Vice-Minister for Foreign Affairs to the Nicaraguan
Minister for Foreign Affairs of, 9 July 2008**



**REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN RELATIONS**

MRE/DSF/CAM No. 33703

Bogota, D.C., July 9, 2008

Mr. Minister:

I write to you in reference to your Note MRE/DM-DGAJST/ghw/476/05/08, dated 20 May of this year, which alludes to the situation on 6 May involving the Nicaraguan-flagged fishing vessel “VIKING.”

In this regard, I hereby inform you that the above-mentioned vessel was surprised by a patrol of the National Armada of Colombia at coordinates 13° 45’ 00’N latitude and 81° 57’ 00’W longitude, within the maritime jurisdiction of my country, without the corresponding permission granted by Colombian authorities.

Even though the infraction should be rigorously sanctioned by Colombian authorities, the National Navy unit limited itself to invite the noted vessel to leave the waters of Colombian jurisdiction, after drawing up a document that recorded the events.

To His Excellency
SAMUEL SANTOS LÓPEZ
Minister of Foreign Affairs of the
Republic of Nicaragua
Managua



REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

In the above-mentioned document, Mr. Oscar Bello McCrea, Captain of the fishing vessel “VIKING”, and his crew, admitted that they had been found in waters of Colombian jurisdiction and acknowledged the respect and good treatment that they were afforded. The vessel was ultimately escorted to the border of the 82nd meridian, established by common agreement between our states.

Sincerely,

[Signed]

CAMILO REYES RODRIGUEZ
Deputy Minister of Foreign Affairs
In charge of the functions of the Office of the
Minister of Foreign Affairs

ANNEX 9

**Diplomatic Note N. DSF.CCF.66624, from the Colombian
Ministry of Foreign Affairs of to the Nicaraguan Embassy to
Bogotá, Colombia. 14 January 2009**

REPUBLIC OF COLOMBIA MINISTRY OF FOREIGN RELATIONS

DSF CCF 66624

The Ministry of Foreign Relations attentively greets the Honorable Embassy of the Republic of Nicaragua on the occasion of making reference to the events that occurred on November 2 last when the Nicaraguan-flagged ship “Malayka” was surprised carrying out unauthorized fishing activities within Colombian maritime jurisdiction at coordinates 14° 28’ 23” N latitude and 81° 52’ 17” W longitude.

In a gesture of good will, the Colombian authorities limited themselves to inspect the ship and, subsequently, invited and accompanied the ship out of the area.

In order to avoid undesirable incidents and the resulting sanctions in accordance with the Colombian legal system, the Ministry of Foreign Relations, through this Honorable Embassy, requests that the Illustrious Government of the Republic of Nicaragua give the necessary instructions so that Nicaraguan-flagged ships that lack the respective authorization from the Colombian government abstain from carrying out fishing activities in waters under Colombian jurisdiction.

The Ministry of Foreign Affairs avails itself of this opportunity to reiterate to the Honorable Embassy of the Republic of Nicaragua the assurances of its highest and most distinguished esteem.

Bogotá; 14 January 2009

To the Honorable
EMBASSY OF THE REPUBLIC OF NICARAGUA
City

ANNEX 10

Diplomatic Note from the Nicaraguan Embassy to Bogotá, Colombia to the Colombian Ministry of Foreign Affairs. 12 February 2009

EMBASSY OF NICARAGUA

SANTA FE DE BOGOTÁ, D.C.- COLOMBIA

Managua; 12 February 2009

The Embassy of Nicaragua attentively greets the Ministry of Foreign Affairs of the Republic of Colombia on the occasion of referring to this Ministry's Note Number DSF.CCF.66624, dated 13 January 2009, regarding the fishing activities carried out by the Nicaraguan-flagged vessel Malayka at coordinates 14° 28' 23" N latitude and 81° 52' 17" W longitude.

In this regard, the Embassy reminds the Illustrious Government of Colombia that the International Court of Justice, in its judgment of 13 December 2007, clearly established that it has jurisdiction to determine the delimitation of the waters located at the position described above, which, as is generally and specifically known to the Colombian government, belong to the Republic of Nicaragua in accordance with history, geography and international law. By virtue of that stated above, Nicaragua enjoys exclusive rights over all natural resources found there and is the only state authorized to carry out acts of jurisdiction in said zone.

In this sense, the Embassy, on behalf of the Nicaraguan government, hereby presents to the Illustrious Government of Colombia a formal protest regarding the actions carried out illegally by the Colombian Naval Forces against the Nicaraguan-flagged vessel Malayka on November 3 last, requesting that the necessary measures be taken to prevent the repeated occurrence of events of this nature.

The Embassy of Nicaragua avails itself of this opportunity to reiterate to the Ministry of Foreign Relations of Colombia the assurances of its highest consideration and esteem.

Bogota, 12 February 2009

To the Honorable
MINISTRY OF FOREIGN RELATIONS
Office of the Minister
City

PRESS COMMUNIQUÉ

ANNEX 11

Press Communiqué from the Ministry of Foreign Affairs of Colombia, 28 January 2008



Regarding the declarations made recently by Nicaraguan President Daniel Ortega with respect to Colombia's attitude toward the judgment of the International Court of Justice in the case filed by Nicaragua before said Court, the Ministry of Foreign Affairs informs as follows:

1. Colombia has continued to peacefully exercise sovereignty and jurisdiction over the maritime areas corresponding to the archipelago of San Andrés, up to the 82nd meridian only, according to the same terms as expressed under point eight of the communiqué issued on 13 December 2007, in declarations regarding the judgment of the International Court of Justice.
2. Colombia has acted and will continue to act as it always has during her entire life as a republic, in strict accordance with the principles and norms of International Law, with faithful respect for international treaties, including the Esguerra-Bárcenas Treaty of 1928 and the Act of Exchange of Ratification Instruments of 1930, and in compliance with international awards and judgments, which are the cornerstones of peace and coexistence between nations. Colombia has never been and never will be an aggressor country.

Bogotá, January 28, 2008

SURVEYS AND REPORTS

ANNEX 12

Bahamas, Yucatán E.C.: Honduras gulf; Mosquito Coast, islands & banks adjacent; Jamaica; St. Domingo; Currents Positions by Capt. Richard Owen R.N. H.M. Ships Blossom & Thunder 1830-7

p. 163

The coral stones are thrown up by the sea into a large heap along the north side. The Cay is frequented by quantities of aquatic birds particularly the man of war bird and the Booby. Water is to be procured near the centre of the Cay by digging, but it is very brackish. The Turtlers use it only for culinary purposes.

There is not any perceptible tide on the surface although it rises about 18 inches. The time of high water is very irregular much influenced by the prevailing winds.

The general set of the current is to the N.W.

The sand bores near the South end of the bank have been called the Musquitero, but as that has induced many persons to suppose that there were two distinct banks, we have omitted the name altogether.

The Quita Sueño (shake off sleep) is an extensive and very dangerous bank of an oblong form, 34 miles in length from North to South, about 9 miles wide near the North end, and 13 miles wide at the South end. It lies nearly North of Old Providence the distance between the two banks is about 29 miles.

About a mile within the eastern edge there is a very long and dangerous reef running North and South for 23 miles, it is dry in many places, and has only one narrow opening in it (which is near the middle) than would admit even the smallest boat.

The bank reaches about 5 miles beyond the extreme of the reef to the North and South. The space to the westward of the reef for a distance of about 2 ½ miles, is full of shoal rocky patches, and abreast of the centre of the reef there is a spit of dangerous rocky ground reaching nearly six miles to the westward of the breakers. Within this space it is not safe even for a boat, as the rocks are not easily to be distinguished, the wash from the reef discolouring the water. All the reef of the bank

is free from danger, the general depths being from 10 to 17 fms, with a bottom of clean coral sand.

p. 164

There is good anchorage all over the western side of the bank during the regular easterly breezes, rendered perfectly smooth by the extensive reef to the Eastward.

The small vessels that frequent this bank during the Turtling season keep close in under the reef, and pick their way through amongst the rocky heads from one end of the reef to the other. There is not any part of the reef sufficiently above water to land upon. Several large trunks of trees have been drifted on the reef at different parts, and the NW spit of the reef (which is in some degree sheltered by the reef to the Eastward) appeared to be accumulating different substances so as to render it probable that a Cay will be formed there at no very remote period.

During our stay at this bank in April 1835 we experienced a current to the NW about $\frac{3}{4}$ of a mile per hour. It was said by the neighbouring fishermen to have been unusually strong.

The Serrana Bank situated about 43 miles to the Eastward of the Quita Sueño, was surveyed by Lieut. Barnett in the "Jackdaw" Schooner who has given the following detailed account of it. It will not be the less interesting from having been made the scene of a very ingenious fiction (Sir Edward Seaward's narrative by Miss Jane Porter) that created a good deal of interest at the time of its publication.

"The Serrana is an extensive and extremely dangerous nest of shoals and coral reefs even with the surface of the water, having on various parts of it six small cays. Its general direction is N.E. and S.W. on which line it extends to a distance of 17 miles, it varies in breadth considerably, but at about its centre it is 8 miles across. In making it from the N.E. East and South, it presents an appearance of one unbroken reef continually breaking...

List of Latitudes and Longitudes

Country	Place	Spot of Observation	North Latitude	Mode of Observation	West Longitude	Mode of Observation	From whence measured	Days [..]	Eastly Varn.
Musquito Coast	Cape Gracias a Dios *	Entrance of Harbour	14°56'0"	Stars	83°15'0"	E.A.	Belize San Juan	16 5	6.5 2
	Musquito Cays	South end	14°21'12"	Stars	82°46'6"	S.A.	Old Providence	2	
	Pearl Cays	Columbilla Cay	12°22'35"	Stars	83°23'20"		Lieut Edwd Barnett		
	Pearl Cay Lagoon	Barpoint South side of entrance	12°19'44"	Stars	83°37'10"		In "Lark"		7.1 5
	Bluefields	West p't of Bluff	11°59'15"	Stars	83°41'15"	S.A.	San Juan	6	
	San Juan de Nicaragua *	Point Arenas	10°56'45"	Stars	83°42'0"	E.A.	St. Andrews Cape Gracias	7 5	7.2 6
Island and Banks of the Musquito Coast	Cazones or Hobbies	Great Hobby	16°3'30"		83°8'30"		Grand Caimans Cape Gracias	Lieut. Barnett 3 in "Jackdaw"	
	Half Moon Cay	Centre	15°8'50"		82°42'18"		Cape Gracias		
	Cay Gorda	Centre	15°52'0"		82°23'35"				
	Great Corn Isl ^d *	Wells in S.W. Bay	12°9'17"	Stars	83°3'45"	S.A.	San Juan Cape Gracias	3 7	8.0
	Little Corn Isl ^d	Gun Point	12°17'30"	Stars	82°58'45"	S.A.	Cape Gracias	6	
	St. Andrews Isl ^d	Cove in S.W. bay	12°31'40"	Stars	81°43'50"	E.A.	Old Providence	2	7.0
	Albuquerque Cays	South Cay	12°10'0"	Stars	81°50'18"	E.A.	St. Andrews	2	7.0
	Courtown Cays	Cocoa Nut Cay	12°24'0"	Stars	81°28'45"	E.A.	St. Andrews	1	7.0
	Old Providence *	Isabel (village) Catalina bay	13°22'54"	Stars	81°22'15"	E.A.	Port Royal	4	6.4 5

	Quita Sueño Bank	North ea. reef	14°30'0"	S.H.	81°7'30"	S.H.	Old Providence	4	
	--	South ea. reef	14°8'0"	S.H.	81°8'30"	S.H.	Old Providence	4	
	Roncador	South end of Cay	13°34'30"	Stars	80°5'30"	E.A.	Serranilla Old Providence	3 3	6.3 0
	Serrena	S. E. Cay	14°21'36"	--	80°12'38"	--	Port Royal	Lieut. Barnett	
	Serranilla *	Beacon Cay	15°47'45"	Stars	79°51'3"	E.A.	Port Royal Old Providence	7 6	5.5 2
	Trinidad Island *	Fort Port D'Espagne	10°38'40"	Stars	61°31'45"	E.A.	Port Royal	11	3.0
Guiana	Demerara (d) *	Fort George Town	6°49'30"	Stars	58°11'30"	E.A.	Trinidad	5	5.0
	Barbadoes	Engineers' Wharf	--	--	59°37'38"	S.A.	Trinidad	3	In Serpent by Mr. Newman
	Bermuda *	Dockyard Super House	32°20'0"	Stars	64°51'24"	E.A.	Nassau	11 15	
	--	Admiralty House Observati on Stone	32°18'12"	Stars					
United States	New York*	Upper Lazaratto Staten Island	40°38'30"	Stars	74°5'10"	E.A.	Halifax	7	West 8.30
	--	City Hall			74°1'10"	True bearing from Staten Island			
Nova Scotia	Halifax *	George's Island South side	44°38'12"	Stars	63°34'15"	E.A.	Portmouth	19	
	--	Dockyard North part	44°39'12"	Stars	63°35'40"	E.A.	George's Isl ^d	2	

ANNEX 13

West India Pilot, Vol. I. Compiled by Captain E. Barnett, R. N. London, 1861

THE
WEST INDIA PILOT.

VOL. I.

FROM CAPE NORTH OF THE AMAZONS

TO

CAPE SABLE IN FLORIDA,

WITH

THE OUTLYING ISLANDS.

COMPILED BY

CAPTAIN E. BARNETT, R.N.

PUBLISHED BY ORDER OF THE LORDS COMMISSIONERS OF THE
ADMIRALTY.

LONDON:

PRINTED FOR THE HYDROGRAPHIC OFFICE, ADMIRALTY,
AND SOLD BY

J.D. POTTER, *Agent for Admiralty Charts*,
31 POULTRY, AND 11 KING STREET, TOWER HILL.

1861.

Price 5s.

TIDES and CURRENT.—The tides are irregular, but there is generally a rise of 6 or 8 inches, and after northern it is said to amount to 2 feet. There is no perceptible tidal stream. The current in the neighbourhood usually runs to the N.W., but it is greatly influenced by the prevailing winds.

QUITA SUEÑO BANK (shake off sleep) well deserves the name from its extreme danger. It lies North 29 miles from Low cay, at the north end of Old Providence reef, 26 miles from the nearest part of the Mosquito bank, and 41 miles from the S.W. cay of the Serranas.

It is of oblong form, 34 miles long north and south, about 8 miles broad near the north end, and 13 near the south end, and is so steep that the first casts of the lead may be from 14 to 19 fathoms. About a mile within the eastern edge a coral reef, dry in many places, runs along the face of that side, curving outwards a little near the middle, for a distance of 23 miles, leaving a portion of the bank at both ends about 5 miles in extent, with depths from 10 to 17 fathoms, on coral sand. The only break in the reef lies near the middle, where, by chance, a boat might get through in safety.

Several large trunks of trees have been drifted on it in several parts, and a spit at the north-west end, lying somewhat sheltered by the reef, seems to be accumulating different substances, so as to render it probable that a cay will be formed there at no very remote period. This spot lies in lat. 14° 29' N., long. 81° 8' W.

The space to the westward of the reef, for a distance of 2 ½ miles, is full of dangerous rocky patches, and abreast the middle part a spit of shallow rocky ground extends off nearly 6 miles, to within 3 miles of the western edge of soundings. Within this part it is not safe even for a boat, for the heavy surf so disturbs the sand at the bottom that the shoals are not easily seen.

The bank to the westward of the shoals is quite clean, with depths from 10 to 17 fathoms, over clear coral sand, which affords good anchorage, the sea being broken by the reef.

CURRENT.—In the month of April the current was observed to run to the N.W. at the rate of three-quarters of a mile an hour, but

the fishermen remarked that it was unusually strong for that period.

SERRANA BANK.—The outline of this most dangerous bank is very irregular. Its general direction, however, is N.E. and S.W., upon which line it extends about 17 miles. Near the centre it is about 8 miles broad, and its south-west end terminates at almost a point.⁶

⁶ From the survey of Captain E. Barnett, R.N., 1834. *See* Admiralty Plan, Serrana Bank. No. 1,478; scale, *in* = one inch.

ANNEX 14

Report by an Official of the Colombian Ministry of Foreign Affairs
regarding the cays of Roncador, Quitasueño and Serrana in the
Archipelago of San Andrés, 31 August 1937

Translation of text at pp. 7-9 of the Report in
Spanish deposited with the Registry of the Court

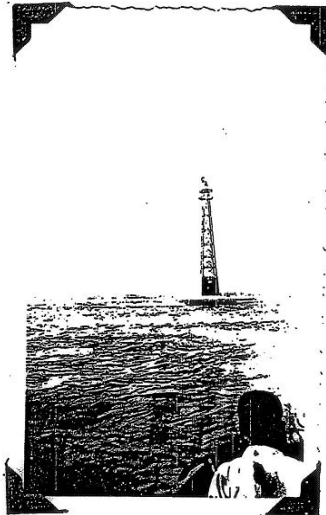
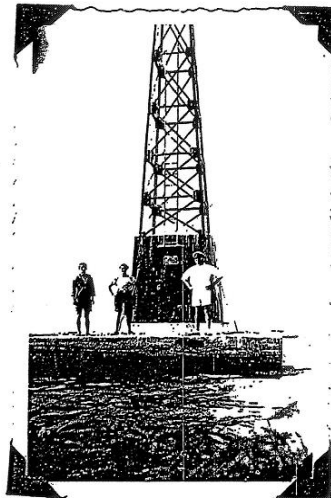
F A R O D E Q U I T A S U E Ñ O

Quitasueño Lighthouse

La base de concreto es
la única parte del banco
que emerge de la super-
ficie de las aguas.

--o--

The concrete base is the only
part of the bank that emerges
above water



THE CAYS

I will now describe the three cays, which I was ordered to visit by your Office. This description and the sketches I have attached to this report have the following bases: one and the others are taken, in its general lines, from the large sandbanks of the Admiralty Charts and from data provided by the "West Indies Pilot", corrected with the reports that were provided to me by some islanders who know them very well and upon personal verification of the undersigned on site. What I say about the cays properly said (the portions of firm land that rise from the surface of the ocean), is the exclusive result of my personal observation.

Situation. The trip by air did not allow me to carry engineering equipment, with which it would have been possible to determine the exact position of the cays, even though this is not necessary for the purpose proposed by the Government; however, since we are making a loxodromic navigation (in a straight line), I took the care to calculate the courses provided by the Admiralty Charts and wrote down the distances through the speed log, which gave me a very proximate confirmation of the position of said cays.

QUITASUEÑO. The Quitasueño Cay does not exist. It is just a sandbank that is very dangerous to navigate. It is 34 miles long and 8 miles wide close to the northernmost tip, and 13 miles to the southernmost tip, bordered to the east by coral reefs against which the ocean waves break. Its coordinates in the southern extreme are: 14°-29' latitude north and 81° - 08' longitude west of Greenwich.

These coral reefs are much more dangerous because they are very steep on the east side and extend 23 miles from a portion of the bank, leaving an approximate longitude of 5 miles with variable depths of 10 to 20 fathoms over coral sand bars. The only rupture in the reef is close to the center, where occasionally a ship could safely penetrate.

The remaining space to the west of the main reef, at a distance of two and a half miles, is full of rocky patches that are very dangerous and, in front of the central part, a cavity of land, also rocky and twisted, extends about 6 miles outbound. This quagmire is not safe, not even for small vessels, because the strong tide disturbs the sand in the bottom in such way that the sandbanks cannot be easily seen.

In 1906, the “Aureola” steamer crashed over that sandbank approximately 14 miles from the southernmost tip of the reef and, four years later, in 1910, the “Rose Lea” steamer collided against a coral head.

However, in the western part, the bank has depths of 10 to 15 fathoms over hard coral sand, which provides good anchorage because the ocean waves break against the reef. The marine current there has an unusual force.

In the northern extreme of the reef of this extensive sandbank, over the rock, is an artificially reinforced concrete foundation, which is the only thing that emerges from the waters in the entire Quitasueño bank.

The American light is erected over this foundation, formed by a red pyramidal tower with a frame of iron screw piles, which skeleton was formed with crosses from San Andres and brace rods that tie them together to form the skeleton that supports the light (see photograph). The light, at an altitude of about 45 feet (13.7 meters), is fed with gas, a reserve of which is stored in the base, and emits an intermittent flashing light.

In the lower part of the light is a metal plaque with the following legend:

“U.S. LIGHTHOUSE SERVICE

All persons are warned not to [sic] this structure or interfere with it in any way. Violators assume all risk and will be prosecuted. By order of Commissioner of Lighthouses!

This light and those located at the Serrana and Roncador cays are provisioned by the United States Navy every six months, for which purpose it uses 500-ton tugboats.

There is no guano or eggs in Quitasueño because there is no firm land: I only saw about ten albatrosses flying around the light and over the barbed-wire railings that protect the light. There were three dead birds that, according to the islanders that formed part of the crew, “had committed suicide”.

Apart from those few birds, no more signs of life are seen in those surroundings and at the foot of the base of the light I could observe the remnants of a ship, such as masts and irons.

In my opinion, if the desire is that Quitasueño should not pose a danger for sailors, it is necessary to install another light with a rotating beacon at the south end of the bank. Since the maximum visibility of the beacon is 12 miles, it only covers half of the sandbanks and reefs and thus does not render any service to the ships navigating from south to north. (See attached sketch). A red light or bicolor light, in order to distinguish it from the one existing at the northern end, would prevent the aforesaid dangers.

I am ignorant of the origin of the name of that bank, but it is appropriate because it is a permanent source of sleeplessness for all sailors who navigate those dangerous seas.

ANNEX 15

Report to the Maritime Safety Committee. 4 July 2005 (Doc. NAV/51/19)

INTERNATIONAL MARITIME ORGANIZATION



IMO

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SUB-COMMITTEE ON SAFETY OF
NAVIGATION
51st session
Agenda item 19

NAV 51/19
4 July 2005
Original: ENGLISH

REPORT TO THE MARITIME SAFETY COMMITTEE

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For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

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- .1 to consider all documents submitted under item 3 regarding routing of ships and related matters and prepare routing and reporting measures, as appropriate and recommendations for consideration and approval by Plenary;
- .2 to consider the request of MEPC 51 including the documents submitted under item 3 regarding Associated Protective Measures (APMs) for the Canary Islands, the Galapagos Archipelago and the Baltic Sea Area PSSAs, namely (NAV 51/3, NAV 51/3/1, NAV 51/3/2, NAV 51/3/4 and Corr.1, MSC 80/23/7, NAV 51/3/6, NAV 51/3/14, NAV 51/INF.2 and NAV 51/INF.3) and advise the Sub-Committee on the outcome of an assessment of the operational aspects of the proposed Associated Protective Measures for the Canary Islands, the Galapagos Archipelago and the Baltic Sea Area PSSAs by focusing only on the technical and operational requirements;
- .3 to take into account the role of the human element guidance as updated at MSC 75 (MSC 75/24, paragraph 15.7) including the Human Element Analysing Process (HEAP) given in MSC/Circ.878/MEPC/Circ.346 and also the guidance given in MSC/Circ.1060 in all aspects of the items considered; and
- .4 to submit a report to Plenary on Thursday morning.

Report of the Ships' Routing Working Group

3.30 Having received and considered the Working Group's report (NAV 51/WP.2), the Sub-Committee approved it in general and, in particular (with reference to paragraphs 3.1 to 9.5) took action as summarized hereunder.

New Traffic Separation Schemes (TSSs)

New Traffic Separation Schemes along the coast of Colombia

3.31 The delegation of Colombia provided additional information related to traffic density, casualty information and co-operation between States. The Sub-Committee noted that the proposed TSS for the port of San Andrés Island was close to Nicaragua and as such Colombia should have consulted Nicaragua when submitting this proposal as it could affect the traffic to and from Nicaraguan ports. The Sub-Committee agreed that it would not be appropriate, at this stage, to consider the proposed TSS for the port of San Andrés without consultations with Nicaragua and considered the proposals for the other seven ports taking into account the additional information provided by Colombia.

3.32 The delegation of Colombia, while accepting the decision of the Sub-Committee not to consider the proposal relating to the TSS for the port of San Andrés, reserved its position and also informed the Sub-Committee that it would make a detailed submission to NAV 52.

3.33 The Sub-Committee approved to the proposed traffic separation schemes for seven Colombian ports with some corrections, namely, Puerto Bolivar, Santa Marta, Barranquilla, Cartagena, Turbo, Buenaventura including Bahía Malaga and Tumaco, as set out in annex 1, which the Committee is invited to adopt.

TECHNICAL DATA

ANNEX 16

Coordinates defining the outer limits of Nicaragua's continental shelf

List of coordinates defining the outer limits of Nicaragua's continental shelf in the southwestern part of the Caribbean Sea

Fixed Point	Latitude	Longitude	Method	Based on FOS	Distance
1	11.2759	-77.5004	FOS+60M	FOS1	na
2	11.2888	-77.4896	FOS+60M	FOS1	1M
3	11.3019	-77.4790	FOS+60M	FOS1	1M
4	11.3152	-77.4687	FOS+60M	FOS1	1M
5	11.3286	-77.4585	FOS+60M	FOS1	1M
6	11.3422	-77.4486	FOS+60M	FOS1	1M
7	11.3559	-77.4389	FOS+60M	FOS1	1M
8	11.3698	-77.4295	FOS+60M	FOS1	1M
9	11.3839	-77.4203	FOS+60M	FOS1	1M
10	11.3981	-77.4113	FOS+60M	FOS1	1M
11	11.4125	-77.4026	FOS+60M	FOS1	1M
12	11.4270	-77.3941	FOS+60M	FOS1	1M
13	11.4416	-77.3858	FOS+60M	FOS1	1M
14	11.4564	-77.3778	FOS+60M	FOS1	1M
15	11.4713	-77.3701	FOS+60M	FOS1	1M
16	11.4863	-77.3626	FOS+60M	FOS1	1M
17	11.5014	-77.3553	FOS+60M	FOS1	1M
18	11.5167	-77.3484	FOS+60M	FOS1	1M
19	11.5320	-77.3416	FOS+60M	FOS1	1M
20	11.5475	-77.3352	FOS+60M	FOS1	1M
21	11.5631	-77.3290	FOS+60M	FOS1	1M
22	11.5788	-77.3230	FOS+60M	FOS1	1M
23	11.5946	-77.3173	FOS+60M	FOS1	1M
24	11.6104	-77.3119	FOS+60M	FOS1	1M
25	11.6264	-77.3068	FOS+60M	FOS1	1M
26	11.6424	-77.3019	FOS+60M	FOS1	1M
27	11.6585	-77.2973	FOS+60M	FOS1	1M
28	11.6747	-77.2930	FOS+60M	FOS1	1M
29	11.6910	-77.2889	FOS+60M	FOS1	1M
30	11.7073	-77.2851	FOS+60M	FOS1	1M
31	11.7237	-77.2816	FOS+60M	FOS1	1M

32	11.7401	-77.2784	FOS+60M	FOS1	1M
33	11.7566	-77.2755	FOS+60M	FOS1	1M
34	11.7731	-77.2728	FOS+60M	FOS2	59.95M
35	11.7897	-77.2704	FOS+60M	FOS2	1M
36	12.7841	-77.1314	FOS+60M	FOS2	1M
37	12.7973	-77.1210	FOS+60M	FOS3	1M
38	12.8108	-77.1108	FOS+60M	FOS3	59.95M
39	13.6002	-76.4783	FOS+60M	FOS3	1M
40	13.6030	-76.4614	FOS+60M	FOS3	1M
41	13.6060	-76.4446	FOS+60M	FOS3	1M
42	13.6093	-76.4278	FOS+60M	FOS3	1M
43	13.6129	-76.4111	FOS+60M	FOS3	1M
44	13.6168	-76.3945	FOS+60M	FOS3	1M
45	13.6209	-76.3779	FOS+60M	FOS3	1M
46	13.6253	-76.3614	FOS+60M	FOS3	1M
47	13.6299	-76.3449	FOS+60M	FOS3	1M
48	13.6349	-76.3286	FOS+60M	FOS3	1M
49	13.6400	-76.3123	FOS+60M	FOS3	1M
50	13.6455	-76.2961	FOS+60M	FOS3	1M
51	13.6512	-76.2800	FOS+60M	FOS3	1M
52	13.6572	-76.2640	FOS+60M	FOS3	1M
53	13.6634	-76.2481	FOS+60M	FOS3	1M
54	13.6699	-76.2324	FOS+60M	FOS3	1M
55	13.6767	-76.2167	FOS+60M	FOS3	1M
56	13.6837	-76.2012	FOS+60M	FOS3	1M
57	13.6909	-76.1857	FOS+60M	FOS3	1M
58	13.6984	-76.1704	FOS+60M	FOS3	1M
59	13.7062	-76.1552	FOS+60M	FOS3	1M
60	13.7141	-76.1402	FOS+60M	FOS3	1M
61	13.8828	-75.8284	FOS+60M	FOS4/Cutoff	20.78M
62	14.4030	-74.9532	2500+100M	CUTOFF	59.74M
63	14.4066	-74.9364	2500+100M	CUTOFF	1M
64	14.4103	-74.9197	2500+100M	CUTOFF	1M
65	14.4142	-74.9030	2500+100M	CUTOFF	1M
66	14.4183	-74.8863	2500+100M	CUTOFF	1M
67	14.4225	-74.8697	2500+100M	CUTOFF	1M
68	14.4269	-74.8531	2500+100M	CUTOFF	1M
69	14.4314	-74.8366	2500+100M	CUTOFF	1M
70	14.4337	-74.8285	FOS+60M	FOS5/Cutoff	1M

All points referred to WGS84

ANNEX 17

Coordinates defining the outer limits of Colombia's continental shelf

List of coordinates for the outer limit of Colombia's continental shelf determined using the provisions of paragraph 4 of article 76:

Latitude	Longitude	Basis of calculation
11° 54' 53"N	77° 41' 36"W	intersection with Colombia-Panama boundary
12° 14' 43"N	77° 36' 52"W	1% sediment thickness
12° 37' 51"N	77° 27' 05"W	1% sediment thickness
13° 14' 05"N	77° 06' 15"W	1% sediment thickness
13° 21' 59"N	76° 52' 26"W	1% sediment thickness
13° 32' 08"N	76° 34' 19"W	1% sediment thickness
13° 42' 01"N	76° 05' 19"W	1% sediment thickness
13° 55' 12"N	75° 13' 57"W	1% sediment thickness
13° 55' 01"N	74° 47' 23"W	1% sediment thickness
14° 08' 27"N	73° 56' 22"W	Foot of slope + 60M
14° 19' 40"N	73° 30' 22"W	Foot of slope + 60M
14° 20' 04"N	73° 29' 25"W	Foot of slope + 60M
14° 20' 27"N	73° 28' 28"W	Foot of slope + 60M
14° 20' 50"N	73° 27' 31"W	Foot of slope + 60M
14° 21' 11"N	73° 26' 33"W	Foot of slope + 60M
14° 21' 31"N	73° 25' 34"W	Foot of slope + 60M
14° 21' 50"N	73° 24' 36"W	Foot of slope + 60M
14° 30' 07"N	72° 58' 24"W	Foot of slope + 60M

All coordinates are referred to WGS84

ANNEX 18

Technical information related to Nicaragua's continental shelf

Table 1 List of Nicaragua's Foot of the Slope Points

Table 2 - List of coordinates defining the outer limits of Nicaragua's continental shelf in the southwestern part of the Caribbean Sea

Figure 1 The Caribbean Plate

Figure 2 Regional Geomorphology of the SW Caribbean

Figure 3 Regional Geomorphology of the SW Caribbean (perspective view)

Figure 4 The Outer Limit of the Continental Shelf

Annex 1

A1. Introduction	A1
A2. Selection of Foot of the Slope.....	A2
A3 Foot of the Slope + 60M.....	A2
A4 Continental Shelf Limit Lines.....	A2
A4.1 350M constraint.....	A2
A4.2 2500m Isobath.....	A2
A5. Final Outer Limit	A2

Figures

FOS 1

FOS 2

FOS 3

FOS 4

FOS 5

Figure A1. Foot of Slope and FOS +60M

Figure A2. Outer Limit Constraints

Figure A3 Outer Limit of Nicaraguan Continental Shelf

Table 1. List of Nicaragua's Foot of the Slope Points

FOS Pick	Latitude (N)	Longitude (W)	Profile
FOS1	11.92096087	-78.28148232	ETOPO2
FOS2	13.40320077	-77.93829893	GEODAS:V1817
FOS3	14.59189959	-76.64019966	GEODAS:RC1806
FOS4	14.79219908	-76.26540006	GEODAS:V2808
FOS5	15.03499984	-75.65499932	GEODAS:A2060L07

All points referred to WGS84

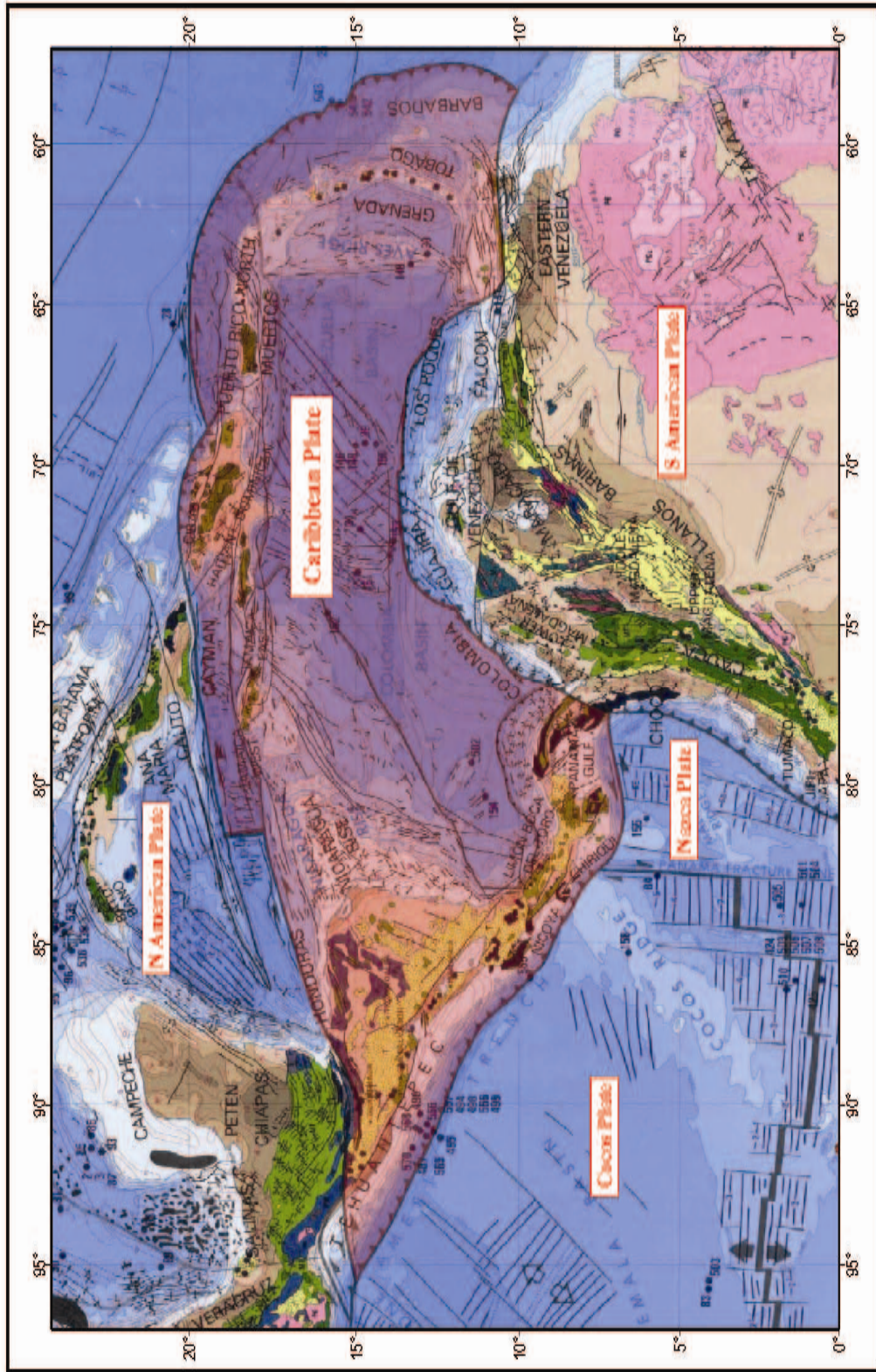
Table 2. List of coordinates defining the outer limits of Nicaragua's continental shelf in the southwestern part of the Caribbean Sea

Fixed Point	Latitude	Longitude	Method	Based on FOS	Distance
1	11.2759	-77.5004	FOS+60M	FOS1	na
2	11.2888	-77.4896	FOS+60M	FOS1	1M
3	11.3019	-77.4790	FOS+60M	FOS1	1M
4	11.3152	-77.4687	FOS+60M	FOS1	1M
5	11.3286	-77.4585	FOS+60M	FOS1	1M
6	11.3422	-77.4486	FOS+60M	FOS1	1M
7	11.3559	-77.4389	FOS+60M	FOS1	1M
8	11.3698	-77.4295	FOS+60M	FOS1	1M
9	11.3839	-77.4203	FOS+60M	FOS1	1M
10	11.3981	-77.4113	FOS+60M	FOS1	1M
11	11.4125	-77.4026	FOS+60M	FOS1	1M
12	11.4270	-77.3941	FOS+60M	FOS1	1M
13	11.4416	-77.3858	FOS+60M	FOS1	1M
14	11.4564	-77.3778	FOS+60M	FOS1	1M
15	11.4713	-77.3701	FOS+60M	FOS1	1M
16	11.4863	-77.3626	FOS+60M	FOS1	1M
17	11.5014	-77.3553	FOS+60M	FOS1	1M
18	11.5167	-77.3484	FOS+60M	FOS1	1M
19	11.5320	-77.3416	FOS+60M	FOS1	1M
20	11.5475	-77.3352	FOS+60M	FOS1	1M
21	11.5631	-77.3290	FOS+60M	FOS1	1M
22	11.5788	-77.3230	FOS+60M	FOS1	1M
23	11.5946	-77.3173	FOS+60M	FOS1	1M
24	11.6104	-77.3119	FOS+60M	FOS1	1M

25	11.6264	-77.3068	FOS+60M	FOS1	1M
26	11.6424	-77.3019	FOS+60M	FOS1	1M
27	11.6585	-77.2973	FOS+60M	FOS1	1M
28	11.6747	-77.2930	FOS+60M	FOS1	1M
29	11.6910	-77.2889	FOS+60M	FOS1	1M
30	11.7073	-77.2851	FOS+60M	FOS1	1M
31	11.7237	-77.2816	FOS+60M	FOS1	1M
32	11.7401	-77.2784	FOS+60M	FOS1	1M
33	11.7566	-77.2755	FOS+60M	FOS1	1M
34	11.7731	-77.2728	FOS+60M	FOS2	59.95M
35	11.7897	-77.2704	FOS+60M	FOS2	1M
36	12.7841	-77.1314	FOS+60M	FOS2	1M
37	12.7973	-77.1210	FOS+60M	FOS3	1M
38	12.8108	-77.1108	FOS+60M	FOS3	59.95M
39	13.6002	-76.4783	FOS+60M	FOS3	1M
40	13.6030	-76.4614	FOS+60M	FOS3	1M
41	13.6060	-76.4446	FOS+60M	FOS3	1M
42	13.6093	-76.4278	FOS+60M	FOS3	1M
43	13.6129	-76.4111	FOS+60M	FOS3	1M
44	13.6168	-76.3945	FOS+60M	FOS3	1M
45	13.6209	-76.3779	FOS+60M	FOS3	1M
46	13.6253	-76.3614	FOS+60M	FOS3	1M
47	13.6299	-76.3449	FOS+60M	FOS3	1M
48	13.6349	-76.3286	FOS+60M	FOS3	1M
49	13.6400	-76.3123	FOS+60M	FOS3	1M
50	13.6455	-76.2961	FOS+60M	FOS3	1M
51	13.6512	-76.2800	FOS+60M	FOS3	1M
52	13.6572	-76.2640	FOS+60M	FOS3	1M
53	13.6634	-76.2481	FOS+60M	FOS3	1M
54	13.6699	-76.2324	FOS+60M	FOS3	1M
55	13.6767	-76.2167	FOS+60M	FOS3	1M
56	13.6837	-76.2012	FOS+60M	FOS3	1M
57	13.6909	-76.1857	FOS+60M	FOS3	1M
58	13.6984	-76.1704	FOS+60M	FOS3	1M
59	13.7062	-76.1552	FOS+60M	FOS3	1M
60	13.7141	-76.1402	FOS+60M	FOS3	1M
61	13.8828	-75.8284	FOS+60M	FOS4/Cutoff	20.78M
62	14.4030	-74.9532	2500+100M	CUTOFF	59.74M
63	14.4066	-74.9364	2500+100M	CUTOFF	1M
64	14.4103	-74.9197	2500+100M	CUTOFF	1M
65	14.4142	-74.9030	2500+100M	CUTOFF	1M

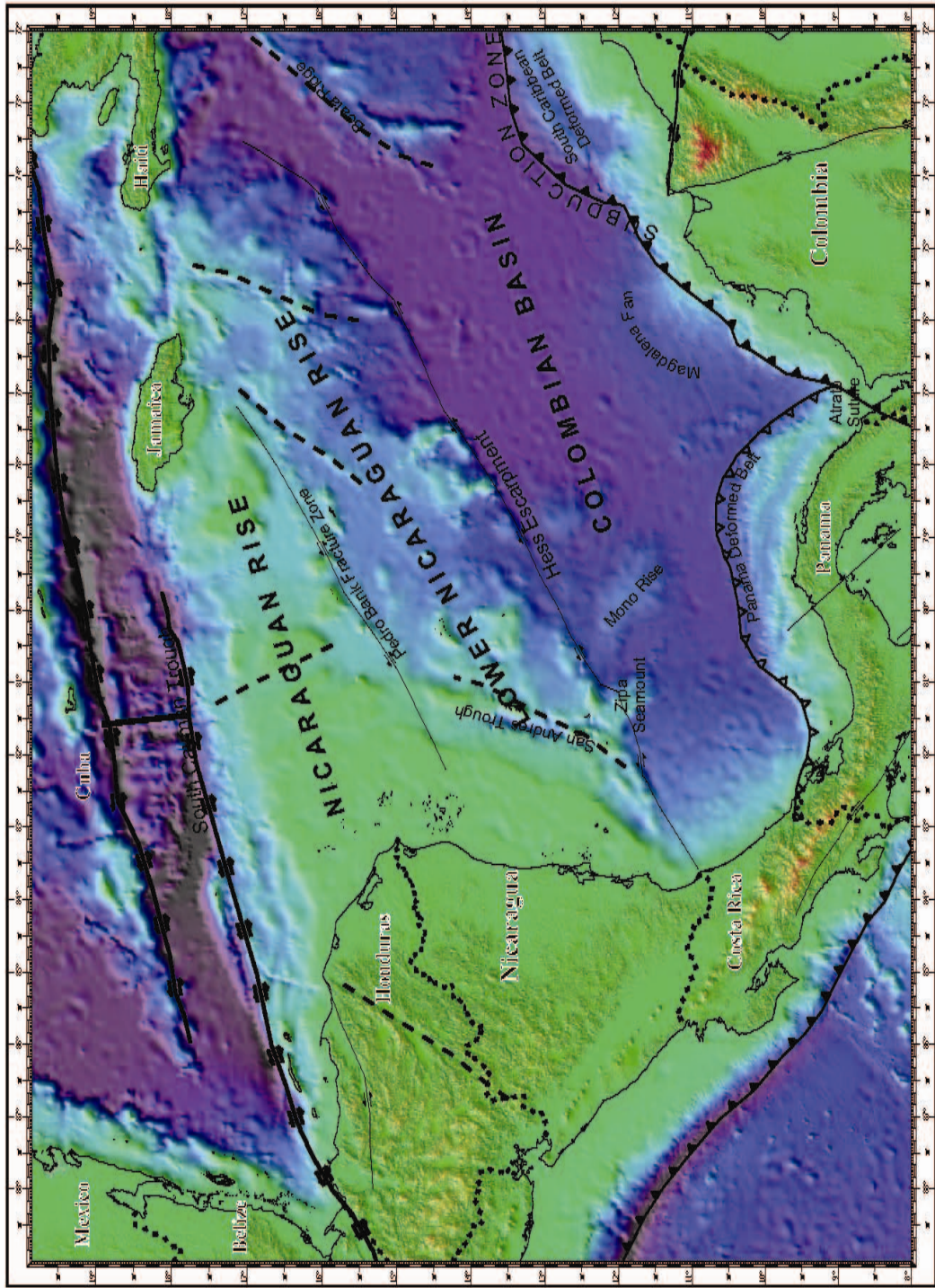
66	14.4183	-74.8863	2500+100M	CUTOFF	1M
67	14.4225	-74.8697	2500+100M	CUTOFF	1M
68	14.4269	-74.8531	2500+100M	CUTOFF	1M
69	14.4314	-74.8366	2500+100M	CUTOFF	1M
70	14.4337	-74.8285	FOS+60M	FOS5/Cutoff	1M

All points referred to WGS84

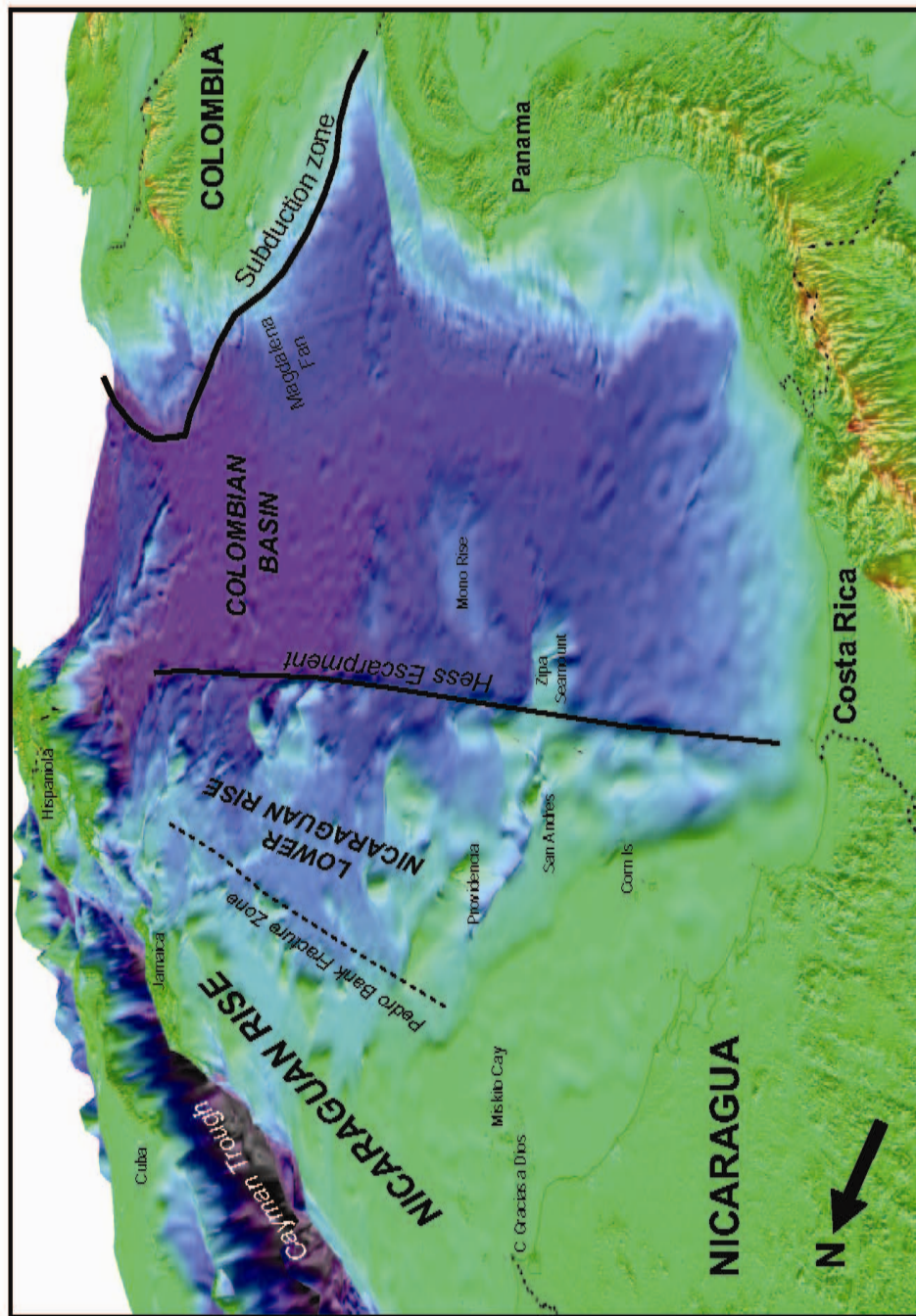


Background map is an extract from the Exxon Tectonic Map of the World (AAPG, 1983).
 Caribbean Plate emphasised in red.

Geological Structure of the Caribbean
Figure 1

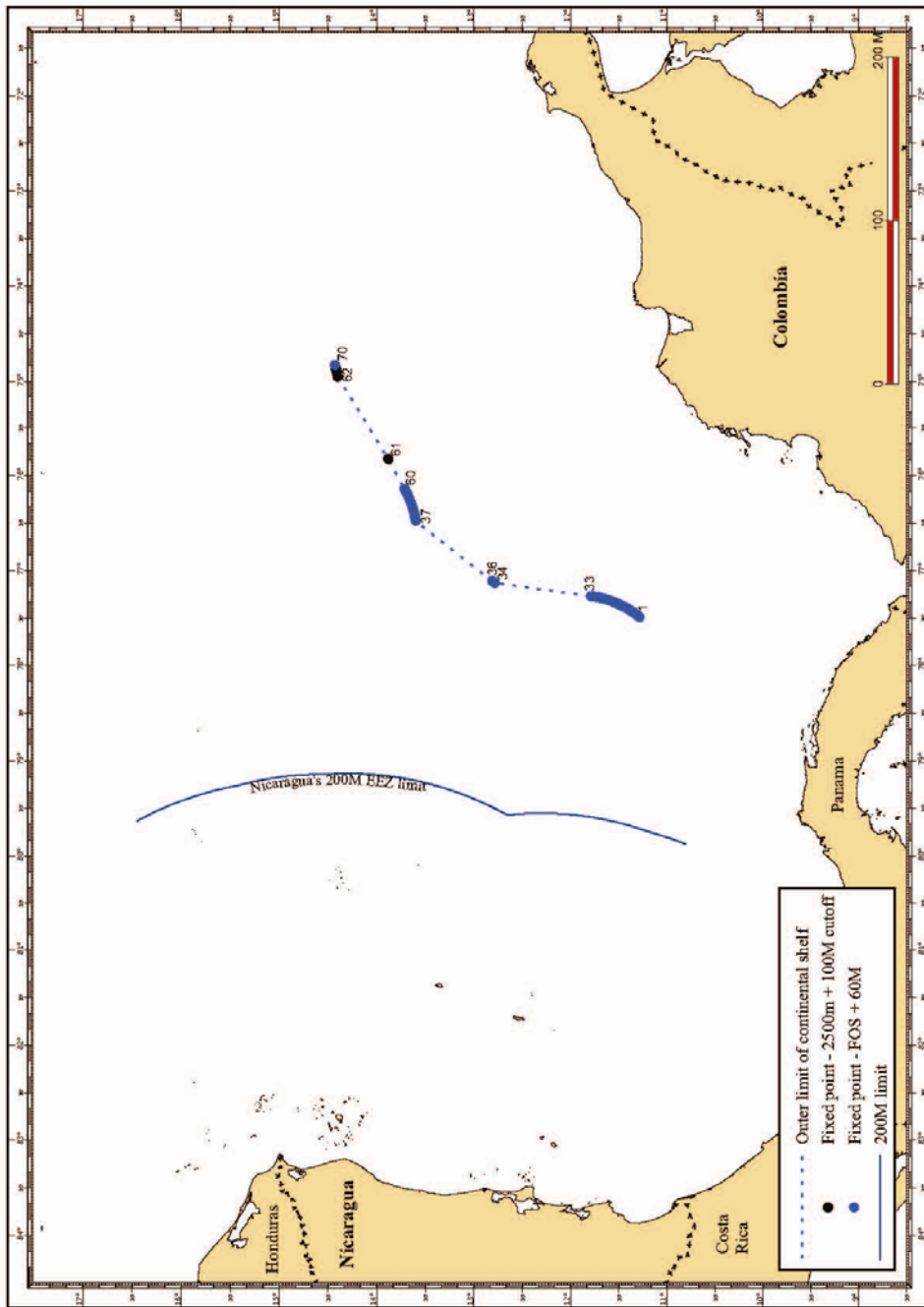


Regional Geomorphology of the SW Caribbean
Figure 2



Perspective view of the area covered in Figure 1.
 Based on ETOP02 – public domain bathymetric dataset

Regional Geomorphology of the SW Caribbean – perspective view
 Figure 3



Outer Limit of Nicaraguan Continental Shelf

Figure 4

Annex 1
Preliminary Technical Description of the
Outer Limit of the Nicaraguan Continental Shelf

Introduction

Five FOS points have been picked along the outer edge of the Nicaraguan continental margin.

Four of these are based on the data derived from the marine trackline database GEODAS and are in principle suitable for inclusion in a full submission to the CLCS. There are issues with the data quality in a few areas, especially navigation, and the final submission to the CLCS will evaluate the data quality and present new data where necessary. The picks presented in this submission of preliminary information should be treated as indicative only.

Surveys used:

FOS Pick	GEODAS profile	Date	Comment
FOS1	ETOPO2	NA	NA
FOS2	V1817	1962	Poor navigation data
FOS3	RC1806	1975	Transit satellite
FOS4	V2808	1970	Transit satellite
FOS5	A2060L07	1971	Transit satellite
2500m isobath	CH046L01	1965	Limited metadata

Selection of Foot of the Slope

Five foot of slope positions have been identified along the Hess Escarpment, representing the southern edge of the Nicaraguan Rise. Three of these (FOS 3-5) are along the Hess Escarpment proper; the two westerly points are picked around the base of the Mono Rise and the associated Unnamed Rise.

As recommended in the Guidelines (CLCS/11) a two step approach was employed to identify foot of slope positions. Firstly a Base of Continental Slope region was determined, and secondly foot of the slope positions within this base of slope region were identified.

In the descriptions below, the upper profile is based on the regional ETOPO2 dataset and shows the bathymetry in context, together with

the interpreted base of slope zone; the lower profile is based on the GEODAS data (except for FOS-1) and shows a more detailed bathymetric profile with the chosen foot of slope point.

Foot of the Slope + 60 M

Paragraph 4(a) of article 76 describes the two formulæ that can be used to determine the outer edge of the margin. For the submission of the present preliminary information only paragraph 4(a)ii is used:

“a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope”.

Geodetic measurements of 60M were made from all of the foot of slope points.

Figure A1 shows the FOS picks and the calculated FOS+60 nautical miles (M).

Continental Shelf Limit Lines

Paragraph 5 of article 76 states that:

“The fixed points comprising the line of the outer limits of the continental shelf on the seabed [. . .] either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.”

350M constraint

The 350M constraint has been calculated from the Nicaraguan territorial sea baseline.

2500m isobath

The 2500m isobath was derived from the ETOPO2 dataset and from the GEBCO bathymetry data. For the critical area the GEODAS profile CH046L01 was used to check the regional dataset.

The 2500m isobath is continuous around the Nicaraguan Rise with only small sections where there are detached contours. The isolated 2500m contours were not used in the calculation of the constraint. A geodetic measurement of 100M was made from the continuous isobath.

The final constraints are shown on Figure A2.

Final Outer Limit

Article 76, paragraph 7 states:

“The coastal state shall delineate the outer limits of the continental shelf [. . .] by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.”

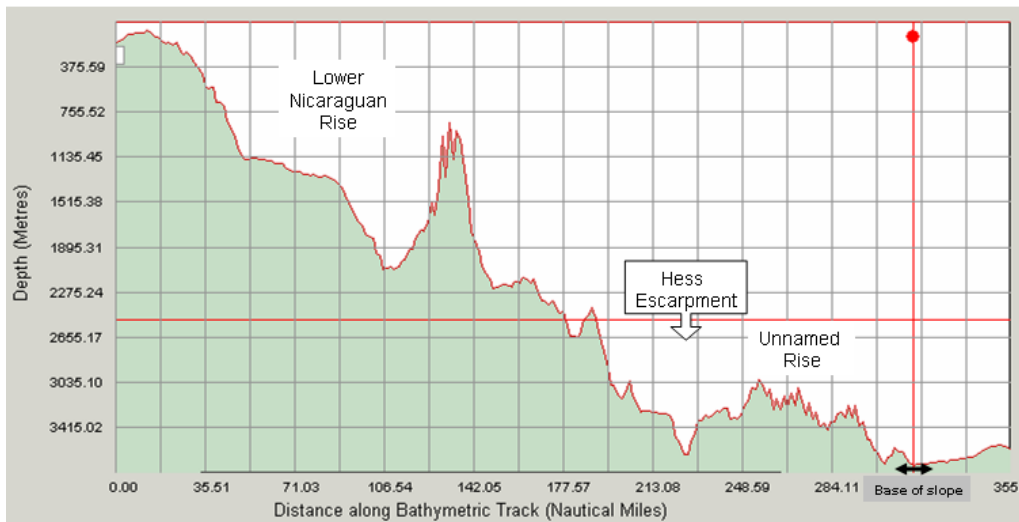
The final outer limit was generated by using points that fall on the FOS+60M line; these are limited in the northeast by the 2500m+100M cut-off.

The final outer limit comprises 70 fixed points, not exceeding 60M apart. Points 1–61 and 70 are based on the FOS+60M line; Points 61–70 are on the 2500+100M constraint. Points 61 and 70 are on the intersection of the FOS+60M line and the 2500m+100M constraint.

The final outer limit is depicted on Figure A3.

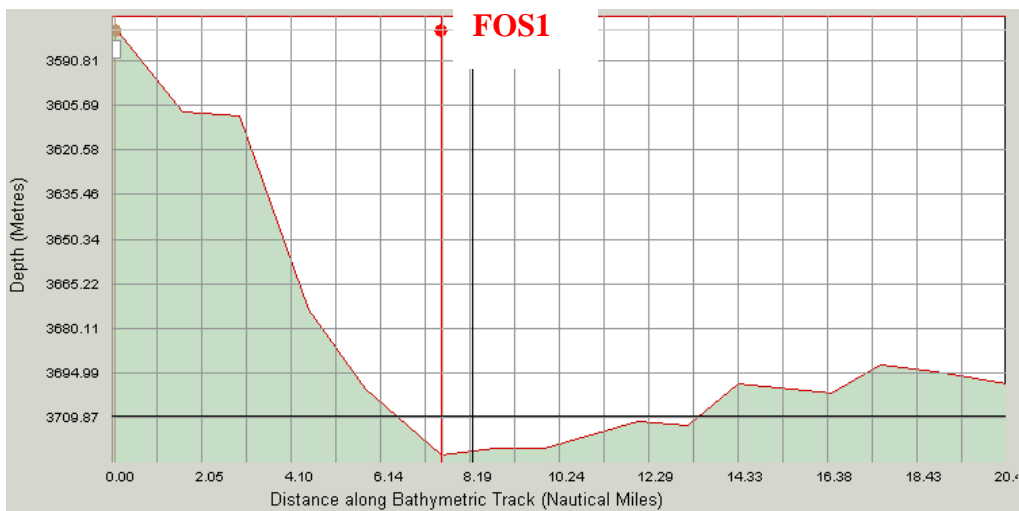
FOS 1

Regional profile – Base of Slope



Data are taken from the global ETOPO2 dataset.

Foot of slope profile



Data are taken from the global ETOPO2 dataset.

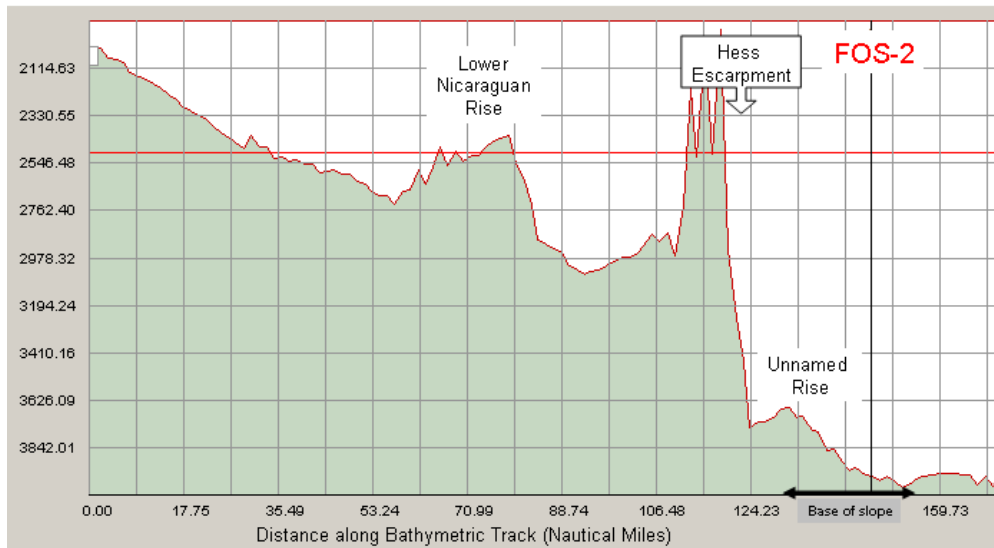
Discussion

FOS 1 is situated at the outer edge of the Unnamed Rise. This is an area of thickened oceanic crust that has accreted to and modified the southern edge of the Nicaraguan Rise, extending it south of the line of the Hess Escarpment.

This profile is based on the ETOPO2 dataset and will be refined once more detailed bathymetric data are available.

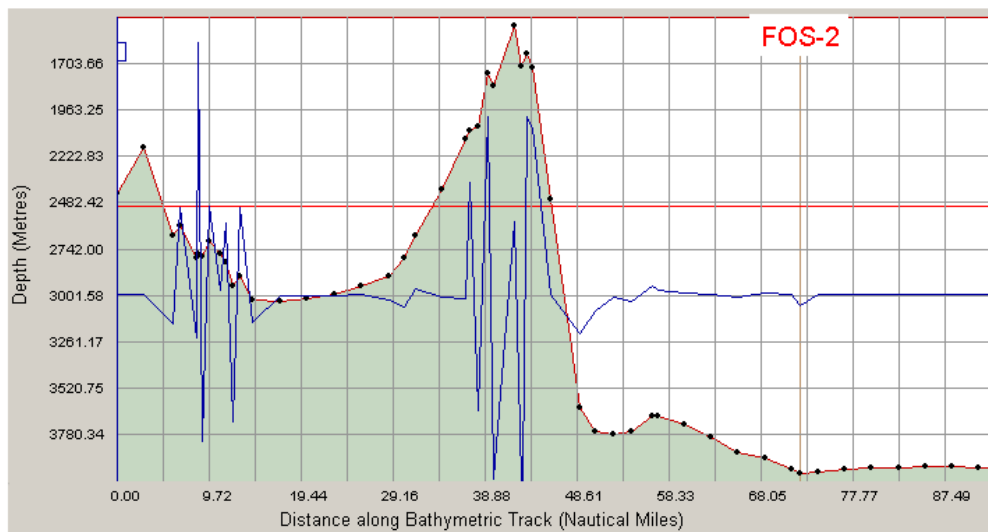
FOS 2

Regional profile – Base of Slope



Data are taken from the global ETOPO2 dataset.

Foot of slope profile



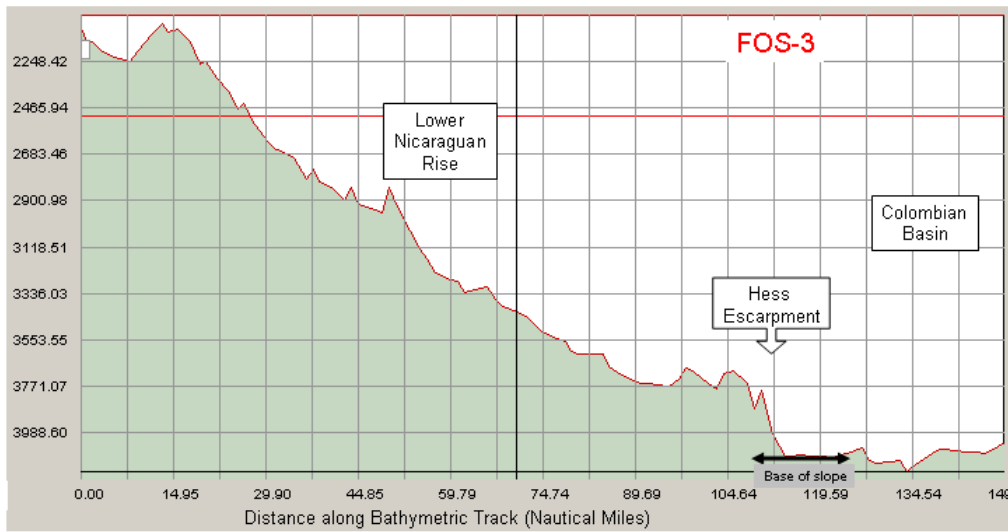
Profile GEODAS:V1817 (Blue line is change of gradient)

Discussion

FOS 2 is situated at the northern edge of the Unnamed Rise. This is an area of thickened oceanic crust that has accreted to and modified the southern edge of the Nicaraguan Rise, extending it south of the line of the Hess Escarpment.

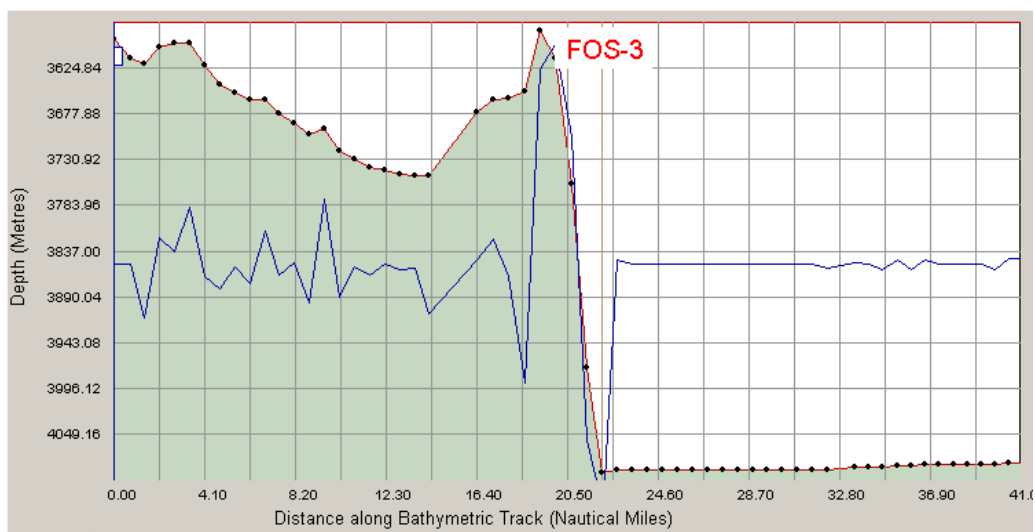
FOS 3

Regional profile – Base of Slope



Data are taken from the global ETOPO2 dataset.

Foot of slope profile



Profile GEODAS: RC1806 (Blue line is change of gradient)

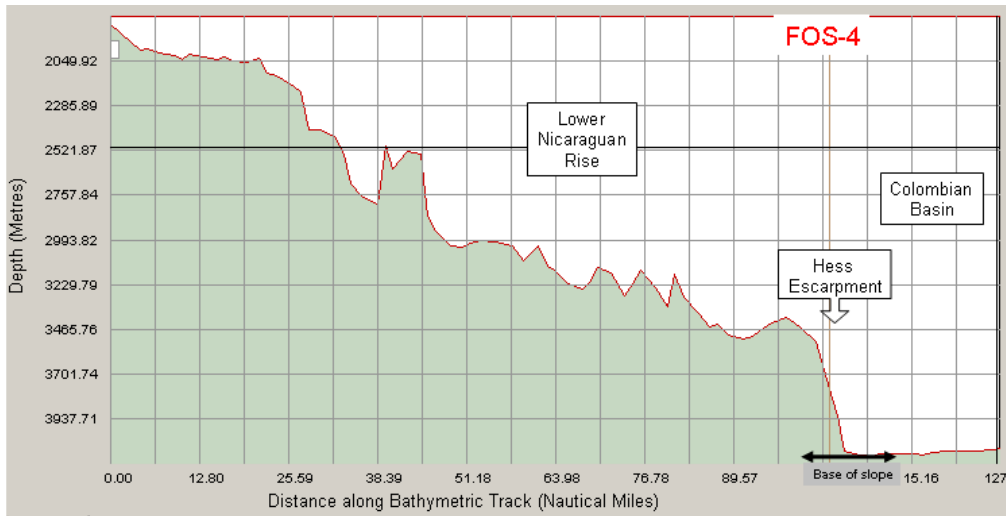
Discussion

FOS 3 is situated at the foot of the Hess Escarpment in an area where the division between the Lower Nicaraguan rise and the Colombian Basin is sharply defined.

Note that the base of slope profile (upper) is normal to the Hess Escarpment but the Geodas profile (lower) is oblique.

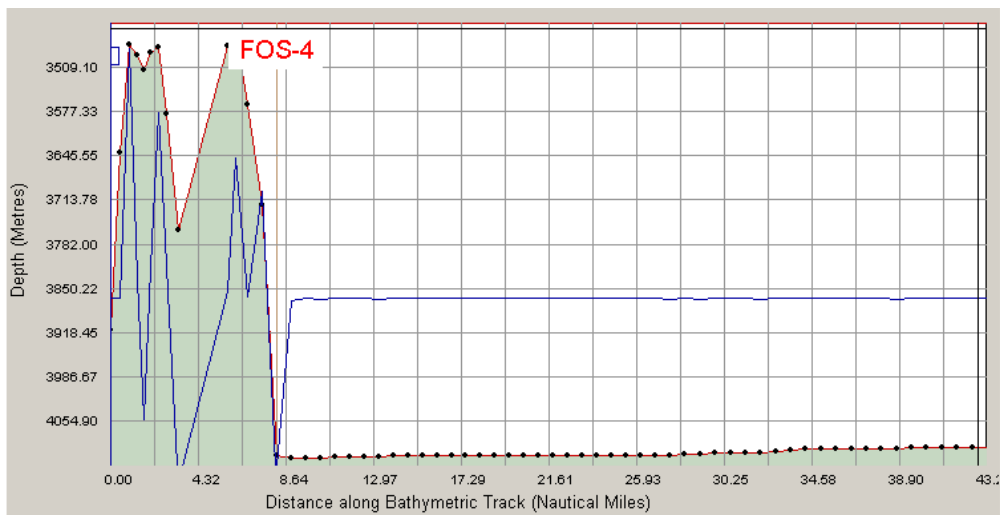
FOS 4

Regional profile – Base of Slope



Data are taken from the global ETOPO2 dataset.

Foot of slope profile

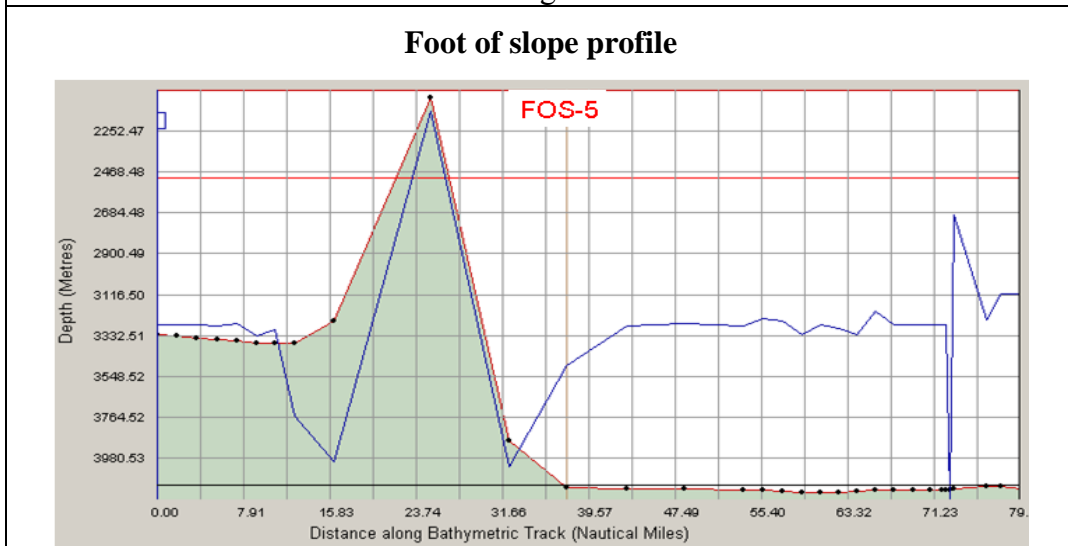
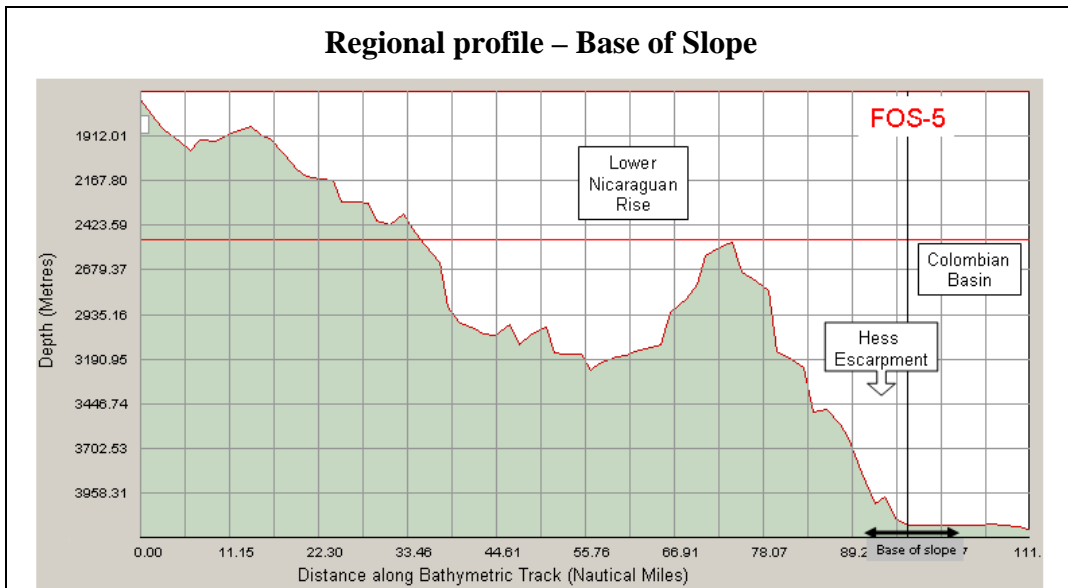


Profile GEODAS: V2808 (Blue line is change of gradient)

Discussion

FOS 4 is situated at the foot of the Hess Escarpment in an area where the division between the Lower Nicaraguan rise and the Colombian Basin is sharply defined.

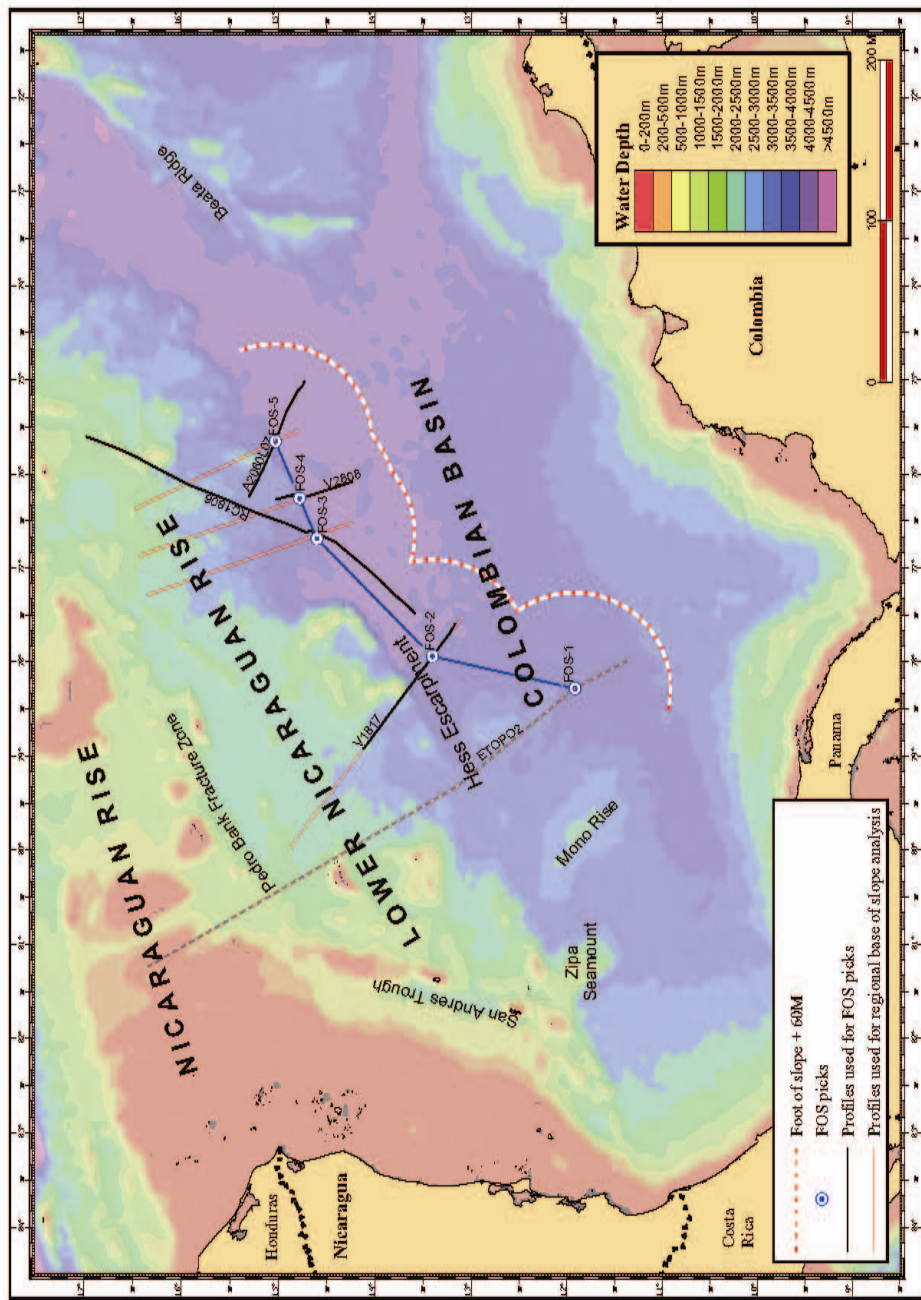
FOS 5



Discussion

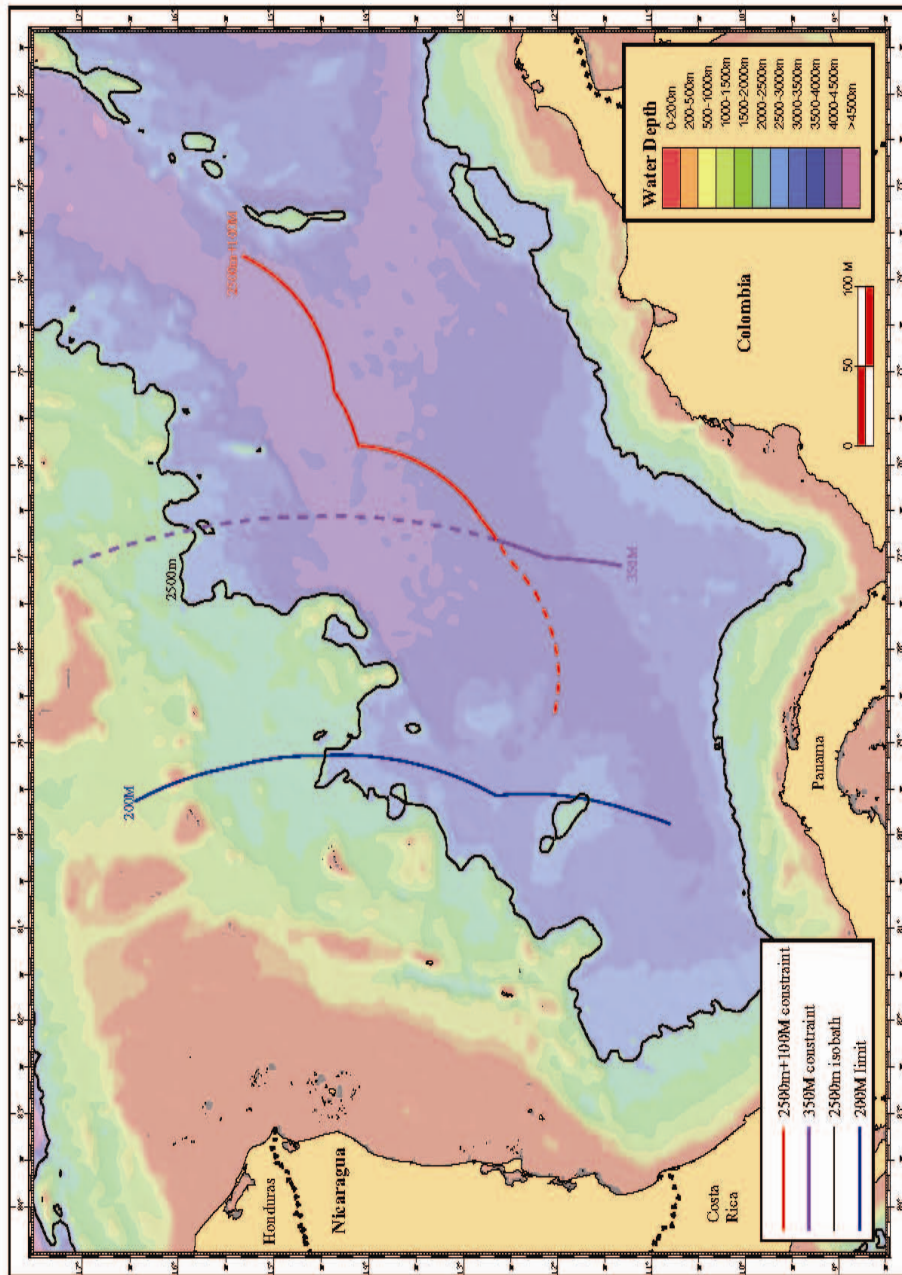
FOS 5 is situated at the northeastern end of the Hess Escarpment in an area where the division between the Lower Nicaraguan Rise and the Colombian Basin is sharply defined.

Note that the foot of the slope pick is based on evidence to the contrary as it does not correspond to the maximum change of gradient.

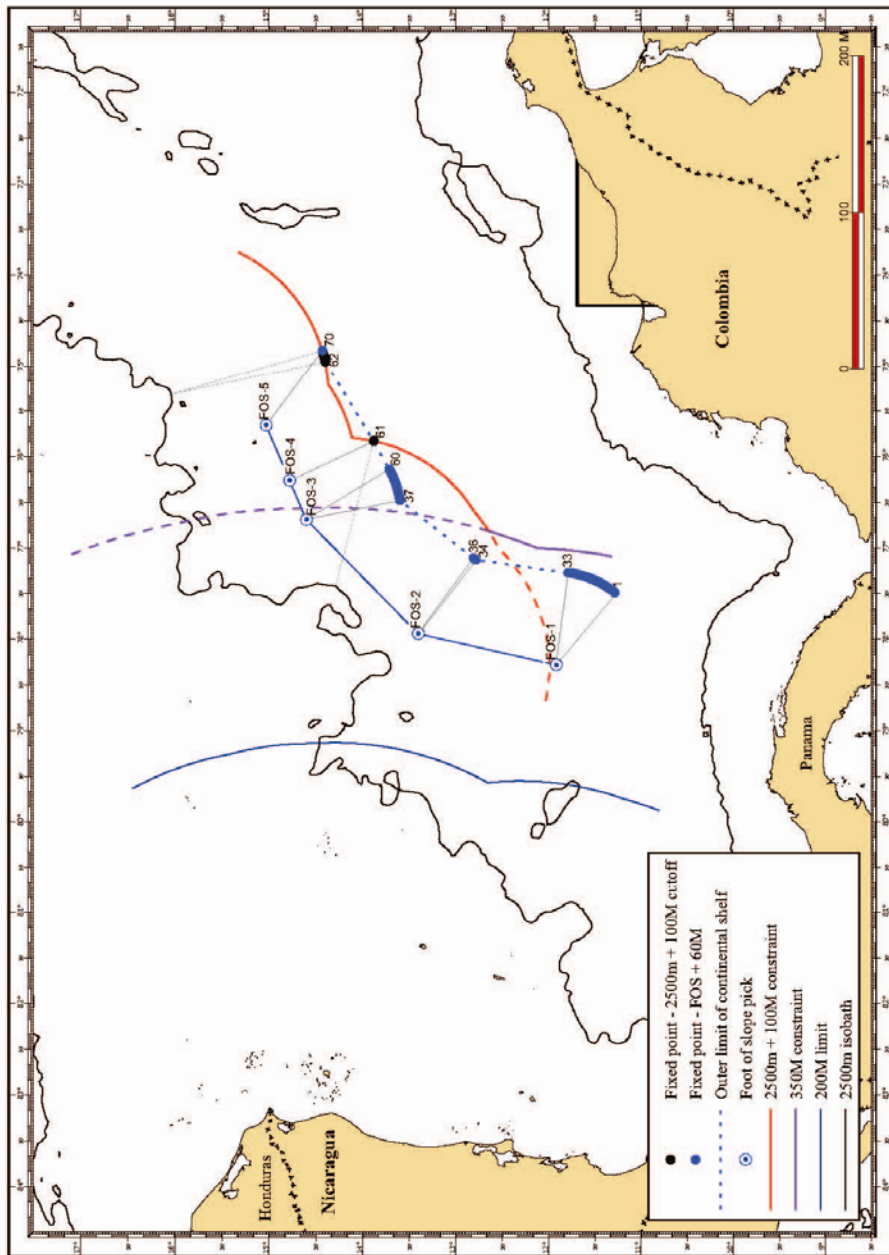


Foot of Slope and FOS+60M

Figure A1



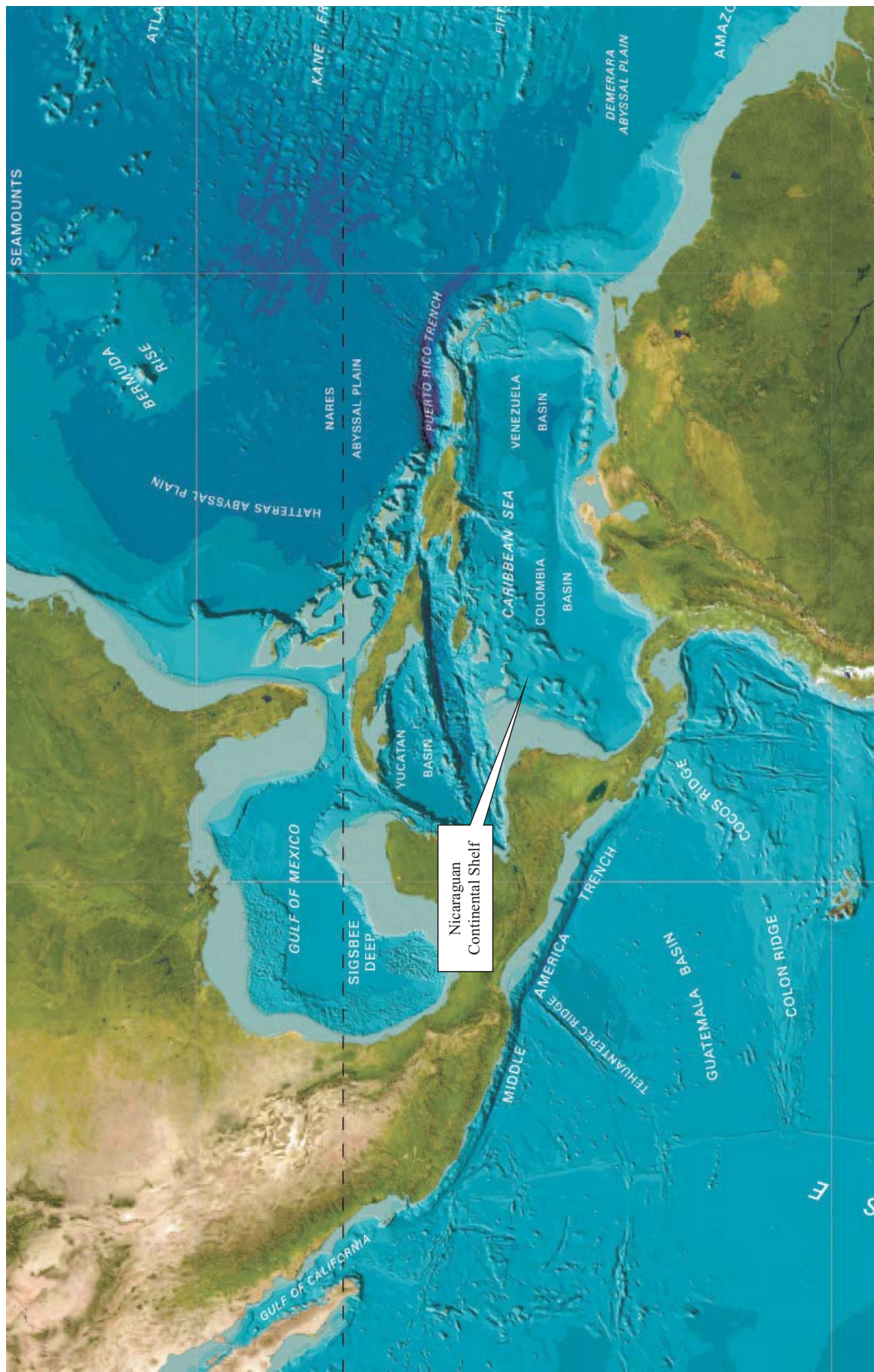
Outer Limit Constraints
Figure A2



Outer Limit of Nicaraguan Continental Shelf
Figure A3

PART II
FIGURES

FIGURE 1



Extract from General Bathymetric Chart of the Oceans (GEBCO) World Map.
Available from http://www.gebco.net/data_and_products/hard_copy_charts/

Regional Bathymetry of Central America
and the Caribbean Sea

FIGURE 1-1

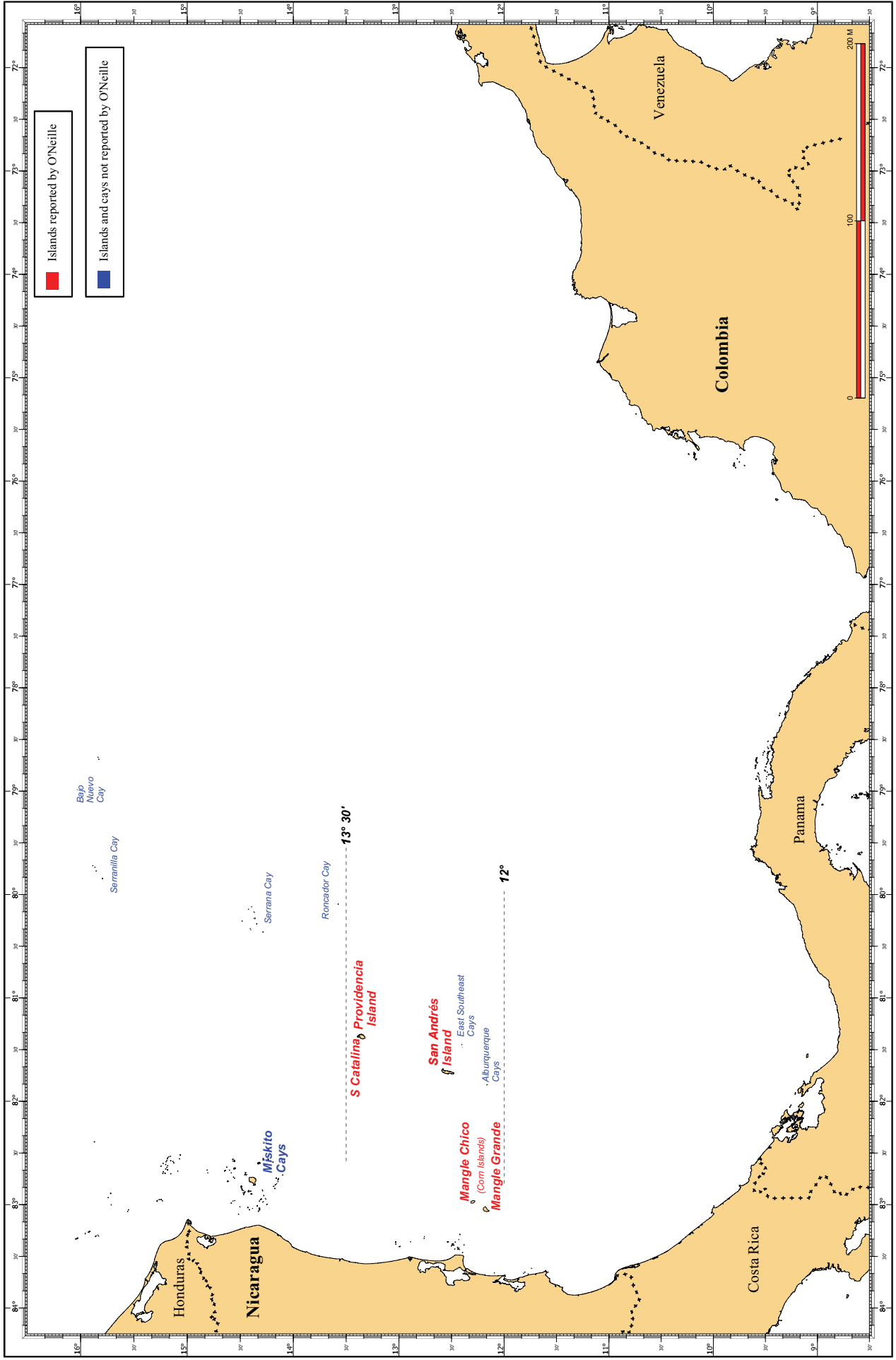


FIGURE 1-2

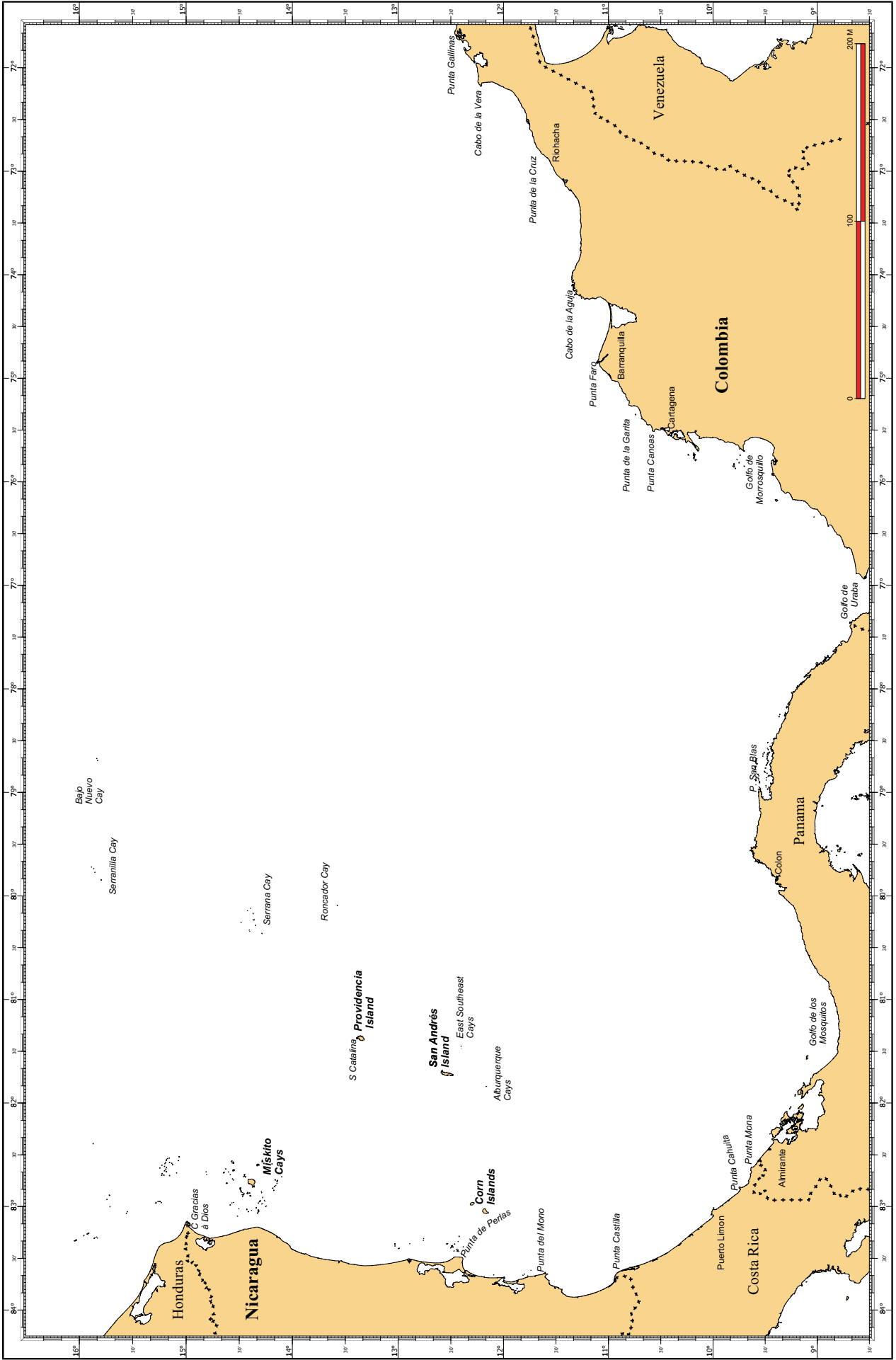
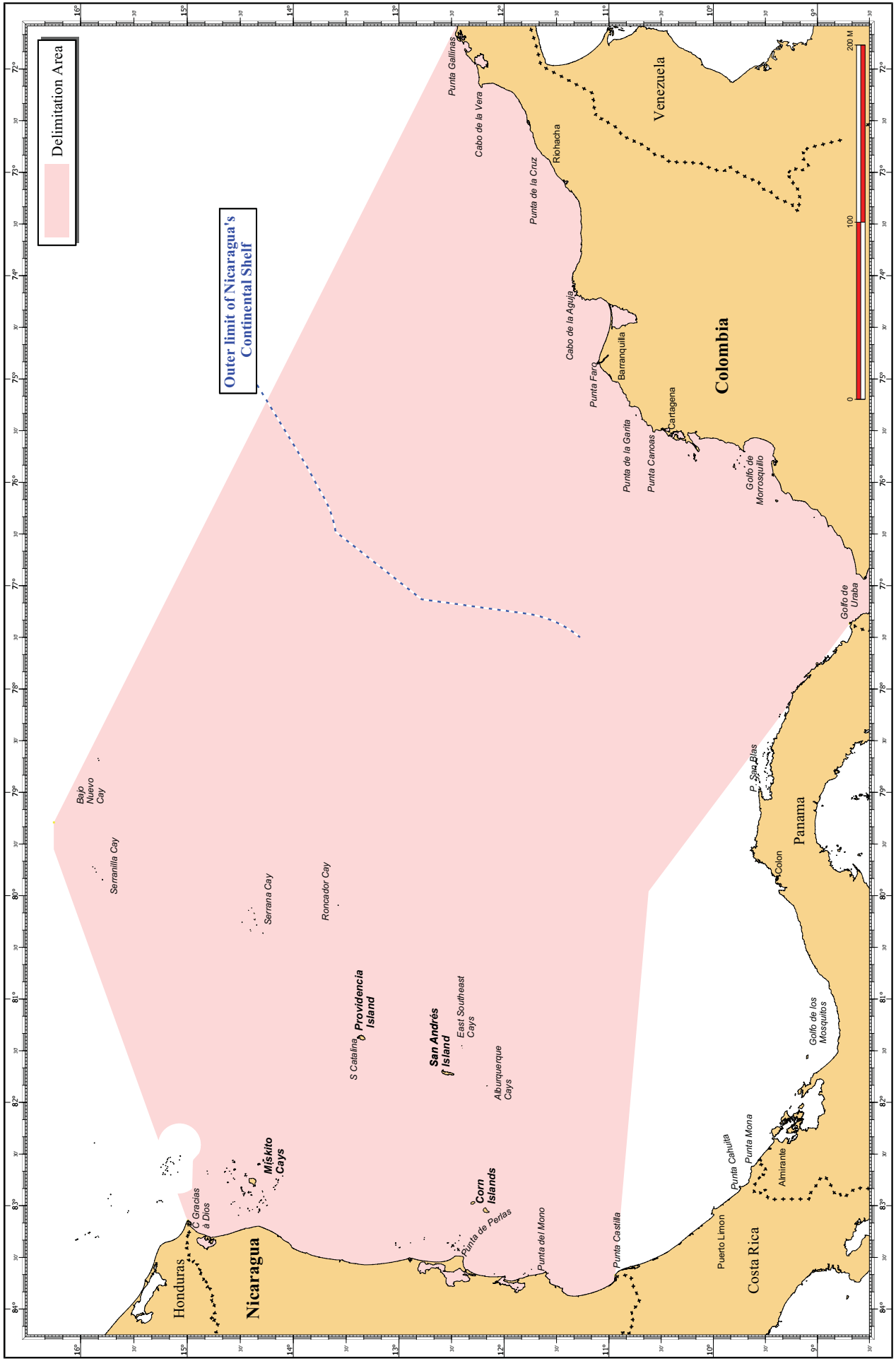


FIGURE 3-1



Based on NM Figure 1

FIGURE 3-2

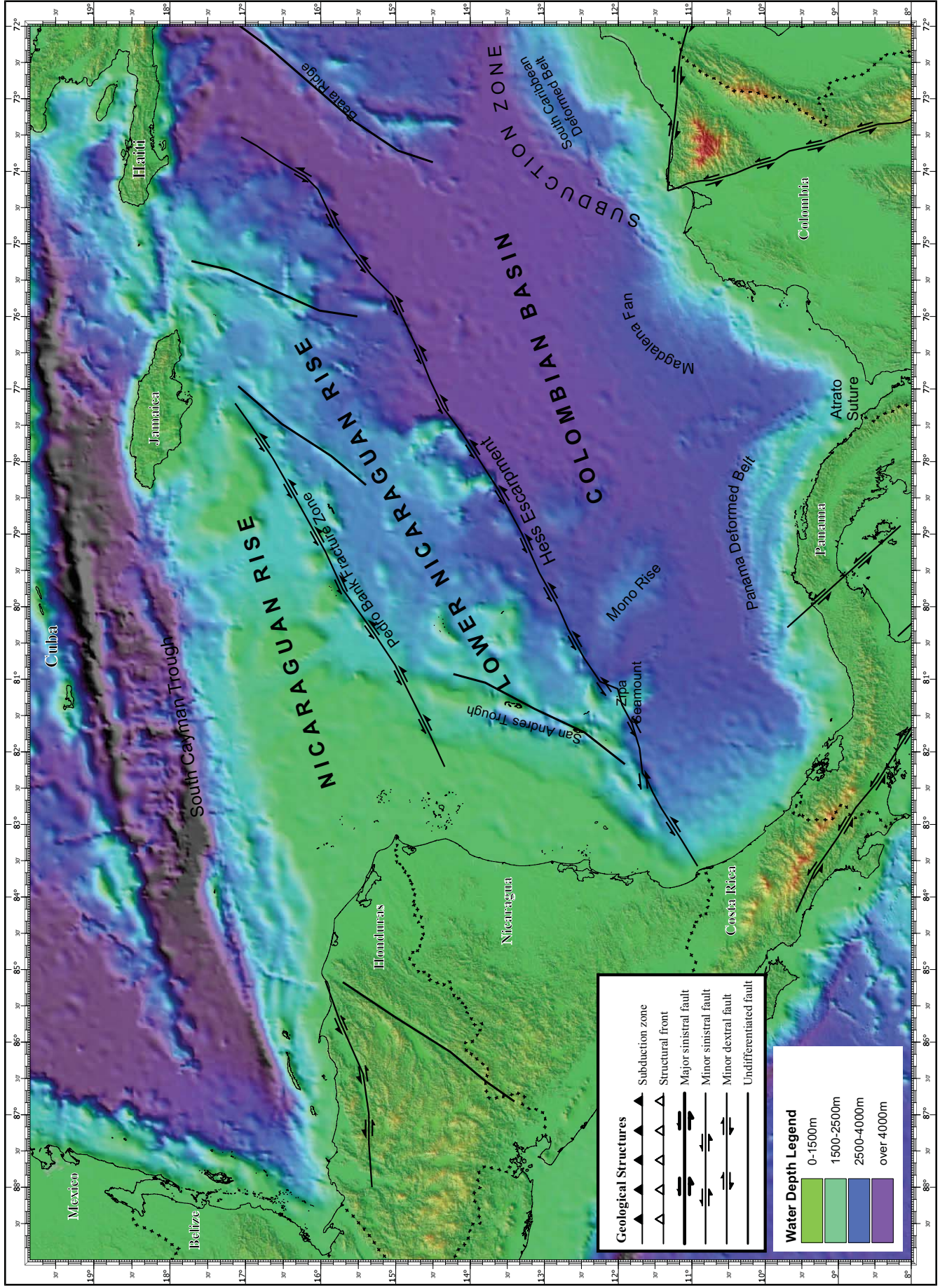
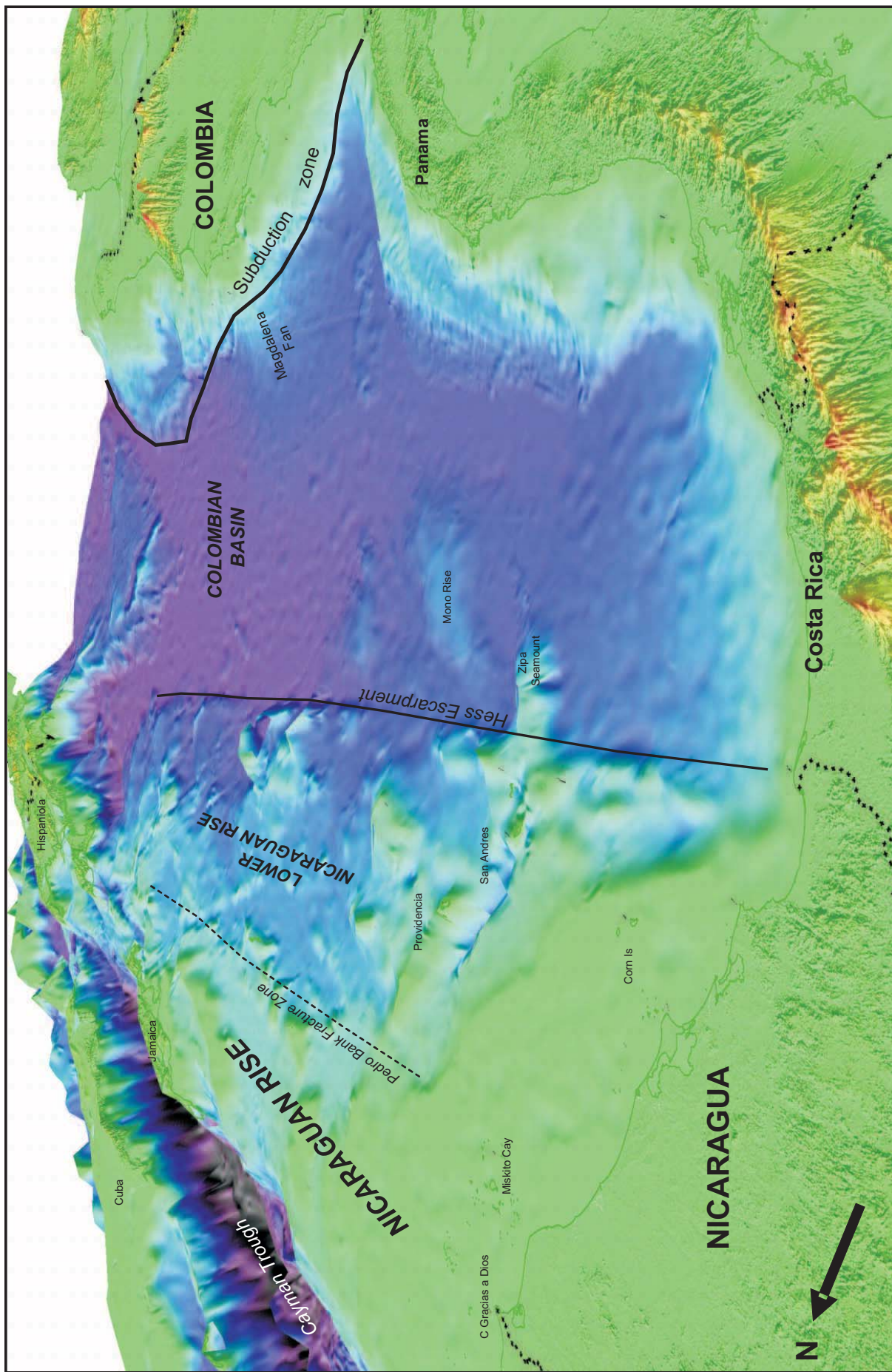


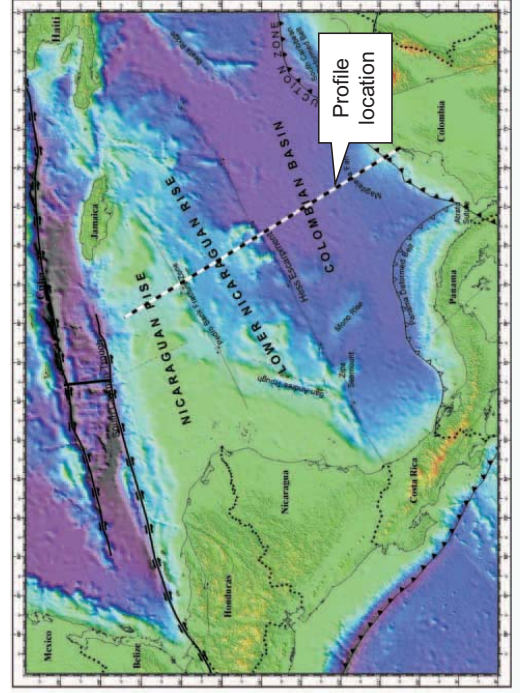
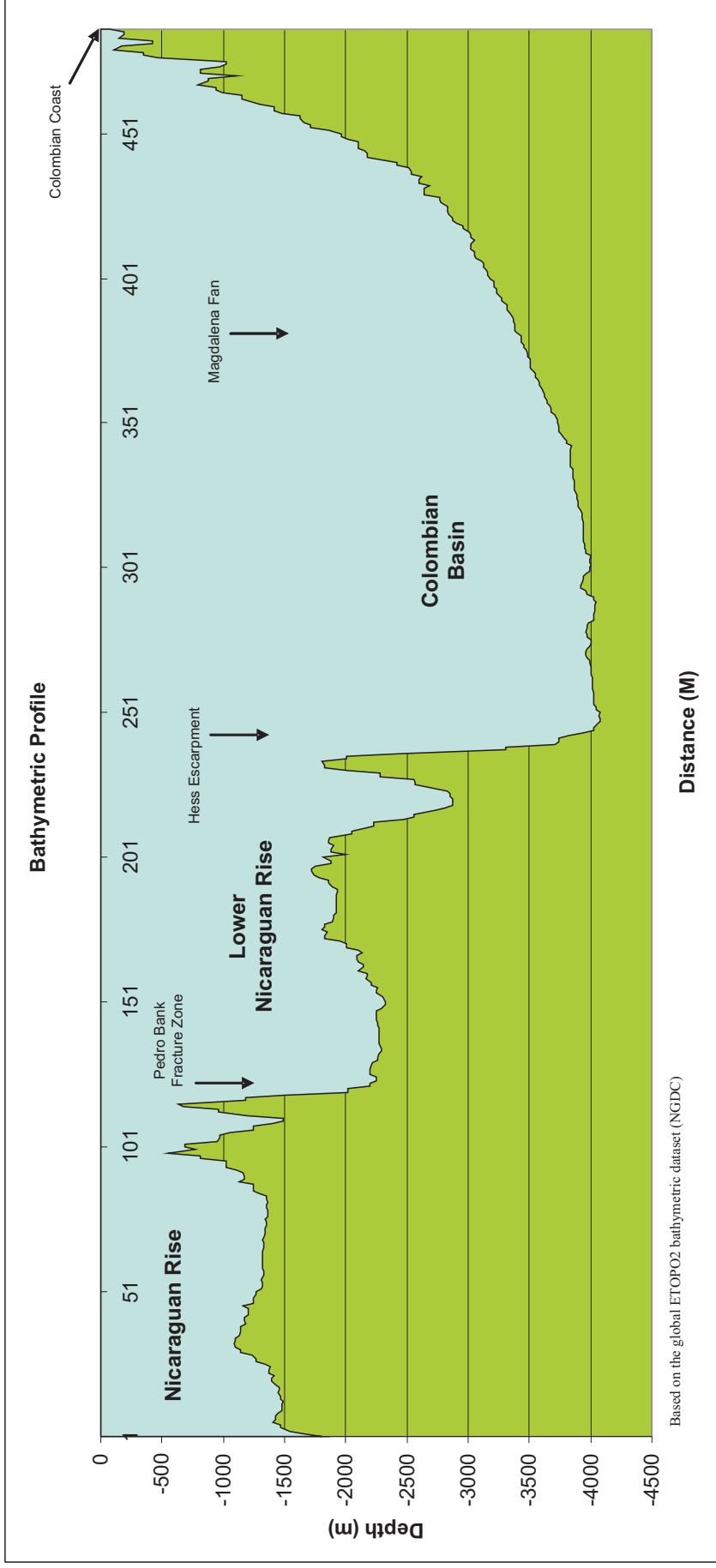
FIGURE 3-3



Perspective view of the SW Caribbean.
Based on ETOPO2 – public domain bathymetric dataset

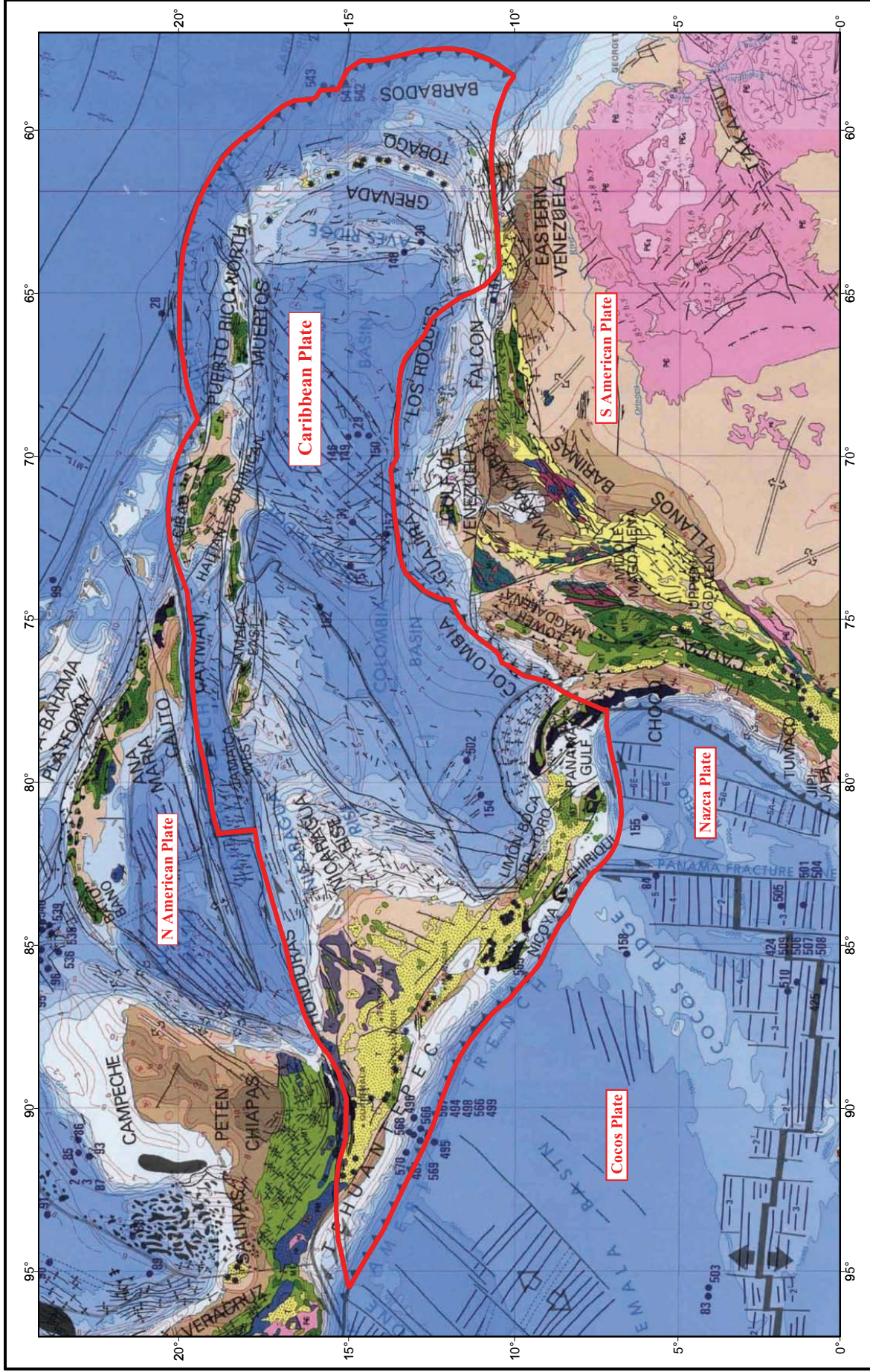
Regional Geomorphology of the SW Caribbean – perspective view

FIGURE 3-4



Bathymetric Profile across the Nicaraguan Rise and Colombian Basin

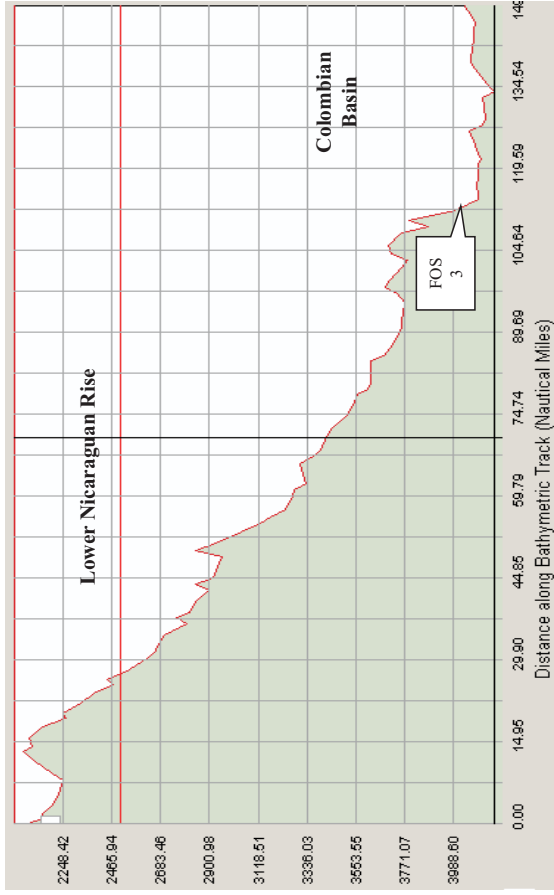
FIGURE 3-5



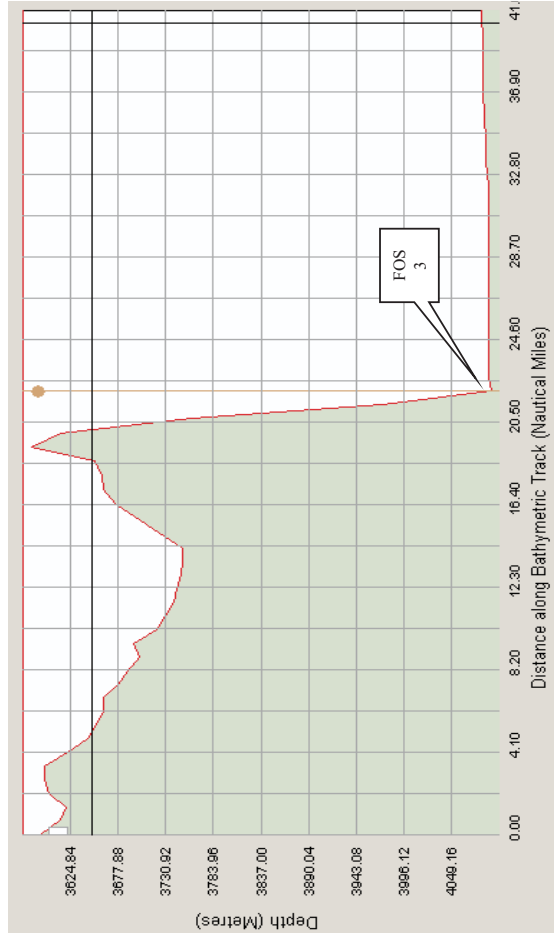
Background map is an extract from the Exxon Tectonic Map of the World (AAPG, 1985).
Caribbean Plate emphasised in red.

Geological Structure of the Caribbean

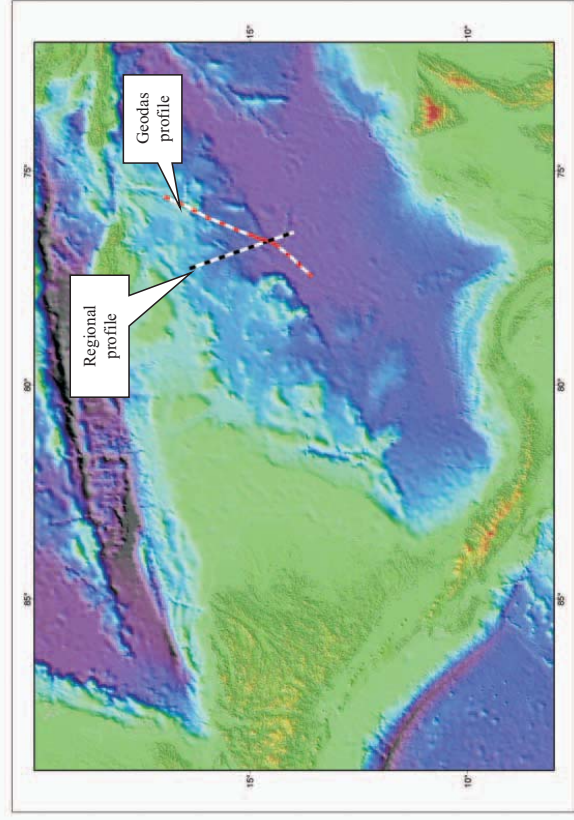
FIGURE 3-6



A. Regional profile across the Lower Nicaraguan Rise (ETOPO2 dataset)



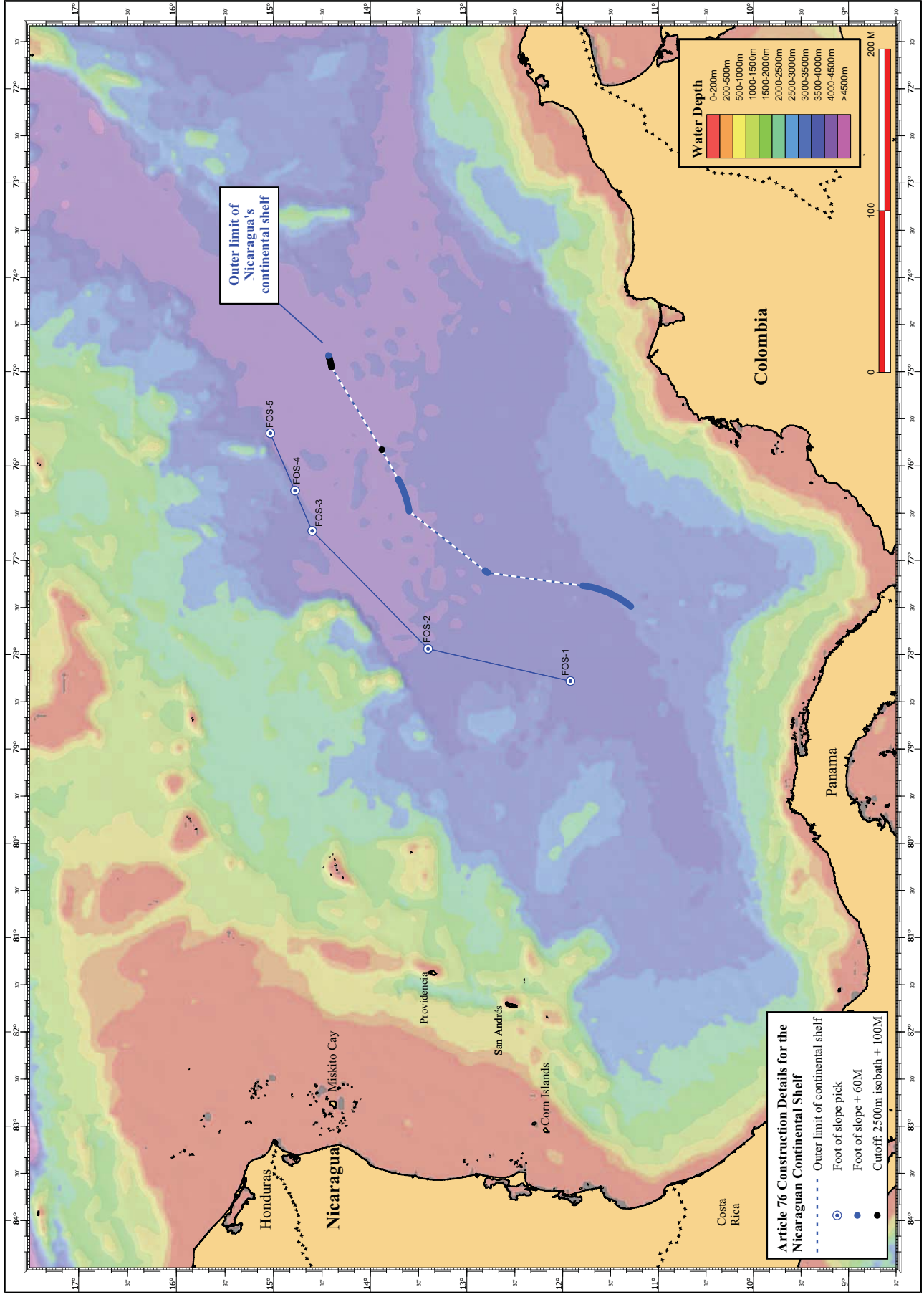
B. Detail of the Foot of Slope (FOS) profile (Geodas profile RC 1806) selected at the maximum change of gradient at the base of the slope



C. Location of profiles

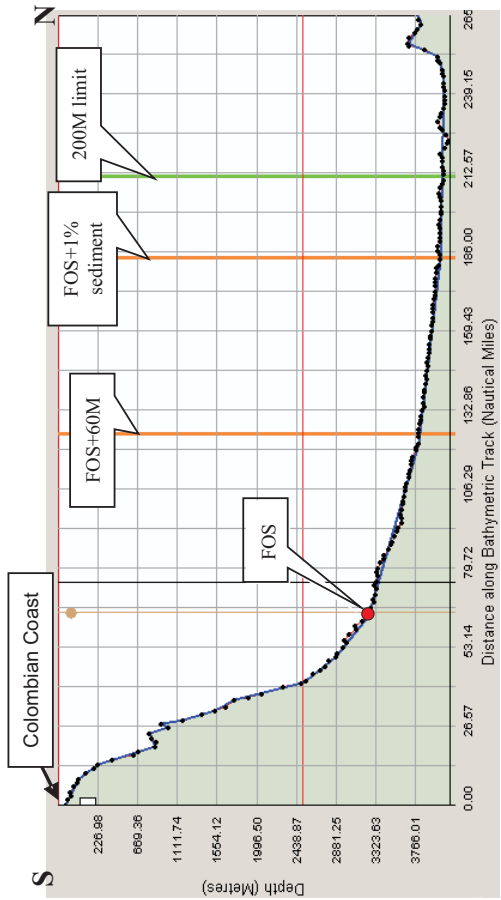
Example of the Methodology used for one of the Nicaraguan Foot of Continental Slope Picks (FOS No 3)

FIGURE 3-7



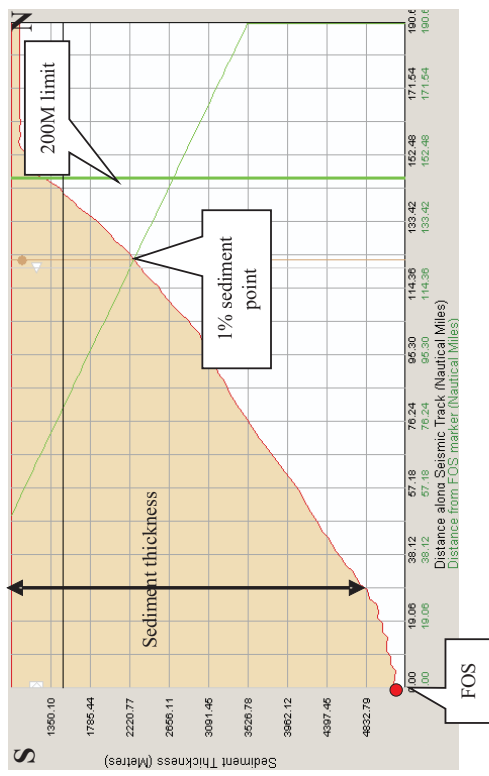
Construction Details of the Outer Limit of the Nicaraguan Continental Shelf

FIGURE 3-8



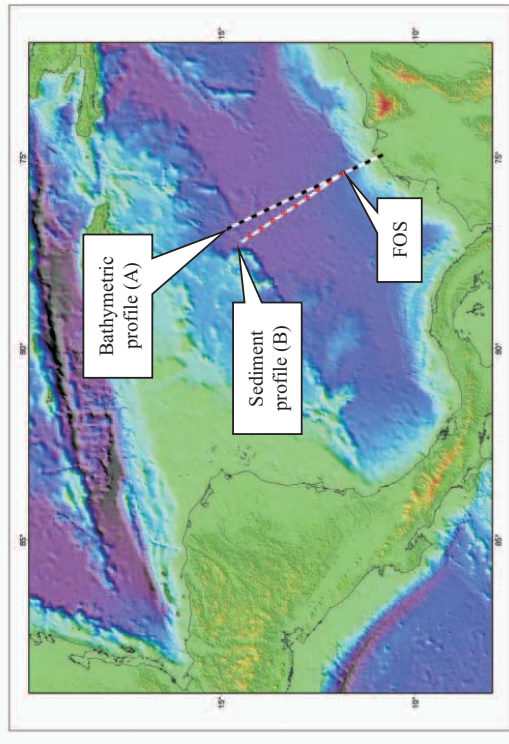
A. Regional profile across the Magdalena Fan, Colombian Margin (ETOPO2 dataset)

The foot of slope (FOS) is picked at the point where the bathymetric gradient becomes less than 1°, typical of the continental rise.



B. Sediment thickness calculation (NGDC dataset)

At the 1% sediment point the sediment thickness is 2.22km and is located 222km (120M) from the foot of the slope, thus satisfying the provisions of article 76, 4a(i). This point is located about 20M inside the Colombian 200M limit.



C. Location of profiles

Example Foot of Slope and Sediment Thickness Calculations for the Colombian Continental Margin

FIGURE 3-9

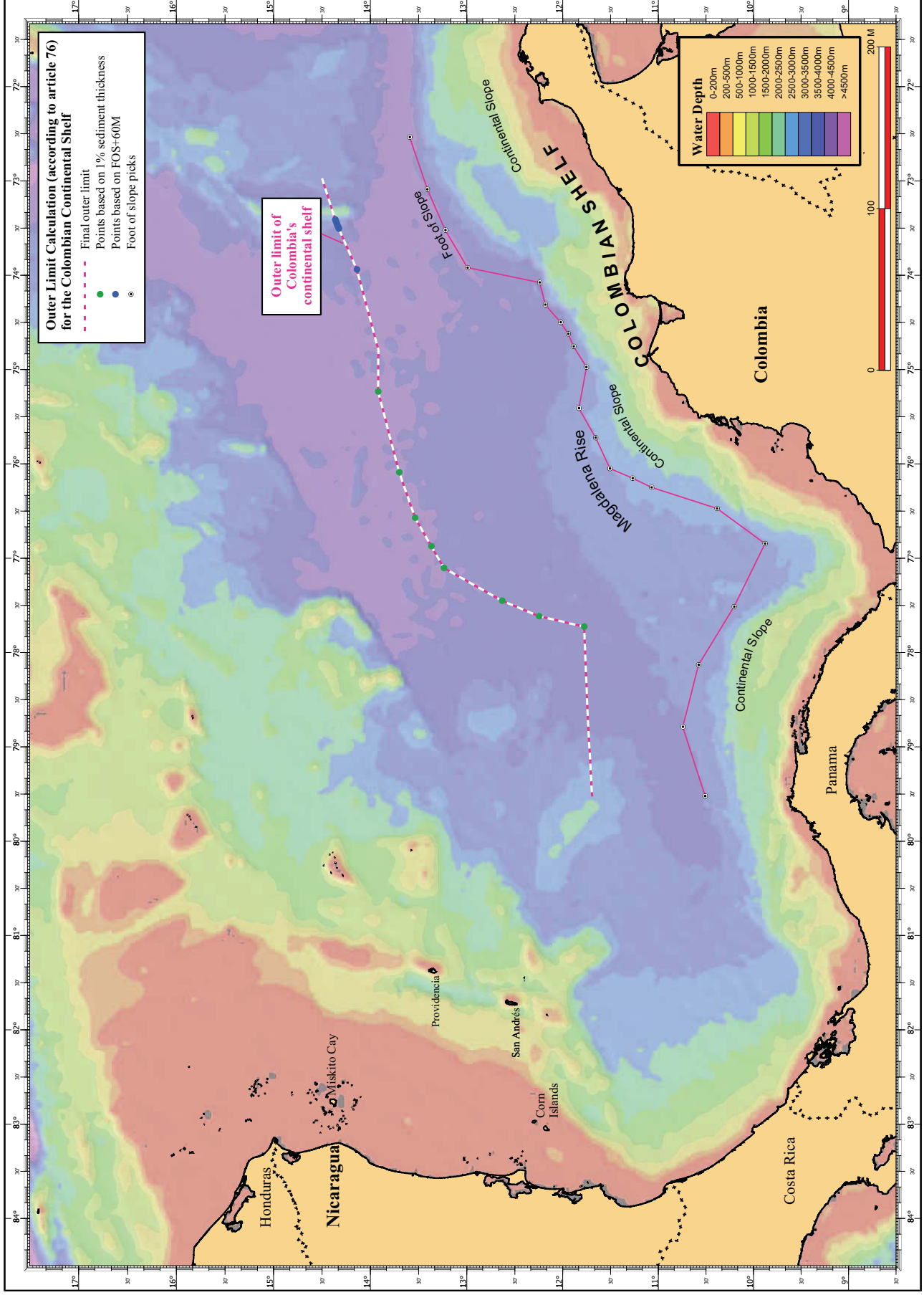


FIGURE 3-10

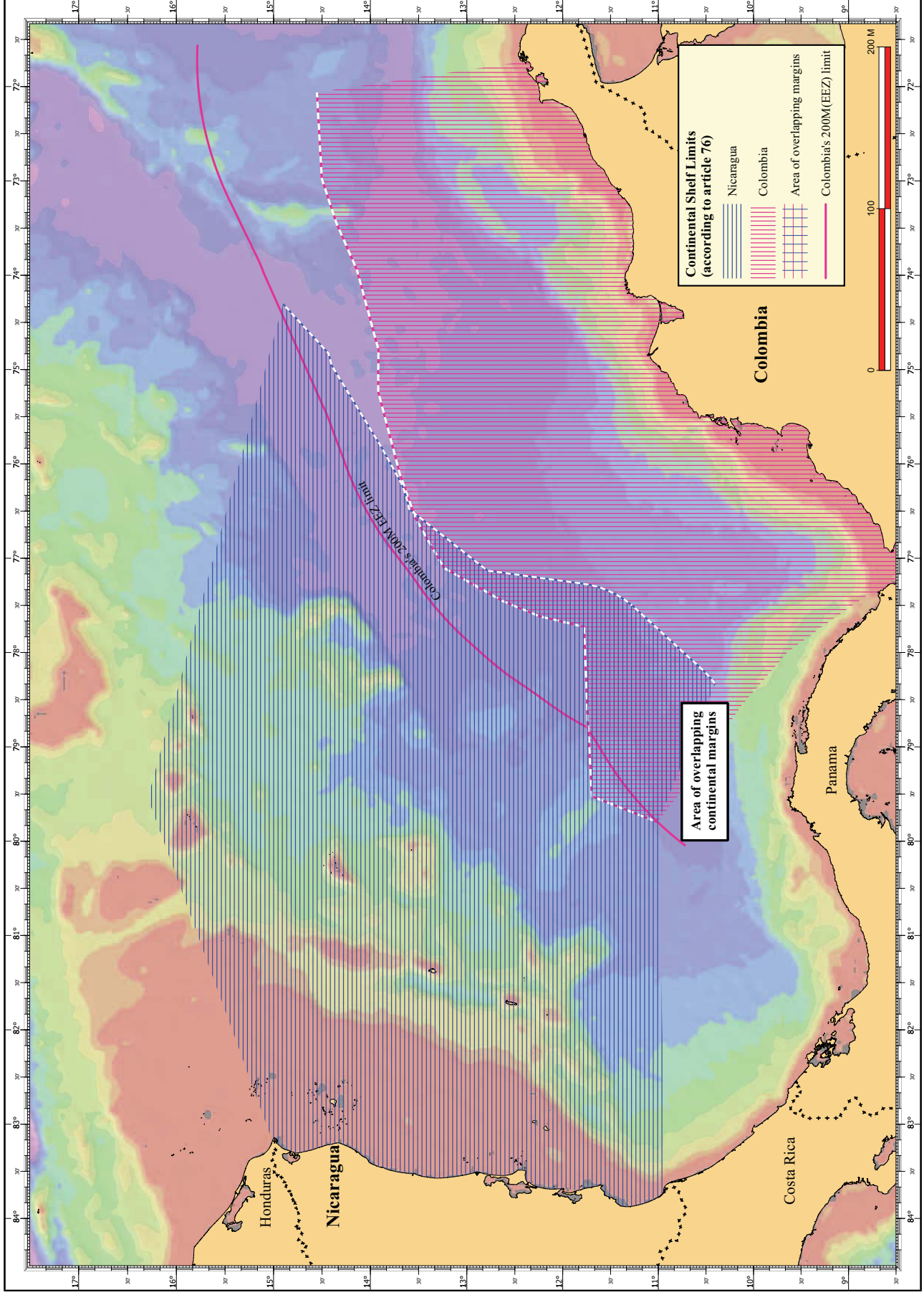


FIGURE 3-11

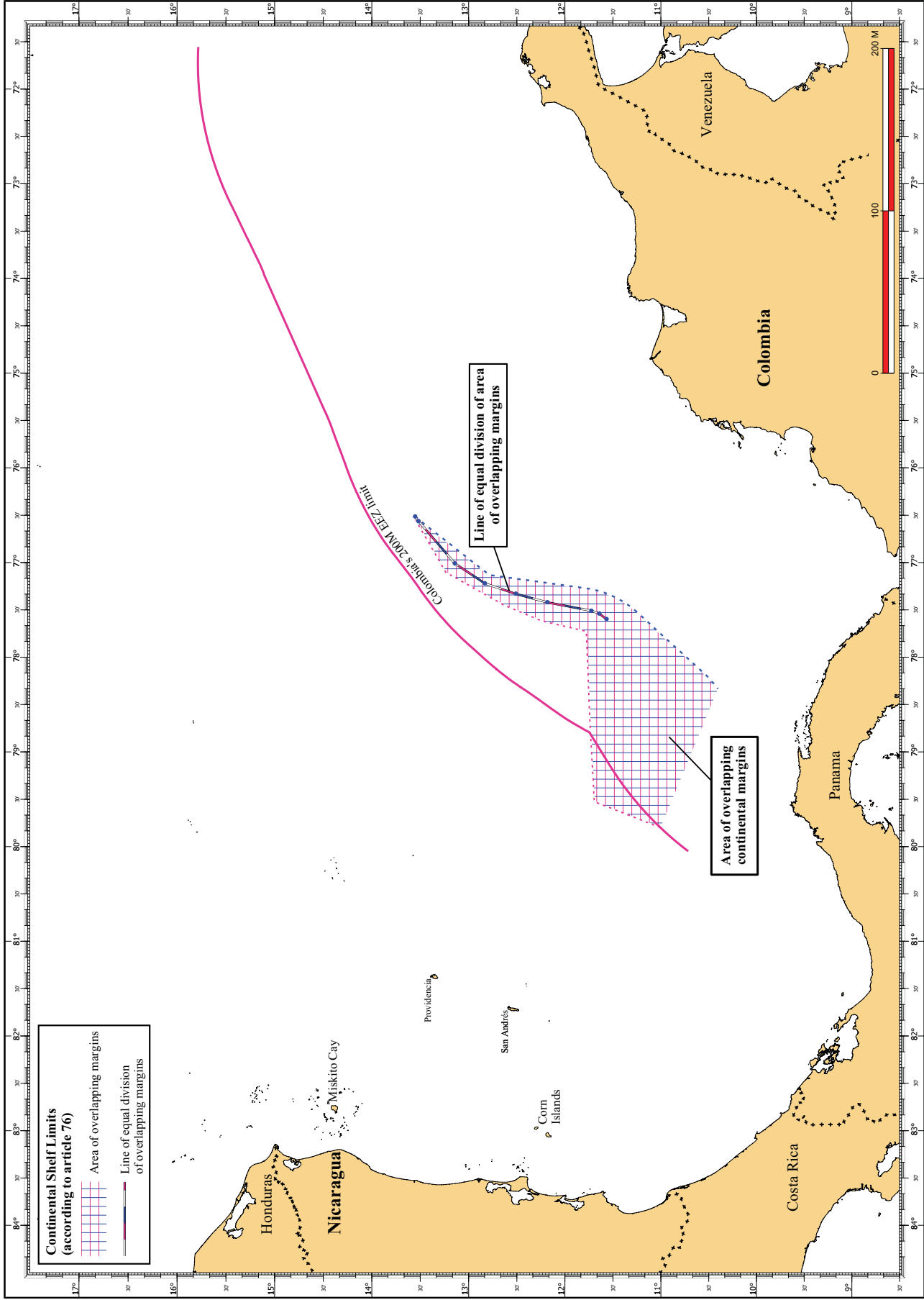


FIGURE 4-1

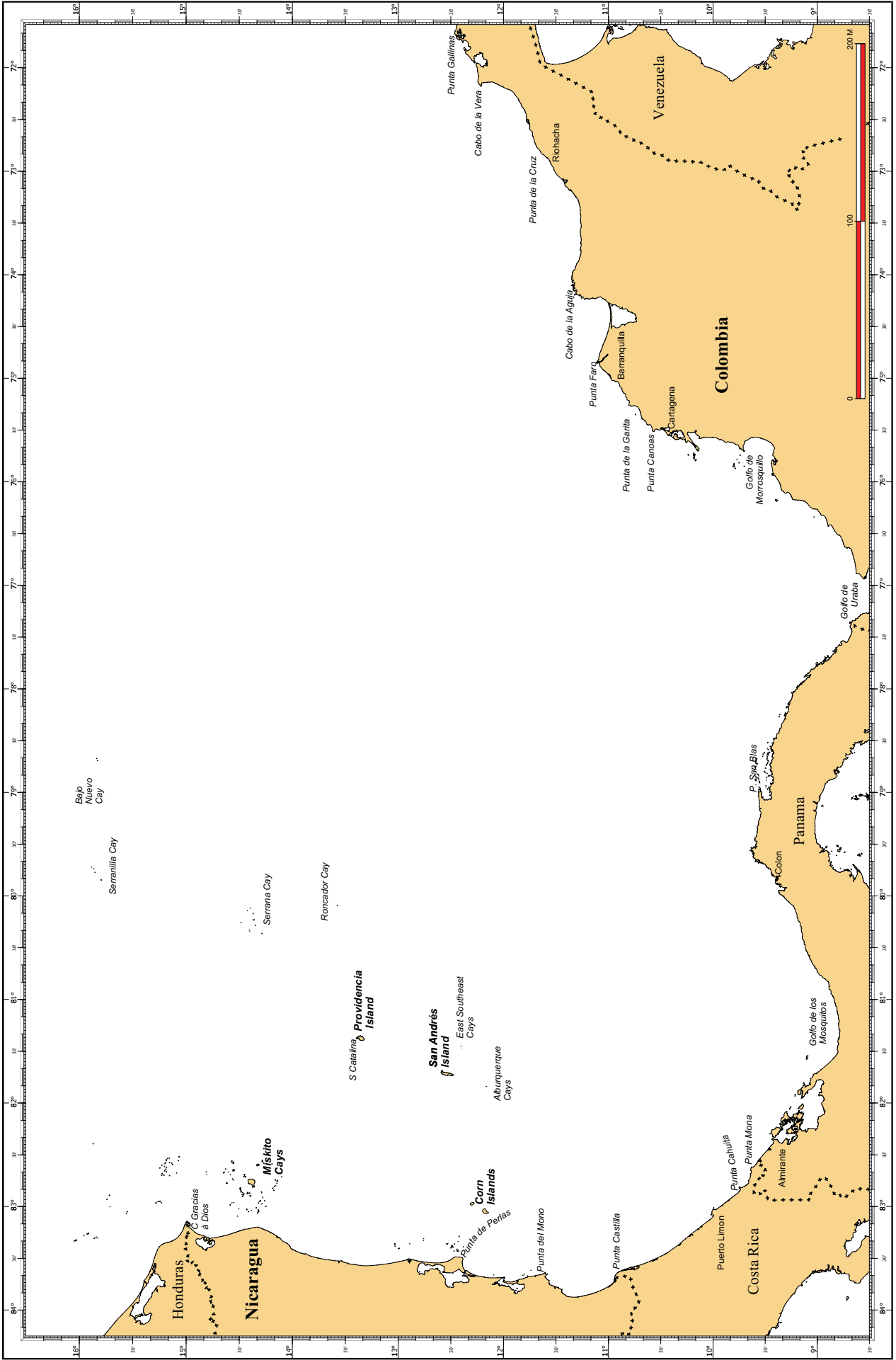


FIGURE 4-2

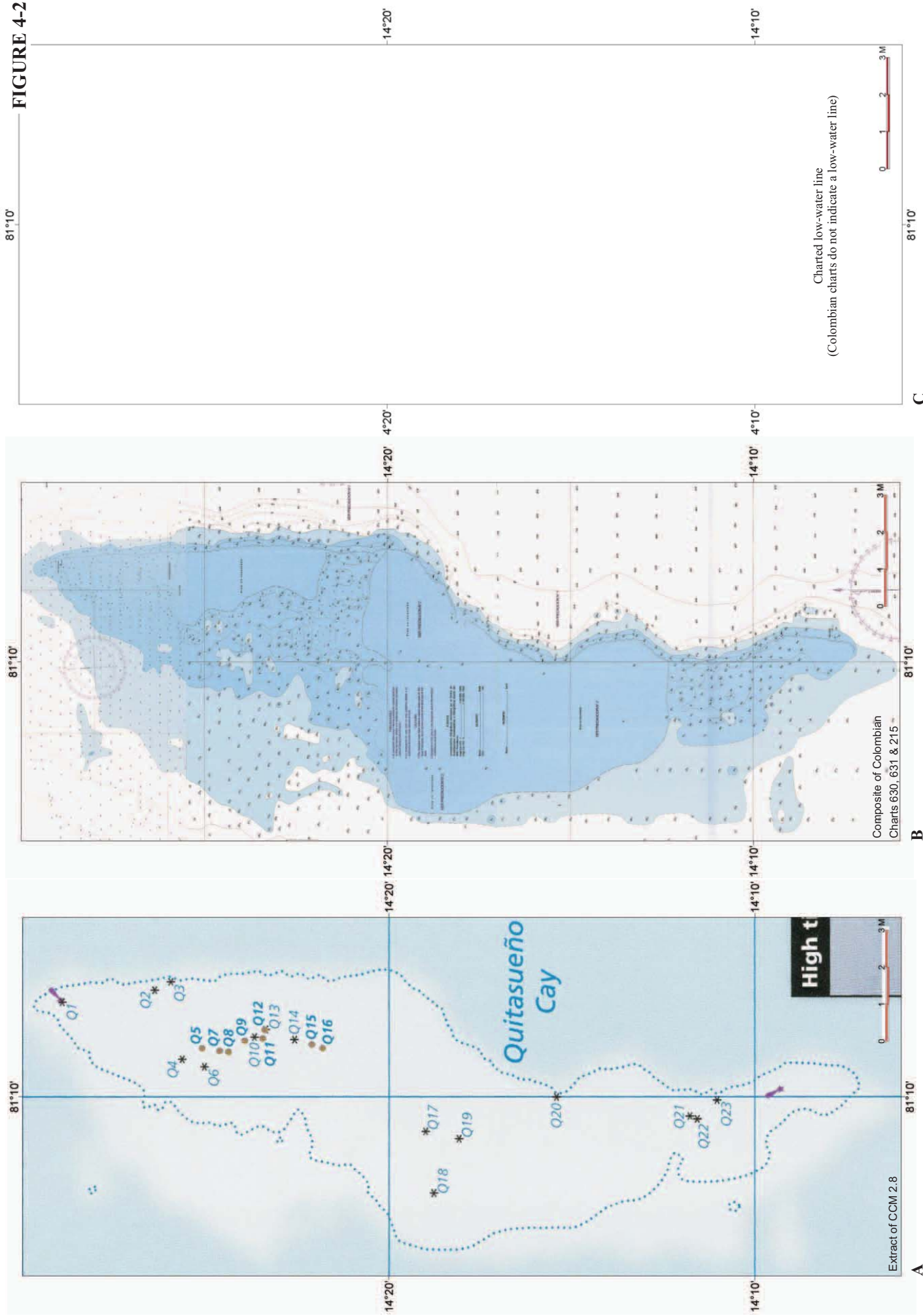
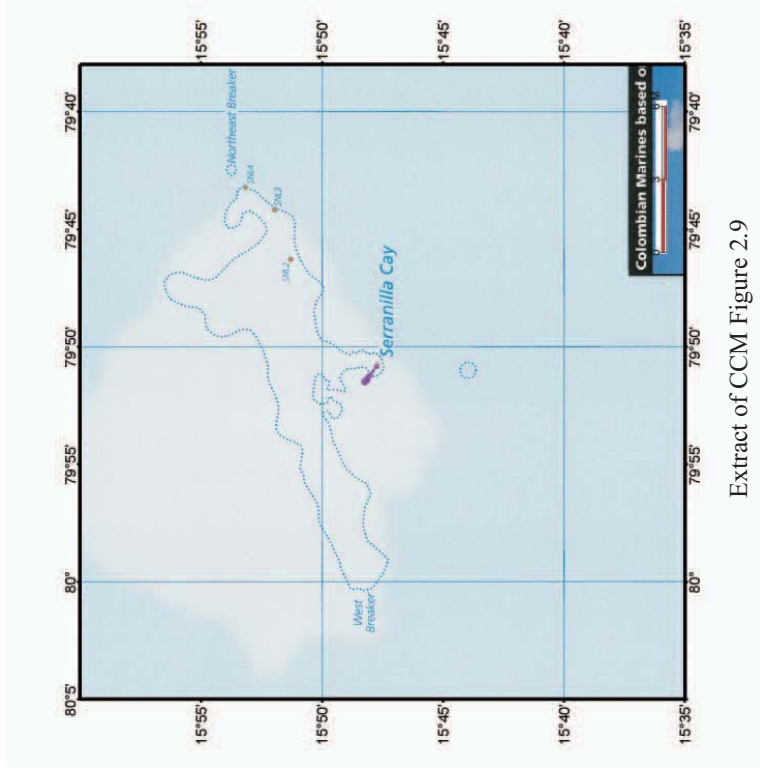
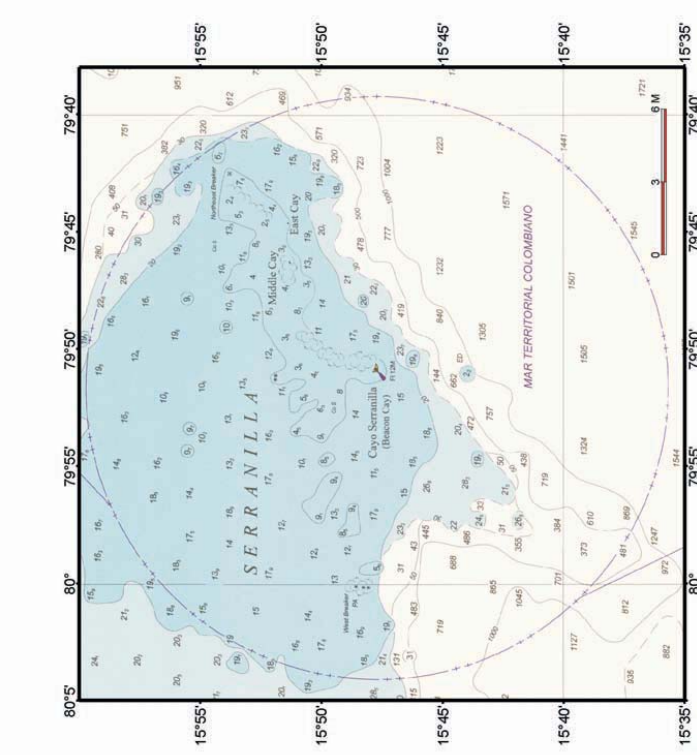


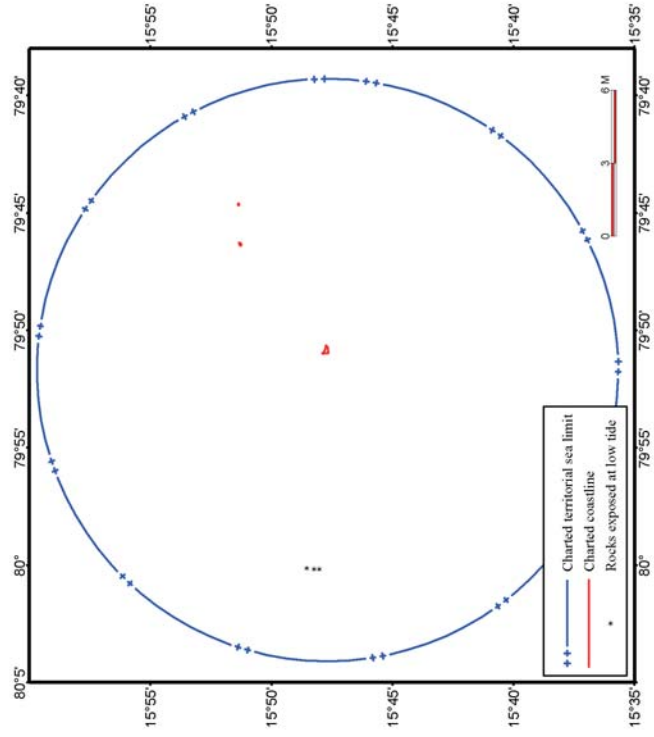
FIGURE 4-3



Extract of CCM Figure 2.9

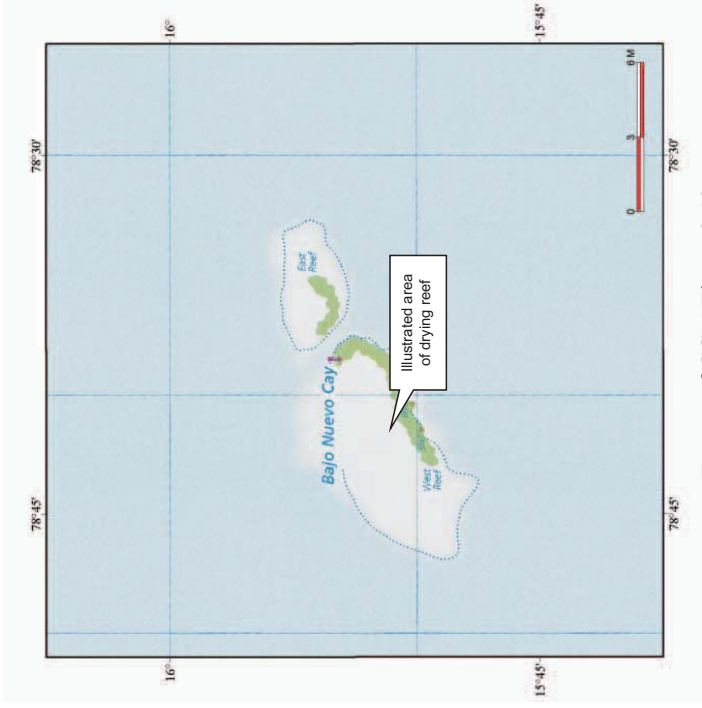


Colombian Chart 46

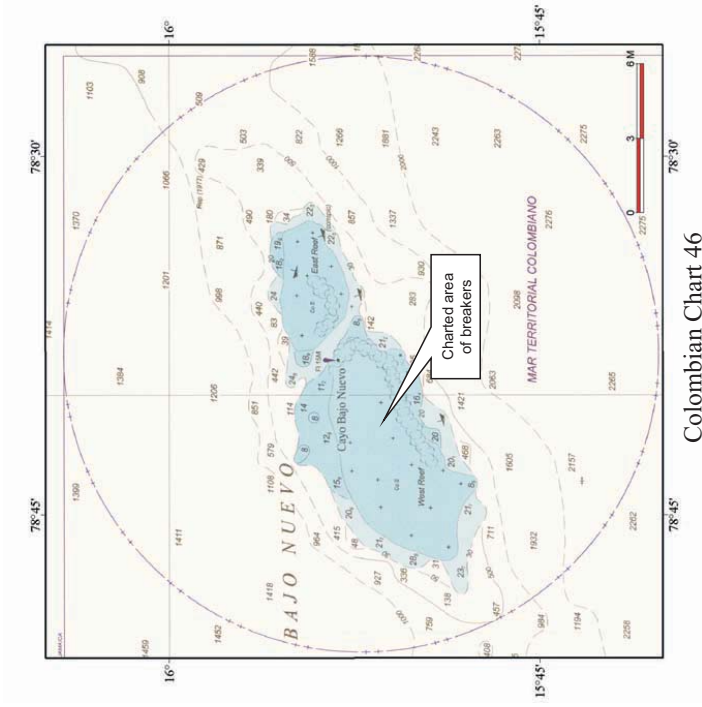


Low-water line and 12 nautical mile territorial sea on Serranilla according to Colombian official chart

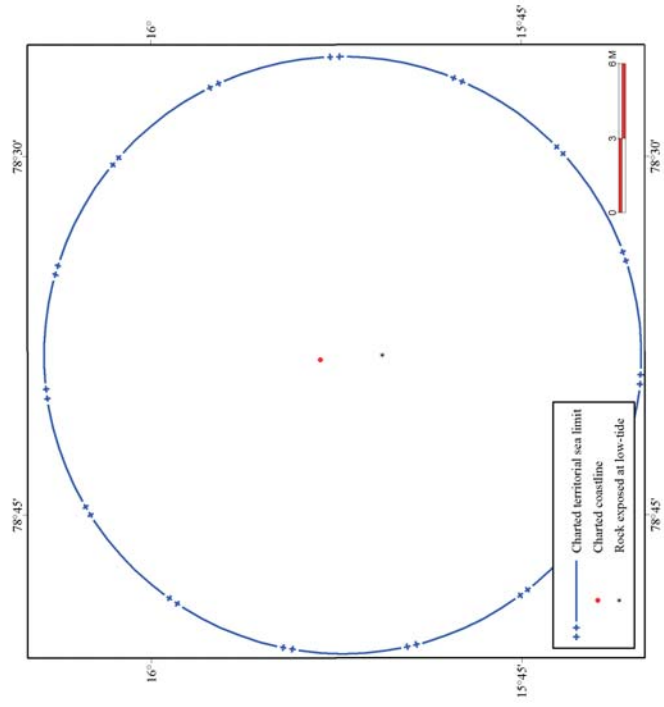
FIGURE 4-4



Extract of CCM Figure 2.10

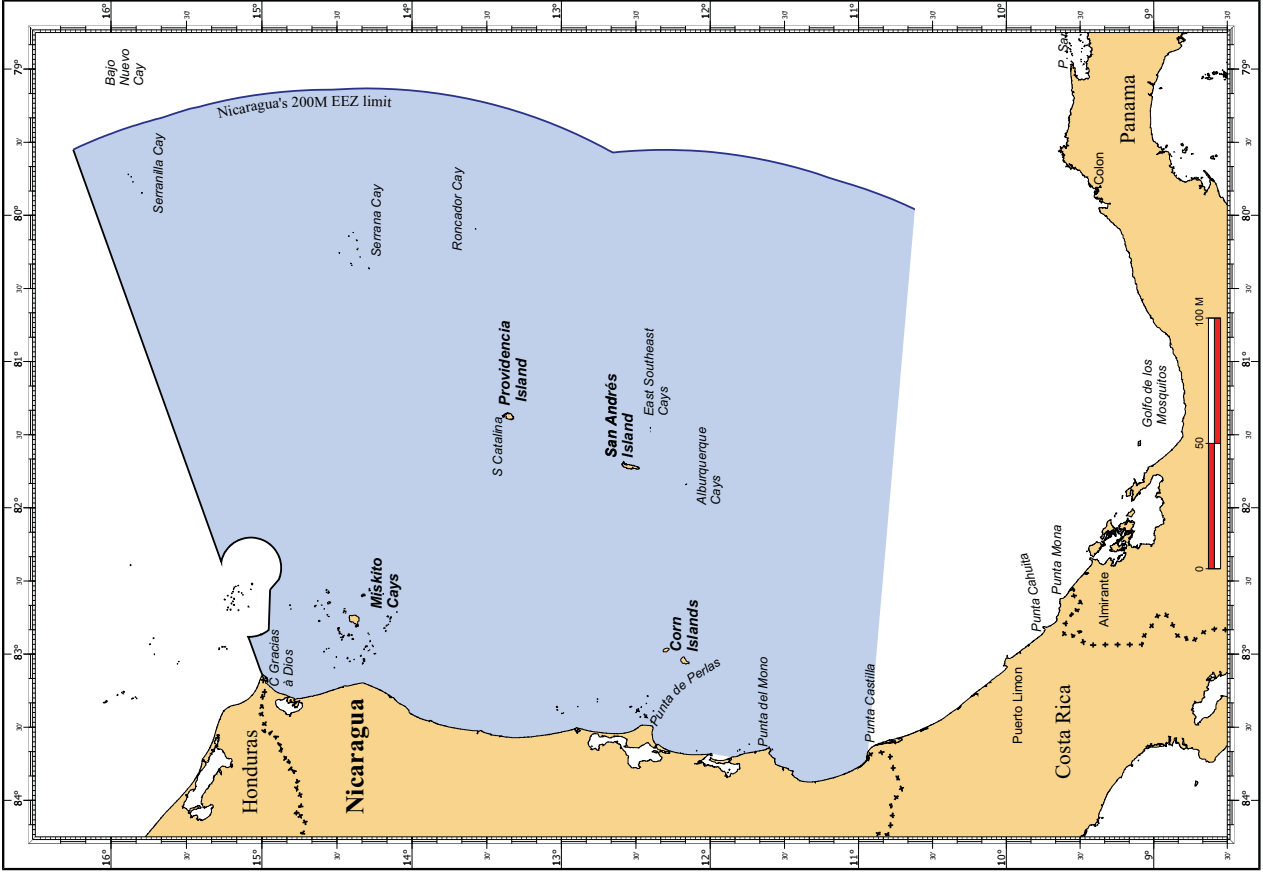


Colombian Chart 46



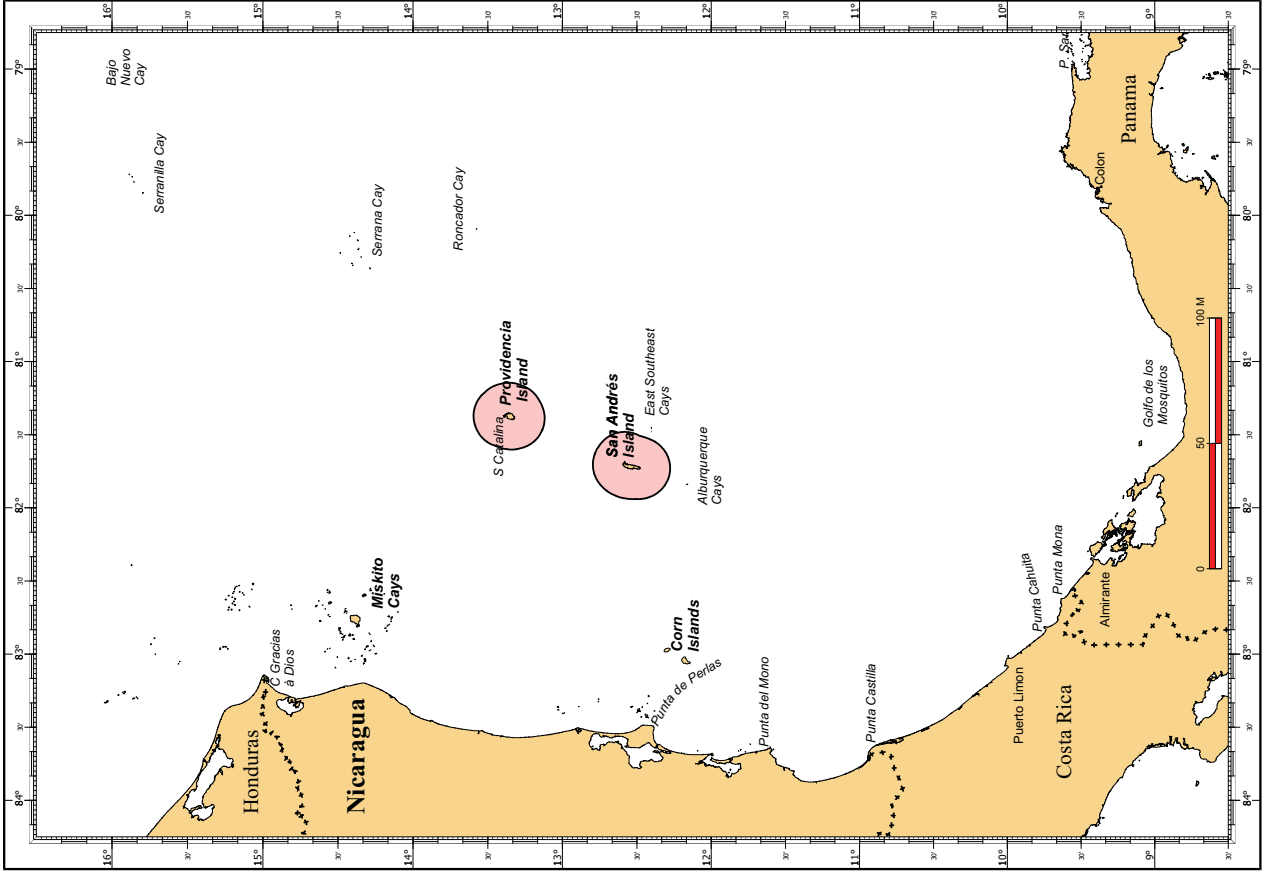
Low-water line and 12-nautical-mile territorial sea on Bajo Nuevo according to Colombian official chart

FIGURE 4-5



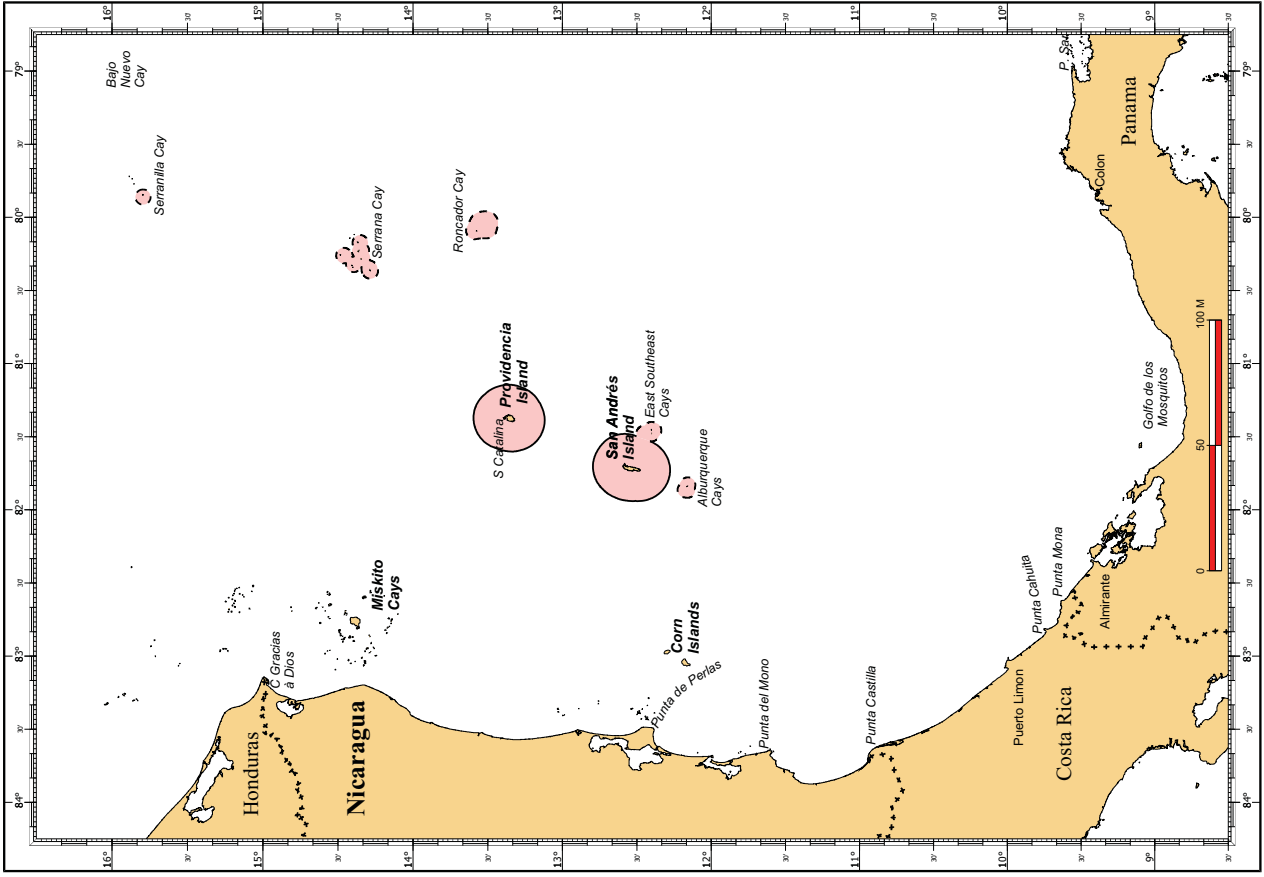
Nicaragua's Potential EEZ Entitlement

FIGURE 5-1



12 nautical mile Enclaves for Colombian Islands

FIGURE 5-2



12 and 3 nautical mile Enclaves for Colombian Islands and Cays

FIGURE 5-3

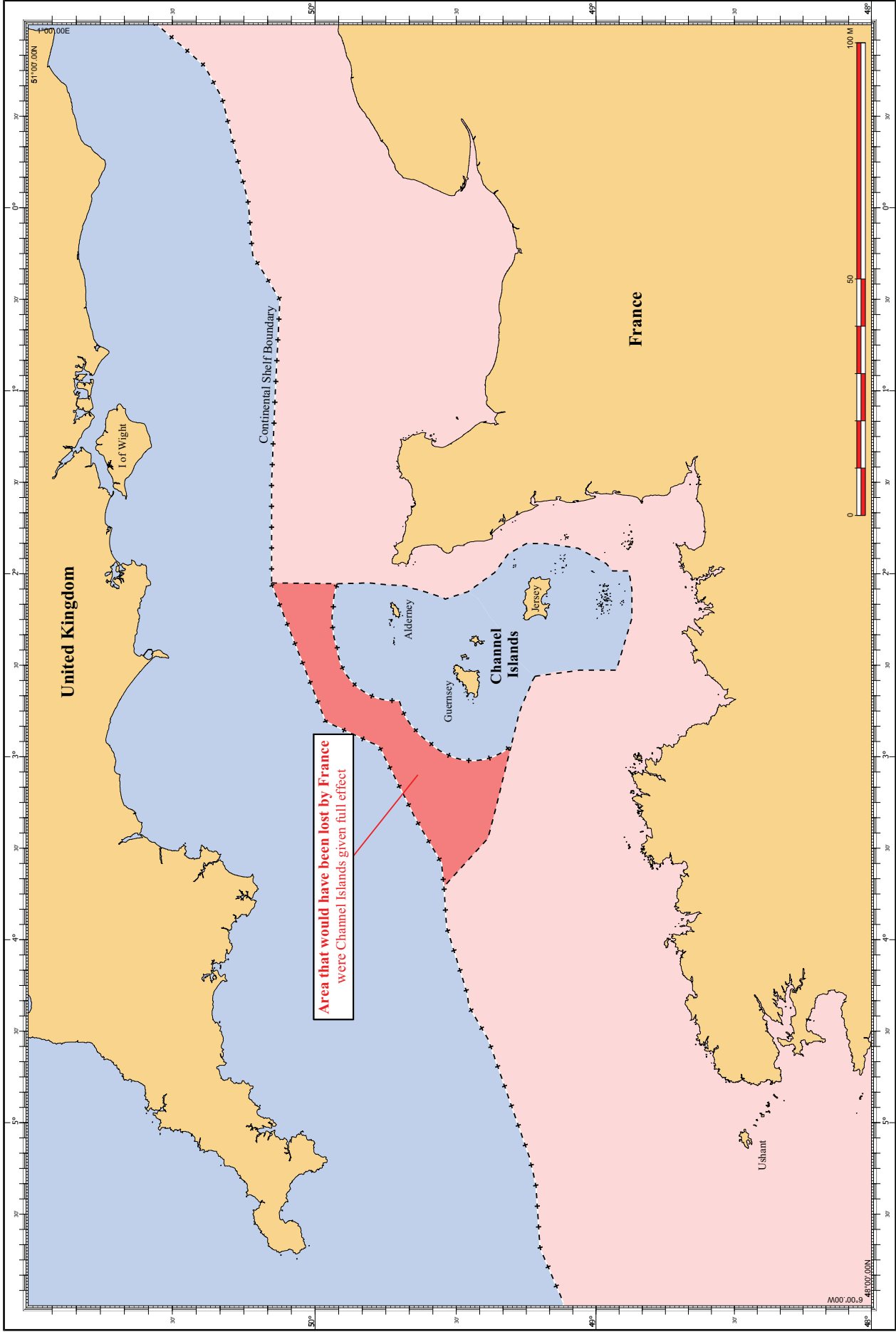


FIGURE 6-1

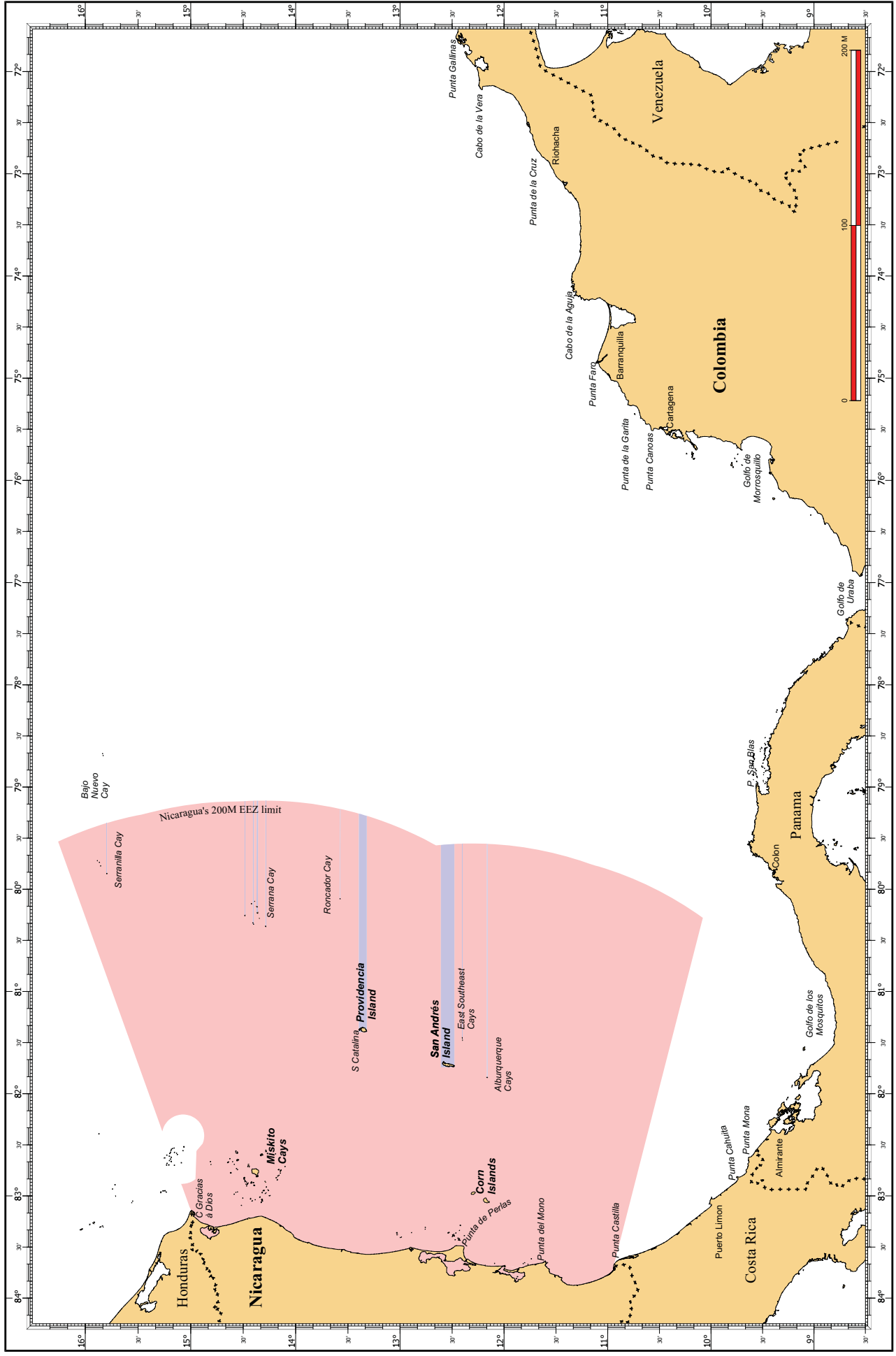
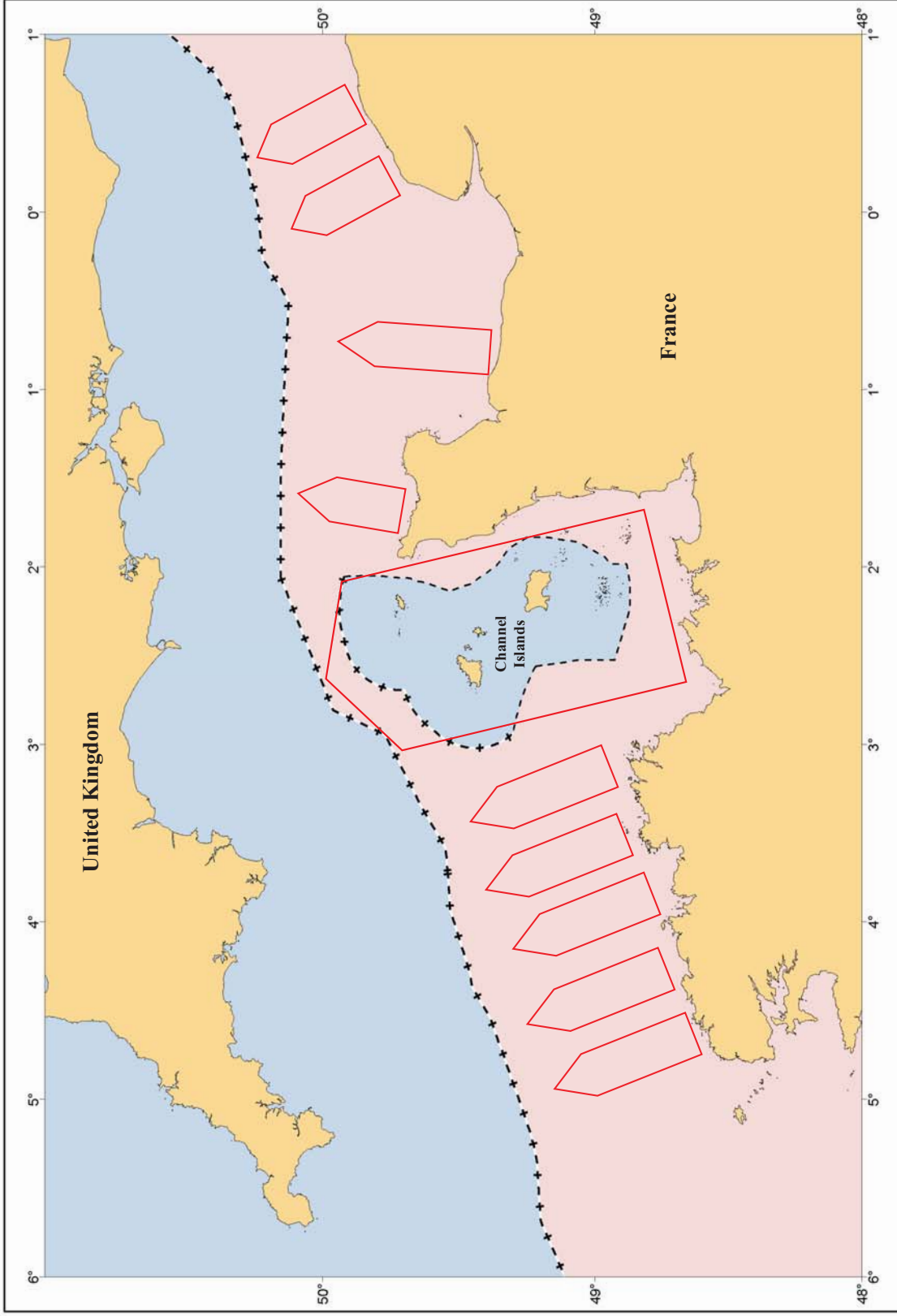
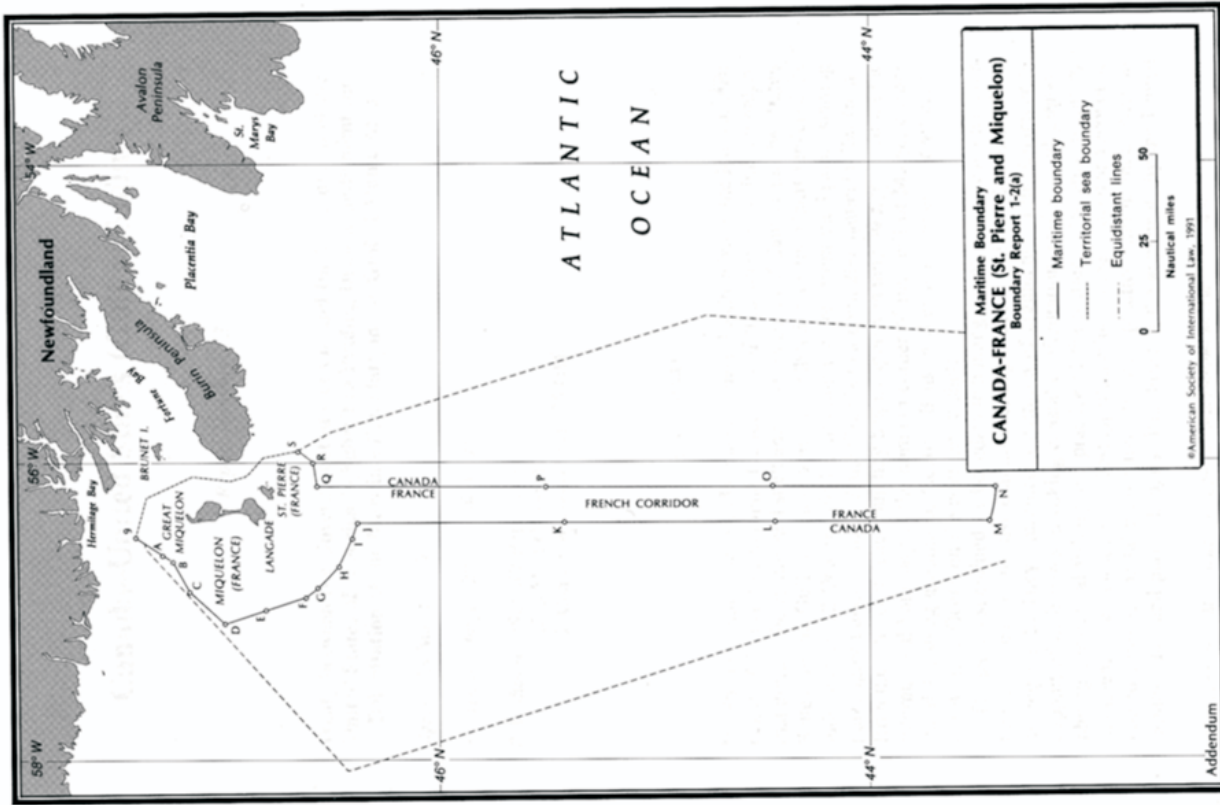


FIGURE 6-2



Anglo-French Arbitration: Continental Shelf Delimitation
The Channel Islands did not block the projection of the French mainland coasts

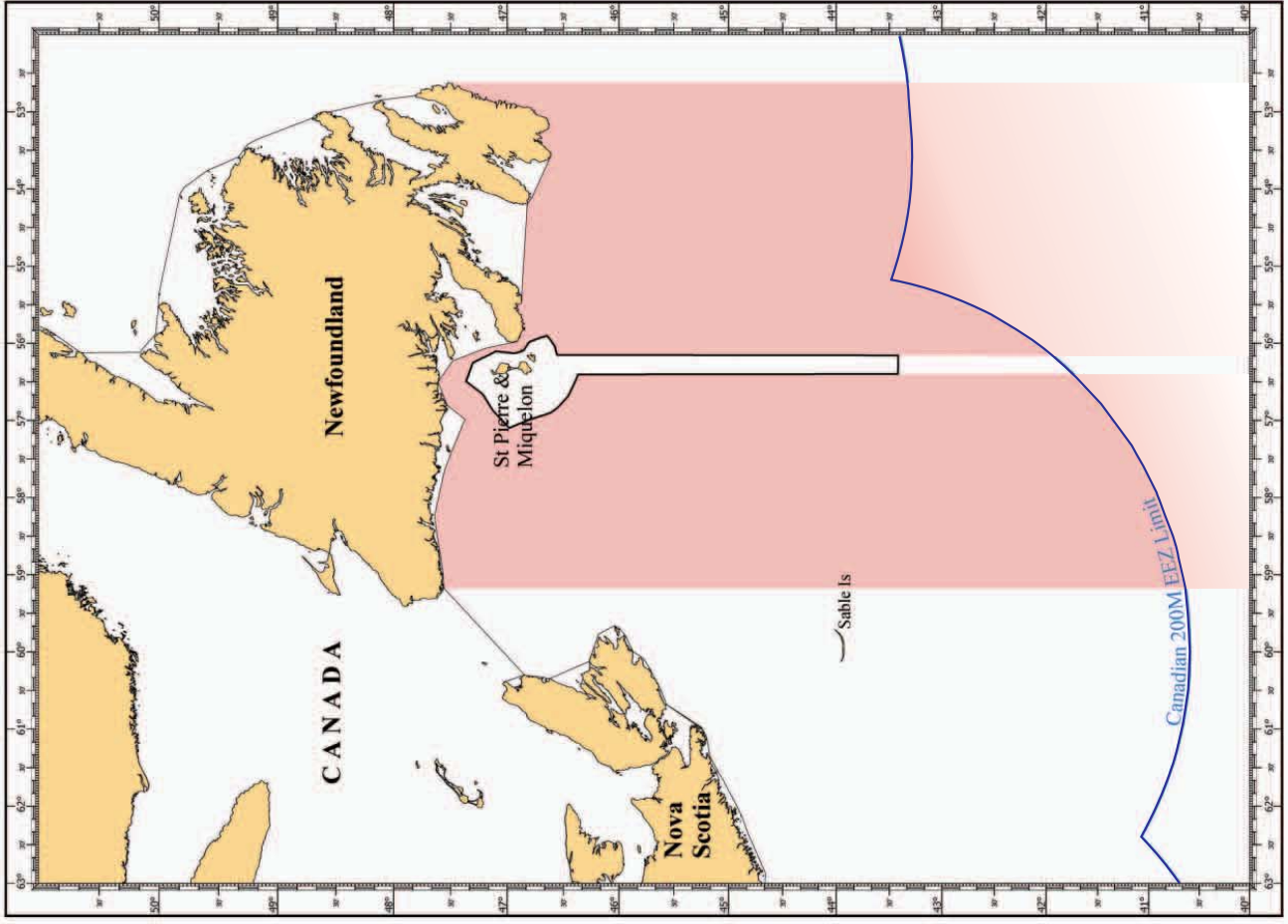
FIGURE 6-3



Ref: Charney & Alexander Vol 1, p400

**Canada-France (St Pierre & Miquelon):
Maritime Boundary established by the Award**

FIGURE 6-4



St Pierre & Miquelon:

Their presence does not block the seaward extension of the maritime projection of Canada's coast

FIGURE 6-5

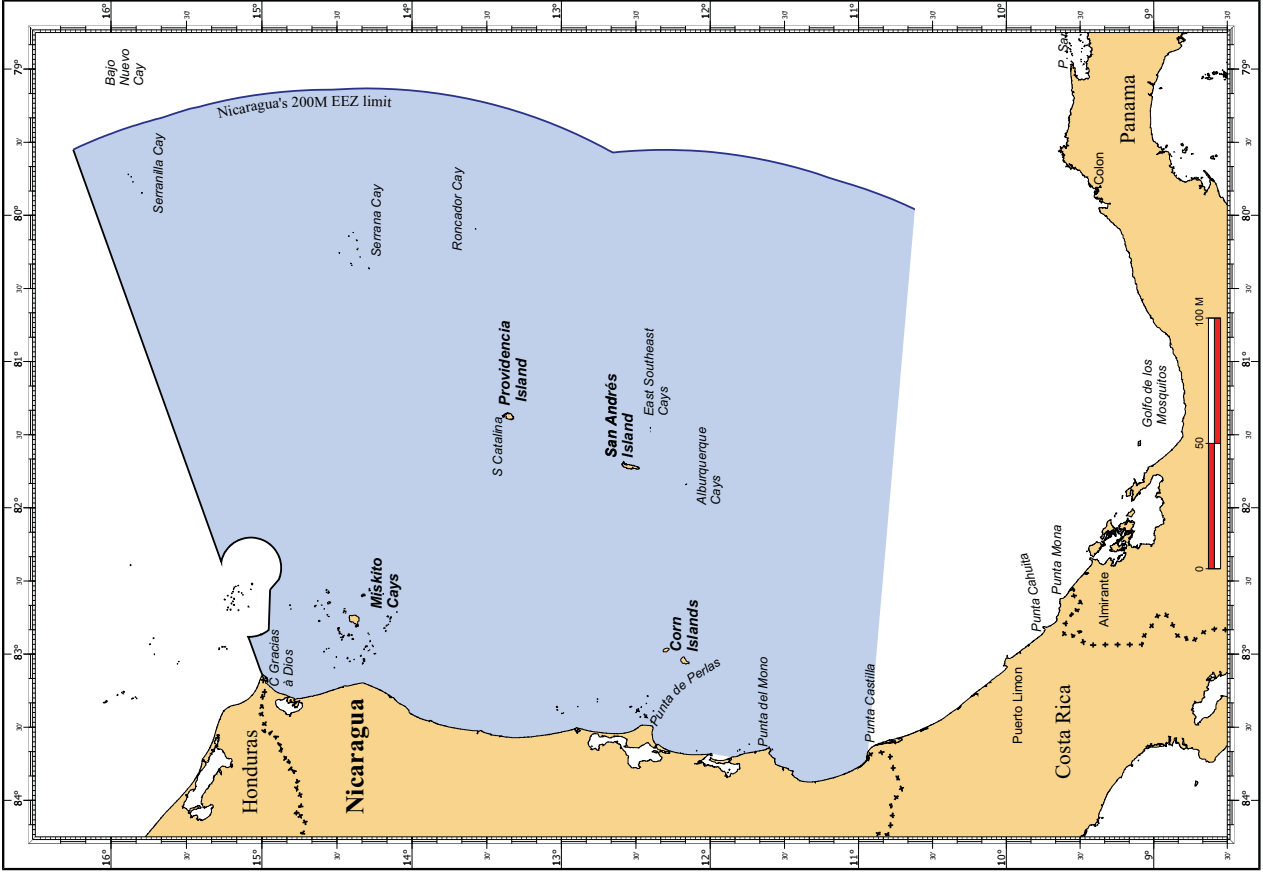
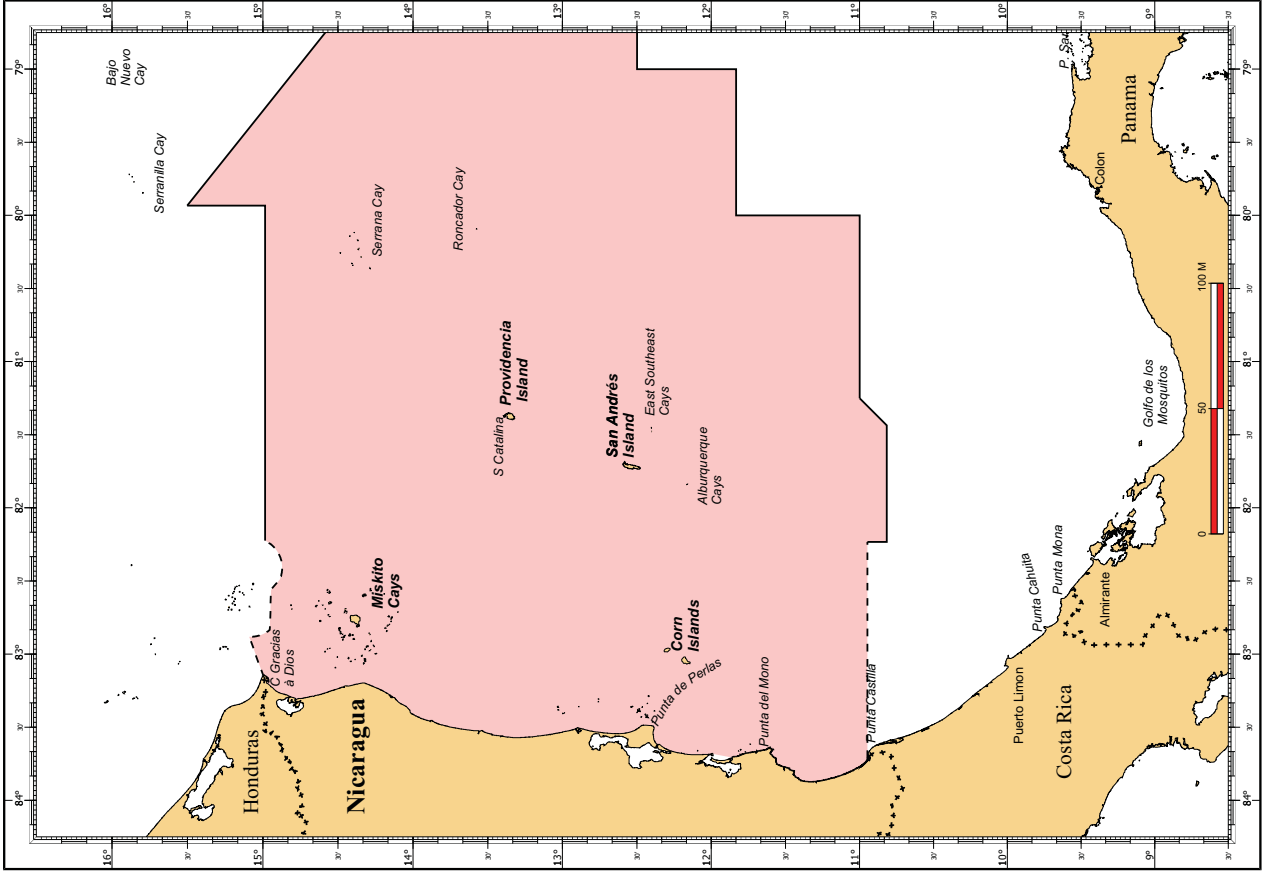
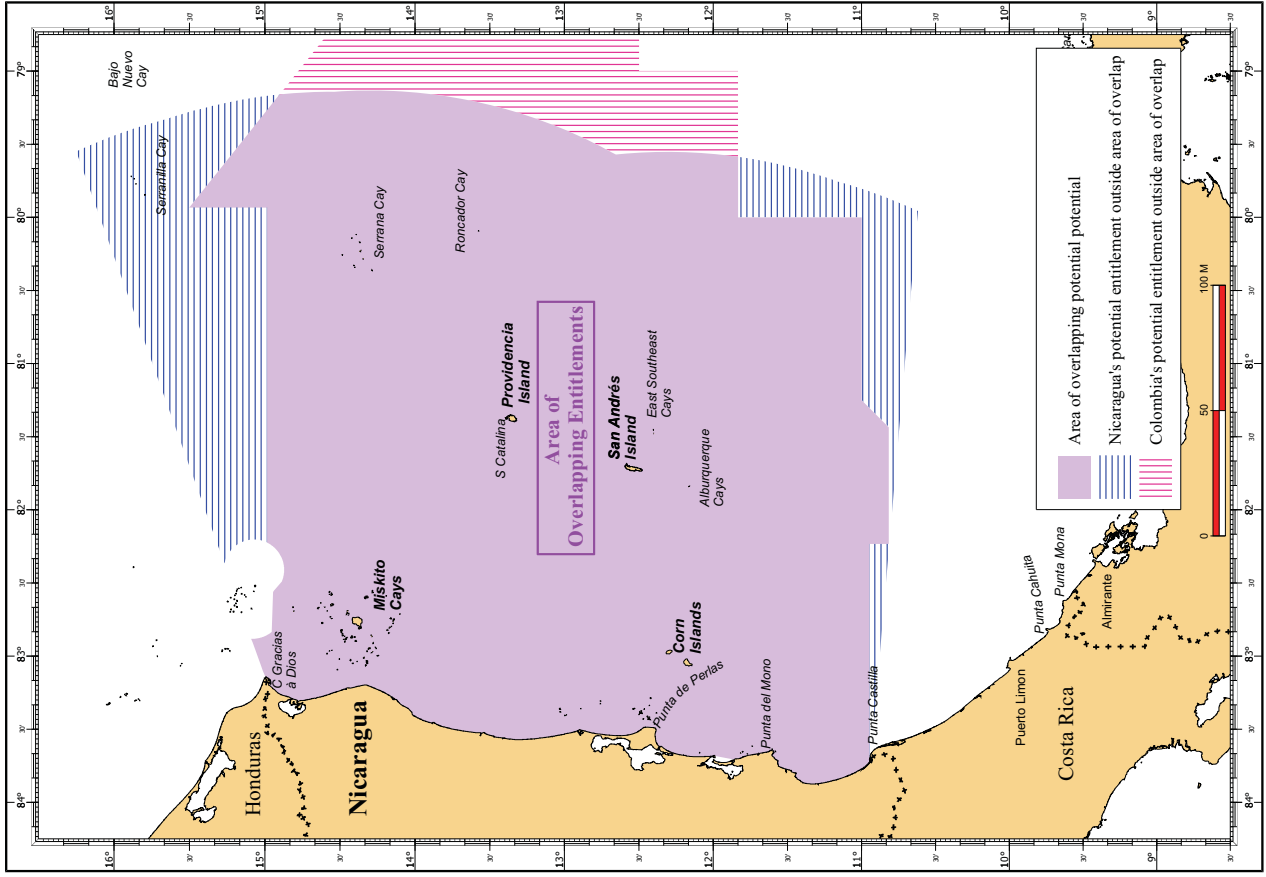


FIGURE 6-6



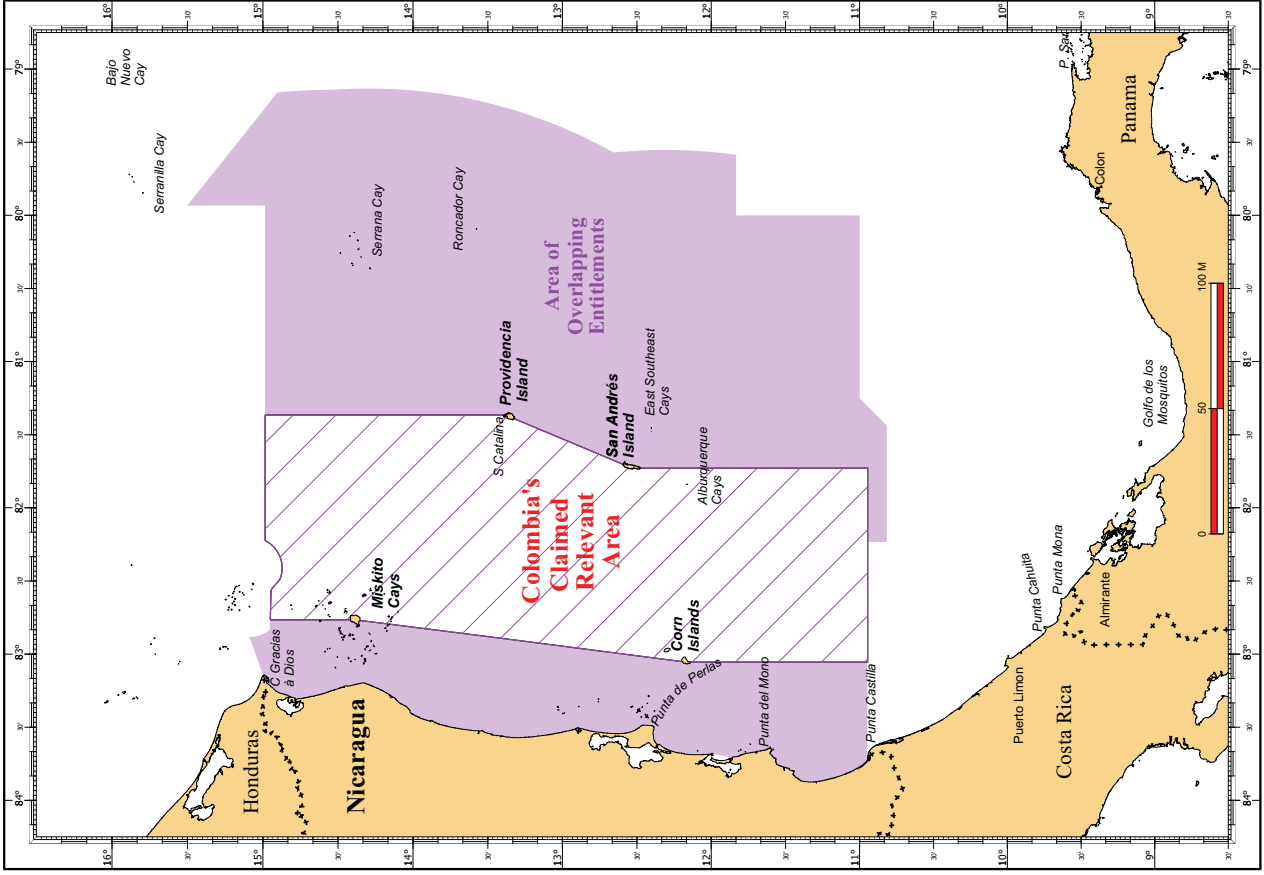
Colombia's Potential EEZ Entitlement

FIGURE 6-7



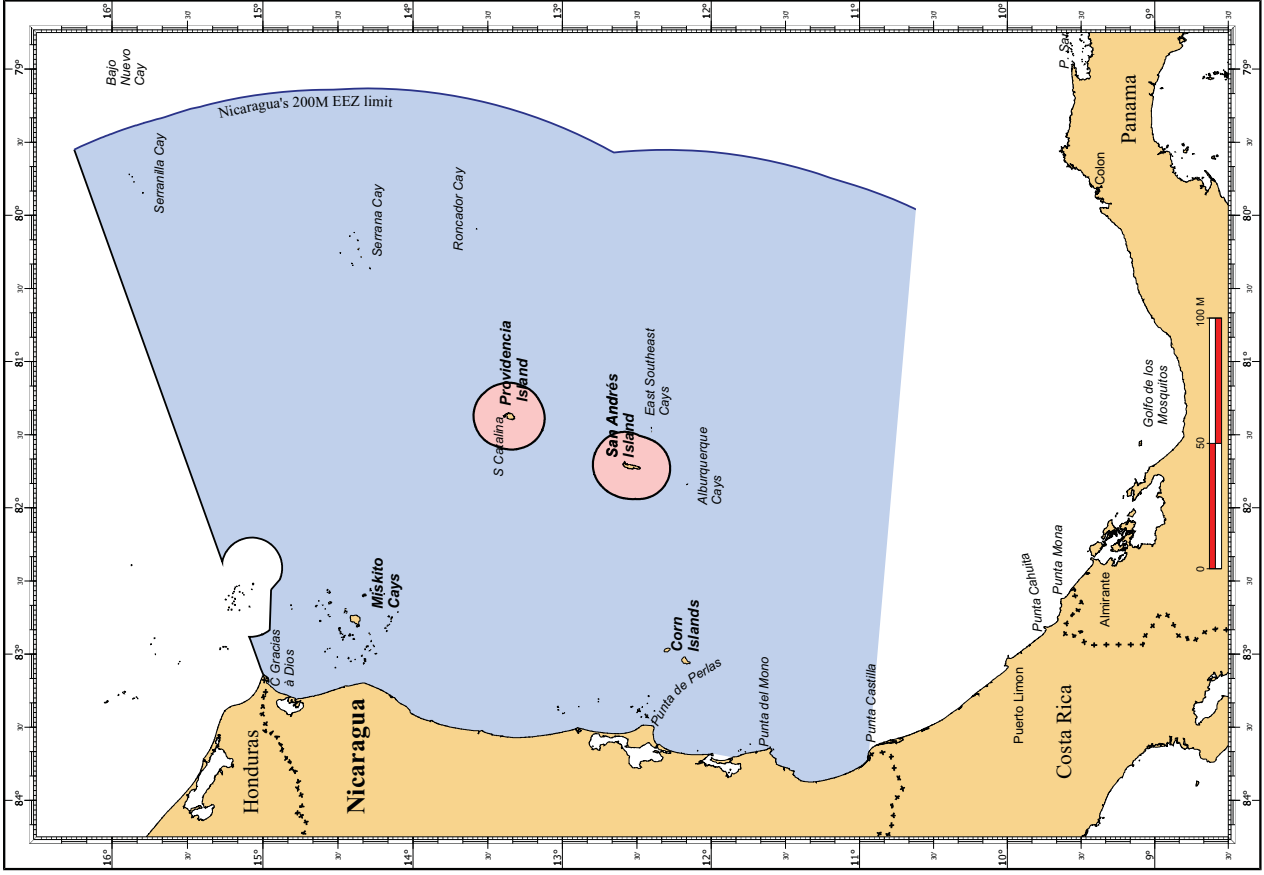
Area of Overlapping Potential EEZ Entitlements

FIGURE 6-8



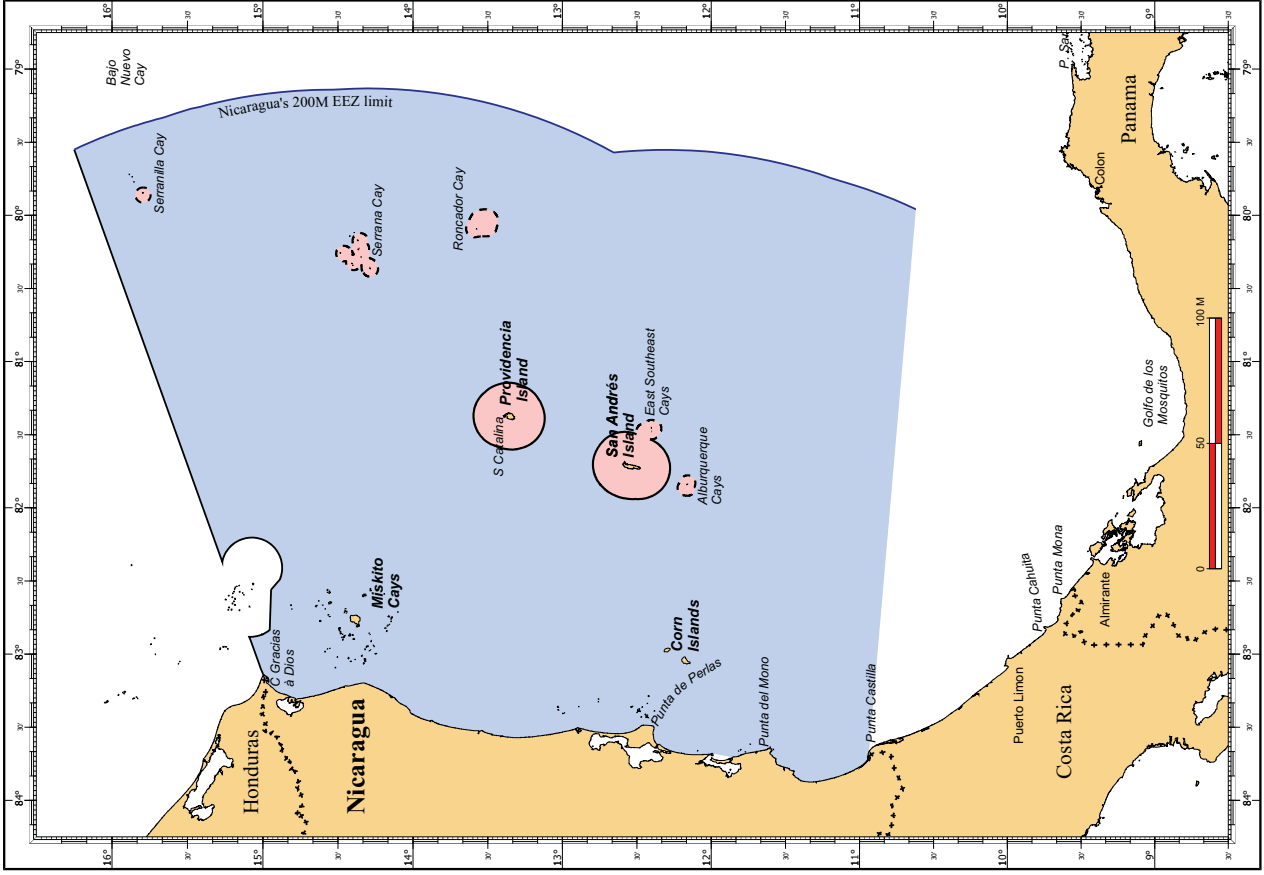
The Area of Overlapping Entitlements v
Colombia's Claimed Relevant Area

FIGURE 6-9



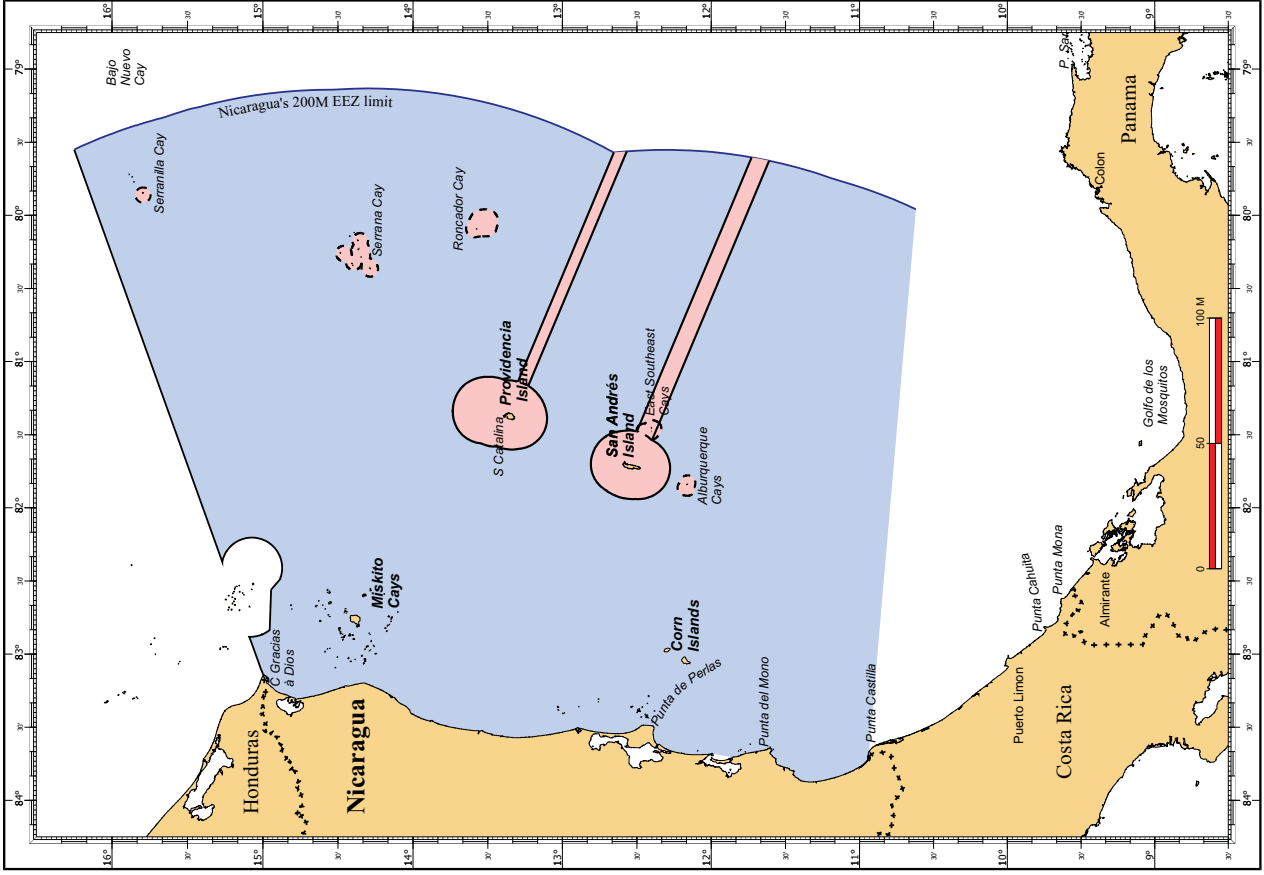
**Delimitation of the EEZ:
12 nautical mile Enclaves**

FIGURE 6-10



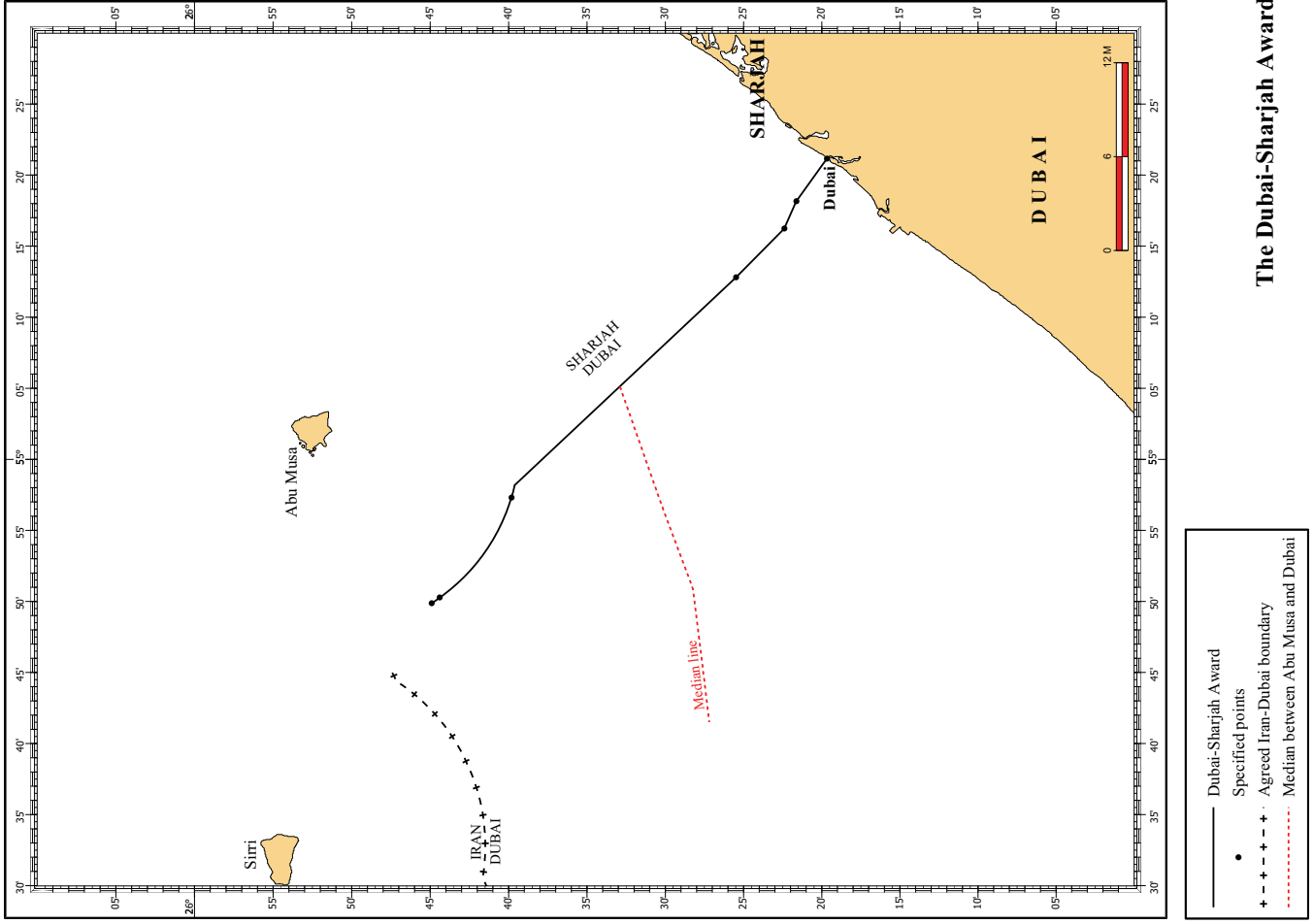
Delimitation of the EEZ:
12 and 3 nautical mile Enclaves

FIGURE 6-11



Potential Result of applying the
St Pierre & Miquelon Methodology
to the Colombian Islands

FIGURE 6-12



The Dubai-Sharjah Award

FIGURE 6-13

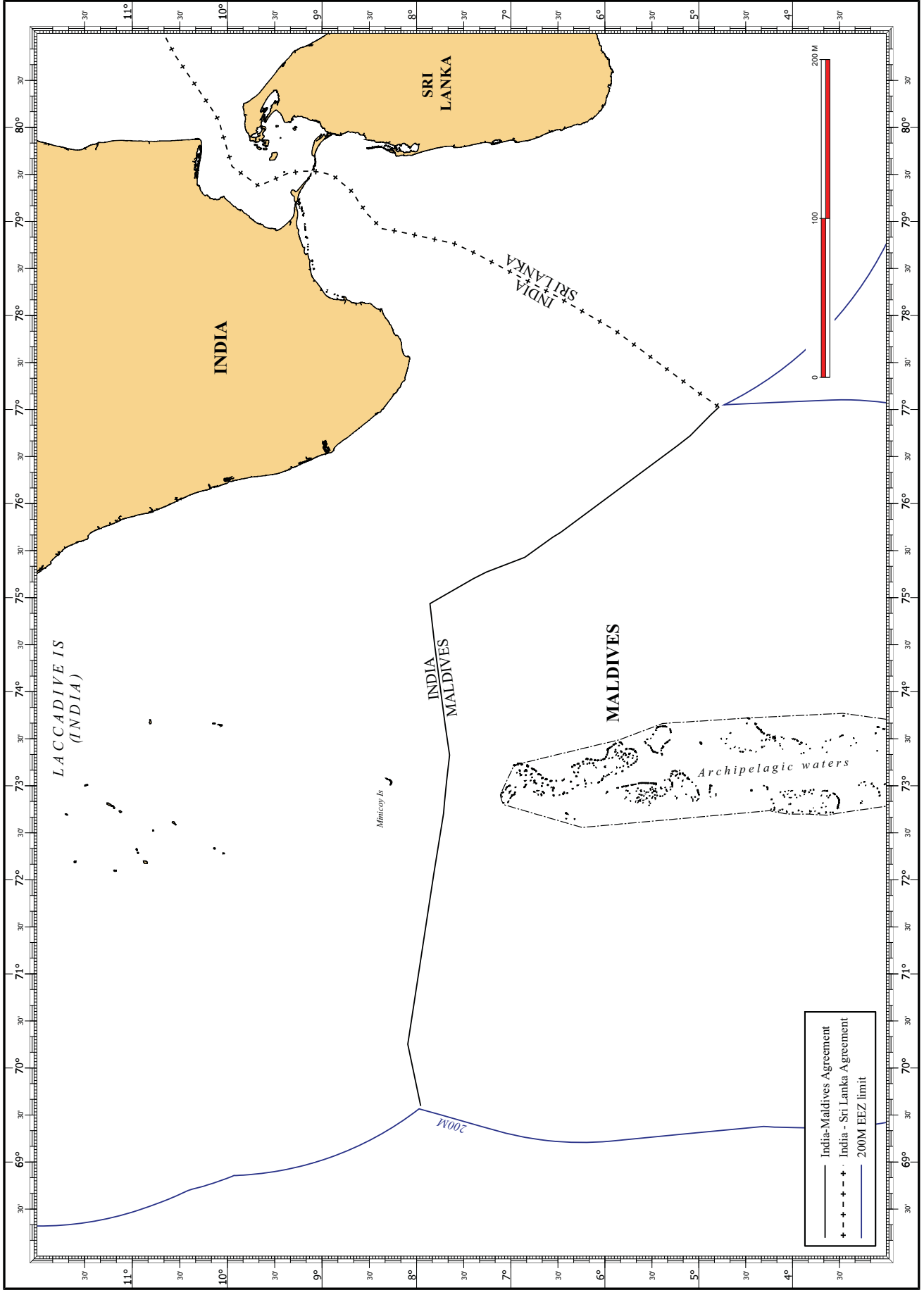


FIGURE 6-14

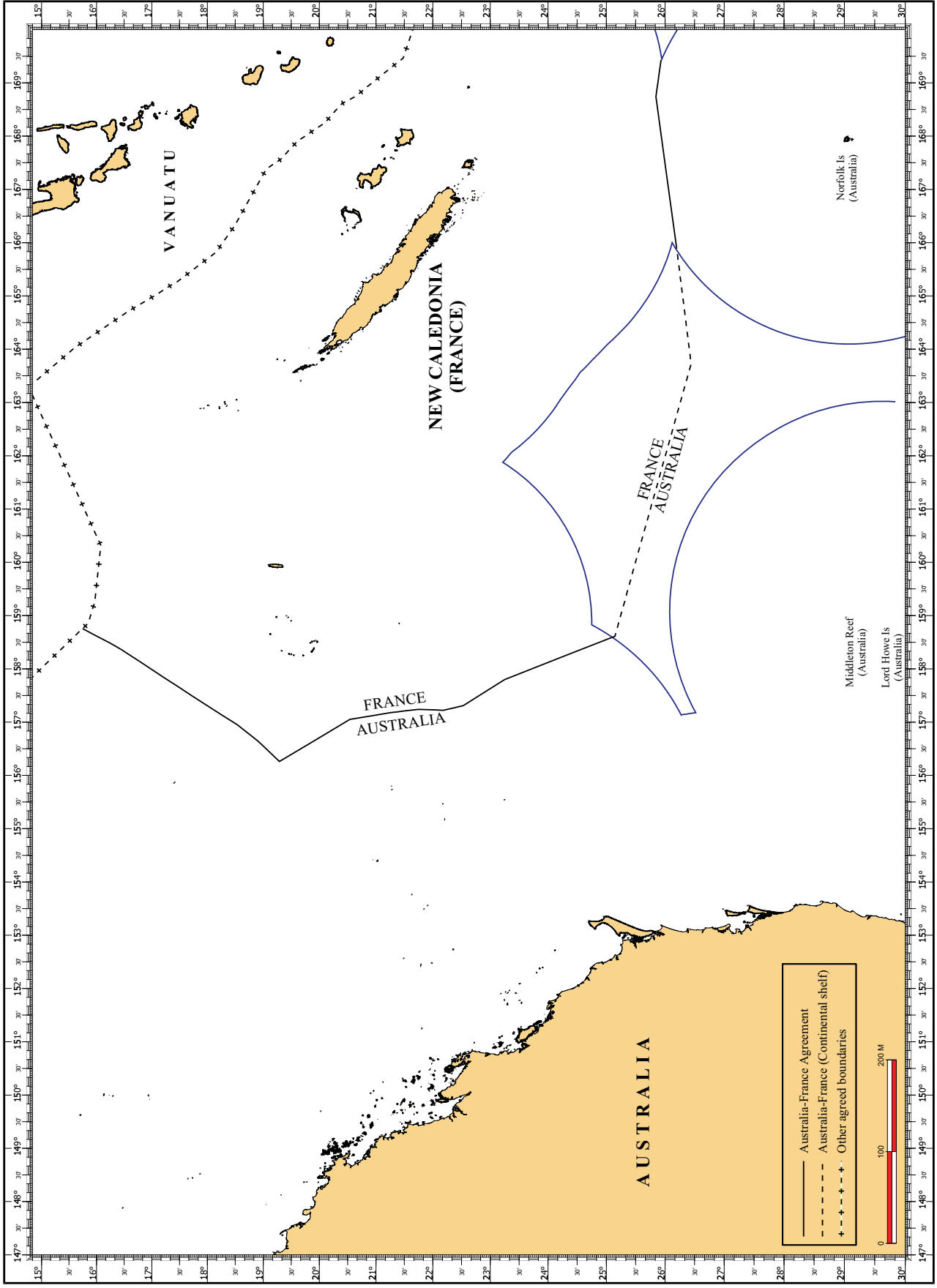
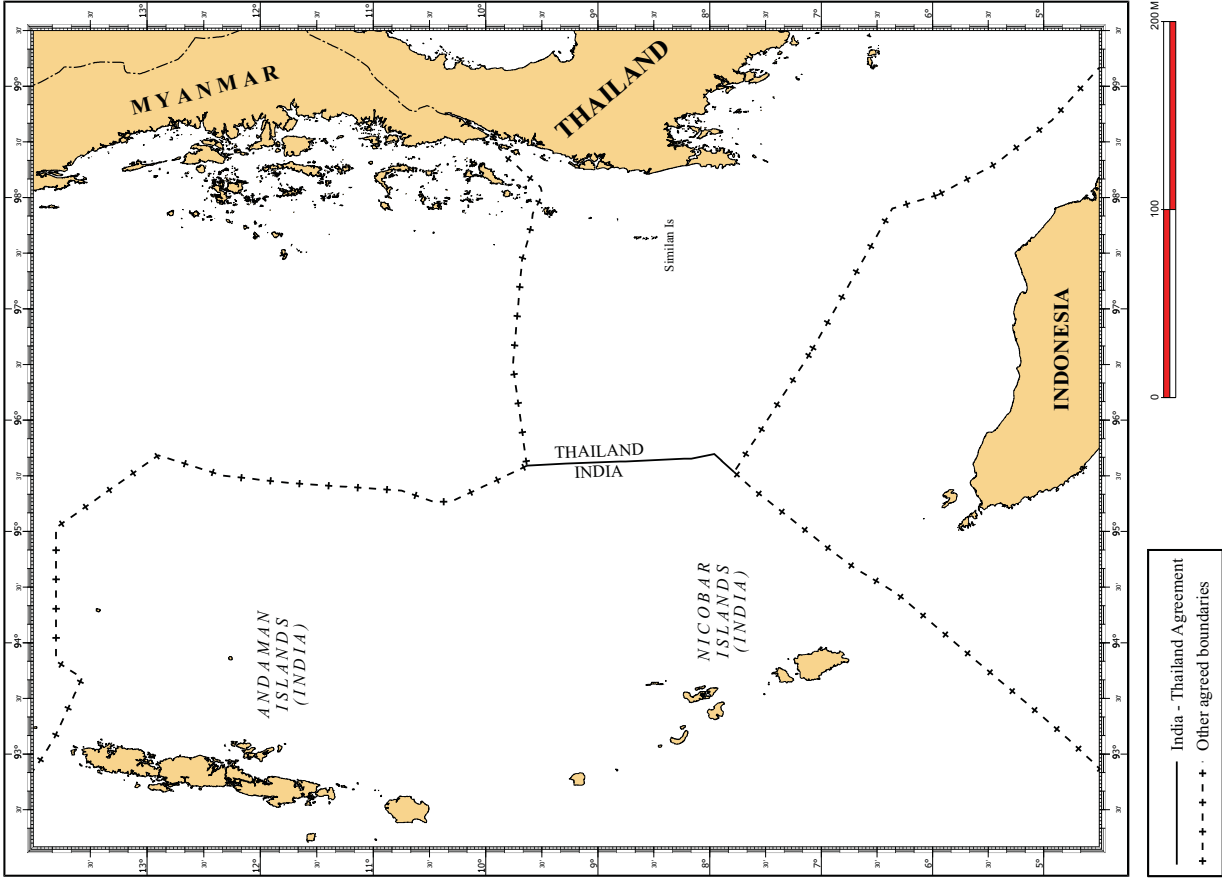


FIGURE 6-15



The India-Thailand Agreement