The British Virgin Islands/Puerto Rico and US Virgin Islands Anguilla/US Virgin Islands

The maritime boundary agreements between the United Kingdom and the United States

Two maritime boundary Agreements were signed in London on 5 November 1993 between the United Kingdom and the United States of America. The boundaries related to the British Virgin Islands and Anguilla, dependent territories of the UK, and Puerto Rico and the US Virgin Islands, territories of the United States. Both treaties await ratification by the respective governments.

The British Virgin Islands (BVI)/Puerto Rico and US Virgin Islands (USVI) Maritime Boundary

A Reciprocal Fisheries Agreement between the USA and UK signed on 17 March 1979 covering the US Virgin Islands and British Virgin Islands waters, lead to a discussion, at a technical level, on the maritime boundary between the two territories. Prior to the Fisheries Agreement there had been some doubt about the sovereignty of Flanagan Island, a small uninhabited island some 3½ acres in size, lying between St. John Island (USVI) and Norman Island (BVI) in the Flanagan Passage. This was resolved in the USA's favour, following research in the State Archives in Copenhagen. The US Virgin Islands were a Danish possession until 1917.

Discussions at the technical level revealed a possible problem over geodetic datums. Puerto Rico had its own datum and the USVI and BVI were on North American Datum 1927. Both sides agreed that a future boundary should be referred to a modern world datum such as WGS 72, which was the datum, based on satellite observations, being used for modern mapping and charting at that time. A lack of confidence was expressed from both sides on the ability to transform geographical coordinates from the old datums on to the World Datum without field surveys to put in extra doppler geodetic stations and expand the triangulations throughout both territories. This was achieved during the latter part of the 1980s by which time it was agreed that the future boundary should be based on the new North American Datum 1983, which was itself based on the world datum WGS 84. This datum is derived from calculations using the Global Positioning System (GPS) satellites.

As a first step in the technical appraisal of this maritime boundary, lists of basepoints all referred to the agreed modern datum were exchanged. There then followed one round of negotiations in Washington in October 1992 when it was
agreed that a median line boundary would be appropriate for the delimitation of the boundary. The American delegation handed over the coordinates of a true equidistance line containing some 128 turning-points. The technicians on both sides were then tasked with producing a simplified equidistance line based on equal area compensation. This was achieved by early 1993, with a proposed boundary containing 50 turning-points. The draft Treaty was then drawn up containing a preamble, five Articles and an Annex.

The preamble states in paragraph 3 that the maritime boundary is based on equidistance. It also takes note of the Reciprocal Fisheries Agreement of 1979 in paragraph 4. Article 1 states the purpose of the Treaty. Article 2 lays down the technical parameters of the boundary and introduces a map illustrating the boundary and Annexed to the Agreement. Article III states that neither Country will claim or exercise sovereignty or jurisdiction with respect to the waters, seabed or subsoil, on the wrong side of the boundary. Article IV makes it clear that the boundary Agreement does not affect or prejudice either Party's position with respect to the rules of international law or the law of the sea. Finally, Article V states that the Agreement is subject to ratification. The Agreement was signed in London on 5 November 1993 and awaits ratification.

The choice of a median line solution to this boundary delimitation clearly suggests that it was considered that the respective relevant coasts were equally matched and no geographical feature produced an inequitable result. The line is approximately 289 n.m. in length. It starts at the 200 n.m. intersect of the United States (Puerto Rico) Exclusive Economic Zone and the United Kingdom (BVI) extended fisheries zone. It then proceeds towards the islands, passing through the respective territorial waters, and through the narrow waters between the islands, where it is particularly intricate passing within 1/4 n.m. of the respective coasts at times, and terminating at a tripoint between USVI, BVI and Anguilla. The boundary is an all-purpose maritime boundary, thus covering the sea-bed, subsoil and water column of both the territorial sea and extended zones out to 200 n.m.

Anguilla/US Virgin Islands Maritime Boundary

This small boundary, signed at the same time as the BVI/Puerto Rico, USVI boundary, consists of only two turning-points. The respective coast on the US side is the eastern side of St. Croix (USVI), and on the UK side, the western side of Anguilla. A median line solution was clearly appropriate with no requirement for simplification.

The technical details of the boundary were carried out at the same time as the BVI/Puerto Rico, USVI boundary and presented no difficulties. The boundary is a single segment 1.3 n.m. in length. It starts at the termination point of the BVI/ Puerto Rico, USVI boundary and terminates at a tripoint between BVI, USVI and the Netherlands Antilles island of Saba. Confirmation that this tripoint was technically correct was received from the Dutch Authorities in 1993.

The Treaty is very similar to the BVI/Puerto Rico, USVI Agreement. There