

CANARY ISLANDS: CANARY ISLAND WATERS

“Canary Island waters” is the expression used in Law 44/2010 as a result of the pact between the PSOE and Coalición Canaria parliamentary groups on 18th October, 2010, to designate the waters delimited by the polygonal line that comes from joining the furthestmost points of the islands that form the archipelago. This perimeter is made up of the straight base lines defined in two non-government bills presented by Coalición Canaria in 2003 and 2004, respectively.

The various jurisdictions are to be measured from said base lines: the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. According to the bill presented in 2004, the legal regime of the waters enclosed by the base lines would be that of internal waters. In the text of Law 44/2010 these waters are defined as “Canary waters” that “constitute the special maritime area of the Canary Islands Autonomous Community”. It is further stated that these waters have already been established “in accordance with the statutes and the constitution”.

In other respects, the sole supplementary provision lays down that the “perimeter line” (the name used to denote the straight base lines, which are not archipelagic in the way that they are defined in UNCLOS) “to be traced by joining the furthestmost points of the islands (the coordinates of which are included in the annex to the Law) “will not alter the delimitation of maritime spaces ... as they are set down in Spanish legislation ...”. This would seem to indicate that these lines can only have an “internal” effect and that the legal regime of said waters does not correspond to any of the concepts laid down in international law.

The size of each of the maritime jurisdictions is indicated in the accompanying Table in accordance with the legislation in effect and the non-government bill. The most striking result is the major increase in internal waters that results from the use of these new straight base lines. These new lines might be analogous with archipelago straight base lines – which are not accepted by UNCLOS

Jurisdiction	According to R.D. 2510/1977 (sq km)	According to Law 2010 (sq km)	Difference (sq km)
Internal waters	2 347	29 068	26 721
Territorial sea	31 753	28 528	-3 225
Contiguous zone	40 349	31 644	-8 705
Exclusive economic zone	456 237	436 272	-19 965
TOTAL	490 337	493 868	3 531

Governance

- Royal Decree 2510/1977 on the plotting of straight base lines (20th September, 1977)
- Non-government bill 622/000018 on delimiting maritime areas in the Canary Islands (22nd January, 2003)
- Non-government bill 122/000048 on delimiting maritime areas in the Canary Islands (23rd April, 2004)
- Law 44/2010 on delimiting maritime areas in the Canary Islands (30th December, 2010)

