

THE BASELINE

The baseline is an artificial line from which zones of jurisdiction as provided by the Convention – territorial sea¹, contiguous zone², exclusive economic zone³, and continental shelf⁴ – are measured. The coastal state itself has to determine the baseline, which must then be shown on charts or defined by adequate geographical co-ordinates and given adequate publicity⁵. Particular care must be taken where the establishment of the baseline could have an effect on the rights of a state with an opposite or adjacent coast⁶; however, it should be noted that a state can declare its non-acceptance of dispute settlement procedures for disputes arising from the delimitation of sea boundaries⁷. The baseline can be determined by applying the technical provisions of the Convention in three steps:

First Step: The normal baseline is the low-water line along the coast⁸ or, in the case of an island or atoll, the seaward low-water line of any reef⁹ for delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast¹⁰;

Second Step: Certain appropriate outmost points and marks such as

- low-tide elevations no further than twelve nautical miles from the mainland¹¹
- low-tide elevations upon which installations which are permanently above sea-level (e.g., lighthouses) have been built¹², even where the installations are more than twelve nautical miles from the mainland,
- mouths of rivers¹³,
- low-water marks of the natural entrance points of bays if the distance between such marks does not exceed twenty-four nautical miles (except in cases of so-called historic bays)¹⁴ and
- appropriate points along a deeply indented coastline or a fringe of islands close to the coast¹⁵ can be used for establishing the baseline.

Third Step: The following significant circumstances must be taken into account:

- Roadsteads used for shipping and which would otherwise be wholly or partly outside the territorial sea are part of the same;
- low-water elevations without permanent installations¹⁶ beyond the breadth of the territorial sea have no territorial sea of their own;
- islands have their own territorial sea¹⁷
- off-shore installations and artificial islands do not possess the status of islands and do not have any effect on the establishment of the baseline¹⁸.

The coastal state is to deposit charts or lists showing the baseline with the Secretary-General of the United Nations¹⁹.

¹ Art. 3

² Art. 33

³ Art. 57

⁴ Art. 76

⁵ Art. 16

⁶ Art. 15

⁷ Art. 298, Subpara. 1 (a)

⁸ Art. 5

⁹ Art. 6

¹⁰ Art. 11

¹¹ Art. 13, Para. 1

¹² Art. 7, Para. 4

¹³ Art. 9

¹⁴ Art. 10 (Art. 10, Para. 6)

¹⁵ Art. 7, Para. 1; Art. 12

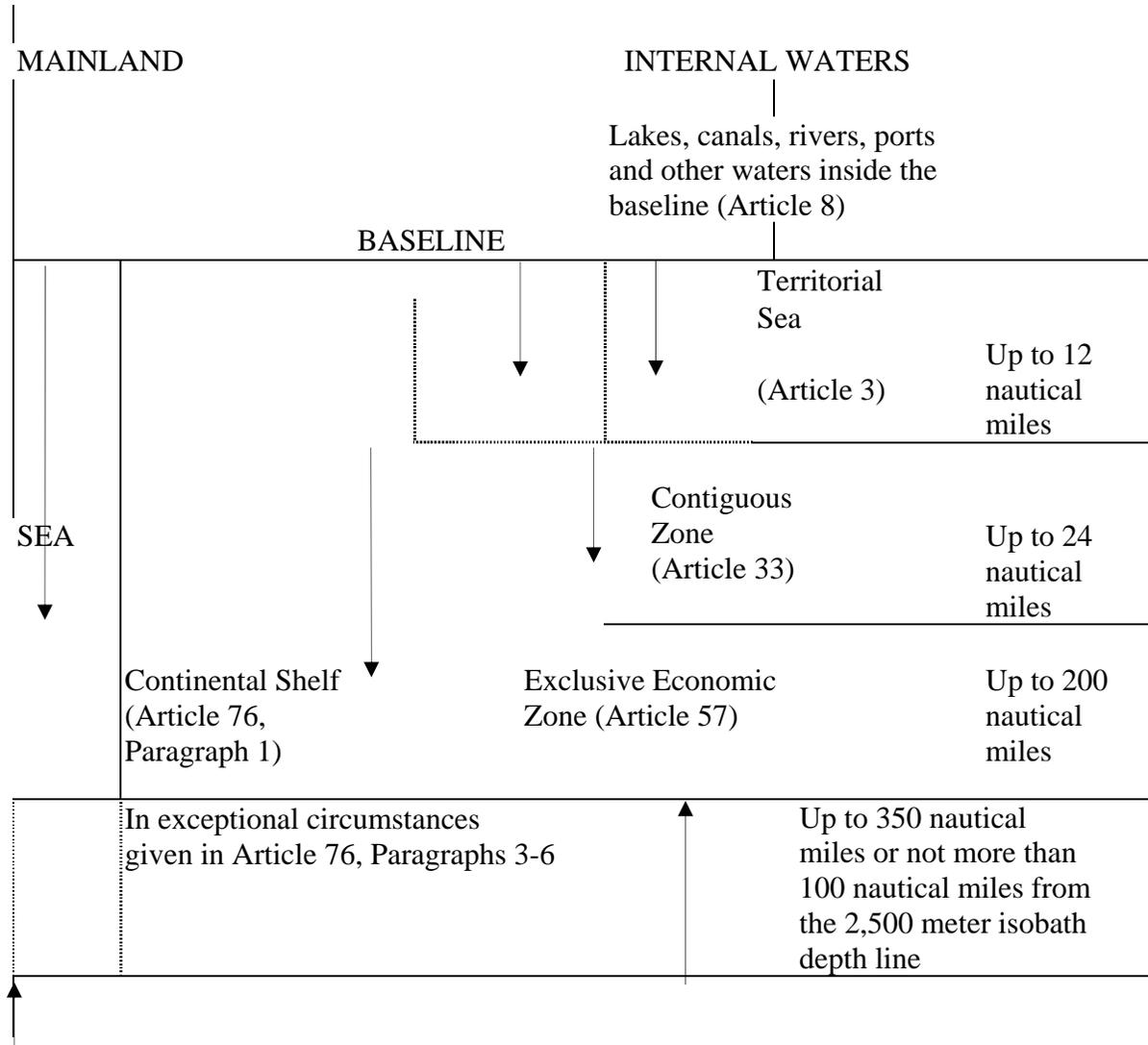
¹⁶ Art. 7, Para. 4, Art. 13

¹⁷ Art. 121, Para. 2 indirectly also Art. 6, Art. 13, Para. 2

¹⁸ Art. 11; Art. 60, Para. 8; Art. 80; Art. 147, Subpara. 2 (e); Art. 259

¹⁹ Art. 16, Para. 2

IMPORTANCE OF THE BASELINE



AREA (Article 1, Paragraph 1; Article 134, Paragraph 3)

- The Area starts where the jurisdiction of the coastal state over the continental shelf ends (Article 76)
- The Area beyond 200 nautical miles is subject to contributions to the Sea-Bed Authority (Article 82)

HIGH SEAS (Article 86)

- If an exclusive economic zone is established, the high seas start at the outer limits of this zone (Article 86)
- otherwise, they begin from the outer limits of the territorial sea (Article 86)
- A contiguous zone alone does not affect the status as high seas

