



ABLOS 2005
FUNDAMENTALS OF UNCLOS ARTICLE 76
SESSION 3

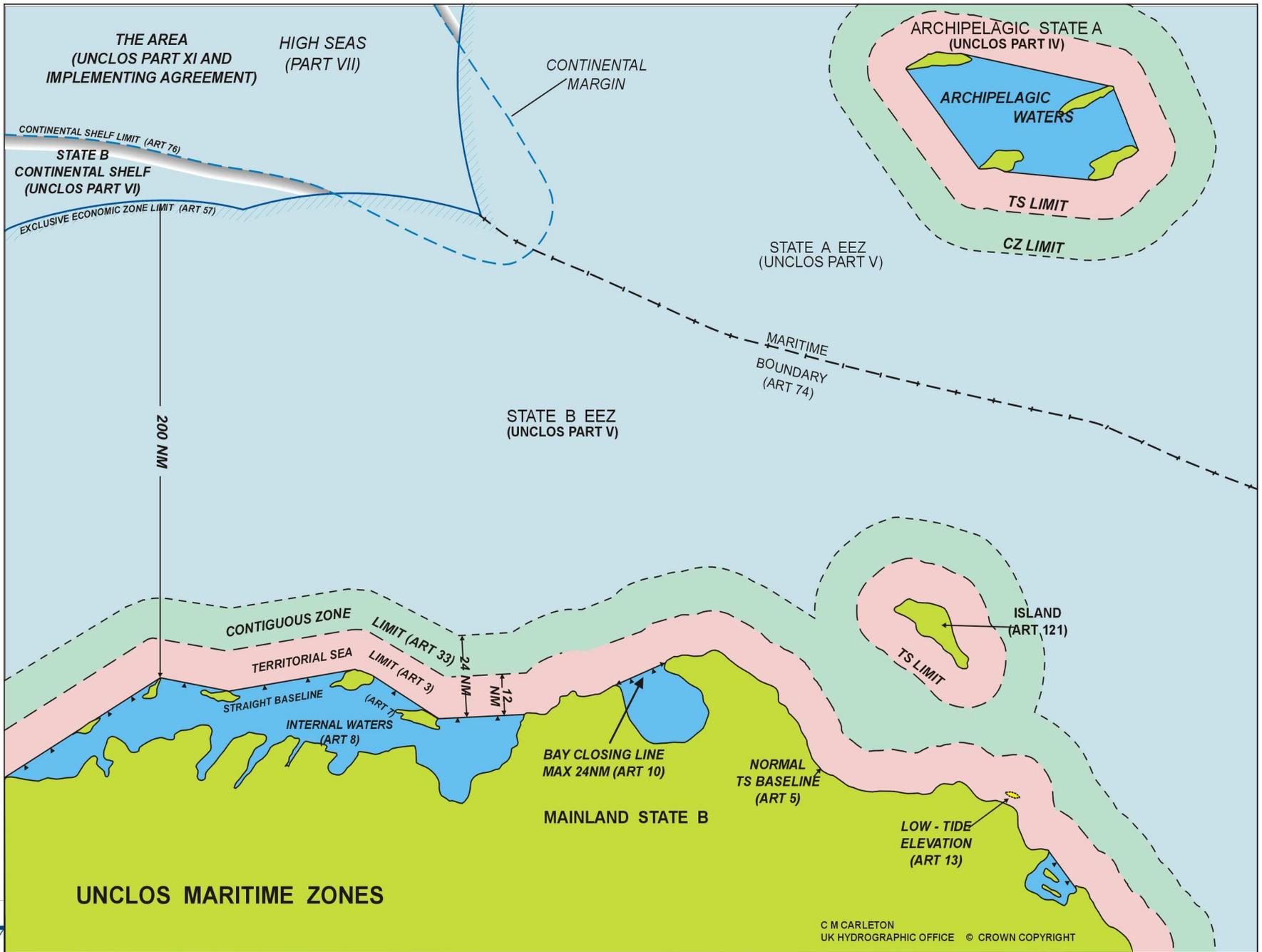
**Territorial Sea Baselines, Maritime Zones
and Maritime Boundaries**

Chris Carleton

MARITIME ZONES

- **Internal Waters** (UNCLOS Art 8)
- **Territorial Sea** – Max 12M (UNCLOS Art 3)
- **Contiguous Zone** – Max 24M (UNCLOS Art 33)
- **Exclusive Economic Zone** – Max 200M (UNCLOS PART V)
- **Continental Shelf** (UNCLOS PART VI)
- **High Seas** (UNCLOS PART VII)





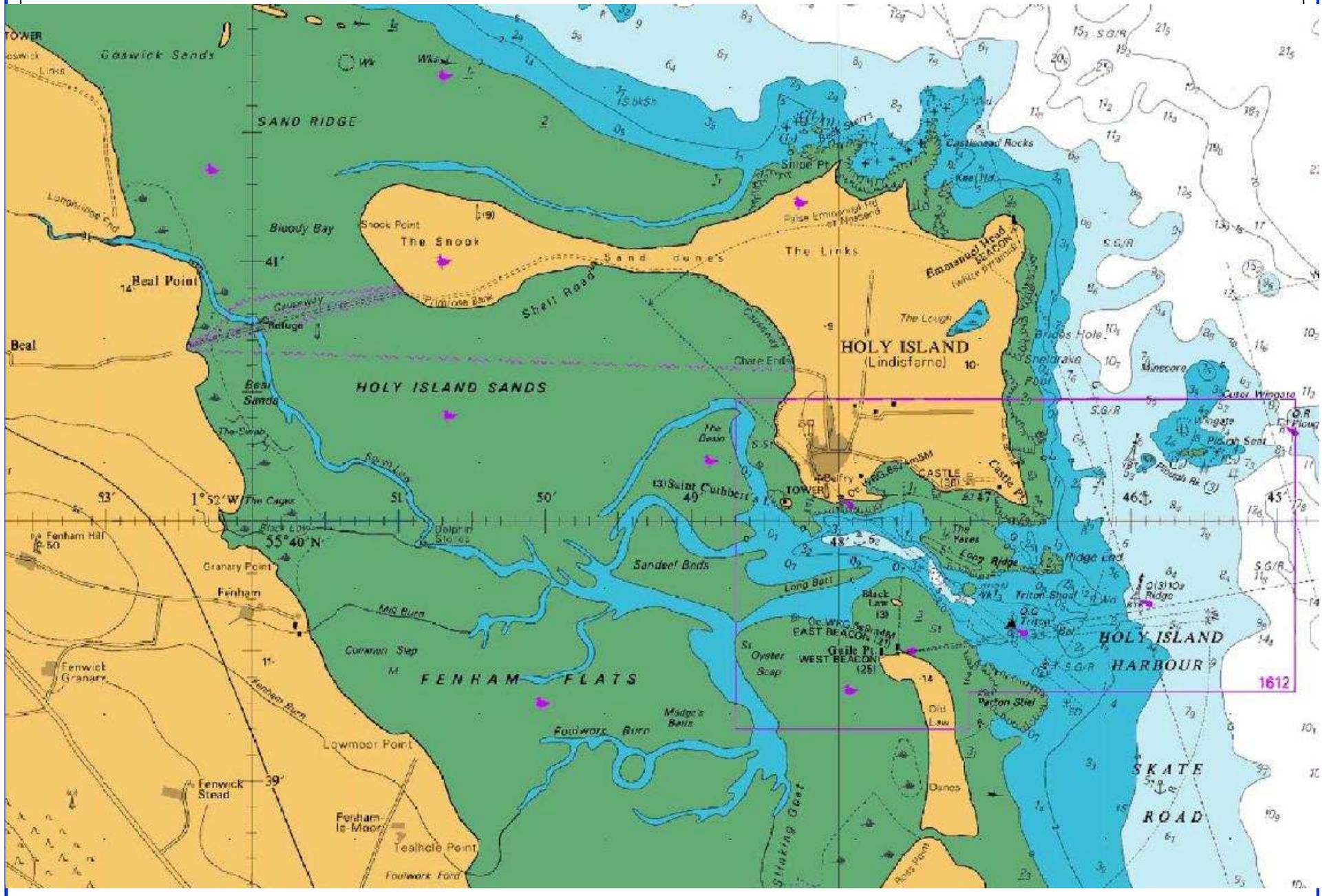
UNCLOS MARITIME ZONES

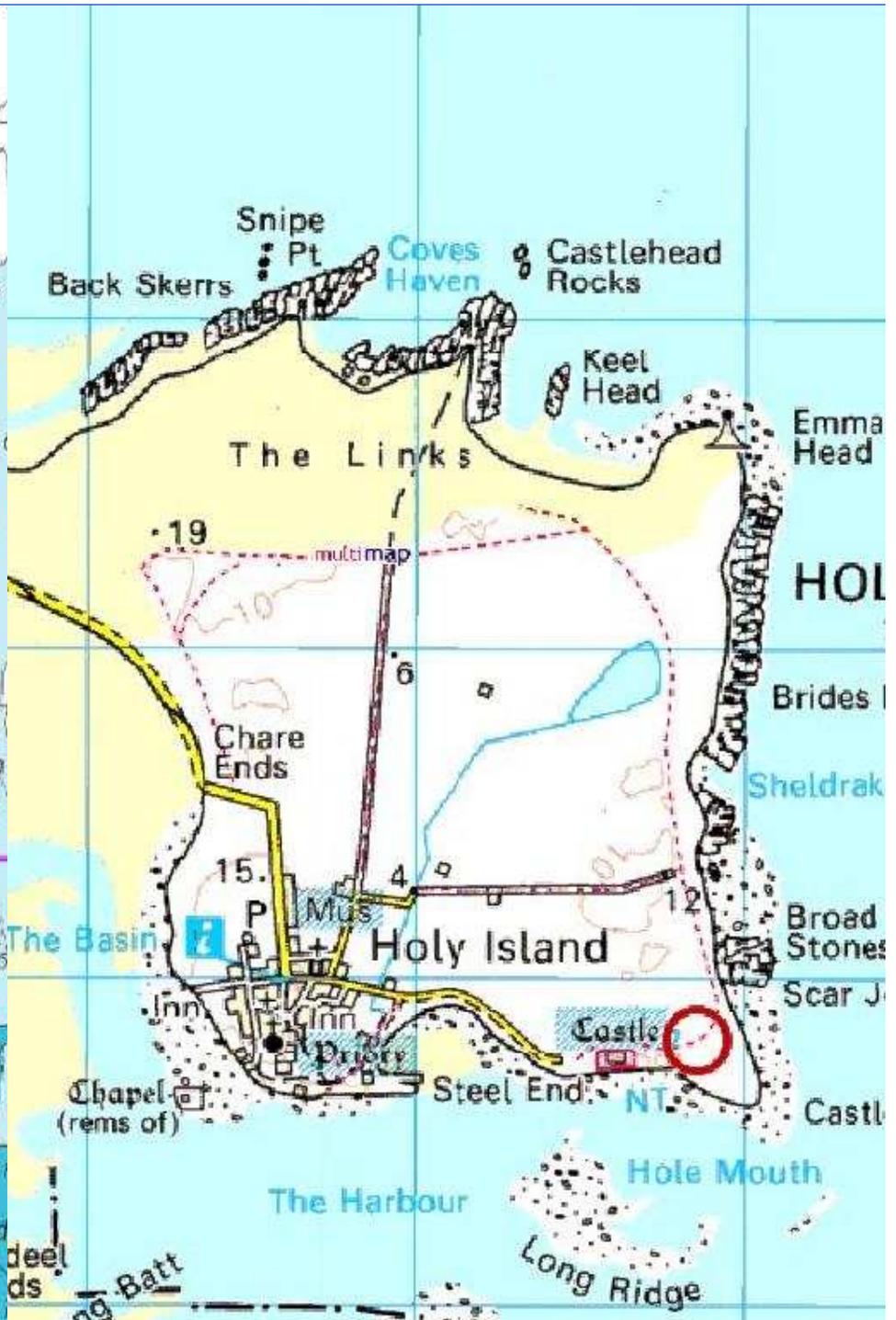
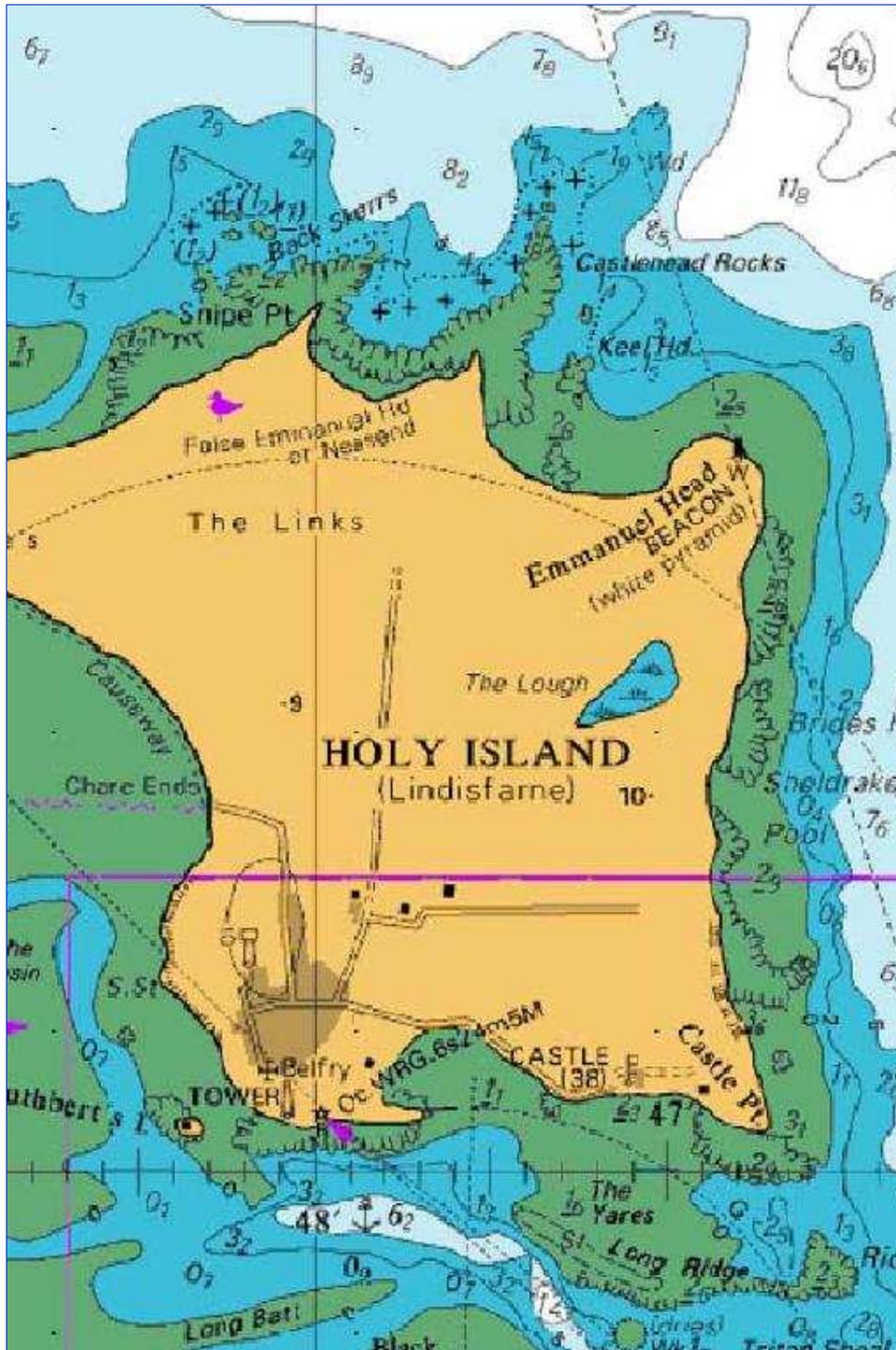
DELIMITATION OF MARITIME ZONES

- **Territorial Sea Baseline**
- Normal Baseline (UNCLOS Art 5)
- The low water line as depicted on large scale charts recognised by the coastal State.



Low-water line as depicted on an Admiralty chart

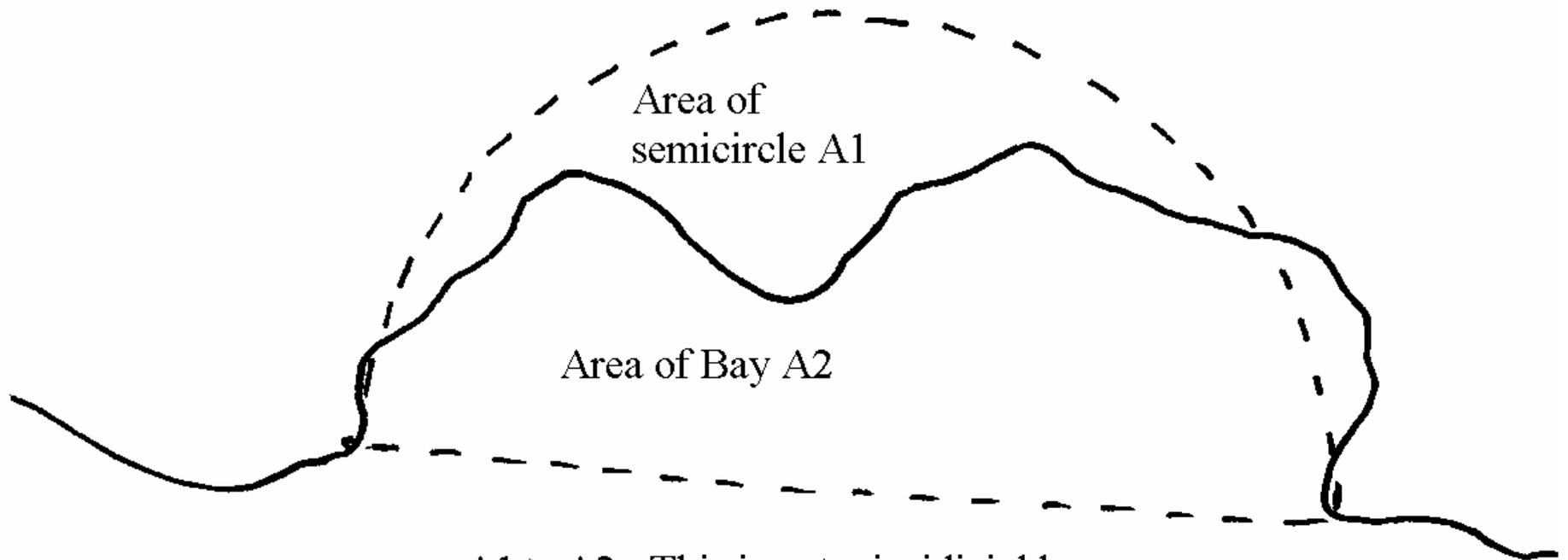




OTHER PARAMETERS OF THE NORMAL BASELINE

- Bay Closing Lines (UNCLOS Art 10)

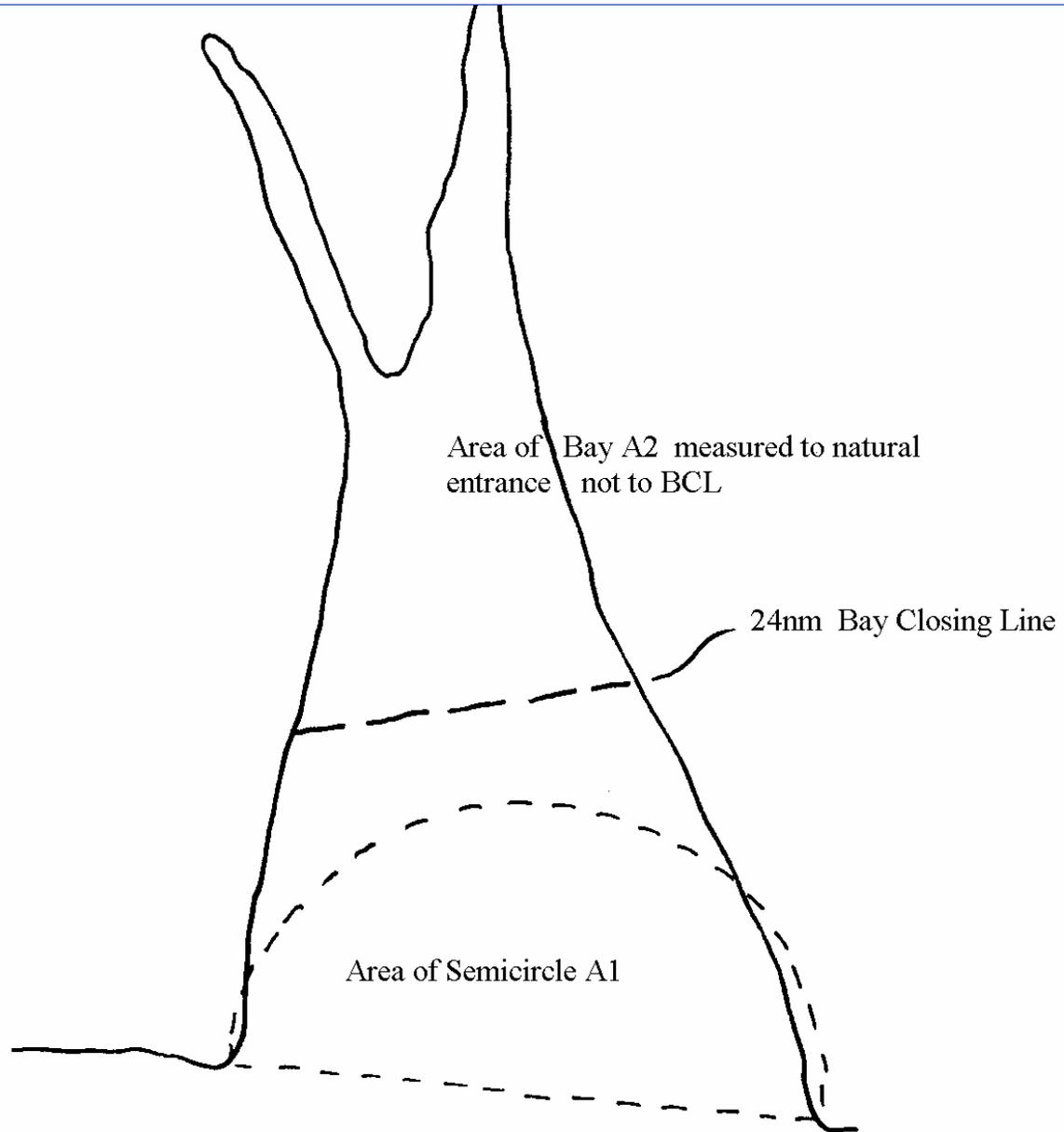




Area of
semicircle A1

Area of Bay A2

$A1 > A2$ This is not a juridicial bay



$A2 > A1$ This is a juridicial bay



- River Closing Lines (UNCLOS Art 9)



NIGERIA

NUN RIVER ENTRANCE

SCALE 1:50 000

Projection: Transverse Mercator

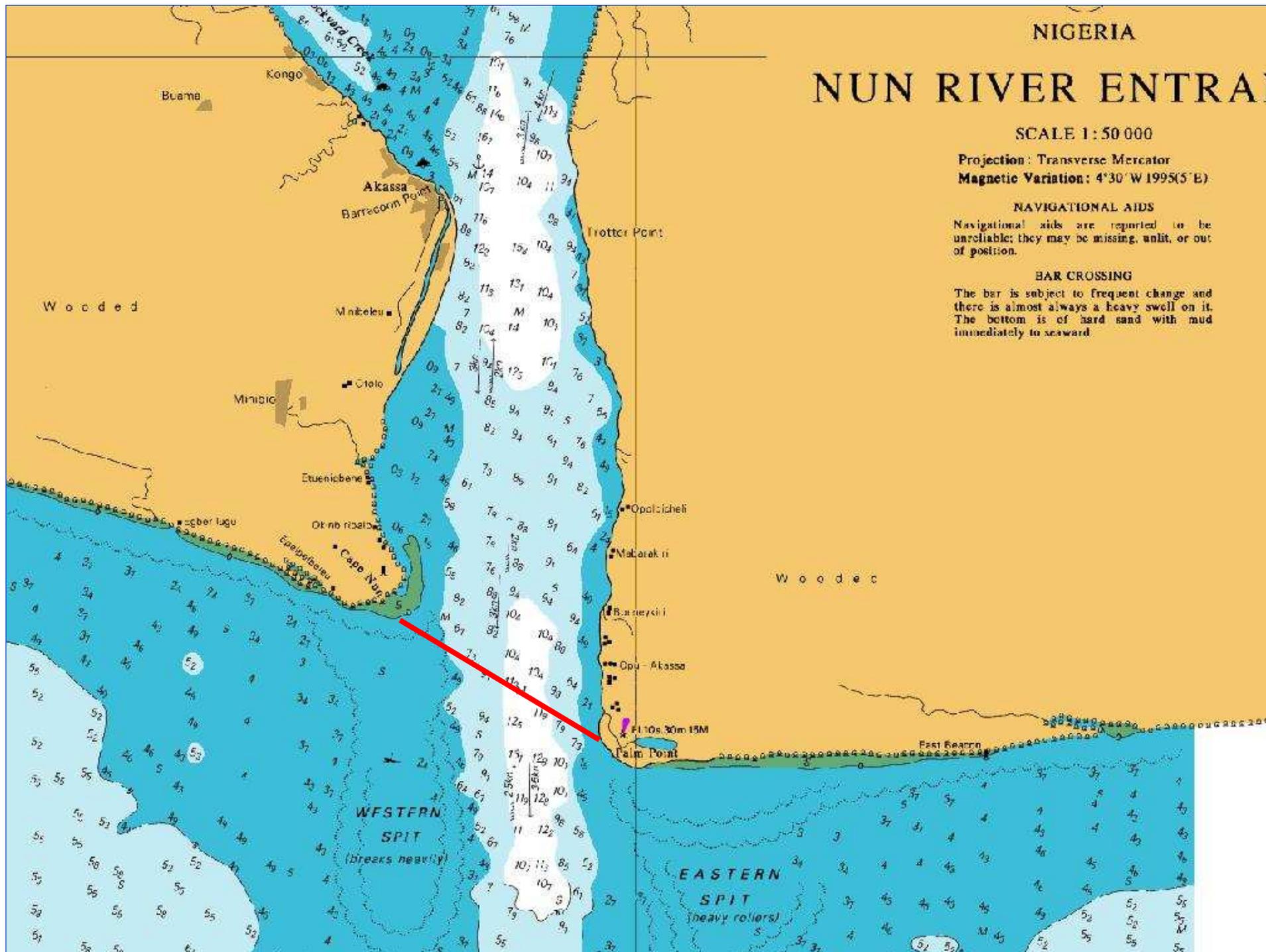
Magnetic Variation: 4°30' W 1995(5° E)

NAVIGATIONAL AIDS

Navigational aids are reported to be unreliable; they may be missing, unlit, or out of position.

BAR CROSSING

The bar is subject to frequent change and there is almost always a heavy swell on it. The bottom is of hard sand with mud immediately to seaward.



(B)

NIGERIA

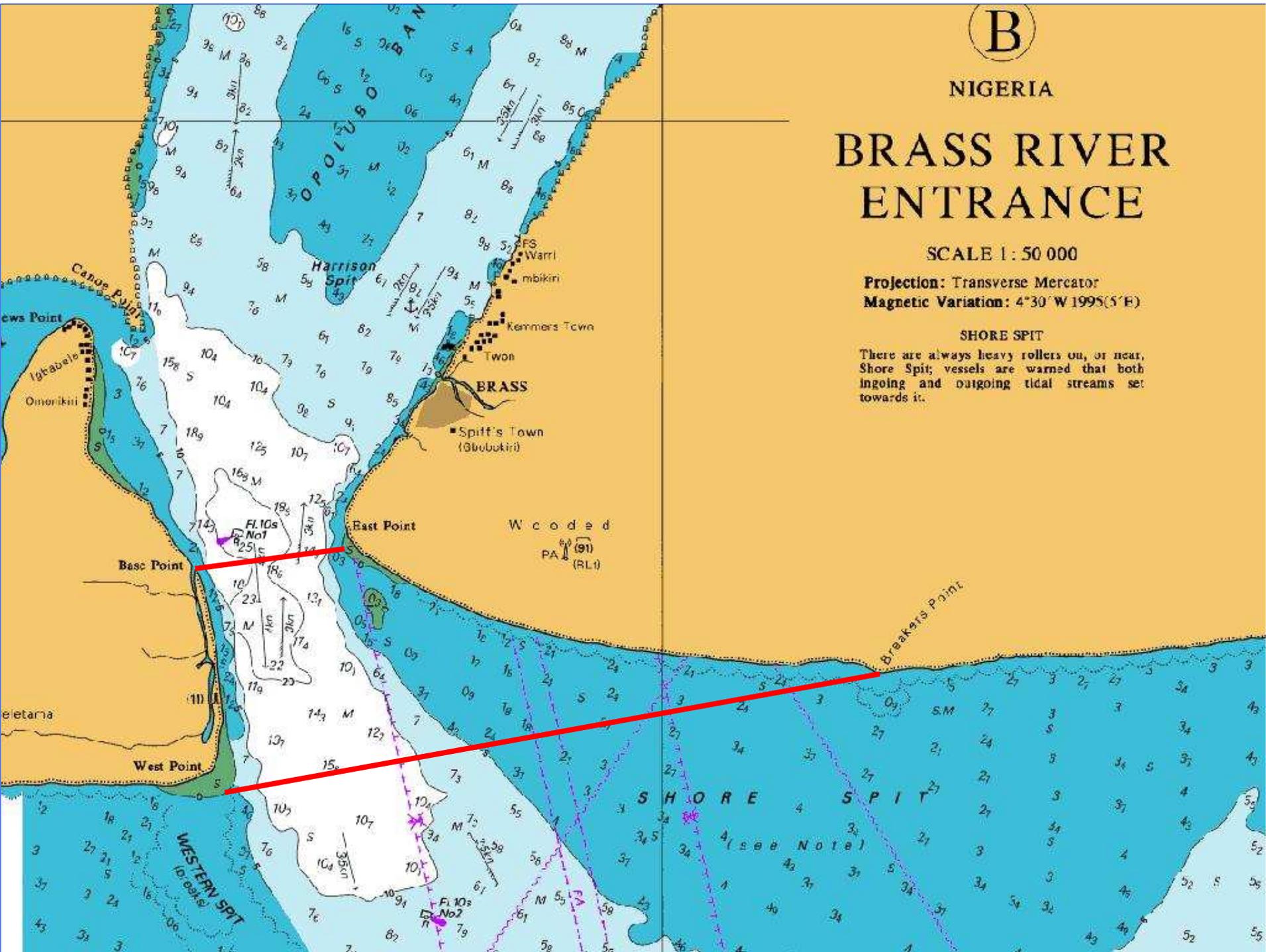
BRASS RIVER ENTRANCE

SCALE 1 : 50 000

Projection: Transverse Mercator
Magnetic Variation: 4°30' W 1995 (5' E)

SHORE SPIT

There are always heavy rollers on, or near, Shore Spit; vessels are warned that both ingoing and outgoing tidal streams set towards it.



Further Rules Historic Bays (UNCLOS Art 10.6)

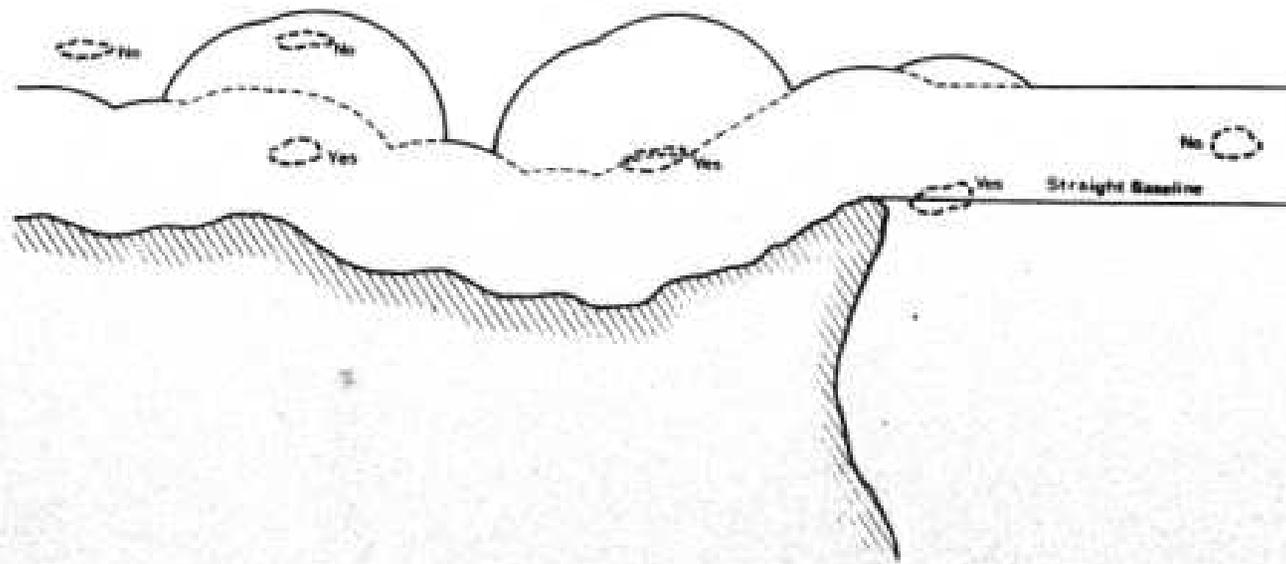
The foregoing provisions do not apply to so-called “historic” bays, or in any case where the system of straight baselines provided for in article 7 is applied.

Low-Tide Elevations (Art 13)

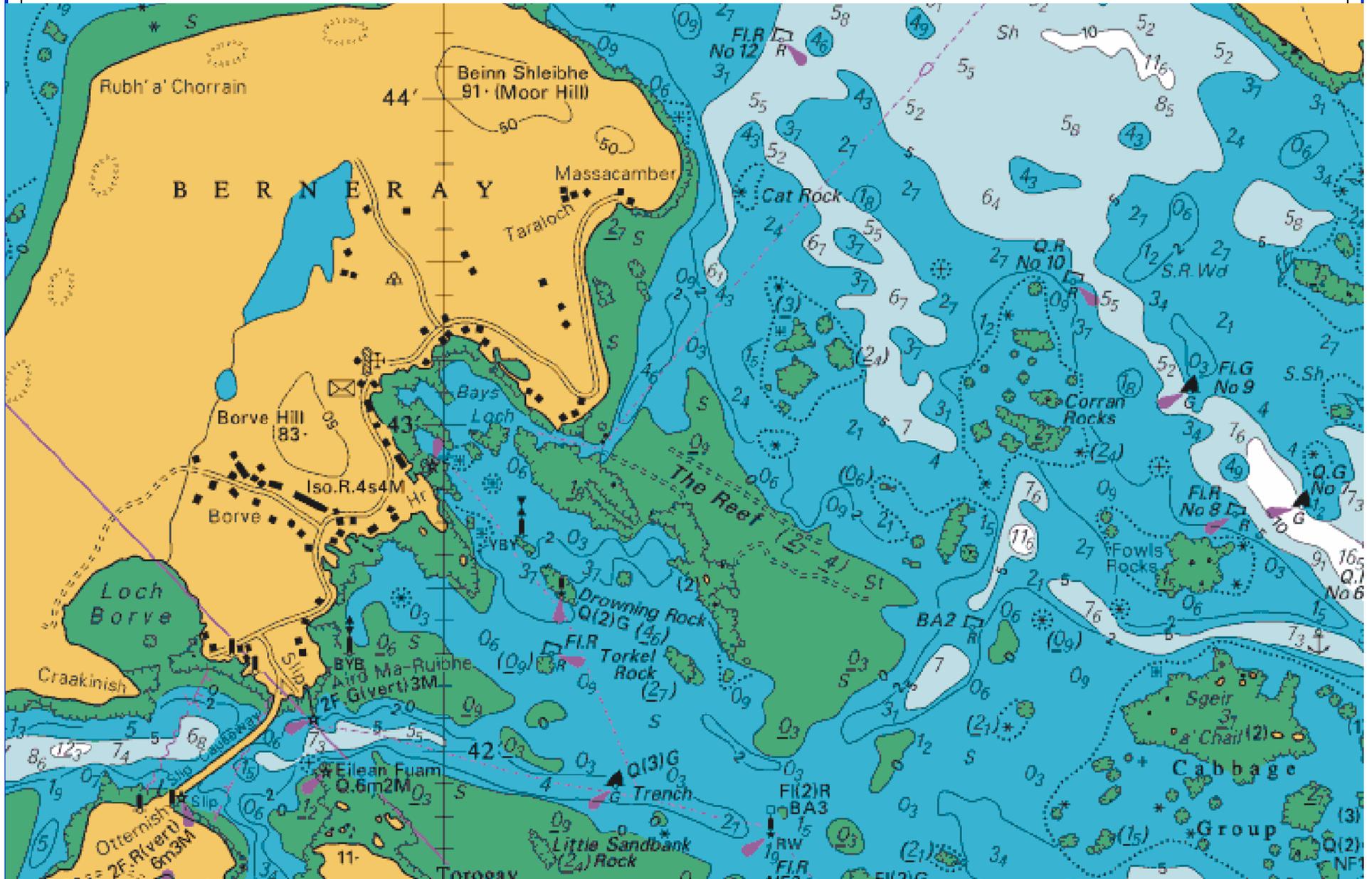
- Naturally formed;
- Above water at low-tide but submerged at high tide;
- Can not be used as basepoint if >12M from mainland or island.



LOW-TIDE ELEVATIONS



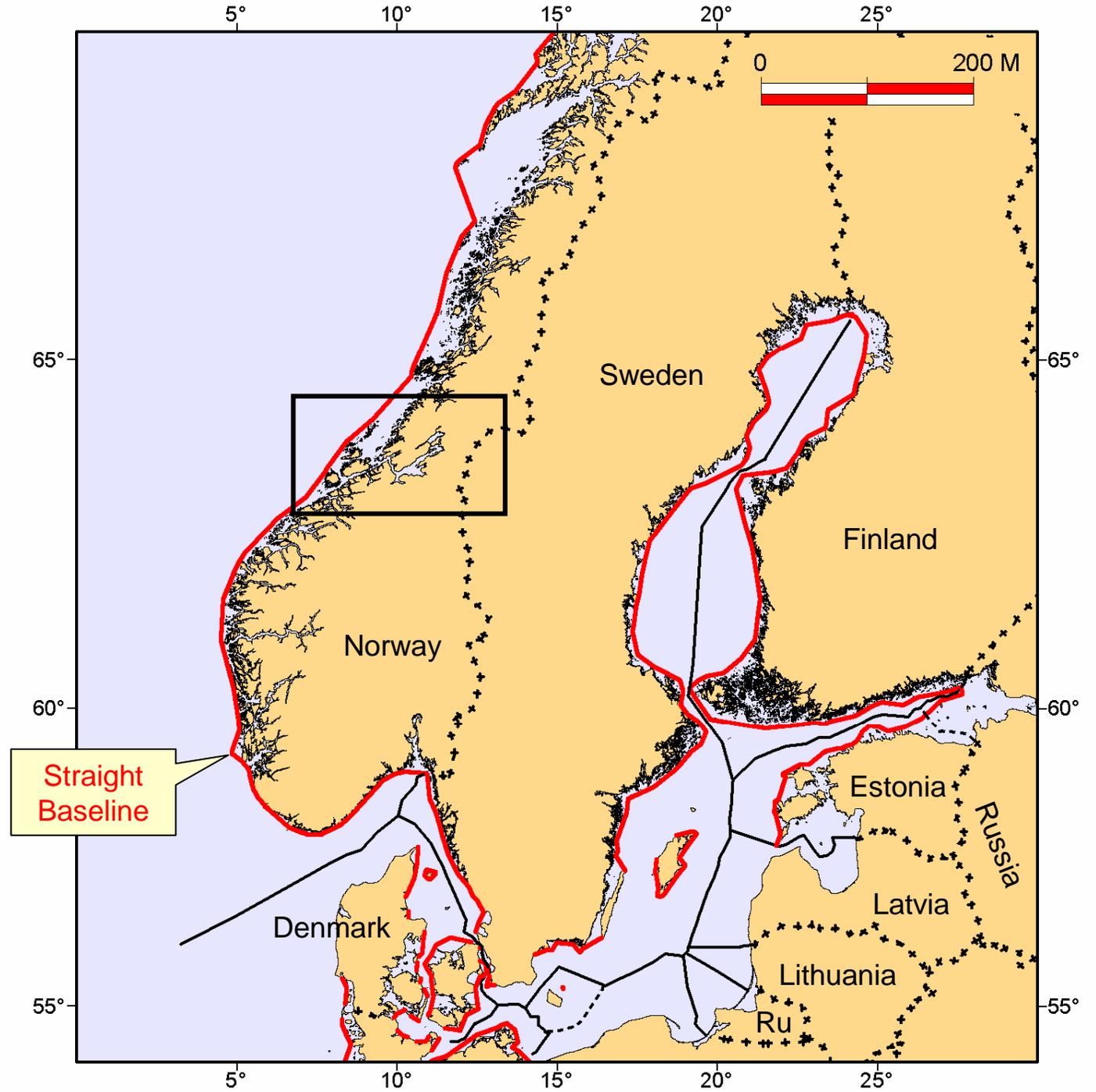
Low-tide elevations



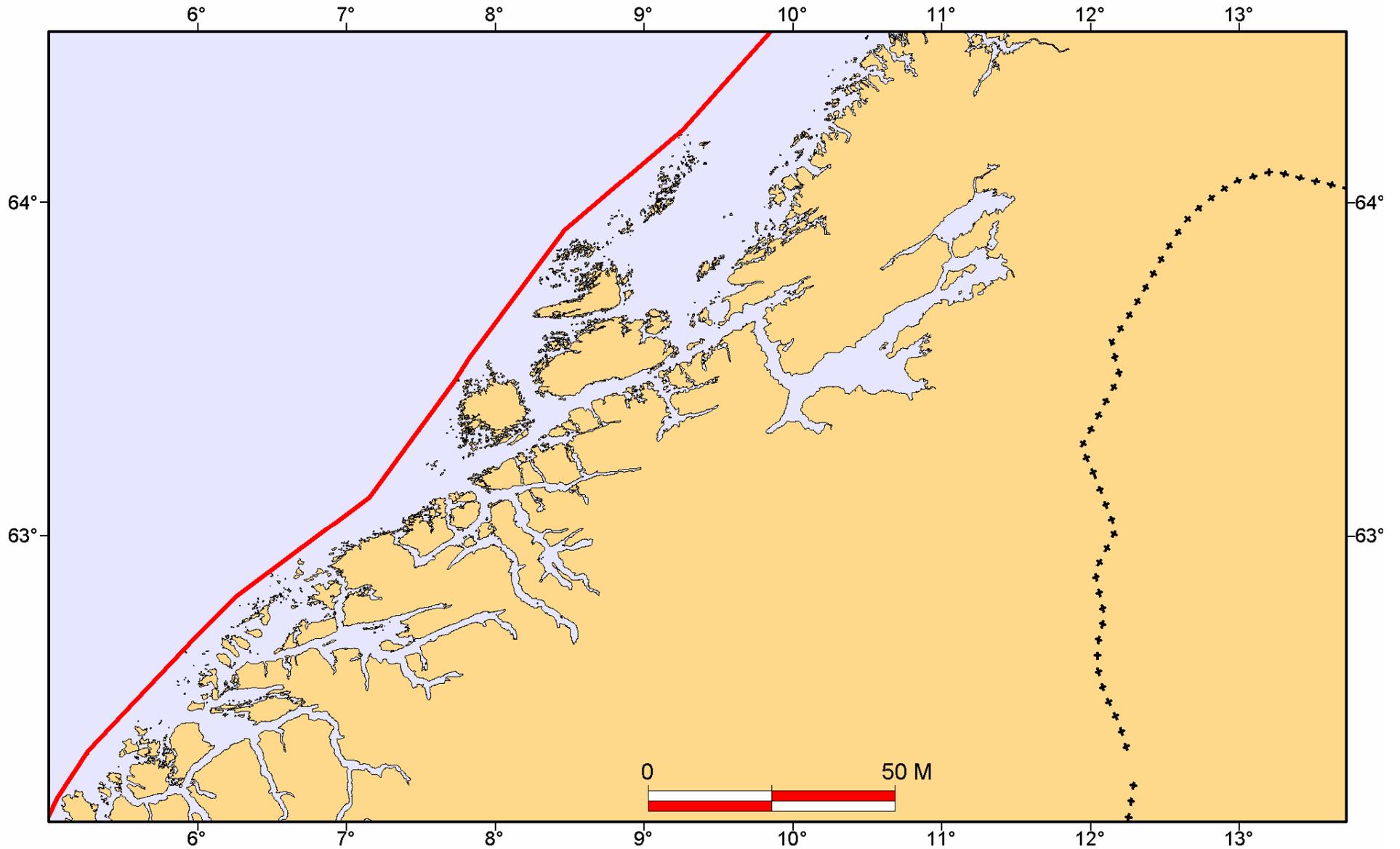
Straight Baselines (Art 7)

- **Where coastline is deeply indented, or fringe of islands;**
 - **or highly unstable delta coasts;**
- **Must follow the general direction of the coast;**
- **Can't use low-tide elevations, unless lighthouses or similar installations have been built on them;**
- **No limit on length of line segments.**

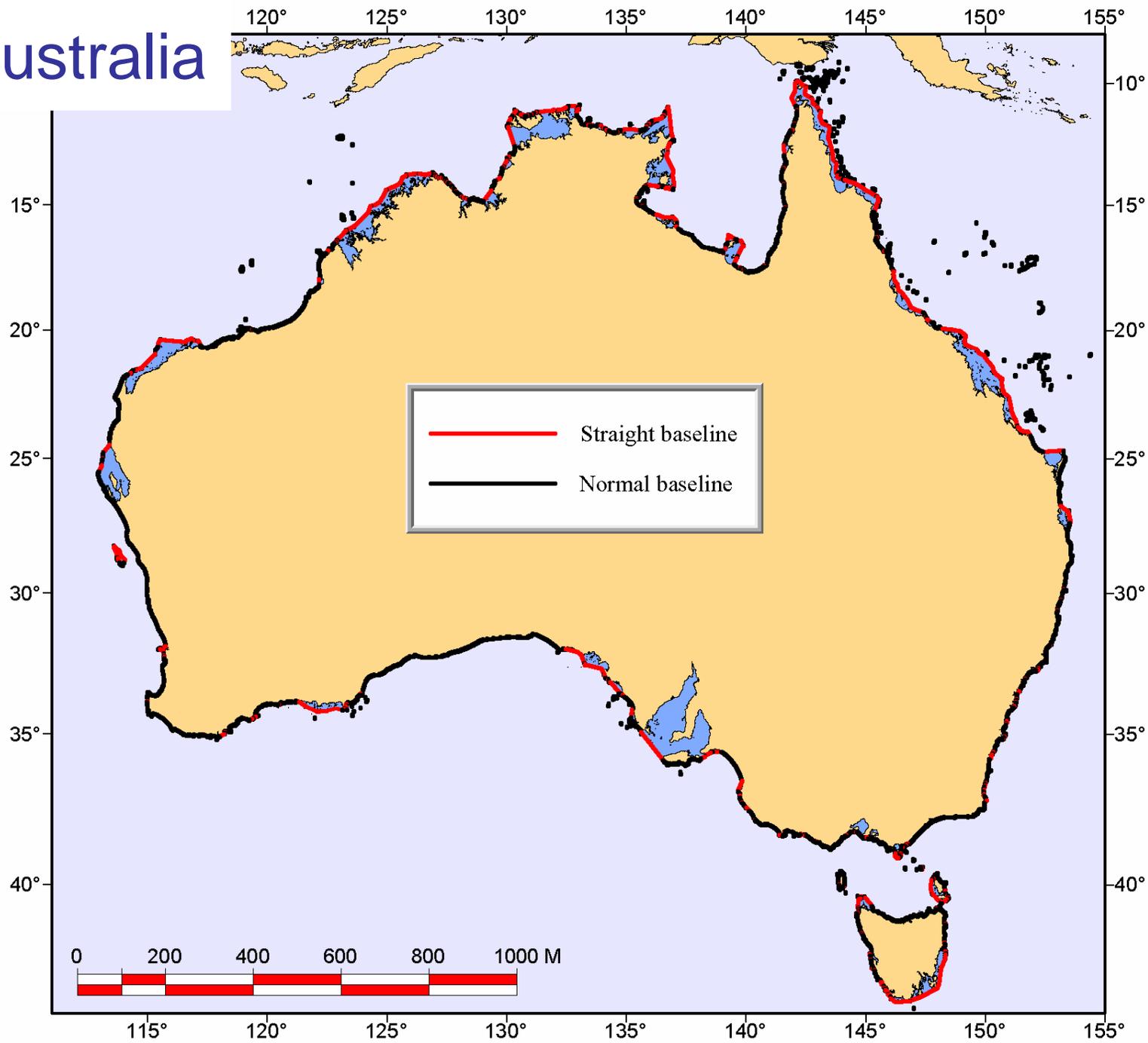
Baltic



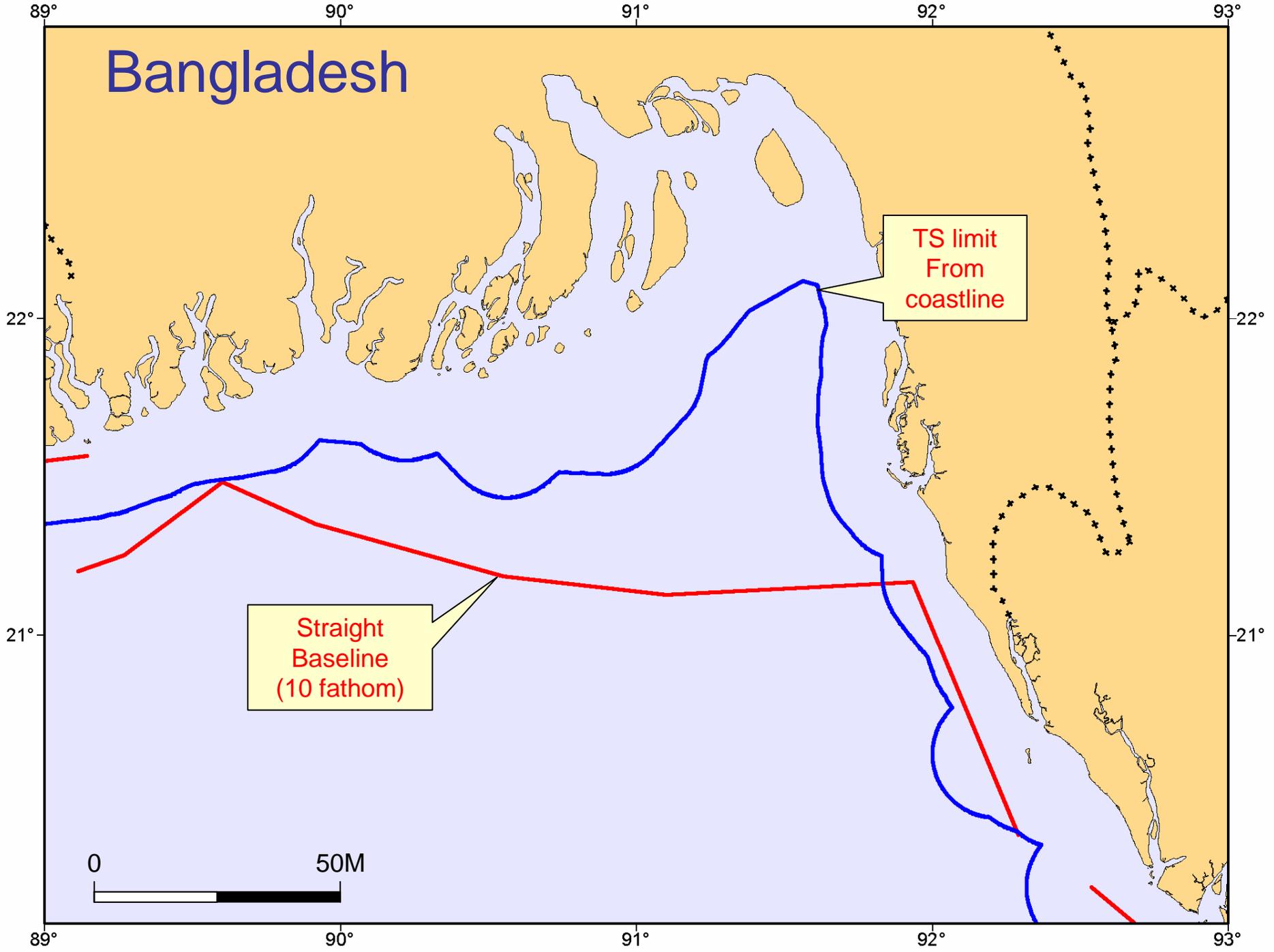
Straight Baseline Detail



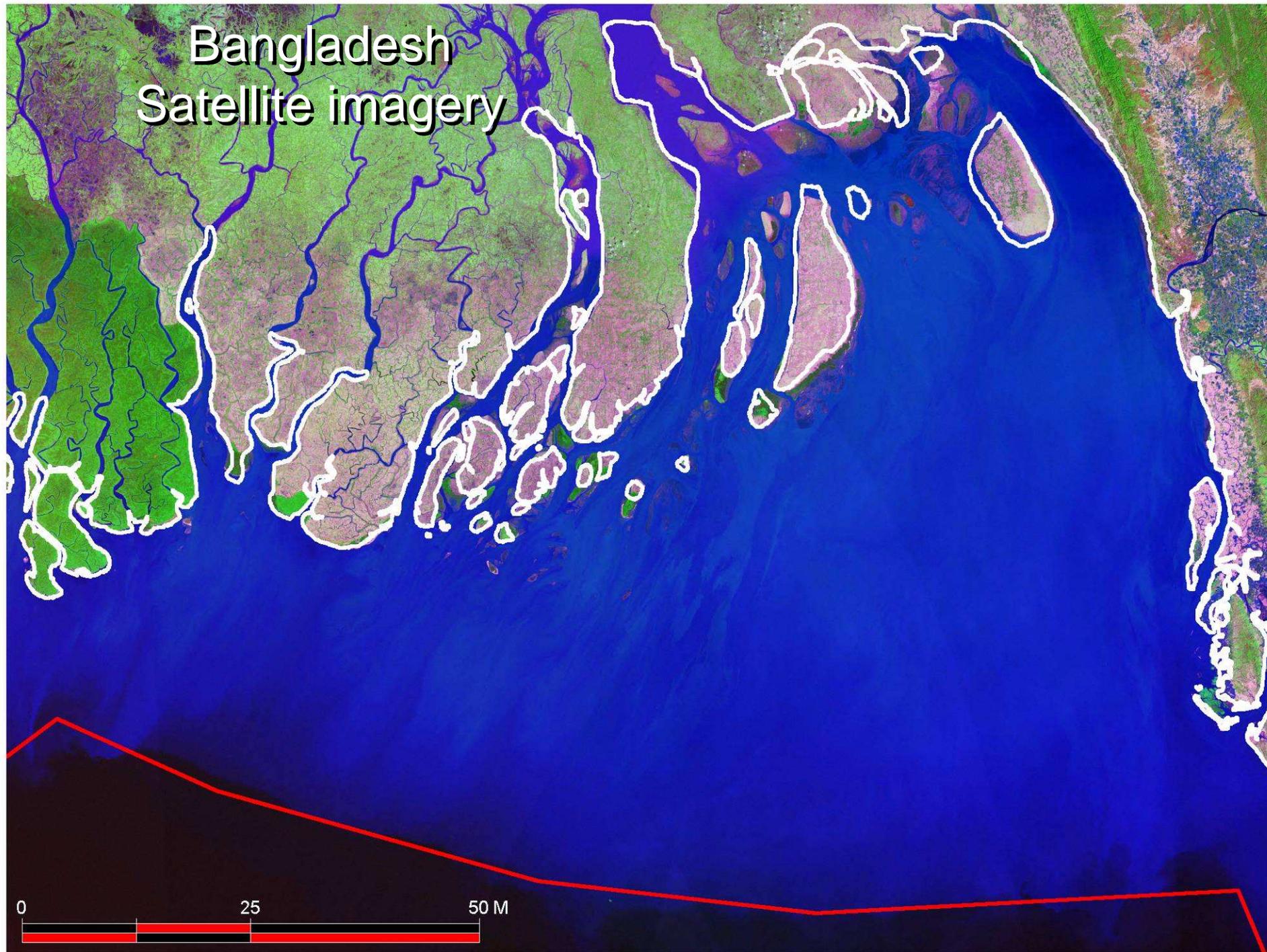
Australia



Bangladesh



Bangladesh Satellite imagery



Bangladesh Satellite imagery

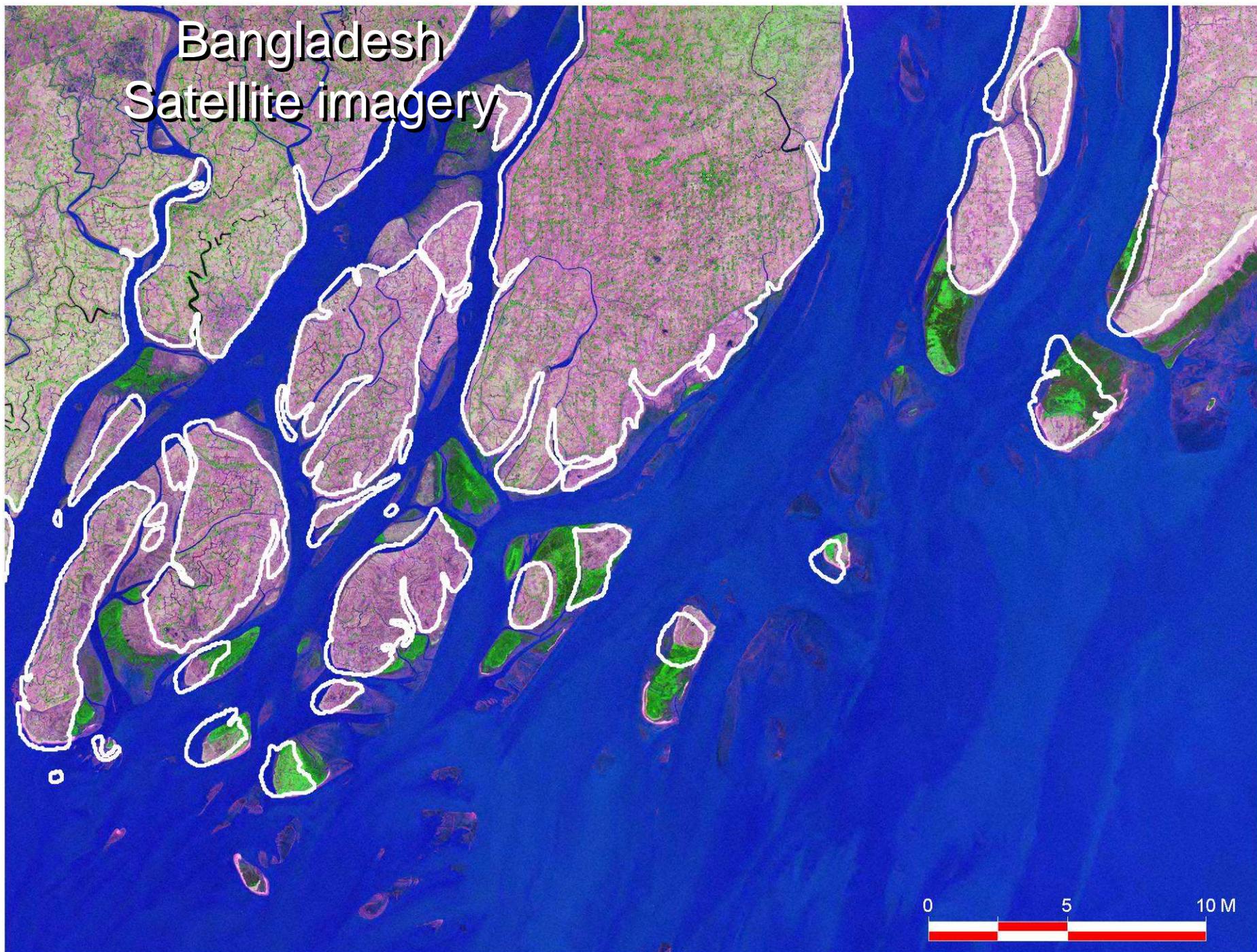
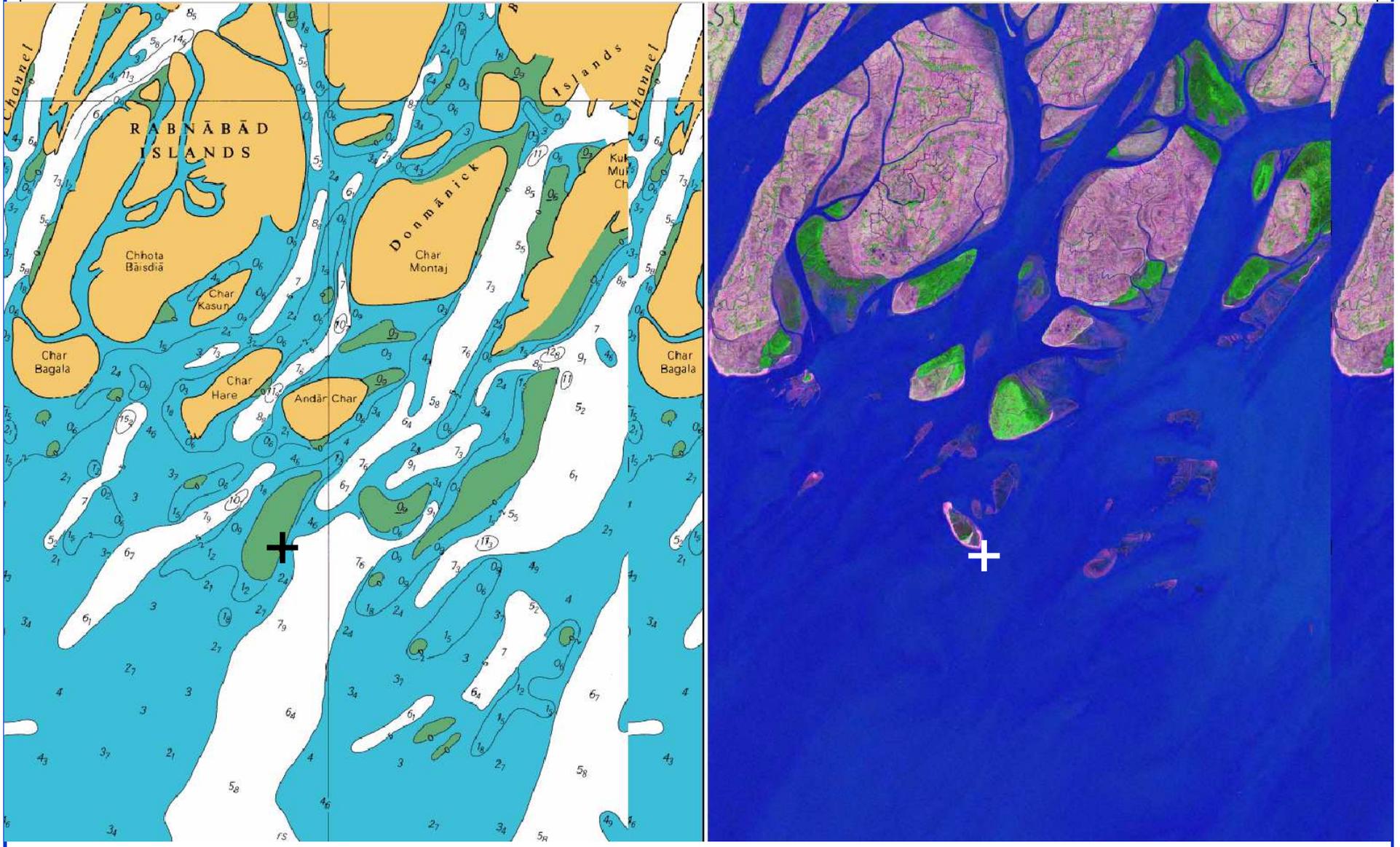
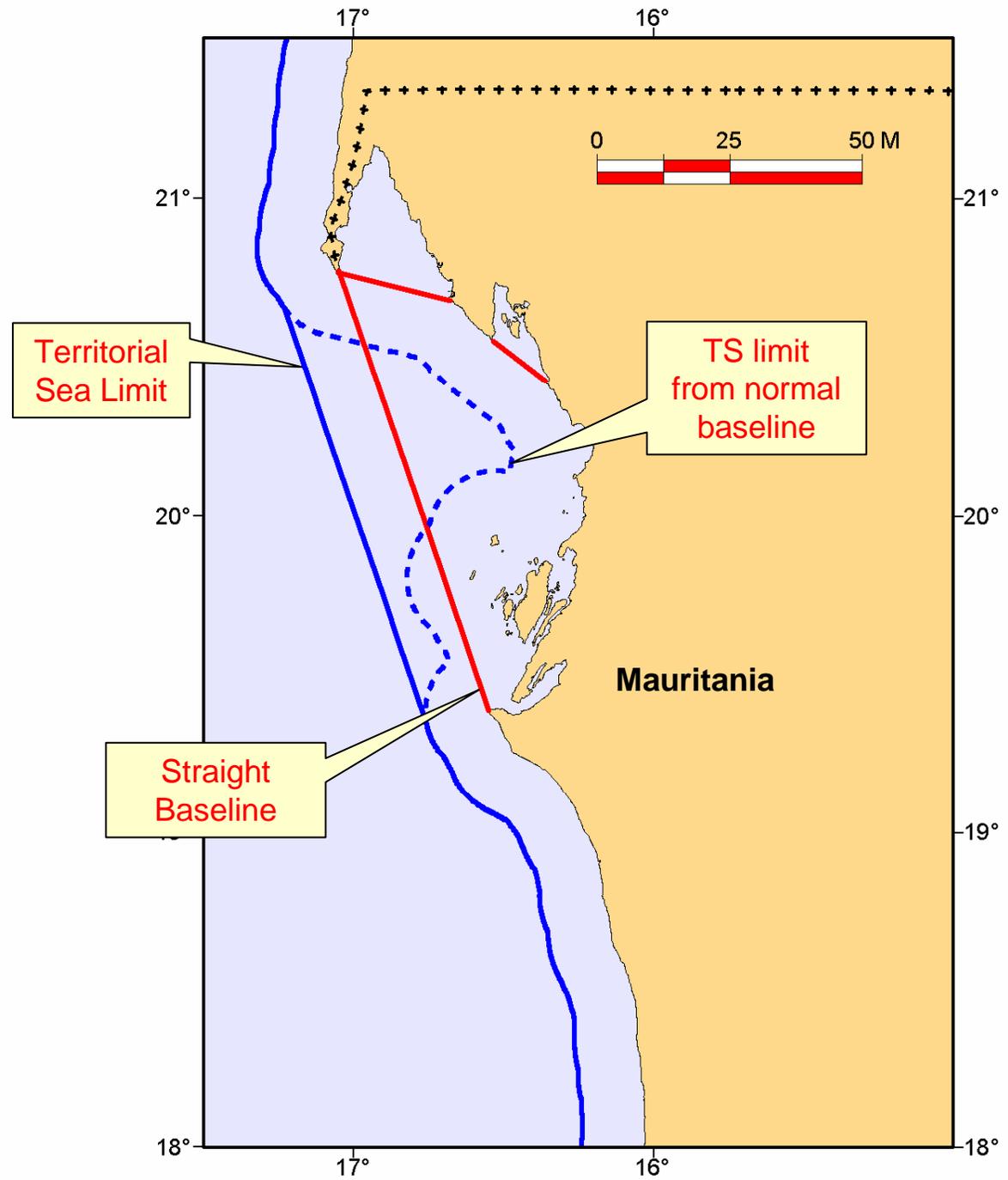


Chart – Satellite data comparison

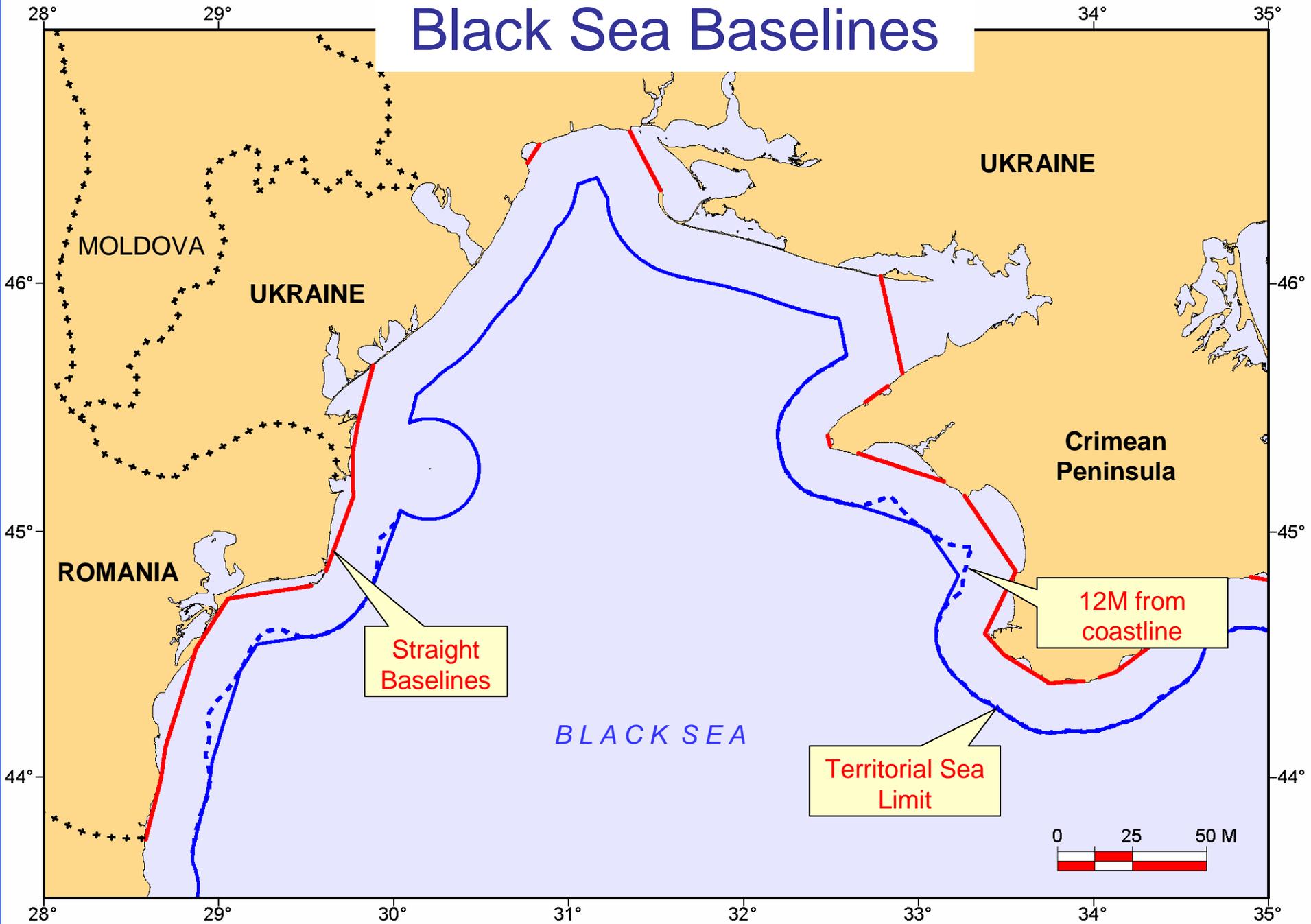


Mauritania





Black Sea Baselines



China's Claimed Straight Baselines

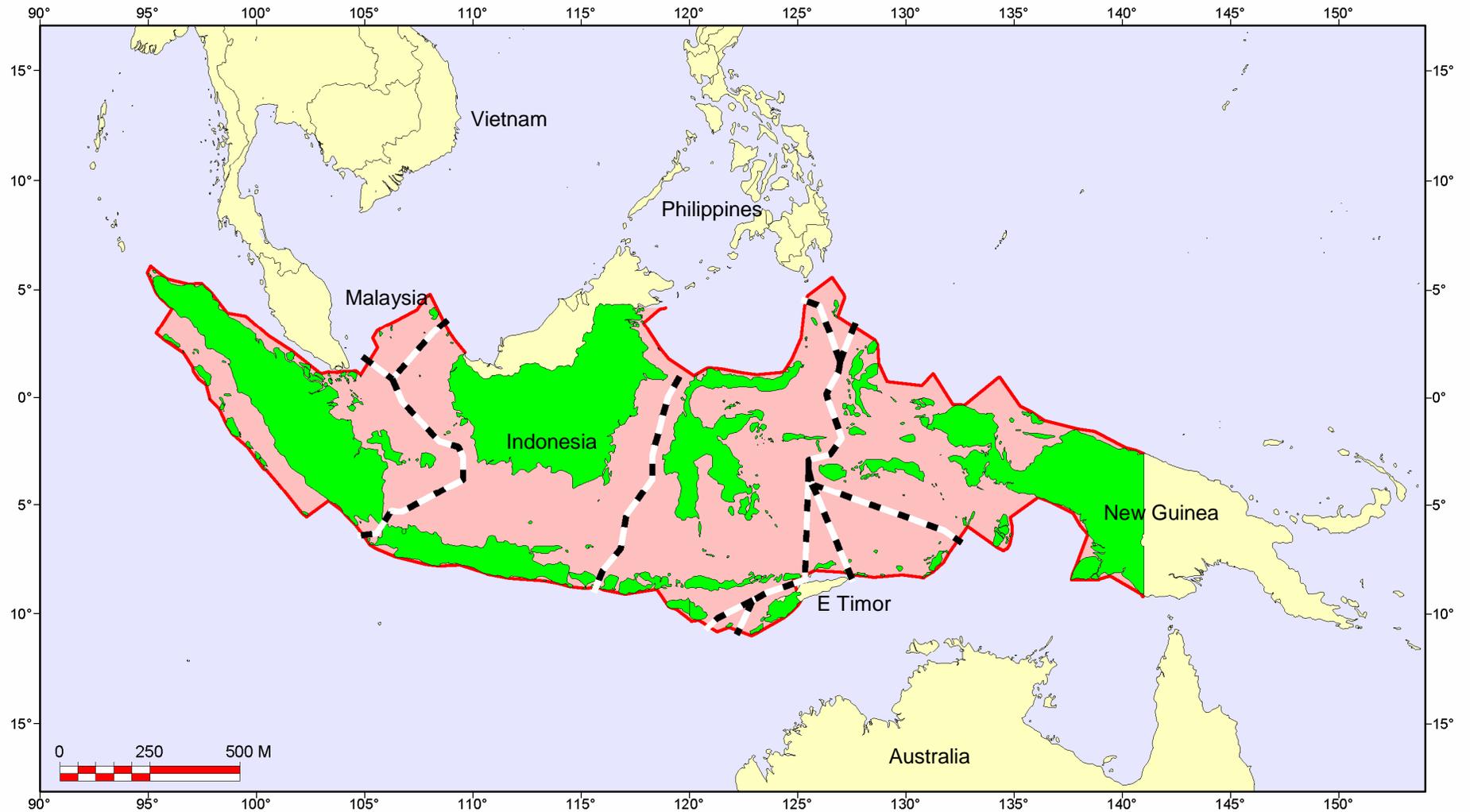


Archipelagic Baselines

- **State constituted wholly by one or more archipelagos;**
- **Baselines < 100M (3% < 125M);**
- **LTEs not allowed unless lighthouse built on it or within 12M of island;**
- **Land:Sea ratio between 1:1 and 1:9**



Archipelagic Sea Lanes



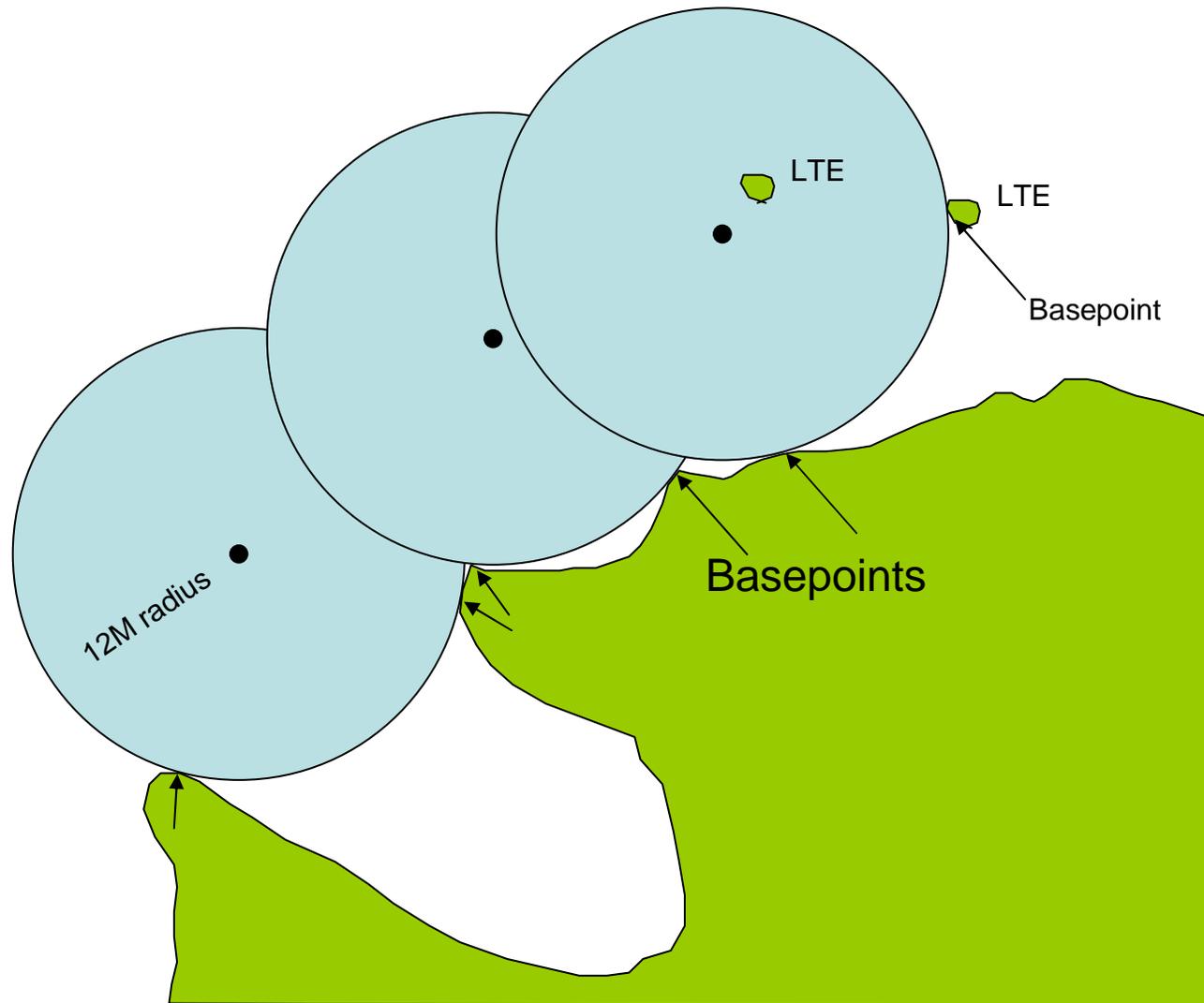
Calculation of 12M buffer

N.B. All zones drawn on spheroid

Envelope of arcs



Selecting basepoints:12M



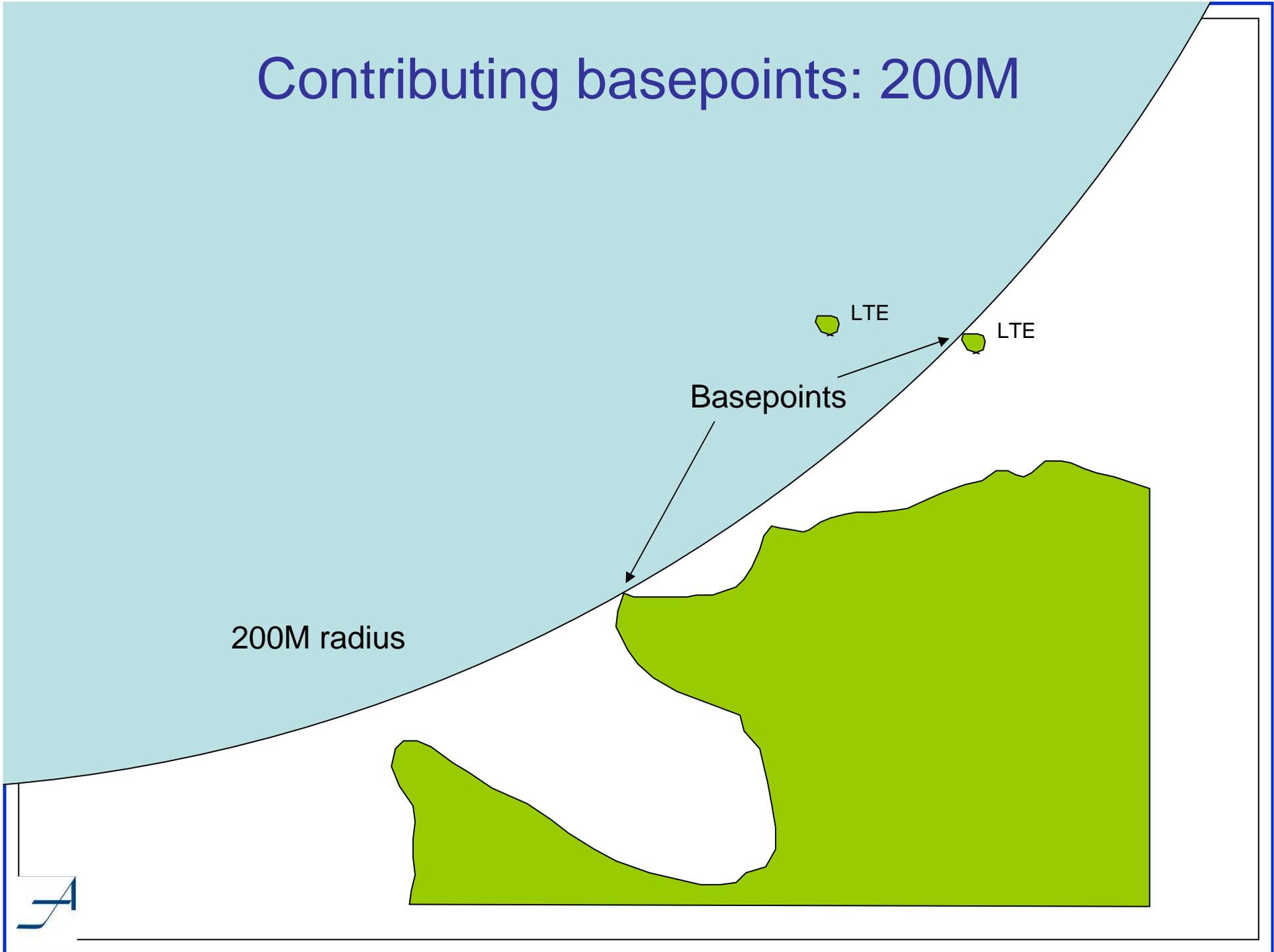
Contributing basepoints: 200M

200M radius

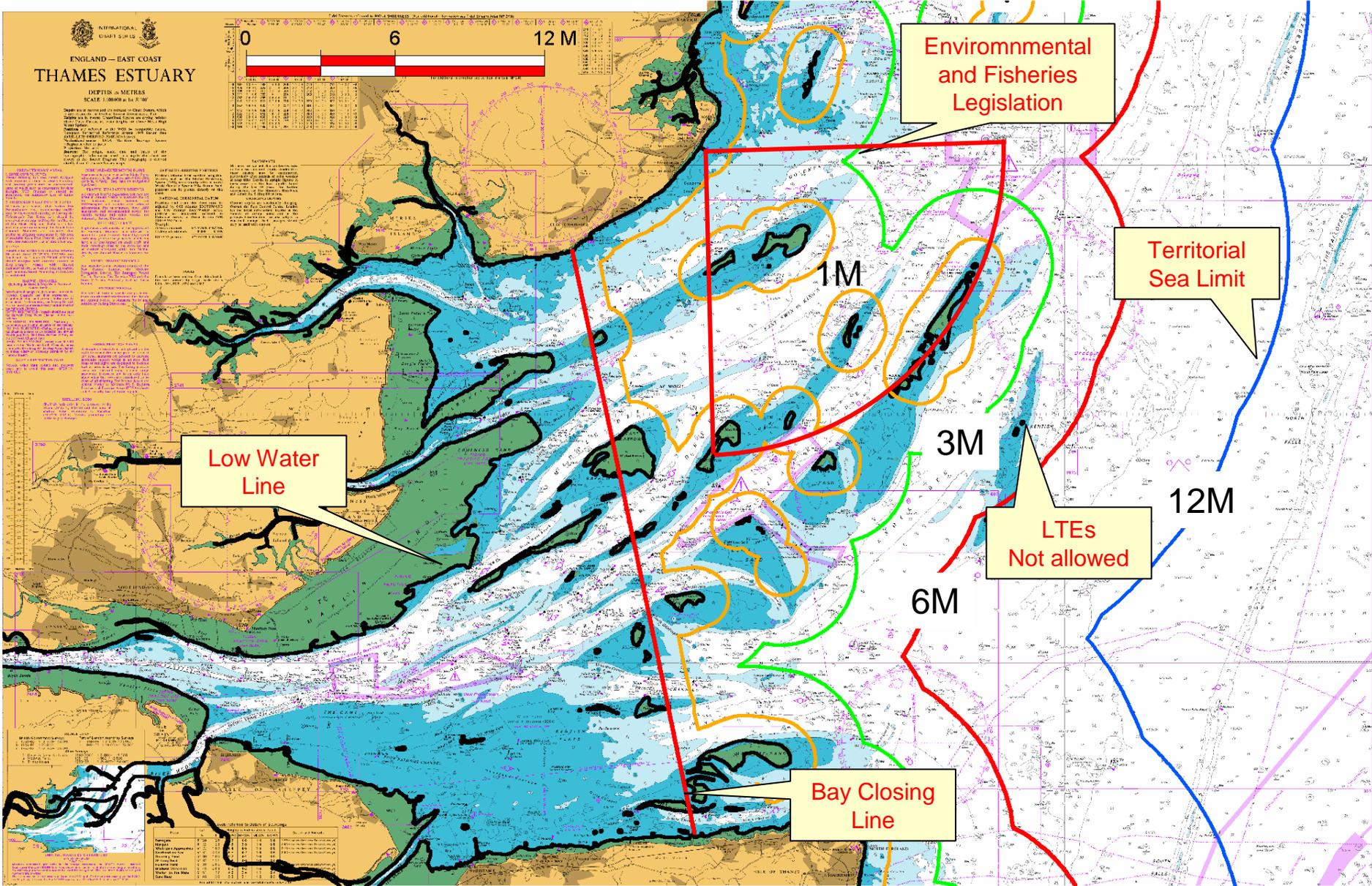
Basepoints

LTE

LTE



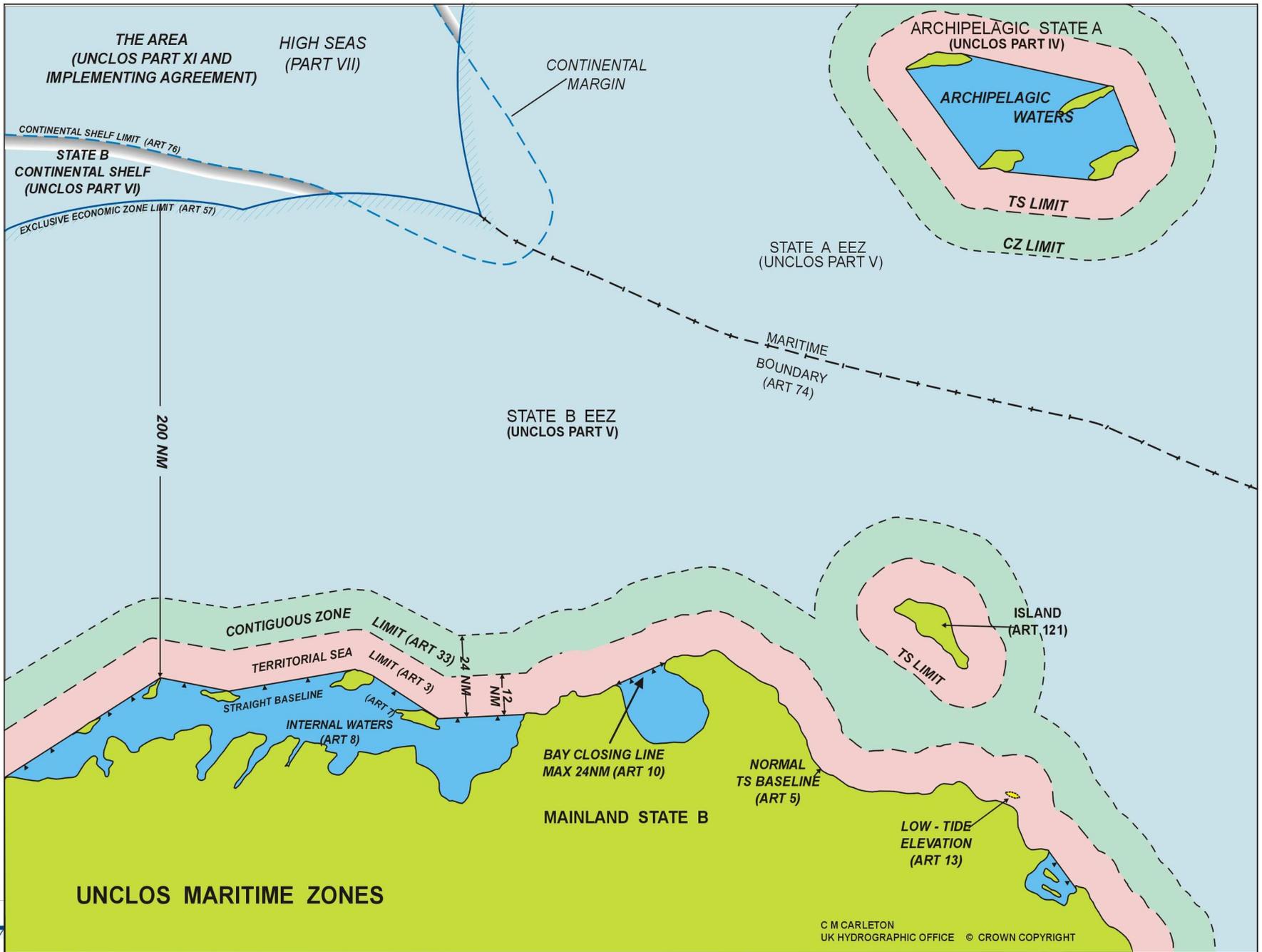
Thames Estuary: Limits



Maritime Jurisdiction

- **Territorial Sea** **12M**
- **Contiguous Zone** **24M**
- **Exclusive Economic Zone** **200M**
- **Extended Continental Shelf** **350M***
- **High seas/“Area” outside national jurisdiction**
- *depending on criteria in UNCLOS Article 76





UNCLOS MARITIME ZONES

The Territorial Sea

UNCLOS Part II

- **UNCLOS Article 3**
- **Maximum Breadth 12M**
- **Coastal State has sovereignty over the territorial sea**
- **All vessels enjoy the right of innocent passage through the territorial sea, UNCLOS Article 17.**



Contiguous Zone

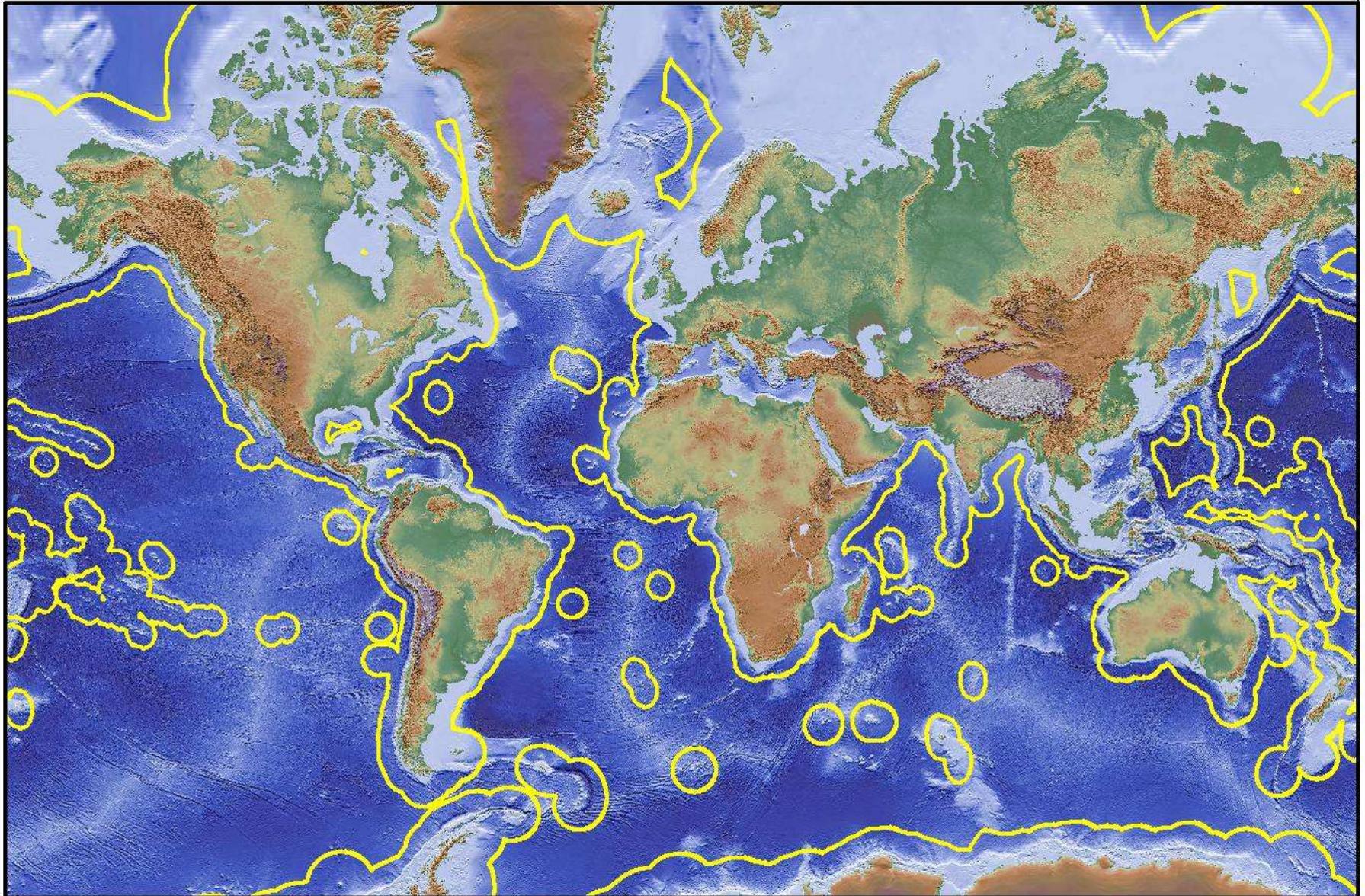
- **Up to 24M from baselines**
- **In the Contiguous Zone a coastal State may exercise control necessary to**
 - a) **prevent infringements of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;**
 - b) **punish infringement of the above laws and regulations committed within its territory or territorial sea.**

Exclusive Economic Zone

- **200M from baselines**
- **Sovereign rights for exploitation of all resources (fish, oil, gas, minerals, energy)**
- **Jurisdiction regarding:**
 - artificial islands etc
 - marine scientific research
 - Environment
- **All states enjoy freedoms of navigation, overflight, laying of pipelines and cables.**



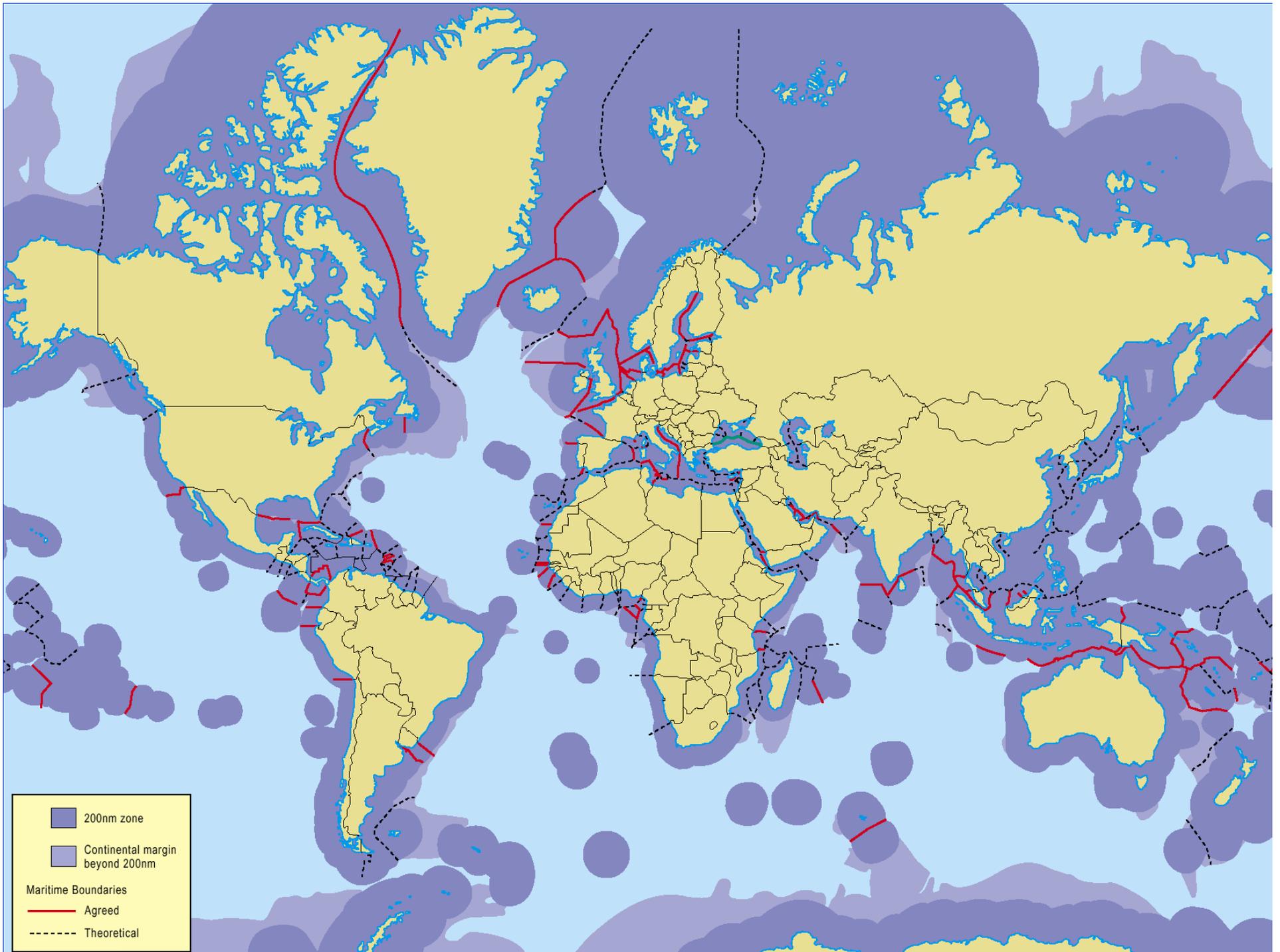
Exclusive Economic Zones (200M)



Outer Continental Shelf

- **Beyond 200M (subject to Art 76 provisions)**
- **Resources of seabed and subsoil only**
 - **Sedentary species**
 - **Oil, gas, minerals**





The “Area”

- “Unclaimed” sea-bed;
- Developed for the benefit of mankind;
- Administered by the International Seabed Authority.

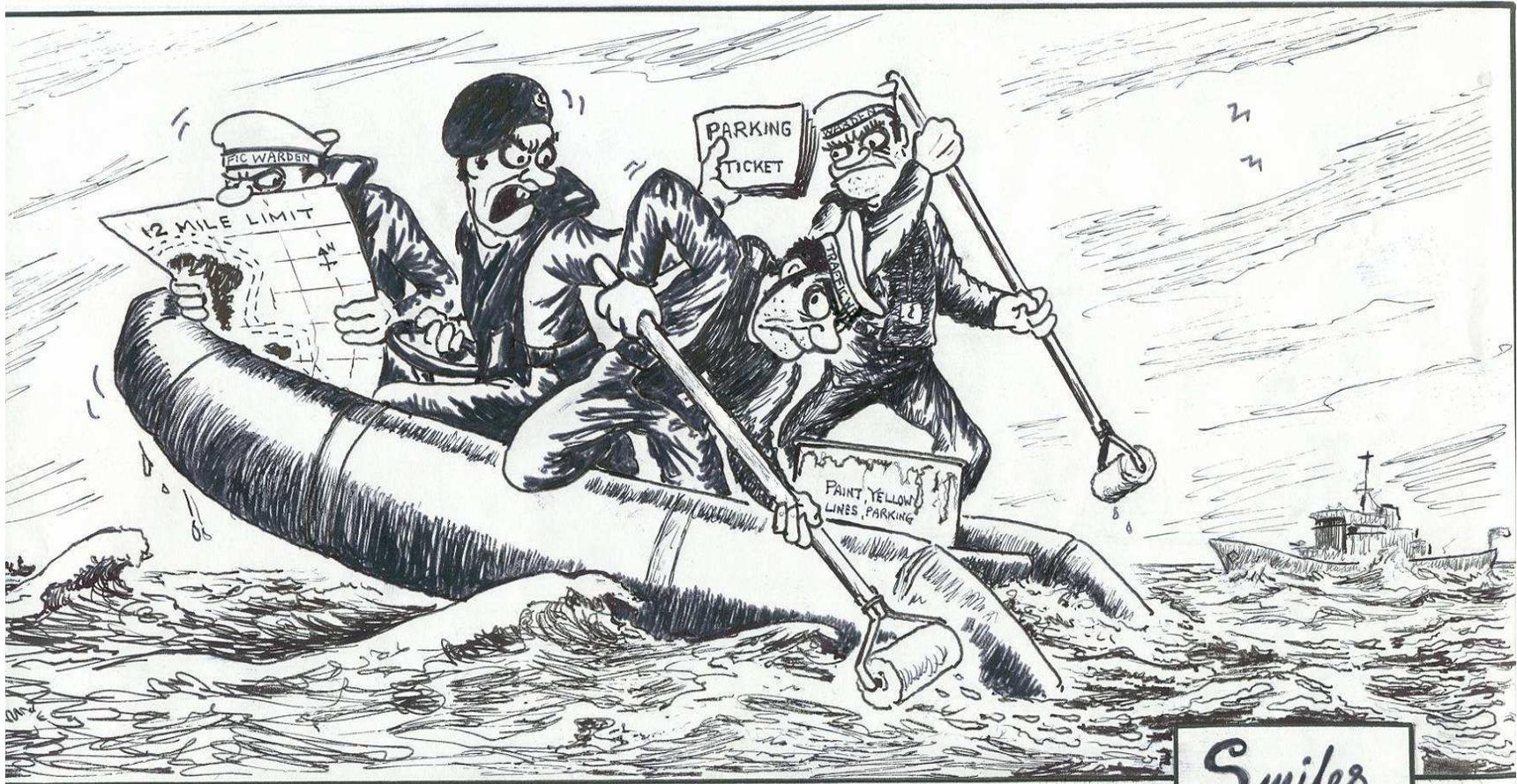


The Delimitation of Maritime Boundaries

- UNCLOS Art 15, Art 74 and Art 83



Published in Navy News October 1987



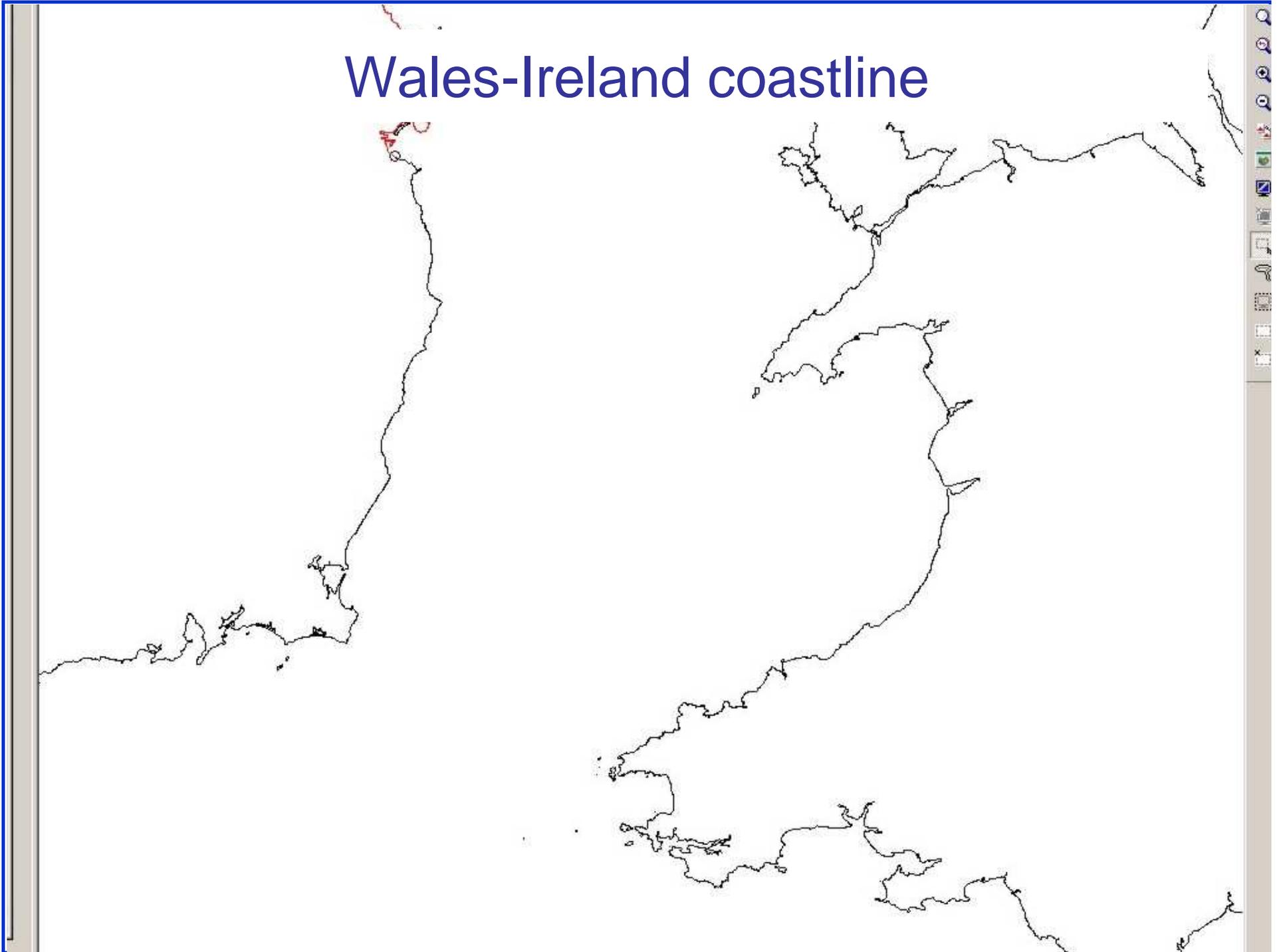
Smiles

Principles of Delimitation

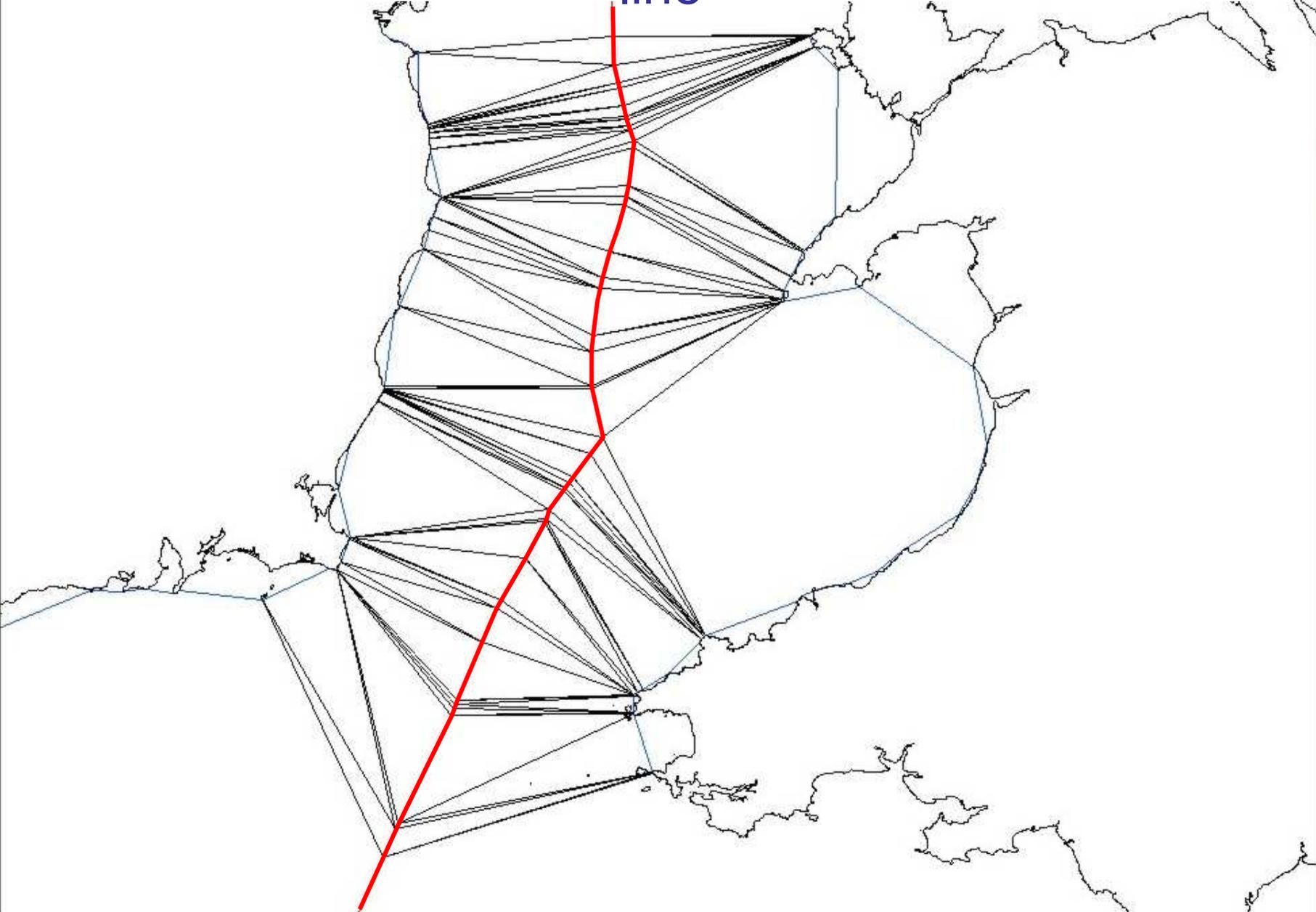
- **Achieve an equitable result (UNCLOS)**
- **Pre-UNCLOS favoured equidistance**
- **Territorial Sea – median line (unless historical/special circumstances)**
- **Geographical circumstances**
 - Coastal length (relevant coast)
 - Economic (oil practice)
 - Weighting of islands
 - Use of low tide elevations
- **Geology/geomorphology do not count (within 200M)**



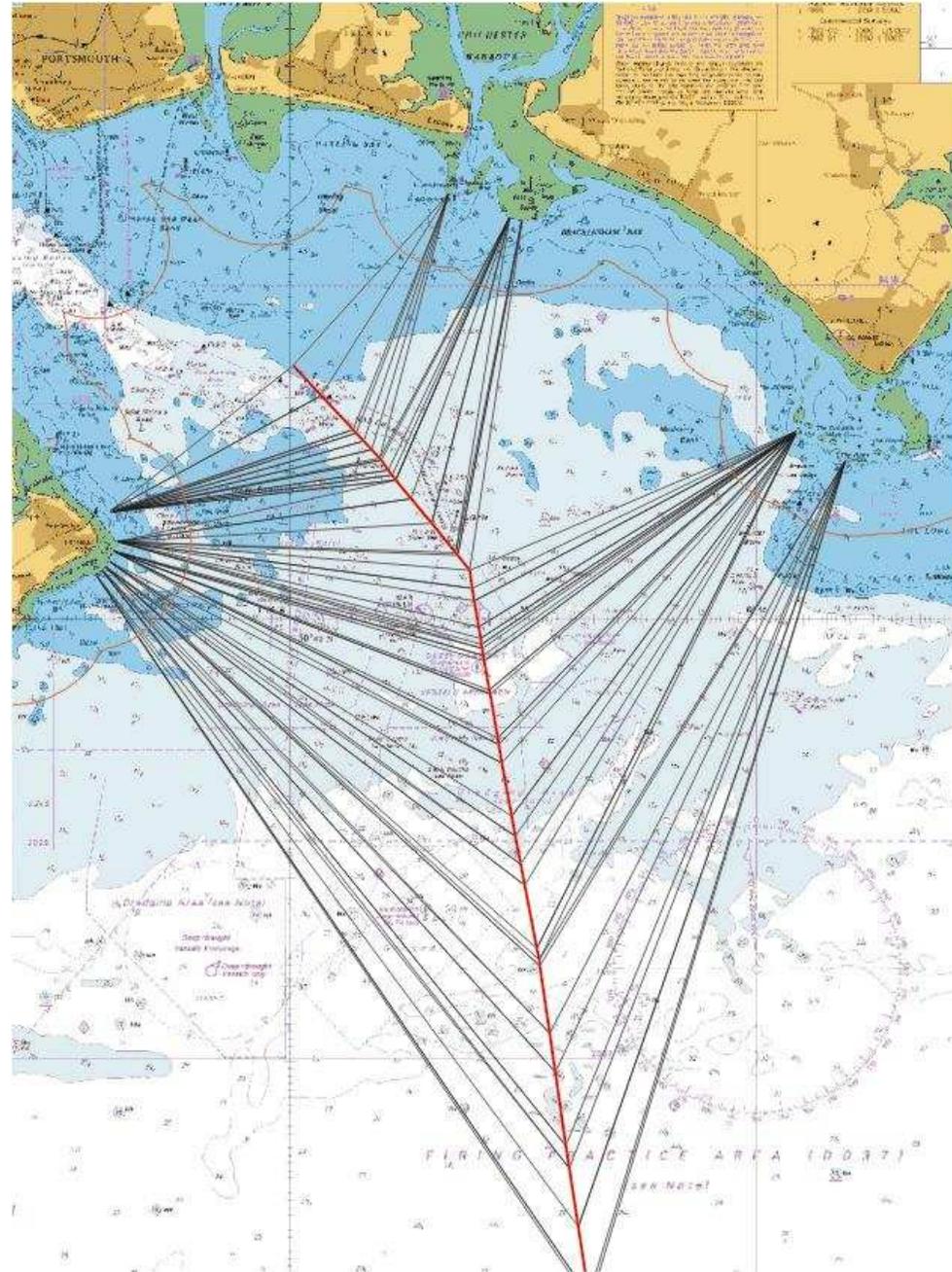
Wales-Ireland coastline



Wales-Ireland opposite coasts calculated median line



- Adjacent States
- Equidistance Line



EARLY MARITIME DELIMITATION

- **Maritime boundary delimitation is a relatively modern phenomena**
- **Prior to the 1958 Geneva Conventions very few boundaries were delimited beyond the territorial sea**
- **Territorial sea limits were narrow – 3 or 4 nautical miles**



1958 GENEVA CONVENTIONS ON THE TERRITORIAL SEA AND CONTIGUOUS ZONE AND THE CONTINENTAL SHELF

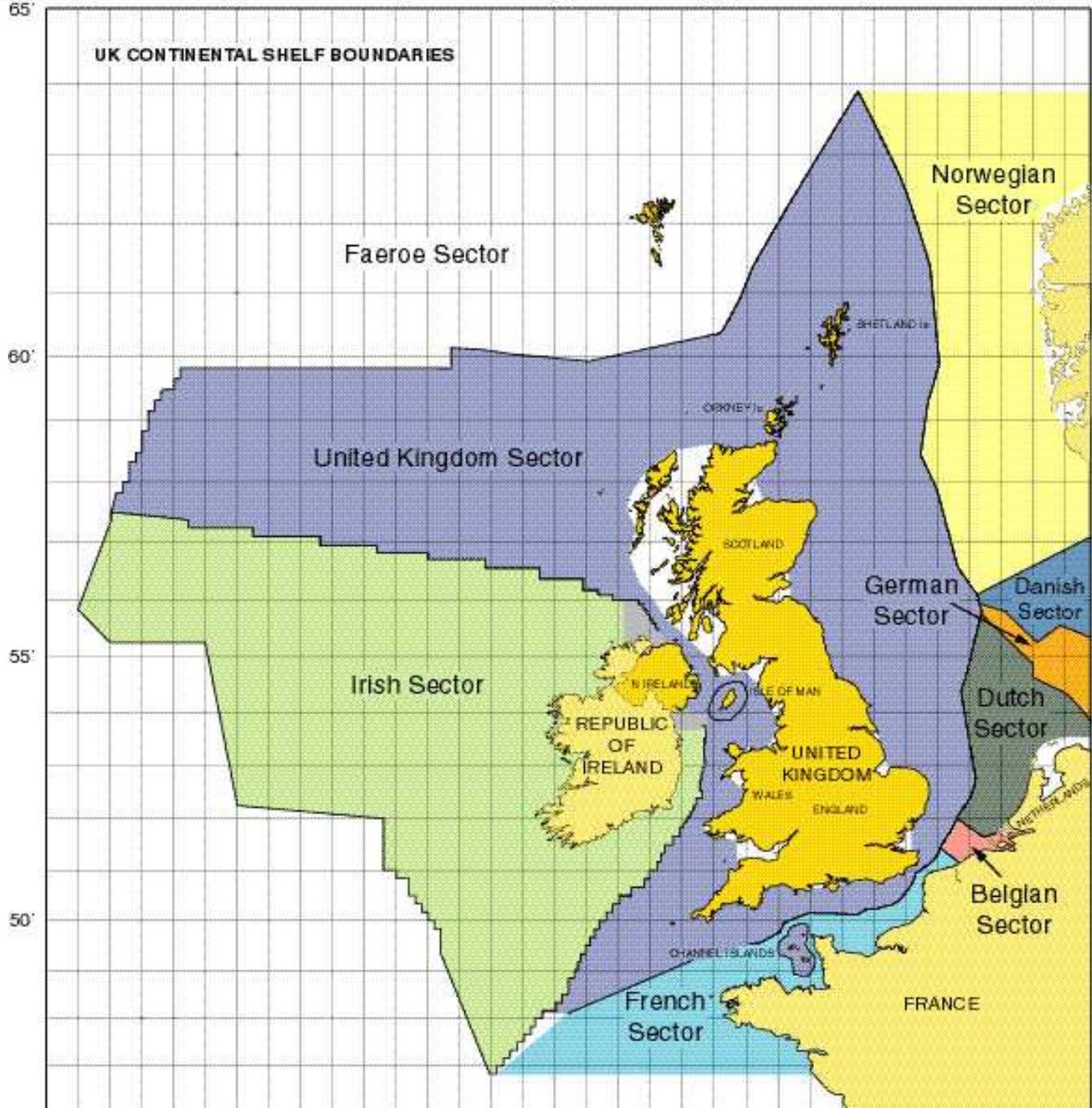
- **Both Conventions favoured the median line except in cases of historic title or other special circumstances**

EARLY UK MARITIME DELIMITATION

- The 1960s – Median line solutions derived graphically using specially prepared equal area projections
- 1965 – UK/Norway
- 1966 – UK/Netherlands
- The 1970s – Still generally median lines but derived using computers



25° 20° 15° 10° 5°W 0° 5°E



THE CHANGE TO EQUITABLE PRINCIPLES

The Jurisprudence

- **The North Sea Continental Shelf Case – 1969**
- **The subsequent delimitations – 1971**
- **The UK/France Channel arbitration – 1977**
- **Canada/USA (Gulf of Maine) – 1984**
- **Malta/Libya – 1985**
- **Denmark(Greenland)/Norway(Jan Mayen) - 1993**



Are we moving back to the median line?

Three examples of recent judgements that may suggest that we are:

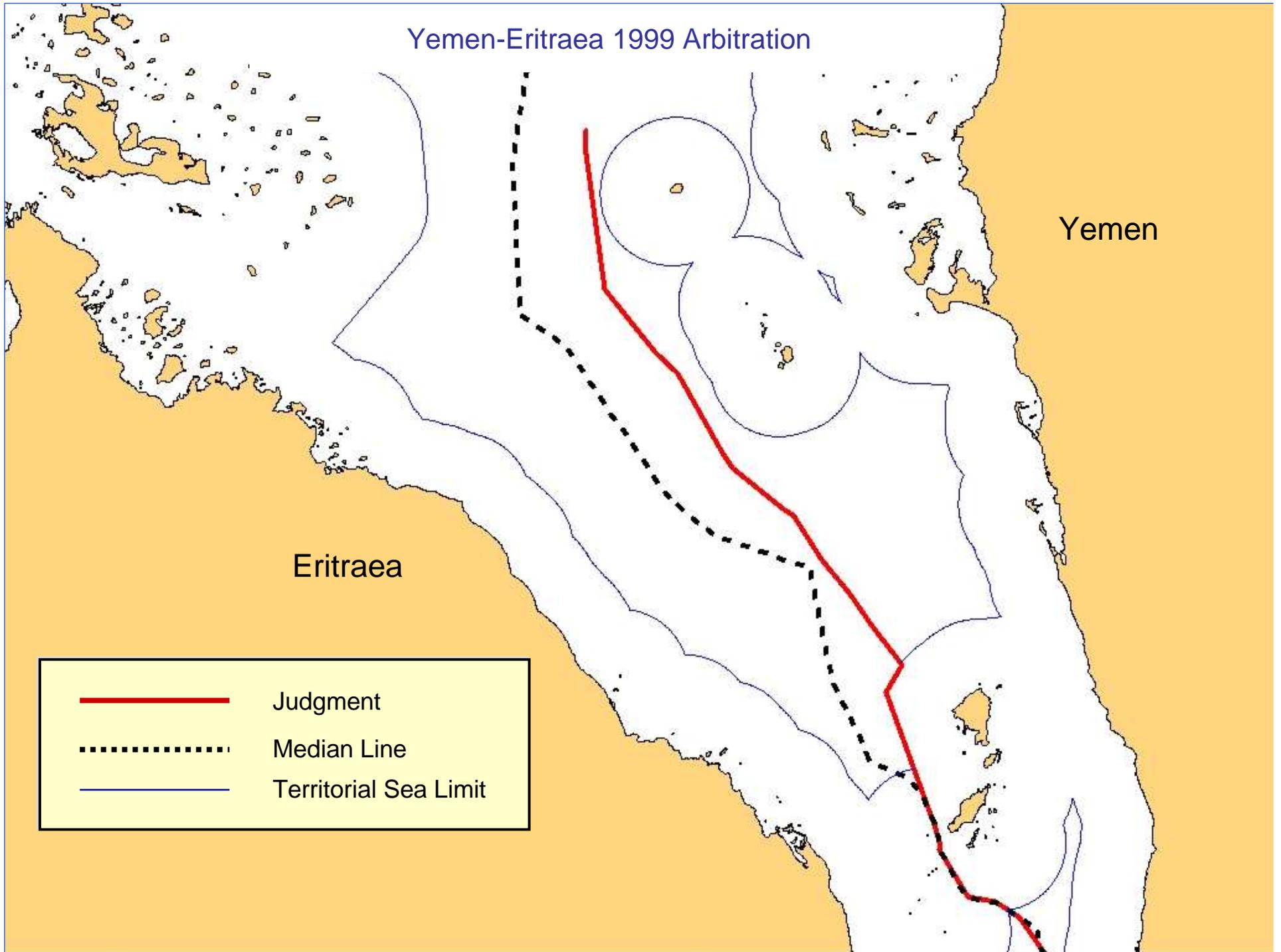
Eritrea/Yemen – 1999

Bahrain/Qatar – 2001

Nigeria/Cameroon - 2002



Yemen-Eritrea 1999 Arbitration



CONCLUSIONS

- Early maritime boundaries were generally median lines
- Boundaries in the 1970s to 1990s relied upon equitable principles
- Modern trends appear to be moving back towards a median line based solution taking account of geographical inequality



Questions?

