

ABSTRACT SUBMISSION FORM

Straight Baselines: The flexibility of the inner limit of the 350 mile outer limit of the continental shelf:

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The presentation will focus on the legal effect of the inherent flexibility in the rules of drawing straight baselines on the 350 mile outer limit of the continental shelf. Special focus will be on the often ignored importance of the international customary law regime of internal waters for the drawing of straight baselines.

Straight baselines are often claimed to be exhaustively regulated by the 'explicit and stringent criteria' in the section on territorial sea in the 1958 and 1982 Law of the Sea Conventions. This presumption is open to serious criticism. First the treaty law rules of baselines in the 1958 and 1982 Conventions on the Law of the Sea are neither exhaustive or the criteria for drawing baselines clear and stringent. Second, it is presumed in the preparatory works as well as in the treaty rules themselves, that the rules of baselines are supplemented by the customary rules of internal waters. Both according to treaty law and general customary law straight baselines can be generated on two separate legal bases in international law as the inner limit of territorial sea and the outer limit of internal waters. The existence of a double legal basis for drawing straight baselines could have wide ranging effect for the delimitation of the 350 outer limit of the continental shelf.

The double function and double legal basis of the straight baselines will be presented. The legal gaps in the existing treaty law of straight baselines will be outlined. The main emphasis will, however, be on the often ignored independent role of the purely customary law regime of internal waters for drawing straight baselines. Straight baselines with similar effect as the treaty law baselines can be drawn according to customary law only. The closing line of internal waters will in practice be a straight baseline even if drawn according to customary law. The customary law regime contain few and very vague restrictions on coastal state sovereignty to delimit areas of adjacent sea as internal waters. Perhaps most important, no definite maximum mile limit has been agreed upon. Consequently, the formal 350 mile outer limit of the continental shelf could in practice be pushed further outward into the high sea based on pure customary law with few legal restrictions.