The image shows the cover of a spiral-bound notebook. The cover is a light beige or tan color with a fine, woven texture. On the left side, there is a silver metal spiral binding. The text is centered on the cover in a dark blue, serif font. The title 'Case Study' is at the top, followed by the subtitle 'Legal and technical issues concerning the baselines in Ireland' in a larger font. At the bottom right, the author's name and affiliation are written in a red, sans-serif font.

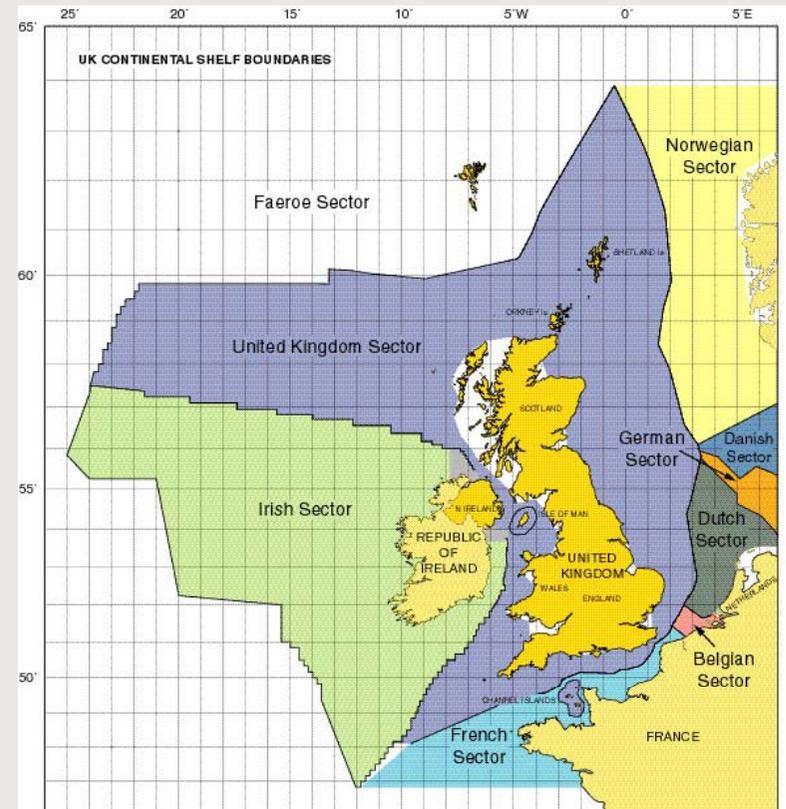
# **Case Study**

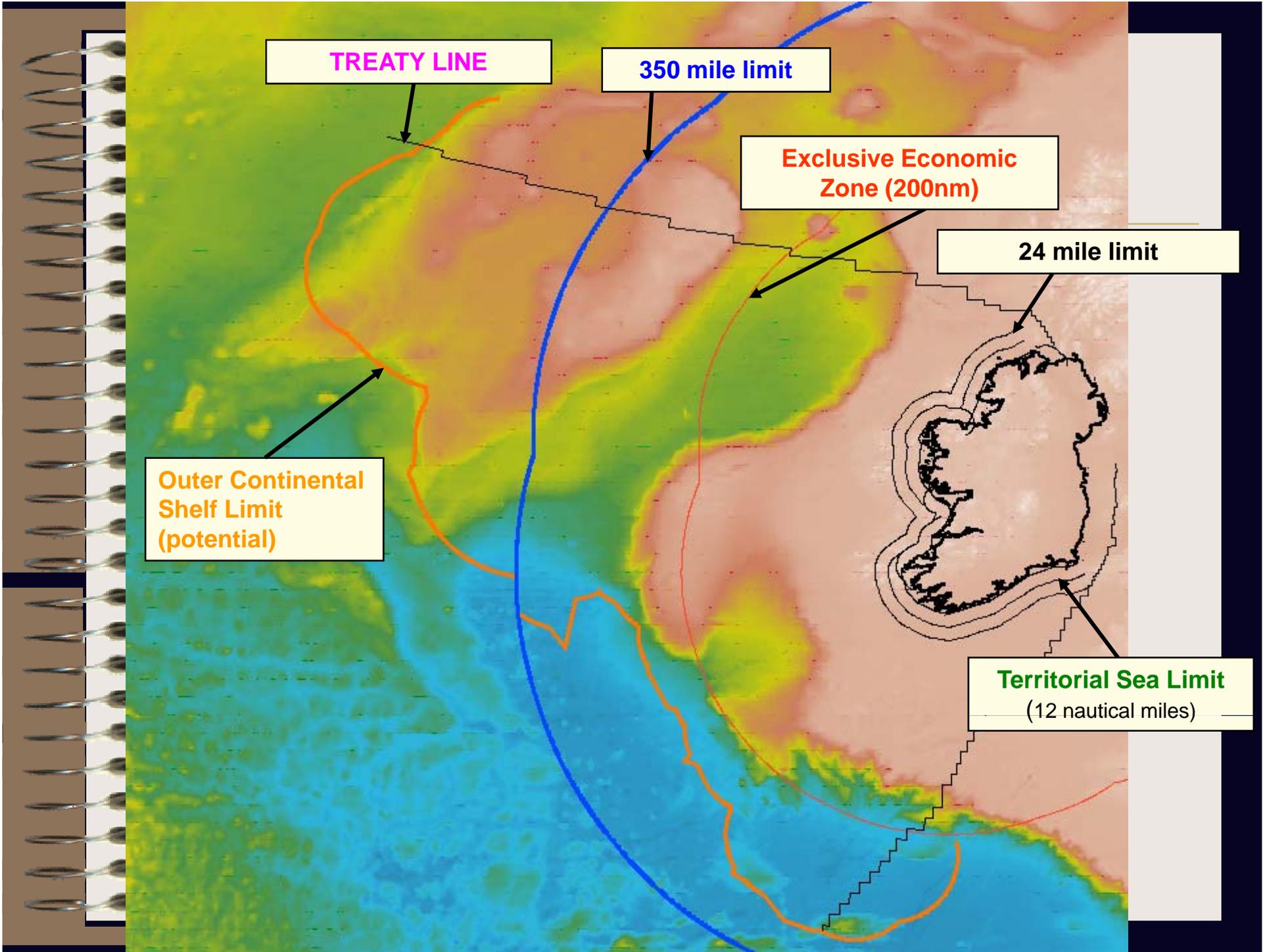
## **Legal and technical issues concerning the baselines in Ireland**

**Dr. Ronán J. Long,  
School of Law, NUI Galway**

# Overview

- Background
- Baselines
- European Law
- Conclusions





TREATY LINE

350 mile limit

Exclusive Economic Zone (200nm)

24 mile limit

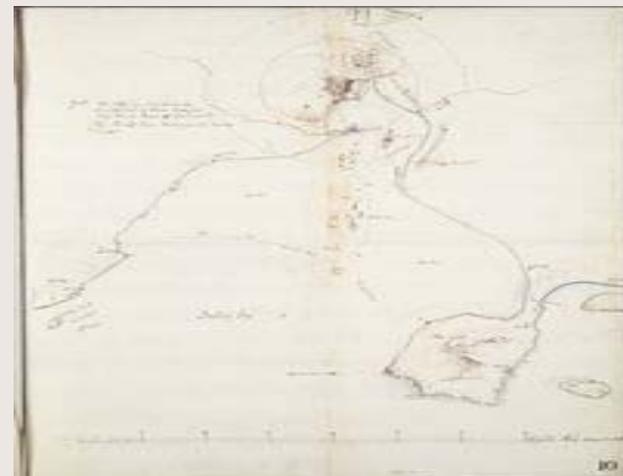
Outer Continental Shelf Limit (potential)

Territorial Sea Limit (12 nautical miles)

# History

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- Admiralty / UKHO
- Ireland no national hydrographic service...
- Convention on the International Hydrographic Organisation...2007



# Van Onzen Case (1994)

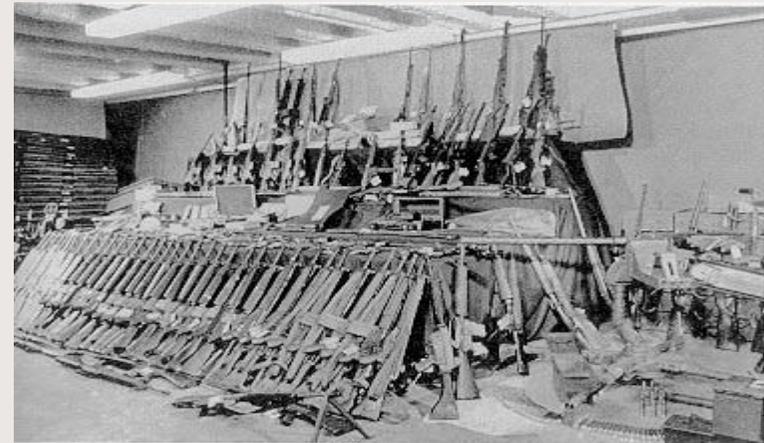
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- 1,950 kilograms of cannabis resin
- Irish territorial waters
- Argued charts produced by the prosecution were inadmissible in evidence
- Expert evidence UKHO



# Marita Ann (1984)

- Importation of arms by IRA
- Vessel apprehended within territorial sea
- Prosecution had to prove offence committed within territorial sea
  - Charts
  - Baseline Legislation



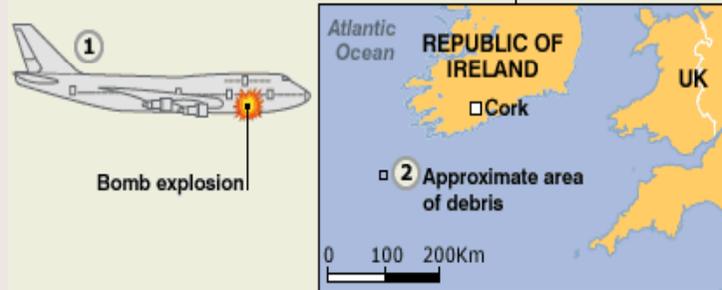
# Ports of Refuge

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refused entrance to Irish territorial waters  
& benefit of port of refuge 1989

# AIR INDIA 172



# Normal Baseline Ireland

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Save as otherwise provided, the baseline is the **low-water mark**—

(a) on the coast of the mainland or of any island, or

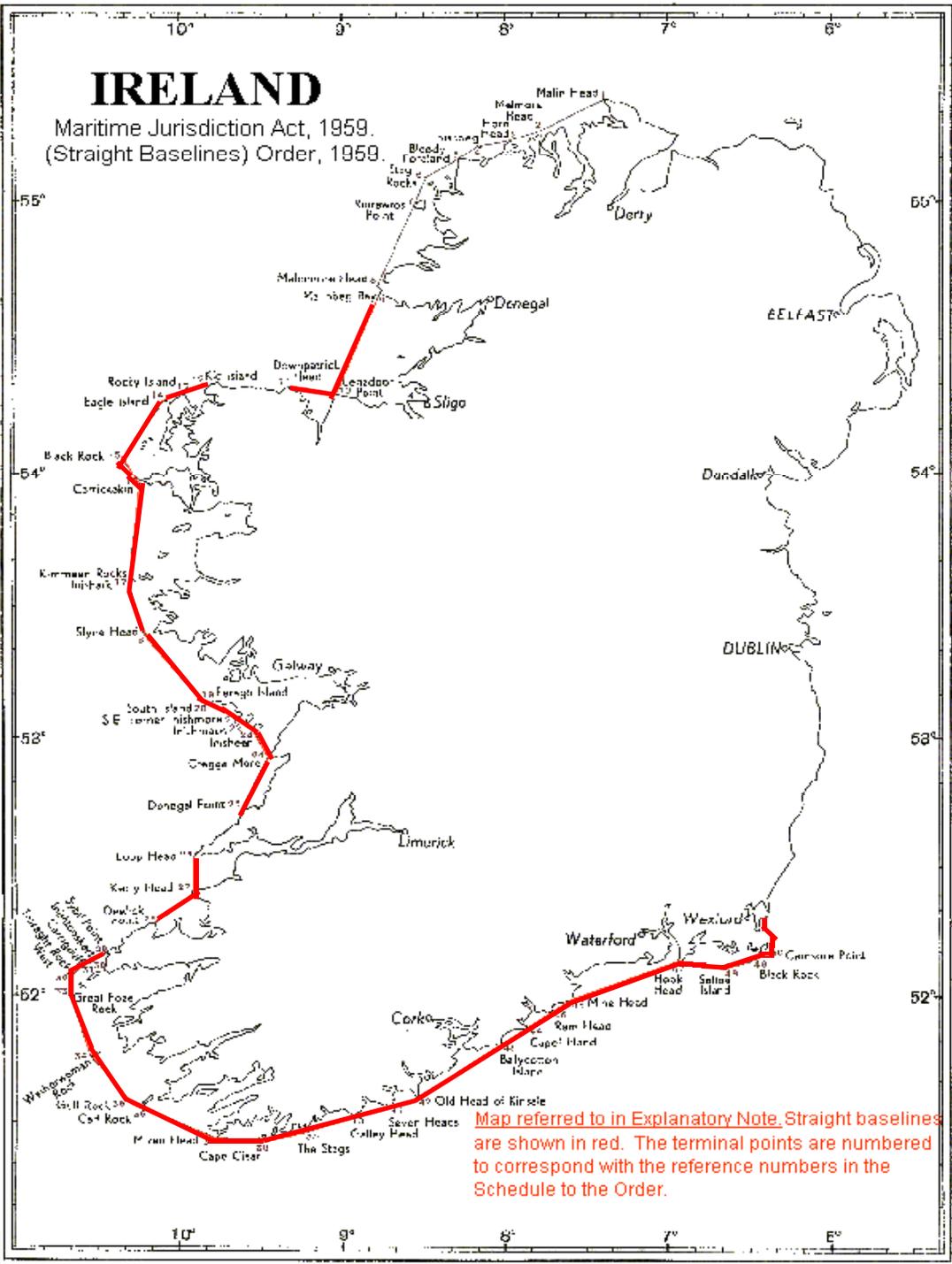
(b) on any **low-tide elevation** ...within 12 nautical miles...



•s.85(1), Sea-Fisheries and Maritime Jurisdiction Act 2006

# IRELAND

Maritime Jurisdiction Act, 1959.  
(Straight Baselines) Order, 1959.

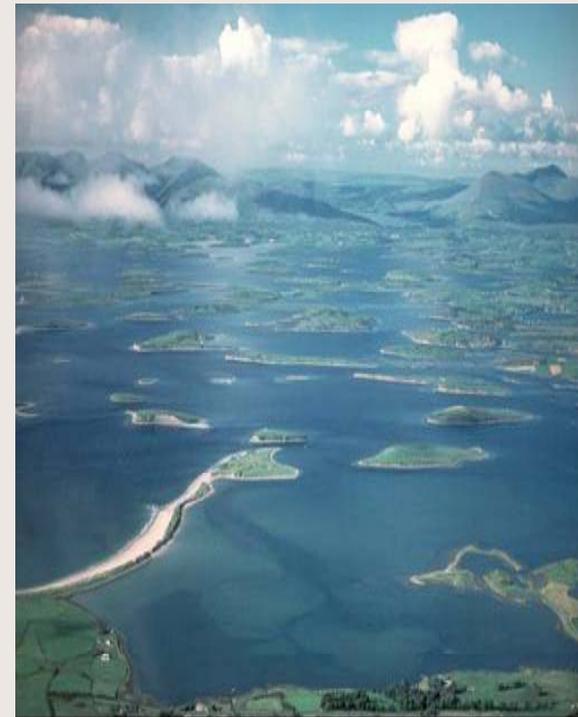


Map referred to in Explanatory Note. Straight baselines are shown in red. The terminal points are numbered to correspond with the reference numbers in the Schedule to the Order.

# Problems associated with Normal Baselines

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- Coastline is dynamic
- Admiralty charts are **dated**
- **Charts are at different scales**
- Modern survey methods  
(LIDAR)
- Low Tide Elevations



## Problems associated with Normal Baselines

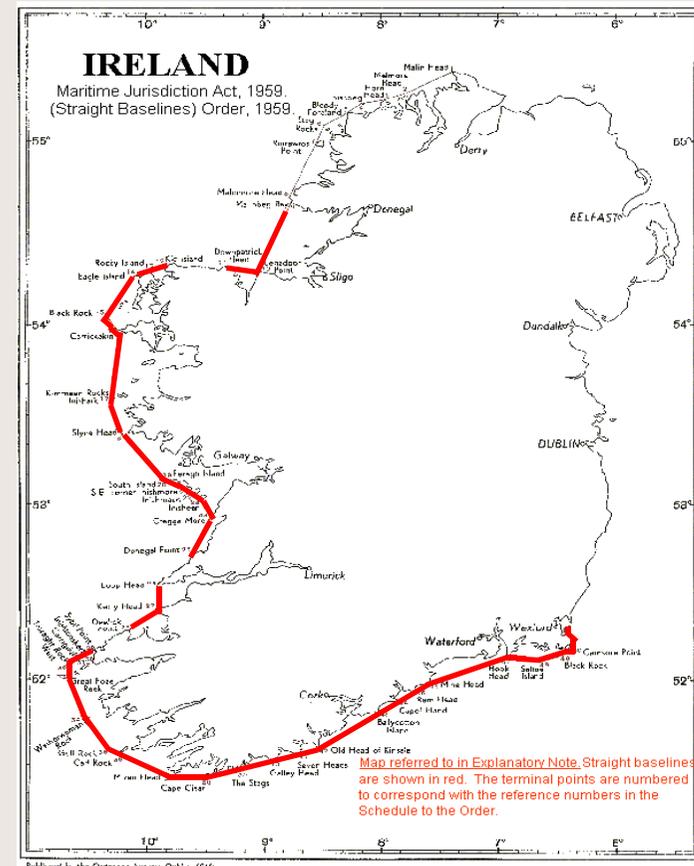
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- Article 5 LOSC **silent on tidal datum**
- State practice varies:
  - MLWS
  - **Lowest Astronomical Tide**



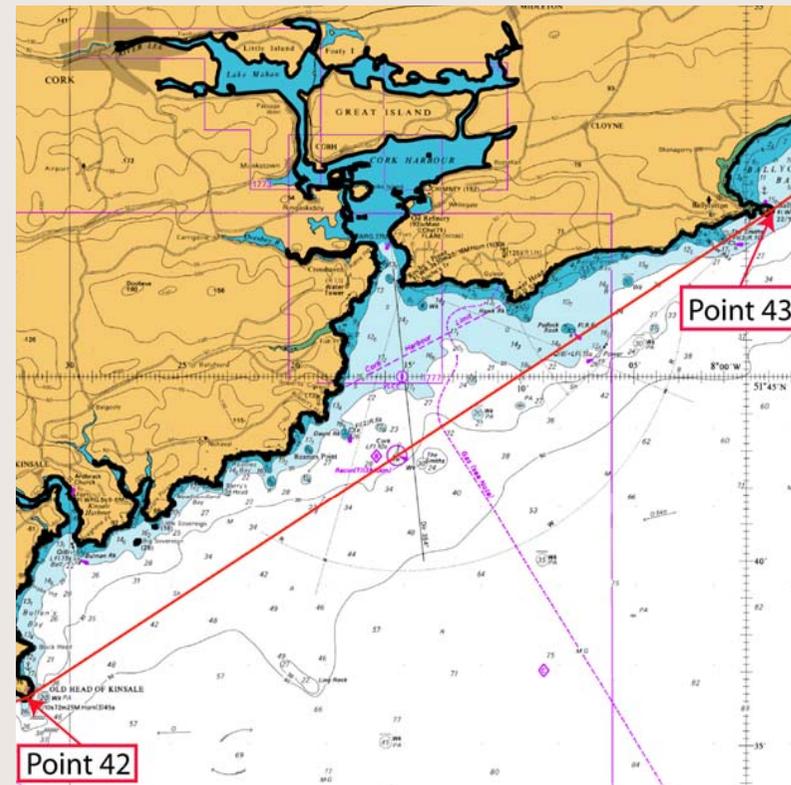
# Straight Baselines Ireland

- (2) The Government may by order... prescribe **straight baselines** in relation to any part of the State and the closing line of any bay or mouth of a river, and any line so prescribed shall be taken as the baseline.
- (3) The Maritime Jurisdiction Act 1959 (Straight Baselines) Order 1959



## Problems associated with Straight Baselines

- Existing co-ordinates are not described with sufficient precision
- Doesn't specify datum  
...(WGS 84)
- Specific rules under LOSC...some straight baselines do not conform with Articles 7 or 10 LOSC



## Problems associated with Straight Baselines

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- Irish law does not assert specific ‘**bay**’ claims *as such* and prescribes **none** on the **east** coast

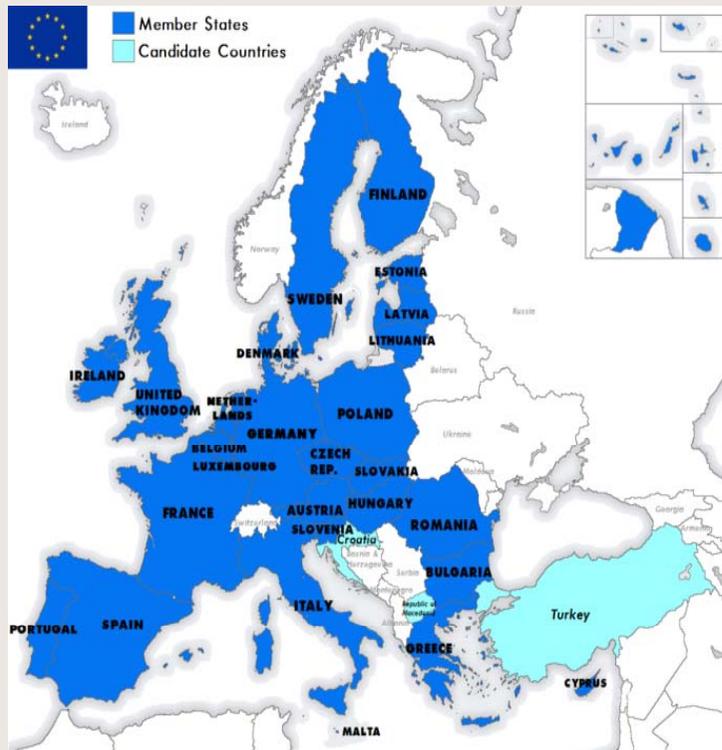


## Qatar v. Bahrain [2001] I.C.J. Rep.40 at para.40

- *The method of straight baseline delineation codified in the 1982 LOS Convention must be **applied restrictively** and is an **exception** to the normal rules for the determination of baselines*

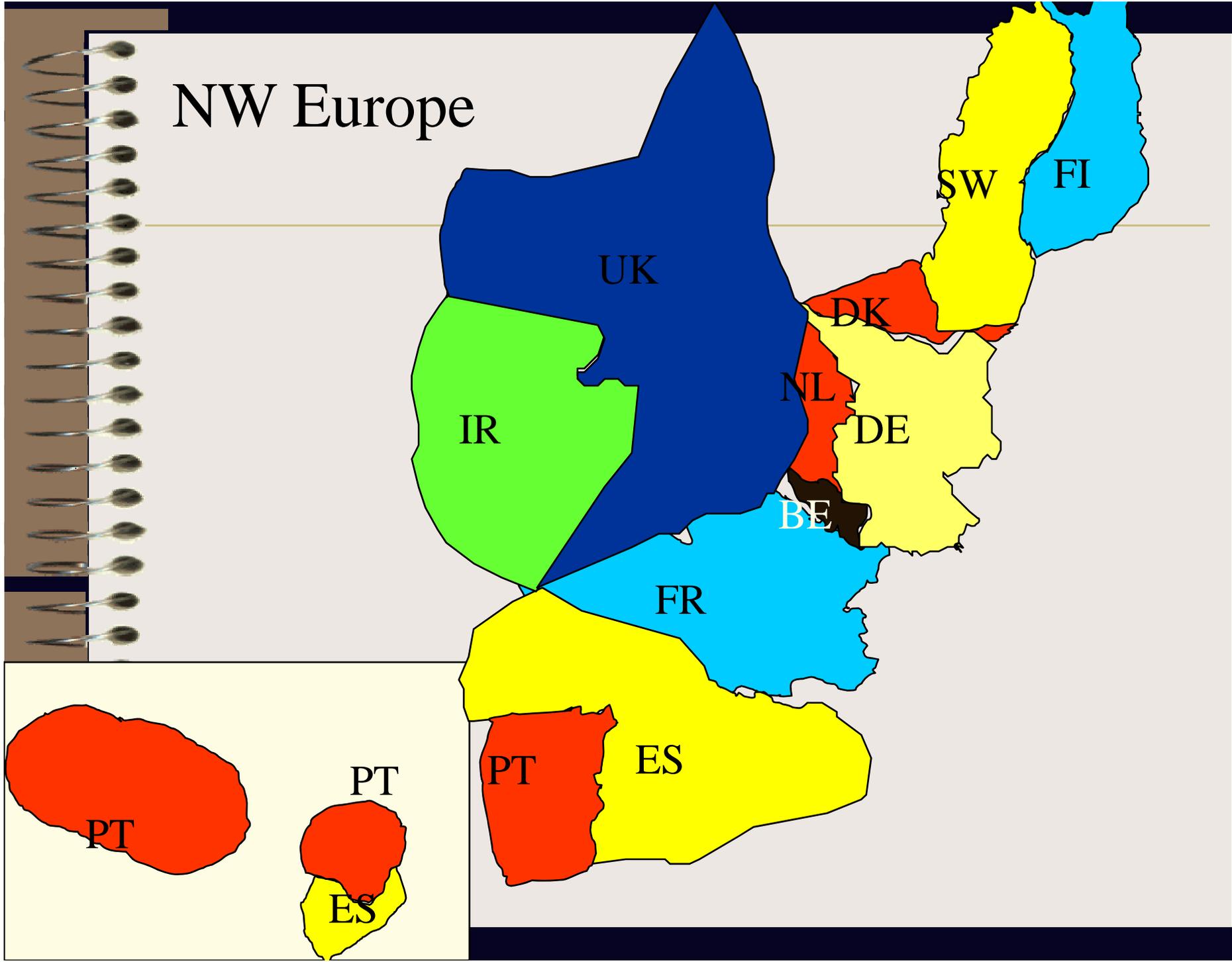


# Europe



- 27 Member States
- Semi-Enclosed Seas & Regional Seas
- International Straits
- Coastline – 100K KM
- Sea Area – 3.9 million sq. KM
- European maritime policy

# NW Europe



# Common Fisheries Policy

- EC competence and limited Member State competence in territorial sea
- Historic fishing rights within 6-12 miles
- UK Baseline Case (1989)
  - Rejected ambulatory baselines...for historic rights

*“the regulation cannot be altered by the unilateral action of a Member State in shifting its baselines” ECJ*



# Water Framework Directive

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- Improve water quality...river basins
- “Surface water”  
...includes coastal waters (up to 1 nautical mile from **baseline** for ecological status)(12 nautical miles for chemical status)



# Marine Strategy Directive

- “protect the European marine environment by achieving good environmental status of the EU's marine waters by 2021”
- Marine waters defined in the context of the baseline (Art 3(1)(a))



# European Court of Justice

- Marine Habitats Case
  - Defines maritime jurisdiction in context of baselines
  - “... the continental shelf can extend to a maximum of 350 nautical miles from the baselines.”  
para.124



Case C-6/04

Commission v United Kingdom

# Conclusions

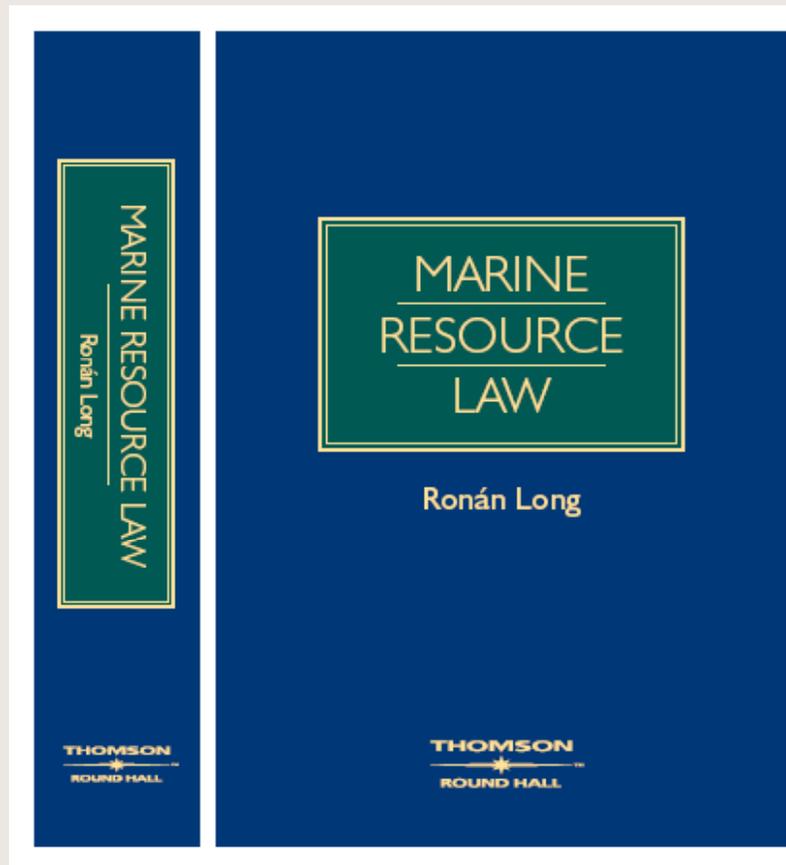
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- IHO Convention
- Update law ...and coastal survey
- EC Law
- Normative framework...1982  
LOS Convention



# Publication

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## New Publication

### *Ireland's Maritime Limits*

• *R. Long, A. M. O'Hagan, C. Symmons*

### Contact

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