

THE EFFECTS OF CHANGING BASELINES ON THE LIMITS OF THE NETHERLANDS IN THE NORTH SEA

Leendert DORST, THE NETHERLANDS
Hydrographic Service of the Royal Netherlands Navy|
LL.Dorst@mindef.nl

Ina ELEMA, THE NETHERLANDS
Hydrographic Service of the Royal Netherlands Navy
IA.Elema@mindef.nl

The baseline of the Kingdom of the Netherlands in the North Sea consists of a combination of straight and normal baselines. The normal baselines are subject to natural accretion and erosion, and in addition are affected by man-made causes. The gentle slope and sandy character of the coast cause considerable changes in the position of the baseline, like the emergence and disappearance of drying heights near the Scheldt estuary and the entrance channels of the Wadden Sea. The normal baseline changes every time a new edition of a large scale nautical chart is published. Therefore, the recent transition of the chart datum of the Netherlands from MLLWS to LAT has been an additional cause of baseline change.

Those changes give rise to two fundamental discussions of technical nature in implementing the provisions of UNCLOS. The first discussion involves the status of the Electronic Navigational Chart (ENC), as a source for the normal baseline. If a new edition of a large-scale ENC is published before the corresponding edition of the paper chart, then the Netherlands Hydrographic Service accepts the ENC as a source for the normal baseline, in spite of the limited distribution of ENC-s.

The second discussion involves the status of disappearing and reappearing drying heights within 12M of the coast. All relevant zones are published on the internet pages of the Hydrographic Service and updated several times a year. The Netherlands Hydrographic Service has decided to depict drying heights as part of the various coastal zones, although they formally lie within the baseline. The alternative option is to show that the zones contain dynamic holes at the position of those drying heights, necessitating the follow-up question of their legal status.

Often, the changing UNCLOS baselines are used to define marine areas, without recognizing the problem of baseline dynamics. Examples include the Eems-Dollard treaty, and the Wadden Sea PSSA. The most spectacular example is fishery law. Some of the limits run through rich fishing grounds, in front of the Zeeland coast. One day, a sand bank could be at one side of the outer limit of the Territorial Sea. The next day, this bank could be at the other side. Can we expect seamen, like the fishermen and the present authorities, to be instantaneously aware of changes? If so, how are they best served with the latest information?