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Hydrographic Office

Harmonising Baselines: Observations and Experiences

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What do we mean by Harmonising?

- **Generally, bringing national legislation into line with the 1982 UN Convention**
 - Claims to maritime zones may not be reflected in national legislation
 - Also updating charting
 - Charting techniques have changed
 - Datums may be different

Table of claims to maritime jurisdiction (as at 15 July 2011)

Introductory note: The present, unofficial table of claims to maritime jurisdiction is a reference material based on national legislation and other relevant information obtained from reliable sources with a view to ensuring the most accurate representation of the status of claims. Despite extensive research and periodic review, however, the table may not always reflect the latest developments, especially those which have not been brought to the attention of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the United Nations. **To report any new developments or inaccuracies regarding the status of claims, please contact the Division, Room DC2-0460, United Nations, New York, NY 10017, or send an email to: doalos@un.org.**

Concerning the approach which has been adopted with respect to the information regarding the continental shelf, the following is to be noted:

The Convention on the Continental Shelf which was adopted in Geneva on 29 April 1958 ("the 1958 Geneva Convention") defines the term "continental shelf" as: (a) the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; and (b) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

Under the provisions of article 76 of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the 1982 Convention"), the continental shelf extends up to the outer edge of the continental margin, or up to 200 nautical miles where the outer edge does not extend up to 200 nautical miles, or up to the line of delimitation.

The table reflects the fact that, under international law,⁴ the rights of a coastal State over the shelf do not depend on occupation, effective or notional, or on any express proclamation.

The table reflects the fact that, under international law,⁴ the rights of a coastal State over the shelf do not depend on occupation, effective or notional, or on any express proclamation. However, in a number of cases, discrepancies seem to exist between the limits as reflected in the national legislation, originally based on the 1958 Geneva Convention, and the entitlements of States Parties under the 1982 Convention. That Convention, pursuant to its article 311, paragraph 1, prevails, as between States Parties, over the 1958 Geneva Convention. As it appears, certain States that became States Parties to the 1982 Convention have not yet completed the process of harmonization of their national legislation with its provisions. However, the entitlement of coastal States to their respective continental shelves up to the limit allowed by international law is not affected.

beyond 200 nautical miles, States Parties to the 1982 Convention need to make a submission to the Commission on the Limits of the Continental Shelf in order to seek its recommendation. A considerable number of submissions have already been made and a number of other States Parties are in the process of preparing such submissions, many of them having submitted preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, pursuant to SPLOS/183 - Decision regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfil the requirements of article 4 of Annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a).

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- **Reflects the fact that under international law the rights of a coastal state over the continental shelf do not depend on express proclamation**
- **Notes that there are discrepancies which seem to exist between national legislation originally based on 1958 Convention and entitlements under 1982 Convention.**
- **Not all coastal states have harmonised their own legislation with the provisions of the 1982 UN Convention**



Identifying the baseline

- **UNCLOS Article 5 – The normal baseline**
- **UNCLOS Article 7- straight baseline**
- **Could be Article 47 – archipelagic baselines**

- **Can also combine methods of determining the baseline – Article 14 – to suit different conditions**













Determining the baseline

- Normal baseline *plus*
- Seaward low-waterline of reefs – Article 6
- A closing line across the mouth of rivers (if they flow directly into the sea) – Article 9
- Bays – a line can be drawn across the mouth of a bay subject to it meeting certain conditions – Article 10



Determining the baseline

- **Outermost permanent harbour works which form an integral part of the harbour system – Article 11**
- **Low tide elevations – when situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island – Article 13**



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Do you need a new baseline survey?

- **Expensive**
- **Could be time consuming**
- **Determine key basepoint areas**
 - Maybe only a few basepoints control the entire limit
 - Compare existing chart with imagery



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Priorities

- **Identify your baseline**
 - Appropriate type?
 - Use of low tide elevations?
- **Calculate your limits from the baseline**
- **Boundaries?**
 - If no agreement calculate median lines
- **Publicise your limits**
- **Update national legislation**



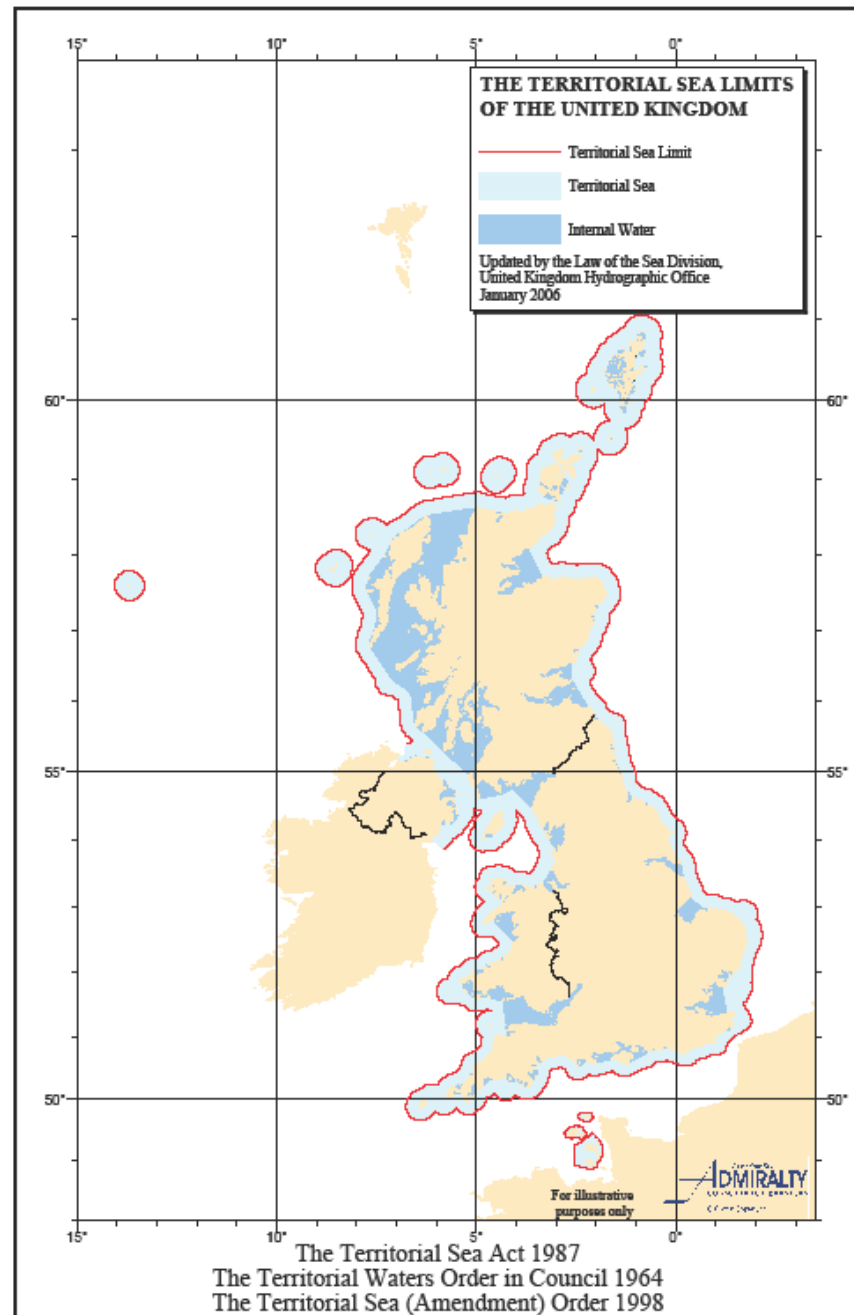
Due publicity for the baseline

■ Article 16

- The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position.
- Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted.
- 2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.



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The tasks

- **Identify the normal baseline for the coastal state from latest national charts**
 - Check against existing imagery to see if there are discrepancies
- **Capture low-waterline digitally**
- **Identify any exceptions to normal baseline – which will also identify Internal water**
- **Create digital model of baseline**
- **Calculate Territorial Sea and Contiguous Zone limits (geodetic calculations)**
- **Put limits on charts**



The tasks

- **Due publicity**
 - Deposit charts with UN (DOALOS) ??
- **Maintain baseline and limits**
- **Determine at what point any change becomes significant**
- **Notify any changes by appropriate means**
- **Distribution of limits for GIS users?**
- **Identify any other requirements / users**



In Summary

- **Identification of baseline should not need new survey specifically for that purpose**
- **Generation of limits should be done in accordance with UNCLOS**
- **Once generated, limits should be publicised AND maintained**
- **Other government departments may have requirements for demarcation of other types of zones or limits but in general terms they will all be measured from the same baseline**



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