THE BASELINE

The baseline is an artificial line from which zones of jurisdiction as provided by the Convention – territorial sea\textsuperscript{1}, contiguous zone\textsuperscript{2}, exclusive economic zone\textsuperscript{3}, and continental shelf\textsuperscript{4} are measured. The coastal state itself has to determine the baseline, which must then be shown on charts or defined by adequate geographical co-ordinates and given adequate publicity\textsuperscript{5}. Particular care must be taken where the establishment of the baseline could have an effect on the rights of a state with an opposite or adjacent coast\textsuperscript{6}; however, it should be noted that a state can declare its non-acceptance of dispute settlement procedures for disputes arising from the delimitation of sea boundaries\textsuperscript{7}. The baseline can be determined by applying the technical provisions of the Convention in three steps:

\textit{First Step:} The normal baseline is the low-water line along the coast\textsuperscript{8} or, in the case of an island or atoll, the seaward low-water line of any reef\textsuperscript{9} for delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast\textsuperscript{10};

\textit{Second Step:} Certain appropriate outmost points and marks such as
- low-tide elevations no further than twelve nautical miles from the mainland\textsuperscript{11}
- low-tide elevations upon which installations which are permanently above sea-level (e.g., lighthouses) have been built\textsuperscript{12}, even where the installations are more than twelve nautical miles from the mainland,
- mouths of rivers\textsuperscript{13},
- low-water marks of the natural entrance points of bays if the distance between such marks does not exceed twenty-four nautical miles (except in cases of so-called historic bays)\textsuperscript{14} and
- appropriate points along a deeply indented coastline or a fringe of islands close to the coast\textsuperscript{15} can be used for establishing the baseline.

\textit{Third Step:} The following significant circumstances must be taken into account:
- Roadsteads used for shipping and which would otherwise be wholly or partly outside the territorial sea are part of the same;
- low-water elevations without permanent installations\textsuperscript{16} beyond the breadth of the territorial sea have no territorial sea of their own;
- islands have their own territorial sea\textsuperscript{17}
- off-shore installations and artificial islands do not possess the status of islands and do not have any effect on the establishment of the baseline\textsuperscript{18}.

The coastal state is to deposit charts or lists showing the baseline with the Secretary-General of the United Nations\textsuperscript{19}.

\textsuperscript{1} Art. 3
\textsuperscript{2} Art. 33
\textsuperscript{3} Art. 57
\textsuperscript{4} Art. 76
\textsuperscript{5} Art. 16
\textsuperscript{6} Art. 15
\textsuperscript{7} Art. 298, Subpara. 1 (a)
\textsuperscript{8} Art. 5
\textsuperscript{9} Art. 6
\textsuperscript{10} Art. 11
\textsuperscript{11} Art. 13, Para.1
\textsuperscript{12} Art. 7, Para. 4
\textsuperscript{13} Art. 9
\textsuperscript{14} Art. 10 (Art. 10, Para. 6)
\textsuperscript{15} Art. 7, Para. 1; Art.12
\textsuperscript{16} Art. 7, Para. 4, Art. 13
\textsuperscript{17} Art. 121, Para. 2 indirectly also Art. 6, Art. 13, Para. 2
\textsuperscript{18} Art. 31; Art. 60, Para. 8; Art. 80; Art. 147, Subpara. 2 (e); Art. 259
\textsuperscript{19} Art. 16, Para. 2
IMPORTANCE OF THE BASELINE

MAINLAND

BASELINE

INTERNAL WATERS

Lakes, canals, rivers, ports and other waters inside the baseline (Article 8)

Teritorial Sea

(Article 3)

Up to 12 nautical miles

Contiguous Zone

(Article 33)

Up to 24 nautical miles

Exclusive Economic Zone (Article 57)

Up to 200 nautical miles

Continental Shelf

(Article 76, Paragraph 1)

In exceptional circumstances given in Article 76, Paragraphs 3-6

Up to 350 nautical miles or not more than 100 nautical miles from the 2,500 meter isobath depth line

SEA

AREA (Article 1, Paragraph 1; Article 134, Paragraph 3)

- The Area starts where the jurisdiction of the coastal state over the continental shelf ends (Article 76)
- The Area beyond 200 nautical miles is subject to contributions to the Sea-Bed Authority (Article 82)

HIGH SEAS (Article 86)

- If an exclusive economic zone is established, the high seas start at the outer limits of this zone (Article 86)
- otherwise, they begin from the outer limits of the territorial sea (Article 86)
- A contiguous zone alone does not affect the status as high seas

Further Readings: - Internal Waters, Historic Bays and Ports. Page 111