

LIMITS IN THE SEAS

No. 61
STRAIGHT BASELINES:
OMAN (Hypothetical)

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the continental shelf of maritime nations.

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Introduction

On July 17, 1972, the Government of the Sultanate of Oman issued a decree that delimited its claims for national baselines, the breadth of the territorial sea, the continental shelf, and an exclusive fisheries zone and specified certain delimitation provisions for the maritime areas adjacent to the land territories of the state.

Oman consists of two noncontiguous regions separated by a portion of the United Arab Emirates (UAE). To the northwest, Oman occupies the northern extremity of the Ru'us (peninsula) al Jibal, comprising the Musandam Peninsula and various offshore islands including Great Quoin, Little Quoin, and Gap. This region constitutes the southern margin of the strategic Strait of Hormuz, the sole sea entrance to or exit from the Persian Gulf.

The peninsular area of Oman terminates in the south along the UAE boundary on the shores of the Dawhat (bay) Dabbah.

The major territorial segment of Oman is situated in the south and west, below the 25th parallel of North latitude, along the shores of the Gulf of Oman and the Arabian Sea. Oman territory terminates in the west at Ra's Darbat 'Ali, the seaward terminus of the Yemen (Aden) and Oman territorial boundary.

Legislation

The decree of July 7, 1972, provides for maritime space of the Sultanate as follows:

In the Name of God the Almighty, The Merciful

Decree of His Majesty Sultan Qabus of Oman on July 17, 1972 concerning the Territorial Sea, Continental Shelf and exclusive Fishing Zones of the Sultanate of Oman.

We, Qabus Bin Said, Sultan of Oman do today decree the following laws concerning the territorial sea, continental shelf and exclusive fishing zone of the Sultanate of Oman.

PART ONE **TERRITORIAL SEA**

ARTICLE 1:

The Sultanate of Oman exercises full sovereignty over the territorial Sea of the Sultanate and over the airspace above the seabed and subsoil beneath the Territorial Sea of the Sultanate, in harmony with the principle of innocent passage of ships and planes of other states through international straits, and laws and regulations of the Sultanate relating thereto.

ARTICLE 2:

The Territorial Sea of the Sultanate extends twelve nautical miles (22,224 meters) seaward, measured from the following baselines:

(a) The low water line of the coast of the mainland or of an island, rock reef, or shoal more than twelve nautical miles distant from the mainland or another island, rock, reef, or shoal, where the coast faces open sea;

(b) straight lines, not exceeding twenty four nautical miles in length, connecting the low-water marks of the entrance points to bays or gulfs.

(c) straight lines connecting the nearest point on the mainland with the outer-most extremities of an island, rock, reef, or shoal, or group of such islands, rocks, reefs, or shoals, less than twelve nautical miles distant from each other, if any part of such island, rock, reef or shoal or group of islands, rocks, reefs, or shoals lies within twelve nautical miles from the mainland;

(d) straight lines connecting the outer-most extremities of islands, rocks, reefs, or shoals, more than twelve nautical miles distant from the mainland, but less than twelve nautical miles distant from each other.

PART TWO
CONTINENTAL SHELF**ARTICLE 3:**

The Sultanate of Oman exercised sovereign rights over the Continental Shelf of the Sultanate for the purpose of exploring it and exploiting its natural resources.

ARTICLE 4:

The Continental Shelf of the Sultanate includes the seabed and natural resources upon and beneath the seabed adjacent to the coast of the mainland or of an island, rock, reef, or shoal, but outside the Territorial Sea of the sultanate, to a depth of 200 meters or to such greater depths as admit of the exploitation of natural resources.

PART THREE
EXCLUSIVE FISHING ZONE

ARTICLE 5:

The Sultanate of Oman exercises sovereign rights over the Exclusive Fishing Zone of the Sultanate for the purposes of exploring, developing and exploiting its living resources, including but not limited to fish.

ARTICLE 6:

The Exclusive Fishing Zone of the Sultanate extends thirty-eight nautical miles seaward, measured from the outer limits of the Territorial Sea of the Sultanate.

PART FOUR
OVERLAPPING JURISDICTIONS

ARTICLE 7:

Where the coast of another state is opposite or adjacent to the coast of the Sultanate of Oman, the outer limits of the Territorial Sea, Continental Shelf and Exclusive Fishing Zone of the Sultanate shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Territorial Sea of the Sultanate and the Territorial sea of such other states is measured.

PART FIVE
MISCELLANEOUS PROVISIONS

ARTICLE 8:

The precise limits of the Territorial Sea and Exclusive Fishing Zone, as well as the median line limit of the Continental Shelf of the Sultanate, shall be determined by the Government of the Sultanate on maps and hydrographic charts recognized by the Sultanate of Oman.

ARTICLE 9:

Official notification of effectiveness of this law shall be given to the Secretariat of the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction.

ARTICLE 10:

This Decree shall be published in the official Gazette.

Analysis

Article 2 of the Omani decree provides for the delimitation of the national baseline. Modeled on other Arab state legislation and decrees, Article 3 establishes the use of the low-water line of the coasts of the mainland and of certain islands as well as rocks, reefs, and shoals situated more than 12 nautical miles from the coasts of the mainland. Straight baselines may also be delimited where certain conditions prevail.

As noted in previous analyses of this type of legislative act, rocks may be legally islands, low-tide elevations, or submerged features. Reefs, as well, may be situated so as to constitute low-tide elevations or extensions of the coastline, i.e., normal baseline. By standard definition, however, shoals are shallow features submerged at all levels at the tide. As a consequence, shoals may not, under the terms of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone, be utilized as points of the normal baseline or of straight baseline systems.

The same situation, of course, would exist for submerged rocks and reefs. An exception exists in straight baseline systems if lighthouses or similar permanent structures have been constructed on the low-tide elevation.

The Sultanate of Oman is not a party to the Geneva Convention on the Territorial Sea and the Contiguous Zone.

The Convention requires that straight baseline systems must be published on officially recognized charts to which due publicity is given. Part Five, Article 8, of the Omani decree notes that the "precise" limits of the territorial sea, and by implication of the baselines, including straight baselines, "shall be determined by the Government of the Sultanate of Oman on maps and hydrographic charts recognized by the Sultanate of Oman." To date, such maps and charts are not known to be available.

Because of the importance of the Strait of Hormuz for international navigation, a rendition of the implications of the Omani decree has been drawn on the attached map, "Oman Hypothetical Straight Baselines." No official character should be attributed to these lines pending the availability of officially recognized Omani delimitation maps and charts.

The hypothetical application of the decree shows that six areas could qualify for straight baseline systems: (1) the Musandam peninsula region; (2) the Daymaniyat islands west of Muscat city (Masqat); (3) Fahal island and the adjacent area offshore from Muscat city; (4) al Masirah island on the Arabian Sea; (5) the Kuria Muria Islands, also on the Arabian Sea; and (6) a small group of islands situated along the coast of Oman near the Yemen (Aden)

boundary south of 17° North and west of 55° East. The last-named grouped has not been charted owing to the small scale of the map and the small size of the islands.

Musandam Peninsula Area

Peninsular Oman comprises the tip of the Musandam Peninsula, which constitutes the south bank of the Strait of Hormuz. The peninsula includes a series of deep bays, embayments, and many generally small, offshore islands and rocks. The region has the physical characteristics that would meet the criteria of the Omani decree for the drawing of a straight baseline system.

While virtually an infinite number of variations in the system could be drawn, based upon general language of the decree, the ultimate straight baselines would logically resemble the system delimited on the attached map.

From the northwest to the southeast, 16 hypothetical straight baseline segments could be drawn to enclose the bays and fringing islands of the peninsular Oman region. The longest segment, extending from Ra's Shaykh Mas'ud to Jazirat al Ghanam, would measure approximately 11.1 nautical miles, while the shortest, from Great Quoin to Gap Island, would be only 1.25 nautical miles in length. The total length of this hypothetical system would be 75.6 nautical miles, with an average segment length of approximately 4.73 nautical miles.

The importance of such a hypothetical system is obvious from the map; the system encloses within Omani internal waters the principal navigation channel of the Strait of Hormuz, lying between the Musandam peninsula and the line connecting the Great Quoin-Gap-Little Quoin islands.

The result in this case is a reduction in the regime of passage which existed before Oman extended its territorial waters and created the system of straight baselines. In this connection, it should be noted that the Geneva Convention on the Territorial Sea and the Contiguous Zone, Article 5(2), provides that where the establishment of a straight baseline has the effect of enclosing as internal waters area which previously had been considered as part of the territorial sea or of the high seas, the right of innocent passage shall exist through such waters.

Jazirat Daymaniyat

The coast of Oman, at approximately 58° West, is bordered by various islands and reefs which also meet the criteria of the Omani decree. A Straight baseline might be drawn from the mainland baseline near Abu 'Abali to the Suwadi islands, a group of seven small islands situated approximately 4.6 nautical miles to the east.

Farther eastward, at a distance of approximately 9.75 nautical miles, lies Clive Rock and an associated shoal. As noted previously, submerged features are designated by the

decree as proper basepoints for the straight baseline system although their use is not permitted by the Geneva Convention unless permanent lighthouses are constructed thereon. Approximately 9.1 nautical miles farther eastward are the five small, linearly-aligned islands of the main Daymaniyat group. Four miles to the east are situated the island of Kharaba and two associated islets. From the last-named island, a 12-nautical-mile line could be drawn to the headland situated between Hayl and Khalil on the mainland of Oman.

The five segments of this hypothetical system would total 39.45 nautical miles and have an average segment length of 7.88 nautical miles.

Muscat Sector

The decree would permit the delimitation of a system, probably comprising three segments, seaward of the city of Muscat. The first straight baseline could extend from Ra's al Hamar to Fahal island (3 nautical miles) and thence to Muscat lighthouse (6.0 nautical miles), terminating at the island group situated offshore from Ra's al Khayran (10.9 nautical miles). The total system would measure 19.9 nautical miles in length and have an average segment length of 6.63 nautical miles.

Al Masirah Sector

Al Masirah, the largest island under Omani sovereignty, lies approximately 10 nautical miles offshore. Under the terms of the decree, the island obviously may be incorporated into a straight baseline system. The island, however, is surrounded by "shoals" which will permit minor extensions in distance of the system. The problem of course involves the definition of a shoal and which of these bodies may be utilized for the construction. A hypothetical system, comprising no line greater than 12 nautical miles in extent, is illustrated on the attached map. "Shoals" are utilized to the north and west of the island to complete the system.

Kuria Muria Islands Sector

The most difficult sector in which to determine a straight baseline system is the Kuria Muria Islands. Nevertheless, they may qualify under the terms of the decree. The net gain in internal waters or in territorial sea, however, would be very limited, and it is difficult to determine the advantages of establishing a system of straight baselines.

A partial development is illustrated on the attached map. The only manner in which the straight baseline system may be retied to the mainland would obviously be parallel to the existing lines to the south. As a consequence of the islands' situation, nearly 21 miles south of the mainland shore, the language of Article 2(c) will not permit a closing line directly to the mainland to the north. The entire area, however, would be overlapped by the Omani claim for a 12-nautical-mile territorial sea. It is possible under Article 2(d) that a coastal "archipelago" would be created by eliminating any connection with the mainland.

Summary

The Omani decree establishes normal baselines and bay closing lines according to the language of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. In establishing those cases in which baselines may be drawn, however, the decree would appear to be inconsistent with the Convention in that it permits the use of submerged features--some rocks, reefs and shoals--as turning points for the creation of the system. Owing to the physical conditions of the coast of Oman, however, probably no extensive straight baseline system can be developed. The only important area to be encompassed by the system would be the principal passage into the Persian Gulf.

As noted, the system of straight baselines drawn on the attached map is hypothetical, representing an interpretation of the intent of the decree. No official standing should be given to the depiction pending publication of the officially recognized Oman maps and charts.

Oman Hypothetical Straight Baselines

