

The United Kingdom of Great Britain and Northern Ireland

[28 June 2022]

Response to the International Law Commission's request for information regarding the subtopic of sea-level rise in relation to the law of the sea

1. This note provides the response of the United Kingdom of Great Britain and Northern Ireland to the Commission's request, in paragraph 27 of the report of its seventy-second session, for States to provide:

(a) examples of practice relating to the updating, and frequency of updating, national laws regarding baselines used for measuring the breadth of maritime zones; practice relating to the frequency of updating national maritime zone notifications deposited with the Secretary-General of the United Nations;

(b) examples of practice relating to the updating, and frequency of updating, charts on which baselines and outer limits of the exclusive economic zone and of the continental shelf are drawn, as well as lists of geographical coordinates prepared in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and/or national legislation, including those which are deposited with the Secretary-General of the United Nations and given due publicity; examples of practice relating to updating, and frequency of updating, navigational charts, including for purposes of evidencing changes of the physical contours of the coastal areas;

2. The examples given in this note are not an exhaustive description of the United Kingdom's practice in relation to these topics.

Examples of practice relating to the updating, and frequency of updating, national laws regarding baselines used for measuring the breadth of maritime zones

3. National legislation made in 1964 (the Territorial Waters Order 1964¹) established a baseline from which the breadth of what were then territorial waters adjacent to the United Kingdom, the Channel Islands (Jersey and Guernsey) and the Isle of Man were measured.
4. In general the baseline was the low-water line around the coast, but for some areas around the coast of Scotland a series of co-ordinates, joined by straight lines, were specified. These co-ordinates were updated by further Orders in 1979², 1996³ and 1998⁴ following the publication of new charts of the relevant areas.

¹ 1965 III, p. 6452A; <http://extwprlegs1.fao.org/docs/pdf/gbr32769.pdf>

² The Territorial Waters (Amendment) Order 1979, 1979 II, p. 2866
<http://extwprlegs1.fao.org/docs/pdf/fal32807.pdf>

³ Territorial Sea (Amendment) Order 1996 (S.I. 1996/1628)

⁴ Territorial Sea (Amendment) Order 1998 (S.I. 1998/2564)

5. Most recently, the 1964 Order, as amended, was replaced by Territorial Sea (Baselines) Order 2014⁵. This order established baselines for the territorial sea adjacent to the United Kingdom, Channel Islands and Isle of Man.
6. By reference to relevant provisions of UNCLOS, this Order provides that the baseline is generally the low-water line around the coast, with straight baselines across the mouths of rivers, and bay closing lines. Between Cape Wrath and Laggan, in Scotland, a straight baseline system is established in accordance with Article 7 of UNCLOS; this is defined by a series of straight lines joining specified points lying on the low-water line generally on the seaward side of the islands lying off the coast. There has been no change to this legislation, including to the specified co-ordinates, since it was originally made.
7. In relation to the territorial sea adjacent to the British Overseas Territories, a series of Orders in Council have been made to establish relevant baselines. In general, the same approach is taken as for the United Kingdom: baselines are generally defined as the low water line, or by reference to other relevant provisions of UNCLOS. In some cases, straight baselines joining specified points are provided for.
8. A number of these Orders have been updated to change the co-ordinates of those specified points, but others have not. The following is a selection of examples.

South Georgia and the South Sandwich Islands

- a. The South Georgia and South Sandwich Islands (Territorial Sea) Order 1989⁶ defines the baseline from which the breadth of the territorial sea is measured as generally the low-water line, except that around South Georgia and other islands in its immediate vicinity a series of straight baselines joining specified co-ordinates is provided for. There has been no update to these co-ordinates since the 1989 Order.

British Virgin Islands

- b. The Virgin Islands (Territorial Sea) Order 2007⁷ defines the baseline from which the breadth of the territorial sea is measured as generally the low-water line, except where there are fringing reefs or bays. No co-ordinates are set out in this Order.

Turks and Caicos

- c. The Turks and Caicos Islands (Territorial Sea) Order 1989⁸ defines the baseline generally as the low water line, but provides for straight baselines between specified co-ordinates in some locations. Legislation was made to revise these co-ordinates in 1998⁹ and 2007¹⁰, in each case following the publication of new Admiralty charts.

Bermuda

⁵ S.I. 2014/1353

⁶ S.I. 1989/1995

⁷ S.I. 2007/2141

⁸ S.I. 1989/1996

⁹ The Turks and Caicos (Territorial Sea) (Amendment) Order 1998, S.I. 1998/1260

¹⁰ The Turks and Caicos Islands (Territorial Sea) Amendment Order 2007, S.I. 2007/2917

- d. The Bermuda (Territorial Sea) Order in Council 1988¹¹ defines the baseline generally the low water line, except that, between certain co-ordinates, the baseline follows the seaward limit of the main reef to the west and north of the main group of the islands of Bermuda. A subsequent Order, in 1997¹², redefined the geographical co-ordinates of a particular point on the coast, following the publication of a new edition of a relevant Admiralty chart.

Examples of practice relating to the frequency of updating national maritime zone notifications deposited with the Secretary-General of the United Nations

9. The following examples are not an exhaustive list of all the maritime zones declared by the United Kingdom.
10. In January 2014, the UK deposited with the Secretary General two lists of geographical co-ordinates of points (accompanied by illustrative maps), concerning the UK's Continental Shelf and Exclusive Economic Zone. These co-ordinates are set out, respectively, in the Continental Shelf (Designation of Areas) Order 2013¹³ and the Exclusive Economic Zone Order 2013¹⁴. There have been no amendments to this legislation, or any change to these co-ordinates, since 2013.
11. The Continental Shelf (Designation of Areas) Order 2013 replaces previous Orders in Council in which the UK set out the co-ordinates of those areas of its Continental Shelf designated as areas in which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources were exercisable. The first of these Orders was made in 1964, and a further 18 Orders in Council were made between 1965 and 2001, updating these co-ordinates as different areas of the Continental Shelf were designated.¹⁵ The changes reflected various developments, including delimitation agreements entered into by the United Kingdom with other States. A number of these Orders have been deposited with the UN-Secretary General.
12. Prior to 2013, the UK had not declared an EEZ. It had declared a Gas Importation and Storage Zone¹⁶ and a Renewable Energy Zone¹⁷, designating areas which could be used for renewable energy production and gas importation and storage respectively.
13. By way of further example, in 2004, the UK deposited a list of geographical coordinates of points defining the outer limits of a zone adjacent to the territorial sea of the British Indian Ocean Territory, known as the Environment (Protection and Preservation) Zone, established for that Territory by Proclamation No. 1 of 17 September 2003. There has been no change to these co-ordinates since 2004.
14. In 2019, the United Kingdom deposited charts and lists of geographical coordinates of points concerning the outer limits of the exclusive economic zones of (i) Ascension Island, (ii) St. Helena Island and (iii) Tristan da Cunha Islands, reflecting national legislation made

¹¹ S.I. 1988/1838

¹² The Bermuda (Territorial Sea) (Amendment) Order 1997, S.I. 1997/1578

¹³ S.I. 2013/3162

¹⁴ S.I. 2013/3161

¹⁵ S.I.s 1964/697, 1965/1531, 1968/891, 1971/594, 1974/1489, 1976/1153, 1977/1871, 1978/178, 1978/1029, 1979/1447, 1982/1072, 1987/1265, 1989/2398, 1993/599, 1993/1782, 1997/268, 1999/2031.

¹⁶ See the Gas Importation and Storage Zone (Designation of Area) Order 2009, S.I. 2009/223

¹⁷ See the Renewable Energy Zone (Designation of Area) Order 2004, S.I. 2004/2668.

in 2017¹⁸. That legislation establishes, in each case, an exclusive economic zone which extends 200 nautical miles from the relevant baselines. No new charts or co-ordinates have been deposited since that date.

(b) examples of practice relating to the updating, and frequency of updating, charts on which baselines and outer limits of the exclusive economic zone and of the continental shelf are drawn as well as lists of geographical coordinates prepared in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and/or national legislation, including those which are deposited with the Secretary-General of the United Nations and given due publicity; examples of practice relating to updating, and frequency of updating, navigational charts, including for purposes of evidencing changes of the physical contours of the coastal areas;

15. In relation to the UK, UK Overseas Territories and UK Crown Dependencies, maritime limits and boundaries, closing lines and straight baselines, are made publicly available through the UK Hydrographic Office (UKHO) Marine Data Portal. Electronic shape files recording the co-ordinates of these limits are published and these are updated at least annually. Illustrative diagrams based on these co-ordinates are also provided.
16. The UKHO publishes Admiralty Standard Nautical Charts and Electronic Navigational Charts, on various scales and levels of detail, of areas around the world. Updates are published weekly.
17. In relation to the UK in particular, the frequency of surveys and of updates to these charts is likely to depend to some extent on the nature of the coast. For example, charts of areas with shifting sandbanks, extensively used for navigation, may be updated as often as weekly. Charts of hard, rocky coastlines may not need to be update for years. Not all changes to charts will necessarily be relevant to the location of baselines. UK Territorial Sea, Continental Shelf and EEZ limits are shown on these charts.

¹⁸ Legal Notice No. 1 of 2017 establishing the outer limits of the Exclusive Economic Zone of Tristan da Cunha Islands; Legal Notice No. 2 of 2017 establishing the outer limits of the Exclusive Economic Zone of Ascension Island; Legal Notice No. 16 of 2017 establishing the outer limits of the Exclusive Economic Zone of St. Helena Islands