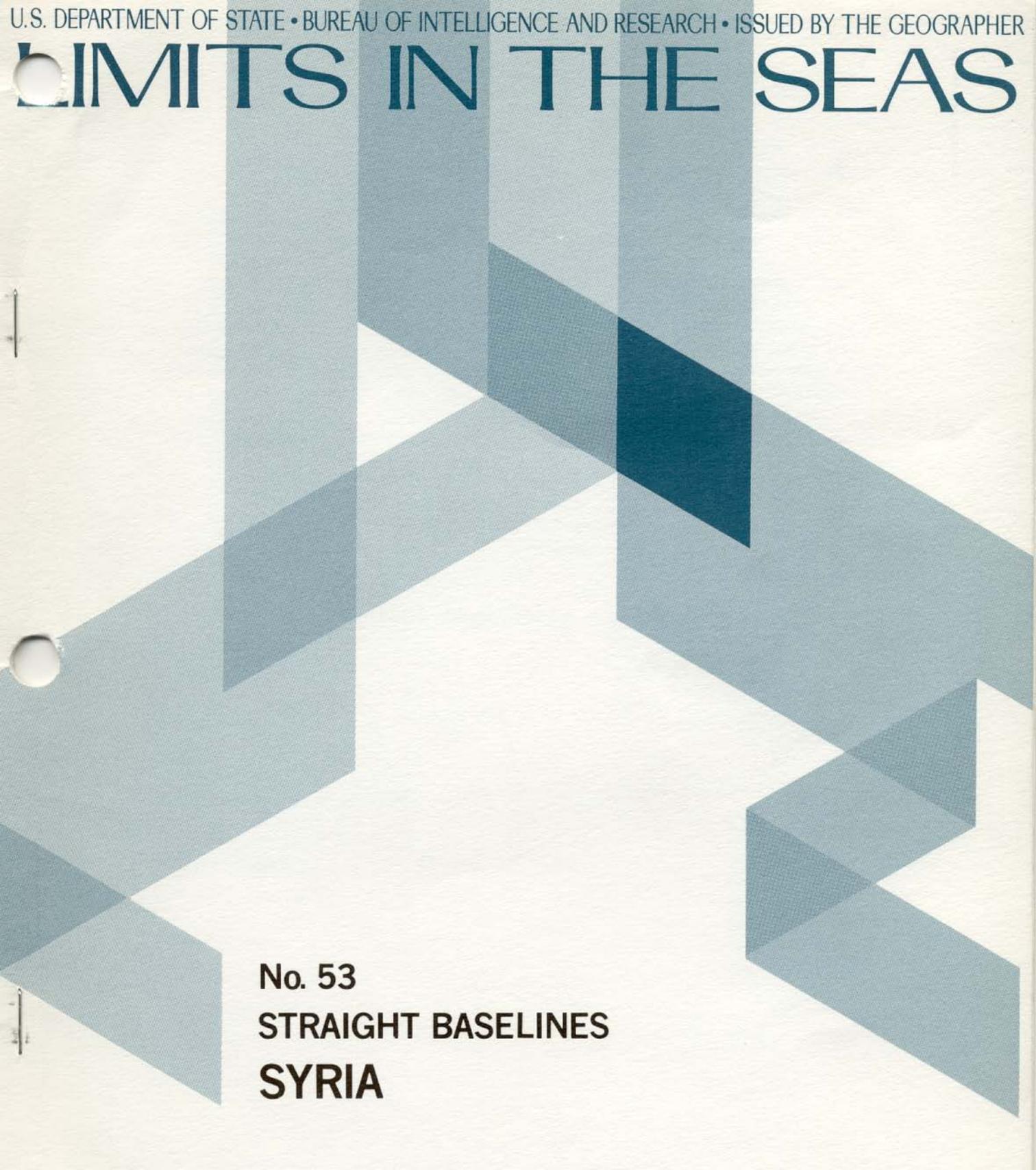


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LIMITS IN THE SEAS



No. 53
STRAIGHT BASELINES
SYRIA

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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LIMITS IN THE SEAS

No. 53

Straight Baselines: Syria

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The Government of the Syrian Arab Republic has created a straight baseline system which is nearly identical in concept to those of Saudi Arabia and of Egypt¹. The baselines are determined in accordance with Article 5 of the Legislative Decree No. 304 dated December 28, 1963. This decree also defines Syrian internal waters, the territorial sea, and continental shelf rights. As in Algerian law, warships do not enjoy rights of innocent passage through the territorial sea without prior notification of the Government (Art. 12). The full text of the law is as follows:

LEGISLATIVE DECREE NO. 304
CONCERNING THE TERRITORIAL SEA
OF THE SYRIAN ARAB REPUBLIC

PART ONE.

D E F I N I T I O N S.

ARTICLE ONE:- Are meant by the terms appearing in this Legislative Decree, the following :-

- | | |
|--------------------------------|---|
| A) <u>The nautical mile</u> :- | Is the minute arc measured on the Equator and equal to 1852 metres. |
| B) <u>The bay</u> :- | Is the pronounced curve which has a depth in relation to the width of its mouth so as to encompass water surrounded by land. The curve is not considered a curve unless its area should be equal or more than half a circle circumscribed within the mouth of that curve. |
| C) <u>The island</u> :- | Is the land completely surrounded by the water and is always in ordinary circumstances above the level of the high tide. |
| D) <u>The shoal</u> :- | Is every region within the territorial sea, covered with shallow water, part of which remains uncovered with water at the lowest level reached by the low tide. |
| E) <u>The sea shore</u> :- | Is the Syrian Arab sea shore facing the Mediterranean Sea, according to the official maps of the Syrian Arab Republic. |
| F) <u>The basins</u> :- | Are the regions that are usually used for the loading, unloading and anchoring of ships. |
| G) <u>The crossing</u> :- | Is the navigation across the territorial sea in view of crossing these waters without reaching the internal waters or entering them, or the exit to the high seas from the internal waters. |

¹ See Limits in the Sea No. 20, "Straight Baselines: Saudi Arabia," June 8, 1970, and No. 22, "Straight Baselines: United Arab Republic," June 22, 1970.

- H) The innocent passage :- Is the crossing necessitated by the normal course of the ship within the territorial sea without any contravention of the navigation regulations or any action contrary to the security of the Syrian Arab Republic, or contrary to the navigation rules or other international rules. The passage includes the stopping or anchoring as a result of normal navigation or as result of circumstances of force majeure.
- I) The high seas :- All the parts of the sea that do not form part of the territorial sea or the internal waters.
This expression is used to mean the sea bottom and the subsoil underneath it, in the maritime regions adjacent to the coast and located outside the region of the territorial sea to a depth of 200 metres or more, or beyond that according to the depth of the adjacent waters, and as far as possible to allow for the exploitation of the natural resources of those regions.
- J) The continental shelf :- Is the imaginary line connecting two points on the land and used to measure the depth of the territorial sea.
- K) The base line :- Is the region of the coast used for the anchorage of ships and the farthest parts of the installations of the harbour are considered as part of the coast.
- L) The harbour :-

PART TWO. **THE INTERNAL WATERS AND THE TERRITORIAL SEA.**

CHAPTER ONE :- THE INTERNAL WATERS.

ARTICLE TWO :- The internal waters of the Syrian Arab Republic include the following :-

- A) The waters of bays lying along the sea shore of the Syrian Arab Republic and are limited by the sea shore line and the straight line connecting the two heads of the bay.
- B) The waters over the land in any shoal not farther than twelve nautical miles from land or any Syrian Arab island, and are limited by the coast line and the line connecting from the shoal outwards.
- C) The waters lying between the land or any Syrian Arab island, situated closer than 12 nautical miles, the external line of the island is the external sea shore of the same.

- D) The waters lying between the Syrian Arab islands which are not wider apart than 12 nautical miles.

CHAPTER TWO :- THE TERRITORIAL SEA.

ARTICLE THREE :- The territorial sea of the Syrian Arab Republic, the space above it, and the sea bottom and the subsoil under it are considered under the sovereignty of the Republic, with due consideration of the international law relating to the innocent passage of the ships of other nations.

ARTICLE FOUR :- The territorial sea of the Syrian Arab Republic extends to a distance of twelve nautical miles, in the direction of the sea, to be measured from the straight base line, or from the lowest tide of the circumscribed islands extending along the sea coast, as shown on the large scale map; and approved by the Syrian Arab Republic.

CHAPTER THREE :- DETERMINATION OF THE BASE LINE FOR THE MEASUREMENT OF THE TERRITORIAL SEA.

ARTICLE FIVE :- The determination of the base line for the measurement of the Territorial Sea in the Syrian Arab Republic shall be made according to the following :-

- A) If the sea coast or the coast of the island is open in its totality to the sea :- Starting from the lowest tide at ebb.
- B) In case of the presence of a bay facing the sea :- Lines to be drawn at one point of the land from the entry of the bay to the other part.
- C) In case of the presence of a shoal not farther than twelve nautical miles from the land: Lines to be drawn from the land all along the external edge of the shoal.
- D) In case of the presence of a harbour or a port facing the sea :- Lines to be drawn on all the sides facing the sea from the most prominent installations, and lines to be drawn also between the limits of these installations.
- E) In case of the presence of an island not farther than twelve nautical miles from the sea :- Lines to be drawn from the land all along the external shores of the island.
- F) In case of the presence of a group of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and the farthest island is not more than 12 nautical miles away :- Lines to be drawn from

the land, then along all the external shores of the group of islands if they are in the form of a range or lines to be drawn on the prominent shores of the islands if they do not form a range.

- G) In case of the presence of a group of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and the nearest island is not more than 12 nautical miles away from the sea shore :- Lines to be drawn all along the external shores of the islands if they form a range or along the external shores of the more prominent islands if they are not in the form of a range.
- H) In every circumstance requiring a special system for measurement due to the depth of the seashore or the presence of islands along this shore. The line of measurement will be independent from the line of the island waters circumscribed and in these cases the system of straight convergent lines at suitable points and these lines are drawn in a way not to depart from the general direction of the seashore.

ARTICLE SIX :- In case the measurement of the territorial sea according to the provisions of this legislative decree leaves behind a region of high seas surrounded by the territorial sea from all sides and cannot be extended in any direction for a distance of 12 nautical miles: this region is considered as part of the territorial sea as well as any pocket that becomes prominent from the high seas and should be surrounded by a drawing of one straight line not exceeding 12 nautical miles in length.

ARTICLE SEVEN :- In case the waters of a State overlap the internal waters or the territorial sea of the Syrian Arab Republic then the boundary should be fixed in agreement with that State in accordance with the principles applied in international law.

PART THREE **GENERAL PROVISIONS**

ARTICLE EIGHT :- The authorities of the Syrian Arab Republic have the right to adopt all the necessary measures in the territorial sea to defend itself against any action harmful to its safety or interest, in accordance with the regulations in force and the provisions of the international law.

ARTICLE NINE :- The authorities of the Syrian Arab Republic have the right to adopt all the necessary measures to prevent the ships entering the internal waters from contravening the conditions to which is subjected the entry of these ships to these waters.

ARTICLE TEN :- The foreign ships which exercise the right of passage in the territorial sea have to adhere to the laws and regulations in force in the Syrian Arab Republic as well as the provisions of the international laws and specially those relating to transport and navigation.

ARTICLE ELEVEN :- The authorities of the Syrian Arab Republic, in cases where it is found necessary, have the right to stop the innocent passage within areas to be fixed provided this is published beforehand.

ARTICLE TWELVE :- The passage of military ships in the territorial waters is subject to a previous permission and the authorities of the Syrian Arab Republic have the right to adopt all the necessary measures against contravening ships. It is not allowed for submarines to pass submerged in the territorial sea.

ARTICLE THIRTEEN :- The authorities of the Syrian Arab Republic have the right to impose the necessary supervision on the region of the high seas adjacent to the territorial sea for a distance of 6 miles from that sea, in view of the following :-

- A) Prevention of any contravention relating to laws and security, customs, hygiene, finance, either on the land or in the territorial sea.
- B) The penalty arising from the contravention of the said laws will apply whether the contravention occurs on the land or on the territorial sea.

ARTICLE FOURTEEN :- The Authorities of the Syrian Arab Republic have the right of sovereignty over the continental shelf in view of exploiting its natural resources in accordance with the legislation and regulations in force.

ARTICLE FIFTEEN :- All provisions contrary to the provisions of this legislative decree are hereby cancelled.

ARTICLE SIXTEEN :- This legislative decree shall be published in the Official Gazette and become valid as from its issue.

Damascus, 28th DECEMBER, 1963

INCUMBENT REASONS FOR THIS DECREE:

The Headquarters of Maritime Forces and the Directorate of Harbours noticed that the legislation in force in the Syrian Arab Republic do not fix any limits to the internal or territorial waters. These laws were joined into one legislative decree after a study prepared by a committee from the Headquarters of Maritime Forces and the Directorate of Harbours.

In this decree it was taken into consideration the international laws and the sovereignty of the Syrian Arab Republic of its waters after having given definitions of the idioms relating to this matter.

ANALYSIS

The Syrian law contains nearly the identical definitional problems of the cited Saudi Arabian and Egyptian law. While a "bay" is defined according to the semi-circle requirement of the Geneva Convention on the Territorial Sea and the Contiguous Zone, no maximum limits for the closure are incorporated in the legislation. Syria, however, is not a party to the Convention.

The Syrian law permits the enclosure within the internal waters of the state of "shoals," defined as "...shallow water, part of which remains uncovered with water at the lowest level reached by the low tide." The Convention, however, prohibits the drawing of straight baselines to low-tide elevations unless they have a permanent structure constructed on them. While the law's definition implies that part of the "shoal" may be a low-tide elevation, the requirement is not clear. Nevertheless, the baseline system may be drawn about the seaward (submarine) edge of the "shoal." The limit, unfortunately, is not specifically delimited, i.e., a fathom or metric depth of a certain value could have been designated. It is noted that neither the Convention nor customary state practice sanctions the use of submerged features as limits for straight baseline systems.

Article 4 delimits the territorial sea as extending 12 nautical miles from the baseline (low-water and straight baselines) "as shown on the large scale map; and approved by the Syrian Arab Republic." If this map has been published, it is not available to this Office. The precise locations of the straight baseline segments cannot, as a result, be determined. However, the Syrian coastline is neither deeply indented nor fringed with many islands. As a consequence, it is possible to establish the general areas in which the system could be developed. The areas have been indicated on the attached chart by Nos. 1 through 5. The interpretation of shoals, however, complicates the general question of the potential location of lines.

In the region of No. 1 on the attached chart, three small islands are situated on a shoal area. Northward, continuing along the same axis, there are two additional islets (also on a shoal) and a third isolated island. These islands are all within 12 nautical miles of each other and could, by definition, be enclosed within the system. The specific turning points could be on the islands or on the shoals to the west thereof.

Two small areas of shoal water extend northward to No. 2 Jazirat Arwad. This island lies within 12 nautical miles of the shoals and the islands to the south. The system would logically incorporate Arwad with the southern islands. Northward, a string of shoal water area extends to three small islets, situated offshore from Ra's al Hasan. The distances among the islands and Arwad measure less than 12 nautical miles. The question of the turning points is open, again as a consequence of the presence of "shoal" waters in the intervening areas.

Shoal waters extend from the coastline northward near al Marqab, Ra's Baldat al Malik, and Jablah. It is not possible to ascertain if these areas, which are within 12 nautical miles of each other, have been utilized as basepoints; the official baseline charts would be required. The extension of the baseline, however, would have a very limited effect on the territorial sea. Additional shoal areas extend along the peninsula of Ra's ibn Hani' and at point No. 4 on the attached chart. Finally, at point No. 5, a small island (Pigeon) lies immediately offshore and would mark the final straight baseline segment of the Syrian system.

SUMMARY

The straight baseline system cannot be constructed with authority from the legislation. The official Syrian charts are required. However, the coastal features of Syria are limited in extent and in geographical distribution. The total effect of the system, as a result, would be relatively limited on the extension of the territorial sea. The law, however, does provide for the use of shoals, normally a submerged feature, and the incorporation of areas of high seas less than 12 miles in extent. In contrast to the Saudi Arabian example, the latter would have no effect in the case of Syria.

Syria Straight Baselines

