

International Boundary Study

Straight Baselines

UNITED ARAB REPUBLIC



**BUREAU OF
INTELLIGENCE
AND RESEARCH**

No. 22

JUNE 22, 1970

**ISSUED BY
THE GEOGRAPHER**

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INTERNATIONAL BOUNDARY STUDY

Series A

LIMITS IN THE SEAS

No. 22

STRAIGHT BASELINES: UNITED ARAB REPUBLIC

The Geographer
Office of the Geographer
Directorate for Functional Research
Bureau of Intelligence and Research

STRAIGHT BASELINES: UNITED ARAB REPUBLIC

A decree of January 15, 1951, created straight baselines for the coasts of the (then) Kingdom of Egypt. Subsequent legislation by the United Arab Republic has incorporated the decree into the policy of the Republic. The translation of the decree, as published in the Revue Egyptienne de Droit International, is as follows:

III

Royal Decree concerning the territorial waters of the Kingdom of Egypt

We Farouk 1st, King of Egypt,

On the proposition of the Minister of War and Marine and with approbation of our Council of Ministers;

Hereby decree as follows:

Article 1

For the purposes of this decree,

- a) The term "nautical mile" is the equivalent of 1852 (one thousand, hundred and fifty two) meters;
- b) The term "bay" includes any inlet, lagoon or other arm of the sea;
- c) The term "island" includes any islet, reef, rock, bar or permanent artificial structure not submerged at lowest low tide;
- d) The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide; and
- e) The term "coast" refers to the coasts of the Mediterranean Sea, the Red Sea, the Gulf of Suez and the Gulf of Aqaba.

Article 2

The territorial waters of the Kingdom of Egypt as well as the air space above and the soil and subsoil beneath them, are under the sovereignty of the Kingdom, subject to the provisions of international law as to the innocent passage of vessels of other nations through the coastal sea.

Article 3

The territorial waters of the Kingdom of Egypt embrace both the inland waters and the coastal sea of the Kingdom.

Article 4

The inland waters of the Kingdom include:

- a) the waters of the bays along the coasts of the Kingdom of Egypt;
- b) the waters above and landward from any shoal not more than twelve nautical miles from the mainland or from an Egyptian island;
- c) the waters between the mainland and Egyptian island not more than twelve nautical miles from the mainland; and
- d) the waters between Egyptian islands not farther apart than twelve nautical miles.

Article 5

The coastal sea of the Kingdom lies outside the inland waters of the Kingdom and extends seaward for a distance of six nautical miles.

Article 6

The following are established as the base-lines from which the coastal sea of the Kingdom of Egypt is measured:

- a) where the shore of the mainland or an island is fully exposed to the open sea, the lowest low-water mark on the shore;
- b) where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;
- c) where a shoal is situated not more than twelve nautical miles from the mainland or from an Egyptian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- d) where a port or a harbour confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;

- e) where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of the islands;
- f) where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines of the group of the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain; and
- g) where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands if the group of the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 7

If the measurement of the territorial waters in accordance with the provisions of this decree leaves an area of high sea wholly surrounded by territorial waters and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial waters. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 8

If the inland waters of the Kingdom of Egypt or if its coastal sea, should be overlapped by the waters of another State, boundaries will be determined in agreement with the State concerned in accordance with the principles of international law or by mutual agreement.

Article 9

With a view to assuring compliance with the laws and regulations relating to security, navigation, fiscal and sanitary matters, maritime surveillance may be exercised in a contiguous zone outside the coastal sea, extending for a further distance six nautical miles and measured from the base-lines of the coastal sea; this provision shall not be deemed to apply to the rights of the Kingdom of Egypt with respect to fishing.

Article 10

Our Ministers are charged, each in so far as he is concerned therein, with the execution of this Decree and it will come into effect as from the date of its publication in the Official Journal.

January 15th, 1951.

With the exception of Article 3 and the closing article, the language of the Egyptian decree is quite similar to that of the Saudi decree issued seven years later.¹ As was the case with Saudi Arabia, no official charts have been published to illustrate the straight baselines nor has it been possible to re-create the intent of the decree with any degree of assurance. As a result, no chart is attached to this study.

(NOTE: Article 3, paragraph 6 of the Geneva Convention on the Territorial sea and the Contiguous Zone requires that a "coastal State must clearly indicate straight baselines on charts, to which due publicity must be given." However, the United Arab Republic is not a party to the Territorial Sea Convention.)

ANALYSIS

The Mediterranean coast of the U.A.R. is relatively featureless and without islands. As a result, straight baselines presumably would not be drawn. An exception, however, involves the bay of el-Arab, which has been declared a historic bay. The precise limits of the bay's inland waters are unknown. The bay, a large coastal indentation west of the Port of Alexandria, does not meet the semi-circularity test required of a legal bay as described in Article 7, paragraph 2 of the Territorial Sea Convention. El-Arab is geographically a bight.

The southern port of the Gulf of Suez and most of the Red Sea coasts of the U.A.R. however, present the same difficulties as do the Saudi Arabian coasts. The coastlines are scalloped and dotted with numerous fringing shoals and reefs. The critical Strait of Gubal, the entrance to the Red Sea, is rimmed with many islands on the west and numerous reefs and shoals on the east. According to the decree, straight baselines could be drawn so as to leave a narrow passage of approximately 7 nautical miles, which would be included in the U.A.R. territorial sea claim of 12 nautical miles.

It is not possible to gauge, as with Saudi Arabia, the extent of Egyptian claim to internal waters without official charts depicting the delineation of the straight baselines. The utilization of imprecise terms--shoals, lagoon, inlet, reef, rock, permanent artificial structure² -- without adequate definition renders generalization quite difficult.

¹ International Boundary Study, Series A, Limits in the Seas -- No. 20, Straight Baselines: Saudi Arabia

² The term could presumably include oil rigs. Many of these structures are situated in the Red Sea within 12 miles of the Sinai shoreline

The claim to the territorial sea was amended in 1958 to 12 nautical miles by a Presidential Order:

"It is hereby proclaimed to all Masters of Ships, Shipping Companies and Agencies that a Presidential Order Number 180/1958 issued on February 17, 1958 and published in the Official Journal of February 17, 1958 amending as follows, certain clauses of the Ordinance of January 15, 1951 concerning the territorial waters of the Republic of Egypt.

Article 1 - Articles 5 & 9 shall be replaced to read as follows:

Article 5: -The territorial waters of the Republic of Egypt fall next to the inland waters of the Republic and stretch outwards into the sea to a distance of twelve marine miles.

Article 9: - To enforce Laws and Regulations pertaining to security, shipping, financial and sanitary purposes, marine control includes another area (falling next to the coastal waters) of six marine miles which are added to the twelve miles stretching from the base lines of the coast. This order shall not in any way contravene The Rights of the Republic of Egypt in matters concerning fishing.

Article 2 - This Order shall be published in the Official Journal and enforced from date of publishing."