International Boundary Study

SERIES A

LIMITS IN THE SEAS

Straight Baselines

MAURITIUS

BUREAU OF
INTELLIGENCE
AND RESEARCH

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No. 41

STRAIGHT BASELINES: MAURITIUS

The Geographer
Office of the Geographer
Bureau of Intelligence and Research

STRAIGHT BASELINES: MAURITIUS

By an act of parliament, the Government of Mauritius on April 16, 1970, established the legislative basis for a system of straight baselines. To our knowledge, straight baselines have not been drawn on officially approved charts, nor have they been duly publicized.

The Territorial Sea Act, 1970, as issued by the Government Printer, is as follows:

THE TERRITORIAL SEA ACT, 1970

Act No. 4 of 1970

I assent,

16th April, 1970

A.L. WILLIAMS,
Governor-General

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Territorial sea.
4. Internal waters.
5. Baseline of territorial sea.
6. The coast and the bed and subsoil of territorial sea vested in the Crown.
7. Official charts.
8. Permanent harbour works.

An Act

To make provision with respect to the territorial sea of Mauritius

ENACTED by the Parliament of Mauritius, as follows--

1. This Act may be cited as the Territorial Sea Act, 1970. Short title.

2. In this Act, unless the context otherwise requires-- Interpretation.

"baseline" has the meaning assigned to it by section 5 of this Act;

"bay" means an indentation of the coast the area of which is not less than that of a semi-circle the diameter of which is a line drawn across the mouth of the indentation. For the purpose of this definition, the area of an indentation shall be taken to be the area bounded by low water mark around the shore of the indentation and the straight line joining the low water marks at its natural entrance points;

"Chief Surveyor" means the Chief Surveyor of the Ministry of Housing, Lands and Town and Country Planning;

"low tide elevation" means a naturally formed area of land which is surrounded by, and above, water at low tide but submerged at high tide and on which a lighthouse or other structure has been so constructed as to be permanently above sea level;

"Mauritius" includes all the islands under the jurisdiction of the State of Mauritius;

"nautical mile" means the international nautical mile.

Territorial sea.

3. The territorial sea of Mauritius, hereinafter referred to as the territorial sea, shall comprise those areas of sea having –

(a) as their inner limits, the baseline; and

(b) as their outer limits, a line measured seaward every point of which is twelve nautical miles distant from the nearest point in the baseline.

Internal Waters.

4. The internal waters of Mauritius shall include any area of sea that lies on the landward side of the baseline.

Baseline of territorial sea.

5. The baseline shall be the line of low water mark along the coast:

Provided that: --

(a) (i) where the coast is so indented as to form a bay which does not

exceed twenty-four nautical miles in breadth; or

(ii) where the coast is deeply indented and cut into, the baseline shall be a straight line joining the furthest points seaward in the line of low water mark at the natural entrance points of the bay or of the indentation, as the case may be;

(b) where islands are so situated in relation to one another as to form an archipelago, the baseline shall be straight lines joining points in the line of low water mark of the outermost islands and those points shall be so chosen as to enclose, when joined together by straight lines, the maximum area of sea;

(c) where a low tide elevation or an island is, either in whole or in part, within twelve miles of the line of low water mark along the coast or of the baseline as described in paragraph (a) or (b) of this proviso, the baseline shall be straight lines joining points in the line of low water mark of the coast and of the island or of the low tide elevation, as the case may be, and those points shall be so chosen as to enclose, when joined together by straight lines, the maximum area of sea.

The coast and the bed and subsoil of territorial sea vested in the Crown.

6. Notwithstanding the provisions of any enactment to the contrary, the sea bed and the subsoil of the areas bounded, on the landward side, by the high water mark along the coast of Mauritius and, on the seaward side, by the outer limits of the territorial sea are hereby vested in the Crown.

Official charts.

7. (1) For the purpose of this Act, the low water mark or the high water mark in any area shall be the line of low water mark or the line of high water mark, as the case may be, shown on the largest scale chart compiled, for the time being of that area, by or on behalf of the Ministry of Housing Lands and Town and Country Planning.

(2) In any proceedings a certificate purporting to be signed by the Chief Surveyor or any other officer deputed by the Minister of Housing, Lands and Town and Country Planning to the effect that a chart compiled under this section is the largest scale chart for the time being of the area shown on the chart shall be admissible evidence of the matters stated in the certificate.

Permanent harbour works.

8. For the purposes of this Act, permanent harbour works which form part of the harbour system shall be deemed to be part of the coast.

Passed in the Legislative Assembly, Island of Mauritius, this fourteenth day of April, one thousand nine hundred and seventy.

GUY T. D'ESPAIGNET.
Clerk of the Legislative Assembly

ANALYSIS

The state of Mauritius comprises the following territories:

a) the principal island of Mauritius and its adjacent islets;

b) Rodrigues Island, a coralline near-atoll situated approximately 300 nautical miles eastward from Mauritius;

c) the Cargados Carajos Shoals, a true atoll situated approximately 220 nautical miles north-northeast of Mauritius; and

d) the Agalega Islands, two narrow, linearly-aligned islands situated nearly 650 nautical miles north of Mauritius.

The Territorial Sea Act, 1970, extended the Mauritian territorial sea to 12 nautical miles and permitted the establishment of straight baselines. Sections 5 (a) and (b) of the Act provide the specific language for the drawing of a straight-baseline system. However, two problems exist as to the Act's language: 1) it is not specific enough to draw single sets of baselines, and 2) there is no reference to atolls, and several of the island groups of Mauritius are atolls.

The reefs, which normally form an important part of any atoll, naturally "dry" during certain tidal conditions. These drying points, which unfortunately are never charted with great accuracy since the entire reef constitutes a hazard to normal navigation, can serve as low-tide elevations for the measurement of the sea. Under Section 5 (b) these points may also be basepoints for the straight-baseline system, although under the Convention on the Territorial Sea and Contiguous Zone, however, they may not be utilized unless a permanent structure, such as a lighthouse, has been constructed on them. (Mauritius is a party to the Convention.)

The isolation, small size, and the nature of the islands of the state of Mauritius preclude their treatment as an oceanic "archipelago". As a result, the system of straight baselines must apply to the individual groups as defined.

The main Mauritian group could use a straight-baseline system which would connect Mauritius with the adjacent islands of Flat and Round, situated less than 12 nautical mile distance to the north based on normal state practices. The effect of such a system would be to increase the internal waters of the state slightly but it would not appreciably affect the

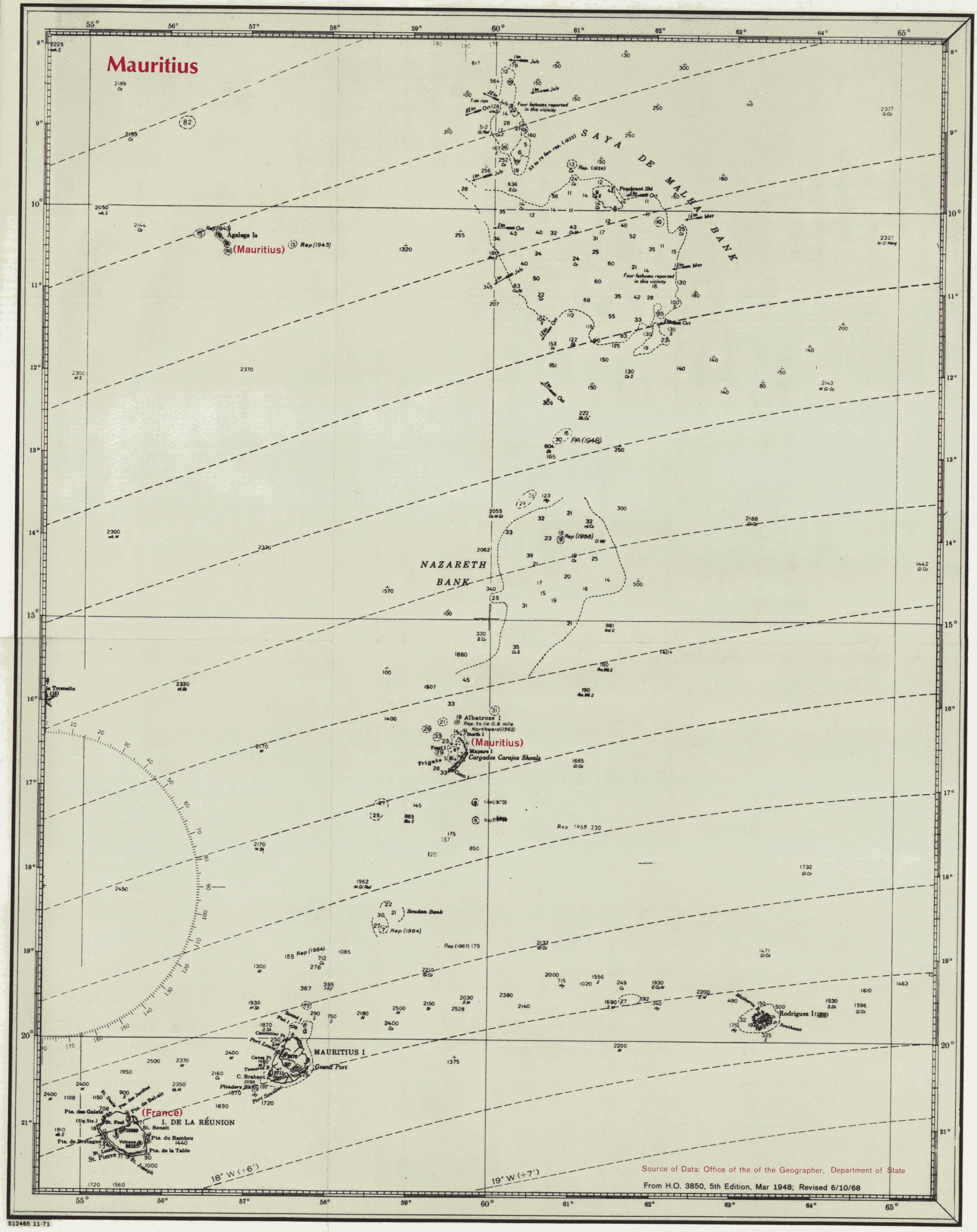
extent of territorial waters.

The Rodrigues group is difficult to assess. The main island is oval in shape; its principal axis extends east-west and measures approximately 10 nautical miles. The transverse axis is roughly 5 miles. An extensive, circular coral reef (c. 14 nautical miles in diameter) surrounds the main island which is situated to the northeast of the reef center. The shelf is dotted with thirteen small islands. As with most reefs, the Rodriques reef will dry in patches during low-water spring tides. However, if the seaward edge of the reef is used for the baseline of the territorial sea, straight baselines joining the islets and Rodrigues would have no effect on the extent of the territorial waters.

The Cargados Carajos Shoals constitute the most complicated insular formation of Mauritius. The main shoal is a bow-shaped coral reef which is aligned north-south. The arc of the bow faces eastward. Inside of the reef a linear arrangement of islets (motus) exists in the south, elsewhere they are scattered randomly. In total, nearly 40 islands are situated on the reef. In addition, two detached islands, North and Albatros, lie north of the reef while three, Siren, Pearl, and Frigate, are to the west of it.

By the definitions used in the Act, straight baselines could be drawn among the islands and motus or by connecting drying points on the reef. These drying points, as stated, are never charted specifically. However, using the high-tide locations, straight baselines could be constructed to connect the Coco group in the south with Frigate (perhaps via the Baleine Rocks) and then connected to Pearl. This generally northerly line could then extend northeastward to Siren (via the Pearl Breakers?) and to an unnamed island at the northern extremity of the reef. Northward, the system could attach to Albatros. From here, the "finger" of internal waters could be included by a return segment to North Island, an unnamed island on the reef, Mapare, and thence along the linear motus of the main atoll to the Coco group again. All of these segments of straight baselines would measure less than 12 nautical miles in length. As with Rodrigues, however, the effect of such a system would not increase the territorial sea greatly if the reef would constitute the normal territorial sea baseline.

The two Agalega Islands could be connected by two short segments which would have little effect on the territorial sea.


Mauritius
SAYA DE MALHA BANK
NAZARETH BANK
Agalega Is
(Mauritius)
Rep (1943)
Rep (1924)
Four fathoms reported in this vicinity
Tide rips
53 to 78 fms. rep. (1925)
Poydenot Shl
PA (1948)
Rep (1956)
Rep 1968 230
Rep (1967) 179
Rep (1964)
Souden Bank
19 Albatross I
Rep. to lie 0.6 mile Northward (1962)
North I
Pearl I
Mapare I
Frigate I
Cocos I
Cargados Carajos Shoals
Le Tromelin (15)
MAURITIUS I
Port Louis
Grand Port
Port Sourlac
C. Brabant
Flinders Bk
Tamarin B
Caves Pt
Canonnier Pt
Round I
Flat I
Rodriguez I (1200)
Mathews Bk
Southeast
I. DE LA RÉUNION
(France)
St. Paul
St. Benoit
Pte. du Bambou
Pte. de la Table
Pte. de Bretagne
Pte. des Galets
Pte. de Bel-air
St. Pierre
St. Joseph
Volcano
18° W (+6')
19° W (+7')
Source of Data: Office of the of the Geographer, Department of State
From H.O. 3850, 5th Edition, Mar 1948; Revised 6/10/68

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