Limits in the Seas

No. 150

People’s Republic of China:
Maritime Claims in the South China Sea

State Practice Supplement
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Maritime Claims in the South China Sea

State Practice Supplement

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Office of Ocean and Polar Affairs
Bureau of Oceans and International Environmental and Scientific Affairs
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This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the U.S. Department of State. The purpose of the series is to examine a coastal State’s maritime claims and/or boundaries and assess their consistency with international law. This study represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the limits claimed.

This study, and earlier studies in this series, may be downloaded from https://www.state.gov/limits-in-the-seas/. Comments and questions should be emailed to LimitsInTheSeas@state.gov. This study was prepared by Department of State’s Office of Ocean and Polar Affairs and Office of the Legal Adviser. The principal analysts for this study are Kevin Baumert, Amanda Williams, and Amy Stern.
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Introduction

The purpose of this State Practice Supplement to Limits in the Seas No. 150 is to evaluate the international law position of the People’s Republic of China (PRC) relating to territorial sea baselines and outlying archipelagos.\(^1\) The PRC has stated its position as follows:

\[
\ldots \text{The regime of continental States’ outlying archipelagos is not regulated by UNCLOS [i.e., the 1982 United Nations Convention on the Law of the Sea (“Convention”)], and the rules of general international law should continue to be applied in this field. There is sufficient international practice serving as a basis of this regime.}\(^2\)
\]

\[
\ldots \text{China attaches great importance to the provisions and applicable conditions set forth in UNCLOS for the drawing of territorial sea baselines. At the same time, China believes that the long established practice in international law related to continental States’ outlying archipelagos shall be respected. The drawing of territorial sea baselines by China on relevant islands and reefs in the South China Sea conforms to UNCLOS and general international law.}\(^3\)
\]

Thus, the PRC argues that (1) the use of baselines related to continental States’ outlying archipelagos is not governed by the Convention and (2) “general international law” provides a legal basis for the PRC to draw straight baselines around its claimed outlying archipelagos.

As discussed in Limits in the Seas No. 150, the use of territorial baselines is comprehensively regulated by the Convention.\(^4\) Even if one were to assume, despite the clear language in the Convention, that baselines pertaining to continental States’ outlying archipelagos were somehow outside the scope of the Convention, the PRC would still need to demonstrate the legality of its position under “general international law”; specifically, the PRC would need to establish that its position could be supported as a matter of customary international law.\(^5\) This State Practice Supplement demonstrates that there are no customary international law rules, separate from those reflected in the Convention, which provide an alternative legal basis for the drawing of baselines by continental States around outlying archipelagos.

The next section, Basis for Analysis, describes the legal requirements for establishing a rule of customary international law. The Analysis section that follows then examines whether customary international law provides a legal basis that differs from the Convention for establishing straight

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\(^4\) Limits in the Seas No. 150, supra note 1, “Basis for Analysis” section, referring the Convention’s baseline provisions, including articles 5 (normal baseline), 6 (reefs), 7 (straight baselines), 9 (mouths of rivers), 10 (bays), 11 (ports), 13 (low-tide elevations), and 47 (archipelagic baselines).

\(^5\) As stated in the Convention’s preamble, “matters not regulated by this Convention continue to be governed by the rules and principles of general international law.” See International Law Commission (“ILC”), Draft Conclusions on Identification of Customary International Law with Commentaries, UN Doc. No. A/73/10, at 123 (2018) (noting that the term “general international law” may be used to refer to customary international law).
baselines around outlying archipelagos. The PRC’s position on this matter is evaluated in relation to the “international practice” that the PRC considers to be the basis for its legal position. The Conclusion briefly summarizes the findings. The Annex to this State Practice Supplement provides a country-by-country review of the practice of States relevant to the evaluation of the PRC’s legal position.

**Basis for Analysis**

The basis for analysis in this Supplement to Limits in the Seas No. 150 is (1) the legal requirements for establishing a rule of customary international law (i.e., State practice and opinio juris) and (2) the factual evidence contained in the Annex to this document (i.e., country-by-country review of State practice and opinio juris).

**Customary International Law**

To demonstrate the existence of a rule of customary international law, there must be “evidence of a general practice accepted as law,” as stated in the Statute of the International Court of Justice (ICJ). 6 This formulation reflects the two elements required for the formation of customary international law: (1) State practice and (2) opinio juris (acceptance as law). 7

The formation of a rule of customary law requires that the relevant State practice be general and consistent; it must be “settled practice,” as described by the ICJ. 8 Moreover, such practice must have “occurred in such a way as to show a general recognition that a rule of law or legal obligation is involved” (opinio juris). 9

For a rule to become part of customary international law, it is necessary for both the State practice and opinio juris requirements to be satisfied. Failure to satisfy either requirement has the effect that the suggested rule has not been established as a matter of international law.

**Factual Evidence: Review of State Practice and Opinio Juris**

The Annex to this document compiles the factual evidence necessary to evaluate whether the legal requirements, described above, have been met for the formation of customary international law rules for drawing baselines around outlying island groups. In this regard, it is not necessary to evaluate the practice and opinio juris of every State. Instead, the Annex to this document reviews the baseline practice and opinio juris of (1) non-archipelagic States with (2) island groups that are

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7 See generally ILC, Draft Conclusions, supra note 5, Part Three (conclusions 4–8) and Part Four (conclusions 9–10), at 129–42.
9 North Sea, supra note 8, paras. 74, 77, at 43–44. See generally ILC, Draft Conclusions, supra note 5, Part Four (conclusions 9–10), at 138–140.
(3) outlying (i.e., separated from the mainland). These criteria are explained in detail in the introductory notes of the Annex. They are intended to capture the practice of States “that had an opportunity or possibility of applying the alleged rule.” Consistent with the parameters described, the review of State practice and opinio juris contained in the Annex covers 23 States (in addition to the PRC) and more than 80 outlying island groups.

The State practice reviewed in the Annex includes the legislative, executive, or administrative actions of States (e.g., laws, decrees, proclamations) pertaining to their claimed baselines within or around outlying archipelagos. In assessing the opinio juris of States, this review examines the legal basis that States identify for their claimed baselines. If a State merely seeks to act in conformity with treaty provisions to which it is already bound (e.g., Article 7 of the Convention pertaining to straight baselines), in the absence of additional indicators, it does not constitute opinio juris. To constitute evidence for the formation of customary international law, a State must have drawn straight baselines around an outlying archipelago because it believed it was “entitled to do so by reason of a rule of customary international law.”

**Analysis**

This section analyzes whether the evidence supports the position of the PRC that customary international law, separate from the Convention, provides a legal basis for the drawing of straight baselines by continental States around outlying archipelagos. The analysis is based on the legal requirements for the formation of customary international law briefly summarized in the preceding section (Basis for Analysis) and the factual information contained in the Annex to this document, which contains a country-by-country review of relevant practice and opinio juris of States. The analysis concludes that customary international law does not provide an alternative legal basis, outside of the Convention, for the use of straight baselines by continental States around outlying island groups.

**State Practice**

Table 1 summarizes relevant State practice related to baselines and outlying island groups, and the Annex to this document provides specific country-by-country information with illustrative maps.

As shown in Table 1 and detailed in the Annex, the practice of States varies considerably with respect to baselines and outlying island groups. Numerous States use no straight baselines at all and instead use the normal baseline, as reflected in Article 5 of the Convention. Where States do draw straight baselines, they often do so selectively, within an island group. For instance, some States only draw straight baselines along certain coasts of individual islands or connecting several islands, often those located in close proximity to one another. This is the case with respect to the

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10 Matters related to the territorial sovereignty of islands are beyond the scope of this study. The Annex to this document is organized by country. The country referred to is the one asserting a baseline claim with respect to an outlying island group and does not imply the attribution of sovereignty over any island group.
11 ILC, Draft Conclusions, supra note 5, at 136.
12 Id. at 139 (“Seeking to comply with a treaty obligation as a treaty obligation, much like seeking to comply with domestic law, is not acceptance as law for the purpose of identifying customary international law . . . .”).
13 Id. at 138.
practice of Argentina, Japan, Norway, Portugal, and Spain, among others (Table 1 and Annex). In a relatively small number of instances, States have established baselines around entire outlying island groups (where they have, the requisite *opinio juris* is typically lacking, as discussed below). Taking into account all of the relevant practice of States, such practice cannot be characterized as general and consistent.

In an attempt to support the PRC’s legal position, the Chinese Society of International Law conducted what it described as a review of State practice in 2018. The study characterized the relevant State practice on this matter as widespread and consistent, stating:

> According to our statistics, there are some 20 continental States possessing outlying archipelagos, and at least 17 of them have treated their outlying archipelagos as units and adopted the method of straight baselines in drawing baselines, or treated their outlying archipelagos as units in their legislation. . . . Only a limited number of States, such as the United States, New Zealand and Russia, do not treat their outlying archipelagos as units, and separately draw baselines for each island. . . . The overwhelming majority of continental States possessing outlying archipelagos have drawn baselines (especially straight baselines) around their outlying archipelagos as units, or treated their outlying archipelagos as units in their legislation.

There are numerous flaws and factual inaccuracies in the Chinese Society of International Law’s review of State practice, summarized above.

Most notably, it is incorrect that “[t]he overwhelming majority of continental States possessing outlying archipelagos have drawn baselines (especially straight baselines) around their outlying archipelagos as units . . . .” In fact, it is relatively unusual for such States to draw straight baselines “around their outlying archipelagos” as a whole. This practice was observed in less than 10 percent of the island groups reviewed in this study (see Table 1, which lists most of the island groups reviewed in the Annex). As discussed above, those States that use straight baselines typically have a more restrained approach and draw baselines only in certain areas within an island group. The selective use of straight baselines *within* an island group in a manner that the coastal State considers to be a valid application of Article 7 of the Convention would provide no support for the view that there is a distinct customary international law basis for drawing straight baselines around an outlying island group as a whole, especially a purported rule that would be in direct contravention of the baseline provisions set forth in the Convention.

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15 *Id.* at 494. See also *Limits in the Seas* No. 150, *supra* note 1, at Annex 2 (communications of the PRC).
16 The Chinese Society also ascribes unwarranted significance to the fact that some States have “. . . treated their outlying archipelagos as units in their legislation.” By its nature, an archipelago has a unitary character of some kind (e.g., geographic, political), as reflected in the definition of “archipelago” found in Article 46 of the Convention. Thus, it is unremarkable for States to characterize archipelagos as such in their legislation, and doing so does not confer any special status under the law of the sea. This is the case even for archipelagic States.
In addition, when reviewing a particular State’s practice, the Chinese Society of International Law does not assess that State’s relevant baseline practice in its entirety; rather, it cites only the practice that it considers supportive of the PRC’s position. For example, the Chinese Society identifies three examples of France’s baseline practice that it views as supportive of the PRC’s argument, and disregards additional and more numerous examples in which France has used straight baselines, reef closing lines, and the normal baseline selectively within its outlying island groups, depending on the geographic circumstances. Within its many island groups, France has generally refrained from joining islands together with straight baselines and, when it has, the islands are closely spaced such that a relatively small amount of waters are enclosed as internal waters. Furthermore, France does not use straight baselines to join small, geographically dispersed islands together, as the PRC claims the legal right to do in the South China Sea.

Where States have used straight baselines to enclose all or parts of their archipelagos, Table 1 shows the total water area and the ratio of water-to-land areas enclosed by the straight baselines. While not determinative of the legality of these baseline systems, these indicators provide a sense of the geographic scale of the baselines and the degree to which the water areas within the baselines are linked to the land domain. As shown, far from representing a general and consistent practice of States, the practice of enclosing vast areas of maritime space and only small areas of land is confined to only a few examples worldwide (e.g., the PRC with respect to the Paracel Islands, India with respect to the Lakshadweep). The overwhelming majority of straight baselines drawn within or around island groups enclose small amounts of maritime space relative to the land area of the islands (i.e., low water-to-land ratios, as shown in Table 1). Indeed, a majority of the straight baseline systems that enclose multiple islands as a group enclose less water area than land area (Table 1, <1 to 1 water-to-land ratio). As shown in the main Limits in the Seas No. 150 study, this contrasts markedly from the water-to-land ratios for China’s straight baseline claims enclosing the Paracel Islands (Xisha Qundao) (37 to 1) and from baselines that would enclose the entirety of Zhongsha Qundao or Nansha Qundao, which would result in water-to-land ratios of approximately 1300 to 1 and 950 to 1, respectively.

In summary, there is no general and consistent practice of continental States drawing straight baselines around their outlying archipelagos as a whole. Practice relating to outlying archipelagos is nuanced and varied, and the practice that could be considered supportive of the PRC position is limited to only a few examples worldwide. As discussed below, the practice observed also evinces efforts by coastal States to implement the baseline provisions in the Convention rather than create alternative rules under customary international law.

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17 See, e.g., ILC, Draft Conclusions, supra note 5, conclusion 7, at 134 (“Account is to be taken of all available practice of a particular State, which is to be assessed as a whole.”).
18 This is evidenced by the water-to-land ratio in Table 1, which indicates that France’s baselines typically enclose less water than land. See also “France” in the Annex to this study, describing France’s practice.
19 “France,” infra Annex (discussing France’s island groups within French Polynesia); see Case of the “S.S. Lotus”, 1927 P.C.I.J., Series A, No. 10, at 21 (Sept. 7) (referring to “precedents offering a close analogy to the case under consideration; for it is only from precedents of this nature that the existence of a general principle applicable to the particular case may appear”).
20 Waters within the fringing reefs of islands and atolls are treated as “land” for purposes of this calculation.
21 The water-to-land ratio has some relevance to Article 7(3) of the Convention, which states that “sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.”
22 Limits in the Seas No. 150, supra note 1, Table 3.
Table 1. State practice pertaining to baselines of outlying island groups. For additional details, see the country-by-country review in the Annex to this State Practice Supplement.

<table>
<thead>
<tr>
<th>Country</th>
<th>Outlying Island Group</th>
<th>Baseline Method</th>
<th>Islands joined together in one or more groups?</th>
<th>Water-to-land area ratio (1000s \text{ km}^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Argentina</strong></td>
<td>Falkland Islands (Is. Malvínas)</td>
<td>Combination</td>
<td>2 subgroups enclosing most islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>South Georgia group</td>
<td>Combination</td>
<td>1 group enclosing most islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>South Sandwich Islands</td>
<td>Combination</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td><strong>Australia</strong></td>
<td>Ashmore &amp; Cartier Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Cocos Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Coral Sea Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Elizabeth &amp; Middleton Reefs</td>
<td>Combination</td>
<td>1 group enclosing most islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>Furneaux Group</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Heard &amp; McDonald Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Houtman Abrolhos</td>
<td>Combination</td>
<td>1 group enclosing all islands</td>
<td>4.4 to 1</td>
</tr>
<tr>
<td></td>
<td>Lord Howe &amp; adjacent islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Macquarie &amp; adjacent islands</td>
<td>Combination</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Norfolk &amp; adjacent islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td><strong>Brazil</strong></td>
<td>Arquipélago dos Abrolhos</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Arq. de Fernando de Noronha</td>
<td>Straight</td>
<td>1 group enclosing all islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>São Pedro e São Paulo</td>
<td>Straight</td>
<td>1 group enclosing all islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>Ilha da Trindade &amp; Martin</td>
<td>Straight</td>
<td>2 subgroups enclosing all islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td><strong>Burma</strong></td>
<td>Preparis &amp; Coco Islands</td>
<td>Combination</td>
<td>2 subgroups enclosing all islands</td>
<td>7.4 to 1</td>
</tr>
<tr>
<td><strong>Chile</strong></td>
<td>All island groups</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td><strong>Colombia</strong></td>
<td>San Andrés y Providencia</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td><strong>Denmark</strong></td>
<td>Faroe Islands</td>
<td>Straight</td>
<td>1 group enclosing all islands</td>
<td>2.2 to 1</td>
</tr>
<tr>
<td><strong>Ecuador</strong></td>
<td>Galapagos Islands</td>
<td>Straight</td>
<td>1 group enclosing all islands</td>
<td>5.8 to 1</td>
</tr>
<tr>
<td><strong>France</strong></td>
<td>Guadeloupe</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>French Polynesia:</td>
<td>Combination (all)</td>
<td>1 group enclosing all islands</td>
<td>1.7 to 1</td>
</tr>
<tr>
<td></td>
<td>Îles Tubuai</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Îles Gambier</td>
<td>Normal</td>
<td>1 group of reef closing lines</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>Îles Marquises</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Society Islands</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Archipel des Tuamotu</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Îles Crozet</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Îles Kerguelen</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Mayotte</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>New Caledonia</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>St. Pierre &amp; Miquelon</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Wallis &amp; Futuna</td>
<td>Normal</td>
<td>No, individual islands</td>
<td>--</td>
</tr>
<tr>
<td><strong>Greece</strong></td>
<td>Aegean/Dodecanese</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td><strong>India</strong></td>
<td>Andaman &amp; Nicobar Islands</td>
<td>Combination</td>
<td>1 group partially enclosing islands</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Lakshadweep</td>
<td>Combination</td>
<td>1 group partially enclosing islands</td>
<td>101 to 1</td>
</tr>
<tr>
<td><strong>Japan</strong></td>
<td>Ōsumi-shotō</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
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<tr>
<td></td>
<td>Tokara-rettō</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Amami Shotō</td>
<td>Combination</td>
<td>1 group enclosing some islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>Okinawa Shotō</td>
<td>Combination</td>
<td>1 group enclosing some islands</td>
<td>&lt;1 to 1</td>
</tr>
<tr>
<td></td>
<td>Daitō Shotō</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
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<td>Miyako-rettō</td>
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<td>No</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Senkaku-shotō</td>
<td>Normal</td>
<td>No</td>
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</tr>
</tbody>
</table>
Table 1 (cont.). State practice pertaining to baselines of outlying island groups. For additional details, see the country-by-country review in the Annex to this State Practice Supplement.

<table>
<thead>
<tr>
<th>Country</th>
<th>Outlying Island Group</th>
<th>Baseline Method</th>
<th>Islands joined together in one or more groups</th>
<th>Water-to-land area ratio (1000s km²)</th>
<th>Water area enclosed (1000s km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan (continued)</td>
<td>Izu Shotō</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Bonin Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Volcano Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Dutch Caribbean (ABC)</td>
<td>Combination</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>New Zealand</td>
<td>All island groups</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Norway</td>
<td>Svalbard</td>
<td>Straight</td>
<td>2 subgroups &amp; individual islands</td>
<td>&lt;1 to 1</td>
<td>35</td>
</tr>
<tr>
<td>PRC</td>
<td>Paracel Islands</td>
<td>Straight</td>
<td>1 group enclosing all islands</td>
<td>37 to 1</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Senkaku-shoto</td>
<td>Straight</td>
<td>2 subgroups enclosing all islands</td>
<td>25 to 1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Philippines</td>
<td>Spratly Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Portugal</td>
<td>Azores</td>
<td>Combination</td>
<td>1 subgroup &amp; individual islands</td>
<td>2.6 to 1</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Madeira Islands</td>
<td>Combination</td>
<td>2 subgroups</td>
<td>1.1 to 1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Ilhas Selvagens</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Russia</td>
<td>Komandorskiye Ostrova</td>
<td>Combination</td>
<td>No, individual islands</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Franz Josef Land</td>
<td>Combination</td>
<td>No, individual islands</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Spain</td>
<td>Canary Islands</td>
<td>Combination</td>
<td>Individual islands / some islands enclosed</td>
<td>&lt;1 to 1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Balearic Islands</td>
<td>Combination</td>
<td>Individual islands / some islands enclosed</td>
<td>&lt;1 to 1</td>
<td>4</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>British Indian Ocean Territory</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>British Virgin Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Cayman Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Channel Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Falkland Islands (Is. Malvinas)</td>
<td>Combination</td>
<td>1 group enclosing most islands</td>
<td>1.2 to 1</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Pitcairn Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>South Georgia group</td>
<td>Combination</td>
<td>1 group enclosing most islands</td>
<td>&lt;1 to 1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South Sandwich Islands</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Tristan da Cunha Group</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Turks &amp; Caicos Islands</td>
<td>Combination</td>
<td>1 group enclosing most islands</td>
<td>&lt;1 to 1</td>
<td>3</td>
</tr>
<tr>
<td>United States</td>
<td>All island groups</td>
<td>Normal</td>
<td>No</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Vietnam</td>
<td>All island groups</td>
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<td>No</td>
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<tr>
<td>Yemen</td>
<td>Arkbabil Suqutra (Socotra)</td>
<td>Combination</td>
<td>No, individual islands</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

Notes (for further information, see Explanatory Notes at the end of this document):

1. **Country** refers only to the country asserting a baseline claim with respect to an outlying island group and does not imply the attribution of sovereignty over any island group. Matters related to the territorial sovereignty of islands are beyond the scope of this study.

2. **Baseline method** includes normal baselines, straight baselines, or a combination of methods, including baselines pertaining to reefs or juridical bays.

3. **Islands joined together in one or more groups** indicates whether straight baselines have been used to join islands together in one or more groups or, alternatively, along the coasts of individual islands.

4. **Water-to-land ratio**. Where straight baselines enclose one or more groups of islands, this column indicates the area of water enclosed relative to the area of the land enclosed. A ratio of “<1 to 1” means the water area is less than the land area.

5. **Water area enclosed**. Where straight baselines enclose one or more groups of islands, this column indicates the total area of water enclosed. Waters lying within the fringing reefs of islands and atolls are excluded.

6. The two main islands in the outlying island group are not connected by straight baselines.

7. Islands are enclosed only on one side (India, with respect to the Andaman and Nicobar Islands).

8. The baselines have been protested by one or more States.
Opinio Juris

As discussed in the Basis for Analysis section, to establish the existence of a rule of customary international law, it is necessary to satisfy the requirement of a general and consistent practice of States (discussed above) and also demonstrate that such practice has been undertaken with the requisite opinio juris (acceptance as law).

In this regard, nearly all States are bound by the Convention’s baseline rules as a matter of treaty law. If the conviction of a State is that it is acting in conformity with the Convention’s provisions on straight baselines, its practice cannot serve as evidence for the formation of a separate rule of customary international law. Instead, it must be shown that States have acted “because they felt or believed themselves . . . entitled to do so by reason of a rule of customary international law.”

As shown in the Annex to this document, the required element of opinio juris is lacking with respect to most State practice. There are only two States—the PRC and Ecuador—that justify their baseline practice with reference to criteria not found in the Convention. The PRC is the only State that has expressly sought to justify its baseline practice under general international law. Ecuador appears to justify the legality of its baselines pertaining to the Galapagos Islands with considerations such as “common geological origin,” “historical unity,” and “the need to protect and preserve [the islands’] unique ecosystems.”

By contrast, most States have sought to justify their straight baselines with respect to outlying island groups under Article 7 of the Convention or the corresponding provisions of the 1958 Convention on the Territorial Sea and the Contiguous Zone. As explained by the International Law Commission in its Draft Conclusions on Identification of Customary International Law, when States seek to act in conformity with a treaty provision, such practice “does not, by itself, lead to an inference as to the existence of a rule of customary international law.” Even where, in the view of the United States or others, some of the straight baselines drawn by States exceed what is permitted under Article 7 of the Convention, the animating legal basis of the actions taken by these States remains the Convention.

For example, Australia, Brazil, Denmark, France, Japan, the Netherlands, Norway, Russia, Spain, and the United Kingdom, among others, have expressly clarified either that their straight baselines are based on the rules reflected in the Convention and/or that they do not recognize baselines of other States that do not conform to the Convention. Thus, these States lack the required element of opinio juris for their baseline practice to be supportive of any rules of customary international law that differ from the provisions of Article 7.

23 ILC, Draft Conclusions, supra note 5, at 139 (“Seeking to comply with a treaty obligation as a treaty obligation, much like seeking to comply with domestic law, is not acceptance as law for the purpose of identifying customary international law . . . ”).
24 Id. at 138.
26 Convention on the Territorial Sea and the Contiguous Zone, opened for signature Apr. 29, 1958, 516 UNTS 205 (entered into force Sept. 10, 1964)
27 ILC, Draft Conclusions, supra note 5, at 139.
In this regard, it is important to note that Article 7 of the Convention does not necessarily prohibit the use of straight baselines around or within island groups. When an archipelago contains islands with deeply indented coastlines, and the coastlines of larger islands are fringed with smaller islands in the immediate vicinity, straight baselines are not prohibited, provided that the other requirements of Article 7 are met.\(^{28}\) For example, the Convention permits the use of straight baselines in some areas of Australia’s Furneaux Group, the Falkland Islands (Islas Malvinas),\(^{29}\) France’s Îles Kerguelen, and the main islands of Norway’s Svalbard archipelago, considering the coastal geography of these island groups (see Annex). Practice that aligns with the Convention’s rules cannot be evidence for the formation of a separate rule of customary international law, nor can the matter be regarded as not regulated by the Convention.

As discussed above, States rarely use baselines to enclose an entire group of islands “as a whole” spread across a large maritime area. In the few instances where States have engaged in such practice (e.g., the PRC with respect to the Paracel Islands, Ecuador with respect to the Galapagos Islands, and India with respect to the Lakshadweep), other States have formally protested. (See Table 1 and Annex.) Such protests demonstrate the objecting States’ non-acceptance of such baseline systems that exceed what is permitted by the Convention.

In support of the PRC’s position on this matter, the Chinese Society of International Law stated the following with respect to opinio juris:

> . . . long before the Third United Nations Conference on the Law of the Sea, relevant continental States had adhered to the belief that they were entitled to draw baselines around their outlying archipelagos as units.\(^{30}\)

The suggestion is that, if a State’s practice post-dates the Third UN Conference on the Law of the Sea (UNCLOS III, 1973–1982), such practice cannot be based on the 1982 Convention and instead must be based on separate rules of customary international law. This characterization overlooks prior treaty law, specifically Article 4 of the 1958 Convention on the Territorial Sea and the Contiguous Zone, which contains straight baseline provisions that are virtually identical to those found in Article 7 of the 1982 Convention. Although the Third Conference developed new baseline rules for archipelagic States (reflected in Part IV of the Convention), the baseline rules for non-archipelagic States like China were largely unchanged from the 1958 Convention.\(^{31}\) Moreover, the Chinese Society of International Law’s review of State practice identifies only three

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\(^{28}\) Convention, *supra* note 2, art. 7(1) (“In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.”). Subsequent provisions of Article 7 contain additional requirements for the drawing of straight baselines.

\(^{29}\) Claimed by the United Kingdom and Argentina and administered by the United Kingdom as a British Overseas Territory. The United States does not take a position on the sovereignty claims over these islands.

\(^{30}\) Chinese Society of International Law, *supra* note 14, at 495 (emphasis added).

\(^{31}\) Most of the provisions from the 1958 Convention, *supra* note 26, were drawn from the ICJ’s judgment in the *Fisheries Case*, *supra* note 38, decided in 1951.
States—Denmark (1963), Ecuador (1971), and Norway (1970)—that actually established straight baselines pertaining to outlying island groups prior to UNCLOS III.

The negotiating history of the Convention is also indicative of the attitude of States on this matter. During UNCLOS III, nine States introduced draft Convention text that would permit a coastal State “with one or more off-lying archipelagos” to apply more permissive baseline rules. Ecuador similarly proposed draft Convention text providing that “[t]he method applied to archipelagic States for the drawing of baselines shall also apply to archipelagos that form part of a [non-archipelagic] State . . . .” Such proposals, had they been adopted, would have enabled States such as Ecuador to draw baselines around outlying archipelagos utilizing the archipelagic baseline provisions that were eventually adopted as Article 47 of the Convention. However, the rejection of such proposals reflects the considered view of many negotiating States that more permissive baseline rules are not justified and would not be permitted.

As summarized above and shown in the Annex to this document, the required element of opinio juris is lacking with respect to almost all State practice related to straight baselines and outlying island groups of non-archipelagic States. The legal basis for baselines drawn by most such States is Article 7 of the Convention. In the few instances where this is not the case, the baselines drawn by the relevant non-archipelagic States around outlying island groups have been objected to by other States.

**Conclusion**

The international law rules pertaining to baselines are those set out in the Convention. These rules pertain to all geographic circumstances, including with respect to the baselines of outlying island groups of non-archipelagic States. The State practice and opinio juris compiled in the Annex to this document and summarized above demonstrates that there is no customary international law that provides an alternative legal basis for non-archipelagic States to establish straight baselines around outlying island groups.

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32 Denmark and Norway have expressly stated that their respective baselines are based on the Convention. See Annex, “Denmark” and “Norway.”
35 See, e.g., M. Munavvar, Ocean States: Archipelagic Regimes in the Law of the Sea (1993), at 85 (“...most of the states represented at UNCLOS III rejected the application of the archipelagic principle to midocean archipelagos of continental states ...”).
36 The Tribunal in the South China Sea Arbitration reached the same conclusion. The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China), PCA Case No. 2013-19, Award of July 12, 2016, para. 576 (“... the Tribunal sees no evidence that any deviations from this rule have amounted to the formation of a new rule of customary international law that would permit a departure from the express provisions of the Convention.”).
Annex: Country-by-Country Review

Introductory Notes:

(1) This Annex does not necessarily present U.S. views on the lawfulness of the baseline practice of States described below. Rather, as stated above, the purpose of this review is to factually describe the practice and views of non-archipelagic States for the purpose of evaluating the PRC’s position that the drawing of straight baselines around outlying archipelagos is governed by customary international law rules that are more permissive than those contained in the Convention.

(2) This Annex is organized by country. The country referred to is the one asserting a baseline claim with respect to an outlying island group and does not imply the attribution of sovereignty over any island group. Matters related to the territorial sovereignty of islands are beyond the scope of this study.

(3) This Annex contains a comprehensive review of the baseline practice and opinio juris of (1) non-archipelagic States with (2) island groups that are (3) outlying (i.e., separated from the mainland). These criteria are explained below:

Non-archipelagic States. Non-archipelagic States include all coastal States, except those island States that qualify for and apply the specific legal regime contained in Part IV of the Convention (“Archipelagic States”), including Article 47 of the Convention (“Archipelagic Baselines”). Non-archipelagic States are often referred to as continental States. However, non-archipelagic States also include some island States, such as the United Kingdom and Japan, to which Part IV of the Convention does not apply.

Island Groups. The term “island group” means two or more islands that are geographically associated. However, a group that is essentially a single island with one or more tiny islands immediately offshore (e.g., Norway’s Jan Mayen and Japan’s Tsu Shima) are not included. These are not island “groups” in a meaningful sense.

The terms “island group” and “archipelago” are closely related and sometimes synonymous. The term archipelago is used in some instances in this Annex, particularly where the State in question regards the island group as an archipelago. However, archipelago is a defined term under Article 46 of the Convention, and this definition includes additional criteria beyond a “group of islands.” Thus, the more generic term island group is often used to avoid the question of whether the definition in Article 46 is met in a specific instance.

37 Convention, supra note 2, art. 46(b) (defining an archipelago, “[f]or purposes of this Convention,” as “a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such”).
Outlying. This review concerns island groups that are separated from the mainland. These are often referred to as “outlying” or “mid-ocean” archipelagos, as opposed to coastal archipelagos located in close proximity to the mainland. The geographic setting of coastal archipelagos, such as Canada’s Arctic Archipelago and Norway’s “skjærgaard”\(^{38}\) is such that they are more likely to be included in the baseline system for the mainland coast rather than enclosed by a separate system of baselines. The distinction between an outlying and coastal archipelago may be difficult to discern in some instances, particularly with respect to a chain of islands that begins near the mainland and continues far seaward (e.g., the Aleutian Islands or Kuril Islands).

An island group is generally considered to be outlying, and therefore included in this review, if it is more than 30 nautical miles (M) from the mainland. “Mainland” means the continental land mass of States and, for non-archipelagic States such as Japan, New Zealand, and the United Kingdom that are made up of islands, the mainland refers to the main island or islands of the State.

Argentina

Argentina claims sovereignty over several outlying island groups in the South Atlantic Ocean: the Falkland Islands (Islas Malvinas), South Georgia, and South Sandwich Islands. (Note: These islands are claimed by the United Kingdom and Argentina and administered by the United Kingdom as British Overseas Territories. The United States does not take a position on the sovereignty claims over these islands.)

In 1991, Argentina asserted baselines with respect to its three claimed island groups. As discussed below, not only has Argentina refrained from enclosing each island group within a single straight baseline system, its practice lacks the *opinio juris* to contribute to the formation of customary international law rules that differ from those in Article 7 of the Convention.

*Falkland Islands (Islas Malvinas)*

The Falkland Islands (Islas Malvinas) are located in the South Atlantic Ocean approximately 250 M east of mainland South America (Map 1). The archipelago consists of two main islands—East Falkland and West Falkland—and 778 smaller islands and has a linear extent of about 147 M (272 km) from east to west. East and West Falkland lie in close proximity to one another, separated in several areas by less than 2 M.

Argentina’s baseline system for the Falkland Islands consists of a mix of normal and straight baselines, including one set of segments encompassing East Falkland and its smaller surrounding islands and another encompassing West Falkland and its smaller surrounding islands. The longest straight baseline is less than 18 M. Argentina uses the normal baseline for Beauchêne Island, located approximately 27 M south of the nearest other island. In addition to Map 1, below, Argentina’s straight baselines are depicted on its Chart No. H-410 and Chart No. H-411.

*South Georgia*

South Georgia is located in the South Atlantic Ocean about 725 M east-southeast of the Falklands. This island has a linear extent of about 170 km from east to west. The South Georgia group also includes several small, rocky outlying islands, namely Clerke Rocks (Rocas Clerke) about 30 M southeast of South Georgia, and also Shag Rocks (Rocas Cormorán) and Black Rock (Roca Negra) about 130 M west of South Georgia (Map 2).

Argentina’s baseline system for South Georgia consists of straight baselines and also the normal baseline. For the main island of South Georgia, baseline segments connect 53 basepoints and enclose the main island and several small islands lying offshore. The longest segment is 17 M, and most are considerably shorter. For the outlying islands of Clerke Rocks, Shag Rocks, and Black Rock, Argentina uses the normal baseline. In addition to Map 2, below, these straight baselines are depicted on Argentina’s Chart No. H-610.

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40 Falkland Islands Government website.
South Sandwich Islands

The remote South Sandwich Islands lie approximately 300 M east-southeast of South Georgia. The South Sandwich Islands include approximately 11 small islands lying in a north-south oriented arc having a total land area of about 300 km². These islands (or island clusters) are separated by distances of 25 M to 40 M. The linear extent of the South Sandwich Islands is about 200 M (371 km) from north to south.

Argentina has not enclosed the South Sandwich Islands with a single straight baseline system. Rather, Argentina takes an island-by-island approach to baselines within this island group. The baseline system of Argentina consists of (1) straight baselines along the coasts of five islands (or island clusters) and (2) the normal baseline (for Zavodovski, Leskov, and Visokoi Islands, and elsewhere). The longest straight baseline used in the South Sandwich Islands is less than 6 M, and most baselines are less than 3 M, such that they have virtually no effect on Argentina’s claimed maritime zones. These straight baselines are depicted on Argentina’s Chart No. H-601.

Opinio Juris of Argentina

It appears that Argentina considers the legal basis for its straight baselines to be Article 7 of the Law of the Sea Convention and not separate rules of customary international law. Argentina has deposited the charts depicting its baselines with the UN Secretariat pursuant to Article 16 of the Convention. Article 16 specifies that it pertains to “baselines . . . determined in accordance with articles 7 [straight baselines], 9 [mouths of rivers] and 10 [bays] . . . .” Moreover, the coastlines along which Argentina has drawn its baselines, particularly those of the Falkland Islands (Islas Malvinas) and South Georgia, generally meet the requirements of Article 7(1). Thus, it cannot be assumed that Argentina’s practice with respect to straight baselines and island groups is based on separate rules of customary international law. Accordingly, Argentina’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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41 M.Z.N.10.1996.LOS (Maritime Zone Notification) 16 September 1996: Deposit by Argentina of charts and lists of geographical coordinates, available on the DOALOS website (referring to its “deposit . . . in compliance with article 16 of the Convention”).
Map 1. Argentina’s baselines pertaining to the Falkland Islands (Islas Malvinas). Scale 1:2,000,000.  

Details for all maps in this document are referenced in the Explanatory Notes section at the end of this document.
Map 2. Argentina’s baselines pertaining to South Georgia and its adjacent islands. Scale 1:6,000,000.
**Australia**

In addition to its continental landmass, the territory of Australia includes 8,222 islands, including many outlying island groups.\(^{43}\) Some of these islands are located at considerable distances from mainland Australia. In 1983 (updated in 2016), Australia established straight baselines with respect to three such island groups: (1) Furneaux Group, (2) Houtman Abrolhos, and (3) Macquarie Island and adjacent islands.\(^{44}\) Australia has not established straight baselines with respect to its more numerous other islands groups.

As discussed below, the practice and *opinio juris* of Australia do not provide supportive evidence for the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

**Furneaux Group**

The Furneaux Group consists of approximately 100 islands located between the Australian mainland (south) and Tasmania (Map 3). The largest of the islands in this group is Flinders Island (land area of 1367 km\(^2\)), followed by Cape Barren Island (478 km\(^2\)) and Clarke Island (82 km\(^2\)). The linear extent of the island group is about 58 M (107 km) from north to south.

Australia’s baselines for the Furneaux Group consists of a mix of straight baselines and the normal baseline. Twelve straight baseline segments are used along most of the south and west sides of the island group, and the normal baseline is used along most of the north and east sides. The normal baseline is also used for the adjacent islands to the north (Outer Sister Island, Inner Sister Island) and east (Babel Island and adjacent islands), each of which is located less than 4 M from Flinders Island. The longest straight baseline used in the Furneaux Group is less than 13 M. On the smooth, east coast of Flinders Island, Australia has refrained from using straight baselines.

**Houtman Abrolhos**

The Houtman Abrolhos is an archipelago of 210 islands and associated reefs located about 32 M off Australia’s west coast (Map 4).\(^{45}\) Houtman Abrolhos has three main island groups (Wallabi Group, Easter Group, and Pelsaert Group) separated from one another by approximately 6 M to 14 M and with a linear extent of about 43 M (80 km) from north to south.

Australia’s baselines for the Houtman Abrolhos consists of a mix of straight baselines (eight segments) and the normal baseline; straight baselines are used to join the outermost reefs, such that the entire island group is enclosed. The longest of the straight baselines is approximately 17 M.

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\(^{43}\) Australian Government, Geosciences Australia [website](#).

\(^{44}\) *Seas and Submerged Lands (Territorial Sea Baseline) Proclamation 2016*, available on the DOALOS [website](#).

\(^{45}\) Government of Western Australia, Parks and Wildlife Service [website](#).
Macquarie Island and adjacent islands

Macquarie Island is located about 810 M south of Tasmania (Australia) and has a north-south extent of 34 km and a total land area of 128 km². Its adjacent islands include two small groups of islands, the Judge and Clerk Islets 7 M to the north and the Bishop and Clerk Islets (land area of 0.6 km²) 16 M to the south.

Australia’s baselines for Macquarie Island and adjacent islands consists of a mix of straight baselines (27 segments) and the normal baseline. Straight baselines are used along most of the rugged north, west, and south sides of Macquarie Island, and the normal baseline is used along the entire east coast, which is smooth and nearly featureless (Map 5). Straight baselines have not been used to enclose the maritime space between Macquarie Island and the Judge and Clerk Islets (7 M to the north) or between Macquarie Island and the Bishop and Clerk Islets (16 M to the south). Australia uses the normal baseline for those islands. Where Australia has used straight baselines along the coast of Macquarie Island, the segments are short (the longest being about 3 M) and have little or no consequence for the extent of the territorial sea or other maritime zones.

Outlying island groups for which Australia has not drawn straight baselines

Australia has not established straight baselines pertaining to its many other outlying island groups, including those listed below and shown on Maps 6A-G.

- **Ashmore and Cartier Islands** are located northwest of mainland Australia and consist primarily of two reefs surmounted by islands. The smaller Cartier Island is located about 27 M southeast of the Ashmore Islands, which surmount the Ashmore Reef (Map 6A).
- **Cocos Islands** are located in the Indian Ocean southwest of the Indonesian Island of Sumatra and consist primarily of two atolls surmounted by islands. The two atolls are separated by about 14 M (Map 6B).
- **Coral Sea Islands** include numerous small islands surmounting coral reefs that are spread over a large geographic area off the northeast coast of mainland Australia. Most of the islands are located between 125 M and 250 M from the mainland coast (Map 6C and Australian chart of the Coral Sea Islands Territory).
- **Elizabeth Reef and Middleton Reef** lie approximately 300 M east of the mainland coast in the northern part of the Tasman Sea. Elizabeth Reef and Middleton Reef are separated from one another by approximately 24 M (Map 6D).
- **Heard Island and McDonald Islands** are located in a remote portion of the Southern Indian Ocean approximately 800 M from Antarctica. The larger Heard Island has a land area of 370 km². To its west, approximately 23 M, are the smaller and rocky McDonald Islands (Map 6E).
- **Lord Howe Island and adjacent islands** are located east of mainland Australia. The larger Lord Howe Island is surrounded by numerous smaller islands, including a cluster of very small islands to the immediate north and east. Ball’s Pyramid lies 13 M to the southeast (Map 6F).
- **Norfolk Island and adjacent islands** are located east of mainland Australia. Nepean Island and Phillip Island lie to the south of the larger Norfolk Island (Map 6G).
Opinio Juris of Australia

Australia considers the legal basis for its straight baselines to be Article 7 of the Law of the Sea Convention and not separate rules of customary international law. Australia’s proclamation establishing its baseline systems refers expressly to Article 7 of the Convention. Australia has also clarified that the Convention governs the establishment of baselines for all coastal States and has specifically objected to the People’s Republic of China’s baselines in the South China Sea in the following terms:

There is no legal basis for China to draw straight baselines connecting the outermost points of maritime features or ‘island groups’ in the South China Sea, including around the ‘Four Sha’ or ‘continental’ or ‘outlying’ archipelagos . . . . In the absence of meeting these requirements [of Articles 7, 46, and 47], States must draw normal baselines in accordance with Article 5, including in relation to islands.

Thus, Australia lacks the required element of opinio juris for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, Australia’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

47 Permanent Mission of the Commonwealth of Australia to the United Nations, diplomatic note No. 20/026, July 23, 2020 (“. . . States may draw straight baselines only in certain circumstances. Principally, Article 7(1) of UNCLOS provides that straight baselines may be employed ‘[i]n localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity.’ Furthermore, Article 47(1) of UNCLOS limits the use of archipelagic straight baselines to archipelagic States, as defined in Article 46. In the absence of meeting these requirements, States must draw normal baselines in accordance with Article 5, including in relation to islands.”).
48 Id.
Map 3. Australia's baselines pertaining to the Furneaux Group. Scale: 1:900,000.
Map 4. Australia’s baselines pertaining to Houtman Abrolhos. Scale: 1:600,000.
Map 5. Australia’s straight baseline system for Macquarie Island. Scale: 1:500,000.
Map 6A-D. Australia uses the normal baselines for the Ashmore and Cartier Islands, the Cocos Islands, the Coral Sea Islands, and Elizabeth and Middleton Reefs. For locations of panels A-D, see Map 6E-G, below.
Map 6E-G. Australia uses the normal baselines for Heard Island and McDonald Islands, Lord Howe and adjacent islands, and Norfolk and adjacent islands. Locations (bottom left panel) also pertain to Map 6A-D, above.
Brazil

Brazil has several outlying island groups in the Atlantic Ocean, including Arquipélago dos Abrolhos, Arquipélago de Fernando de Noronha, Ilha da Trindade and Ilhas Martin Vaz, and Penedos de São Pedro e São Paulo (Map 7A-D). In 2015, Brazil established straight baselines within and around several of these island groups.\(^{49}\)

As discussed below, the practice and *opinio juris* of Brazil do not provide supportive evidence for the formation of customary international law rules for outlying island groups that differ from those in Article 7 of the Convention.

**Arquipélago dos Abrolhos**

Arquipélago dos Abrolhos lies 30 M off of Brazil’s mainland coast and consists of the main island of Ilha de Santa Bárbara (land area of approximately 0.5 km\(^2\)), plus four smaller surrounding islands composed in a roughly circular pattern and covering a total area of 4 km\(^2\). Brazil uses the normal baseline for these islands (Map 7A).

**Arquipélago de Fernando de Noronha**

Arquipélago de Fernando de Noronha lies 190 M northeast of Brazil’s mainland coast and consists of the main island of Ilha de Fernando de Noronha (land area of 18 km\(^2\)) and several islands immediately to the north (separated from one another by narrow passages of approximately 100 meters or less). Brazil has enclosed the islands with 24 short baseline segments, the longest measuring 2.3 M (Map 7B). Atol das Rocas, for which Brazil uses the normal baseline, lies 78 M to the west of Ilha de Fernando de Noronha.

**Ilha da Trindade and Ilhas Martin Vaz**

This island group consists of two small clusters located approximately 600 M east of the Brazilian mainland. To the west is Ilha da Trindade, which is the largest of the islands (land area of 10 km\(^2\)). Ilhas Martin Vaz lies 25 M to the east. Smaller islands lie offshore each of the main islands.

Brazil has not enclosed all of the islands within a single straight baseline system. Rather, Brazil has established separate baseline systems for the two small island clusters (Map 7C):

- **Ilha da Trindade.** The main island and adjacent islands are enclosed by 25 baseline segments, the longest of which is 1.3 M in length.

- **Ilhas Martin Vaz.** This cluster of islands is enclosed by 16 baseline segments, the longest of which is 1.3 M in length.

These baselines enclose small areas of land and water with very short baseline segments. Brazil’s baselines pertaining to Ilha da Trindade and Ilhas Martin Vaz have virtually no effect on its maritime zones.

\(^{49}\) *Decree No. 8.400, of 4 February 2015* concerning the baselines along the continental and insular Brazilian coasts, available on the DOALOS [website](http://www.doalos.org/).
**Penedos de São Pedro e São Paulo**

Penedos de São Pedro e São Paulo (Saint Peter and Saint Paul Rocks) consists of about a dozen small, closely-spaced rocky islands located approximately 500 M northeast of the Brazilian mainland.

Brazil has enclosed the island group with a single straight baseline system composed of 24 very short baseline segments (Map 7D). The longest baseline segment measures less than 0.1 M, and the total area of land and water enclosed is less than 0.05 km². Brazil’s baselines around Penedos de São Pedro e São Paulo have virtually no effect on its maritime zones.

**Opinio Juris of Brazil**

Brazil considers the legal basis for its straight baselines to be Article 7 of the Law of the Sea Convention and not separate rules of customary international law. Brazil’s decree setting forth its straight baselines states that Brazil’s baseline is established “according to the definitions provided by the United Nations Convention on the Law of the Sea.”\(^{50}\) Similarly, its legislation authorizing the use of straight baselines cites the provisions in Article 7 of the Convention as the basis for drawing such baselines.\(^{51}\) Thus, Brazil lacks the required element of *opinio juris* for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, Brazil’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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\(^{50}\) *Id.* art. 1.

\(^{51}\) *Law No. 8.617 of 4 January 1993, on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf*, sole paragraph (2), available on the DOALOS website.
Map 7. Brazil uses a mix of normal and straight baselines with respect to its outlying island groups: (A) Arquipélago dos Abrolhos, (B) Arquipélago de Fernando de Noronha, (C) Ilha da Trindade and Ilhas Martin Vaz, and (D) Penedos de São Pedro e São Paulo.
Burma (Preparis Island and the Coco Islands)

Preparis Island and the Coco Islands of Burma lie in the Indian Ocean between 70 M and 130 M from Burma’s mainland coast. This island group includes the northernmost islands of the Andaman Island chain, most of which consists of Indian islands (see India, below). To the north, the main island of Preparis Island (land area of 18 km²) is surrounded by numerous smaller islands. To the south, the Coco Islands consist of Great Coco Island (14 km²), Little Coco Island (4 km²), and several surrounding smaller islands. Preparis Island is separated from the Coco Islands by approximately 37 M.

In 2008, Burma established baselines with respect to Preparis Island and the Coco Islands (Map 8). For this island group, Burma has drawn two separate baseline systems, each of which is a mix of straight baselines and the normal baseline:

- Preparis Island and surrounding islands. Burma’s baseline system uses six straight baseline segments to enclose this small group. The longest baseline segment is approximately 6 M.
- Coco Islands. Burma’s baseline system uses three straight baseline segments (with lengths of approximately 3 M, 9 M, and 13 M) to enclose this group.

Bangladesh has protested Burma’s baselines as “contrary to both customary international law and the relevant provisions of UNCLOS 1982.”

Despite doubts that Burma’s baselines conform to the Law of the Sea Convention, it appears that Burma considers the legal basis for its straight baselines to be Article 7 of the Convention. This is evidenced by the fact that Burma has deposited a chart depicting its baselines and a list of geographical coordinates of points “in accordance with article 16 of the Convention.” Article 16 of the Convention specifies that it pertains to “baselines . . . determined in accordance with articles 7 [straight baselines], 9 [mouths of rivers] and 10 [bays] . . . .” Thus, without additional evidence, it cannot be assumed that Burma’s practice is accompanied by the requisite opinio juris to contribute to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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54 M.Z.N.12.1997.LOS (Maritime Zone Notification) 27 January 1997: Deposit by Myanmar of a chart showing its straight baselines and the list of geographical coordinates of points, available on the DOALOS website (referring to its “deposit . . . in accordance with article 16 of the Convention”).
Map 8. Burma’s baselines pertaining to Preparis Island and the Coco Islands. Scale 1:850,000.
Chile (Archipiélago Juan Fernández and the Islas Desventuradas)

Chile has several outlying island groups in the South Pacific Ocean, including the Archipiélago Juan Fernández and the Islas Desventuradas (Map 9).

Archipiélago Juan Fernández is an island group is located 360 M west of the Chilean mainland. These islands include the main Isla Róbinson Crusoe (land area of 48 km$^2$), the smaller Isla Santa Clara immediately to the south, and Isla Alejandro Selkirk (57 km$^2$) approximately 90 M to the west.

Islas Desventuradas is an island group is located 494 M west of the Chilean mainland and north of the Archipiélago Juan Fernández. This group includes the two main islands of Isla San Ambrosio (land area of 3 km$^2$) and Isla San Félix (2 km$^2$), which are separated by approximately 10 M. Smaller islands lie to the northwest and southeast of Isla San Félix.

Chile has not established straight baselines pertaining to these island groups. Accordingly, Chile’s practice provides no support for the formation of customary international law rules on straight baselines pertaining to outlying island groups that differ from the provisions of the Convention.
Map 9. Chile uses the normal baseline for Archipiélago Juan Fernández and Islas Desventuradas. Scale: 1:9,000,000.
Colombia (Archipiélago de San Andrés y Providencia)

Colombia’s Archipiélago de San Andrés y Providencia is located in the Caribbean Sea, approximately 350 M northeast of mainland Colombia and 100 M east of mainland Nicaragua (Map 10). In addition to the main island of Isla de San Andrés, this island group includes Isla de Providencia and Isla de Santa Catalina, approximately 45 M to the north. Smaller islands lie to the south (Cayos de Albuquerque), east (Cayos del Este Sudeste), and north (e.g., islands surmounting Serrana Bank). It appears as though Colombia uses only the normal baseline with respect to this island group. Accordingly, Colombia’s practice provides no evidence of the formation of customary international law rules on straight baselines pertaining to outlying island groups that differ from the provisions of the Convention.

Map 10. Colombia uses the normal baseline with respect to the Archipiélago de San Andrés y Providencia. Scale: 1:2,200,000.

55 Act No. 10 of 4 August 1978 establishing rules concerning the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf and regulating other matters, art. 4, available on the DOALOS website. Colombia’s straight baseline decree, issued in 1984, pertains only to its mainland coasts.
Denmark (Faroe Islands)

The Faroe Islands, which are part of the Kingdom of Denmark, are located in the North Atlantic Ocean roughly equidistant from the landmasses of Iceland, mainland Norway, and mainland United Kingdom. The archipelago consists of 18 main islands and several smaller features and has a linear extent of about 64 M (north to south).

In 1963 (revised in 1976 and 2002), Denmark established a straight baseline system pertaining to the Faroe Islands (Map 11). Denmark’s baseline system consists of 18 basepoints connected by segments that enclose the entirety of the Faroe Islands. The longest baseline segment is approximately 61 M in length and spans the entire eastern side of the baseline system. The United States has protested Denmark’s baselines as not fully consistent with international law.

In response, Denmark stated that the legal basis for its straight baselines enclosing the Faroe Islands is Article 4 of the 1958 Convention on the Territorial Sea and the Contiguous Zone, the relevant provisions of which align with Article 7 of the 1982 Convention.

It remains the view of Denmark that its baselines pertaining to the Faroe Islands are “defined . . . in accordance with the 1958 Geneva Convention and the 1982 United Nations Convention on the Law of the Sea.” Thus, Denmark lacks the required element of opinio juris for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, Denmark’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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56 Kingdom of Denmark, official website.
58 The 1991 U.S. protest of Denmark’s baselines around the Faroe Islands is reprinted in J.A. Roach and R.W. Smith, Excessive Maritime Claims, 3rd ed. (2012), at 108. The protest acknowledges “that straight baselines could be employed, consistent with international law, in certain localities of some of the Faeroe Islands which are deeply indented and cut into, or themselves fringed with islands along the coast. Furthermore, some of the islands contain juridical bays.”
59 Id. at 109, note 116. For the 1958 Convention, see supra, note 26.
Map 11. Denmark’s straight baseline system pertaining to the Faroe Islands. Scale 1:900,000.
Ecuador (Galapagos Islands)

Ecuador’s Galapagos Islands are located in the Pacific Ocean approximately 500 M west of Ecuador’s mainland coast. This archipelago has a linear extent of about 230 M (northwest to southeast) and consist of 19 main islands and numerous smaller islands. The largest island, Isla Isabela, accounts for almost 60 percent of the total land area of the archipelago.

In 1971, Ecuador established straight baselines along its mainland coast and a straight baseline system pertaining to the Galapagos Islands. Ecuador’s baseline system for the Galapagos Islands consists of eight basepoints connected by segments that enclose the entirety of the archipelago (Map 12). The longest baseline segment is more than 95 M and connects to the northernmost island of Isla Darwin.

It appears that Ecuador considers its straight baselines to be consistent with international law, but not necessarily with the rules set forth in Article 7 of the Convention. Upon its accession to the Convention in 2012, Ecuador reaffirmed its 1971 straight baselines for the Galapagos Islands, stating that they are “in accordance with international law” and were determined based on “the common geological origin of those islands, their historical unity and the fact that they belong to Ecuador, as well as the need to protect and preserve their unique ecosystems.”

Ecuador’s baselines, along with the PRC’s baselines in the South China Sea, appear to be the most widely protested baselines in the world. Ecuador’s straight baselines, including with respect to the Galapagos Islands, have been objected to by the United States and numerous other States.

In reacting to Ecuador’s 2012 declaration upon accession to the Convention, many European States emphasized that such a declaration may not exclude or modify the legal effect of the provisions of the Convention.

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Map 12. Ecuador's straight baseline system pertaining to the Galapagos Islands. Scale: 1:3,000,000.
France

The French Republic includes many island territories located far from its mainland. France has established baseline systems with respect to numerous French island groups, including:

1. Guadeloupe,
2. French Polynesia, which includes the Archipel des Tuamotu (Tuamotu Islands), Îles Gambier (Gambier Islands), Îles Marquises (Marquesas Islands), Îles Tubuai (Austral Islands), and the Society Islands,
3. Îles Crozet (Crozet Islands),
4. Îles Kerguelen (Kerguelen Islands),
5. Mayotte,
6. New Caledonia,
7. Saint Pierre and Miquelon, and
8. Wallis and Futuna.⁶⁶

Each of these baseline systems is discussed briefly below. With some exceptions, France has typically not enclosed its outlying island groups with straight baselines. Considered in its entirety, the extensive State practice and the *opinio juris* of France provide no supportive evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

**Guadeloupe**

Guadeloupe is located in the Caribbean Sea and consists of nine inhabited islands arranged in a roughly circular pattern (Map 13). The islands have a total land area of 1706 km², with the two main islands of Grande-Terre and Basse-Terre accounting for the vast majority of the land territory.

In 1999 (updated in 2017), France established baselines pertaining to Guadeloupe (and other islands in the French Antilles).⁶⁷ These baselines consist of a mix of straight baselines (11 segments) and the normal baseline. Straight baselines are used to join the outermost points of the islands, whereas the normal baseline is used on five of the islands along areas of smooth coastline.

**French Polynesia**

French Polynesia includes more than 100 geographically disbursed islands and atolls in the South Pacific (Map 14). French Polynesia includes five distinct island groups: Archipel des Tuamotu, Îles Gambier, Îles Marquises, Îles Tubuai, and the Society Islands (subdivided into the Îles du Vent and Îles Sous le Vent).

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⁶⁶ Other French island groups consist mainly of a single island, in some cases surrounded by very small adjacent islands. These include Martinique, Saint-Barthélemy, and Saint Martin in the French Antilles as well as Corsica, Île Saint-Paul, Île Amsterdam, and Atoll Clipperton.

⁶⁷ Decree No. 2017-1511 of 30 October 2017 defining the baselines from which the breadth of the territorial sea adjacent to the French Antilles is measured, available on the DOALOS website.
In 2012 (revised in 2019), France established baselines pertaining to French Polynesia. France has not enclosed any of the five island groups referred to above within a straight baseline system. Within each island group, France’s baseline system uses a mix of the normal baseline, straight baselines, and reef closing lines.

- **Archipel des Tuamotu and Society Islands** (including Tahiti). For these two island groups, France uses reef closing lines to enclose the waters within reef systems. The Archipel des Tuamotu is part of the largest chain of atolls in the world.

- **Îles Gambier**. For this island group, straight baselines and reef closing lines encompass Île Mangareva and other islands that lie within a single reef system. Temoe, which lies 20 M to the southeast, uses the normal baseline.

- **Îles Marquises**. For this island group, straight baselines and the normal baseline are used on individual islands, but not to join main islands together. The Marquises are geographically extensive, consisting of approximately 15 islands that span a linear distance of about 200 M, from northwest to southeast.

- **Îles Tubuaï**. For this island group, straight baselines are used for only one island (Rapa); normal baselines (with some reef closing lines) are used for six other islands.

France has generally taken an island-by-island approach and not used straight baselines to connect islands together. In the Marquises, for instance, the islands of Hiva Oa and Tahitou are separated by less than 2 M and the islands of Eiao and Hatutu are separated by less than 3 M. France has not joined these islands together using straight baselines. France has also not used straight baselines at all in the Archipel des Tuamotu or Society Islands, despite many islands lying in close proximity to one another.

**Îles Crozet (Crozet Islands)**

Îles Crozet is a French archipelago located in a remote area of the southern Indian Ocean, roughly equidistant between the southeast coast of Africa and Antarctica. The Îles Crozet consists of five main islands with a total land area of about 350 km² (Map 15). The linear extent of the archipelago is approximately 90 M (east to west).

France has not enclosed the Îles Crozet with a single straight baseline system. Rather, in 2015, France established baselines for this island group that consist of five separate systems that use a mix of straight baselines and the normal baseline (roughly half of the coastlines use the normal baseline). France’s straight baselines generally connect coastal promontories and, where present, small adjacent islands in the immediate vicinity. Each baseline group has between three and eight segments, and the longest baseline segment is about 4 M.

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68 Decree No. 2019-319 of 12 April 2019 defining the baselines from which the breadth of the territorial sea adjacent to French Polynesia is measured, available on the DOALOS website.

69 Decree No. 2015-551 of 18 May 2015 defining the baselines from which the breadth of the French territorial sea adjacent to the Crozet Archipelago (French Southern and Antarctic Lands) is measured, available on the DOALOS website.
Îles Kerguelen (Kerguelen Islands)

Îles Kerguelen consists of one large island (Île Kerguelen) and about 300 smaller islands located in a remote portion of the southern Indian Ocean approximately 2000 km from Antarctica. The islands have a total land area of approximately 7000 km².

In 1978 (updated in 2015), France established a baseline system for Îles Kerguelen that consists of a mix of straight baselines (22 segments) and the normal baseline (Map 16). The 22 straight baseline segments join the main island of Île Kerguelen with numerous outlying islands. For nine (more isolated) outlying islands, however, France uses the normal baseline.

Mayotte

Mayotte is a group of small islands located in the Mozambique Channel off the coast of southeast Africa in the Indian Ocean. All of these islands are located within a single reef system (Map 17). In 2013, France enclosed the reef system (and islands) using the normal baseline and 15 reef closing lines (Article 6).

New Caledonia

New Caledonia is located approximately 650 M east of Australia in the Pacific Ocean. This group of islands, which has a total land area of 18,275 km², consists of the main island of New Caledonia and adjacent islands and reefs, including Îles Loyauté (Loyalty Islands), Récifs Bampton (Bampton Reefs), Îles Chesterfield, Petrie Reef, and Astrolabe Reef. Îles Loyauté, Petrie Reef, and Astrolabe Reef lie in a linear orientation approximately 55 M northeast of the main island of New Caledonia; Récifs Bampton and Îles Chesterfield lie approximately 285 M to the west. Much of the coastal geography consists of small islands and reefs, including the extensive reef system that surrounds the main island of New Caledonia.

France has not enclosed these islands in a single straight baseline system. Rather, in 2002, France established baselines pertaining to New Caledonia that consist of five separate baseline systems that use a mix of the normal baseline, straight baselines, and reef closing lines (Map 18). For Bellona Reefs, Île Hunter, Île Matthew, and Île Walpole, only the normal baseline is used.

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70 Decree No. 2015-635 of 5 June 2015 defining the baselines from which the breadth of the French territorial sea adjacent to the Kerguelen Islands (French Southern and Antarctic Territories) is measured, available on the DOALOS website.
71 Decree No. 2013-1177 of 17 December 2013 defining the baselines from which the breadth of the French territorial sea adjacent to the Department of Mayotte is measured, available on the DOALOS website.
72 Decree No. 2002-827 of 3 May 2002 defining the straight baselines and closing lines of bays used to determine the baselines from which the breadth of French territorial waters adjacent to New Caledonia is measured, Law of the Sea Bulletin No. 53, at 58–66 (2004).
**Îles Saint Pierre and Miquelon**

Saint Pierre and Miquelon is an island group located in the Atlantic Ocean off the coast of the Canadian island of Newfoundland (Map 19). It consists of two main islands—Île Saint-Pierre and Île Miquelon—and numerous smaller islands, with a combined land area of 242 km². Although the main islands are separated by less than 3 M, France has not joined them together with a single straight baseline system. Rather, in 2015, France established a baseline system for each of the main islands consisting of a mix of normal and straight baselines. For the larger Île Miquelon, five straight baseline segments are used along the coast of the island. For Île Saint-Pierre, 12 straight baseline segments join coastal promontories and several small, adjacent islands; the longest segment is 2.2 M (Map 19).

**Wallis and Futuna**

Wallis and Futuna consist of two groups of small islands, separated by about 115 M, in the South Pacific Ocean (Map 20). In 2013, France established baseline systems for Wallis and Futuna.

The Wallis Islands consist of the main island of Île Uvea (land area of 95 km²) and smaller adjacent islands surrounded by an oval-shaped reef system measuring 13 M from north to south. France has enclosed the reef system (and islands within) using the normal baseline and four reef closing lines (Article 6). With respect to Île Futuna (57 km²), it is separated from the adjacent Île Alofi (19 km²) by a shallow, narrow channel (0.5 M at its narrowest location), and France has joined the two islands together with straight baselines.

**Opinio Juris of France**

France considers the legal basis for its straight baselines to be Article 7 of the Law of the Sea Convention and not separate rules of customary international law. France has stated explicitly that the legal basis for its extensive baseline practice is the Convention. France has also communicated to the PRC its view that there “is no legal ground for continental States to treat archipelagos or marine features as a whole entity without respecting the relevant provisions in Part II of UNCLOS or by using those in Part IV applicable only to archipelagic States.”

Thus, France lacks the required element of opinio juris for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, France’s straight baseline practice is not capable of contributing to

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74 Decree No. 2013-1176 of 17 December 2013 defining the baselines from which the breadth of the French territorial sea adjacent to the Territory of the Wallis and Futuna Islands is measured, available on the DOALOS website.
75 Communication from France to the United States, Sept. 26, 2019; Permanent Mission of France to the United Nations, Note Verbale No. 2020-0343647, Sept. 16, 2020 (referring to “the specific and exhaustive conditions set forth in the Convention for the application of straight and archipelagic baselines which are defined in Part II and Part IV of UNCLOS”).
76 Id.
the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

Map 13. France’s straight baselines pertaining to Guadeloupe. Scale: 1:800,000.
Map 14. France’s straight baselines and reef closing lines pertaining to French Polynesia. Scale: 1:20,000,000.
Map 15. France’s straight baselines pertaining to the Îles Crozet. Scale: 1:1,700,000.
Map 16. France’s straight baselines pertaining to Îles Kerguelen. Scale: 1:2,500,000.
Map 17. France’s reef closing lines pertaining to Mayotte. Scale: 1:500,000.
Map 18. France’s straight baselines and reef closing lines pertaining to New Caledonia. Scale: 1:7,500,000.
Map 19. France’s straight baselines pertaining to Îles Saint-Pierre and Miquelon. Scale: 1:500,000.
Map 20. France’s straight baselines pertaining to Wallis and Futuna. Scale: 1:1,600,000.
Greece (Aegean/Dodecanese)

The Hellenic Republic includes the Aegean Islands located in the Mediterranean Sea off the mainland coast of Greece. The Aegean Islands, which number include more than 1000 islands, present a difficult case for distinguishing between a “coastal” and an “outlying” archipelago. On the one hand, the islands generally lie close to the Greek mainland in the Aegean Sea; on the other hand, their geographic scope is extensive and many lie a considerable distance from the mainland and, in some instances, from one another.

The Aegean Islands are commonly divided into subgroups of islands, the furthest of which from the mainland is the Dodecanese Islands (Map 21). Despite its proximity to other Greek islands and also the Turkish mainland coast, this island group might be considered an outlying island group considering that its main island of Rhodes lies nearly 200 M from the mainland of Greece. In addition to Rhodes, the Dodecanese Islands includes more than a dozen other islands “as well as the adjacent islets.” These islands have a north-south extent of approximately 125 M (232 km) and east-west extent of approximately 100 M (185 km).

Greece has not established straight baselines with respect to any of the Aegean Islands. Accordingly, Greece’s practice provides no evidence of the formation of customary international law rules on straight baselines pertaining to outlying island groups that differ from the provisions of the Convention.

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77 For discussion of this distinction, see supra, Introductory Notes, at the beginning of this Annex.
78 Hellenic Republic Ministry of Foreign Affairs website (referring to article 14 of the 1947 Peace Treaty with Italy).
Map 21. Greece uses the normal baseline for the Dodecanese Islands, which are part of the Aegean Islands. Scale: 1:2,125,000.
India

India has several outlying island groups, including the Andaman and Nicobar Islands and the Lakshadweep. In 2009, India established straight baseline systems pertaining to both of these island groups, as discussed below.\(^7^9\)

*Andaman and Nicobar Islands*

The Andaman and Nicobar Islands lie on in the Bay of Bengal, approximately 600 M off India’s east coast (Map 22). This island group consist of more than 800 islands (with a total land area of 8249 km\(^2\)).\(^8^0\) The linear extent of the archipelago is about 415 M, trending north-south.

India has established a straight baseline system along the western side of the Andaman and Nicobar Islands. The entire island chain is not enclosed by straight baselines, as India has not drawn baselines around the eastern side of the islands. After it established the 18 baseline points for the western side of the islands, India communicated that additional basepoints would be “notified separately.”\(^8^1\) These basepoints would presumably be along the eastern side of the island chain. Two islands along the eastern side of the chain—Narcondam Island and Barren Island—are also separated from the main north-south trending chain of islands, lying 67 M and 43 M, respectively, to the east of the nearest island.

*Lakshadweep*

The Lakshadweep is an island group in the Indian Ocean approximately 120 M off the southwest coast of India (Map 23). This group consists of 36 small islands (with a total land area of 32 km\(^2\)).\(^8^2\) The linear extent of the Lakshadweep is about 250 M (north to south). India has established a single straight baseline system around the entirety of the Lakshadweep. The normal baseline is used in two areas within this straight baseline system.

*Opinio Juris of India*

Even if India’s practice (e.g., related to the Lakshadweep) were considered to be supportive of a customary international law rule permitting straight baselines to be drawn around outlying island groups, without additional evidence it cannot be assumed that India’s practice is accompanied by the requisite *opinio juris*. It appears that India considers the legal basis for its straight baselines to be Article 7 of the Law of the Sea Convention. This is evidenced by the fact that India has deposited the geographical coordinates pertaining to its baselines with the UN Secretariat pursuant

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\(^8^0\) State portal of the Union Territory Administration of Andaman and Nicobar Islands. The Andaman group is those islands north of 10° N and the Nicobar group is those islands south of 10° N.

\(^8^1\) Corrigendum, supra note 79.

\(^8^2\) Union Territory Administration of Lakshadweep website.
to Article 16 of the Convention. Article 16 specifies that it pertains to “baselines . . . determined in accordance with articles 7 [straight baselines], 9 [mouths of rivers] and 10 [bays] . . . .” It also does not appear that India has invoked any alternative legal basis for its baselines (i.e., any legal basis outside of the Convention).

Map 22. India’s straight baseline system pertaining to the Andaman and Nicobar Islands. Scale: 1:6,250,000.

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83 M.Z.N.76.2010.LOS (Maritime Zone Notification) 17 February 2010: Deposit by India of a list of geographical coordinates of points pursuant to article 16, paragraph 2, of the Convention, available on the DOALOS website.
Map 23. India’s straight baseline system pertaining to Lakshadweep. Scale: 1:3,750,000.
Japan

While not an archipelagic State, Japan has many outlying island groups that are separated from its main islands of Hokkaido, Honshu, Shikoku, and Kyushu.

In 1996 (amended in 2001), Japan established straight baselines pertaining to its main islands. With respect to Japan’s many outlying island groups, Japan primarily uses the normal baseline. As discussed below and shown in Map 24, Japan uses a mix of normal baselines and straight baselines within two of its island groups of (1) Amami Shotō (Amami Islands) and (2) Okinawa Shotō (Okinawa Group).

Japan has not enclosed any of its outlying island groups within a straight baseline system. As discussed further below, the practice and opinio juris of Japan provide no evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

Amami Shotō

Amami Shotō is an island group made up of about a dozen islands, including the main island of Amami Ōshima. These islands are located south of Japan’s main islands, along the Ryukyu Ridge.

Japan’s baselines for Amami Shotō consist of a mix of straight baselines (nine segments) and the normal baseline. The straight baselines encircle the main island of Amami Ōshima and several islands in the immediate vicinity to the south (Map 24). The normal baseline is used for the other islands within this group, such as Tokuno Shima (22 M from the main island) and Okinoerabu Jima (53 M from the main island).

Okinawa Shotō

Okinawa Shotō is an island group made up of about two dozen islands, including the main island of Okinawa Shima. These islands are located just south of Amami Shotō, along the Ryukyu Ridge.

Japan’s baselines for Okinawa Shotō consist of a mix of straight baselines (nine segments) and the normal baseline. The straight baselines encircle the main island of Okinawa Shima and several islands to the west and northwest located between 3 M and 17 M from Okinawa Shima (Map 24). The normal baseline is used for the other islands within this group, such as Tokashiki Jima (13 M from the main island) and Kume Jima (44 M from the main island).

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85 Japan also uses straight baselines along the coasts of several individual islands, namely Shikotan Tō, Etorofu Tō, and Tsu Shima.
Outlying island groups for which Japan has not drawn straight baselines

Japan has not established straight baselines pertaining to its many other outlying island groups, including those below.

- **Ryukyu Islands.** These islands lie along the Ryukyu Ridge, which extends south and then southeast of the main island of Kyushu. Groups within the Ryukyu are shown on Map 25 and include the following, roughly from north to south:
  - **Tokara-rettō** (Tokara Islands) consist of approximately 12 islands.
  - **Daitō Shotō** (Daito Islands) consist of three isolated islands (southeast of Ryukyu Ridge).
  - **Miyako-rettō** (Miyako Group) consists of the main island of Miyakojima and approximately seven smaller islands.
  - **Yaeyama-rettō** (Yaeyama Group) consists of about 10 islands.
  - **Senkaku-shotō** consist of numerous small islands lying approximately 90 M northeast of Taiwan.  

- **Nanpō Shotō.** These islands lie in the vicinity of the Bonin Ridge, which extends south of the main island of Honshu. Groups within the Nanpō Shotō are shown on Map 26 and include the following, roughly from north to south:
  - **Izu Shotō** (Izu Islands) consist of more than a dozen islands positioned linearly and spanning a distance of about 300 M.
  - **Bonin Islands (Ogasawara Shotō)** consist of approximately 30 islands clustered in several subgroups and spanning a north-south extent of about 70 M.
  - **Volcano Islands (Kazan Rettō)** consist of three small islands arranged linearly and spanning about 30 M.

**Opinio Juris of Japan**

The legal basis for Japan’s straight baselines is Article 7 of the Law of the Sea Convention and not separate rules of customary international law. Japan’s domestic law authorizing the use of straight baselines states that such baselines “shall be prescribed . . . in accordance with article 7 of the United Nations Convention on the Law of the Sea.” Japan has also deposited charts and geographical coordinates of points describing its baselines with the UN Secretariat pursuant to

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86 In 2012, the People’s Republic of China asserted straight baselines claims for these islands (DOALOS website; Chart 03085 of Chinese Navy Headquarters). Japan and the United States have protested these baselines as inconsistent with international law, as reflected in the Convention. Permanent Mission of Japan to the United Nations, communication PM/12/303, available on the DOALOS website (stating that the action “has no ground under international law including within the United Nations Convention on the Law of the Sea”), U.S. diplomatic note, Mar. 7, 2013, reprinted in Digest of U.S. Practice in International Law 2013, at 369–70 (C.D. Guymon, ed.).

87 Law on the Territorial Sea and the Contiguous Zone (Law No. 30 of 1977, as amended by Law No. 73 of 1996), art. 2(2), available on the DOALOS website.
Article 16 of the Convention.\textsuperscript{88} Article 16 specifies that it pertains to “baselines . . . determined in accordance with articles 7 [straight baselines], 9 [mouths of rivers] and 10 [bays] . . . .”

Japan has also specifically rejected the PRC’s position on this matter in connection with the South China Sea, stating that the application of baselines must “satisfy the conditions stipulated under UNCLOS.”\textsuperscript{89}

Thus, Japan lacks the required element of \textit{opinio juris} for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, Japan’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

\textsuperscript{88} M.Z.N.61.2008.LOS (Maritime Zone Notification) 18 March 2008: Deposit by Japan of charts and lists of geographical coordinates of points, pursuant to article 16, paragraph 2, of the Convention, available on the DOALOS website.

Map 24. Japan’s baselines pertaining to Amami Shotō and Okinawa Shotō. Scale: 1:2,875,000.
Map 25. Japan's island groups within the Ryukyu Islands. Scale: 1:8,000,000.
Netherlands (Dutch Caribbean)

The Kingdom of the Netherlands includes islands in the Caribbean.\textsuperscript{90} Three of these, Aruba, Bonaire, and Curaçao, lie in proximity to one another and are informally known as the ABC islands (Map 27). The three islands lie north of the South American mainland and are positioned in a roughly linear configuration with an east-west extent of approximately 115 M (213 km). Centrally-positioned Curaçao is separated from Aruba (to its northwest) by 42 M and Bonaire (to its east) by 22 M.

In 1985, the Netherlands enacted a baseline system for these islands that consists of primarily the normal baseline but also bay closing lines (all three islands) and straight baselines along part of the southwest facing coast of Aruba.\textsuperscript{91} Baselines are not used to join any islands together.

The Netherlands has stated its view that baselines established by coastal States must conform to the requirements of the Convention.\textsuperscript{92} Thus, the practice and \textit{opinio juris} of the Netherlands provide no evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

\textsuperscript{90} \textit{Kingdom of the Netherlands: One Kingdom – Four Countries: European and Caribbean}, website of the Netherlands Ministry of Foreign Affairs.

\textsuperscript{91} Decree of 23 October 1985 governing the implementation of section 1 of the Territorial Sea of the Kingdom in the Netherlands Antilles (Extension) Act, available on the DOALOS website.

\textsuperscript{92} See statement made upon accession that baselines and maritime zone claims “will only be acceptable if such lines and zones have been established in accordance with the Convention.” Available on UN Treaty Collection website.
Map 27. The Netherlands’ Caribbean islands of Aruba, Bonaire, and Curaçao. Scale: 1:1,500,000.
New Zealand

While not an archipelagic State, New Zealand is an island nation in the southwest Pacific Ocean made up of hundreds of islands. The two main islands of New Zealand, Te Ika-a-Māui (North Island) and South Island, account for the large majority of its land area. The general baseline practice of New Zealand is to use the normal baseline. New Zealand has not used straight baselines in any of its many island groups, including those listed below and shown on Map 28. Accordingly, New Zealand’s practice provides no support for the formation of customary international law rules on straight baselines pertaining to outlying island groups that differ from the provisions of the Convention.

Island Groups of New Zealand

Outlying island groups of New Zealand include the following:

- **Antipodes Island Group** is located southeast of South Island and consists of the main Antipodes Island (land area of 20 km²) and numerous smaller islands.
- **Auckland Islands** are located south of South Island and consists of the main Auckland Island (500 km²), Adams Island to the south, and approximately a half dozen smaller islands.
- **Bounty Islands** are located southeast of South Island and consist of about a dozen closely-clustered small islands (less than 2 km² of combined land area).
- **Campbell Islands** are located south of South Island and consist of the main Campbell Island (113 km²) and over two dozen smaller, surrounding islands.
- **Chatham Islands** are located east of South Island and consist of the main Chatham Island (900 km²) and more than a dozen smaller islands located within a radius of approximately 25 M.
- **Kermadec Islands** are located northeast of the main island of Te Ika-a-Māui and consist of about a dozen islands arranged linearly along the Kermadec Ridge.
- **Snares Islands / Tini Heke** are located south of the South Island and comprise two groups—(1) the Western Chain and (2) North East Island and the smaller Broughton Island—separated by approximately 2.3 M. The islands have a total land area of 3.5 km².
- **Manawatāwhi / Three Kings Islands** are located northwest of the northern tip of Te Ika-a-Māui and consist of about a dozen small islands arranged linearly across a distance of about 8 M (15 km).

Opinio Juris of New Zealand

New Zealand has stated expressly that the Convention is the “definitive legal framework” with respect to all activities in the oceans and seas, including with respect to the establishment of maritime zones. In response to views expressed by the PRC, New Zealand has stated that:

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93 *Territorial Sea and Exclusive Economic Zone Act 1977, Act No. 28 of 26 September 1977 as amended by Act No. 146 of 1980* (sections 5 and 6), available on the DOALOS website.

. . . [w]hile matters not regulated by UNCLOS continue to be governed by the rules and principles of international law [referring to paragraph 8 of the Convention’s preamble], this is not relevant to the establishment of maritime zones or to the rights and responsibilities of states within those zones, which are comprehensively regulated by UNCLOS.\textsuperscript{95}

On the specific matter of baselines and South China Sea island groups, New Zealand has stated that:

. . . there is no legal basis for continental states to claim archipelagic status. UNCLOS provides that archipelagic states must consist \textit{wholly} of one or more archipelagos. There is therefore no legal basis on which to draw straight archipelagic baselines in the South China Sea, nor any legal basis to draw straight baselines around island groups in the South China Sea.\textsuperscript{96}

Thus, New Zealand rejects the view that there are international law rules for outlying island groups that differ from the provisions of the Convention and likewise rejects the view that the rules of the Convention would permit straight baselines around island groups in the South China Sea.

\textsuperscript{95} \textit{Id.} (Emphasis in original.)

\textsuperscript{96} \textit{Id.} (Footnotes citing Convention omitted.)
Map 28. New Zealand’s island groups, for which it uses the normal baseline. Scale: 1:19,000,000.
Norway (Svalbard)

The main Svalbard archipelago of the Kingdom of Norway is located approximately 350 M northwest of mainland Norway. In addition to Spitsbergen and the other main islands, the Svalbard archipelago includes the outlying islands of Hopen, Bjørnøya, Kong Karls Land, and Kvitøya. With the exception of Bjørnøya, which is located 122 M south of the main Svalbard archipelago, these islands lie between 30 M and 50 M east of the main Svalbard archipelago.

In 1970 and 2001, Norway established straight baselines with respect to Svalbard (Map 29). Norway has not enclosed the entirety of the Svalbard archipelago with a single straight baseline system. Rather, Norway has enacted five separate straight baseline systems for Svalbard. The largest and most significant of these straight baseline systems pertains to the main islands of Spitsbergen, Nordaustlandet, Edgeøya, and others. This baseline system encloses these and other adjacent, smaller islands with a single straight baseline system consisting of 101 points and segments.

The four other straight baseline systems separately enclose Svalbard’s individual outlying islands or island groups mentioned above. Hopen, Bjørnøya, and Kvitøya each consist of a single island; Kong Karls Land consists of three small islands (Map 29). These four baseline systems generally consist of short segments lying close to the coast, such that they have little or no effect on Norway’s maritime zones.

The legal basis for Norway’s straight baselines is Article 7 of the Convention which, according to Norway, reflects customary international law. Norway has also deposited a list of geographical coordinates of points for its Svalbard baselines pursuant to Article 16 of the Convention. Article 16 specifies that it pertains to “baselines . . . determined in accordance with articles 7 [straight baselines], 9 [mouths of rivers] and 10 [bays] . . . .” Moreover, Norway has established its straight baselines for the main Svalbard islands in a manner that generally conforms to Article 7 of the Convention. Thus, Norway lacks the required element of opinio juris for its baseline practice to be supportive of a customary international law rule relating to island groups that differs from the provisions of the Convention. Accordingly, Norway’s straight baseline practice relating to Svalbard is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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98 Limits in the Seas No. 148, supra note 97, at 14–17. The exception is Kong Karls Land, id. at 22.

99 Ministry of Foreign Affairs of Norway, Om lov om Norges territorialfarvann og tilstøtende sone (“On the Act on Norway’s Territorial Waters and adjacent zone”), Ot.prp. nr. 35 (2002–2003), chapter 3, available on the Ministry’s website (stating, in the context of Norway’s baselines, that Articles 5 and 7 of the Convention “reflect international customary law in this area” and noting that the customary international law rules pertaining to straight baselines are based on the ICJ’s judgment in the 1951 Fisheries Case).

100 M.Z.N.38.2001.LOS (Maritime Zone Notification) 8 June 2001: Deposit by Norway of the list of geographical coordinates of points pursuant to article 16, paragraph 2, of the Convention, available on the DOALOS website.

101 Limits in the Seas No. 148, supra note 97, at 17–20.
Map 29. Norway’s straight baseline systems pertaining to the Svalbard archipelago. Scale: 1:4,000,000.
Philippines (Kalayaan Island Group)

Although it is an archipelagic State, the Philippines is included in this review because it claims sovereignty over an outlying island group that is not included within its archipelagic baseline system. Specifically, the Philippines claims sovereignty over part of the Spratly Islands, which it refers to as the Kalayaan Island Group. (Note: The Spratly Islands are claimed, in whole or part, by several other countries. The United States does not take a position on the sovereignty claims over these islands.)

Although the Philippines has established archipelagic baselines, these baselines do not encompass any islands within the Kalayaan Island Group.\footnote{For a detailed analysis of the Philippines baselines, see \textit{Limits in the Seas No. 142}, “Philippines: Archipelagic and other Maritime Claims and Boundaries,” U.S. Dep’t of State (2014).} It appears that the Philippines uses the normal baseline for the Kalayaan Island Group.\footnote{\textit{Id.} at 3, note 9.} Contrary to the assertions of some Chinese authors,\footnote{See \textit{e.g.}, National Institute for South China Sea Studies, “A Legal Critique of the Award of the Arbitral Tribunal in the Matter of the South China Sea Arbitration,” 24 \textit{Asian Y.B. Int'l L.} 151, 209 (2020) (asserting erroneously that the Philippines’ Presidential Decree No. 1596 of 1978 enclosed the Kalayaan Island Group with straight baselines).} the Philippines has not asserted straight baselines around the Kalayaan Island Group. In fact, the Philippines has stated expressly that such baselines are not permissible and has explicitly objected to the use by the PRC of straight baselines around the Spratly Islands:

\begin{quote}
\ldots an archipelago \ldots may be subject to a system of straight baselines surrounding the archipelago as a whole, but only if it conforms to the criteria for employing straight baselines set out in Article 7 of the 1982 Convention \ldots [and] the Spratly Islands are not such an archipelago \ldots. There is no basis for drawing straight baselines around the Spratlys as a whole.\footnote{The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China), The Philippines’ Supplemental Written Submissions, vol. I, Mar. 16, 2015, at 89, available on the \texttt{website} of the Permanent Court of Arbitration.}
\end{quote}

The Philippines also has rejected the PRC’s position that “the Convention does not regulate the drawing of straight baselines by non-archipelagic States around dependent archipelagos” and “that the matter is therefore governed by general international law.”\footnote{\textit{Id.} at 94.} In the view of the Philippines, there is no customary international law rule pertaining to the straight baselines and outlying archipelagos that displaces the comprehensive provisions set forth in the Convention.\footnote{\textit{Id.} at 92–96.}

Accordingly, the Philippines’ practice and \textit{opinio juris} provide no evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.
Portugal

Portugal includes three outlying archipelagos: the Azores, Ilhas Selvagens, and Madeira Islands (Map 30). In 1985, Portugal established baseline systems for the Azores and Madeira Islands that are a mix of straight baselines and the normal baseline.108

As discussed below, Portugal refrained from enclosing its outlying island groups within straight baselines. Thus, its practice does not contribute to the formation of a customary international law rule that would permit the use of straight baselines to enclose an outlying island group of a continental State.

Azores

The Azores lie approximately 735 M west of Portugal’s mainland in the Atlantic Ocean. This archipelago consists of nine main islands and several smaller islands. The linear extent of the archipelago is about 330 M (trending northwest to southeast).

In addition to using the normal baseline, Portugal has drawn straight baselines in five separate areas within the Azores (Map 30A). In two areas, the straight baselines pertain to individual islands (Terceira and Graciosa), and in the three other areas the baselines enclose small island groups (two to three islands each) and the waters between them.

Ilhas Selvagens

The Ilhas Selvagens (also known as the Savage Islands) are located in the Atlantic Ocean approximately 138 M south of the Madeira Islands. This group consists of two clusters of small islands separated by approximately 10 M (Map 30B). The islands collectively have a land area of approximately 3 km². Portugal uses the normal baseline for these islands.

Madeira Islands

The Madeira Islands lie approximately 430 M southwest of the mainland coast of Portugal in the Atlantic Ocean. This archipelago consists of two main islands—Madeira and Porto Santo—and several smaller islands. Madeira and Porto Santo are separated from one another by about 20 M.

Portugal has two separate baseline systems for the Madeira Islands, one for the main island of Madeira and one for Porto Santo (Map 30C). The baseline system for Madeira uses a mix of the normal baseline and straight baselines to enclose shallow coastal indentations and the waters between Madeira and adjacent Ilhas Desertas (located approximately 10 M southeast of Madeira). The baseline system for Porto Santo surrounds the island and connects coastal promontories and

108 Decree-Law No. 495/85 of 29 November 1985, available on the DOALOS website. The United States has protested these baselines as inconsistent with international law, as reflected in the Convention. Diplomatic note of the United States, reprinted in part in Roach & Smith, supra note 58, at 89, 92, 108 (“Certain of the baselines around the Madeira and the Azores Islands groupings are objectionable . . . , i.e., they do not lie in localities where the coastlines are deeply indented and cut into nor do they connect a fringe of islands along a coast in its immediate vicinity.”).
several small islands located within 1 M of the coast of Porto Santo. Porto Santo and Madeira, which are separated by approximately 21 M, are not joined together with straight baselines.

Map 30. Portugal’s baselines pertaining to the Azores, Ilhas Selvagens, and Madeira Islands.
Russian Federation

In 1984 and 1985, the Union of Soviet Socialist Republics (USSR) established straight baselines pertaining to the Russian mainland coasts and its islands.\(^\text{109}\) (These baselines now pertain to the Russian Federation, as the successor State of the USSR.) Most of Russia’s island groups include islands located near its mainland coasts (within approximately 30 M), including the Kuril Islands (Pacific), New Siberian Islands (Arctic), and Severnaya Zemlya (Arctic). Two Russian island groups are located at greater distances offshore mainland Russia: (1) the Komandorskiye Ostrova (Commander Islands) in the Pacific and (2) Franz Josef Land in the Arctic.

As discussed below, not only has Russia refrained from enclosing its outlying island groups with straight baselines, its practice lacks the *opinio juris* to contribute to the formation of customary international law rules for outlying island groups that differ from those in Article 7 of the Convention.

*Komandorskiye Ostrova*

The Komandorskiye Ostrova (also known as the Commander Islands) are located in the Bering Sea and are the westernmost of the Aleutian Islands. The Komandorskiye Ostrova consist of two main islands, Ostrov Beringa and Ostrov Mednyy, and several smaller islands immediately offshore. The two main islands are separated from one another by 27 M. Russia primarily uses the normal baseline within this island group, but also straight baselines in some coastal areas of each main island (five segments for Ostrov Beringa and two segments for Ostrov Mednyy) (Map 31).

*Franz Josef Land*

Franz Josef Land is a large archipelago in the Arctic Ocean consisting of nearly 200 islands spanning an east-west distance of approximately 200 M (367 km) and a north-south distance of about 125 M (232 km). Franz Josef Land is located approximately 430 M northwest of the Russian mainland.

Russia primarily uses the normal baseline for Franz Josef Land, but also straight baselines (or bay closing lines) along the coasts of three islands, Ostrov Zemlya Aleksandry (Alexandra Land), Ostrov Zemlya Georga (George Land), and Ostrov Gallya (Hall Island) (Map 32). These baselines, which include a total of 12 segments, mainly enclose bays or other deeply indented coastal areas.

*Opinio Juris of Russia*

The legal basis for Russia’s straight baselines is Article 7 of the Law of the Sea Convention and not separate rules of customary international law. Russia’s legislation pertaining to the use of straight baselines cites the provisions in Article 7 of the Convention as the basis for drawing its baselines.\(^\text{110}\) Thus, not only does Russia refrain from enclosing its outlying island groups with

\(^{109}\) Declaration 4450 (1985) and Declaration 4604 (1984), available on the DOALOS website.

straight baselines, its practice is expressly based on the Convention and therefore cannot contribute to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

Map 31. Russia’s straight baselines pertaining to Komandorskiye Ostrova. Scale: 1:2,500,000.
Map 32. Russia’s straight baselines pertaining to Franz Josef Land. Scale: 1:2,750,000.
Spain

The Kingdom of Spain includes two outlying archipelagos, the Balearic Islands and Canary Islands. In 1977, Spain established baseline systems for each of these archipelagos that are a mix of straight baselines and the normal baseline.111

As discussed below, Spain has refrained from enclosing its outlying island groups within single straight baseline systems and, moreover, its practice lacks the requisite opinio juris to contribute to the formation of a customary international law rule that differs from the provisions of the Convention.

Balearic Islands

The Balearic Islands lie approximately 90 M east of the mainland coast of Spain in the Mediterranean Sea. This archipelago consists of four main islands and several smaller islands. The linear extent of the archipelago is about 155 M (east to west).

In addition to using the normal baseline, Spain uses straight baselines in three separate areas within the Balearic Islands (Map 33). The first pertains to the single island of Minorca; the second pertains to the larger central island of Majorca (also connecting to Isla Cabrera, which lies about 7 M south of Majorca); and the third surrounds the islands of Ibiza and Formentera, which are nearly contiguous.

Canary Islands

The Canary Islands lie approximately 560 M southwest of Spain’s mainland and 52 M from the coast of Morocco. This archipelago consists of eight main islands and several smaller islands. The linear extent of the archipelago is about 250 M (east to west).

In addition to using the normal baseline, Spain uses straight baselines in five separate areas within the Canary Islands (Map 34). Four straight baseline systems pertain to individual islands; the fifth baseline system lies on the east side of the archipelago and joins three larger islands and several smaller islands together with straight baselines; the distances between the islands are less than 5 M.

In 2010, Spain established a “perimeter” that encloses the entire Canary Islands. This baseline system has been erroneously cited by the Chinese Society of International Law as supporting the proposition that Spain’s practice contributes to the formation of customary international law rules that permit the drawing of baselines around outlying archipelagos.112 The purpose of Spain’s “perimeter,” however, was to delimit “the special maritime zone of the Canarian Autonomous Community.”113 These baselines have only domestic and not international effect. They are not

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112 Chinese Society of International Law, supra note 14, at 488.
113 Limits in the Seas No. 149, supra note 111, at 16–19. Annex 8 of that study contains an English language version of Spain’s 2010 law establishing the “perimeter” around the Canary Islands.
baselines from which the breadth of Spain’s maritime zones is measured, and they provide no evidence of the formation of customary international law related to establishing straight baselines around outlying island groups.

Opinio Juris of Spain

Spain has stated expressly that it “does not recognize the drawing of baselines that were not made as required by the Convention.”¹¹⁴ Moreover, the fact that Spain has actually drawn a baseline around the perimeter of the Canary Islands archipelago, but expressly limited it to have only domestic and not international effect, suggests that Spain does not accept that such baselines may be established under international law. Thus, the practice and opinio juris of Spain provide no evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

Map 33. Spain’s baselines pertaining to the Balearic Islands. Scale: 1:3,000,000.

Map 34. Spain’s baselines pertaining to the Canary Islands. Scale: 1:3,850,000.
United Kingdom

The United Kingdom includes numerous overseas territories located far from its mainland. The United Kingdom has established straight baselines pertaining to (1) the Falkland Islands (Islas Malvinas), (2) South Georgia (and surrounding islands), and (3) the Turks and Caicos Islands. The United Kingdom has not established straight baselines with respect to its many other outlying islands groups.

As discussed below, the extensive State practice and the opinio juris of the United Kingdom do not provide supportive evidence for the formation of customary international law rules for outlying island groups that differ from those in Article 7 of the Convention.

Falkland Islands (Islas Malvinas)

The Falkland Islands (Islas Malvinas) are located in the South Atlantic Ocean approximately 250 M east of mainland South America. The archipelago consists of two main islands—East Falkland and West Falkland—and 778 smaller islands\(^\text{115}\) and has a linear extent of about 147 M (272 km) from east to west. East and West Falkland lie in close proximity to one another, separated by less than 2 M in several areas. (These islands are also claimed by Argentina. The United States does not take a position on the sovereignty claims over these islands.)

In 1989, the United Kingdom established a baseline system for the Falkland Islands that encloses most of the islands in a single straight baseline system consisting of 22 points and segments (Map 35).\(^\text{116}\) Several outlying islands, including Beauchêne Island (to the south) and Jason West Cay and Jason East Cay (to the west) are excluded from the straight baseline systems and use the normal baseline.

South Georgia

South Georgia is located in the South Atlantic Ocean about 725 M east-southeast of the Falklands. This island has a linear extent of about 170 km from east to west. Several small islands lie offshore, within 12 M of the mainland coast of South Georgia. The South Georgia group also includes several small, rocky outlying islands, namely Clerke Rocks (Rocas Clerke) about 30 M southeast of South Georgia, and also Shag Rocks (Rocas Cormorán) and Black Rock (Roca Negra), about 130 M west of South Georgia. (These islands are also claimed by Argentina. The United States does not take a position on the sovereignty claims over these islands.)

In 1989, the United Kingdom established a baseline system for South Georgia that encloses the main island and other small, adjacent islands in a single straight baseline system consisting of 31 points and 30 segments (Map 36).\(^\text{117}\) For the outlying islands of Clerke Rocks, Shag Rocks, and Black Rock, the United Kingdom uses the normal baseline.

\(^{115}\) Falkland Islands Government website.

\(^{116}\) The Falkland Islands (Territorial Sea) Order 1989, available on the UK government website.

\(^{117}\) The South Georgia and South Sandwich Islands (Territorial Sea) Order 1989, available on the UK government website.
The Turks and Caicos Islands are a group of islands located in the Atlantic Ocean, southeast of and contiguous with The Bahamas (Map 37). Turks and Caicos consists of two island subgroups and have a linear extent of approximately 75 M and a total land area of 948 km².

The larger of the two subgroups is the Caicos Islands, which consists of six main islands and numerous smaller islands, most of which are separated by narrow channels less than 1 km wide. The Caicos Islands are fringed by numerous reefs and, to the south, the extensive and shallow Caicos Bank. To the east, the smaller Turks Islands consists of two main islands and numerous smaller islands. The two island subgroups are separated by a roughly 19-M-wide channel (Turks Island Passage).

In 1989 (revised in 2007), the United Kingdom established baselines for the Turks and Caicos Islands that enclose the islands described above using 10 straight baseline segments and the normal baseline in several areas.118

Outlying island groups for which the United Kingdom has not drawn straight baselines

The United Kingdom has not established straight baselines pertaining to its many other outlying island groups, including the following (Maps 38A-G):119

- **British Indian Ocean Territory** is located in the Indian Ocean, south of the Indian subcontinent, and includes the main island of Diego Garcia and more than 50 smaller islands (Map 38A).
- **Cayman Islands** are located in the Caribbean, south of Cuba, and consist of the three main islands Grand Cayman, Cayman Brac, and Little Cayman (Map 38B).120
- **Channel Islands** are located in the English Channel off the mainland coast of France. This group consists of two main islands—Guernsey and Jersey—and numerous smaller islands (Map 38C).121
- **Pitcairn Islands** are a remote island group located in the South Pacific Ocean that include Pitcairn Island, Henderson Island, Ducie Atoll, and Oeno Atoll (Map 38D).

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118 *The Turks and Caicos Islands (Territorial Sea) (Amendment) Order 2007*, available on the UK government [website](#).
119 Other British Overseas Territories that are islands are mainly single islands or multiple islands that are part of a single reef system, including Anguilla, Ascension Island, Bermuda, Montserrat, and Saint Helena Island.
120 The United Kingdom uses the normal baseline and bay and reef closing lines (not delineated with geographic coordinates), as set forth in *The Cayman Islands (Territorial Sea) Order 1989*, available on the UK government [website](#).
121 While not part of the United Kingdom, the Channel Islands consist of the Crown dependencies of the Bailiwick of Jersey and the Bailiwick of Guernsey. For these dependences, the United Kingdom uses the normal baselines and related Convention provisions, as set forth in *The Territorial Sea (Baselines) Order 2014*, available on the UK government [website](#).
- **South Sandwich Islands** are located in the South Atlantic Ocean (Map 38E). For a geographic description, see Argentina, above.

- **Tristan da Cunha Group** is a remote island group located in the South Atlantic Ocean consisting of four main islands and several smaller islands (Map 38F).

- **Virgin Islands** are located in the Caribbean and consist of the main islands of Tortola, Anegada, Virgin Gorda, and Jost Van Dyke and more than 30 smaller islands (Map 38G).

**Opinio Juris of the United Kingdom**

The United Kingdom has clearly conveyed the legal basis for its straight baselines: “The UK’s approach to straight baselines is based entirely on the provisions of Article 7 of UNCLOS, and not a special regime for ‘offshore archipelagos’.” The United Kingdom has also addressed the matter of the PRC’s apparent reliance on the UK’s baselines:

> The government [of the UK] is also aware that China may be seeking to rely on UK practice, specifically with respect to the Falkland Islands and the Turks and Caicos Islands, to support its attempt to draw straight baselines around groups of features in the South China Sea. Chinese academic publications have referred to baselines around these two UK Overseas Territories, as well as the baselines of other States. This is an attempt to demonstrate that there is state practice to support a claimed body of customary international law of “offshore archipelagos” outside the provisions of UNCLOS. We reject this analysis and any claimed reliance on UK practice.

Thus, the United Kingdom lacks the required element of *opinio juris* for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, the United Kingdom’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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122 The United Kingdom uses the normal baseline, as set forth in *The South Georgia and South Sandwich Islands (Territorial Sea) Order 1989*, available on the UK government website. (These islands are also claimed by Argentina. The United States does not take a position on the sovereignty claims over these islands.)

123 The United Kingdom uses the normal baseline and bay and reef closing lines (not delineated with geographic coordinates), as set forth in *The Virgin Islands (Territorial Sea) Order 2007*, available on the UK government website.

124 UK government’s position on legal issues arising in the South China Sea, deposited in House of Commons, September 3, 2020, available on the UK Parliament website.

125 *Id.* See also, Permanent Mission of the United Kingdom to the United Nations, *Note Verbale No. 162/20*, Sept. 16, 2020 (“[T]here is no legal ground for continental States to treat archipelagos or marine features as a whole entity without respecting the relevant provisions in Part II of UNCLOS or by using those in Part IV applicable only to archipelagic States.”).
Map 35. The United Kingdom’s baselines pertaining to the Falkland Islands (Islas Malvinas). Scale: 1:2,000,000.
Map 36. The United Kingdom’s baselines pertaining to the South Georgia group. Scale: 1:6,000,000.
Map 37. The United Kingdom’s baselines pertaining to the Turks and Caicos Islands. Scale: 1:1,125,000.
Map 38 (A-D). The United Kingdom uses normal baselines around the British Indian Ocean Territory (A), Cayman Islands (B), Channel Islands (C), and the Pitcairn Islands (D). For locations of panels A-D, see Map 38E-G, below.
**Map 38 (E-G).** The United Kingdom uses normal baselines around the South Sandwich Islands (E), Tristan da Cunha Group (F), and the British Virgin Islands (G). Locations (bottom left panel) also pertain to Map 38A-D, above.
United States

The United States includes a number of archipelagos and outlying island groups, including American Samoa (Pacific), Hawaiian Islands and Midway Islands (Pacific), Northern Mariana Islands and Guam (Pacific), and the Virgin Islands (Caribbean) (Map 39). The United States has not drawn straight baselines enclosing any of these island groups.

Although the United States is not a party to the Convention, the United States considers the baseline provisions contained in the Convention (Parts II and IV) to reflect customary international law that is binding on all States. Most of the baseline provisions in Part II of the Convention align with those contained in the 1958 Convention on the Territorial Sea and Contiguous Zone, to which the United States is a party. The United States does not accept that customary international law permits States to enclose outlying island groups using straight baselines, except where permitted by the provisions reflected in the Convention.

With respect to the PRC’s use of straight baselines in the South China Sea, the United States has communicated the following view:

No provision of the Convention establishes an applicable exception to the normal baseline that would allow China to enclose within a system of straight or archipelagic baselines the dispersed islands and other features over which China asserts sovereignty in the South China Sea.

Accordingly, the practice and opinio juris of the United States provide no evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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126 1958 Convention, supra note 26.
Map 39. The United States uses the normal baseline for outlying island groups, including American Samoa, Northern Mariana Islands, Hawaiian Islands, and the U.S. Virgin Islands.
Vietnam (Paracel Islands and the Spratly Islands)

Vietnam claims sovereignty over several outlying island groups, namely the Paracel Islands and the Spratly Islands. (Note: The Paracel Islands are also claimed by the PRC and the Spratly Islands are claimed, in whole or part, by several other countries. The United States does not take a position on the sovereignty claims over these islands.)

Although Vietnam has established straight baselines pertaining to its mainland coast, it has not established straight baselines with respect to either the Paracel Islands or the Spratly Islands. Vietnam has protested the straight baselines drawn by the PRC with respect to the Paracel Islands and has rejected the PRC’s argument that straight baselines may be drawn around the Paracel or Spratly Islands. Accordingly, the practice and _opinio juris_ of Vietnam provide no evidence of the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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128 Permanent Mission of the Socialist Republic of Viet Nam to the United Nations, communication _No. 22/HC-2020_, Mar. 30, 2020 (noting that “the baselines of the groups of islands in the East Sea, including the Hoang Sa [Paracel] Islands and the Truong Sa [Spratly] Islands, cannot be drawn by joining the outermost points of their respective outermost features” and that “Viet Nam opposes any maritime claims in the East Sea that exceed the limits provided in UNCLOS”).
Yemen (Arkhabīl Suquṭrá)

Yemen includes the Arkhabīl Suquṭrá (Socotra Archipelago), which is located approximately 190 M south of its mainland coast. This island group includes the main island of Socotra, three smaller main islands (‘Abd al Kūrī, Samḥah, Darsah), and three additional uninhabited outlying islands. All the islands in this group are separated from one another by distances of 10 M to 35 M.

In 2014, Yemen established baselines with respect to Arkhabīl Suquṭrá (Map 40). Yemen has not enclosed this island group within a single straight baseline system. Rather, the baseline system of Yemen consists primarily of the normal baseline and also straight baselines in certain coastal areas. Yemen uses straight baselines in three localities along the coast of the island of Socotra and around ‘Abd al Kūrī.

Yemen’s legislation clarifies that the legal basis for the baselines established is the Convention and not separate rules of customary international law. Thus, Yemen lacks the required element of opinio juris for its baseline practice to be supportive of any customary international law rule permitting straight baselines to be drawn around outlying island groups. Accordingly, Yemen’s straight baseline practice is not capable of contributing to the formation of customary international law rules for outlying island groups that differ from the provisions of the Convention.

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129 Law No. 26 establishing the maritime baseline of the Republic of Yemen (2014), art. 2, available from the DOALOS website.
130 Id. (“Pursuant to the United Nations Convention on the Law of the Sea of 1982, the maritime baseline of the Republic of Yemen shall be established . . . .”)
Map 40. Yemen’s baselines pertaining to Arkhabīl Suquṭrā. Scale: 1:2,000,000.
Explanatory Notes

Geographic Names

The geographic names used in the figures, maps, and text are those approved for use by the Federal Government. The official U.S. names sometimes differ from names used historically, within published literature, or by other States. For clarity, names not recognized by the U.S. government as official, including names used by the relevant country, may be included in parenthesis.

Analysis

Geographic analysis was conducted using tools in Esri ArcGIS 10.7.1, CARIS LOTS 4.1.1, and Google Earth Pro 7.3.3.

Distances and Areas

Distances pertaining to maritime space are provided in nautical miles (M) and in some cases in kilometers (km). Lengths of baseline segments are provided only in nautical miles.

Distances pertaining to land areas are provided in kilometers (km). Land areas are provided in square kilometers (km²).

All distances and areas are approximate.

Table 1 Details

In the Analysis section, Table 1 lists outlying island groups by country and provides the following information:

- **Country.** The information provided in this column of Table 1 refers only to the country asserting the baseline claim and is without regard to any issues related to the attribution of sovereignty over any island group. *This study does not address territorial sovereignty issues.*

- **Baseline Method.** States use either the normal baseline (Article 5 of the Convention), straight baselines (Article 7), or a combination of methods. As provided for in Article 14 of the Convention, a coastal State may use any of the baseline methods provided for in Part II of the Convention “to suit different conditions.” Thus, combination refers to a combination of the normal baseline, straight baselines and, in some cases, baselines pertaining to reefs (Article 6) and juridical bays (Article 10), among others.

For outlying island groups for which straight baselines are used, additional information is provided in Table 1:

- **Islands joined together in one or more groups.** The information provided in this column of Table 1 indicates whether straight baselines have been used to join islands together in
one or more group(s) or, alternatively, merely along the coasts of individual islands. This criterion distinguishes between those instances where coastal States have used straight baselines to enclose all, most, or some islands within straight baselines (including in more than one subgroup) and those instances where the coastal State has used straight baselines primarily along the coastlines of individual islands. In some instances, a State uses both approaches within an archipelago (e.g., Spain).

- **Water-to-land area ratio.** This column indicates the area of water enclosed by the straight baseline system(s) relative to the area of the land, expressed as a ratio. Values are not included (“--”) for straight baseline systems that do not enclose one or more groups of islands.

For archipelagic baselines, which are relevant only to archipelagic States, Article 47 of the Convention provides that the maximum ratio of water area to land area is 9 to 1, and the minimum ratio is 1 to 1. Although that provision of Article 47 is not legally relevant to the non-archipelagic States examined here, it is included in Table 1 for comparative purposes and to convey the degree to which the water areas within the baselines are linked to the land domain. Large ratios indicate that the coastal State has enclosed a large amount of maritime space relative to the land areas enclosed, whereas a ratio of “<1 to 1” means the water area enclosed is less than the land area enclosed. For purposes of this calculation, the waters that are enclosed within the fringing reefs of islands and atolls are regarded as “land.” All ratios should be considered approximate and illustrative. Values greater than 10 are rounded to the nearest whole number.

- **Water area enclosed.** This column indicates the total area of water enclosed by the straight baseline system(s) in order to provide a sense of the absolute size of the maritime area enclosed. Some waters are excluded from this calculation, namely waters lying within the fringing reefs of islands and atolls and waters lying within baselines that do not enclose any islands (e.g., certain bay closing lines and straight baselines along indented coastal areas). Areas are expressed in thousands of square kilometers, with values greater than 1 (i.e., 1000 km²) rounded to the nearest whole number. Values are not calculated (“--”) for straight baseline systems that do not enclose one or more groups (or subgroups) of islands.

The practice of States with respect to some outlying island groups is notable in that two main islands, often in close proximity, have sometimes not been joined together by straight baselines. This is indicated in the fourth column of the table (6 superscript). The table also indicates which straight baseline systems have been protested by one or more States (P superscript in the fourth column of the table).

**Map Details**

Map specifics, by country, are noted below.

**Software:** Maps were created in *ArcGIS 10.7.1.*
Projection and datum: Unless otherwise stated, all maps are Mercator projection, WGS 1984 datum.

Basemap data sources:

- Shoreline data: National Geospatial-Intelligence Agency
- Esri ocean basemap: Esri, Garmin, General Bathymetric Chart of the Oceans (GEBCO), National Oceanic and Atmospheric Administration (NOAA) National Centers for Environmental Information, and other contributors.

Argentina
- Map 1 Falkland Islands (Islas Malvinas): Main map - Lambert Azimuthal Equal Area projection, WGS 1984 datum. Scale: 1:2,000,000. Locator map: Scale: 1:100,000,000.
- Map 2 South Georgia: Scale: 1:6,000,000. Locator map scale: 1:100,000,000.

Australia
- Map 4 Houtman Abrolhos: Main map - Lambert Conformal Conic projection, WGS 1984 datum. Scale: 1:600,000. Locator map scale: 1:70,000,000.
- Map 5 Macquarie Island and adjacent islands: Scale: 1:1,000,000. Locator map scale: 1:70,000,000.
- Map 6:
  - 6A Ashmore and Cartier Islands: Scale: 1:1,000,000.
  - 6B Cocos Islands: Scale: 1:800,000.
  - 6C Coral Sea Islands: Scale: 1:20,000,000.
  - 6D Elizabeth Reef and Middleton Reef: Scale: 1:2,000,000.
  - 6E Heard Island and McDonald Islands: Scale: 1:2,000,000.
  - 6F Lord Howe Island and adjacent islands: Scale: 1:600,000.
  - Locator map: Scale: 1:165,000,000.

Brazil
- Map 7
  - 7A Arquipélago dos Abrolhos: Scale: 1:60,000.
  - 7B Arquipélago de Fernando de Noronha: Scale: 1:2,600,000.
  - 7C Ilha da Trindade and Ilhas Martin Vaz: Scale: 1:500,000.
  - 7D Penedos de São Pedro e São Paulo: Scale: 1:7,000
  - Locator map: Scale: 1:70,000,000.

Burma
- Map 8 Preparis Island and Coco Islands: Scale: 1:850,000. Locator map scale: 1:70,000,000.
Chile
- Map 9 Archipiélago Juan Fernández and the Islas Desventuradas: Scale: 1:9,000,000. Islas Desventuradas inset map scale: 1:600,000. Juan Fernández Islands inset map scale: 1:2,650,000. Locator map scale: 1:120,000,000.

Colombia
- Map 10 Archipiélago de San Andrés y Providencia: Scale: 1:2,200,000. Locator map scale: 1:70,000,000.

Denmark

Ecuador
- Map 12 Galapagos Islands: Scale: 1:3,000,000. Locator map scale: 1:70,000,000.

France
- Map 13 Guadeloupe: Scale: 1:800,000. Locator map scale: 1:70,000,000.
- Map 14 French Polynesia: Scale: 1:20,000,000. Locator map scale: 1:350,000,000.
- Map 15 Îles Crozet: Scale: 1:1,700,000. Locator map scale: 1:200,000,000.
- Map 16 Îles Kerguelen: Scale: 1:2,500,000. Locator map scale: 1:175,000,000.
- Map 17 Mayotte: Scale: 1:500,000. Locator map scale: 1:70,000,000.
- Map 18 New Caledonia: Scale: 1:7,500,000. Locator map scale: 1:150,000,000.
- Map 19 Îles Saint Pierre and Miquelon: Scale: 1:500,000. Locator map scale: 1:70,000,000.
- Map 20 Wallis and Futuna: Scale: 1:1,600,000. Wallis Islands inset map scale: 1:400,000. Locator map scale: 1:120,000,000.

Greece
- Map 21 Dodecanese Islands: Scale: 1:2,125,000. Locator map scale: 1:30,000,000.

India
- Map 22 Andaman and Nicobar Islands: Scale: 1:6,250,000. Locator map scale: 1:85,000,000.
- Map 23 Lakshadweep: Scale: 1:3,750,000. Locator map scale: 1:85,000,000.

Japan
- Map 24 Amami Shotō and Okinawa Shotō: Scale: 1:2,875,000. Locator map scale: 1:70,000,000.
- Map 25 Ryukyu Islands: Scale: 1:8,000,000. Locator map scale: 1:120,000,000.
- Map 26 Nanpō Shotō: Scale: 1:12,500,000. Locator map scale: 1:120,000,000.

Netherlands (Dutch Caribbean)
- Map 27 Aruba, Bonaire, and Curaçao: Scale: 1:1,500,000. Locator map scale: 1:70,000,000.
New Zealand
• **Map 28** Scale: 1:19,000,000. Locator map scale: 1:200,000,000.

Norway
• **Map 29 Svalbard**: Main map - Lambert Azimuthal Equal Area projection, WGS1984 datum. Scale 1:7,000,000. Locator map scale: 1:70,000,000.

Portugal
• **Map 30 Azores, Ilhas Selvagens, and Madeira Islands**:
  o **30A Azores**: Scale 1:10,000,000.
  o **30B Ilhas Selvagens**: Scale: 1:350,000.
  o **30C Madeira Islands**: Scale: 1:1,650,000.
  o **Locator map scale**: 1:70,000,000.

Russian Federation
• **Map 31 Komandorskiye Ostrova**: Scale: 1:2,500,000. Locator map scale: 1:70,000,000.
• **Map 32 Franz Josef Land**: Main map - Lambert Azimuthal Equal Area projection, WGS 1984 datum. Scale: 1:2,750,000. Locator map scale: 1:70,000,000.

Spain
• **Map 33 Balearic Islands**: Scale: 1:3,000,000. Locator map scale: 1:50,000,000.
• **Map 34 Canary Islands**: Scale: 1:3,850,000. Locator map scale: 1:70,000,000.

United Kingdom
• **Map 35 Falkland Islands (Islas Malvinas)**: Main map - Lambert Azimuthal Equal Area projection, WGS 1984 datum. Scale: 1:2,000,000. Locator map: Scale: 1:100,000,000.
• **Map 36 South Georgia**: Scale: 1:6,000,000. Locator map scale: 1:100,000,000.
• **Map 37 Turks and Caicos Islands**: Scale: 1:1,125,000. Locator map scale: 1:30,000,000.
• **Map 38 Other island groups**:
  o **38A British Indian Ocean Territory**: Scale: 1:6,000,000.
  o **38B Cayman Islands**: Scale: 1:2,750,000.
  o **38C Channel Islands**: Scale: 1:1,500,000.
  o **38D Pitcairn Islands**: Scale: 1:10,000,000.
  o **38E South Sandwich Islands**: Scale: 1:17,000,000.
  o **38F Tristan da Cunha Group**: Scale: 1:8,000,000.
  o **38G Virgin Islands**: Scale: 1:800,000.
  o **Locator map scale**: 1:330,000,000.

United States
• **Map 39 Outlying island groups**:
  o **39A American Samoa**: Scale: 1:8,000,000.
  o **39B Northern Mariana Islands and Guam**: Scale: 1:17,500,000.
  o **39C Hawaii and Midway Islands**: Scale: 1:19,200,000.
- **39D Virgin Islands**: Scale: 1:1,500,000.
- **Locator map scale**: 1:250,000,000.

**Yemen**
- **Map 40 Arkhabil Suqitra**: Scale: 1:2,000,000. Locator map scale: 1:70,000,000.