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Oceans and the law of the sea: oceans and the law of the sea

Note verbale dated 6 June 2022 from the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General

The Permanent Mission of the State of Kuwait to the United Nations would like to refer to the correspondence of the Secretary-General dated 2 March 2022 concerning the deposit by Iraq of a statement containing geographic coordinates of certain points in accordance with the 1982 United Nations Convention on the Law of the Sea, article 16, paragraph 2. The State of Kuwait would like to express its objection and protest against the baseline and baseline points of the Republic of Iraq, as follows:

1. The baseline points and baseline deposited by the Republic of Iraq do not comply with the 1982 United Nations Convention on the Law of the Sea, Part II, notably articles 5, 7 and 11.
2. The 1982 United Nations Convention on the Law of the Sea, article 7, paragraph 1, provides as follows:

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.

Since the Iraqi coastline is not deeply indented and cut into, and there is no fringe of islands along its coast, the baseline is in violation of the above-mentioned article 7, paragraph 1.

3. That same Convention, article 11, provides as follows:

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works.

Since the breakwater does not form part of “permanent harbour works which form an integral part of the harbour system”, the Iraqi baseline is in violation of the 1982 United Nations Convention on the Law of the Sea, article 11.



The State of Kuwait hereby objects to and protests the baseline points and baseline deposited by the Republic of Iraq and reserves all its rights in that regard.

The Permanent Mission of the State of Kuwait to the United Nations requests the Secretary-General to circulate this note verbale to Member States and have it published in the forthcoming issue of the *Law of the Sea Bulletin*.

(Signed) Bader Abdullah **Almunayekh**

Chargé d'affaires a.i.

Permanent Mission of the State of Kuwait to the United Nations
