



International Boundary Study

Series A

Limits in the Seas

No. 4

Mexican Straight Baseline (*Gulf of California*)

Straight Baselines: Mexican Straight Baseline

**The Geographer
Office of the Geographer
Bureau of Intelligence and Research**

INTERNATIONAL BOUNDARY STUDY

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No. 4

Mexican Straight Baselines (Gulf of California)

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the continental shelf of maritime nations.

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The Government of Mexico on August 29, 1968 decreed straight baselines for the measurement of the territorial sea in the Gulf of California. The Decree, published in the Diario Oficial of August 30, 1968, amended the definition of the territory of the Republic as follows:

Gustavo Diaz Ordaz, Constitutional President of the United Mexican States, to their inhabitants be it known:

CONSIDERING

That in conformity with Article 42, Section V of the Political Constitution of the United Mexican States, amended by the decree of the 6th of January 1960,

"The National Territory Includes:

.....
V. The waters of the territorial seas in the extent and terms which international law establishes and the internal seas;"

That the Convention on the Territorial Sea and the Contiguous Zone opened for signature in Geneva on the 29th of April 1958 and ratified by Mexico on the 17th of June 1966 established the international rules in force for determining the width of the territorial sea;

That in conformity with paragraph 1, Article 4 of the cited Convention, "In localities where the coast line 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 base lines joining appropriate points may be employed in drawing the base line from which the breadth of the territorial sea is measured," if in accordance with paragraph 2 of the same article such lines do not depart to any appreciable extent from the general direction of the coast and the sea area lying to the land side of these lines are sufficiently closely linked to the land domain to be subject to the regime of internal waters;

That the previous provisions, incorporated into our internal law through the modifications of Article 17 of General Law of National Property accomplished by the decree of the honorable Congress of the Union of the 29th of December 1967, justify in the judgment of the Executive the employment of the system of straight base lines for the location of our territorial sea inside the Gulf of California in that part where the islands situated along the respective coasts permit the drawing of such lines without departing an appreciable manner from the general direction of the same [the coasts] ---- --a concept which does not have mathematical precision, as the International Court of Justice has recognized;

That the two systems of base lines running from the entrance of the Gulf of California in a general northwesterly direction along the west and east coasts of the Gulf arrive

respectively at the southwesterly and southeasterly¹ extremities of San Esteban Island; and that as a result of this the waters located between such base lines and the coasts of Baja California and of Sonora become internal waters in conformity with Article 5 of the Convention on the Territorial Sea and the Contiguous Zone;

That in virtue of this and without prejudice to the determination of other straight base lines which may be justified for the measurement of our territorial sea in the Pacific Ocean and in the Gulf of Mexico I have been pleased to dictate, based on Section I of Constitutional Article 89 the following:

DECREE

Article I. The Mexican Territorial Sea in the interior of the Gulf of California will be measured from the base line running:

1. Along the length of the west coast of the Gulf from the point called Punta Arena in the territory of Baja California following the low water line in a northwesterly direction to the point called Punta Arena de la Ventana from there in a straight base line to the point called Roca Montana in the southern extremity of Cerralvo Island; from there along the low water line of the eastern coast of that island to the northern extremity of it; from there in a straight base line to the Arrecife de las Focas; from there in a straight base line to the most easterly point of Espiritu Santo Island; from there following the eastern coast of that island to the northernmost point of it; from there in a straight base line to the southeasterly extremity of La Partida Island; from there following the east coast of that island to the group of small islands called "Los Islotes" located at the northernmost extremity of the same La Partida Island; from the northern extremity of the mentioned small islands in a straight base line to the southeastern extremity of San Jose Island; from there in a generally northern direction along the low water line of the eastern coast to the point where the coast of that island changes its direction toward the northwest; from that point in a straight base line to the island called Las Animas; from the northern extremity of that island in a straight base line to the northwest¹ extremity of the Island Santa Cruz; from there in a straight base line to the southeastern extremity of Santa Catalina Island; from there following the low water line of the eastern shore of that island to the northern extremity of it; from there in a straight baseline to the place called Punta Lobos in the northwest¹ extremity of Carmen Island; from there in a straight base line to the northwestern¹ extremity of Coronados Island; from there in a straight base line to a point on the coast of the Peninsula of Baja California called Punta Mangles; from there along the low water line of the coast to another point on the coast called Punta Pulpipo; from there in a straight base line to the eastern extremity of the San Ildefonso Island; from there in a straight base line to a point on the coast of the Peninsula of California called Punta Santa Teresa; from there along the low water line of the coast of the Peninsula to the point called Punta Concepcion; from there in a straight base line to the eastern extremity of Santa Ines Island; from there following the eastern coast of that island along the low water line of it to the northern extremity of it;

¹ Northeastly, See Errata October 5, 1968, Diario Oficial.

from there in a straight base line to the eastern extremity of Tortuga Island; from there following the low water line of the northern coast of that island to the westernmost point of it; from there in a straight base line to a point on the Peninsula of Baja California called Punta Baja; from there following the low water line along the coast of the Peninsula to the point called Cabo San Miguel; from there in a straight base line to the southwestern extremity of the San Esteban Island.

2. Along the east coast of the Gulf of California from a point called Punta San Miguel in the State of Sinaloa following the low water line in a generally northwestern direction to another point on the same coast called Cabo Arco in the State of Sonora; from there in a straight base line to another point on the same coast called Puerto San Carlos; from there following the low water line of the coast to a point on the same coast called Punta Doble; from there in a straight base line to the southeastern extremity of the San Pedro Nolasco Island; from there following the low water line of the western coast of that island to the northern extremity of it; from there in a straight base line to a point on the coast called Punta Lesna; from there following the low water line of the eastern coast of the Gulf to a point on the coast of the State of Sonora called Punta Baja; from there in a straight base line to the southern extremity of the Turners Island; from there in a straight base line to the southeastern¹ extremity of the San Esteban Island¹.

TEMPORARY ARTICLES

ARTICLE 1. This decree will enter into force on the day of its publication in the Diario Oficial of the Federation.

ARTICLE 2. The straight base lines referred to in this Decree will be clearly indicated on the marine charts which will be given adequate publicity in accordance with the provisions of paragraph 6 of Article 4 of the Convention on the Territorial Sea and the Contiguous Zone of April 29, 1958.

In compliance with the provisions of Fraction 1, Article 89 of the Political Constitution of the United Mexican States and for its publication and observance I promulgate this regulation in the seat of the Federal Executive Power in the City of Mexico on the 29th day of the month of August of 1968.

The decree creates, in effect, two systems of segmented straight baselines, one on the east coast of the Gulf and one on the west, which join at San Esteban Island approximately 175 nautical miles from the head of the Gulf. The effect of the law is to add approximately 30% of the Gulf of California to the internal waters of the State. The straight baselines, which alternate with stretches of mean low water shore line of the mainland and of islands, extend as follows:

<u>Points</u> <u>West Coast</u>	<u>Length</u> <u>(in nm)</u>	<u>Comments</u>
Punta Arena-Roca Montana	39.4	Parallel to coast at a distance of approximately 8 – 10 miles.
N. cape Cerralvo I. - las Focas	3.9	
las Focas - Punta Lobos (Espiritu Santo)	18.0	Convergent to the coast.
North cape (Espiritu Santo) - SE cape (Partida)	1.0	
Los Isolotes (Partida) - San Jose I.	19.5	Follows general trend of coast.
San Jose - Las Animas	6.0	Diverges from the coast at an angle of c. 60°
Las Animas - I. Santa Cruz	15.7	Follows general trend of coast at a distance of c. 15 nautical miles.
Santa Cruz - I. Santa Catalina	17.6	Same
Santa Catalina - I. Carmen	26.5	Same
I. Carmen - I Coronados	11.5	Convergent to coast.
I. Coronados - Punta Mangles	10.9	Rejoins mainland.
Punta Pulpito - I. San Ildelfonso	6.6	Diverges from coast at an angle of c. 40°.
I. San Ildelfonso - Punta Santa Teresa	6.8	Rejoins mainland.
Punta Concepcion - Santa Ines	10.9	Parallel to coast; closes off bay.
I. Santa Ines - I. Tortuga	23.5	Divergent to coast line at an angle of c. 40°.
I. Tortuga - Punta Baja	27.5	Rejoins mainland.
Cabo San Miguel - I. San Esteban	30.3	Divergent from coast at an angle of c. 50°. Serves to close Gulf.

<u>Points East Coast</u>	<u>Length (in nm)</u>	<u>Comments</u>
Cabo Arco - Puerto San Carlos	7.3	Closes small bay.
Punta Doble - I. San Pedro Nolasco	14.0	Divergent from coast at an angle of c. 40°.
I. San Pedro Nolasco - Punta Lesna	13.4	Rejoins mainland.
Punta Baja - I. Turners	34.9	Encloses bay-like waters contained between I. Tiburon and mainland.
I. Turners - I. San Esteban	12.2	Closes off northern portion of Gulf in conjunction with west coast line.

The twenty-two segments of straight baselines total 357.4 nautical miles in length. The average length of a segment is 16.24 nautical miles while the longest, from Punta Arena to Isla Cerralvo, measures 39.4 nautical miles. The lines, which follow the coast at a distance between 10 and 15 nautical miles on the average, extend to approximately 25 miles from the mainland at Isla Tortuga and Isla San Esteban.

In the main, the Mexican baselines connect islands which may be judged to infringe the coast. However, in four instances the straight baselines do not conform to the general trend of the coast. The lines enclosing the islands of Las Animas, San Ildelfonso, Tortuga and San Pedro Nolasco all diverge from the coast at angles greater than 40 degrees. These angles are maintained over both the local and general trends of the coast. Moreover, straight baselines serve to cut off nearly 30% of the area of the Gulf from the previously defined high seas. Such a move, it would appear, could be justified only on the basis of historic waters as claimed over a considerable period of time. Sole and intensive use by local inhabitants would need to be established. However, no such claim has been discovered in the public record. It should be noted that the northern quarter of the Gulf is virtually devoid of islands. Moreover, the coast is relatively smooth, although a few bay-like indentations exist. As a result, straight baselines for the section would add very little to the internal waters of Mexico.