

The Archipelagic Regime

The Convention also recognizes the concept of an archipelagic state and archipelagic waters, defining an archipelago in Article 46(a) as "a group of island, 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." Article 47, however, allows a baseline to be drawn connecting islands and enclosing archipelagic waters only if "the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1." This definition can be met by only a few island communities, primarily Indonesia, the Philippines, Fiji, the Bahamas, the Solomon Islands, and Papua New Guinea. The primary difference between "archipelagic waters" and waters in the exclusive economic zone (EEZ) is that a nation has sovereignty over the waters themselves in the archipelagic situation and the navigational rights of other nations are subject to greater restrictions (although they have the right of "archipelagic sea lanes passage" through straits normally used for international passage).

The Convention also recognizes the concept of "historic" internal waters in Article 10(6), but it is usually difficult for a nation to establish a claim for waters in this category.