

RESOLUTION No. 1/2012

BASELINES UNDER THE INTERNATIONAL LAW OF THE SEA

The 75th Conference of the International Law Association held in Sofia, Bulgaria, 26 to 30 August 2012:

HAVING CONSIDERED the Report of the Committee on Baselines under the International Law of the Sea;

APPRECIATING the work done by the Committee in identifying the existing law concerning the normal baseline and assessing the need for further clarification or development of that law;

NOTING the conclusions of the Committee, in particular addressing:

1. The text and legislative history of Article 5 of the 1982 United Nations Convention on the Law of the Sea and its predecessor Article 3 of the 1958 UN Geneva Convention on the Territorial Sea and Contiguous Zone;
2. The origin of the phrase “as marked on large-scale charts officially recognised by the coastal State” in Article 5;
3. The treatment of the normal baseline in international judicial decisions;
4. The approaches adopted in national legislation and judicial decisions concerning the description of, publication of and sources of evidence to prove the location of the normal baseline;
5. The implications of the existing law of the normal baseline in situations of territorial gain resulting from human-made structures and the artificial conservation or extension of existing coasts;
6. The implications of the existing law of the normal baseline in situations of territorial loss resulting from sea-level rise;
7. The recognition that substantial territorial loss resulting from sea-level rise is an issue that extends beyond baselines and the law of the sea, and encompasses consideration at a junction of several parts of international law, including such fundamental aspects as elements of statehood under international law, human rights, refugee law, and access to resources, as well as broader issues of international peace and security; and
8. The acknowledgement that the above issue requires consideration by a committee established for the specific purpose of addressing this broad range of concerns;

REQUESTS the Secretary-General of the International Law Association to forward the Committee’s Report together with this Resolution to the Secretary-General of the United Nations with the request that they be brought to the attention of States Parties to the United Nations Convention on the Law of the Sea, other interested States, the International Court of Justice, the International Tribunal for the Law of the Sea, the Permanent Court of Arbitration and other interested parties.