

P Vrancken *South Africa and the Law of the Sea* (2011)

Chapter Three Update

Page 83, line 14

After the full stop, insert footnote number 2A.

Page 83, footnote 2A

After footnote 2, insert the following footnote:

See K. Trümpler “Article 5” in A. Proelss (ed.) *United Nations Convention on the Law of the Sea – A Commentary* (2017) 45–56.

Page 91, line 15

Replace “comprise (a)” with “comprise: (a)”.

Page 93, line 7

Delete footnote number 67.

Page 93, line 9

After the full stop, insert footnote number 67 as well as the following:

The meaning of the phrase “flows directly into the sea” remains uncertain. The French text refers to the case of a river that “*se jette dans la mer sans former d’estuaire*”. This appears to indicate that the word “directly” in the English text must be understood to mean “without creating an estuary”. In other words, whether article 9 applies in any specific case depends on whether there is an estuary at the mouth of the river concerned, a fact not always easy to establish,^{67A} especially without a definition of the term “estuary” in LOSC. This gap was filled by several bodies, which define an estuary as “the tidal mouth of a river, where the tide meets the current of fresh water”^{67B} and “where the seawater is measurably diluted by the fresh water from the river”.^{67C} On that basis, article 9 would seem not to apply to the mouths of many rivers,^{67D} including “[m]ost large rivers”.^{67E} In such cases, it would appear that, as was held in *Post Office v Estuary Radio*,^{67F} “the question of the baseline should be governed by the provisions concerning bays” in article 10.^{67G} Where the river enters the sea via a delta,^{67H} the coastal State might be able to apply article 7(2) of LOSC instead of article 9 or article 10.^{67I}

Page 93, line 10

Replace “rivers flowing directly into the sea” with “river mouths”.

Page 93, footnote 67

After footnote 66, insert the following footnote:

See C. Symmons “Article 9” in Proelss (n. 2A) 96–104.

Page 93, footnote 67A

After footnote 67, insert the following footnote:

Churchill & Lowe (n. 20) 47, who point out that it is also not “always easy to determine exactly where the mouth of a river is located, especially on a coast with an extensive tidal range”, and refer to the case of the drawing by Argentina and Uruguay, in 1961, of “a line

120 miles in length across the mouth of the river Plate between Punta del Este in Uruguay and Cabo San Antonio in Argentina”.

Page 93, footnote 67B

After footnote 67A, insert the following footnote:

UN Office for Ocean Affairs and the Law of the Sea (n. 12) 54.

Page 93, footnote 67C

After footnote 67B, insert the following footnote:

International Oceanographic Commission (IOC), IHO & International Association of Geodesy (IAG) Advisory Board on the Law of the Sea *A Manual on Technical Aspects of the United Nations Convention on the Law of the Sea – 1982* (2006) Appendix 1-12. See also G.K. Walker (ed.) *Definitions for the Law of the Sea* (2012) 189.

Page 93, footnote 67D

After footnote 67C, insert the following footnote:

See Nandan & Rosenne (n. 18) 111; Symmons (n. 67) 99.

Page 93, footnote 67E

After footnote 67D, insert the following footnote:

Churchill & Lowe (n. 20) 46.

Page 93, footnote 67F

After footnote 67E, insert the following footnote:

[1968] 2 QB 740.

Page 93, footnote 67G

After footnote 67F, insert the following footnote:

Churchill & Lowe (n. 20) 46.

Page 93, footnote 67H

After footnote 67G, insert the following footnote:

A delta may be defined as “[a] tract of alluvial land enclosed and traversed by the diverging mouths of a river” (IOC, IHO & IAG (n. 67C) Appendix 1-12). See also Walker (n. 67C) 164.

Page 93, footnote 67I

After footnote 67H, insert the following footnote:

See L.M. Alexander “Baseline delimitations and maritime boundaries” (1983) 23 *Virginia Journal of International Law* 512; Churchill & Lowe (n. 20) 47.

Page 97, last line

Add the following:

It remains to be seen what impact climate change will have, in the years ahead, on the South African shore and its baselines.⁸¹

Page 97, footnote 81

At the end of the page, insert the following footnote:

See V. Surbun “Shifting sand and shifting jurisdiction: Sea level change and its implications for maritime sovereignty in Southern Africa” (2015) 40 *SAYIL* 263–280.