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Secretary General to the United Nations  
Room: S-2922

International Law Commission

Permanent Mission of the  
Kingdom of the Netherlands to  
the United Nations

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The Permanent Mission of the Kingdom of the Netherlands presents its compliments to the Office of Legal Affairs of the United Nations.

In response to the invitation of the International Law Commission (ILC) for examples of practice relating to the updating, and frequency of updating, charts on which baselines and outer limits of the exclusive economic zone and of the continental shelf are drawn, as well as lists of geographical coordinates prepared in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and/or national legislation, including those which are deposited with the Secretary-General of the United Nations and given due publicity; examples of practice relating to updating, and frequency of updating, navigational charts, including for purposes of evidencing changes of the physical contours of the coastal areas, the Kingdom of the Netherlands would like to remark the following.

These comments and observations concern the practice of the Kingdom of the Netherlands with regard to ambulatory baselines. This practice occurs only in the European part of the Kingdom. The relevant provisions in the 1982 Convention on the Law of the Sea (UNCLOS) concerning baselines are, with respect to the European part of the Kingdom, implemented through the Netherlands Territorial Sea (Demarcation) Act (*Wet Grenzen Territoriale Zee*) of 1985. This Act describes the method for determining the baselines and consequently the breadth of the territorial sea. The coastline of the Netherlands consists of normal and straight baselines and closing lines. A normal baseline is defined by the low-water line along the coast. The Act lays down that the low-water line shall be defined as the line indicating the depth of 0 metres on the large-scale Dutch sea charts issued upon the instructions of the Minister of Defence.

The southern North Sea is a relatively shallow sea with a dynamic seabed behaviour. The combination of these two factors and the high shipping intensity creates a need for a high resurvey frequency, in order to reduce the risk of grounding of vessels. The Netherlands Hydrographic Office (part of the Ministry of Defence), which is responsible for the publication of accurate and up-to-date nautical charts, has a risk-based resurvey plan. This plan divides the Dutch part of the North Sea in pieces with a resurvey frequency between 2 and 25 years. The part of the North Sea near the coastline falls under the responsibility of the Ministry of Infrastructure and Water Management and is monitored even more frequently for coastal defence purposes. The results of the surveys of both Ministries are combined and published in the official charts, issued by the Netherlands Hydrographic Office.

The normal baselines are created from the low water line along the coast, relative to the Lowest Astronomical Tidal chart datum as published in the official charts. The high resurvey frequency results in the frequent publication of an updated low water line. Additionally, low tide elevations within the distance of the 12 NM appear and disappear, causing further changes to the determination of the normal baselines. When such a change results in a change in the Territorial Sea limit exceeding 0.1 NM, the normal baselines will be adjusted accordingly. When a Notice to Mariners or New Edition of a Chart is published by the Netherlands Hydrographic Office, the newly adjusted normal baselines and associated maritime limits are published as well. On average, the maritime limits of the Netherlands change 1-2 times per year. These changes are not deposited with the Secretary-General of the United Nations on a regular basis.

In response to the request for information on the amount of actual and/or projected coastal regression due to sea-level rise, including possible impact on basepoints and baselines used to measure the territorial sea, the Kingdom of the Netherlands remarks the following.

In respect of the European part of the Netherlands a so-called 'basic coastline' has been established [for policy purposes]. A structural coastal policy was first adopted in 1990 in reaction to serious coastal erosion caused by severe storms. An important tool to maintain and preserve the coastline is the 'basic coastline', which is defined as an imaginary, indicative line along our coast, in between the low-water line along the coast at the bottom and the dune foot (NAP + 3 m) at the top.

In the Netherlands, the sand nourishments to maintain the coastline are based on the (yearly varying) location of the coastline and on an analysis of the annual coastal measurements, as compared to the basic coastline. Without the annual sand nourishments, the Dutch coast would shift inland by an average of 1 meter per year.

The basic coastline ['approach'] is evaluated every six years in terms of location and efficiency. It is also periodically reviewed whether the effects of the rising sea level should be taken into account. In the upcoming evaluation of 2023/2024 this will be evaluated in more detail by the Ministry of Infrastructure and Water Management.

In response to the request for information on existing or projected activities related to coastal adaptation measures in relation to sea-level rise, including preservation of basepoints and baselines, the Kingdom of the Netherlands remarks the following.

In respect of the European part of the Netherlands, the current adaptation measures executed by the Dutch authorities in order to preserve the coastline take the form of sand nourishment (the so-called 'the soft solution'). The basic coastline remains basically the same.

While in the past a hard flood defense was used, nowadays a soft and sandy reinforcement is considered the preferred option. An example is the coastal area formerly known as 'the Hondsbossche and Pettemer sea dike/defence' (*Hondsbossche en Pettemer Zeewering*), now transformed into 'the Hondsbossche dunes' (*Hondsbossche Duinen*).

The national 'Knowledge Programme on Sea Level Rise' (in operation since late 2019) deals with the consequences of the expected (acceleration of the) sea level rise for, among other things, the sandy coast of the European Part of the Netherlands, particularly in respect to the amount of sand that would have to be replenished in the long term (2050/2100/2150). Until approximately 2035 the Netherlands expects to require annually 11 million cubic meters of sand to protect the coast(line). This is the same amount that has been used on an annual basis since 1990. After 2035 the amount required will depend on the rate of sea level rise. The faster the sea level rises, the greater the amount of sand that will be required for coastline preservation. The key question would then be, whether sand nourishment would still be the best way to maintain, preserve and defend the sandy coastline of the European part of the Netherlands or whether other activities should be envisaged.

The Permanent Mission of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Office of Legal Affairs the assurances of its highest consideration.