Chapter 9

The Legal Regime of the Channel/La Manche*

This chapter surveys the current legal status of the narrow seas separating the coasts of France and the United Kingdom. The survey will include an examination of the ways in which the two coastal states have implemented the United Nations Convention on the Law of the Sea (“LOS Convention”), as well as the extent to which the two Governments have cooperated over matters such as the safety of navigation, environmental protection and the delimitation of boundaries to their mutual benefit. There exist close economic and social links between the two Governments and nations, which remain allies and partners as well as neighbours across the waters.

I The Geographical Setting

The waters in question are known, of course, in French somewhat poetically as “La Manche” and in English more prosaically as the “English Channel” (in this article,

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* First published in La Mer et Son Droit, Mélanges offerts à Laurent Lucchini et Jean-Pierre Quéneudec (2003) 39-56.

1 In a note entitled “Law of the Sea Convention: Confusion over the use of ‘UNCLOS’, and references to other Recent Agreements,” W.R. Edeson has urged authors to use the correct title, rather than more descriptive ones such as “UNCLOS” and “Montego Bay Convention”: see 15 International Journal of Marine and Coastal Law (2000), p. 413.
simply “the Channel”). These shallow waters\textsuperscript{2} stretch from the Straits of Dover/Pas de Calais in the east to an imaginary line drawn from Ushant/Oeussant to the Isles of Scilly in the west, a total distance of approximately 304 nautical miles (nm). The widths vary from as little as 18 nm in the Straits to a maximum of 99 nm in the west. To the east of a line from Cherbourg to the Isle of Wight, the Channel is very narrow and thus composed primarily of territorial seas, whereas to the west of that line the Channel opens out towards the North Atlantic. The English coasts, including those of the Isle of Wight, form the whole of the north side of the Channel, while the French coasts face the south side, producing a simple north-south division. However this simple pattern is complicated by the presence of the Channel Islands/\textit{Les Iles Anglo-Normandes}. Situated within sight of the Norman and Breton coasts, the two Bailiwicks of Guernsey and Jersey remain Dependencies of the British Crown, held in right of the ancient Duchy of Normandy.

\section*{II \hspace{1em} The Principal Uses of the Channel}

The Channel has many different uses. Above all, it represents a vital artery for international shipping, whether passing through in transit between ports in Northern Europe and the rest of the world or calling at major Channel ports such as Le Havre, Cherbourg or Southampton. Approximately 120,000 vessels pass through the straits each year and almost as many use the traffic lanes off the Casquets.\textsuperscript{3} In view of the high volumes of traffic, the coasts of France and the United Kingdom are especially vulnerable to pollution resulting from collisions between passing ships, as well as sinkings, strandings, losses of deck cargo over the side and other incidents of navigation. Over the years, the Channel has seen all too many accidents which have led to loss of life\textsuperscript{4} and pollution of the sea and coasts. It suffices to mention the cases of the Torrey Canyon, the Amoco Cadiz, the Perentis and the Ievoli Sun. During 2001, there were 654 incidents in the vicinity of the Straits of Dover and 21 lives were lost.\textsuperscript{5} Ferry traffic between French and English ports is heavy on several routes, from Dover-Dunkirk in the east to Plymouth-Roscoff in the west. The average number of

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\item \textsuperscript{2} The depths vary from 40 metres to 100 metres, except in the Hurd Deep to the north of Guernsey which reaches 160 metres. Much of the environmental material has been taken from Tappin and Reid, “The English Channel,” Chapter 5 in C.R.C. Sheppard (ed.) \textit{Seas at the Millennium: An Environmental Evaluation} (2000).
\item \textsuperscript{4} On 27 August 2002, \textit{Le Monde} reported the loss of the French fishing vessel “La Cistude” after a collision with a Norwegian chemical tanker approximately 30 nm west of the Channel Islands, resulting in the deaths of four fishermen: www.lemonde.fr.
\item \textsuperscript{5} Annual Review of the Dover Coastguards for 2001 (fn. 3).
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