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State Borders in the Light of International Public Law. An Outline of the Issues

The concept of a border and types of land borders

In response to the COVID-19 pandemic, which in 2020 spread throughout the territory of most countries, many governments closed their borders in order to protect their own population from its negative effects, thus preventing or hindering movement, while at the same time realizing the role of the border for the state. When reflecting on its meaning, it should be emphasized that the existence of a border is related to the division of powers between states in space, thus determining the scope of their power over a given area. This power is based on the principle of reality or, in other words, efficiency.[1] In turn, this is related to the criterion of sovereignty, which is the uninterrupted and peaceful exercise of state functions, the limitation of which in space are the boundaries defined as a line or plane perpendicular to the border line within which the territory of the state is contained. At the same time, a border separates a state from another state or area that is res nullius or res communis, which corresponds to the fact that a territory, being a three – dimensional space, is not limited only to the surface of the globe, because the boundaries are also delimited by air space, sea space and the interior of the Earth.[2]

1 M. Bartoś, *Les difficultes du reglement des litiges de frontier*, "Revue de la Politique Internationale" 1959, no. 229, p. 10–12; C. Berezowski, *Prawo międzynarodowe publiczne*, Warszawa 1966, I, p. 184.

2 L. Antonowicz, *Podręcznik prawa międzynarodowego*, Warszawa 2015, p. 106; T. Baudet, *The Significance of Borders*, Leiden 2012, p. 128; T. Jasudowicz, *Granice państwa*, in: *Wielka Encyklopedia Prawa. Prawo międzynarodowe publiczne*, Warszawa 2014, vol. IV, p. 109.

When analyzing the essence of a border, it should be emphasized that it does not exist independently in the sphere of international law, as its course in space, whether through land, sea or air, is, as a rule, the result of territorial changes taking place in the form of either the acquisition or loss of territory, causing a corresponding change of its course, which in turn necessitates its delimitation and demarcation. Nowadays, the legal basis for territorial delimitation is treaty law, or, in its absence, customary law, which supplements the former with general principles for delimiting state areas.[3] However, this was not always the case: in ancient times Mediterranean societies and empires (mainly Greek and Roman), as well as those of the Middle East, did not need to delineate the boundaries of their legal orders, as wherever their troops went, their power also reached. This changed over time, but it was only in the period of ancient Rome that 'limes' in the sense of the dividing line (limes Imperii Romani) were marked on maps. These lines corresponded to various fortifications on the ground which required maintenance, including the presence of border troops, to counteract the incursions of the barbarians from the north (Huns and Goths), thereby generating the considerable financial expenses which were one of the causes of the fall of the Roman Empire (around 476–480 AD).[4] The word 'border' appears again at the turn of the 13th and 14th centuries, but the Middle Ages were also characterized by a lack of borders in the present sense of the word. This state of affairs lasted until the end of the 17th century, the time when border territories appeared instead of borders, and their course was often marked by the location of fortified castles, rivers or a line of walls.[5] It was only in the years of the French Revolution (1789–1799) that the concept of a linear border appeared, which can be seen in the treaties concluded by France until the end

3 C. Berezowski, *Prawo międzynarodowe…*, p. 184.

4 See more E. Rowson, *The Literary Sources for Pre – Marian Army*, in: *Roman Culture and Society*, Oxford 1991, p. 286.

5 See more J. Gilas, *Granica państwa*, in *Encyklopedia prawa międzynarodowego i stosunków międzynarodowych*, Warszawa 1976, p. 90–91; J. Symonides, *Terytorium państwowe w świetle zasady efektywności*, Toruń 1971, p. 185.

of the 18th century or the beginning of the 19th century, and in the Final Act of the Congress of Vienna of 1815.[6]

The concept of a border is also related to the definition of their character, and due to the method of their determination and their routing, they are divided into land, sea and air. The first of these may be natural or may consist of artificial boundaries. Natural ones can be defined by mountain ranges, for example. However, in practice – except for borderlines connecting the highest peaks of the mountains, the land border in the form of a watershed has the advantage.

In the case of borders involving non – navigable and navigable rivers and other inland waterways, the following solution is adopted: the border runs along the median, i.e. the center of the non – navigable riverbed, watercourses and canals, and in relation to navigable rivers – along the main, deepest river current (talweg), entailing that its course may be variable. Sometimes it is also assumed that if the river leaves the current and creates a new bed, the center of the abandoned bed will remain the border. Finally, in the case of a lake, the border is marked out similarly to navigable rivers – it runs through the middle of a border lake.[7]

6 J. Gilas, *Granica państwa…*, p. 90; J. Symonides, *Terytorium państwowe…*, p. 185

7 Referring to examples from international practice, it should be emphasized that the law, in the absence of a different contractual regulation, recognizes that the waters of border lakes may belong, in relative parts, to neighboring states, or the border may run along the center of the lake's surface. The latter solution, i.e. the center of the lake's water surface, was adopted in relation to the contractual delimitation of the waters of Lake Constance (through which the Rhine flows) lying on the border of the Swiss Upland, the Bavarian Upland and the Western and Eastern Alps, on the shores of which Austria, Germany, Switzerland lie; and Lake Geneva, between Switzerland and France. Cf. G.H. Hackworth, *Digest of International Law*, Washington 1940, vol. 1, p. 615 and next. Similar solutions have been adopted to delimit the waters of the Great Lakes in North America, along the surface of which runs the border between the United States of America and Canada. Pursuant to the treaties concluded between these countries in 1783, 1814, 1842, 1907, the center line as the border was adopted in relation to Lakes Erie, Huron and Ontario, and in relation to the waters of Lake Superior, the principle of the middle line of the deepest current was adopted. Cf. p. Fauchille, *Traite de droid intenational public*, Paris 1925, vol. 1, part 2, p. 419. According to the above principle, by the Estonian – Russian treaty of February 1920, the border waters of Lake Peipus (Eastern Estonia) were divided. Cf. J. Lewandowski, *Estonia*, Warszawa 2001, p. 154; R. Taagepera, *The Baltic Sea, Years of Dependence 1949–1991*, London 1993, p. 189 ff. The waters of Lake Ohrid were similarly divided, the largest in the Balkans, located between Albania and Montenegro,

Land borders can also be classified according to the way they are established. Hence, they can be divided into orographic – taking into account the shape of the earth's surface; and mathematical – running independently of the topography, which occurs, for example, when delimiting the Arctic space on the basis of the so-called sector theory. A special type of borders are astronomical borders, running along meridians or parallels, characteristic for the separation of territories on the African or North American continent, as well as in Asia.[8] Less often, they are the result of an arbitration or court ruling, or a decision of an international body, as was the case, for example, with the decisions of the Confederation of Ambassadors of Great Powers or the League of Nations Council, in which the powers to define post-war European borders arose from the

and Lake Pres, located between Albania, Greece and North Macedonia, or on the African continent lakes: Albert – between the Democratic Republic of Congo and Uganda; Tanganyika – between the Democratic Republic of Congo and Tanzania; Victoria – between Tanzania and Uganda; Muere – between the Democratic Republic of Congo and Zambia; as well as the waters of Lake Chad (in the southern part of the Sahara), divided between Chad, Cameroon, Nigeria and Niger; and finally on the South American continent, the waters of the tectonic Lake Titicaca, divided between Peru and Bolivia. However, in relation to the waters of Lake Hanka, located in Far East Asia, between China and the Russian Federation, a demarcation analogous to the navigable rivers was applied, while in relation to the Aral Lake its waters were divided in appropriate parts between Kazakhstan and Uzbekistan. And the problem of closed seas in the physical sense, surrounded by land on all sides, without connection to international waters, where the legal situation is similar to that of a lake, an example of such a sea being the Caspian Sea, the shores of which are ruled by the following states: Azerbaijan, the Russian Federation, Iran, Kazakhstan and Turkmenistan. Regarding the borders on the river: see M. N. Shaw, *Prawo międzynarodowe*, Warszawa 2008, p. 338; M. Benhenda, *La frontiere en dront international public*, Paris 2–3, vol. 1, p. 205.

8 An example of southern state borders on the African continent are: the Egyptian – Libyan borrder, partially the Kenyan-Somalian border, the Malian-Mauritanian border, and the border between Namibia and Botswana; on the South American continent – the Argentinian-Chilean border, in North America – partly the border between Canada and Alaska (the US state). On the other hand, partially latitudinal borders in Africa is the border between Egypt and Sudan, and between Mauritania and the Western Sahara; on the North American continent – partly the border between Canada and the United States; on the Asian continent – the border along the 38th parallel between North Korea (Democratic People's Republic of Korea) and South Korea (Republic of Korea) established in July 1953 by the Armistice of Panmunjon which ended the Korean War 1950–1953; finally, in Europe, the northern part of the border of the Republic of Poland with the Kaliningrad Oblast, the farthest territorial unit in the Russian Federation. Cf. R. Bierzanek, J. Symonides, *Prawo międzynarodowe publiczne*, Warszawa 2005, p. 209–211.

peace treaties of 1919–1920 which ended the First World War.[9] Sometimes the land border may take the form of so-called "lines of control", in other words – a temporary border, as currently exists in relation to the mountainous state of Jammu and Kashmir in South Asia, the disputed area between India, China and Pakistan, and in the Northeast Himalayas in relation to the state of Arunacal Prades, constituting the Hindu north-eastern territory – the state of affairs of which, together with the border separating it from China, the latter does not recognize. Taking into account both the nature of the borders and their types, it should be emphasized that the determination and actual course of a border is related to specific stages, including: a political decision by which a certain territory is granted to another state or other states, then the delimitation of the border, i.e. the precise determination of its course by marking on a map of an appropriate scale, which in turn is the basis for its demarcation, i.e. marking its course in the field with appropriate signs, which is performed by a mixed commission consisting, on a parity basis, of representatives of countries delimiting their territories.[10] The last stage is establishing the rules of border administration, that is, the regulation between the interested parties of such matters as the use of waters, roads, border bridges and forest management, and the rules for fishing, hunting or – mining exploitation.

Consideration should also be given to the fact that the territory of a state is usually presented as a segment of the globe which includes

9 L. Gelberg, *Prawo międzynarodowe i historia dyplomatyczna. Wybór dokumentów*, Warszawa 1954–1960, vol. 2, p. 204–208; A. Nowak, *Pierwsza zdrada Zachodu. 1920 – zapomniany appeasement*, Kraków 2015, p. 144 and next. According to J. Symonides, *Terytorium państwowe…*, p. 183, a border may also be the result of long – term and peaceful possession, otherwise it may be the result of usucapion. See also: Ch. G. Fenwick, *International Law*, New York 1948, p. 370–371; J. L. Huillier, *Droit intemational public*, Paris 1949, p. 154. Cf. Recueil de tekts a l'usage des conferences de la paix, Paris 1946, p. 20; L. Gelberg, *Prawo międzynarodowe…*, vol. 3, p. 135; *Zbiór Dokumentów*, Warszawa 1946, no. 1, p. 3–33.

10 For example, the political decisions of the leaders of the Great Allied Three, i.e. the Soviet Union, the United States and Great Britain, taken during World War II during the Tehran conference in 1943 (November–December) and the Yalta-Potsdam conference in 1945 (February–July–August) in relation to the borders of the Republic of Poland after World War II.

the space above and below the earth's surface, and when it is a coastal, island or archipelagic state; it also includes the space above the sea waters of such a state. Recognizing that the state's sovereignty extends also to its underground area, it is assumed that it reaches the center of the globe, which is a geometrical cone, the base of which is the surface of the globe, and its apex – the center of the globe.[11] In practice, the limit to which the state's sovereignty over the interior of the earth reaches is determined by its effective ability to exploit underground resources.

The Sea Border of a State

The above comments should also apply to a country's sea area, since – similarly to the interior of the earth – they cannot be considered in isolation from the country's land territory, as they are adjacent to it.

In the case of the sea area and their borders, the economic interests and security of the state mean that the country has strived to extend its sovereignty over the adjacent sea basins so that, in addition to internal sea waters and the territorial sea, it also covers the waters of historical straits and bays, which are treated as internal on the basis of historical laws, and which resulted in the emergence of problems concerning the actual extent of sovereignty over sea waters and thus the determination of the actual limit of the jurisdiction of a sea state. This turns out to be important, because in the past, in order to determine the extent of state sovereignty over a sea area, various solutions were used, for example, adopting a distance of 100 nautical miles from the shore as the border of the state's maritime sovereignty, which was supposed to correspond to a two – day journey on a ship at that time. Sometimes the criterion of visibility from the shore was referred to, but it was not known whether this denoted the visibility from the flat contact of land with the sea or the visibility of a high shore (cliff); and another solution

11 L. Antonowicz, *Podręcznik prawa międzynarodowego…*, p. 106; J. Gilas, *Granica państwa…*, p. 91; J. Symonides, *Terytorium państwowe…*, p. 188 .

was that sea waters would belong in equal parts to each of the states located by the sea. Finally, reference was made to the eighteenth-century rule coined by the Dutchman C. van Bynkershoek, namely that "terrae podesta finite armorum vis", so that the boundary of sovereignty reaches the distance of a cannon shot from a given land.[12] However, none of the proposed solutions answered the question of how to define the border of a state's maritime areas beyond any doubt, and thus establish the border of its territorial sovereignty. Due to the lack of a uniform practice of the state in the discussed matter, they began to determine the size of the maritime zones subject to their sovereignty by themselves. This led to a highly diversified approach to the issue in question. Attempts were made to harmonize the approaches during the Geneva Convention in 1958, which was devoted to the statutory international rights of territories marine and offshore. However, it was the United Nations Convention on the Law of the Sea, adopted in December 1982, that regulated all the issues of the law of the sea, including the legal status and boundaries of sea water zones subject to effective state power.[13]

Currently, the following zones of sea waters should be distinguished: internal sea waters with bays, territorial sea, sea archipelagic waters, and straits included in coastal sea waters.

The first of these zones, i.e. internal sea waters, are situated between the land and the inner border of the second zone – the territorial sea. Determining the baseline from which the width of the waters of this body of water is measured depends on the shape of the shoreline. With regard to the shore with a regular shape, the baseline, i.e. the contact between the land and the sea, will be the line of the farthest water level. In the case of an unshaped shore, there will be a system of straight baselines, causing the waters to consist of the waters of ports and their rivers, as well as bays, the shores of which belong to a single state, provided that their en-

12 Cf. Ch. G. Fenwick, *International…*, p. 375; L. Oppenheim, H. Lauterpacht, *International Law*, London 1955, vol. 1, p. 409; Ch. Rousseau, *Droit intemational public*, Paris 1953, p. 436; J. Symonides, *Terytorium państwowe…*, p. 193.

13 Journal Of Laws of 2002, no. 59, item 543.

trance does not exceed 24 nautical miles.[14] The presence of a delta at the mouth of the river into the sea means that the coastline is a non-constant baseline, which means that it can be defined by the points farthest from the sea in the line of the lowest state of the sea at its low tide, and the baseline determined in this way will apply irrespective of the possible subsequent withdrawal of the lowest water level.

Also, archipelagic marine waters, which are a new category of marine waters provided for by the 1982 Convention, are treated as internal sea waters of a state consisting entirely of one or more archipelagos, or others formed at the parallel or meridian, having the character of a coastal archipelago lying on the continental shelf (e.g. Great Britain), or volcanic (e.g. Indonesia, Japanese Islands), or coral (e.g. Marshall Islands in the Pacific Ocean). Finally, there are archipelagos within which we can distinguish smaller archipelagos (for example, the Moluccas or the Riau in the Malay Archipelago in Southeast Asia), whose sovereignty extends over the waters within the archipelago baselines delineated according to the essence of Article 47 of the Convention in 1982, which stipulates that the state may draw straight baselines for the archipelago connecting the outermost points of the outer islands or drying reefs, which may serve as baseline points, provided, however, that the ratio of water to land, including the atolls, is in the ratio 1: 1 to 9: 1, and further that the length of the baselines shall not exceed 100 nautical miles, except that 3% of the total number of baselines covering an archipelago may exceed this length by a maximum of 125 nautical miles. In addition, baselines should not be drawn by temporary ascent markings unless they are lighthouses, and, furthermore, the baseline system must not cut off another country's territorial sea from the high seas or sea special zones. Finally, all the waters within such baselines are archipelagic waters with exist-

14 In Poland, the status of internal sea waters have: part of the Nowowarpieńska Bay and the Szczecin Lagoon, part of the Gdańsk Bay closed by a line connecting the Hel Cape with the point of contact of the Polish-Russian border on the Vistula Spit, and part of the Vistula Lagoon to the west of the line connecting the Polish-Russian border on land with the border at the Vistula Spit.

ing agreements and submarine cables, the right of innocent passage, and the right of passage through the archipelago sea route.

Archipelagic marine waters are therefore sea waters situated on the inner side of straight archipelagic baselines drawn through the outermost points of archipelagos of individual islands or reefs, but with limitations as to the maximum lengths of these lines and the appropriate proportion between the land area and the maritime territory of the country.[15]

Bays are another body ofterritorial water and these are divided into sea bays and historical bays. The former are a distinct depression of the shoreline, wherein the indentations into the land in relation to their width are such that the waters of the bays are covered by land and at the same time they are more than just a land indentation. On the other hand, the test that is to answer whether a cavity in the land corresponds to the definition of a bay is to compare the surface of the cavity with the surface of a semicircle, the diameter of which is a line drawn through the opening of the cavity. Thus, if the area of the indentation is equal to or greater than the area of a semicircle, the bay can be considered a body of internal sea waters. However, in the event that the shores of the bay belong to two or more states, the delimitation of waters is performed by a contractual agreement between the states concerned.

Historical bays are also the concavity of the sea shore, and due to the location and size of the opening, they are also classified as internal sea waters, despite the fact that the opening to the sea at the time of the farthest tide may exceed twice the width of the territorial sea, i.e. 24 nautical miles, and over which waters the states exercise sovereignty, including the seabed and the underground beneath these waters, and the air space above them, on the basis of a geographical title also justified by historical arguments, i.e. that they have long been

15 Cf. J. Gilas, *Status obszarów morskich*, in: *Prawo Morskie*, ed. J. Łopuski, Bydgoszcz 1996, p. 58; L. Łukaszuk, *Morskie wody archipelagowe*, in: *Wielka Encyklopedia Prawa*, op. cit., pp. 268–269; T. Wasilewski, *Morskie wody wewnętrzne* in: *Wielka Encyklopedia Prawa*, op. cit, p. 269; M.N. Shaw, op.cit., pp. 360–361.

treated as internal waters both by the sea state concerned and by foreign states.[16]

Another zone of sea waters is a territorial sea, which constitutes a strip of waters situated between the inner boundary of sea special zones, i.e. the adjacent sea belt, the zone of excluded fishing and the excluded economic zone, and the baseline of this sea, which is also the outer limit of internal sea waters.[17] The width of the water strip of this body of water is regulated by the Convention on the Law of the Sea of 1982, assuming that a country with access to the sea has the right to establish its own territorial sea in such a way that its width does not exceed 12 nautical miles from the baseline which is the end line of internal sea waters. Without going into the matter of convective regulations in detail, it should be concluded that the border of the territorial sea depends on the configuration of the seacoast. Thus, in the case of an unshaped coastline, when delimiting its baseline, one should refer to the system of straight baselines, taking into account, however, that when delineating them, the sea area located inside these lines should be related to the land in such a way that it can be treated as a part of coastal sea waters. While the baseline of this sea may be traced through points also on islands in that body of water, they cannot be traced at the elevations of the seabed that emerge only periodically at low tide; at the same time, the system of these lines must not cut off the sea areas over which neighboring states will rule from those areas that are not subject to sovereignty, including the high seas.

16 Referring to international practice, it should be noted that a number of bays are recognized as historical, such as: the Bay of Laholm in Sweden, which is part of the Kategat waters, the White Sea in northern Karelia in Russian Federation, the Bay of Peter I the Great in the northwest parts of the Japanese Sea off the Far Eastern Asian shores of the Russian Federation, Hudson Bay in northern Canada – between the Labrador peninsula and the provinces of Manitoba and Nunavut, Concepcion Bay in Newfoundland in Canada and Chesapeake Bay, which has a 12 – mile entrance in Maryland in USA.

17 By the Act of 17 December 1977, Poland extended the breadth of the Polish territorial sea to 12 nautical miles from 1 January 1978, and the change was confirmed by the Act of 21 March 1991, stating that the territorial sea of the Republic of Poland was the area of sea waters 12 nautical miles wide measured from the line of lowest water along the coast or from the inner limit of the internal sea waters.

To conclude, the external border of the territorial sea, which is also the internal border of sea special zones that do not constitute the territory of a state with access to the sea, but in which it reserves the rights necessary to protect its customs, migration, sanitary or fiscal interests, is a line on which each point is located from the nearest point of the baseline at a distance equal to the width of that body of sea. On the other hand, the lateral boundary, as in the case of internal sea waters, is a line all points of which are equidistant from the nearest points of the baseline from which the breadth of this sea of neighboring states is measured. At the same time the state's sovereignty extends over the water of that sea and the seabed below it, as well as the underground and the air space above this part of sea waters. In the first case, if the width of the strait's waters exceeds twice that of the territorial sea of the maritime state or states, then the waters of the strait beyond the limits of the territorial sea do not come under the authority of the state, as they constitute the waters of the high seas. In the case when the strait is narrower (in a certain section) than the double breadth of the territorial sea, it is called the territorial strait, and its status is similar to that of the territorial sea. And if it is intended for international navigation, the right of transit in its waters does not affect the legal status of these waters, its bottom and underground, and the air space above it, which are subject to the sovereignty of the maritime state. Therefore, if such a strait connects the high seas with the closed sea or with the internal waters of a state, it is considered the internal waters of the state, and an example of such is the Kerch Strait connecting the Black Sea with the Sea of Azov, the waters of which are the internal waters of Ukraine and the Russian Federation.[18]

18 Following the adoption of the 12 – mile – wide territorial sea in the Law of the Sea Convention of 1982, many international straits were legally transformed into territorial straits falling under the same territorial sea regime of one or more countries, including the Bering Strait separating Asia from North America, the Bab – al – Mandab Strait at the entrance to the Red Sea, the Strait of Gibraltar separating Spain from Morocco, the Strait of Hormuz in the Persian Gulf or the Strait of Malacca separating the Malay Peninsula from the Island of Sumatra.

The State Border in Airspace

The last sphere requiring a definition of the state border is the airspace over land and water extending to the Universe (Space). The legal situation of this border is analogous to the status of the area in which it is located.

The delimitation of the state sovereignty in this part of the world gained importance and significance with the commencement of the exploitation of this sphere of the world in October 1957, which involved, among other things, placing various types of space objects in orbit, i.e. outside airspace. This forced states to expressly take a position on the legal situation of airspace, taking into account their interests in the sphere of their national security.[19] This forced states to expressly take a position on the legal situation of airspace, taking into account their interests in the sphere of their national security. With regard to determining this limit, reference was made to the practice of states, assuming that the space in which artificial satellites orbit around the Earth, i.e. the height from 100 to 200 km, is not considered as airspace over states and waters.[20]

Although international aviation law does not define the upper limit of the airspace per kilometer subject to state sovereignty, rejecting the principle that "cuius est solum euis est usque ad coelum", i.e. "whoever's is the soil, it is theirs all the way to Heaven", it is assumed that the upper limit of the airspace is a height of about 100–150 km from the surface of the globe, which is the limit in the space to which extends, the real sovereignty of the state. States are also in favor of such a solution that corresponds with the current technical capabilities of contemporary society.[21]

The analysis leads to the conclusion that the existence of a state border at sea, land and in the air space is subject to the territorial integrity of the state, within which states exercising effective sovereignty over the subordinate area must also exercise them over the country's borders,

19 W. Góralczyk, *Przestrzeń powietrzna* in *Encyklopedia prawa międzynarodowego*, op. cit., pp. 312–313; Z. Galicki, *Przestrzeń powietrzna*, in *Wielka Encyklopedia Prawa*, op. cit., s.406: J. Symonides, *Terytorium państwowe*…, p. 208.

20 M. Jaroszyński, *Galaktyka i Wszechświat*, Warszawa 1993, p.195.

21 C. Berezowski, Międzynarodowe prawo lotnicze, Warszawa 1964, pp. 59–60; Z. Galicki, op. cit., p. 406; M. Żylicz, *Prawo lotnicze międzynarodowe, europejskie i krajowe*, Warszawa 2011, p. 35.

because their existence is to ensure to the state as well as its citizens economic, military and social security. At the same time, it favors the actual division of competences between states in space, which, being one of the fundamental functions of international law, at the same time shows the essence and role of the state border in the contemporary world.

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SUMMARY

State Borders in the Light of International Public Law. An Outline of the Issues

Apportionment of authority among states in the space is one of the fundamental functionof public international law and aim of that serves state borders institution. State borders are define as a line or surface separating state territories in land, martime and airspace. However exist different kind of borders that their establish in space bases on delimitation and demarcation. As long as do not give rise controversy establish land and maritime borders, while inspite of lack border determine in air space accept that sit height about 100–150 km. To sum up in the light of public international law exists and significant border is submit of principle of territorial integrity of states at the same time by their establish essential role plays crucial role effectiveness in carry out control of territory and borders. Therefore the principle of territorial integrity of States and effectiveness control over territory defines essence and role of state border.

Keywords: Basic line, border, effectiveness, gulf/bay, high sea, outer space, shore, sovereignty, territorial waters, territory, territorial integrity, territorial sovereignty, straits.

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