

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

THE M/V "SAIGA" (No.2) CASE
(ST. VINCENT AND THE GRENADINES v. GUINEA),
JUDGMENT

A. Introduction

ON 1 July 1999, the International Tribunal for the Law of the Sea rendered its first judgment on the merits in the *M/V "Saiga" (No.2)* case (*St. Vincent and the Grenadines v. Guinea*)¹, thereby completing the settlement of a dispute which began with the *M/V "Saiga"* case (hereinafter the *Saiga No.1*)² in the form of an application for prompt release under Article 292 of the 1982 United Nations Convention on the Law of the Sea (the Convention). Unlike the decision in the *Saiga No.1*, which evidenced a deeply split Tribunal, the judgment on the merits was by an overwhelming majority of 18 to 2 on all but two paragraphs of the *dispositif*.³

The judgment falls into two almost equal parts, dealing with: first, the admissibility of the claims, and second, the question whether the arrest and subsequent measures taken against the *Saiga*, its master and crew were contrary to international law. As regards admissibility, the first issue was whether Guinea was entitled to challenge the admissibility of the claims by St. Vincent. Having responded positively on this point, the Tribunal then proceeded to dismiss all the Guinean objections. On the substantive issue, unsurprisingly, the Tribunal declared the arrest of the *Saiga* to be illegal, because Guinea was not entitled to extend its customs jurisdiction into the exclusive economic zone, and because it had not fulfilled the conditions for the exercise of hot pursuit set out in Article 111 of the Convention. Damages under several heads were awarded to St. Vincent for a total of US\$2,123,357, with interest.

The judgment is remarkable not only for being the first decision on the merits by the Tribunal and for marking the final settlement of the first dispute submitted to it, but also because Guinea did not attempt to grasp the handle offered by the judgment⁴ in the prompt release decision to try to argue that the arrest related to its fisheries jurisdiction under UNCLOS Article 56. Instead, Guinea maintained the position it had consistently taken during the *Saiga No.1*, that it had been acting pursuant to its customs jurisdiction in the EEZ to enforce its laws regarding the smuggling of gasoil. In addition, the challenges to admissibility raised interesting

1. See Tribunal's website <http://www.un.org/Depts/los>, and 38 I.L.M. 1323 (1999).

2. See Tribunal's website, *op. cit.*, 110 I.L.R. 736 or 37 I.L.M. 360 (1998); and summary and comments by Vaughan Lowe, "The *M/V Saiga*: the First Case in the International Tribunal for the Law of the Sea" 48 I.C.L.Q. 187 (1999).

3. Judges Warioba and Ndiaye considered that the application was not admissible, because the *Saiga* was not registered in St. Vincent and the Grenadines at the relevant time. The other exceptions to unanimity were votes of 17 to 3 on para.11 regarding the delay in the release of the *Saiga*, and 13 to 7, on para.13 regarding costs.

4. By a majority of 12-9, against the vigorous protests of the minority, which included the President and the Vice-President.

questions regarding the registration of the *Saiga* and the meaning of the requirement of Article 91 of the Convention for a “genuine link” between the vessel and its flag State.

On all these issues and more, the judgment is disappointingly brief—one might even say parsimonious—in its reasons. For further insight into the facts and motivations of the various parties and the reasons of the Tribunal, the reader is referred to the pleadings and to the separate and dissenting opinions.

B. *The Facts*

The *Saiga* was an oil tanker supplying fuel oil and occasionally water to fishing and other vessels off the coast of West Africa. At the relevant time, it was owned by Tabona Shipping Company Ltd. of Nicosia, Cyprus; managed by Seascot Shipmanagement Ltd. of Glasgow, Scotland; chartered to Lemania Shipping Group Ltd. of Geneva, Switzerland; and crewed by Ukrainians, except for three Senegalese painters. The owner of the gasoil cargo was Addax BV of Geneva, Switzerland. The ship had been provisionally registered by Seascot in St. Vincent and the Grenadines on 12 March 1997.

On 24 October 1997, the *Saiga* had left Dakar, Senegal with a full load of gasoil en route to the Gulf of Guinea. On 27 October, it had supplied fuel oil to three fishing vessels licensed by Guinea to fish in its exclusive economic zone. On 28 October 1997, when it was beyond the southern limit of the Guinean EEZ, the *Saiga* was attacked and shot at by a Guinean patrol boat. Two crew members were seriously injured and the vessel was damaged by gunfire. The vessel and its master were arrested and brought into port at Conakry. When negotiations between representatives of the shipowner and Guinean officials failed to bring about the release of the vessels and crew, St. Vincent instituted proceedings for prompt release before the Tribunal on 13 November 1997.

On 4 December 1997, the Tribunal ordered the release of the *Saiga*, its master and crew upon the arrangement of financial security. On 11 December, St. Vincent offered such security, but Guinea objected to its terms. Before agreement was finally reached in February 1998, St. Vincent notified to Guinea a request for arbitration under Annex VII of the Convention and instituted proceedings for provisional measures before the Tribunal.

On 20 February 1998, the proceedings on the merits were transferred to the Tribunal by an exchange of letters between the parties, as confirmed by an Order issued that same day. Oral proceedings for provisional measures were held on 23–24 February 1998 and an Order was issued on 11 March. Because it had been notified on 4 March of the release of the *Saiga* in conformity with its judgment of 4 December, instead of ordering the release of the ship and crew, as originally requested, the Tribunal: (1) ordered Guinea to refrain from taking or enforcing any judicial or administrative measures against the *Saiga*, its master or its crew; (2) recommended that the two parties “endeavour to find an interim arrangement to ensure that no action would be taken to aggravate the dispute”; and (3) decided that a report on measures taken would be submitted on 30 April 1998.⁵

5. The M/V “*Saiga*” (No.2), (*St. Vincent and the Grenadines v. Guinea*), Order, 11 Mar. 1998, paras.1–9; 39.

Following two exchanges of written pleadings, oral hearings on the merits were held from 8 to 20 March 1999, with judgment being rendered with unprecedented speed just over three months later.⁶ This rapidity was all the more remarkable, in that some of the judges were clearly troubled about the question of the registration of the *Saiga*. Several separate opinions and the two strong dissents focused on this issue. Also notable, and most unusual in intergovernmental litigation, was that most of the oral proceedings were concerned not with legal argument, but with attempts to establish the facts, based upon extensive examination and cross-examination of witnesses for both sides. The facts concerning the actions of the *Saiga* and the Guinean patrol boats were hotly contested in relation to the conditions for hot pursuit set out in Article 111 of the Convention, the use of force before and during the boarding, and the consequential damage to the vessel and its crew.

C. *Jurisdiction and Admissibility*

Since Guinea had abandoned the objection to jurisdiction based on Article 297(3)(a) advanced at the proceedings for provisional measures,⁷ the Tribunal easily determined that it had jurisdiction under the 1998 Exchange of Letters (hereinafter 1998 Agreement). On the other hand, there was a real dispute concerning admissibility, one which threatened to preclude a hearing on the merits. St. Vincent argued that the express saving in the 1998 Agreement of Guinea's objection to jurisdiction precluded recourse to any other preliminary objections, as did the stipulation that the merits should be considered in a single phase. Furthermore it argued that, in accordance with Rule 97, the objection should have been made within 90 days of the institution of proceedings. The Tribunal disagreed, holding that Guinea had not relinquished the rights it would have had in the Annex VII arbitration and that Rule 97 only applied when a decision on preliminary objections was requested *before* the proceedings on the merits.⁸

The various challenges to admissibility were a major aspect of the case. Most importantly, Guinea contended that the *Saiga* had not been validly registered in St. Vincent at the time of the arrest, because the certificate of provisional registration had expired on 12 September 1997. Consequently, St. Vincent was not the flag state and had no right to protect the vessel. This question split the Tribunal, with a minority believing that the *Saiga* had not been registered in St. Vincent at the time of arrest. However, most judges were willing to let the proceedings continue, because "in the circumstances of this case, it would not be consistent with justice if the Tribunal were to decline to deal with the merits of the case".⁹

6. In the Exchange of Letters and the Order of 20 Feb. 1998, the commencement of proceedings was deemed to be 22 Dec. 1997, the date of the notification of arbitration by St. Vincent. Presumably, the purpose of the back-dating was to enable the request for provisional measures of 13 Jan. 1998 to be heard as an aspect of the case before the Tribunal.

7. Guinea had argued that the measures taken against the *Saiga* were pursuant to Guinea's fisheries jurisdiction in the EEZ and that she had not accepted any means of dispute settlement, apart from her national law. Order, *op. cit.*, *supra* n.5, para.22.

8. Judgment, paras.46–54.

9. *Ibid.*, paras.55–74.

Guinea's next argument was that because the shipowner was not of Vincentian nationality, St. Vincent could not exercise jurisdiction over it and there was therefore no "genuine link" between the ship and St. Vincent, as required by Article 91 of the Convention. Consequently, Guinea did not have to recognise the Vincentian nationality of the ship. Referring to the history of the provisions in Articles 91 and 94 on nationality, the genuine link and the duties of the flag State, as well as to subsequent agreements, such as the United Nations Convention on Conditions for the Registration of Ships,¹⁰ the FAO Compliance Agreement¹¹ and the UN Fish Stocks Agreement,¹² the Tribunal found first, that:

the purpose of the provisions of the Convention on the need for a genuine link between a ship and its flag State is to secure more effective implementation of the duties of the flag State, and not to establish criteria by reference to which the validity of the registration of ships may be challenged by other States.¹³

It also found that, in any event, Guinea had not adduced sufficient evidence to show that there was no genuine link between St. Vincent and the *Saiga*.¹⁴

On the issue of exhaustion of local remedies, the Tribunal noted briefly that the question had to be answered in accordance with international law. First, the Tribunal agreed with St. Vincent that its rights had been violated, not those of the vessel and its master, and that States did not have to exhaust local remedies. Secondly, the conclusion on local remedies depended on the decision on the merits, because local remedies had to be exhausted only if the private parties were voluntarily and validly under the jurisdiction of the respondent. However, the decision on the merits was that Guinea did not have the jurisdiction claimed.¹⁵ Consequently, the shipowner and master did not have to exhaust local remedies before St. Vincent could institute proceedings against Guinea at the international level. With respect to the nationality of claims, Guinea contended that St. Vincent could not protect persons not of its nationality. As expected, the Tribunal held that a flag State was entitled to protect everyone connected with a vessel flying its flag and that it could advance claims on behalf of all of those concerned, whatever their nationality.¹⁶

D. The Merits

1. Legality of the Arrest

The main question in the case was whether the arrest of the *Saiga* was illegal. In support of its claim St. Vincent and the Grenadines advanced two propositions:

10. United Nations Convention on Conditions for the Registration of Ships, adopted at Geneva, 7 Feb. 1986; (1986) 7 *United Nations Law of the Sea Bulletin* 87.

11. FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted 24 Nov. 1993, not in force; (1994) 33 *I.L.M.* 968.

12. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 Dec. 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York 4 Aug. 1995, not in force; (1995) 34 *I.L.M.* 1542.

13. Judgment, para.83.

14. *Ibid.*, para.87.

15. *Ibid.*, paras.89–102.

16. *Ibid.*, paras.103–109.

first, that the *Saiga* had not breached any Guinean law; secondly, that, if the laws cited by Guinea did apply to the activities of the *Saiga*, those laws were in breach of the Convention.¹⁷

In contending that the Guinean laws on smuggling fuel oil did not apply to the offshore bunkering activities of the *Saiga*, St. Vincent pointed out that Law L/94/007 only prohibited the unauthorised distribution of fuel in the Republic of Guinea. Since the EEZ was not in the Republic of Guinea, the law against smuggling of gasoil did not apply. Hence, the actions of the *Saiga* were not even a violation of Guinean law.¹⁸

Secondly, St. Vincent contended that Guinea had no right under international law to extend its customs laws into its 250 km “customs radius”, which covered an area of the EEZ, as the only rights and jurisdiction it possessed in that zone were set out in Articles 56 and 58. Moreover, St. Vincent argued that the Guinea action had interfered with St. Vincent’s right to freedom of navigation for vessels flying its flag. Furthermore, the supply of fuel oil by the *Saiga* fell within the “other internationally lawful uses of the sea” “associated with the operation of ships” referred to in Article 58.¹⁹

Guinea insisted that the case concerned the violation by the *Saiga* of the Guinean Customs Code and of the Law against the smuggling of fuel oil. It argued that the supply of gasoil was not an aspect of the freedom of navigation, but a commercial activity, which Guinea was entitled to control. According to Guinea, the *Saiga* was not arrested for navigating, but for engaging in “unwarranted commercial activities”.²⁰

Counsel for Guinea attempted to justify its position with a combination of economic and legal arguments. The economic argument was that Guinea was a very poor country which could not afford to forgo the revenues it would have earned from customs duties imposed upon fuel oil, if it had been bought in a Guinean port. As a legal justification, it relied upon what it termed “an inherent right to protect itself against unwarranted economic activities in its exclusive economic zone that considerably affect its public interest”, or the “doctrine of necessity”, or “the customary principle of self-protection in case of grave or imminent perils which endanger essential aspects of its public interests”, including the potential loss of revenue. Guinea claimed that even though these rights had not specifically been mentioned in the Convention, they were comprised in the phrase “other rules of international law” in Article 58(3) with which foreign States and their ships had to comply. Furthermore, Guinea considered that the EEZ was not part of the high seas, but a zone *sui generis*, where jurisdiction not expressly allocated by the Convention did not automatically fall to flag States.²¹

The reaction of the Tribunal was decisive and predictable. After citing Article 33 of the Convention, the Tribunal observed that a coastal state has the power to apply and enforce customs laws only in its contiguous zone. It held that the Convention:

17. Judgment, para.110.

18. *Ibid.*, paras.111–118.

19. *Ibid.*, paras.119 and 123.

20. *Ibid.*, para.124.

21. *Ibid.*, paras.125 and 128.

does not empower a coastal State to apply its customs laws in respect of any other parts of the exclusive economic zone ...²²

With respect to Guinea's argument that it was entitled to take action pursuant to a general right to "self-protection" or to protect a broad notion of "the public interest", the Tribunal noted that such a right would entitle States to interfere with any economic activity in the EEZ which it decided would affect its economic interest or which would entail fiscal losses. In the view of the Tribunal, this would curtail the rights of other States and would be incompatible with the Convention. As to the "doctrine of necessity", the Tribunal referred to its consideration in the *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)* before the International Court of Justice.²³ Applying the conditions cited in the judgment of the Court to the Guinean situation, the Tribunal found that Guinea had not demonstrated that its essential interests were in grave and imminent peril, nor that extending its customs laws to the EEZ was the only means of safeguarding those interests.²⁴

Although requested to do so by both parties, the Tribunal refrained from making a declaration regarding the rights of States concerning offshore bunkering. Instead, it simply noted that there was no provision on bunkering in the Convention and that the only issue it had to decide was whether Guinea's actions "were consistent with the applicable provisions of the Convention". Because it had been able to come to a determination on that question "on the basis of the law applicable to the particular circumstances of the case", there was no need to consider the broader question of the rights of coastal and flag States in relation to offshore bunkering.²⁵

2. *Hot Pursuit*

St. Vincent's second submission on the merits was that Guinea's alleged exercise of hot pursuit had not been in conformity with the requirements set out in Article 111 of the Convention. Based upon its contention that the *Saiga* had not violated the laws of Guinea, St. Vincent argued that the Guinean authorities had not had "good reason" to believe that it had done anything to justify an exercise of the right to hot pursuit. Furthermore, even if it had, the other requirements were not met, because the pursuit was not continuous, it did not begin in the contiguous zone, and there was no warning signal.²⁶ Guinea contested all these points.²⁷

Citing the text of Article 111, the Tribunal began by noting that the conditions for the lawful exercise of the right of hot pursuit were cumulative; that is, they all had to be present for the pursuit to be justified. On the basis of the evidence presented in the written and rather extensive oral proceedings, the Tribunal accepted the Vincentian version of the facts. Consequently, it concluded that the essential conditions for hot pursuit had not been fulfilled: the Guinean authorities had no more than a suspicion that Guinean laws had been violated, the pursuit

22. Judgment, para.127.

23. See judgment on the Court's website www.icj-cij.org or at 37 I.L.M. 162 (1998).

24. *Ibid.*, paras.129–136.

25. *Ibid.*, paras.137–138.

26. *Ibid.*, paras.139–141.

27. *Ibid.*, paras.142–144.

had not been continuous and no visual or auditory signals had been given. Moreover, as it had already concluded that no Guinean laws applicable under the Convention had been violated by the *Saiga*, there had been no legal basis for the pursuit. For all those reasons, the Tribunal concluded that the *Saiga* had been stopped and arrested in circumstances that had not justified the exercise of the right of hot pursuit.²⁸

3. *The Use of Force*

St. Vincent claimed that the force used by Guinea in the arrest of the *Saiga* had been excessive and unreasonable. Force had been unnecessary to reach and stop the ship, because it was an unarmed, almost fully laden tanker, with a top speed of only 10 knots. Furthermore, because it was lying very low in the water, it had been relatively easy to board. Finally, the Guinean officers had used live ammunition in large calibre automatic guns despite the lack of any resistance from the unarmed crew.²⁹ Guinea claimed that the force had been necessary, because the ship had refused to stop after repeated radio signals and that the damage had been due to the actions of the crew.³⁰

The Tribunal began by noting that there were no express provisions in the Convention on the use of force. However, pursuant to Article 293, it was required to apply "other rules of international law not incompatible with" the Convention. The Tribunal held that, under general international law, the use of force must be avoided as far as possible and must not go beyond what is reasonable and necessary in the circumstances. Moreover, general principles of law required the application of considerations of humanity.³¹ Referring to state practice and the arbitral awards in the *I'm Alone* and *Red Crusader* cases, the Tribunal found that the normal practice in stopping a ship at sea was first to give internationally recognised visual and auditory signals; and if they fail, to use a variety of non-damaging measures, such as the firing of warning shots across the bow. Only then may the pursuing officials authorise the use of force as a last resort, but with appropriate advance warnings and care to avoid any danger to life. Finally, the Tribunal referred to the relevant provisions of the UN Fish Stocks Agreement, which codify the existing law.³²

Turning to the facts of the present case, the Tribunal accepted the Vincentian version which had been confirmed by lengthy examination of witnesses and concluded that there had been no excuse for the Guinean officers to fire with live ammunition at the ship without first giving any of the recognised international signals. Further, it held that although they had encountered no resistance and no threat of force, the Guinean officers had fired indiscriminately while on deck thereby causing considerable damage to the vessel and more importantly, seriously injuring two of crew.³³

28. Judgment, paras.145–152.

29. *Ibid.*, paras.153 and 157.

30. *Ibid.*, para.154.

31. *Ibid.*, para.155. Here, the Tribunal did *not* cite the judgment of the International Court of Justice in the *Corfu Channel* case.

32. *Op. cit.*, Art.22, para.1(f) on the inspection of foreign fishing vessels at sea.

33. *Ibid.*, para.158.

The Tribunal concluded that Guinea had used excessive force and had endangered life both before and after boarding the *Saiga*, thereby violating the rights of St. Vincent and the Grenadines under international law. In light of this decision, henceforth, coastal State officials should be under no doubt as to what procedures and safeguards should be taken when attempting to stop a foreign vessel at sea.

4. *The Schedule of Summons*

St. Vincent claimed that Guinea had violated its rights by naming it as "civilly liable" under the *cedule de citation* issued in connection with the criminal conviction of the master of the *Saiga*. In particular, St. Vincent had been concerned that it might be liable for the fine imposed upon the master, or that another St. Vincentian ship might be arrested and sold in order to pay for the *Saiga's* fine. Noting Guinea's explanation that the naming of St. Vincent had no legal significance, and that it appeared to have had no practical effect, the Tribunal concluded that it had not violated any right of St. Vincent.³⁴

5. *Compliance with the Judgment of 4 December 1997*

On the issue of the delay in releasing the *Saiga* and its crew in response to the judgment of 4 December 1997, the Tribunal concluded that although a release 80 days after judgment could not be considered prompt, many factors had contributed to the delay and not all were the fault of Guinea.³⁵

E. *Reparation and Costs*

After summarising St. Vincent's claim, the Tribunal cited the provisions of Article 111 on compensation for damage caused by illegal hot pursuit; Article 304 of the Convention preserving the application of the existing rules on responsibility and liability in international law; and the *locus classicus* pronouncement of the principle of entitlement to reparation for injury and the standard of *restitutio in integrum* in the P.C.I.J. judgment in the *Chorzow Factory Case*.^{36, 37}

Next, instead of considering the arguments of the parties regarding the availability of "moral damages" for the violation of the rights of States, the Tribunal simply referred to the work of the International Law Commission on State Responsibility, observing that reparation may be in the form of restitution in kind, compensation, satisfaction and assurances and guarantees of non-repetition, either singly or in combination, and that reparation may take the form of monetary compensation for economically quantifiable damage, as well as for non-material damage, depending on the circumstances of the case.³⁸

The Tribunal awarded compensation for damage to the *Saiga*, loss of charter hire, costs relating to the detention of the *Saiga*, the value of the gasoil cargo, the detention of the master and crew, medical expenses and pain and suffering of the

34. UN Fish Stocks Agreement, paras.160–162.

35. *Ibid.*, paras.163–166.

36. *Factory at Chorzow*, Merits, Judgment No.13, 1928, P.C.I.J., Series A, No.17, p.47.

37. Judgment, paras.167–170.

38. *Ibid.*, para.171.

injured crew, to a total of US\$2, 123,357. As to the claims of St. Vincent in its own right, the Tribunal considered its declaration of the illegality of Guinea's actions to be sufficient satisfaction for the violation of its rights. There was no proof that St. Vincent had lost any registration revenue, as claimed, and the effort and expense devoted by its officials to the case was in the view of the Tribunal simply part of the normal duties of a flag State. Finally, the Tribunal ordered Guinea to return the financial guarantee. Despite both parties' requests that the Tribunal award costs, the Tribunal only confirmed the usual rule that each party should bear its own costs.³⁹

F. Comments

The judgment on the merits in the *Saiga No.2* marks the resolution of the dispute between St. Vincent and the Grenadines and Guinea, as well as a significant step in the Tribunal's career as an important international judicial body. The judgment had been eagerly awaited, not least because of strong criticism of the initial *Saiga* decision, not only by outside commentators, but also by a significant minority of the Tribunal itself. Fortunately, this time the conclusions on the substantive issues were almost unanimous, with the two dissents focusing mainly on the lack of registration of the vessel.

Contrary to what the minority had posited in the *Saiga No.1*, the basis for Guinea's actions turned out to be not its fisheries jurisdiction but its claim to customs jurisdiction in the EEZ. In the case on prompt release, the majority had explained that it preferred to believe that Guinea had arrested the *Saiga* pursuant to its fisheries jurisdiction, because the alternative would have been contrary to international law. In the *Saiga No.2*, it predictably confirmed that States did *not* enjoy customs jurisdiction in the EEZ and that the Guinean assertion of that jurisdiction had therefore been illegal. Furthermore, the Tribunal also confirmed its *obiter* remarks in the *Saiga No.1* that the arrest had not met the conditions for the valid exercise of the right of hot pursuit.

Perhaps because of the criticism of its "unwarranted" *obiter dicta* in the judgment on prompt release, in the judgment on the merits, the Tribunal refrained from responding to both parties' request to determine whether coastal States had jurisdiction over bunkering in the EEZ. In so doing, it was acting in accordance with the accepted principle of judicial economy. However, some comments on the general issue of "creeping jurisdiction" would have been welcome. Moreover, the Tribunal may have gone too far in generally reducing its reasons to an absolute minimum, for it failed fully to engage with, or even to record, the parties' arguments on a wide range of issues.⁴⁰ Furthermore, it did not provide a full account of the facts, which might have elucidated some of its cryptic conclusions.

39. Several judges dissented on this point, believing that Guinea should have paid the costs of both parties.

40. Unfortunately, space does not permit a description, much less analysis of the issues concerning the presentation of evidence, the burden of proof, the standard of proof, the law regarding quantum of damages, all the arguments for and against the validity of the registration of the *Saiga*, etc.

On the other hand, the majority should be applauded for resisting the temptation to dismiss the case on the grounds of an alleged lack of valid registration of the ship. It was following a long-standing tradition of the International Court of Justice in holding technicalities to be of little import and of seeking above all to render justice in the circumstances of the case. In my view, it was certainly successful in attaining that admirable goal.

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