



Wednesday, 1 December 1954,
 at 11.10 a.m.

New York

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Chairman: Mr. Francisco V. GARCIA AMADOR (Cuba).

AGENDA ITEM 51

Question of defining aggression: report of the Special Committee on the Question of Defining Aggression (A/C.6/L.337/Rev.1) (continued)¹

1. The CHAIRMAN proposed that the 1956 Special Committee on the Question of Defining Aggression should be composed of representatives of the following Member States: China, Czechoslovakia, Dominican Republic, France, Iraq, Israel, Mexico, Netherlands, Norway, Panama, Paraguay, Peru, Philippines, Poland, Syria, United Kingdom of Great Britain and Northern Ireland, United States of America, Union of Soviet Socialist Republics and Yugoslavia.

2. After a brief exchange of views, in which the representatives of the United Kingdom, Peru, and the Union of Soviet Socialist Republics took part, the Chairman stated that the list was not final. If any members of the Committee had objections to raise, they could do so. He had drawn up the provisional list by virtue of the powers the Committee had given him, but, as a matter of courtesy, he wished to give the Committee an opportunity to make any comments they wished.

AGENDA ITEM 64

Draft articles on the continental shelf (A/2706 and Add.1-3, A/C.6/L.339, A/C.6/L.342) (continued)

GENERAL DEBATE (continued)

3. Mr. AKANT (Turkey) recalled his delegation's view on the question of the continental shelf. It could not accept the International Law Commission's definition of the continental shelf in its report on its fifth session (A/2456, paragraph 62) in view of the fact that there was a growing tendency among States to extend the limits of their territorial sea. Under article 1 of the draft articles, the continental shelf referred to the sea-bed and subsoil outside the area of the territorial sea, to a maximum depth of 200 metres. Technical

progress might, however, make exploitation possible at greater depths. Moreover, a State that had the technical equipment for exploiting the natural resources at the edge of the territorial sea of another State might harm the economic interests of that State or even threaten the security.

4. For those reasons the Turkish delegation had been of the opinion at the eighth session of the General Assembly that the draft articles should be referred to the International Law Commission for further study, and it had abstained in the vote on the draft that became resolution 798 (VIII).

5. The International Law Commission would give special consideration to the régime of the high seas and to the régime of the territorial sea. The question now before the Sixth Committee was a purely procedural one. The Turkish delegation had no objection to the question's being included in the provisional agenda of the tenth regular session of the General Assembly and would vote in favour of the joint draft resolution (A/C.6/L.339).

6. Mr. OLAVARRIA GABLER (Chile) said that his country, because of its geographical situation, took a special interest in the question of the legal régime of the seas. History had shown that the great Powers could become masters of the seas. The economically weak countries had to seek to protect themselves against the danger by having recourse to international maritime law; the recent developments in that matter had been reassuring.

7. The joint draft resolution (A/C.6/L.339) disregarded the close connexion, recognized by General Assembly resolution 798 (VIII), between the different problems of the régime of the seas. Those problems formed a whole, and it had not been possible to separate them in previous studies. For that reason the Chilean delegation had joined other delegations in submitting amendments (A/C.6/L.341) to the joint draft resolution. The proposed amendments would make sure that all the related questions were studied at the same time, and they set a date for the General Assembly to carry out the study.

8. He did not think the Iceland draft resolution (A/C.6/L.342) was in any way incompatible with the joint draft resolution, once the latter was amended.

9. Mr. GARCIA OLANO (Argentina) said that in its resolutions 374 (IV) and 798 (VIII) the General Assembly had recognized that the various aspects of the régime of the territorial sea, of the contiguous zones, of the high sea and of the continental shelf formed a single and indivisible whole.

10. When it had been proposed that the question of the continental shelf should be included in the agenda of the present session, so as to be studied in substance at the tenth session—that it, before the International

¹ Resumed from the 424th meeting.

Law Commission had completed its study of all the related problems—the Argentine delegation had opposed the proposal, and it had not been convinced by the arguments in the explanatory memorandum (A/2706).

11. The draft resolution (A/C.6/L.339) now before the Sixth Committee, while calling for a study of the question of the continental shelf, stipulated that no decision taken on that matter would prejudice the question of the breadth of the territorial sea. The Argentine delegation nevertheless felt that the question of the continental shelf could not be separated from the problems of the territorial sea and the contiguous zones.

12. In his Government's decrees on the subject over the past ten years, the preambles stressed the indivisibility of the various aspects of the problem, and it was essential that the General Assembly should take joint and co-ordinated decisions on those matters.

13. The CHAIRMAN thought that it should be possible to reconcile the three texts before the Committee.

14. He proposed adjournment of the meeting so as to enable the sponsors of the texts to seek a compromise solution, which the Committee could then examine at its afternoon meeting.

It was so decided.

15. Mr. ROBINSON (Israel) thanked the Chairman for his initiative. He hoped that a compromise could be reached since the disagreements between the sponsors of the various proposals did not seem to be basic.

16. Before taking any action, it would be well for delegations to know how far the International Law Commission had progressed in its work on maritime law, and it would be useful if Mr. Liang, who was the Secretary of the International Law Commission, could give any information on the subject.

17. Mr. LIANG (secretary of the Sixth Committee), speaking in his capacity as Secretary of the International Law Commission, said that, in the opinion of Mr. J. P. A. Francois (A/C.6/L.324, paragraph 3), the Commission would not at its present pace be able to submit a general text on the régimes of the various maritime zones before the 1958 session.

18. He noted that at its sixth session the International Law Commission had adopted provisional draft articles on the territorial sea, which it had transmitted to Governments for comments. It hoped to be able to examine the replies the following summer. The question of the breadth of the territorial sea had, however, been left in abeyance. The Commission had asked Governments for their views on that point, and it hoped that it would be better able to formulate specific proposals on that very controversial question on the basis of their replies.

19. Many questions regarding the régime of the high seas still remained to be settled, apart from the two questions of the continental shelf and fisheries, which were now before the Sixth Committee.

20. In the event that the General Assembly recommended to the International Law Commission that it should complete its study of the régime of the territorial sea and of the régime of the high seas at its 1956 session, the situation would probably be as follows: at its 1955 session the Commission would study draft articles and send them to Governments for observations, which it would then consider in 1956. The Commission's report would be ready by August 1956, so the Governments would have only about one month to make up their minds on it before the opening of the eleventh session of the General Assembly.

The meeting rose at 11.55 a.m.