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Summary record of the 311th meeting

Topic:
Other topics

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pose was to elucidate the situation concerning the delimitation of the territorial sea, paragraphs 1 and 2 were acceptable and might facilitate agreement on a method of delimitation or at least on the minimum breadth, though it was extremely difficult to devise a uniform rule when there were so many divergent interests at stake. Nevertheless, the problem was not insoluble, and perhaps States might eventually be willing to submit their claims to the judgement of an international authority.

56. The insertion of the word "traditional" in paragraph 1 would indicate that there had at one time been an international custom concerning delimitation of the territorial sea which had subsequently undergone modification.

57. He also wishes to stress that the word "authorize" in paragraph 2 was too strong, since international practice could neither authorize nor prohibit. Some other wording would therefore have to be found.

58. Mr. AMADO said he did not insist on the word "authorize".

59. Mr. HSU said that although he preferred his own proposal, Mr. Amado's text would be acceptable provided that the rule or rules finally adopted were liberal, in other words that they met the needs of States.

60. Mr. SANDSTRÖM said that his views were very similar to those of Mr. Scelle and he would find it possible to accept Mr. Amado's text as well as the Special Rapporteur's proposal. However, paragraphs 1 and 2 in the former, even as amended by Sir Gerald Fitzmaurice, were cast in a negative form and could be interpreted to mean that States were virtually entirely free to extend their territorial sea to twelve miles.

61. Mr. ZOUREK said that Mr. Amado's text might usefully pave the way to an ultimate solution. However, for reasons he had given at the previous meeting, he could not accept the insertion of the word "traditional", which would mean that the Commission recognized that the three-mile rule had been at one time part of international law. That would be historically inaccurate, since apart from the rule of the median line and the rule based on visibility from the shore, some countries had long adhered to a four or a six-mile limit. The words "to three miles" should accordingly also be deleted.

62. In the absence of a written text he could not at the present comment on Sir Gerald's amendment to paragraph 2.

63. Mr. SCELLE observed that there had been a customary rule for a three-mile limit but he would personally find it extremely difficult to say whether it had been modified by international practice, and if so, whether that modification was a violation of a rule or the first step in a more liberal direction.

64. Mr. GARCÍA AMADOR said that he still had serious doubts about the implications of paragraph 2, for although Sir Gerald Fitzmaurice's amendment made it clear that the Commission was not proposing any specific limit, the existence of an international practice was admitted. And Article 38 b of the Statute of the International Court of Justice made it clear that international custom constituted evidence of a general practice accepted as law. If the Commission were of the opinion that international law allowed States to extend the territorial sea up to a limit of twelve miles it should say so explicitly. If it merely wished to make a factual statement, it must frame the paragraph differently, saying that international practice indicated that a number of States had made such an extension, though of course that would be an incomplete description of the situation.

65. Mr. SCELLE pointed out that, as was borne out by Article 38 b of the Court's Statute, it was only the general practice adopted by a number of States which was recognized as a rule of law.

66. Sir Gerald FITZMAURICE observed that Mr. García Amador had drawn attention to a real danger in paragraph 2, but it had surely not been the intention of the author that the text should be interpreted in that way. The purpose of the paragraph was purely negative since it did not seek to state what was the correct extension but only to affirm that any extension beyond twelve miles was inadmissible, a point he had tried to bring out more clearly by his amendment. Perhaps the point should be further elucidated in the comment so as to show that the Commission was not necessarily endorsing extensions up to the limit of twelve miles.

67. Faris Bey el-KHOURI considered that there was a discrepancy between paragraphs 1 and 2. The great majority of States adhered to the three-mile rule mentioned in paragraph 1, but no international practice existed extending the territorial sea to twelve miles, only claims by certain States.

68. Mr. AMADO said that some mention might be made of the fact that certain States had extended their territorial sea to six or twelve miles.

The discussion was adjourned.

The meeting rose at 6.5 p.m.

311th MEETING

Tuesday, 14 June 1955, at 10 a.m.

CONTENTS

* The number within brackets indicates the article number in the draft contained in Chapter III of the Report of the Commission (A/2934).

Chairman: Mr. Jean SPIROPOULOS

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. Gilberto AMADO, Mr. Douglas L. EDMONDS, Sir Gerald FITZMAURICE, Mr. F. V. GARCÍA AMADOR, Mr. Shuhsi HSU, Faris Bey el-KHOURI, Mr. S. B. KRYLOV, Mr. Carlos SALAMANCA, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jaroslav ZOUREK.

Secretariat: Mr. LIANG, Director of Codification Division, Office of Legal Affairs, Secretary to the Commission.

Proposal to amend the Commission's Statute

1. The CHAIRMAN reminded the Commission that at the opening of the 308th meeting Mr. García Amador had announced his intention of proposing an amendment to the Commission's Statute in order to avoid a repetition of the difficulties which had frequently arisen in the Fifth Committee of the General Assembly after the Commission had taken the decision to meet in Geneva. Though the Commission had sat both at Headquarters and in Paris, it had found that the European Office of the United Nations provided the most favourable conditions for fruitful work, and it was therefore most desirable to settle once and for all that its sessions should be held in Geneva, without excluding the possibility of sometimes meeting elsewhere.

2. Mr. GARCÍA AMADOR said that the Chairman had summed up admirably the purpose of his proposal to amend article 12 of the Commission's Statute by substituting the words "European Office of the United Nations at Geneva" for the words "Headquarters of the United Nations". Such an amendment should eliminate difficulties in the future.

3. Mr. LIANG (Secretary to the Commission) observed that it would be desirable for members of the Commission to place on record the reasons for making such a change, even though they had already been fully discussed in private meeting. The General Assembly would then be in a better position to judge the proposal on its merits.

4. Mr. FRANÇOIS (Special Rapporteur) observed that one of the arguments in favour of Geneva was the existence of an excellent legal library with admirable facilities in the Palais des Nations. The legal library at Headquarters was far less complete than that in Geneva.

5. The CHAIRMAN agreed that the library at the European Office was immeasurably superior to that at Headquarters. The only other comparable library was that at The Hague.

6. Mr. AMADO said that the library at Geneva was chiefly remarkable for its collection of legal works in the French language.

7. Sir Gerald FITZMAURICE considered the moral atmosphere of Geneva more conducive to the work of a technical body of experts who did not represent their governments and whose task it was to examine legal questions without direct reference to political considerations. It was far better, therefore, for the Commission to meet away from Headquarters.

8. Faris Bey el-KHOURI agreed that it was preferable that the Commission should not meet in a place which was inevitably a political centre.

9. Mr. HSU said that the Commission should give some thought to one drawback to Mr. García Amador's proposal. It would mean that sessions would have to take place in the spring, thus making it impossible for members with academic responsibilities to attend. However, the advantages perhaps outweighed the disadvantages and he would support the proposal in the belief that it offered the only way of avoiding friction in the future.

10. The CHAIRMAN pointed out that the time of the session was a secondary consideration which might be settled in accordance with the Commission's wishes once the main principle had been accepted by the General Assembly.

11. Mr. EDMONDS said that, although he had not been a member of the Commission at the time when it had met in New York, he had attended the previous year's session in Paris and was therefore in a position to make comparisons. He had been greatly impressed by the facilities provided by the European Office and by the scholarly atmosphere of Geneva, and considered that it would be most valuable if the General Assembly would approve the proposed revision of the Statute.

12. Mr. SCELLE fully endorsed all that had been said by other members of the Commission.

13. Mr. SALAMANCA thought that New York could offer comparable library facilities to those of Geneva but agreed that those facilities were more accessible to the Commission in Geneva and that it ought to meet in the more tranquil conditions of the Palais des Nations, away from the turmoil of New York.

Mr. García Amador's proposal for the amendment of article 12 of the Statute was adopted unanimously.

14. Mr. GARCÍA AMADOR suggested that a summary of the discussion on his proposal be inserted in the Commission's report, since a bare reference to the summary records would not suffice.

Date and place of the eighth session (item 8 of the agenda)

(resumed from the 308th meeting)

15. Mr. LIANG (Secretary to the Commission) pointed out that the action taken on Mr. García Amador's proposal did not affect the Commission's decision[1] concerning the date and place of the eighth session, since that would have to be settled before the revision of the Statute came up in the General Assembly.

[1] 308th meeting, para. 3.

16. He had informed the Secretary-General of the Commission's preliminary decision to hold its eighth session at the European Office for ten instead of eight weeks in order to complete its work on the régime of the high seas, the régime of the territorial sea and related problems within the time-limit laid down in General Assembly resolution 899 (IX). He had also reported to Headquarters that the Commission thought that it would not be incompatible with General Assembly resolution 694 (VII), concerning the programme of conferences, for the Commission's session to overlap slightly with that of whichever functional commission of the Economic and Social Council would be convened at Geneva in April 1956. He had just received a telegram from Headquarters, signed by the Under-Secretary for Conference Services, Mr. Victor Hoo, and the Legal Counsel, Mr. C. Stavropoulos, stating that as in previous years, the Secretary-General was in favour of the Commission's meeting at Headquarters for budgetary reasons and for reasons of principle. A session at Geneva involved an additional estimated expenditure of 18,500 dollars and was subject to approval by the General Assembly. It further stated that it would be desirable to avoid any overlapping even with a functional commission and that a longer session would require supplementary estimates.

17. As in previous years, the Commission must now place on record its final decision following that consultation with the Secretary-General.

18. Mr. AMADO said that he held the office of Secretary-General and its present incumbent in great respect, but Mr. Hammarskjold had in some measure forfeited his respect by suggesting for financial reasons, which after all were the concern of the governments themselves, that the Commission, which was a body of learned men, could do its intellectually highly exacting work at the height of the summer in New York. He could only deplore such an astonishing lack of discernment, since though he had the greatest apprecation for the lively and cosmopolitan atmosphere of New York, that could be no compensation for its trying summer climate.

19. Mr. SANDSTRÖM said that, without wishing to defend the Secretary-General, he wanted to point out that the telegram from Headquarters simply meant that the Secretariat was unwilling to assume responsibility for endorsing the Commission's preliminary decision because it involved financial considerations.

20. Mr. AMADO considered that, the question of cost apart, there were weighty reasons for adhering to the previous decision concerning the time and place of the eighth session.

21. Sir Gerald FITZMAURICE said that it was particularly important to emphasize that a session of ten weeks was proposed, because the Commission would not be able to accomplish the task given it under General Assembly resolution 899 (IX) in less than ten weeks.

22. The CHAIRMAN proposed that the Commission take note of the telegram dated 13 June received from Headquarters but that, in the light of all the considerations involved, it maintain its preliminary decision taken at the 308th meeting that the eighth session be held at Geneva for ten weeks beginning on 23 April 1956.

It was so agreed.

Régime of the territorial sea (item 3 of the agenda) (A/2693, A/CN.4/90 and Add.1 to 5, A/CN.4/93, A/CN.4/L.54) (*resumed from the 310th meeting*)

PROVISIONAL ARTICLES (A/2693, CHAPTER IV) (*resumed from the 310th meeting*)

Article 3 [3]: Breadth of the territorial sea
(resumed from the 310th meeting)

23. The CHAIRMAN invited the Commission to continue its consideration of Mr. Amado's proposal, as amended at the previous meeting.

24. Faris Bey el-KHOURI asked that further discussion of Mr. Amado's proposal [2] be deferred until the amended text had been circulated in writing.

It was so agreed.

25. The CHAIRMAN then invited the Commission to take up Mr. Zourek's proposal.[3]

26. Mr. ZOUREK explained that he had sought to formulate principles which might form the basis of an article for inclusion in the draft. He had tried to take into account both the principle that the coastal State exercised jurisdiction over the territorial sea, and the principle of the freedom of the seas.

27. Paragraph 1 of his text derived from the fact that the breadth of the territorial sea had not been fixed by international law.

28. The CHAIRMAN observed that Mr. Amado, without fixing the breadth, had set a maximum limit.

29. Mr. SANDSTRÖM pointed out that a limit was laid down, albeit in very vague terms, in paragraph 3 of Mr. Zourek's text; but without knowing precisely what it would be, he found it difficult to accept the principle contained in paragraph 1.

30. Mr. ZOUREK replied that the reason why he had not laid down any criteria for delimiting the territorial sea in paragraph 3 was in order to facilitate the Commission's work, which must be carried out in stages. If agreement could not be reached on a spatial limitation, it would later be possible to see whether some kind of objective criteria could be established.

31. Mr. SCELLE drew attention to the fact that in the Fisheries Case the International Court of Justice had found that Norway's delimitation of the fisheries zone was "not contrary to international law".[4] It could

[2] 309th meeting, para. 14.

[3] 310th meeting, para. 1.

[4] *I.C.J. Reports 1951*, p. 143.

therefore be held *a contrario* that there was a rule of international law concerning the breadth of the territorial sea, and he could not accept the affirmation of some members that it did not exist. The court's finding showed that States were free to fix the limits of their territorial sea, but that if challenged by another State or States, only an international judicial organ could judge whether or not the claim was a violation of international law.

32. Mr. FRANÇOIS (Special Rapporteur) asked whether in Mr. Zourek's view other States were bound to respect the coastal State's supposed right to fix the breadth of its territorial sea.

33. Mr. ZOUREK replied that that question must be settled by reference to paragraph 3, which, if the Commission so wished, could specify the criteria for delimitation in order to prevent arbitrary action by States.

34. Sir Gerald FITZMAURICE said that Mr. Zourek was perhaps seeking to enunciate certain principles which might ultimately be found acceptable; as at present expressed, however, the text was ambiguous. Paragraph 1 taken by itself suggested that the rights of the coastal State were absolute as far as the delimitation of its territorial sea was concerned, but in the Fisheries Case the Court had drawn a clear distinction between the process of delimitation, which must be carried out by the coastal State, because it had the necessary knowledge, and the validity of the limit claimed vis-à-vis other States, which could only be determined in accordance with international law. The coastal State's right was therefore not absolute, but that did not clearly emerge from paragraph 3; from paragraph 3 it might be inferred that coastal States were free to delimit their territorial sea as they pleased, although at some future date objective criteria might be laid down. He could not for those reasons support the text in its present form.

35. Mr. AMADO considered that like Mr. Krylov's proposal, paragraph 1 of Mr. Zourek's text was an admission of failure to which the Commission could turn if all hope of reaching agreement were finally abandoned. Lamentable as it was that certain States should claim a 200-mile limit, the Commission would do well to bear in mind the relative size of, for example, the Pacific Ocean and the Mediterranean Sea, and approach the issue in a more realistic spirit.

36. Mr. SCELLE asked whether Mr. Zourek would be prepared to accept the insertion of the word "provisionally" after the words "to fix" in paragraph 1, which would thus correspond more closely to the actual situation, in which States fixed a limit, but could then be challenged before an international tribunal. There was no reason why there should not be an indefinite number of disputes similar to the Fisheries Case. If the claims of a coastal State, on the other hand, were not challenged it would eventually acquire a right by prescription or by historic title to the limit it had chosen for its territorial sea. In such matters the Commission would be well advised to seek guidance from the municipal law of civilized States.

37. Mr. SALAMANCA believed that Mr. Scelle, in moving his amendment, had brought out the crucial issue whether the delimitation of the territorial sea lay within the domestic jurisdiction of States. It would seem that the answer to that question must be in the affirmative if no objective criterion could be found, in which case the Commission would have to fall back on Mr. Krylov's proposal. However, that issue should be the last to be discussed, and quite apart from reasons of principle, he would therefore be unable to vote in favour of Mr. Zourek's text at the present stage.

38. Sir Gerald FITZMAURICE said that theoretically Mr. Scelle was perfectly correct, but in practice his thesis could be most dangerous because a State fixing a certain limit might, when challenged, refuse to appear before an international tribunal and continue to enforce its claim by, for example, arresting foreign fishermen. After a certain length of time it might then affirm that it had acquired a prescriptive right to a certain belt of territorial sea. Other States would be placed in the greatest difficulty since they would be reluctant to create friction by escorting their fishing vessels and laying themselves open to accusations of using force. Mr. Salamanca was perfectly correct in arguing that the fundamental issue was whether it initially lay with the coastal State to claim whatever limit it pleased. In his opinion the greatest care must be taken not to suggest that delimitation was at the outset a matter of domestic jurisdiction since it had an international as well as a national aspect, seeing that every claim derogated from the common use of the high seas.

39. Mr. SCELLE observed that Sir Gerald Fitzmaurice's practical objection held good for any challenge to an occupation of *res nullius*, the sole difference being that disputes about the limits of the territorial sea were likely to be far more frequent, and in the absence of any international jurisdiction would lead to friction.

40. Faris Bey el-KHOURI said that there seemed to be some inconsistency between paragraphs 1 and 3 of Mr. Zourek's proposal, inasmuch as the former recognized the coastal State's right to fix the breadth of its territorial sea in the light of its requirements, whereas the latter imposed some limitation on that right. Furthermore, the proposal provided no safeguard for the freedom of the seas, which would be menaced by arbitrary and capricious claims. Clearly some international organ was required to bear the responsibility for the protection of *res communis* and to determine whether claims for extension beyond the uniform minimum were justified. He was therefore unable to vote for Mr. Zourek's proposal unless it were recast in such a way as to provide, firstly, for a uniform minimum limit of three or four miles, since there was no international practice authorizing an extension up to 12 miles, and secondly, that claims beyond that limit should be submitted to the International Court of Justice, whose decisions would be binding and generally applicable. He favoured such a function being entrusted to the Court rather than to a new organ set up within the United Nations.

41. Mr. GARCÍA AMADOR said that even with Mr.

Scelle's suggestion to qualify the coastal State's right as provisional, Mr. Zourek's proposal went too far. At first sight, it might appear that it was analogous to the provision adopted by the Commission in connexion with the coastal State's right in the matter of the conservation of fisheries. There was, however, a fundamental difference between the article on fisheries and the provision proposed by Mr. Zourek. In the provision on fisheries, the coastal State's right had been made conditional on the observance of certain very clearly specified criteria: those criteria would enable an arbitration court to solve any disputes that might arise over the coastal State's rights. In Mr. Zourek's provision, however, no conditions or limitations were laid down and any tribunal that was set up would not have the benefit of any criteria on which to base a judgement as to whether the coastal State's claim to a particular breadth of the territorial sea was justified or not. In fine, Mr. Zourek's proposal amounted to nothing more than leaving the delimitation of the territorial sea to the discretion of the coastal State without any safeguard against possible arbitrary action by its authorities.

42. Mr. ZOUREK stressed that his proposal constituted an indivisible whole. Paragraph 1, which acknowledged the coastal State's right to fix the breadth of its territorial sea, had to be construed in the light of paragraph 3, which stated that it was "essential to lay down objective criteria for the exercise of the right in question, in order to preclude any arbitrary measures".

43. The present state of international law was that the coastal State was free to fix the breadth of its territorial sea, provided arbitrary measures were avoided. The so-called three-mile rule did not constitute a valid principle of international law limiting the sovereignty of coastal States to that distance. As he had explained in a previous statement, there had always been States—even in the 19th century—which practised a different rule.

44. Moreover, he did not think there was any great urgency for laying down very strict limits to the breadth of the territorial sea in terms of distance from the coast.

45. In the three principles he proposed as a basis for the drafting of article 3, he had endeavoured to reconcile the coastal State's right with the necessity to protect the freedom of the high seas.

46. Mr. GARCÍA AMADOR, after pointing out that Mr. Amado's proposal as amended at the previous meeting had now been circulated in writing, said that that proposal had to be voted on before Mr. Zourek's. If paragraph 2 of Mr. Amado's amended proposal were adopted, the Commission would vote against taking any decision on the question of the proper extension of the territorial sea. Such a formulation excluded all other proposals, which expressed a judgement on that very question.

47. Mr. ZOUREK said he did not press for his own proposal to be voted on at the present stage.

48. Mr. SALAMANCA requested that the two paragraphs of Mr. Amado's proposal be voted upon separately.

49. Mr. ZOUREK proposed that the term "traditional" be deleted from paragraph 1.

Mr. Zourek's amendment was rejected by 6 votes to 4, with 3 abstentions.

Paragraph 1 of Mr. Amado's amended proposal was adopted by 8 votes to 2, with 3 abstentions.

50. Mr. GARCÍA AMADOR suggested that the last phrase in paragraph 2 be amended so as to bring it into line with the clause introduced by Sir Gerald Fitzmaurice reading "without taking any decision as to the question of the proper extension of the territorial sea". If the Commission were to state—as at present suggested—that the extension of the territorial sea beyond twelve miles was not justified, then it would be taking a decision as to the question of the proper extension of the territorial sea. What the Commission ought to do was simply to state the fact that the practice of a number of States had extended the territorial sea to as much as twelve miles, without making any pronouncement as to the legal validity of such extension.

51. Mr. AMADO said it was customary to discuss the breadth of the territorial sea as though its extension constituted nothing more than a privilege or an advantage to the coastal State. In fact, the possession of a territorial sea implied duties and obligations as well as privileges and advantages, and the extension of their territorial sea might well prove more of a burden than anything else to the States which were endeavouring somewhat unwittingly to extend their maritime domain.

52. The CHAIRMAN, speaking as a member of the Commission, said that in his interpretation, paragraph 2 of Mr. Amado's proposal implied that any extension of the territorial sea beyond twelve miles was contrary to international law, whereas the validity of an extension of the territorial sea beyond three miles (but to a distance less than twelve miles) was, however, a matter upon which the Commission did not take any decision.

53. Mr. HSU agreed with the Chairman. If the Commission had not been endeavouring to limit the breadth of the territorial sea, but merely stating the facts regarding State practice, then it would have had to state that distances up to 200 miles had been claimed by certain States. But the Commission was not merely stating facts as they had occurred. The Commission was laying down a definite rule to the effect that no State should go beyond twelve miles.

54. Mr. SCELLE said the claims to two hundred miles of territorial sea were so very recent that they could not be described in any sense as part of State practice. State practice had to be comparatively ancient in order to give birth to a rule of law. Distances up to twelve miles had been the subject of State practice for quite a considerable time, and the Commission would be justified in referring to such practice.

55. With regard to the words *ne justifie pas* ("does not justify" in the English text), he would prefer the state-

ment that international practice *ne comporte pas* the extension of the territorial sea beyond twelve miles.

56. Mr. GARCÍA AMADOR said that, under Article 38, paragraph 1, sub-paragraph b, of the Statute of the International Court of Justice, a general practice accepted as law constituted international custom and as such was part of international law. If the Commission were to state that international practice did not justify the extension of the territorial sea beyond twelve miles, it would be making a legal pronouncement and adopting the twelve-mile limit as part of international custom and hence of international law.

57. Sir Gerald FITZMAURICE said paragraph 2 merely registered the fact that the practice of States did not go beyond twelve miles. It definitely ruled out as invalid any claim to more than twelve miles, but it made no pronouncement on the validity of claims between three and twelve miles.

58. Faris Bey el-KHOURI said that in his view international practice ruled out all claims in excess of three nautical miles.

59. Mr. AMADO said his proposal made it clear that the territorial sea did not extend beyond twelve miles. It did not, however, give any guidance on claims to distances between three and twelve miles.

60. Mr. LIANG (Secretary to the Commission) said Mr. Scelle's proposal to substitute the words *ne comporte pas* for the term "does not justify" would obviate the Commission's pronouncing a judgement with regard to the extension of the territorial sea. In the English text, the same idea could be conveyed by amending the final phrase to read: "any extension of the territorial sea beyond twelve miles is not a part of international practice". By stating the position in those terms, the Commission would avoid the theoretical problem of deciding whether such international practice constituted international custom.

61. Mr. AMADO pointed out that international practice did not itself constitute international law. International practice blazed the trail for the progress of international law.

62. The CHAIRMAN, speaking as a member of the Commission, proposed that the words "international practice" be replaced by the words "international law".

Mr. Spiropoulos' amendment was adopted by 6 votes to 3, with 4 abstentions.

63. The CHAIRMAN then put to the vote Mr. Amado's proposal as a whole and as amended to read as follows:

"1. The Commission recognizes that international practice is not uniform as regards traditional limitation of the territorial sea to three miles.

"2. The Commission, without taking any decision as to the question of the proper extension of the territorial sea, considers that in any case international law does not justify the extension of the territorial sea beyond twelve miles."

Mr. Amado's proposal was adopted by 6 votes to 1, with 6 abstentions.[5]

64. Mr. ZOUREK said he did not press for a vote on his own proposal.

65. Mr. HSU provisionally withdrew his proposal for article 3, while reserving the right to resubmit it at a later stage.

The meeting rose at 1 p.m.

[5] See *infra*, 315th meeting, para. 79.

312th MEETING

Wednesday, 15 June 1955, at 10 a.m.

CONTENTS

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Chairman: Mr. Jean SPIROPOULOS

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. Gilberto AMADO, Mr. Douglas L. EDMONDS, Sir Gerald FITZMAURICE, Mr. F. V. GARCÍA AMADOR, Mr. Shuhsi HSU, Faris Bey el-KHOURI, Mr. S. B. KRYLOV, Mr. Carlos SALAMANCA, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jaroslav ZOUREK.

Secretariat: Mr. LIANG, Director of Codification Division, Office of Legal Affairs, Secretary to the Commission.

Régime of the territorial sea (item 3 of the agenda) (A/2693, A/CN.4/90 and Add.1 to 5, A/CN.4/93, A/CN.4/L.54) (*continued*)

PROVISIONAL ARTICLES (A/2693, CHAPTER IV) (*continued*)

Article 3 [3]: Breadth of the territorial sea (continued)

1. Mr. EDMONDS explained that he had voted against Mr. Amado's proposal at the previous meeting[1] because it could reasonably be interpreted as meaning that,

[1] 311th meeting, para. 63.