

Document:-
A/CN.4/SR.130

Summary record of the 130th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1951 , vol. I

*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

that he felt the amendment would be an obstacle to the adoption by the General Assembly of the Commission's recommendation.

83. Mr. EL KHOURY said that the reason why he had voted against the amendment was that it seemed premature to discuss it at the present session. If the General Assembly accepted the principle that the members of the Commission should work on a full-time basis, he would be in favour of the system suggested by Mr. Scelle.

84. Mr. SPIROPOULOS thought that if the Assembly agreed to the principle of a full-time Commission, the rapporteur ought to prepare the Statute of the new Commission for discussion at the next session.

85. The CHAIRMAN said he was prepared to appoint a rapporteur if necessary.

86. Mr. HUDSON thought that, even if the General Assembly did not approve the principle, the Commission should nevertheless examine its Statute carefully, and it might be useful to have a rapporteur who would study the Statute with the help of the Secretariat and present a report. The Commission might nominate a rapporteur. He personally considered the Statute very unsatisfactory. Its interpretation in concrete instances was bound to give rise to lengthy discussion, and an attempt should be made to improve it.

87. Mr. SPIROPOULOS held the opposite view. If the Assembly did not agree to the proposed fundamental change, the amendments to be made to the Statute would be so insignificant that they would hardly justify a rapporteur being nominated. The Commission had discussed the question. It was not the provisions of the Statute that prevented the work from proceeding, but lack of time. He was not in favour of appointing a rapporteur.

It was decided by 5 votes to 2, to nominate a rapporteur.

Mr. HUDSON suggested that the Chairman put forward a nomination.

The CHAIRMAN pointed out that the rapporteur would not know what he was called upon to do until the General Assembly had taken a decision.

The meeting rose at 12.50 p.m.

130th MEETING

Monday, 23 July 1951, at 3 p.m.

CONTENTS

	<i>Page</i>
Communication from Mr. Jaroslav Zourek	400
Examination of the draft report of the Commission covering its third session (<i>continued</i>)	400
Chapter VII: Régime of the high seas (A/CN.4/27)	
Continental shelf	401
Article 1	401
Article 2	405

Chairman: Mr. James L. BRIERLY

Rapporteur: Mr. Roberto CORDOVA

Present:

Members: Mr. Gilberto AMADO, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Manley O. HUDSON, Mr. Faris EL KHOURY, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jesús María YEPES.

Secretariat: Mr. Ivan KERNO, Assistant Secretary-General in charge of the Legal Department; Mr. Yuen-li LIANG, Director of the Division for the Development and Codification of International Law, and Secretary to the Commission.

Communication from Mr. Jaroslav Zourek

1. The CHAIRMAN announced that Mr. Zourek had written expressing his regret at his inability to take part in the work of the Commission's third session as a result of "unexpected calls on his time and urgent work".

2. In reply to a remark by Mr. HUDSON, the CHAIRMAN observed that the Commission's members were not under any obligation to take part in its work.

3. Mr. EL KHOURY thought that the letter suggested that Mr. Zourek would take part in the work of the next session.

4. Mr. CORDOVA pointed out that, if the Commission's Statute did not oblige members to attend the sessions, advantage might be taken of the forthcoming revision to lay down rules for such a contingency.

Examination of the draft report of the Commission covering its third session (*continued*)

CHAPTER VII. RÉGIME OF THE HIGH SEAS (A/CN.4/L.27) (*continued*)

5. Mr. HUDSON congratulated Mr. François on the valuable draft report he had submitted to the Commission; he wished to make two observations of a general nature.

6. In the first place the English text, although carefully translated, did not always present ideas in their simplest form. The General Rapporteur should be given the opportunity of touching it up from the point of view of style.

7. In the second place it was difficult for the reader to distinguish clearly between the part of the report which was to be included in the Commission's report to the General Assembly, and the draft articles for submission to governments for comment. The paragraphs following the various articles did not always consist of comment pure and simple, but contained matter which should be included in the general report. It would be better to include some of the paragraphs which came after the articles, in the report to the General Assembly. The articles themselves, together with those texts that constituted comments in the strict sense of the word and were intended for governments, should be included in an annex to the general report. As regards the consecutive numbering of commentary paragraphs, such a course might lead to confusion and complicate discussions in the General Assembly. It would be preferable to number the commentary paragraphs to each article separately.

8. Mr. FRANÇOIS agreed that consecutive numbering would not be satisfactory, but suggested that, when the report came to be printed, the articles themselves and the comments thereon could be distinguished by the use of different type. The comments to each article might also be preceded by a sub-heading which would make the text still easier to understand.

9. In reply to a remark by Mr. CORDOVA, Mr. HUDSON said that it would be better to number the commentary paragraphs, even though such numbering were not used in other parts of the general report.

10. With reference to a remark by Mr. SANDSTRÖM and following a discussion in which the CHAIRMAN, Mr. CORDOVA and Mr. HUDSON took part, *it was decided* to number separately the comments relating to each article.

11. Mr. LIANG (Secretary to the Commission) wondered whether the whole of that part of the report which dealt with the régime of the high seas should be included in the general report to the General Assembly. In the course of its work, the Commission had decided that the régime of the high seas was a matter which came within the sphere of its work on the progressive development of international law and that the rules of article 16 (g) of its statute were applicable to the question, that was to say, that satisfactory drafts should receive the necessary publicity and be communicated to governments for their comments. Only after the receipt of comments from governments, and re-examination of the project in the light thereof, should a final text be submitted to the General Assembly.¹

12. It would appear reasonable not to prejudice that last stage in the proceedings by including, in the general report, the draft report on the continental shelf which, though considered "satisfactory" under the terms of the Commission's Statute, had not yet been given its final form. It would appear to follow that the Commission should, on the one hand, inform the General Assembly in the general report of the progress made in its study of the question of the régime of the high seas, and on the other, annex thereto a printed document comprising the articles to be submitted for comment to governments and to public and private organizations concerned with international law.

13. In his opinion the form given to document A/CN.4/L.27 by the General Rapporteur did not enable the reader to distinguish clearly between what was intended for the information of the Assembly, and what was to be communicated to governments for comment. The studies of the resources of the sea, of sedentary fisheries, and of contiguous zones were not as far advanced as that of the continental shelf, and it would be better not to mix up those various questions. As it stood, the draft report did not distinguish between questions, the study of which was considered to be finished, and those which were less advanced.

14. Mr. FRANÇOIS considered that it would be difficult to deal with the continental shelf separately

from related questions which had been grouped together in the draft report (A/CN.4/L.27). Those questions formed a whole, and were to be distinguished from those dealt with in the second part of the draft report (A/CN.4/L.27/Add.1), firstly by their nature, and secondly by the fact that the latter questions, that of the nationality of ships in particular, had only been examined by the Commission in first reading. On the other hand, the studies of the resources of the sea, of sedentary fisheries and of contiguous zones were sufficiently advanced to enable governments to be consulted. Hence, only two categories were required, the continental shelf and related subjects, on the one hand, and other questions on the other.

15. Mr. KERNO (Assistant Secretary-General) was of opinion that the draft report under examination should be considered as a text for submission to governments for comment, rather than as a part of the general report. The Commission had, right from the beginning, been in favour of asking governments to comment on the continental shelf in conjunction with related problems, as it was difficult to deal separately with questions that had many points of contact.

16. There was no reason, however, why reference should not be made to those questions in the chapter of the general report which dealt with the régime of the high seas. It might be said, in that chapter, that the Commission had examined the problem of the continental shelf and related questions in second reading and had decided to ask governments for their comments on the points at issue. The document under consideration, as amended during the discussion, would be included in the form of an annex. In that way the General Assembly would know that it was not asked to concern itself with those matters, which were brought to its notice for information only.

17. Mr. FRANÇOIS was in entire agreement with that procedure.

It was so decided.

18. In answer to a remark by Mr. LIANG (Secretary to the Commission) the CHAIRMAN said that organizations concerned with international law would be consulted at the same time as governments.

Paragraphs 1 to 5

19. The CHAIRMAN pointed out that the first five paragraphs of the draft report would be included in the general report and should be amended so as to conform to the decision taken in that connection.²

Continental shelf

Article 1

Comments on Article 1

20. Mr. HUDSON was of the opinion that generally speaking the comments should relate to the accompanying article, and not to what the Commission had done, as it was not a question of a report to the General Assembly.

¹ See *Statute of the International Law Commission* United Nations publication, Sales No. : 1949.V.5, article 16 (i) and (j).

² See summary record of the 133rd meeting, paras. 15-16.

21. Mr. EL KHOURY considered that Mr. Hudson's remark would have been entirely justified if the Commission's work had reached its final stage. The text would, however, be reviewed after the receipt of comments from governments and the Commission could then formulate its comments in accordance with Mr. Hudson's suggestion. At the actual stage of the Commission's work the comments submitted in the draft were entirely satisfactory.

22. Mr. CORDOVA considered that governments should be told that the Commission had taken such and such a decision and took the responsibility for a given notion or interpretation.

23. Mr. AMADO pointed out that paragraph 6 and the following paragraphs all referred to measures taken by the Commission. Should it be decided to recast them, it would mean a lot of work and would take a long time.

25. While he accepted the change in numbering, which would make the draft easier to read, he did not think it advisable to recast the comments completely. He himself was ready to accept them, as they stood, subject to changes of detail. Furthermore, the procedure suggested by Mr. Hudson would involve substantial cuts, which could not fail to give rise to very long discussion.

25. Mr. HSU also foresaw that the method advocated by Mr. Hudson for the drafting of comments might well involve revision of all the articles. He felt that the work might be deferred until the following session and that, as regards the current year, they should rest content with the wording of the draft, possibly with some changes in form.

Paragraph 6 (annex to the "Report", part I, art. 1, com., para. 1)

26. Mr. HUDSON read out the following text which he proposed should be substituted for the first two lines of paragraph 6:

"This article explains the sense in which the term 'continental shelf' is used for present purposes. It departs from the geological concept of that term."

He wished to avoid the use of the term "legal definition" as it did not appear in article 1.

27. Mr. YEPES wished further emphasis to be laid on the difference between the geological concept of the term and the definition adopted by the Commission. He would accept Mr. Hudson's amendment if it had that result.

28. The CHAIRMAN considered that Mr. Hudson's text met Mr. Yepes' requirements.

Mr. Hudson's amendment was adopted.

29. Mr. HUDSON proposed the deletion of the second sentence of paragraph 6.

30. Mr. FRANÇOIS was of opinion that the sentence should be retained. If all geologists were in agreement, there would be no reason for the Commission to discard their definition. To his mind, the divergence of opinion between geologists was the main reason for discarding the geological concept of the continental shelf.

31. Mr. YEPES said that he had supported the amendment of the first two lines of paragraph 6, but considered the last sentence to be essential.

32. In reply to a question by Mr. Hudson, Mr. FRANÇOIS said that some geologists considered "shallow waters" to form part of the continental shelf, but that others did not agree.

33. Mr. AMADO was inclined to agree with Mr. Hudson. Had the Commission the right to speak of differences between geologists in a document to which it was intended to give wide publicity? Had it studied their conclusions sufficiently? Why give reasons? The draft report was too full of detail and would be better if it were less prolix. Why explain to all and sundry why the Commission had discarded a concept?

34. Mr. CORDOVA pointed out that the Commission did not give a definition of the continental shelf. It only indicated the sense in which it was used in the draft articles which had been drawn up. The Commission had discarded the geological concept of a maximum depth of 200 metres, owing to the impossibility of stating precisely up to what depth of superjacent water the exploitation of the sub-soil was possible, in other words, it had not wished to limit the continental shelf to any given depth, but preferred to allow for the exploitation of the sea bed at all accessible depths.

35. Mr. YEPES maintained that the Commission was entitled to refer to the differences of opinion among geologists in justification of its departure from the geological concept of the continental shelf. Geologists were not, in fact, in agreement as to the extent of the shelf. For some it extended up to a depth of 100 metres, for others up to 200 or 600 or even 1,000 metres. Some considered that the continental shelf was a continuation of the land, while others considered it to be an independent alluvial formation. The divergencies were, therefore, such as to fully justify the retention of the second sentence in paragraph 6.

36. Mr. FRANÇOIS pointed out that the divergent views obtaining in scientific circles were described on page 54 and onwards (mimeographed English text; paras. 169-201 printed French text) of the Secretariat Memorandum on the Régime of the High Seas (A/CN.4/32).

37. Mr. HUDSON claimed, on the authority of the above memorandum that the opinions expressed by geographers and oceanographers were equally divergent. He therefore proposed replacing the beginning of the second sentence of paragraph 6 by the following:

"The varied usage of the term by physical scientists...".

38. Mr. YEPES preferred the expression:

"The differences of opinion between experts on the subject...".

39. The CHAIRMAN proposed that it be left to the General Rapporteur to find a wider term than the word "geologists".

It was so decided.

Paragraph 7 (annex to the "Report," part I, art. 1, com., para. 2)

40. Mr. HUDSON remarked that the paragraph gave the real reason why the geological concept of the term "continental shelf" had been discarded.

Paragraph 7 was adopted.

Paragraph 8 (annex to the "Report," part I, art. 1, com., para. 3)

41. Mr. HUDSON proposed the deletion of the introductory clause "While rejecting the geological concept as a basis for regulation". He also suggested that in line 2, the word "considered" be substituted for the word "wondered", that in line 4 the word "some" be inserted before the words "scientific works", and the word "simply" after the word "works".

42. He would also have liked to see the last sentence of the paragraph deleted, but in the face of objection by Mr. SANDSTRÖM and Mr. FRANÇOIS he proposed that it be re-worded as follows:

"The Commission decided to retain the term 'continental shelf' because it has already come into general current use and also because the term 'submarine area' alone would give no indication of the nature of the submarine areas in question."

43. After a discussion, in which Mr. FRANÇOIS, Mr. HSU, Mr. EL KHOURY, the CHAIRMAN and Mr. SANDSTRÖM took part, *it was so decided.*

Paragraph 9 (annex to the "Report," part I, art. 1, com., para. 4)

44. Mr. HUDSON proposed the substitution of the following text for paragraph 9:

"The term 'continental shelf' as here used is not limited to continents. It may apply also to islands to which such submarine areas are contiguous."

Without altering the sense of the paragraph, the underlying idea would be expressed more clearly.

45. Mr. FRANÇOIS approved that wording.

46. In answer to an observation by Mr. Scelle who, as he was opposed to the notion of the continental shelf, did not approve the extension given it in the paragraph in question, Mr. HUDSON and the CHAIRMAN pointed out that there was no reason why a continental shelf should not be recognized in the case of Jamaica, for instance, or even the British Isles.

Mr. Hudson's amendment was adopted.

Paragraph 10 (annex to the "Report," part I, art. 1, com., para. 5)

47. Mr. HUDSON proposed that the paragraph be amended to read:

"With regard to the delimitation of the continental shelf, the Commission would place emphasis on the limits set by the following words in article 1: 'Where the depth of the superjacent waters admits of the exploitation of the natural resources of the sea bed and sub-soil'. It follows that the areas within which

exploitation is not technically possible are excluded from the continental shelf here referred to".

48. After a discussion in which Mr. YEPES, Mr. FRANÇOIS and the CHAIRMAN took part, *it was so decided.*

Paragraph 11 (annex to the "Report," part I, art. 1, com., para. 6)

49. Mr. HUDSON proposed that the first sentence of the paragraph be redrafted to read:

"The Commission considered the possibility of adopting a fixed limit for the continental shelf in terms of the depth of the superjacent waters".

50. The CHAIRMAN considered that wording to be clearer.

51. Mr. HUDSON proposed the deletion, at the beginning of the third sentence of the following words:

"Another reason for adopting this limit might be found in the fact that . . .".

52. Mr. CORDOVA considered that the following paragraph was so closely linked to the one under consideration that it would be advisable to combine them.

Mr. FRANÇOIS accepted the amendments proposed by Mr. Hudson.

Paragraph 11 was adopted as amended.

Paragraph 12 (annex to the "Report," part I, art. 1, com., para. 6)

53. Mr. HUDSON proposed that the beginning of the second sentence should read:

"It was felt such limit would have the disadvantage . . .".

He also proposed the insertion of a full stop after the words "article 1" in the fourth sentence and the deletion of the rest of the sentence.

54. Mr. YEPES proposed the deletion of the words "for information" in the last sentence.

55. In reply to a question by Mr. Cordova, Mr. FRANÇOIS said that the Commission did not in any way restrict the exploitation of the sub-soil by means of tunnels.

56. Mr. HUDSON suggested the following simplified wording for the last sentence:

"The Commission points out that it is not intended to restrict in any way exploitation . . .".

The above amendments were adopted and paragraph 12 was adopted as amended.

It was decided to combine paragraphs 11 and 12.

Paragraphs 13 and 14 (annex to the "Report," part I, art. 1, com., paras. 7 and 8)

57. Mr. HUDSON advocated the deletion of paragraph 13, which might be appropriate in a report on the Commission's discussions, but was out of place in a commentary to an article.

58. Mr. YEPES agreed with Mr. Hudson. Nothing essential would be lost by the omission of the paragraph.

He recalled that, in a spirit of conciliation he had withdrawn the text he had submitted.³

59. Mr. FRANÇOIS was of opinion that the report would be incomplete without the paragraph in question. It referred to a proposal by the French branch of the International Law Association, which the Commission had considered, and clearly showed that the Commission had not omitted to take note of the proposal, but had rejected it for very definite reasons.

60. Mr. HUDSON observed that Mr. François had given a valid reason for the retention of the paragraph, which he had overlooked. It was a question of an idea expressed outside the Commission to which the latter wished to reply. If, therefore, Mr. François wished to retain the paragraph, he had no objection.

61. The CHAIRMAN considered that Mr. François was right; something should be said on the subject.

62. Mr. KERNO (Assistant Secretary-General) observed that paragraph 13 spoke of a minimum, and paragraph 14 of a maximum. In his opinion, if one were mentioned, the other should be also.

The proposal for the deletion of paragraph 13 was rejected.

63. Mr. HUDSON considered that the paragraph was not satisfactory. It spoke of rights, whereas article 2, which dealt with such rights had not yet been reached. If the Commission adopted the paragraph, it should be redrafted. He proposed the wording "The Commission did not see any reason for fixing, in terms of distance from the coast, a minimum limit of the continental shelf".

64. Mr. SCALLE was not very much impressed by Mr. Hudson's remarks. If a continental shelf were established, it would be in order that neighbouring States could exercise certain rights over it. Mr. Hudson's argument seemed to him too logical.

65. Mr. SANDSTRÖM proposed that the paragraph be combined with paragraph 11.

66. Mr. FRANÇOIS did not consider that matters would be made any clearer thereby. Three different things were involved: a fixed limit, a maximum distance and a minimum distance. It would be better to devote a paragraph to each of those notions.

67. Mr. HUDSON proposed the following text in place of paragraphs 13 and 14:

"The Commission considered the possibility of fixing both minimum and maximum limits of the continental shelf in terms of distances from the coast. It could find no practical need for either of such limits and it preferred to stop with the limit set out in article 1, which is cast in terms of the possibility of exploiting natural resources."

68. Mr. YEPES approved Mr. Hudson's text.

69. Mr. KERNO (Assistant Secretary-General) considered that, as a substitute for paragraphs 13 and 14, Mr. Hudson's formula could not be bettered, but was nevertheless of the opinion that it would serve a useful purpose to mention the very extensive claims put forward

by certain States, and to say that, for practical reasons, they had no reference to the continental shelf; also that fishing in such areas, for instance, was dealt with elsewhere, since it did not enter into the problem.

70. Mr. YEPES did not consider that any useful purpose would be served by retaining paragraph 14, which constituted an unmerited criticism of the policy of certain States such as Chile, Peru, Costa Rica and Salvador. He would vote against the paragraph.

71. Mr. FRANÇOIS was of the opinion that it was not a question of criticizing certain States. Actually, the second sentence of paragraph 14 read: "the claims of control and jurisdiction up to a distance of 200 sea miles from the coast formulated by certain States can, at the present time, only relate to fishing, since the stage of technical development reached does not yet permit the sub-soil of the sea to be exploited at a distance of 200 miles from the coast".

72. Mr. KERNO (Assistant Secretary-General) was also of opinion that, far from criticizing such claims, the paragraph only said that they did not concern the continental shelf.

73. Mr. HUDSON accepted Mr. Kerno's suggestion. He wished to make the following addition to the text he had proposed:

"Note was taken of the fact that some claims have been advanced with the maximum limit of 200 miles; but such a limit can have a practical purpose only in connection with fishing for, as a general rule, the depth of the water at that distance from the coast does not admit of the exploitation of the natural resources of the sub-soil."

74. Mr. FRANÇOIS wished to retain the last sentence of paragraph 14.

It was so decided.

The two texts proposed by Mr. Hudson were adopted.

Paragraph 15 (annex to the "Report", part I, art. 1, com., para. 9)

75. Mr. HUDSON suggested that the paragraph be reworded to read:

"The continental shelf envisaged in this article is limited to submarine areas outside territorial waters. Submarine areas beneath territorial waters are, like the waters above them, subject to the sovereignty of the coastal State, and there is no need to deal with them here".

Mr. FRANÇOIS accepted the amendment, and paragraph 15, as amended, was adopted.

Paragraph 16 (annex to the "Report", part I, art. 1, com., para. 10)

76. Mr. HUDSON proposed the deletion of the paragraph, as it was only a repetition of what was said in article 3.

77. Mr. FRANÇOIS admitted as much but had included it because he wished the comment on article 1 to be as complete as possible.

³ See summary record of the 123rd meeting, para. 5.

78. Mr. EL KHOURY was of opinion that the paragraph had the advantage of showing that the definition of the continental shelf had no other implication.

It was decided to retain the paragraph.

Article 2

Paragraph 17 (annex to the "Report", part I, art. 2, com., para. 1)

79. Mr. HUDSON was pleased to note that the article defined the position clearly but, in his opinion, it lacked an introduction to the comment which would do what Mr. François had tried to do in the comment on article 1. Article 2 emphasised that control and jurisdiction were only recognized for the purposes of the exploration and exploitation of the continental shelf. That had already been said in the comment on article 1, but it was not clearly stated in the comment on article 2. That omission had struck him and he wished paragraph 17 to be preceded by a paragraph in which that was brought out. The primary purpose, which was to stress the restricted ends for which control and jurisdiction could be exercised, had not been achieved.

80. He therefore proposed the following text as an introduction to the comment:

"In this article the Commission adopts the idea that the coastal State may exercise control and jurisdiction over the continental shelf, but requires such jurisdiction and control to be solely for the purpose stated. There can be no question of jurisdiction and control independently of the exploration and exploitation of the natural resources of the sea-bed and sub-soil."

Mr. Hudson's text was approved.

81. Mr. HSU pointed out that the beginning of paragraph 17 read: "The Commission rejected the view that the principle of the freedom of the seas conflicts with any exploration of the sea-bed and sub-soil...", but the Commission had never discussed the question. It was therefore somewhat arbitrary to say that it had rejected that opinion; neither had the Commission ever discussed the question mentioned in the second sentence. He was of the opinion that if the Commission had not discussed a question, it should be so stated.

82. He thought the paragraph should be redrafted and be wished to propose the following text to replace the first two sentences of paragraph 17:

"The Commission is aware that exploration and exploitation of the sea-bed and sub-soil, which involves the exercise of control and jurisdiction by the coastal State, would affect, though to a very limited extent, the principle of the freedom of the seas, particularly as it relates to navigation. It favours such exploration and exploitation only because they mean progress and may enhance the well-being of mankind. Nevertheless, it is evident..."

83. Mr. YEPES considered that the text proposed by Mr. HSU would obviate an undesirable interpretation. He did not, however, see why the principle of the freedom

of the high seas had been qualified as sound. The way in which Mr. Hsu presented the question was satisfactory to him.

The meeting rose at 6 p.m.

131st MEETING

Tuesday, 24 July 1951, at 9.45 a.m.

CONTENTS

	Page
Examination of the draft report of the Commission covering its third session (<i>continued</i>)	
Chapter VII. Régime of the high seas (A/CN.4/27) (<i>continued</i>)	
Continental shelf (<i>continued</i>)	405
Article 2 (<i>continued</i>)	405
Articles 3 and 4	409
Article 5	409
Article 6	409
Article 7	410

Chairman: Mr. James L. BRIERLY
Rapporteur: Mr. Roberto CORDOVA

Present:

Members: Mr. Gilberto AMADO, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Manley O. HUDSON, Mr. Faris EL KHOURY, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jesús Maria YEPES.

Secretariat: Mr. Ivan KERNO, Assistant Secretary-General in charge of the Legal Department; Mr. Yuen-li LIANG, Director of the Division for the Development and Codification of International Law, and Secretary to the Commission.

Examination of the draft report of the Commission covering its third session (*continued*)

CHAPTER VII. RÉGIME OF THE HIGH SEAS (A/CN.4/L.27) (*continued*)

Continental shelf

Article 2 (continued)

Paragraph 17 (annex to the "Report", Part I, art. 2, com., para. 1) (*continued*)

1. The CHAIRMAN recalled that towards the end of the previous meeting, Mr. Hsu had submitted to the Commission a text to replace the greater part of paragraph 17¹. He personally agreed with Mr. Hsu that the exploration and exploitation of the sea-bed and subsoil did not leave the freedom of the high seas wholly intact.

2. Mr. HUDSON was in favour of deleting paragraph 17 and including the ideas it expressed in the comment on article 6.

¹ Summary record of the 130th meeting, para. 82.