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Summary record of the 171st meeting

Topic:
Law of the sea - régime of the territorial sea

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remained whether the Commission wished the special rapporteur on that subject to submit a report to the next session.

78. The CHAIRMAN felt that that question could be considered when the Commission came to draw up the provisional agenda for the next session.

79. Mr. FRANÇOIS thought that it was difficult to separate the two questions. Some members of the Commission, for example, would only agree to deleting the item from the agenda of the present session if they knew that it would be taken up at the next session. He personally saw no possibility of adding that item to the already crowded agenda for the next session, and thought it would be perfectly possible to devote a few days' consideration to it at the present session.

80. Mr. SPIROPOULOS suggested that the Commission need take no final decision at present to delete from the agenda of the present session the item concerning review of the Statute; the item should merely be set aside for the time being with a view to allowing the Commission to continue consideration of the régime of the territorial sea, and thereafter to take up the draft articles on arbitral procedure, with explanations.

Mr. Spiropoulos' suggestion was adopted by 12 votes to none, with 1 abstention.

The meeting rose at 1.5 p.m.

171st MEETING

Thursday, 24 July 1952, at 9.45 a.m.

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Chairman : Mr. Ricardo J. ALFARO.

Rapporteur : Mr. Jean SPIROPOULOS

Present :

Members : Mr. Gilberto AMADO, Mr. Roberto CORDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Manley O. HUDSON, Faris Bey el-KHOURI, Mr. F. I. KOZHEVNIKOV, Mr. H. LAUTERPACHT, Mr. Georges SCELLE, Mr. J. M. YEPES, Mr. J. ZOUREK.

Secretariat : Mr. Yuen-li LIANG (Director of the Division for the Development and Codification of International Law, and Secretary to the Commission).

Régime of the territorial sea (item 5 of the agenda) (A/CN.4/53) (*continued*)

1. The CHAIRMAN invited the Commission to continue its consideration of the Draft Regulation contained in the special rapporteur's report (A/CN.4/53) on the régime of the territorial sea.

ARTICLE 13 : DELIMITATION OF THE TERRITORIAL SEA OF TWO ADJACENT STATES¹

2. Mr. FRANÇOIS drew attention to the various solutions to the problem of delimiting the territorial sea of two adjacent States indicated in the comment on Article 13 of his draft regulation. Those solutions would give the same line of delimitation in the theoretical case where the frontier was at right angles to the coast and the coast-line was absolutely straight. If the frontier was at 45 degrees to the coast-line, prolongation of the land frontier would be grossly unfair to one of the two States; if the coast-line was indented, it would be illogical to draw a line perpendicular to the coast at the point where the frontier reached the sea. Use of a median line appeared to be the only fair and logical solution in such cases; that line had been defined by the well-known American authority on such matters, Whittemore Boggs, as "a line every point of which is equidistant from the nearest point or points on the coast-lines of the two States".² That geometric concept was perhaps rather difficult for laymen to understand, and he himself had found it so, but he had every confidence in the expert qualifications of Mr. Whittemore Boggs.

3. As he had also indicated, however, the rule of the median line would not be applicable in certain exceptional cases. Those cases were not purely theoretical. He had referred, for example, to the case of the mouth of the Scheldt in the "Wielingen". At the 1930 Conference for the Codification of International Law, Mr. Barbosa de Magalhaes had suggested that there was one other case in Latin America which was really analagous, and he suggested that it was not perhaps necessary for the Commission to take those two cases into account. On the other hand, cases were not infrequent where the line of delimitation had to be drawn through the estuary of a river whose navigable channel did not follow the median line, and the line of delimitation would therefore present serious inconveniences; the Commission might consider that it was necessary to provide for cases of that kind.

4. Mr. HUDSON said that he had given careful consideration to the written and oral explanations of Mr. Whittemore Boggs concerning what he understood by the median line. He was not, however, entirely convinced, and hoped that the special rapporteur would further study the whole question, and particularly the results of applying the rule of the median line in particular cases. He himself had studied the question as it affected certain parts of the world, from a practical point of view, and feared that application of the rule of the median line would not be satisfactory in a

¹ Article 13 read as follows :

"The territorial sea of two adjacent States is normally delimited by a line every point of which is equidistant from the nearest point on the coastline of the two States."

² W. Boggs, "Delimitation of Seaward Areas under National Jurisdiction", *American Journal of International Law*, vol. 45 (1951), p. 256.

number of cases, particularly where the frontier reached the sea near a promontory.

5. The special rapporteur had cited Gidel in support of his statement that the rule of the median line had been put into effect in a number of cases. In the passage referred to, Gidel had mentioned the 1910 agreement between Canada and the United States of America, fixing a line of delimitation in the Passamaquoddy Bay.³ In his (Mr. Hudson's) view that agreement could not be quoted as one in which the rule of the median line had been applied. Any attempt to apply the principle of the median line in that case would actually have run up against the difficulty caused by the presence in the Bay of two islands, Grand Manan and Petit Manan, which would presumably have had to be somehow taken into account. In fact he could not find any principle which had served as a basis for drawing the line; agreement between the two States concerned had been reached, and no difficulties had arisen since.

6. Another case which had a bearing on the problem before the Commission was that of the United States frontier with Mexico along the Rio Grande. In 1848 the two Governments had concluded an agreement, extending the land frontier for a distance of three leagues towards the open sea from the mouth of the river.⁴ It had not been quite clear, however, where those three leagues were to begin or end, and some fifty years later an administrative agreement clarifying the point had been concluded. What was of interest was that, in that case too, neither the original agreement nor the administrative agreement had been based on any principle. He felt indeed that, even if some general principle were laid down, States should be free to disregard it provided they reached agreement. And presumably that was the meaning of the word "généralement", mistranslated as "normally", in the English text in the article drafted by the special rapporteur.

7. Where there were islands or archipelagoes in the vicinity of the point where the frontier reached the sea, as in the case of Passamaquoddy Bay, he did not think that any general principle could be laid down. Where there were not, it seemed that three solutions could be envisaged. First, the land frontier could be extended towards the open sea; but in that case it must be the general line of the land frontier, and not merely the line of the frontier near the coast, which was often deflected, for one reason or another, from the general line. Secondly, the line could be drawn perpendicular to a small portion of the coast-line. Thirdly, it could be drawn perpendicular to the general direction of the coast-line.

8. He noted that the special rapporteur had said that, in its judgment of 23 October 1909 on the maritime frontiers between Norway and Sweden, the Permanent Court of Arbitration had adopted the second solution.

³ G. Gidel, *Le Droit international public de la mer*, vol. III, p. 769.

⁴ Treaty of Peace, Friendship, etc., signed at Guadalupe Hidalgo, on 2 February 1848. Text in de Martens, *Nouveau Recueil Général des Traités*, vol. XIV, p. 7.

Gidel at least had interpreted that judgment as based on the third solution, although admittedly the matter was not clear from the operative part of the judgment. In his view, however, the third solution was preferable to either of the other two which he had suggested, and certainly preferable to the rule of the median line, and he would commend it to the special rapporteur's particular and serious attention.

9. Mr. LAUTERPACHT said that he had listened with great interest to the statements by Mr. François and Mr. Hudson, which had, however, only confirmed him in his view that the Commission was not the appropriate body to discuss such technical questions. He had studied the question at issue in connexion with the delimitation of the continental shelf in the Persian Gulf, and had hesitantly come to certain provisional conclusions, but he felt that the Commission needed expert advice in the matter. It might set up a very small committee, composed, say, of the special rapporteur and Mr. Hudson, assisted by an expert like Mr. Whittemore Boggs and an expert cartographer. It would then be able to consider the committee's recommendations when they were presented by the special rapporteur.

10. Mr. AMADO said that he did not see how the Commission could come to any conclusion in the matter at the present time, particularly in view of the fact, pointed out by the special rapporteur, that it had no leads from the 1930 Conference on which to work.

11. The special rapporteur had indicated a number of solutions without giving detailed arguments for or against them. The only conclusion which he appeared to have reached was that "the International Law Commission *might* adopt in principle the rule of the median line". He had immediately gone on, however, to indicate cases in which that rule would not be applicable. There was, in fact, no unanimity either of legal precedent or of scientific opinion, and in the circumstances the only course which appeared to be open to the Commission was to request the special rapporteur to make a closer study of the question before the next session with a view to deciding whether or not he could submit a clear-cut and definite recommendation upon which the Commission could act.

12. Mr. CORDOVA agreed that the Commission was not in a position to propound a technical rule on a question which required expert scientific knowledge. His own efforts to understand the theory of the median line had been in vain, and he did not see how the establishment of a committee could help those members of the Commission not represented on it to understand the theory any better. He recalled, however, that when the Commission, at its third session, had considered the delimitation of the continental shelf of two adjacent States, it had approved a juridical rule, reading as follows:

"Two or more States to whose territories the same continental shelf is contiguous should establish boundaries in the area of the continental shelf by agreement. Failing agreement, the parties are under

the obligation to have the boundaries fixed by arbitration.”

It was difficult to see how the Commission could go any further as regards delimiting the territorial sea of two adjacent States. On the other hand, it could not, as Mr. Amado has suggested, leave the question entirely open.

13. Mr. YEPES said that he, too, felt himself in some perplexity about a question which lay quite outside the field of expert knowledge of members of the Commission, as was clear from the fact that the articles in which Mr. Whittemore Boggs had propounded his theory had not appeared in a legal publication, but in a geographical review. On the other hand, the question was one which the Commission must solve, and in order to assist the special rapporteur in his task, he had drafted the following article, based on the judgment of the Permanent Court of Arbitration of 23 October 1909 concerning the maritime frontiers between Norway and Sweden :

“In the absence of any special convention between two adjacent States fixing their maritime frontier, their territorial sea is delimited by a line perpendicular and at right angles to the coast at the point at which the frontier between the two territories reaches the sea”.

He did not ask that that text should be voted on, but merely commended it to the attention of the special rapporteur.

14. Mr. el-KHOURI felt that it would be impossible to draft a universally applicable rule stating in precise terms how the territorial sea of two adjacent States should be delimited. The Commission should therefore restrict itself to stating a rule in fairly general terms and leave it to the experts to determine precisely how the line should be drawn in each individual case.

15. Mr. KOZHEVNIKOV said that, in order not to repeat himself, he would merely remind members of the Commission of what he had said at the 164th meeting with regard to article 13.⁵ The Commission could certainly not accept article 13 in its present form. On the other hand he had some doubts about seeking expert advice, although the question must be studied further.

16. The CHAIRMAN, speaking as a member of the Commission, said that it seemed clear that the difficulty in which the Commission found itself arose from the fact that it was required to pronounce upon a technical rule, and that that rule was one which could not be applied in all imaginable cases.

17. He suggested that three different kinds of case could occur. In the first kind, where the frontier ended on a concave indentation of the coast-line, there was no difficulty about applying the rule of the median line ; and indeed the great majority of the illustrations given by Mr. Whittemore Boggs had been cases of that

kind. Secondly, the frontier could end on a convex indentation of the coast-line ; in such cases the rule of the median line appeared to be meaningless, whereas it seemed to be perfectly satisfactory to draw a line perpendicular to the coast at the point at which the frontier reached the sea. Thirdly, it might be necessary to draw the line of delimitation through a river or a bay ; in such cases the principle of the median line or the principle of the “thalweg” could be applied as local conditions determined.

18. He wished to suggest for the consideration of the special rapporteur that it be left to the experts to decide the technical question precisely how the line was to be drawn in each case, and that the Commission confine itself to seeking to formulate a juridical principle which would be applicable in all cases. It might state, for example, that the line of delimitation should be drawn in such a way as not to leave any portion of the territorial sea of one State in front of the coast-line of another State.

19. Mr. SPIROPOULOS felt that the Commission should first decide whether it wished to secure expert advice. If it did, it could hardly restrict itself to two experts, as Mr. Lauterpacht had suggested. In other words, financial implications would arise. Moreover, if the experts failed to agree, as he thought very likely, how was the Commission to decide ? If the Commission decided not to seek expert advice, there was no reason why it should feel itself obliged to formulate a provision on the subject. After all, the draft regulation would not be exhaustive in other respects. If it wished to include some general provision, however, it could include one similar to that which it had approved in respect of the continental shelf, though compulsory arbitration might be thought undesirable in a matter which was purely one of codification.

20. Mr. LIANG (Secretary to the Commission) pointed out that article 16 of the Statute provided that :

“The Commission may consult with scientific institutions and individual experts ; these experts need not necessarily be nationals of Members of the United Nations. The Secretary-General will provide, when necessary and within the limits of the budget, for the expenses of these consultations of experts.”

There were various modes of consultation with experts. A meeting of experts could be convened under United Nations auspices, but it must be borne in mind that in all United Nations bodies the principle of equitable geographical distribution was observed. Alternatively the Commission could invite an expert or experts to testify before it. Lastly it could seek the advice of scientific institutions with expert knowledge in the matter under discussion or cognate matters ; one advantage of that method would be that it would involve no additional expense.

21. The Commission might however decide eventually that it had been unable to reach agreement on a number of questions ; one of those questions might, though he hoped it would not, be the breadth of the territorial sea ; the Commission might also have to report that,

⁵ See summary record of the 164th meeting, para. 24.

for rather different reasons, it had been unable to reach agreement on the delimitation of the territorial sea of two adjacent States.

22. If the Commission saw fit to lay down a purely juridical principle for delimiting the territorial sea of two adjacent States, backed up by adequate documentary evidence, such a principle might have to be stated in very general terms.

23. Mr. FRANÇOIS said that he would regret the Commission's taking no action on a question of such obvious importance. He recalled, moreover, that the Commission had decided that it could not state any more precise rule for delimiting the continental shelf between two adjacent States until it had laid down a rule for delimiting the territorial sea between two adjacent States. Adoption of the same rule as had been adopted for the continental shelf would not represent much progress even if recourse to arbitration in case of disagreement were made compulsory, unless some more precise rule were formulated to guide the arbitral tribunal.

24. It was obvious that the Commission needed expert advice before it could proceed further, but he did not think that article 16(e) of the Statute was intended to cover contingencies such as that which had arisen. He did not see how, constituted as it was at present, the Commission could itself conduct satisfactory consultations with experts. All that it could do was to state in its report that it appeared to be necessary to convene a joint conference of jurists and scientific experts to solve the technical question at issue. If the General Assembly accepted that suggestion, the results achieved by the Conference would provide a basis for the Commission's draft.

25. If the Commission confined itself to requesting him to study the matter further he feared very much that it would be faced with the same difficulties at its next session.

26. Mr. ZOUREK said that the method of delimiting the territorial sea of two adjacent States adopted by the Bulgarian government in its decree of 10 October 1951 had the great virtue of simplicity, and would be effective in preventing disputes.⁶

27. The special rapporteur seemed to be in favour of the method of the median line, but it was clear from the discussion that it could not be applicable to all cases and was therefore unacceptable.

28. As he had proposed at the 164th meeting, governments rather than experts should be consulted so that the Commission might ascertain the practice of States.⁷ Once that information had been assembled, the Commission would be in a position to examine the problem more thoroughly.

29. Mr. HSU said he had considerable sympathy with Mr. François' views. The Commission must seek to

find ways of formulating general rules and not allow itself to be defeated by difficulties. If the Commission could not find a single universally applicable rule for delimiting the territorial sea of adjacent States it would be preferable to devise several rules rather than to abandon the attempt.

30. The possibility of consulting experts merited consideration and perhaps Mr. François could follow the example of Mr. Hudson, who had enlisted the help of a specialist in writing his report on nationality including statelessness (A/CN.4/50). Such a method should not be too costly.

31. He was uncertain whether it would be expedient for the Commission to deal with the question of the delimitation of the territorial sea in the same way as it had dealt with the continental shelf, until it had obtained expert opinion.

32. Mr. CORDOVA said that the Commission was being too ambitious in attempting to find a general rule of law applicable to a vast number of very diverse cases. There was, for example, no rule in civil law delimiting the boundaries between private properties on a lake-side. Clearly such matters must be left to individual decision based on expert opinion. Delimitation of the territorial sea depended on geographical and other considerations of considerable complexity and must therefore be carried out by agreement between States or, failing that, by arbitration.

33. Mr. AMADO deprecated the suggestion that he was a partisan of facile solutions. Part of the Commission's task in promoting the progressive development of international law and its codification was to deduce certain general rules from the practice of States. To the best of his knowledge, the special rapporteur had not yet succeeded in demonstrating that a rule on the delimitation of the territorial sea of two adjacent States existed or could be derived from practice.

34. Mr. SPIROPOULOS agreed with Mr. Amado. It was not always possible to formulate general rules of law of universal application. It would be useless to seek the views of experts on the delimitation of the territorial sea, since they would in all likelihood only be found to differ widely.

35. It would be inadmissible for the Commission to reach a different decision on the delimitation of the territorial sea from that reached on the delimitation of the continental shelf, in view of the close connexion between the two questions. There were then two possible courses: either the special rapporteur might indicate in his final report that the Commission had failed to reach a decision on the delimitation of the territorial sea of two adjacent States, which would imply that the boundary would have to be determined by agreement between States and, if that proved impossible, by obligatory recourse to arbitration; or the Commission might explicitly advocate the rule adopted for the delimitation of the continental shelf.

36. He would not oppose a general formula on the lines suggested by the Chairman, since it was consistent

⁶ See text in *Laws and Regulations on the Régime of the Territorial Sea*, United Nations Publication, Sales No. 1957.V.2, p. 80.

⁷ See summary record of the 164th meeting, para. 30.

with the Commission's decision on the continental shelf. He emphasized the need for the Commission to take a definite decision as to whether or not it should seek expert advice, and, if so, in what form.

37. Mr. HSU, replying to Mr. Amado, said he had only intended to criticize a negative approach. If the Commission was unable to deduce general rules from practice it must derive them from legal principles.

38. Mr. LAUTERPACHT urged the Commission to reject two of the proposed courses of action, both of which would in fact amount to doing nothing. The first was that the Commission should eventually declare itself unable to propose a rule delimiting the territorial sea of two adjacent States and recommend that the question be referred to a mixed commission of jurists and experts. The second was that the Commission should advocate the same solution as for the continental shelf. He submitted that the decision on the continental shelf was no solution: all that the Commission had achieved was to propose a provision whereby, failing agreement, delimitation of the continental shelf between States was to be submitted to compulsory arbitration — *ex aequo et bono* if necessary. Naturally some governments would not be prepared to submit a question to compulsory arbitration which would not be based on specific legal rules.

39. He could not agree that it was beyond the capacity of the Commission to solve problems associated with the delimitation of the territorial sea because it did not possess the requisite technical knowledge. The difficulties were not insurmountable and the matter was capable of regulation in accordance with legal principles of general application, such as those mentioned by Mr. Hudson, Mr. Alfaro and Mr. el-Khoury.

40. In his view, therefore, the Commission should instruct the special rapporteur to pursue his study, in consultation with experts. He did not deny the possibility of disagreement between experts but Mr. François, with the trained detachment and discernment of a jurist, would be able to reach his own conclusions, and present them, together with a detailed commentary, to the Commission at its next session.

41. Mr. SPIROPOULOS reaffirmed his conviction that, since the delimitation of the territorial sea was intimately linked with that of the continental shelf, the two could not be treated differently.

42. Mr. LAUTERPACHT pointed out that the Commission's decision on the continental shelf was in effect to postpone a solution because it was unable or unwilling to formulate rules. At all events, it was not an urgent question since it would be some time before resources of the sea-bed and subsoil of the continental shelf were exploited. Settlement of the problem of the territorial sea, on the other hand, ought not to be deferred.

43. Mr. SPIROPOULOS observed that the decision on the continental shelf had been taken on the understanding that the question of the delimitation of the territorial sea would be taken up soon after.

44. Mr. FRANÇOIS considered that the decision on the continental shelf did not preclude the Commission from seeking to formulate rules on the delimitation of the territorial sea.

45. Mr. CORDOVA said that, if the Commission were to lay down a general rule on the breadth of the territorial sea or adopt a method for its delimitation, it would have to revert to the question of the continental shelf.

46. Mr. SCELLE was sceptical about the possibility of framing a general rule on delimiting the territorial sea applicable to extremely varied conditions. For example, an acceptable method of delimitation between two given States might not be suitable for delimiting the territorial sea of one of them and a third state. Such matters, in his opinion, could only be settled by agreement between States acting on expert advice. The decision reached concerning the delimitation of the continental shelf represented a real rule of law. The Commission could go no further than to advocate compulsory arbitration. It should refrain from seeking to achieve the impossible.

47. Mr. FRANÇOIS said that, pushed to its logical conclusion, Mr. Scelle's argument would mean that the Commission had very little to do other than to recommend that any matter concerning which there was no clearly recognized rule should be submitted to arbitration. Conflict of interests between States was always possible and was not a reason for abstaining from establishing general rules of law. It was the Commission's duty to codify international law and Mr. Lauterpacht was right in arguing that its decision on the continental shelf was no solution. If Mr. Spiropoulos' contention concerning the interrelation of the decisions on the continental shelf and the territorial sea were accepted, the Commission would find itself in a vicious circle.

48. Mr. SCELLE explained that he was not opposed to the Commission attempting to formulate general rules. He merely wished to say that, in the case of the territorial sea, failure was inevitable.

49. Mr. KOZHEVNIKOV said that the Commission had to decide two questions: first, whether to delete article 13 from the draft and conclude the debate on it, and secondly, whether or not to instruct Mr. François to continue his studies on the problem and submit his findings to the Commission at the next session. He proposed that the decision on consultation with experts be postponed until the next session.

50. If the Commission adopted his proposal it must take up Mr. Zourek's proposal that governments be consulted on certain definite points concerning the territorial sea.

51. Mr. CORDOVA considered that, in addition to the issues mentioned by Mr. Kozhevnikov, the Commission would also have to decide whether or not to apply its decision on the continental shelf to the delimitation of the territorial sea.

52. Mr. HUDSON said that, on the basis of the foregoing remarks, the Commission might give an answer to four questions which he would formulate as follows :

“1. Does the Commission wish to exclude the subject of article 13 from consideration?

“2. If not, does the Commission wish to repeat what was said concerning the continental shelf?

“3. If not, does the Commission wish to confide the problem to the special rapporteur?

“4. If so, does the Commission wish to suggest that the special rapporteur place himself in contact with experts?”

53. Mr. KOZHEVNIKOV said that, as he had not participated in the discussions on the continental shelf, he could not express any opinion on question 2.

54. Mr. FRANÇOIS asked whether an affirmative reply to question 3 would preclude the Commission from recommending the establishment of a mixed commission of experts and jurists.

55. Mr. SPIROPOULOS observed that an affirmative reply to question 3 would not prejudice the future action to be taken by the Commission on article 13.

56. Mr. SCELLE said that, by instructing the special rapporteur to continue his study of the problem, the Commission did not necessarily exclude the possibility of his recommending a similar solution to that adopted on the continental shelf.

57. Mr. YEPES agreed with Mr. Scelle.

The Commission replied in the negative to question 1 by 8 votes to 2 with 2 abstentions.

The Commission replied in the affirmative to question 3 by 9 votes to none with 3 abstentions.

58. Mr. LIANG (Secretary to the Commission) referring to question 4, pointed out that budgetary appropriations could not be considered by the General Assembly unless the Secretary-General were presented with a definite decision by the Commission and gave an estimate of the costs. It would therefore have to be established whether consultation of experts would involve expenditure. The Secretariat would want to be represented when a decision of this nature was to be taken, even in a private meeting.

59. Mr. HUDSON said he envisaged such consultation as purely informal and personal. The special rapporteur could do it by correspondence and it would cost nothing.

60. Mr. FRANÇOIS said that he could do no further useful work on article 13 without expert advice.

61. Mr. AMADO considered that there were many more pressing problems than the one under consideration on which the Commission should have the opinion of experts. He therefore thought it preferable for Mr. François to continue his work independently and for the Commission to decide at the next session whether or not to obtain expert assistance.

62. Mr. CORDOVA said that the course advocated by Mr. Amado would be a waste of time. The special rapporteur had already indicated his inability to make any progress without expert advice.

63. Mr. SPIROPOULOS observed that, if the Commission accepted Mr. Kozhevnikov's proposal, further work on article 13 would have to be postponed until the next session.

Mr. Kozhevnikov's proposal that the Commission decide at its next session whether or not to seek expert advice was rejected by 7 votes to 4 with 2 abstentions.

The Commission replied in the affirmative to question 4, formulated by Mr. Hudson, by 8 votes to 2 with 1 abstention.

64. Mr. el-KHOURI and Mr. YEPES said that they had voted in favour of an affirmative answer to question 4 on the understanding that the special rapporteur would consult experts in the manner indicated by Mr. Hudson.

65. Mr. CORDOVA pointed out that fees must be paid for expert advice.

66. Mr. HUDSON said he was certain that Mr. Boggs would not require payment for any advice he could render.

67. Mr. LIANG (Secretary to the Commission) said that if Mr. Hudson were right, no financial implications were involved in the Commission's decision on question 4.

The meeting rose at 1.25 p.m.

172nd MEETING

Friday, 25 July 1952, at 9.45 a.m.

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Chairman : Mr. Ricardo J. ALFARO.

Rapporteur : Mr. Jean SPIROPOULOS.

Present :

Members : Mr. Gilberto AMADO, Mr. Roberto CORDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Manley O. HUDSON, Faris Bey el-KHOURI, Mr. F.