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Summary record of the 196th meeting

Topic:
Law of the sea - régime of the high seas

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decided to use the term "the territorial sea" instead of "territorial waters". The inclusion of the words "to a depth of 200 metres" was a more important change. The Commission's definition of the "continental shelf" had been widely criticized for not laying down a fixed limit, and the view had been expressed that a depth of 200 metres should be adopted. (*cf.* paras. 5 and 6 of comments). That was why he had proposed the modification.

66. Mr. YEPES said he had originally favoured a geological definition of the continental shelf, but had finally come round to the view that a juridical definition was preferable. The reasons for his change were in part stated in paragraphs 1 and 2 of the comment on article 1. Furthermore, a number of governments had expressed their approval of the Commission's attitude, namely, those of the Netherlands, the Philippines and the United States of America. He accordingly suggested that exploitability should be retained as the criterion for determining the width of the continental shelf and not depth.

66a. It would be most unsatisfactory for the Commission to reverse its earlier decision and to revert to a geological definition, as now proposed by the Special Rapporteur.

67. Mr. FRANÇOIS said that Mr. Yepes was mistaken in thinking that the proposed modification to article 1 was equivalent to substituting a geological definition for a juridical one. It was simply a case of fixing the limits of the exploitation of the natural resources of the sea bed and sub-soil by a flexible or a rigid criterion.

68. Mr. HSU supported Mr. François. A limit of 200 metres was sufficiently liberal, and could always be extended should future circumstances warrant it.

69. He wished, however, to raise another point with regard to article 1. Why had the term "continental shelf" been preferred to the simple and easily comprehensible term "submarine areas", which also figured in the text of article 1?

70. The CHAIRMAN noted that Mr. Kozhevnikov had gauged the feelings of the Commission correctly in proposing that there should first be a general discussion. Since no such discussion was in fact being held, he must request members to restrict their comments to the modification proposed to article 1.

71. Mr. SANDSTRÖM considered that the text of article 1 adopted by the Commission at the fourth session should be retained. A dangerous tendency was prevalent gradually to extend the rights enjoyed by riparian states in the territorial sea. The Commission had given a rational definition of the right of exploitation of the natural resources. He was opposed to the specification of a limit.

72. Mr. YEPES drew attention to the definition of the continental shelf adopted by the Commission at the fourth session in paragraph 5 of the commentary on article 1, whereby all States were granted equal treatment. If a geological definition were now adopted, States

like Chile and Peru, which had no continental shelf in the geological sense of the word, would be placed at a serious disadvantage.

73. Mr. SCALLE was also opposed to fixing a limit. How would it be possible to prevent a State from continuing its exploitations once it had reached a depth of 200 metres? Indeed, from his point of view the only justification for the conception of the "continental shelf" was that there might be riches on the seabed of which humanity as a whole ought not to be deprived.

74. The CHAIRMAN said that the discussion would be continued at the next meeting, when he would himself take the opportunity of supporting the Special Rapporteur's point of view.

The meeting rose at 1 p.m.

196th MEETING

Wednesday, 17 June 1953, at 9.30 a.m.

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Chairman: Mr. Gilberto AMADO, *First Vice-Chairman.*

Rapporteur: Mr. H. LAUTERPACHT.

Present:

Members: Mr. Ricardo J. ALFARO, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Faris Bey el-KHOURI, Mr. F. I. KOZHEVNIKOV, Mr. Radhabinod PAL, Mr. A. E. F. SANDSTRÖM, Mr. Jean SPIROPOULOS, Mr. J. M. YEPES, Mr. Jaroslav 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 high seas (item 2 of the agenda) (A/CN.4/60) (*continued*)

CHAPTER IV: REVISED DRAFT ARTICLES ON THE CONTINENTAL SHELF AND RELATED SUBJECTS. PART I: CONTINENTAL SHELF

Article 1 (continued)

1. Mr. LAUTERPACHT said he had not fully understood the precise nature of the objection raised by

Mr. Sandström at the previous meeting to the Special Rapporteur's proposal to amend the original draft of article 1 by stipulating a definite depth.

2. Mr. SANDSTRÖM explained that in his opinion the original text was more rational. As explained by Mr. S. S. Nehru, in a statement quoted in the Special Rapporteur's report (A/CN.4/60, mimeographed English text, p. 28; printed French text, No. 66), the possibility of exploiting natural resources at a depth greater than 200 metres must be envisaged.

3. His second objection was that to allow coastal States to exploit the natural resources of the subsoil of the submarine areas contiguous to the coast would encourage a tendency to encroach upon the rules governing the régime of the high seas and to extend territorial waters. To fix a limit referring to the depth, and thereby a definite area where the control was to be exercised, would reinforce that tendency.

4. Mr. LAUTERPACHT said he was still unable to understand Mr. Sandström's reasoning. If Mr. Sandström's concern was to limit the sovereign rights of the coastal State, he saw no difference between giving States the right to exploit natural resources according to a fixed depth of the superjacent waters or according to a limit defined in more general and necessarily very elastic terms. In both cases they would be exercising sovereign rights.

5. Paying tribute to the learned report prepared by the Special Rapporteur, he said that he was in agreement with the proposed change to article 1. An exact limit had the merit of clarity, which was extremely desirable, since in matters pertaining to the continental shelf some governments were inclined, in addition to legitimate assertions of right, to make others.

6. The change proposed by the Special Rapporteur, however, raised a number of problems. There was, for instance, the question of what was to be done in cases where there was a narrow channel more than 200 metres in depth contiguous to the coast and shallow waters further out. If the 200-metre limit were accepted, Norway, for example, would have no continental shelf at all. The Special Rapporteur had suggested that in that specific case an equitable solution would be to draw median lines such as to apportion the relevant areas in the North Sea between Norway and the United Kingdom. The Commission ought to consider suggestions on those and similar lines.

7. Another difficulty arose where there was no shelf at all: for example, in the Persian Gulf. The Special Rapporteur might argue that that was not a problem under his definition of the continental shelf, and that the area would accordingly be delimited according to the provisions of article 7. In his (Mr. Lauterpacht's) opinion that would provide no solution if the Special Rapporteur were to insist on the new procedure as proposed in article 7, which had now been amended in such a way as to substitute a conciliation procedure for the settlement by arbitration proposed in the draft adopted at the third session.

8. The United Kingdom Government, in its observations, was definitely opposed to allotting to coastal States a submarine plateau separated from their coastline by a channel over 200 metres in depth. Nevertheless, the Commission might perhaps consider a less rigid formula reading:

"While the depth of 200 metres as a limit of the continental shelf must be regarded as the general rule, it is a rule which is subject to equitable modifications in cases in which, in the proximity of the coast, the separation of the continental shelf from the contiguous sea by a depth greater than 200 metres does not represent the general geographical configuration of the submarine area in question."

9. Mr. KOZHEVNIKOV considered that, although the first few articles in the draft were inter-related, it would be well for the time being to confine the discussion to article 1.

10. The definition contained in that article as at present drafted required in his opinion a more solid basis which, apparently, was to be found in the natural geographical factors. He would therefore propose an alternative text reading:

"As here used, the term continental shelf means the sea-bed and subsoil of the submarine areas contiguous to the coast, but lying outside the area of the territorial waters, up to the line where the steep slope of the sea-bed begins."

11. He had used the expression "territorial waters" because he did not regard as final the Commission's decision at the fourth session to abandon it for the expression "territorial sea".

12. Mr. FRANÇOIS (Special Rapporteur) said he could very well understand Mr. Sandström's objections. For the same reasons the United States Government had, in the "liquor treaties", preferred a flexible to a rigid limitation of the zone, in which ships could be examined. The difference between the régime of the continental shelf and that of the territorial sea, however, was so great that the danger of the one influencing the other was slight.

13. Taking up the points raised by Mr. Lauterpacht, he pointed out that the problem of contiguity, when there was a deep channel near the coast, would remain whether or not a depth of 200 metres were fixed. The problem was really one of interpretation as to what was meant by "contiguous to the coast", a point which should be dealt with after the Commission had decided whether or not to stipulate a specific depth.

14. Mr. Kozhevnikov's proposal would imply a return to the geological definition of the continental shelf, since it referred to the slope of the sea-bed in the geological sense. The Commission had rejected that conception, because in many parts there was no such declivity, and it had been felt that it would be unjust not to accord to coastal States the right to exploit natural resources in such cases. As he had stated in his comments (*Ibid.*, p. 101 or para. 22), no government

had expressed a contrary opinion about the Commission's decision not to limit itself to the geological concept; indeed, certain governments had explicitly approved the decision. A number of recognized authorities in the field, including Gidel, had also rejected the geological conception.

15. Mr. YEPES asked the Special Rapporteur to comment upon his (Mr. Yepes') statement at the previous meeting, that the Commission's original decision should be maintained.

16. Mr. FRANÇOIS said that Mr. Yepes had argued that the new text should be rejected because it would constitute a return to a geological as opposed to a juridical definition. As he had himself explained at the previous meeting, he had always been in favour of a juridical definition, since the geological concept was based on the configuration of the sea-bed, and would mean that in the absence of certain geological conditions there would be no continental shelf. All he had sought to do in proposing a new text for article 1 was to substitute a fixed limit for an indefinite one. He failed, therefore, to see the pertinence of Mr. Yepes' argument.

17. Mr. YEPES said that he had already explained the way in which his views on the subject had developed. The geological definition was based upon depth, whereas the juridical definition would be made elastic in order to take into account technical progress, which might eventually enable States to exploit natural resources below 200 metres. Such a definition was more flexible, and should be maintained, and he therefore proposed that article 1 be amended to read:

"As here used, the term 'continental shelf' refers to the sea-bed and subsoil of the submarine areas contiguous to the continental or island coasts of a State, but outside the area of the territorial sea, where the depth of the superjacent waters permits exploitation of the natural resources of the sea-bed and subsoil."

18. It might also be preferable to say "submarine plateau" or "submarine platform" instead of "continental shelf".

19. His text explained what was meant by areas contiguous to the coast, a point of particular importance where islands lay near the coastline.

20. Mr. SPIROPOULOS considered that it would be useless for the Commission to embark upon an interminable discussion on the respective merits of the geological and juridical definitions.

21. Mr. LAUTERPACHT said that it would hardly be possible to disregard the distinction between juridical and geological definitions, though it was not necessary to accept Mr. Yepes' view that the former was flexible and the latter definite and precise. A geological, or any other concept, once incorporated into a legal rule, became a legal concept.

22. The CHAIRMAN, speaking in his personal capacity, said that Mr. Yepes had reinforced the argu-

ments put forward by the Special Rapporteur and endorsed by numerous governments and legal authorities, in favour of rejecting the geological definition. Moreover, no two geologists agreed upon the definition of the continental shelf.

23. While waiting for the texts submitted by Mr. Lauterpacht, Mr. Kozhevnikov and Mr. Yepes to be circulated, he suggested that the Commission should consider other questions connected with article 1, perhaps starting with that raised by Mr. Hsu at the previous meeting about the use of the expression "continental shelf".

24. Mr. ALFARO said that article 1 was of great complexity, and involved a number of issues which should be dealt with separately. The Commission would have to take a decision on terminology. In that connexion, he noted that no suggestion had yet been made concerning the possible use of the expression "submarine shelf". The Commission should decide once and for all whether a geological or a juridical definition was to be adopted. It would then have to take up the crucial problem of the manner in which the extent of the continental shelf was to be determined, and, finally, how it was to be delimited between neighbouring States. He therefore asked the Chairman for a ruling on the order in which those points should be taken.

25. The CHAIRMAN observed that the Commission would also have to decide whether it was to use the expression "territorial waters" or the words "the territorial sea".

26. Mr. PAL, observing that he approached item 2 with some diffidence as he could not claim any special knowledge of the subject, said that it was not clear to him whether the Commission was devising rules to govern an area precisely defined by reference to certain geological conditions, or whether it intended to declare a certain area to be the continental shelf, independently of the existence of anything in the geological sense, to which those rules would then apply.

27. Mr. SPIROPOULOS considered that the most important point at issue was the extent of the continental shelf, and urged the Commission to confine itself to practical considerations rather than to the somewhat theoretical distinction between juridical and geological definitions.

28. Mr. LAUTERPACHT agreed.

29. Faris Bey el-KHOURI said that it was quite impossible to delimit the continental shelf by depth, since, given the configuration of the sea-bed, the boundaries of the continental shelf would be as highly indented as the coasts of Norway and Greece. It would therefore be preferable to maintain a flexible formula which could be adjusted to the circumstances of each case.

30. Mr. FRANÇOIS observed that Faris Bey el-Khoury was virtually reintroducing a proposal which had been rejected at the third session, and which, moreover, had no support among governments or legal authorities. It

would be quite useless, therefore, to discuss it once more. Both his original text and the new version of article 1 were based on the criterion of depth. Faris Bey el-Khourî's arguments were therefore equally applicable to the former.

31. Mr. AMADO suggested that Faris Bey el-Khourî's views were more relevant to the régime of the territorial sea.

32. Mr. ZOUREK said that Mr. Pal had raised an important point. Was the régime under preparation by the Commission to apply regardless of whether a continental shelf in the accepted sense of the term existed or did not exist? If it was, that expression itself should be abandoned for one which would describe more accurately adjacent submarine areas.

33. Mr. FRANÇOIS said that Mr. Pal was re-opening the whole issue of whether or not the Commission should revert to the geological concept. If its former decision were reversed, his whole draft would require serious modification.

34. Mr. SANDSTRÖM said that the expression "continental shelf" had been retained because it was the term customarily used.

35. Mr. SPIROPOULOS said that the reply to Mr. Pal's question was to be found in article 1, which gave a definition of what the Commission meant by the "continental shelf".

36. Mr. PAL explained that when putting his question he had not been aware that the Commission had already decided not to base article 1 on any geological condition. Article 1 as drafted did not make it clear whether, in order to be a continental shelf, the area specified must first of all be a shelf in the geological sense and then was to be limited to the specified depth, or whether, independently of its geological character, any area up to the specified depth would suffice.

37. The CHAIRMAN explained to Mr. Pal, who had not attended earlier sessions, that the problem of the continental shelf had arisen in a particularly acute form as a result of President Truman's declarations, and certain claims made by Latin-American States to the natural resources of the sea-bed. The need for delimiting the rights of coastal States in that respect had therefore become particularly pressing. The new text proposed by the Special Rapporteur took into account the observations on the Commission's original draft made by governments and legal experts.

38. Mr. HSU considered that Mr. Pal had every reason for raising a very pertinent question. Had the Commission been willing to abandon the expression "continental shelf", such a misunderstanding could not have arisen. The expression was a totally misleading one, and certainly would not be understood by the layman. Indeed, though possibly quite intelligible to western lawyers, its use in the east would certainly lead to confusion. The concept of the continental shelf had now become far wider than that originally discussed by the

Commission. A more comprehensive and accurate term, whose meaning would be immediately apparent without lengthy explanation, was now needed.

39. Mr. LIANG (Secretary to the Commission) said that the words "submarine areas" did not offer a solution, as they had a far wider connotation than the term "continental shelf". Moreover, they failed to convey the element of proximity to the coastal State.

40. He could not agree that a definition based upon certain geological elements was not a juridical one. Any provision concerning the definition of the continental shelf in a draft of the kind under preparation would ultimately have to be cast in legal form.

41. Mr. FRANÇOIS drew Mr. Hsu's attention to paragraph 3 of the comment to article 1. The term "continental shelf" was in current use and no one had yet succeeded in finding a better. He entirely concurred with the comments made by G. Gidel on the subject (*Ibid.*, p. 16 or No. 33).

42. The CHAIRMAN agreed with the Special Rapporteur, and pointed out that it was neither possible nor desirable for lawyers to take popular fallacies or popular misconceptions into account.

43. Mr. KOZHEVNIKOV also thought that the term "continental shelf" was satisfactory, since it more clearly conveyed the restrictive nature of the definition. The term "submarine areas" might be taken to mean any areas. The term was adequately defined in the last clause of his proposal.

44. He agreed with Mr. Lauterpacht and the Secretary that once the Commission accepted a certain definition of a geographical concept, that definition acquired juridical value.

45. Mr. HSU said that he had raised the issue because it had already been raised by governments. As to Mr. François's point that the expression "continental shelf" had been hallowed by usage, he would submit that in point of fact the Commission was trying to apply the term "continental shelf" to something which was not a continental shelf. It was a case of choosing the lesser evil, and the term "submarine areas" had the advantage that it was susceptible to qualification.

46. Mr. ALFARO drew attention to paragraph 3 in the comments on article 1 in Part I of Chapter III of the Special Rapporteur's report (*Ibid.*, p. 101 or para. 24), where reference was made to various proposals for a suitable term. In his work on the subject, Azcarraga used the term "submarine shelf", which he (Mr. Alfaro) thought by far the best and most scientific. That term served, so to speak, as the touchstone of the definition. The term "continental shelf" did not immediately convey the idea that reference was being made to areas below the surface of the sea.

47. If, however, usage was too well-established to permit of change, he would urge the adoption of Mr. Yepes' pertinent qualification: "[areas] contiguous to the continental or island coasts".

48. Mr. YEPES agreed with Mr. Alfaro, and considered the term "submarine shelf" (in French "*plateforme sous-marine*", in Spanish "*plataforma submarina*") to be ideal. It was the very expression which had been used in the Declaration made on 8 November 1950 by the President of Brazil, a declaration drafted by Mr. Raul Fernandes, a jurist of great authority who had rendered distinguished services to international law.¹

49. Mr. LAUTERPACHT feared that the term "submarine shelf" was not self-explanatory in English. He was inclined to favour the term "submarine areas", but would be prepared to accept the term "continental shelf" despite the fact that it required qualification.

50. Mr. FRANÇOIS considered that the term "continental shelf" was preferable, because it expressed the notion of contiguity to the coast. A "submarine shelf" might be in the middle of the ocean.

51. The CHAIRMAN appreciated the point made by Mr. Lauterpacht, but could see no alternative to the term "continental shelf".

52. Mr. HSU maintained his preference for the term "submarine areas", and pointed out that there were also vast areas in the Far East where the seas were shallow.

Mr. Alfaro's proposal that the term "submarine shelf" ("plateforme sous-marine", "plataforma submarina") be substituted for the term "continental shelf" in article 1 was rejected by 5 votes to 3 with 4 abstentions.

53. Mr. ZOUREK considered that the discussion had been particularly useful, since it had clarified the point that any definition adopted by the Commission would assume a juridical character. The text of article 1 had been drafted in the light of the eventual exploitation of the natural resources of the seabed. It was now proposed to fix the limiting depth at 200 metres—a figure which was somewhat arbitrary, since the abyssal declivity often set in only at a depth of between 400 and 500 metres. It was reasonable to suppose that certain types of exploitation might become possible at such depths, and it would be inconvenient if such exploitation were to be precluded simply because the depth exceeded the limit by a matter of a few metres. The only proposal which avoided that difficulty was Mr. Kozhevnikov's, and he would accordingly vote for it.

54. Mr. FRANÇOIS did not consider that Mr. Kozhevnikov's proposal provided a solution to the problem, because in many regions there was no "steep slope". There were cases where two countries were separated by a stretch of water which covered a continuous continental shelf. According to Mr. Kozhevnikov's proposal, it might be concluded that in such a case there would be no continental shelf.

55. Mr. ZOUREK considered that the text of article 1 could be criticized on the same grounds as Mr. Kozhevnikov's proposal, namely, that it offered no solution for cases where there was no steep slope. Where, according to the text, would the continental shelf be said to begin in cases where the depth of the sea was relatively slight? His (Mr. Zourek's) answer would be that in cases where there was no continental shelf in the geological sense, other solutions would have to be envisaged to protect the interest of coastal States.

56. Mr. KOZHEVNIKOV said that the Special Rapporteur's arguments had not convinced him. It was impossible to devise a definition that would meet all possible cases.

57. Mr. LAUTERPACHT considered that Mr. Zourek's point on the Special Rapporteur's text of article 1 merited consideration. The Persian Gulf offered an example of a sea where there was no steep slope to the sea-bed. The main objection to Mr. Kozhevnikov's proposal was that it fixed no limit, and he would submit that unless such limit were fixed the Commission's work would carry no legal weight. He therefore hoped that the Special Rapporteur's suggestion that a depth of 200 metres be mentioned would be accepted.

58. He failed to see any difference between Mr. Yepes' proposal and the text adopted at the third session.

59. Mr. YEPES agreed with Mr. Kozhevnikov that the definition must not be based on a rigid criterion, but felt that his proposal was far too vague to be acceptable. What was a steep slope? How was the word "steep" to be defined? Actually the seabed lay at different levels. He conceded to Mr. Lauterpacht that his proposal followed the lines of the Commission's decision, taken at the third session. He had, however, included the notion of areas contiguous to the continental or island coasts of a State, and had started from the premise that it was possible to know how far the resources of the sea-bed could be exploited, whereas it was impossible to know where the steep slope began.

60. Mr. ALFARO suggested that the term "*insulaire*" in the French text of Mr. Yepes' proposal might be better rendered in the English by the word "insular" than by the word "island".

61. Mr. LAUTERPACHT did not agree that it was easy to tell how far the bed of the sea could be exploited. He would ask Mr. Kozhevnikov and Mr. Yepes to ponder what the situation would be if one State claimed that the sea could be exploited at a point 200 miles away from its coast, whereas others claimed that it could not be exploited beyond 10 or 12 miles. Unless members were prepared to concede that an international authority should decide whether a continental shelf did or did not exist for practical purposes, the Commission's proposals would be valueless.

62. Mr. KOZHEVNIKOV said that from certain points of view the question was entirely academic. No definition would be clear and satisfactory in all respects. There was nothing new about his own proposed

¹ See *Laws and regulations on the régime of the high seas*, vol. I (United Nations publication, Sales No. : 1951.V.2), p. 299.

definition. Its point was to try and express the concept of the continental shelf in juridical terms.

63. Mr. YEPES, answering Mr. Lauterpacht, recalled that at the third session the Commission had taken the view that exploitability was a matter of fact. For example, once the water became too deep, it was impossible to look for coal on the bed of the sea.

64. Should cognate doubts and disputes arise, he would be perfectly prepared to envisage recourse to the International Court of Justice.

65. Mr. SPIROPOULOS said that no court could interpret the term "steep slope". It was a geographical, not a legal term.

66. Mr. FRANÇOIS drew attention to his comments on the expression "contiguous to the coast" as used in article 1 (*Ibid.*, pp. 103-104 or paras. 36-38). Both the Norwegian and United Kingdom Governments had raised certain objections. His own view was that the expression "continuous to the coast" did not preclude submerged areas separated from the coast by a narrow channel more than 200 metres in depth from being considered in certain circumstances as "contiguous to the coast". In cases of opposite coasts, the median line might then offer a fairer boundary. The Commission should consider the issue.

67. The CHAIRMAN recalled that the Commission had already gone into the matter at some length. It was a fundamental concept of maritime international law that contiguous zones formed part of the high seas. States had extended their jurisdiction from their territorial waters to the contiguous zones for a number of reasons—the application of sanitary and customs regulations, for instance. In the days of prohibition, the United States of America had taken certain measures to prevent the smuggling of alcoholic liquors. Countries like the United Kingdom, which traditionally dominated the seas, were very much concerned lest contiguous zones should lose their character of areas of the high seas. That was the crux of the problem raised by the Special Rapporteur. His (Mr. Amado's) feeling was that no comments by the Commission would really affect the issue.

68. Mr. LAUTERPACHT said that the question of contiguous zones was wholly different from that of the interpretation to be placed on the expression "contiguous to the coast".

69. He had already referred earlier to the other difficulty, namely, that some seas were nowhere deeper than 200 metres.

70. Mr. LIANG (Secretary to the Commission) noted that the theory and practice of contiguous zones had by usage acquired a certain measure of stability in international law. But that was not the case with the continental shelf. That was why, when he had spoken before the Commission had voted on the term, he had referred to proximity, and not to contiguity. Article 2

made clear that the continental shelf was subject to the exercise by the coastal State of sovereign rights of control and jurisdiction for the purpose of exploring it and exploiting its resources. But contiguous zones were subject to a wider jurisdiction. The expression "contiguous to the coast" might consequently give rise to misunderstandings, since it might be taken to refer to contiguous zones. He would suggest the use of the word "adjacent" instead of the word "contiguous".

71. Mr. SPIROPOULOS noted that new difficulties were constantly arising. The Commission was in trouble about the suggested 200-metre limit, because the level of the sea-bed varied. There was yet another problem to which he would draw attention. The depth of the sea might well vary at a given distance from the coast along a given stretch of coast-line. It was consequently necessary to draw up a general rule on the lines of Mr. Lauterpacht's proposal. It was possible that a single definition would solve a number of problems, but the solution might not necessarily be wise.

72. Mr. FRANÇOIS insisted that it was essential that the idea of contiguous zones should be kept absolutely distinct from the expression "contiguous to the coast".

73. As regards Mr. Lauterpacht's proposal, it was based on acceptance of the 200-metre limit, but would also be useful, with suitable drafting modifications, if the flexible limit were adopted.

74. As for the delimitation of the continental shelf in the case of adjacent States or States separated by shallow waters, that issue was covered by article 7.

75. Mr. LAUTERPACHT said that the discussion was leading him to the conclusion that the concept of contiguous zones might possibly serve as a point of departure for solving the difficulties raised by article 1. It might, for instance, be laid down that for the purposes of exploitation there should be a contiguous zone of, say, 15 or 20 miles, which zone the coastal State would have the right to exploit regardless of the geographical configuration of the sea-bed. He was not submitting a formal proposal, but merely thinking aloud.

76. The CHAIRMAN said that if the concept of contiguous zones were introduced into problems of the continental shelf, serious difficulties would arise with regard to shipping and fisheries.

77. On Mr. LAUTERPACHT's proposal,

It was agreed to defer the vote on the several proposals relating to article 1.

The meeting rose at 1 p.m.
