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Summary record of the 253rd meeting

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

Extract from the Yearbook of the International Law Commission:-
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61. Mr. AMADO said he was not certain that alteration was really necessary. He would like the Commission to examine the articles drawn up in 1930 by The Hague Codification Conference before deciding the issue.

62. The CHAIRMAN then called for a vote on Mr. Lauterpacht's amendment.

The amendment was adopted by 7 votes to none, with 5 abstentions.

63. Mr. AMADO said that the decision just adopted would complicate the Commission's discussion of the contiguous zone.

64. Mr. ZOUREK said that at an earlier session it had been decided to adopt the term "territorial sea" provisionally (A/2456, para. 85).¹⁵ In several languages, the term used was "territorial waters" or an equivalent expression rather than "territorial sea"; the 1930 Hague Conference on the codification of international law had preferred the latter term, and yet the other appeared in the relevant General Assembly resolution. He personally preferred the term "territorial waters" because it emphasized their appurtenance to the territory of a State, rather than the term "territorial sea" which placed the emphasis on the fact that the waters concerned were part of the sea. He accordingly proposed that the term "territorial sea" should be replaced by "territorial waters".

65. Mr. FRANÇOIS said that in the report of the Second Committee of the 1930 Conference at The Hague¹⁶ it had been stated that there were sound reasons for preferring the term "territorial sea" to "territorial waters", which might lead to confusion. He saw no reason to adopt a different view.

66. Mr. SCELLE said that the term "territorial sea" was in clear contrast with the term "high seas".

67. Faris Bey el-KHOURI preferred the term "territorial waters" which could be translated into Arabic more easily.

68. The CHAIRMAN said that at a previous session the Commission had decided in favour of the term "territorial sea".

69. Mr. ZOUREK said that no final decision had been taken. Since 1930, ideas on the subject had evolved, as shown by the fact that the much more recent resolution of the General Assembly referred to "territorial waters". The arguments used in the 1930 report were not convincing, because "inland waters" had been clearly defined and no confusion was possible for jurists.

70. Mr. SPIROPOULOS said that the choice between the two terms had been discussed three times already by

the Commission and there was no necessity to reopen the question.

71. Mr. LAUTERPACHT said that the term "territorial sea" emphasized the fact that the waters in question were part of the sea, and as such subject to a peculiar régime which had in many respects differed from the law applicable to the land territory of States. From the point of view of respect for the freedom of the seas the term "territorial sea" was the better one.

72. The CHAIRMAN called for a vote on Mr. Zourek's proposal to replace the term "territorial sea" by "territorial waters".

The proposal was rejected by 11 votes to 2.

73. Mr. CORDOVA inquired whether a decision would be taken at that stage on the title "draft regulation".

74. Mr. FRANÇOIS, Special Rapporteur, said that the term "this regulation" was used in article 2. When the Commission came to discuss that article it could usefully discuss the suitability of the term in question.

75. The CHAIRMAN then called for a vote on article 1 as amended.

Article 1 as amended was approved by 9 votes to none, with 4 abstentions.

The meeting rose at 1 p.m.

253rd MEETING

Wednesday, 23 June 1954, at 9.45 a.m.

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Chairman: Mr. R. CORDOVA

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. G. AMADO, Faris Bey el-KHOURI, Mr. F. GARCÍA-AMADOR, Mr. S. HSU, Mr. H. LAUTERPACHT, Mr. R. PAL, Mr. C. SALAMANCA, Mr. G. SCELLE, Mr. J. SPIROPOULOS, 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).

¹⁵ In *Yearbook of the International Law Commission, 1953*, vol. II.

¹⁶ *Acts of the Conference for the Codification of International Law*, vol. III: Minutes of the Second Committee (League of Nations publication, V. Legal, 1930.V.16), p. 213.

Régime of the territorial sea (item 2 of the agenda)
(A/CN.4/53, A/CN.4/61 and Add. 1, A/CN.4/71
and Add. 1 and 2, A/CN.4/77)¹ (continued)

CHAPTER I: GENERAL PROVISIONS (continued)

Article 2 : Juridical status of the territorial sea
(A/CN.4/61)²

1. The CHAIRMAN invited debate on article 2 of the revised draft regulation contained in Mr. François' second report on the régime of the territorial sea (A/CN.4/61).¹

2. Mr. FRANÇOIS, Special Rapporteur, recalled that, in his first report (A/CN.4/53),¹ he had suggested that the article should simply state that sovereignty over the belt of territorial sea "is exercised subject to the conditions prescribed by international law".³ He had adopted that wording so as not to anticipate the Commission's decision on the form which its draft articles would take. The Commission had, however, considered the wording in question too vague.⁴ Accordingly, his second report proposed that the clause should provide that sovereignty would be exercised "subject to the conditions prescribed in this regulation and other rules of international law". He wished, however, to draw attention to the closing sentence of his introductory remarks on article 2 in his second report (A/CN.4/61, Introduction), where he suggests that article 2 might not be necessary. Article 1 provided that the territory of a State included a belt of sea described as the territorial sea. The sovereignty of the State, wherever exercised, was always limited by the rules of international law. The Commission might perhaps be content with setting forth its ideas in the comment to article 1.

3. Mr. SCELLE considered that article 2 should be retained.

4. Mr. PAL was of the opinion that the order of article 3 and article 2 should be reversed. Article 2 might be re-drafted to read: "Sovereignty over this belt is exercised subject to the conditions and limitations herein prescribed."

5. Mr. GARCÍA-AMADOR said that perhaps the provisions of article 2 could be included in article 1.

6. Mr. LAUTERPACHT suggested that the words "over this belt" should be replaced by "over the territorial sea".

7. With reference to the term "regulation", he recalled that in the draft relating to the régime of the high seas

the Commission had used the expression "draft articles".

8. Mr. ZOUREK agreed that for the sake of uniformity the expression "draft articles" should be used.

9. He said that the Commission's function was to promote the codification of existing international law. Accordingly, it should formulate all the provisions of the international law in force. Indeed, it was required to do so by article 20 of its Statute. For that reason the reference to other rules of international law was inadmissible. In that connexion he thought the last three lines of the comment on article 2 in the Special Rapporteur's second report (A/CN.4/61) disconcerting. If there were any rules relating to the régime of territorial waters it was the Commission's duty to state them in its draft convention; if there were not, any reference to international law became unnecessary.

10. Mr. LAUTERPACHT said that it was not permissible for the Commission to assume that the draft articles covered the entire topic so that the residuary reference to "other rules of international law" was unnecessary. In the first place, allowance had to be made for the possibility of an involuntary omission; secondly, there were certain general rules of international law which were applicable in the matter, as indeed to other topics of international law, such as the principle prohibiting the abuse of rights and, generally, the law of state responsibility.

11. Accordingly, the Commission should follow the relevant provision adopted by the Hague Codification Conference of 1930 which, in the convention on certain questions relating to the conflict of nationality laws, referred to applicable general principles of international law.

12. The CHAIRMAN agreed with the Special Rapporteur that article 2 was superfluous, because its provisions were already implicitly contained in article 1. Sovereignty was always exercised within the limits set by international law. If one were to add the words "subject to the conditions prescribed in this regulation", it would be tantamount to adding a special limitation to a pre-existing general limitation. The Commission, however, had no regulatory powers. It could either codify existing law or propose to States that they should adopt different solutions. If a proposal made by the Commission was adopted by Governments, it would become a rule of international law.

13. He added that Mr. García-Amador's suggestion would mean that article 1 would have to be amended to read: "The territory over which a State exercises its sovereignty includes a belt of sea..."

14. Mr. FRANÇOIS, Special Rapporteur, pointed out that he had not formally proposed that article 2 be deleted.

15. Mr. SCELLE said he did not agree with the Chairman. The sovereignty exercised over the territorial sea was not of the same nature as that exercised over the mainland. It was in fact completely different from it, as

¹ *Vide supra*, 252nd meeting, para. 54 and footnotes.

² Article 2 read as follows:

"Sovereignty over this belt is exercised subject to the conditions prescribed in this regulation and other rules of international law."

³ *Yearbook of the International Law Commission, 1952*, vol. I, p. 145, footnote 5.

⁴ *Ibid.*, pp. 150-151.

was shown by the right of passage, the right of pursuit, etc. He had no objection to the term "sovereignty" although he personally preferred the term "jurisdiction". It was, however, essential to retain article 2.

16. Mr. LAUTERPACHT agreed with Mr. Scelle: the régime of the territorial sea was not identical with that of other areas over which a State exercised its sovereignty. It would be a dangerous over-simplification to consider the sovereignty of a State over its territorial sea as identical with the sovereignty it exercised over its land domain. In fact, the sole purpose of the Commission in drafting the regulation was to define the special régime applicable to the territorial sea. He felt very strongly that article 2 should be retained, especially as some members of the Commission were proposing that the breadth of the territorial sea should extend to six, nine or even twelve miles.

17. Mr. ZOUREK, in reply to Mr. Lauterpacht, said that the Commission was expected to formulate a complete draft and hence the question of an involuntary omission could not arise. If it was argued that it was impossible to codify all the general rules which were potentially applicable to territorial waters he would answer that the same problem had cropped up in connexion with every draft codification, for example, the draft articles relating to the continental shelf, and yet the Commission had not inserted any clause containing a reference to international law. Article 2 should read: "Sovereignty over this belt is exercised subject to the conditions prescribed in the articles of this regulation."

18. Mr. LIANG, Secretary to the Commission, said that the draft which the Commission was discussing was certainly in the nature of a convention. If that part of the draft did not come under the heading of development of international law, Mr. Córdova's fears would be justified; but it was always difficult to distinguish between articles which corresponded to existing rules of international law and those which embodied mere recommendations. Article 2 referred to certain rules of a legislative character, as indicated by the term "regulation". On the other hand, it also concerned positive or customary law.

19. At the Conference for the Codification of International Law, held at The Hague in 1930, the same difficulty had not arisen because the text then discussed had been in the form of a draft convention, whereas the Commission was now discussing a text of which it was not yet clear whether it involved codification or development of international law.

20. Mr. PAL said that all the present difficulties had been caused by the extension of a term full of implications in law to a region which it did not normally denote. It was proposed to extend the territory of a State to the territorial sea of that State. By that extension, all the legal incidents of the territory of a State were extended to the new region. The situation then became almost inextricably complicated; preferably the two should be kept distinct, with distinct incidents.

The Commission should treat the territorial sea as an area distinct from the territory of a State, though it might provide that the coastal State's sovereignty extended to the territorial sea subject to the limits prescribed in the regulation.

21. Mr. SCELLE could not agree with Mr. Pal, although his arguments were admittedly logical and scientifically sound. The term "territorial sea" was now in current use and in practice was not liable to be misconstrued. It was also not desirable to merge the provisions of articles 1 and 2 into a single article.

22. Mr. ZOUREK said that sovereignty remained unaffected, whether exercised over the territorial sea or over the remainder of the territory. Only the right of passage under international usage represented a certain limitation on the exercise of sovereignty over territorial waters. The Commission should study the conditions under which the right of passage was exercisable.

23. The CHAIRMAN agreed with Mr. Zourek's opinion on that point. He recalled that, according to the report of the Second Committee of the 1930 Hague Codification Conference, the power exercised by the States over that belt was in no way different in its nature from the power which it exercised over its land domain.⁵ The Commission should not mistake legislation for codification.

24. Mr. SCELLE said that there was no codification without legislation. Provisions taken from different sources could not be embodied in a single instrument without mutual adjustment. It was true that States alone had the power to legislate, but the Commission prepared their work in that respect. Codification and development of international law were inseparable and mutually complementary.

25. Referring to the French text, he added that it would be better to say *le présent règlement* instead of *ce règlement*.

26. The CHAIRMAN put to the vote Mr. Lauterpacht's amendment to the effect that the words "this belt" should be replaced by the words "the territorial sea".

The amendment was adopted unanimously.

27. The CHAIRMAN proposed that the words "this regulation and other" be deleted.

The amendment was rejected by 4 votes to 1, with 5 abstentions.

28. Mr. LAUTERPACHT proposed that the words "in this regulation" should be retained provisionally until the Commission had decided on the presentation of the draft as a whole.

The proposal was adopted by 9 votes to 1, with 1 abstention.

⁵ *Acts of the Conference for the Codification of International Law*, vol. III: Minutes of the Second Committee (League of Nations Publication, V. Legal, 1930.V.16), p. 212.

29. The CHAIRMAN put to the vote Mr. Zourek's amendment requesting the deletion of the words "and other rules of international law".

The amendment was rejected by 6 votes to 1, with 4 abstentions.

30. The CHAIRMAN put to the vote article 2 as a whole, which in its amended form read:

"Sovereignty over the territorial sea is exercised subject to the conditions prescribed in this regulation and other rules of international law."

Subject to the reservation relating to the words "this regulation" proposed by Mr. Lauterpacht, article 2 as a whole was adopted, as amended, by 10 votes to none, with 1 abstention.

31. The CHAIRMAN, replying to a question by Mr. Lauterpacht, said that the Commission would take up the comments to article 2 when discussing the general report covering the work of the session.

Article 3: Juridical status of the air space, the sea-bed and the subsoil (A/CN.4/61)⁶

32. Mr. FRANÇOIS, Special Rapporteur, said that his draft article 3 was identical with the corresponding article in the text prepared at The Hague Codification Conference in 1930.⁷ In his first report (A/CN.4/53),⁸ he had not referred to air space, but the Commission had felt that the omission should be corrected.

33. Mr. SCELLE criticized the use of the terms which did not correspond sufficiently closely to the physical aspect of the things. To say that territory also included the air space might appear surprising to readers not familiar with the fictions of international law. It would be enough to say that the jurisdiction of the coastal State extended also to the air space, the sea-bed, and the subsoil. He was, however, prepared to accept the words "sovereign rights" and even "sovereignty", but pointed out that sovereignty as such was merely a set of powers of jurisdiction.

34. Mr. SPIROPOULOS pointed out that in article 2 the Commission had used the word "sovereignty". There should be a certain uniformity in the terminology used in the two articles.

35. Mr. ZOUREK thought Mr. Scelle's amendment unnecessary, because it was universally admitted that the air space was part of a State's territory in the technical sense of the term. He would not object to the use of the word "sovereignty".

36. The CHAIRMAN said that it would be difficult not to mention territory in article 3 since it was stated in article 1 that the territory of a State included the terri-

torial sea. Either article 3 would have to remain as it stood, or else article 1 would have to be amended.

37. Mr. FRANÇOIS, Special Rapporteur, thought that the redrafting of the first three articles and their rearrangement in a logical order might be left to the Drafting Committee.

38. Mr. SCELLE agreed with the Special Rapporteur.

39. Mr. LAUTERPACHT remarked that in the English text it would be necessary at the end of article 3 to add the words "under the territorial sea".

40. Mr. FRANÇOIS, Special Rapporteur, said, in reply to a question by Mr. García-Amador, that he interpreted his own draft as meaning that the conditions referred to in article 2 applied also to the parts of the territory mentioned in article 3.

41. Mr. ZOUREK said that the Commission should vote on the text of article 3 leaving aside, for the time being, the question of its numbering.

42. The CHAIRMAN put to the vote Mr. Scelle's amendment to the effect that the words "The territory of a coastal State includes also the air space..." should be replaced by the words "The sovereignty of a coastal State extends also to the air space..."

The amendment was adopted unanimously.

43. The CHAIRMAN put to the vote article 3 as a whole, as amended and with the drafting changes suggested by Mr. Lauterpacht:

"The sovereignty of a coastal State extends also to the air space over the territorial sea as well as to the bed of the territorial sea and its subsoil."

Article 3 was adopted by 10 votes to none, with 1 abstention.

44. The CHAIRMAN recalled that the Special Rapporteur had proposed that the first three articles should be rearranged in a more logical sequence and that the terminology should be standardized by replacing in article 1 the word "territory" by the word "sovereignty", which would merely be a matter of drafting.

45. Mr. ZOUREK disagreed. He pointed out that if the order of articles 2 and 3 were changed, the restrictions on the sovereignty of States in maritime questions might be interpreted as applying also to the air space above the territorial sea, which would be inconsistent with the international law in force. In any case, the Commission had never considered the question.

46. Mr. LAUTERPACHT and Mr. SPIROPOULOS thought that it was understood that, in the Commission's opinion, the same restrictions applied in both cases.

47. Mr. LIANG, Secretary to the Commission, pointed out that in the draft regulations there were no special rules relating to the air space. Moreover, the question of the bed of the territorial sea and the subsoil under it would have to be considered again in connexion with

⁶ Article 3 read as follows:

"The territory of a coastal State includes also the air space over the territorial sea, as well as the bed of the sea, and the subsoil."

⁷ See p. 213 of the publication cited above in footnote 5.

⁸ *Vide supra*, 252nd meeting, para. 54 and footnotes.

the continental shelf. It therefore seemed to him premature to adopt any final decision at that point.

48. Mr. LAUTERPACHT said that the text under consideration was only a draft and that any necessary explanations could be included in the Commission's general report.

49. The CHAIRMAN took it to be the general wish that the Special Rapporteur should state the rules and restrictions relating to the air space more precisely. In any case there would be no further discussion on the substance of the articles adopted; only drafting changes would be made if necessary.

CHAPTER II : LIMITS OF THE TERRITORIAL SEA

Article 4 : Breadth (A/CN.4/77)⁹

50. The CHAIRMAN referred to the difficulties which had always accompanied the study of the breadth of the territorial sea, with which article 4 dealt. Failure by the Commission to reach agreement on that subject could jeopardize its entire work on the territorial sea. It might therefore be more desirable to leave that article to the last. If the Commission was unable to draft an agreed text, it would still be able to submit the rest of its report to the General Assembly.

51. Mr. SPIROPOULOS did not see how postponement of the study of article 4 until after the study of the remaining articles would help to solve the difficult question of the breadth of the territorial sea, which was considered by all to be the most important of those relating to the régime of the territorial sea. It was not impossible that the Commission adopted a decision with only a small majority, which was clearly not desirable. Accordingly he proposed that the Commission defer the study of the breadth of the territorial sea and attempt to reach agreement on the other articles of the report.

52. Mr. FRANÇOIS, Special Rapporteur, pointed out that, before being submitted to the General Assembly, the draft report should be circulated to Governments for study. The Commission might explain the position to them and suggest a compromise solution; on receipt of

⁹ Article 4 read as follows :

"1. The breadth of the territorial sea shall be three nautical miles measured from the base line of the territorial sea.

"2. The coastal State may, however, extend the territorial sea up to a limit of twelve nautical miles from the base line, subject to the following conditions, that is to say that :

"(a) Free passage in the territorial sea is guaranteed as provided in this regulation.

"(b) The coastal State may only claim exclusive fishing rights for its nationals up to a distance of three nautical miles measured from the base line of the territorial sea. Beyond this limit of three nautical miles, fishing in the territorial sea may be made subject by the coastal State to regulations designed solely to protect the resources of the sea. There shall be no discrimination against the nationals of foreign States. Any dispute concerning the validity of measures adopted for the aforementioned purpose shall be submitted to an international conciliation procedure or, if no agreement is reached, to arbitration."

their replies, it would be in a better position to adopt a definite attitude with regard to the final text to be submitted to the General Assembly. It was precisely because of its great importance that he did not wish consideration of the question to be postponed.

53. Mr. LAUTERPACHT agreed with the Chairman. It might at first sight seem strange that the Commission, in preparing a report on the régime of the territorial sea, should leave aside a point of capital importance; but it would take a long time and would not be easy to work out a compromise solution; and meanwhile the Commission could consider the other important rules of international law which were relevant.

54. Mr. HSU said that the Commission was only at the preliminary stage of its work on the question. Nevertheless, in international law codification inevitably implied development, and under article 23 of its Statute the Commission could in certain cases recommend the convening of a conference with a view to concluding a convention. The Commission should not be deterred by the complexity of the question but should discuss it forthwith.

55. Mr. PAL thought that it would be difficult to discuss the special rules relating to the régime of the territorial sea without first defining its breadth; he therefore opposed any postponement of the study of the question.

56. Mr. GARCÍA-AMADOR agreed. It was impossible in practice to consider the remaining articles of the report without first reaching a decision on the breadth of the territorial sea. The eventual majority which would support the decision was not as important a question as some members of the Commission believed; there had been cases of decisions adopted unanimously which had subsequently been rejected by the General Assembly, whose actions were influenced by political considerations.

57. Mr. FRANÇOIS, Special Rapporteur, said that the Commission's attitude to certain other questions would of course be affected by its decision on the breadth of the territorial sea. Moreover, if it failed to make any proposal regarding the latter, Governments might consider that a sufficient reason for not studying the report. If the Commission agreed with the Chairman, it would be unable to submit a complete draft to Governments.

58. Faris Bey el-KHOURI thought that it would be difficult and even impossible to agree on a breadth acceptable to all States. However, it was not perhaps necessary for the breadth to be the same for all seas and all countries. If that was so, the question might be reconsidered and the Special Rapporteur asked to prepare a new draft. He agreed that in the absence of any decision on that point the Commission's work on the other articles of the report might serve no useful purpose. It was therefore desirable that it should come to a decision.

59. Mr. ZOUREK said that the Commission should defer the study of article 4. The 1930 Codification

Conference of The Hague had shown that there were no rules in international law defining the breadth of the territorial sea. Consequently, it was for each State, by virtue of its sovereignty, to fix the breadth of its territorial waters in keeping with its particular needs and with the provisions of international law. In taking up that question the Commission might waste time without achieving a great deal. He saw no objection to preparing a draft on the régime of the territorial sea which did not delimit the breadth of that sea, though after the receipt of the replies of Governments the question might be reconsidered.

60. Mr. SCELLE said that the arguments for and against immediate consideration of article 4 appeared equally good, and that he would therefore abstain from voting. He thought that every State had to have a territorial sea, but the Commission should not, in his opinion, fix a uniform limit; even a maximum limit might meet with objections, as the Special Rapporteur had himself admitted. Every case should be treated individually, and the best solution from the legal point of view would be to resort to arbitration or to apply to the International Court. That solution would be difficult to accept, but there were already a number of precedents. On the other hand the Commission should definitely oppose the tendency observable in certain States to identify the territorial sea with the continental shelf and to claim, for example, that their sovereignty extended over a maritime belt of 200 miles. Such an attitude he thought was the very negation of general international law.

61. The CHAIRMAN recalled that in the first report on the régime of the territorial sea (A/CN.4/53)¹⁰ the Special Rapporteur had recognized even if for the time being it was impossible to adopt a uniform breadth for the territorial sea, it was nevertheless worth while to endeavour to agree on the other disputed points. Many Governments would probably like to know what was the exact position in the matter of the territorial sea; but the General Assembly would understand the Commission's inability to agree on a question with which it had been grappling unsuccessfully for three years. Furthermore, it was doubtful whether the Commission, being composed of experts and not of representatives of governments, was in a position to find an answer to it.

62. Mr. FRANÇOIS, Special Rapporteur, said he had not changed the views he had expressed in his first report. He nevertheless deemed it desirable to establish rules concerning the territorial sea and not to interrupt the work the Commission had undertaken. In the course of three years the problem had only been considered once by the Commission, and he was surprised that members should wish to dismiss his suggested solution without even discussing it. In the course of the present session, all that the Commission was being asked to do was to prepare a draft and to request Governments to comment on it: if the draft were to contain no provisions relating

to the territorial sea, Governments would consider it very incomplete and would not be very disposed to answer.

63. Mr. LAUTERPACHT doubted whether the provisions of many of the draft articles were really affected by the issue concerning the limits of the territorial sea.

64. The CHAIRMAN said that, in his opinion, article 5 (base line) was unaffected by that issue.

65. Mr. HSU said that, as opinion in the Commission seemed to be deeply divided, it should decide whether the question of determining the limits of the territorial sea was within its terms of reference or not.

66. The CHAIRMAN said that, for the moment, the Commission was merely deciding the order in which the articles would be discussed. He then called for a vote on his proposal that article 4 should be discussed after the other articles had been dealt with.

The proposal was adopted by 5 votes to 4, with 2 abstentions.

67. Mr. SCELLE said that he would propose, at a subsequent meeting, a new draft article giving a definition of the territorial sea. That definition was an essential preliminary question; the Commission could not continue to discuss the territorial sea without first defining it, with special reference to the distinction between that sea and the high seas.

68. Mr. GARCÍA-AMADOR asked if it was agreed that the breadth of the territorial sea would be discussed in the course of the current session. He did not want the decision to postpone discussion thereon to be taken as a reason for deferring the question to a future session.

69. After an exchange of views, the CHAIRMAN said that the decision taken by the Commission meant simply that article 4 would be discussed after article 23; it did not impair in any way the right on the part of members of the Commission, when the time came to discuss article 4, to make whatever proposal they wished.

The meeting rose at 1 p.m.

254th MEETING

Thursday, 24 June 1954, at 11.15 a.m.

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Chairman: Mr. A. E. F. SANDSTRÖM

Rapporteur: Mr. J. P. A. FRANÇOIS

¹⁰ *Vide supra*, 252nd meeting, para. 54 and footnotes.