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Summary record of the 258th meeting

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

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from alternative A, then the words "As a general rule" should not be used either. Paragraph 2 would then be more affirmative. In his opinion, provision had to be made for exceptional cases and accordingly he suggested that the words "In exceptional cases" should be retained, subject to the addition, as in the case of paragraph 3 of his own draft article 6,¹⁹ of the words "or where equitable considerations permit..." That was a vague, but nonetheless legal' formula.

83. The CHAIRMAN said he would find it difficult to accept a rule as rigid as that drafted by the Special Rapporteur; he therefore proposed that in the last sentence of alternative A the words "in that case, however, no point on such lines should be farther than five miles from the coast", should be replaced by the words "and the distance of five miles may also be exceeded". As he had explained by reference to archipelagoes, in some cases the base line could not invariably remain within five miles from the coast.

84. Mr. SCELLE suggested that, as a precaution against abuses, the Chairman's proposal should read: "... may also be slightly exceeded."

The meeting rose at 1 p.m.

¹⁹ *Vide supra*, 256th meeting, para. 27.

258th MEETING

Wednesday, 30 June 1954, at 9.45 a.m.

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Chairman: Mr. A. E. F. SANDSTRÖM

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. G. AMADO, Mr. R. CÓRDOVA, 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).

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 II: LIMITS OF THE TERRITORIAL SEA (*continued*)

Article 6: Straight base line² (*continued*)

1. The CHAIRMAN invited the Commission to resume debate on the Special Rapporteur's alternative A for paragraph 2.³

2. Mr. ZOUREK, comparing the Special Rapporteur's first alternative, alternative A, with the relevant paragraph in the committee of experts' report,⁴ said that the alternative contained two arbitrary data, the five-mile and the ten-mile distances. The Special Rapporteur's draft provision was much harder on coastal States than the experts' opinion, for the latter had stipulated a maximum five-mile distance from the coast only with respect to the first island and not with the others, in cases where more than one island was concerned.

3. With reference to Mr. Spiropoulos' contention⁵ that the only object of stipulating the maximum breadth of ten miles was to elicit comments from Governments, he expressed surprise that the article in question should expressly provide for a ten-mile distance. He opposed any mention of a particular figure, but if it was desired to mention one at all for the object Mr. Spiropoulos had indicated, a twenty-five mile distance would be just as suitable and perhaps even more likely to provoke a reaction on the part of governments.

4. He pointed out that a number of the provisions contained in draft article 6 would, if adopted, prejudice the discussion of other articles which the Commission had not yet considered. A decision on a maximum ten-mile length and on a five-mile maximum distance from the coast would prejudice the question of bays in article 8; by adopting those provisions the Commission would be prejudging the definition of "groups of islands" to be given in article 12 and the delimitation of the territorial sea at estuaries as proposed in article 15.⁵ The Commission could not adopt the five- and ten-mile maximum distances which had been proposed. Accordingly, he proposed that paragraph 2 of article 6, which was not indispensable for either the article or the draft regulation as a whole, should be deleted.

6. Mr. FRANÇOIS, Special Rapporteur, pointed out with regard to the first point raised by Mr. Zourek that he had probably only read the French text of the

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

² *Vide supra*, 254th meeting, footnote 7.

³ *Vide supra*, 257th meeting, para. 11.

⁴ Annex to document A/C.N.4/61 in *Yearbook of the International Law Commission, 1953*, vol. II.

⁵ *Vide supra*, 256th meeting, paras. 8-9 and 257th meeting, para. 81.

committee of experts' report. Their report had originally been drafted in English, and the French translation was not exact.

7. Mr. Zourek was right in pointing out that all the questions under discussion were inter-connected and article 6, in particular, had a bearing on articles still to be discussed. It was impossible to consider all articles simultaneously and even if in the light of future discussion the Commission had to revise its earlier decisions, the order of discussion proposed by the Chairman was in his opinion the correct one.

8. The CHAIRMAN proposed that in the Special Rapporteur's alternative A the phrase: "in that case, however, no point on such lines should be farther than five miles from the coast" should be replaced by the phrase: "and the said distance of five miles from the coast may equally be extended". He would oppose the suggestion that the word "slightly" should be inserted before the word "extended" as that suggestion did not take into consideration the special nature of the "Skjaergaard".⁶

9. Mr. FRANÇOIS, Special Rapporteur, thought the Chairman's amendment unacceptable because it gave governments absolute freedom to draw the base line as they saw fit, both in regard to its length and to its distance from the coast, and any dispute concerning that line could only be settled by a judicial authority. The latter, however, was given no guidance as to the principles on which its decision should be based. The Chairman's amendment was very close to that proposed by Mr. Zourek.

10. Mr. LAUTERPACHT pointed out that under the Chairman's amendment Governments would have full discretion "in exceptional cases" only. If the Chairman gave a definition of those exceptional cases his amendment might be more acceptable.

11. Mr. SCALLE said that the insertion of the word "slightly" before the word "extended" would be useful in restricting the great latitude allowed for by the Chairman's amendment.

12. The CHAIRMAN said that the latitude given to States by his amendment was not unlimited. The right of States to draw base lines remained subject to the provisions of paragraph 1 which had been accepted.⁷ The extension of the distance from the coastline was only authorized in exceptional cases. Finally, the condition that the line was to be a "reasonable" one restricted Governments still further.

13. Mr. FRANÇOIS, Special Rapporteur, agreed that the introduction of the word "slightly" would improve the Chairman's amendment. It was not enough to require that the line should be a "reasonable" one.

14. Mr. CORDOVA did not think that any useful purpose would be served by allowing for exceptions

in paragraph 1 and subsequently qualifying them in paragraph 2. A better solution would be to delete paragraph 2 and to provide for a judicial authority to settle disputes arising in connexion with paragraph 1.

15. Mr. FRANÇOIS, Special Rapporteur, said that the most important point was the five-mile distance between the base line and the coast; provision could be made for a straight base line slightly longer than ten miles on condition that no point on that line was more than five miles away from the coast.

16. Mr. AMADO said that paragraph 1 of article 6 contained an important limitative condition in the words "because the coast is deeply indented or cut into". He hoped that the Chairman and Mr. Scelle would be able to reach some agreement on the Chairman's amendment. It was premature to discuss what judicial body would be empowered to settle disputes. The Commission should first draw up a set of rules which should be as consistent *inter se* as possible.

17. The CHAIRMAN put to the vote Mr. Zourek's proposal for the deletion of paragraph 2.

The proposal was rejected by 6 votes to 4, with 3 abstentions.

18. Faris Bey el-KHOURI asked who would be empowered to extend the distance of five miles from the coast under the Chairman's amendment.

19. The CHAIRMAN replied that in the first instance it would be the coastal State, and that subsequently the distance might form the subject of a judicial decision.

20. Mr. CORDOVA said it was important that either paragraph 1 or paragraph 2 should specify what authority would be competent to settle disputes.

21. Mr. FRANÇOIS, Special Rapporteur, warned the Commission against making everything dependent on the decision of a court. It was, to all intents and purposes, being suggested that the Commission should be as vague as possible in its proposals and leave everything to be decided by a court in a "reasonable" manner. The task of the Commission was to draw up definite rules. The idea of arbitration was not in itself a bad one, but in that particular case it did not apply.

22. The CHAIRMAN put to the vote his amendment to the effect that the phrase in alternative A: "in that case, however, no point on such lines should be farther than five miles from the coast" should be replaced by the phrase: "and the said distance of five miles from the coast may equally be extended".

The amendment was rejected by 5 votes to 3, with 5 abstentions.

23. Mr. ZOUREK pointed out that, as the Special Rapporteur himself had said, the Commission's decision was purely provisional and could be revised in the light of debate on the other articles. The Chairman had confirmed that view.

⁶ *Vide supra*, 257th meeting, paras. 83 and 84.

⁷ *Vide supra*, 257th meeting, para. 63.

24. The CHAIRMAN put to the vote the Special Rapporteur's alternative A for paragraph 2 in its amended form:

"As a general rule the maximum permissible length for a straight base line shall be ten miles. Such base lines may be drawn in accordance with paragraph 1, between headlands of the coast line or between any such headland and an island less than five miles from the coast, or between such islands. The drawing of a longer line may be permitted; in that case, however, no point on such lines should be farther than five miles from the coast. Base lines shall not be drawn to and from drying rocks and shoals. Such lines shall be deemed to separate inland waters from the territorial sea."

Paragraph 2 as amended was adopted by 7 votes to 4, with 2 abstentions.

25. Mr. HSU said that he had voted against paragraph 2 as its adoption would prejudice too many questions still to be considered by the Commission; it would also be prejudicial to the final determination of the breadth of the territorial sea.

26. Mr. ZOUREK said that he had voted against paragraph 2 because its provisions were inconsistent with the international law in force and could not seriously be put forward as a rule *de lege ferenda*.

27. Mr. LAUTERPACHT wished to maintain his draft of paragraph 3.⁸ In adopting paragraph 2 the Commission had very properly filled a gap left by the decision of the International Court in the Fisheries case. It had laid down maximum distances. However, in his opinion the Commission should go further. It should provide for exceptional cases. In addition to those falling within the category of historical circumstances, the Court should be empowered to consider exceptional cases in which equitable considerations permitted the drawing of base lines of a length and at distances exceeding those laid down in paragraph 2. In such cases, the Court should rule *ex aequo et bono*; indeed, that was the only possible way of determining what the equitable considerations in question were.

28. Mr. SPIROPOULOS thought that there was a misunderstanding between Mr. Lauterpacht and himself. He did not object to the principle of arbitration. He merely criticized Mr. Lauterpacht's draft because it proposed that the International Court should have the power, "in conformity with paragraph 2 of article 38 of its statute, to maintain, modify or annul the lines thus drawn." Actually, the Court's statute in no way empowered it to act as proposed by Mr. Lauterpacht. A decision of the Court could never have the effect of modifying a line drawn by a State. His was perhaps a formal objection, but he emphasized that he was not opposed in principle to the submission of cases to arbitration.

29. Mr. SCELLE supported Mr. Lauterpacht's proposal. The Special Rapporteur's draft embodied very broad

rules of law which left a wide margin for interpretation. If the Commission's draft was to be of any value, the rules it laid down had to be precise and consequently to be based on precedent. Mr. Lauterpacht had argued that unless a judicial authority had the power to review action taken under paragraph 2, that paragraph would allow too much latitude to States, and had accordingly drafted a paragraph 3 to provide for the possibility of such review.

30. He suggested that the objection raised by Mr. Spiropoulos might be met by modifying in Mr. Lauterpacht's draft of paragraph 3, the wording of the sentence: "to maintain, modify or annul" while retaining the idea.

31. Mr. CORDOVA agreed that either the International Court or some other tribunal should be empowered to deal with cases arising out of paragraph 2.

32. He had two objections to Mr. Lauterpacht's draft. Firstly, the Commission had adopted a general rule in article 5 to the effect that the breadth of the territorial sea should be measured from the low-water mark. Paragraph 1 of article 6 contained an exception to that rule, which was widened by paragraph 2, and would be still further widened by the introduction of the notion of equitable consideration. Surely that was unnecessarily complicated. Secondly, Mr. Lauterpacht's proposal referred only to the coastal State drawing the base line on the basis of equitable considerations. In his opinion, the Court should also be given jurisdiction in cases where the base line was drawn in accordance with paragraphs 1 and 2 of the article.

33. Mr. LAUTERPACHT said that the International Court's jurisdiction under article 38, paragraph 1, of its statute, would generally apply to all articles of the regulation on the territorial sea. His proposal was that the Court should be given the right to decide *ex aequo et bono* in the special case under reference.

34. Mr. AMADO said that under article 38, paragraph 2, of its statute, the International Court could decide a case *ex aequo et bono* "if the parties agree thereto". Clearly the Court could only have power to decide in that manner—instead of in accordance with international law pursuant to article 38, paragraph 1, of its statute—in cases where the interested parties were in agreement. But Mr. Lauterpacht's proposed paragraph 3 laid down that "at the request of any interested State, the International Court of Justice shall have the power, in conformity with paragraph 2 of article 38 of its statute, to maintain, modify, etc." That would be tantamount to allowing one of the interested parties to authorize unilaterally the International Court to decide a case otherwise than by reference to international law.

35. Mr. PAL agreed with Mr. Scelle that Mr. Spiropoulos' objection was one of mere form in so far as it criticized the powers given to the Court "to maintain, modify or annul" the straight base lines. Whenever a court was called upon to decide a boundary dispute, it had not merely the choice between the lines proposed

⁸ *Vide supra*, 256th meeting, para. 27.

by the contending parties; it could also adopt an intermediate line between the two, which was tantamount to modifying the lines drawn by the parties.

36. He suggested that Mr. Lauterpacht's draft paragraph 3 should not refer to equitable considerations and that the paragraph should be redrafted on the following lines:

"In the cases where it is permissible to draw base lines of a length and at distances exceeding those laid down in paragraph 2, in the circumstances given therein, the coastal State, etc."

37. Mr. FRANÇOIS, Special Rapporteur, was inclined to agree with Mr. Spiropoulos' criticism of the term "to maintain, modify or annul". Furthermore, he did not favour *ex aequo et bono* jurisdiction. He could not recall a single case in which the parties had accepted to refer to the International Court a case giving it power to decide *ex aequo et bono*.

38. If the Commission were to accept the principle of *ex aequo et bono* rulings it would be necessary to have a special agency to give such rulings. In the draft articles on fisheries adopted at the fifth session of the Commission,⁹ article 3 made provision for a special international authority empowered to prescribe a system of regulation of fisheries on the high seas.

39. He would suggest that the International Court of Justice should be authorized to decide disputes over base lines in accordance with international law. If the law was too vague, the only course open to the Commission was to create a special agency with powers to decide disputes on equitable grounds.

40. Mr. GARCÍA-AMADOR said that it would save time and avoid lengthy discussion if the question of compulsory jurisdiction of the International Court, and that of the creation of a special agency, were dealt with in a single article at the end of the draft regulation. Mr. Lauterpacht's draft, paragraph 3 would then become unnecessary. The best course was to follow the usual United Nations practice and to provide in a general way for the compulsory jurisdiction of the International Court over the interpretation of the regulation.

41. Mr. ZOUREK said that Mr. Lauterpacht's proposal to empower the International Court to modify straight base lines drawn by States would be tantamount to transferring to the Court one of the essential attributes of the sovereignty of States and to convert the Court into a body superior to States. The proposal was also inconsistent with the Court's Statute, for the Court was only competent to adjudicate disputes between States. Under Mr. Lauterpacht's proposal a State would be able to apply unilaterally to the Court to amend a rule enacted by another State even if no dispute existed. Furthermore it was an essential preliminary condition

of the power to decide a dispute *ex aequo et bono* that the parties should consent to such an adjudication. Obviously, the power could operate only within the limits stipulated in the Court's statute. Under the proposal in question the International Court would acquire legislative powers which even the General Assembly of the United Nations did not possess.

42. Besides, the paragraph under discussion was not necessary. Any State could at any time accept the compulsory jurisdiction of the International Court under article 36 of its statute. A State which was disinclined to accept that compulsory jurisdiction was also unlikely to accept the Commission's draft.

43. Mr. SPIROPOULOS said that even where two States parties to a dispute agreed that the Court should decide it *ex aequo et bono*, the decision would only be valid for the States in question. It would be quite inoperative with respect to other States.

44. The International Court, when giving its judgement in the Fisheries case, had ruled in accordance with international law—and not *ex aequo et bono*—although no very precise rule existed for the drawing of base lines. Since the Commission was adopting more precise rules than those obtaining at the time of the Fisheries case dispute, there was no reason why the International Court's jurisdiction should not apply in the normal manner—namely, under article 38, paragraph 1, of its statute, which required disputes to be decided in accordance with international law.

45. With regard to the possibility of creating a special agency, he would suggest that such agency could be the same as that referred to in the draft articles on fisheries prepared at the fifth session.¹⁰ The idea of a special agency was by no means a new one: at the 1930 Codification Conference at The Hague, establishment of an international body had been suggested with powers to fix the limits of the territorial sea for all States parties to the convention then drafted.

46. Mr. SCELLE agreed that the International Court's *ex aequo et bono* jurisdiction only applied in cases of agreement between the parties.

47. The Permanent Court of International Justice, in the case concerning certain German interests in Polish Upper Silesia,¹¹ had made it clear that any decision or regulation issued under municipal law was from the standpoint of the Court merely a fact; the Court could ignore it, and thus leave it without effect in international law. It was clear that while the International Court of Justice could not in a literal sense annul or modify base lines drawn by States, it could nonetheless arrive at the same result by treating a State's decision as ineffective in international law.

48. Two important conclusions could be drawn from the useful exchange of views that had just taken place.

⁹ See p. 17 of the report of the commission on its fifth session, *Official Records of the General Assembly, Eighth Session, Supplement No. 9 (A/2456)*. Also in *Yearbook of the International Law Commission, 1953*, vol. II.

¹⁰ *Ibid.*

¹¹ *Publications of the Permanent Court of International Justice, Series A, No. 7, p. 19.*

Firstly, he was glad to see that there was no disagreement concerning the inclusion of an article providing for the compulsory jurisdiction of the International Court. Secondly, the whole question of jurisdiction could best be treated in a single article applicable to the whole regulation, as suggested by Mr. García-Amador. The possibility of the parties accepting *ex aequo et bono* jurisdiction could usefully be mentioned in such an article. It should be remembered that the border-line between law and equity was a difficult one to draw. In the Fisheries case, the International Court had really given an equitable rather than a purely legal decision.

49. Mr. LAUTERPACHT said that since he had first proposed that provision should be made for the possibility of an equitable departure from the principles laid down in article 6, paragraph 1, the situation had materially altered. The Commission had meanwhile introduced in article 6, paragraph 1, a provision permitting the departure from the low-water line on historical grounds, which was one of the chief cases he had had in mind when mentioning equitable considerations. Moreover, in the version finally adopted for article 6, paragraph 2, the drawing of straight base lines longer than ten miles had been authorized, provided that no point on such lines was farther than five miles from the coast. For all those reasons, he withdrew his draft new paragraph 3.

50. Replying to questions by Mr. Córdova, Mr. García-Amador and Faris Bey el-Khouri, the CHAIRMAN said that the Special Rapporteur would prepare in consultation with other members, a draft article concerning the settlement of eventual disputes which would apply to all questions dealt with in the regulation.

51. Mr. FRANÇOIS, Special Rapporteur, turning to the final paragraph of his article 6,¹² said that the provision embodied in the paragraph was absolutely essential to seafaring men who needed to know precisely where the base lines, and hence the outer limit of the territorial sea, were to be entered on the maps. He would even add that all base lines, even if not justified, should be given proper publicity.

52. Mr. LAUTERPACHT suggested that the paragraph should read: "Due publicity shall be given by the coastal State to straight base lines drawn in conformity with paragraphs 1 and 2." He attached particular importance to the words "due publicity".

53. Mr. FRANÇOIS, Special Rapporteur, proposed the following redraft for paragraph 3 to take into account Mr. Lauterpacht's text: "Where straight base lines are drawn in conformity with paragraphs 1 and 2, it shall be the responsibility of the coastal State to give due publicity to the lines so drawn."

54. The CHAIRMAN put to the vote article 6 as a whole, subject to possible drafting changes.

Article 6 was adopted by 7 votes to 1, with 5 abstentions.

55. Mr. ZOUREK said that he had voted against the article as a whole because of the objections he had raised in the course of the discussion to paragraphs 1 and 2 of that article and when those paragraphs were voted.

Article 7: Outer limit of the territorial sea (A/CN.4/77)¹³

56. Mr. FRANÇOIS, Special Rapporteur, said that his draft article 7 was based on the recommendations of the committee of experts¹⁴ which had arrived at the conclusion that the International Court of Justice, in its decision in the Fisheries case, had somewhat misconceived the exact scope of "arcs of circles" method. In the first place, it should be stressed that—contrary to the Court's impression—that method was not a new one; seafaring men had been using it for a very long time. Furthermore, the "arcs of circles" method did not produce an outer limit which followed the coastline in all its sinuosities.

57. The method in question consisted of drawing a series of circles, all of the same radius—namely, the distance T (T = width of the territorial sea). Those circles would be drawn from all points on the base line. The circles would naturally intersect. The limit of the territorial sea would be constituted by the arcs lying furthest to seaward. Thus all circles on the landward side of the points of intersection of other circles would be disregarded for the purpose of determining the outer limit. That outer limit, consisting of a series of short arcs of circles curving out towards the sea, would be infinitely less sinuous than the actual coastline.

58. Mr. CORDOVA said that such a method would give an outer limit that would not be actually parallel to the base line.

59. Mr. FRANÇOIS, Special Rapporteur, said that that was indeed so. He pointed out that if the system of straight base lines were to be generalized, there would be no need for the "arcs of circles" method; the outer limit would be actually parallel to the straight base lines and at a distance of T miles from it.

60. The practical result of the "arcs of circles" method was that any point on the outer limit of the territorial sea would necessarily be T miles away from some given point on the coast—namely, the particular point on the coast which was the centre of the arc of circle

¹³ Article 7 read as follows:

"The outer limit of the territorial sea is the line, every point of which is at a distance of T miles from the nearest point of the base line (T being the breadth of the territorial sea). It constitutes a continuous series of intersecting arcs of circles drawn with a radius of T miles from all points on the base line. The limit of the territorial sea is formed by the most seaward arcs."

¹⁴ See the committee's report, annex to A/CN.4/61/Add.1 in *Yearbook of the International Law Commission, 1953*, vol. II.

¹² *Vide supra*, 254th meeting, footnote 7.

on which that point on the outer limit was situated. Naturally, a point on the outer limit would be at greater distances from points along the coast, other than the centre of its arc of circle.

61. Mr. ZOUREK inquired if the outer limit would take the form of a tangent or if it would be formed by a series of arcs of circles, as article 7 seemed to suggest.

62. Mr. SCELLE inquired whether the method recommended differed much from that suggested by Professor Gidel in his *Droit international public de la mer* and termed *ligne tangente à tous les arcs de cercle*.

63. Mr. FRANÇOIS, Special Rapporteur, said that the system of *lignes tangentes* was not favoured by seafaring men. A tangent was a straight line perpendicular to the radius of a circle. The "arcs of circles" system, on the other hand, produced an outer limit composed of a series of small arcs bulging outwards towards the sea. The committee of experts had given expressed in their report¹⁵ which he had reproduced in his draft article 7: "The limit of the territorial sea is formed by the most seaward arcs."

64. Mr. ZOUREK said that in the Fisheries case, the United Kingdom had admitted that the "arcs of circles" method was not an established rule of international law. In any case, that method only produced a partial simplification of the outer limit of the territorial sea and was awkward to apply in cases where there were islands off the coast. The net result of adopting such a method would be the creation of a number of pockets of high seas surrounded by the territorial sea—a situation likely to produce serious disadvantages for navigation.

65. The Commission should not attempt to impose a unified system on all States. There were several methods of determining the outer limits of the territorial sea, and States were free to choose whichever they considered best. The Special Rapporteur himself had only adopted the "arcs of circles" method on the recommendation of the committee of experts. In his earlier second report¹⁶ he had not advocated that method.

66. Mr. FRANÇOIS, Special Rapporteur, said that it was not only the opinion of the committee of experts that had swayed him. He had also been very much impressed by the pleadings in the Fisheries case. As international law now stood, it would appear that States were allowed to simplify the outline of the perimeter of the territorial sea instead of following the outline of the coast in all its sinuosities. It was desirable that some definite method should be laid down for that simplification.

67. Mr. SPIROPOULOS inquired whether Mr. Zourek had any alternative suggestion to offer.

68. Mr. ZOUREK said that a line parallel to the low-water line was conceivable in the case of a fairly straight coastline but that a line parallel to straight base lines would be appropriate in other cases.

69. Mr. FRANÇOIS, Special Rapporteur, said that the main purpose of article 7 was to make it clear that should a State employ the "arcs of circles" method when determining the outer limit of its territorial sea, it could not be accused of violating international law. The article made it clear that such a State was under no obligation to follow the outline of the coast in all its sinuosities. All seafaring men were in agreement that it was absolutely impracticable to draw the outer limit of the territorial sea so that it followed the coastline in all its sinuosities. And it was on the basis of the recommendation of experts who agreed with the view universally held by seafaring men that the article had been drafted by him in the form submitted.

The meeting rose at 1 p.m.

259th MEETING

Thursday, 1 July 1954, at 9.45 a.m.

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Chairman: Mr. A. E. F. SANDSTRÖM

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. G. AMADO, Mr. R. CÓRDOVA, 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 *Ibid.*

¹⁶ *Op. cit.*, A/CN.4/61.