

Document:-
A/CN.4/SR.264

Summary record of the 264th meeting

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

Extract from the Yearbook of the International Law Commission:-
1954 , vol. I

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principle of the freedom of maritime communication and not to allow such waters to be used for acts contrary to the rights of other States.”

Article 19, paragraph 2, as thus amended, was adopted by 5 votes to 4, with 3 abstentions.

66. Mr. ZOUREK explained that he had voted against paragraph 2 because under it States would have to accept obligations not contemplated by existing international law.

67. Mr. HSU said that he had voted against paragraph 2 because he had not been convinced by the arguments of the members of the Commission who thought the clause indispensable. Nor did he think that the paragraph in question could be based on the International Court's decision in the Corfu Channel case, as the text adopted differed greatly from the Court's conclusions.

68. The CHAIRMAN said that, as the Commission had not yet settled the order in which the provisions of chapter III should be arranged, article 19 as a whole should not be put to the vote at that stage in the discussion.¹²

The meeting rose at 1.5 p.m.

¹² See also below, 264th meeting, para. 57, and 277th meeting, paras. 22-32.

264th MEETING

Thursday, 8 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, Mr. D. L. EDMONDS, Faris Bey el-KHOURI, Mr. F.

GARCÍA-AMADOR, Mr. S. HSU, Mr. H. LAUTERPACHT, Mr. R. PAL, Mr. C. SALAMANCA, Mr. G. SCALLE, 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 III: RIGHT OF PASSAGE *(continued)*

Article 20: Steps to be taken by the coastal State (article 16 of A/CN.4/61)²

1. Mr. CÓRDOVA said that at the previous meeting he had submitted a draft paragraph to be inserted in article 19;³ he now thought it more apposite for the Commission to consider it in connexion with article 20. In his opinion, article 20 as drafted by the Special Rapporteur was incomplete. It was more logical, in dealing with the subject of the right of passage, to begin with a general statement to the effect that the sovereignty of the coastal State should be exercised in accordance with the following articles. Such an introductory statement would dispense with the article proposed at the previous meeting by Mr. Lauterpacht. The initial statement could be followed by his (Mr. Córdova's) draft paragraph 2, reading:

“2. The coastal State may suspend temporarily and in definite areas of its territorial sea the exercise of the right of innocent passage on the ground that it is necessary for the maintenance of public order. In this case the coastal State is bound to give due publicity to the suspension.”

2. Article 20 could then serve as a basis for a third paragraph which would lay down the way in which the sovereignty of the coastal State should be exercised in the matter of passage through its territorial sea. In article 20 the negative approach as expressed in the words “does not prevent” was unsatisfactory. It would be more logical to assert the rights of sovereignty and to specify how they were to be exercised; the right of passage was an exception to absolute sovereignty and should be mentioned in second place.

3. Mr. FRANÇOIS, Special Rapporteur, said that although Mr. Córdova's proposed rearrangement appeared logical, he (the Special Rapporteur) had followed the

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

² Article 20 read as follows:

“The right of passage does not prevent the coastal State from taking all necessary steps to protect itself in the territorial sea against any act prejudicial to the security, public policy or fiscal interests of the State, and, in the case of vessels proceeding to inland waters, against any breach of the conditions to which the admission of those vessels to those waters is subject.”

³ *Vide supra*, 263rd meeting, para. 26.

principle adopted by the 1930 Codification Conference and preferred to retain his own method of presentation.

4. The substance of Mr. Córdova's amendment was already covered by the provisions of article 20; he did not think the amendment necessary, but would defer to the majority of the Commission. The reference to "all necessary steps" in the article implied that the State could temporarily suspend the right of passage for special reasons. There was no need to say so specifically.

5. Mr. LAUTERPACHT agreed with the Special Rapporteur and said that article 20 should be retained as submitted. He pointed out to Mr. Córdova that articles 2 and 3 stipulated that a State had sovereignty over the territorial sea, and that that sovereignty should be exercised in accordance with international law. Mr. Córdova wished his draft paragraph to be considered as a general rule, whereas it was in reality a special case and consequently an exception to the rule. It was illogical to place the exception before the rule. In article 20 Mr. Córdova's amendment was covered by the word "security"; however, if the Special Rapporteur did not object, the right of temporary suspension of the right of passage might perhaps be mentioned in the comment to the article in order to satisfy Mr. Córdova.

6. Mr. SCELLE said that according to one school of thought the territorial sea was an integral part of the sea, while another was inclined to consider it as a projection of the territory of the coastal State. He supported the former view and was therefore in favour of not changing article 20.

7. Mr. HSU thought that Mr. Córdova might agree to the insertion in the text of article 20 of a sentence to cover his amendment concerning the temporary suspension of the right of passage. In his opinion such an addition was not necessary, but at the previous meeting⁴ the Commission, in adopting article 19, paragraph 2, had somewhat overstressed the right of passage and Mr. Córdova's proposal might re-establish the equilibrium. The suggestion was a compromise which he hoped would give satisfaction to Mr. Córdova, without modifying unduly the Special Rapporteur's text.

8. Mr. PAL preferred the article as submitted by the Special Rapporteur and thought that having accepted article 19, the Commission should oppose any change in the position of article 20. He proposed that the words "to protect itself" should follow the words "in the territorial sea" instead of preceding them. Moreover, the words "to the security, public policy, or fiscal interests of the State" in the article should be replaced by the words "to the security or public policy of that State or to such of its interests as the territorial sea is intended to protect", in conformity with the formula proposed by Mr. Scelle and adopted by the Commission in a similar context in article 18 relating to the meaning of the right of passage.⁵

9. The CHAIRMAN suggested that Mr. Córdova's proposal relating to the temporary suspension of the right of passage might be mentioned in the Commission's report on the current session.

10. Mr. CORDOVA was unable to agree.

11. Mr. GARCÍA-AMADOR proposed that in article 20 the words "The right of passage does not prevent" should be deleted and that the beginning of the clause should be amended to read: "The coastal State may take all..." That proposal might satisfy the Special Rapporteur and Mr. Córdova.

12. Mr. CORDOVA agreed with Mr. García-Amador's proposal but said that the right of temporary suspension of the right of passage should be mentioned specifically. Two ideas should be incorporated, the one relating to the temporary nature of the suspension, and the other to the fact that the right of passage could be suspended "in certain definite areas". The article as it stood was dangerous, and his proposal would benefit shipping.

13. Mr. SCELLE regretted that Mr. García-Amador should have acceded to the theory that the suspension of the right of passage should precede the right of passage as such. An important principle affecting the territorial sea was involved, and he (Mr. Scelle) would support the views expressed by the Special Rapporteur and Mr. Lauterpacht.

14. Mr. ZOUREK agreed with Mr. Córdova and considered the sequence proposed by him a logical one. It was based on the principle that sovereignty extended to the territorial sea, and it was right that freedom of passage should be mentioned only after all measures taken by virtue of full sovereign rights. The Commission had already adopted the principle of sovereignty over the territorial sea, and he saw no reason why the proper order should be reversed in chapter III and the right of passage mentioned before sovereignty. He could not agree that the principle of sovereignty should become an exception, and would accordingly vote against the amendment proposed by Mr. García-Amador. In order to avoid misunderstanding he proposed the addition after the words "in the territorial sea" of a sentence reading: "It may, in particular, close certain areas of its territorial waters to shipping, provided that recognized maritime routes are left open."

15. Mr. SALAMANCA did not share Mr. Córdova's view, but agreed with the Special Rapporteur and Mr. Lauterpacht. The sovereign rights of a State were not identical with the rights exercised by a State over its territorial waters. He agreed that the principle of passage should be the main rule.

16. Mr. LAUTERPACHT thought Mr. García-Amador's proposal an improvement which could be accepted. If the Commission agreed that Mr. Córdova's amendment, preceded by the words "in particular", should be inserted in the body of article 20, the temporary suspension of the right of passage would become an example of the measures a State could take

⁴ *Vide supra*, 263rd meeting, para. 65.

⁵ *Vide supra*, 262nd meeting, paras. 68 and 70.

to protect itself against acts prejudicial to its security. He did not think the addition a necessary one, but would not oppose it if Mr. Córdova insisted on its inclusion.

17. It might be possible to add, in connexion with the last sentence of Mr. Córdova's amendment, a further provision to the effect that the coastal State was also bound to publish information of any dangers to shipping of which it had knowledge.

18. He said that the title of article 20 should be revised by the Drafting Committee.

19. Mr. FRANÇOIS, Special Rapporteur, did not object to the proposal made by Mr. García-Amador or to the proposal that Mr. Córdova's amendment should be included in the body of article 20. He objected, however, to such an amendment being introduced by the words "in particular" as that might suggest that it was one of the first things a State might do and not a very exceptional measure.

20. Mr. CORDOVA said that his draft clause should be inserted in article 20 after the words "to protect itself", or else it could become a separate paragraph.

21. Mr. AMADO said that the adoption of so many changes completely altered the spirit of the original article. The purpose of article 20 was only the verification of the fact that the passage of a vessel was indeed innocent. No other considerations should be included in the article. He would vote for it in the form in which it had been submitted by the Special Rapporteur.

22. Mr. LIANG, Secretary to the Commission, agreed with Mr. Amado. Indeed, he added, if the article as submitted by the Special Rapporteur was widened it would conflict with the principle adopted by the Commission at its fifth session in connexion with the contiguous zone,⁶ which would be most unfortunate. The right of passage should stand as the principle, as laid down in the Special Rapporteur's draft; amendments, if any, should relate merely either to the limitation of that right of passage or to the verification of its being innocent.

23. Mr. SPIROPOULOS agreed with Mr. Liang.

24. Faris Bey el-KHOURI thought Mr. García-Amador's proposal reasonable. He did not object to the addition of a provision relating to the temporary suspension of the right of passage by the coastal State, but added that in the case of such suspension due publicity should be given.

25. Mr. SCELLE regretted that the Special Rapporteur had agreed to the deletion of the introductory words of the draft article. The Commission had to decide whether to emphasize the right of passage or the principle of sovereignty. He was opposed to a series of minor

amendments which were likely to stultify the original purpose of the article.

26. Mr. ZOUREK was surprised that Mr. Córdova's proposal had been so strongly criticized, for it only expressed existing law. He recalled that at its fifth session the Commission, in draft article 6 relating to the continental shelf,⁷ had admitted that the right of passage could be permanently suspended above the continental shelf, or in other words outside the area of the territorial sea in the case of installations used for the exploration and exploitation of the natural resources of the continental shelf. It was therefore illogical that States should be prevented from suspending temporarily the exercise of that right in the territorial sea. The coastal State possessed that right by virtue of their sovereignty over the territorial waters.

27. Mr. FRANÇOIS, Special Rapporteur, pointed out that, if he had accepted certain amendments to his draft he nevertheless retained in its entirety the principle it embodied.

28. The CHAIRMAN put to the vote Mr. García-Amador's proposal that the introductory words "The right of passage does not prevent" should be deleted and that the beginning of the article should be amended to read: "The coastal State may take all..."

The proposal was adopted by 10 votes to 4.

29. The CHAIRMAN put to the vote Mr. Pal's amendment to the effect that the words "in the territorial sea" should precede the words "to protect itself".

The amendment was adopted by 10 votes to 1, with 3 abstentions.

30. The CHAIRMAN put to the vote the second amendment proposed by Mr. Pal to the effect that the words "to the security, public policy or fiscal interests of the State" should be replaced by the words "to the security or public policy of that State or to such of its interests as the territorial sea is intended to protect".

The amendment was adopted by 9 votes to 1, with 4 abstentions.

31. The CHAIRMAN put to the vote the proposal that Mr. Córdova's amendment should, subject to drafting changes, be included in article 20 as paragraph 2.

The proposal was adopted by 9 votes to 5.

32. The CHAIRMAN said he took it that the Commission wished to refer to the Drafting Committee Mr. Lauterpacht's amendment relating to the obligation of the coastal State to publish information of any dangers to shipping of which it had knowledge. Mr. Córdova's reference to due publicity regarding the temporary suspension of the right of passage should be treated separately.

33. He put to the vote the principle of article 20, paragraph 1, which in its amended form read:

⁷ *Ibid.*

⁶ See articles 3 and 6 of the draft articles on the continental shelf, in chapter III of the Commission's report 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.

"The coastal State may take all necessary steps in the territorial sea to protect itself against any act prejudicial to the security or public policy of that State or to such of its interests as the territorial sea is intended to protect, and, in the case of vessels proceeding to inland waters, against any breach of the conditions to which the admission of those vessels to those waters is subject."

Article 20, paragraph 1, was adopted in principle by 6 votes to 4, with 4 abstentions.

34. Mr. ZOUREK said he had abstained because, although in agreement with the principle of the paragraph just adopted, he did not approve of its drafting.

Proposed additional clause relating to the right of the coastal State to close certain areas of the territorial sea

35. Mr. ZOUREK proposed the addition of a new clause along the following lines:

"The coastal State may close permanently to shipping certain areas of its territorial sea, provided recognized sea lanes essential to international navigation shall be left free. In this case, the coastal State is bound to give due publicity to the measure."

36. He said that the clause was in keeping with article 6 of the draft articles on the continental shelf.⁸ The only restriction under the draft adopted by the Commission on the freedom of a State to establish safety zones in the high seas around installations for the exploitation of the continental shelf was the proviso safeguarding recognized sea lanes essential to international navigation. *A fortiori*, the coastal State should have the right to close the territorial sea.

37. Mr. SCALLE was surprised that the Commission, which had begun its task with the aim of codifying international law, should be demolishing, step by step, the freedom of the high seas. The Commission should not encourage the disintegration of a freedom recognized by international law. Otherwise, the Commission would end by accepting in respect of the sea the extremely undesirable situation now obtaining in connexion with air navigation. Any aeroplane not travelling along the recognized air corridors ran the risk of being shot down; if one carried to their logical conclusion the ideas to which the Commission was giving acceptance, ships sailing on the territorial sea would run the risk of being sunk if they strayed from narrow channels prescribed by coastal States.

38. Mr. LAUTERPACHT said that the safety zones provided for by article 6 on the continental shelf did not entail the right for the coastal State to interfere with the freedom of passage. The right of that State to issue regulations to safeguard installations for the exploitation of the continental shelf was an exceptional privilege. Mr. Zourek's proposal amounted to transforming that exceptional case into a general rule.

39. Mr. CORDOVA suggested that the provisions of article 6 on the continental shelf—which by definition concerned only the high seas—should be extended to the territorial sea.

40. Mr. FRANÇOIS, Special Rapporteur, could not agree to extending to the territorial sea the rule embodied in article 6 on the continental shelf. A safety zone around installations in the high seas was unlikely to interfere much with navigation. On the high seas, a ship could alter course so as to avoid such installations. But in the narrow belt of the territorial sea, shipping had not the same freedom to manoeuvre. Accordingly, the right of passage through the territorial sea had to be safeguarded even more carefully than freedom of shipping in the vicinity of installations in the high seas.

41. Mr. AMADO said that Mr. Zourek's far-reaching proposal was the direct consequence of the Special Rapporteur's regrettable acceptance of Mr. García-Amador's amendment earlier in the meeting.

42. Mr. PAL said that Mr. Zourek's proposal in effect made the right of passage illusory. That proposal would abolish altogether the freedom of the seas in respect of the territorial sea, with the minor exception of recognized sea lanes.

43. Mr. ZOUREK said that, by embodying his proposal in a separate paragraph, he had clearly indicated that it dealt with an exceptional case. It was not his intention to destroy the principle of freedom of passage. He had referred to article 6 on the continental shelf mainly as an argument in support of a provision safeguarding recognized sea lanes. The leading principle was that the coastal State was sovereign in its territorial sea and that its sovereignty was qualified only by the needs of international navigation. The right of passage had never been construed as implying the complete freedom of ships to hover in the territorial sea of a foreign State. Indeed, the Hovering Acts promulgated in certain States were intended to apply even outside territorial waters. The purpose of the paragraph which he proposed to insert was the codification of an international usage which the Commission should acknowledge.

44. The CHAIRMAN put Mr. Zourek's proposal to the vote.

The proposal was rejected by 10 votes to 1, with 3 abstentions.

45. The CHAIRMAN, at the request of Mr. Lauterpacht, asked the Special Rapporteur to draft an article concerning the establishment of safety zones around installations for the exploitation of the continental shelf situated under the territorial sea.

Proposed new article relating to the right of passage in favour of land-locked States

46. Mr. SALAMANCA said he would propose a clause providing that, if a State had undertaken international obligations relating to freedom of transit over its territory, either as a general rule or by a convention,

⁸ *Ibid.*

the obligations so assumed also applied to passage through the territorial sea. Article 6 of a 1904 treaty between Bolivia and Chile guaranteed Bolivia in perpetuity complete freedom of passage through Chilean territorial waters even in time of war. A servitude of that type in favour of land-locked States would be a useful provision in all such cases. He would, however, stress that unless some provision of the kind he had suggested were included, the present regulation, when adopted, might leave it in doubt whether existing rights of passage of the type embodied in the 1904 treaty were to be maintained.

47. Mr. CORDOVA said that the general rules which the Commission was adopting could in no way affect rights existing under particular treaties.

48. Mr. SALAMANCA said that what he had in mind was not only the case of the 1904 treaty but any instance in which there existed an accepted custom granting the right of passage to a land-locked State.

49. Mr. ZOUREK said that Mr. Salamanca's remarks raised the important question of the future relationship between the draft articles, if adopted, and the existing regulations in respect of particular cases.

50. Mr. LAUTERPACHT said that the draft articles would give a coastal State the right to enact certain restrictions to the right of passage. But there was nothing to prevent a State from abandoning that right in whole or in part as Chile had done in favour of Bolivia by the 1904 treaty. A statement, along the lines of that contained in the report of the Second Committee⁹ of the 1930 Codification Conference, could now be embodied by the Commission in the comment to the relevant article. Such a statement in the comment would meet Mr. Salamanca's requirements. Apart from that, any incursion into the general question of facilities for land-locked States was outside the scope of the present work of the Commission.

51. Mr. SALAMANCA said that the various articles adopted by the Commission had narrowed the right of passage so much that the territorial sea would be almost completely controlled by the coastal State. That being so, he would press for the adoption of the provision he had suggested.

⁹ See *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. The statement read as follows:

"It should, moreover, be noted that when a State has undertaken international obligations relating to freedom of transit over its territory, either as a general rule or in favour of particular States, the obligations thus assumed also apply to the passage of the territorial sea. Similarly, as regards access to ports or navigable waterways, any facilities the State may have granted in virtue of international obligations concerning free access to ports or shipping on the said waterways, may not be restricted by measures taken in those portions of the territorial sea which may reasonably be regarded as approaches to the said ports or navigable waterways."

52. Mr. SCALLE agreed with Mr. Salamanca that the draft regulation would not be without effect on pre-existing treaty rights. If a particular treaty was repugnant to a principle of general international law or to a principle embodied in a general convention, that principle prevailed over the provisions of the treaty. Since it had adopted a number of provisions restricting the freedom of passage, it was doubtful whether the Commission still regarded the freedom of the sea as the established general rule of international law. And if the freedom of the seas was no longer the general principle, the special rights of States under existing agreements or practices might perhaps be regarded as no longer valid in international law.

53. Mr. HSU said the Commission was codifying international law. Therefore any pre-existing principle of international law which had not stood in the way of the provisions of the 1904 Chilean-Bolivian treaty, would no more stand in their way if it were codified by the Commission.

54. Mr. FRANÇOIS, Special Rapporteur, said it was unthinkable for the Commission to abandon the principle adopted in 1930. His acceptance of the amendments adopted earlier in the meeting did not mean a weakening of his support of the right of passage as construed by the 1930 Codification Conference.

55. With regard to Mr. Salamanca's remarks, he would draw special attention to paragraph 2 of article 21 forbidding a coastal State to discriminate between foreign vessels of different nationalities.¹⁰ Any special conventions extending the right of passage might in accordance with that paragraph be invoked by all other States. In order to cover the case mentioned by Mr. Salamanca, article 21 should be modified.

56. The CHAIRMAN said that at the next meeting Mr. Salamanca would submit his proposal in writing.

*Provision relating to publicity of dangers to shipping
(to be added to article 19)*

57. The CHAIRMAN put to the vote Mr. Lauterpacht's draft provision reading:

"The coastal State is bound to give due publicity to any dangers to navigation of which it has knowledge."¹¹

The amendment was adopted by 11 votes to none, with 3 abstentions.

*Proposed new article on freedom of passage
in certain internal waters*

58. Mr. LAUTERPACHT proposed the adoption of a new article to read:

"The principle of the freedom of innocent passage governing the territorial sea shall also apply to areas of water enclosed between the coastline and any

¹⁰ *Vide infra*, 265th meeting, para. 15.

¹¹ *Vide supra*, 263rd meeting, para. 41.

straight base-lines drawn in accordance with article 6.”

59. He said that some such provision was rendered necessary by the possible implication of the judgement of the International Court of Justice in the Fisheries case.¹² The original issue in that case had been the question whether the Norwegian decree of 1935 delimiting the Norwegian fisheries zone was in conformity with international law. The International Court had, however, acknowledged certain waters, covered by those decrees, as internal waters of Norway in general terms. The result was that the decision had unexpected repercussions on the right of passage. The reasons which militated in favour of the Court's decision so far as fisheries and similar economic rights were concerned did not necessarily—or properly—apply to the question of the right of passage. The Commission should make it clear that the character of internal waters attributed to the sea zones situated between straight base lines and the coast did not impair the freedom of passage therein.

60. Mr. SCALLE said that the sea had to be treated as a single unit. The rights of the coastal State decreased to seaward as the distance from the coast increased. A State could close a port; it could not interfere with freedom of passage in the territorial sea. Internal waters were a zone in which the State had greater powers than in the territorial sea, but they were nonetheless part of the sea.

61. The CHAIRMAN said that the concept of internal waters had been adopted by the International Court simply to provide for the special case of the Norwegian *skjaergaard*. In view of the peculiar character of the archipelagoes off the Norwegian coast, the Court had accepted the notion that the coast of Norway was constituted by the outer line of the *skjaergaard*. The waters thus left within Norway, which constituted internal waters, were extremely dangerous to navigation because of the many rocks and shoals. In practice, it was impossible for foreign ships to navigate therein except along the course indicated to them by the Norwegian authorities. There was no point in making any provision for freedom of passage in such waters. The internal waters recognized by the International Court included a series of channels, some of which, like the Indreleia, constituted routes prepared by means of artificial aids to navigation provided by Norway.

62. Mr. LAUTERPACHT said that straight base lines had been accepted by the International Court in cases other than the *skeargaard*. The object of the straight base lines system was to safeguard the legitimate interests of coastal States. The question before the Commission was whether the reasons underlying the straight base lines system justified interference with the freedom of navigation. He considered that the full jurisdiction of a coastal State over the internal waters in question should extend to such matters as the protection of resources and the regulation of fisheries; freedom of navigation should, however, be safeguarded.

It was therefore necessary for the Commission to adopt an article providing for the right of passage through these internal waters.

63. Mr. ZOUREK said that under existing international law the waters between straight base lines and the coast were internal waters of the coastal State. It would go beyond the scope of the Commission's task to draft a detailed regulation concerning internal waters. The base lines constituted demarcation lines between the internal waters and the territorial waters. Such waters included ports and it was universally agreed that the régime of ports was different from that of the territorial sea. It was unnecessary, and indeed undesirable, to make special provision for the right of passage through internal waters. Such a provision would constitute an undesirable innovation in existing international law.

The meeting rose at 1 p.m.

265th MEETING

Friday, 9 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. CORDOVA, Mr. D. L. EDMONDS, Faris Bey el-KHOURI, Mr. F. GARCÍA-AMADOR, Mr. S. HSU, Mr. H. LAUTERPACHT, Mr. R. PAL, Mr. C. SALAMANCA, Mr. G. SCALLE, 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).

¹² *I.C.J. Reports 1951*, p. 116.