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Summary record of the 319th meeting

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

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Commission was not in a position to decide on the maximum length of the closing line of bays any more than on that of the breadth of the territorial sea. Those questions could only be decided by an international conference of States.

Further discussion of article 7 was adjourned.

The meeting rose at 1.5 p.m.

319th MEETING

Friday, 24 June 1955, at 9.30 a.m.

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* The number within brackets indicates the article number in the draft contained in Chapter III of the Report of the Commission (A/2934).

Chairman: Mr. Jean SPIROPOULOS

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. Gilberto AMADO, Mr. Douglas L. EDMONDS, Sir Gerald FITZMAURICE, Mr. F. V. GARCÍA AMADOR, Mr. Shuhsi HSU, Mr. S. B. KRYLOV, Mr. Carlos SALAMANCA, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jaroslav ZOUREK.

Secretariat: Mr. LIANG, Director of Codification Division, Office of Legal Affairs, Secretary to the Commission.

Régime of the territorial sea (item 3 of the agenda) (A/2693, A/CN.4/90 and Add.1 to 5, A/CN.4/93, A/CN.4/L.54) (continued)

PROVISIONAL ARTICLES (A/2693, CHAPTER IV)
(continued)

Article 7 [7]: Bays (continued)

1. Mr. FRANÇOIS (Special Rapporteur) said that the Commission had to decide whether other criteria than the length of the closing line were to be incor-

porated in article 7. The only one that had been the subject of a proposal was the question of "historic" bays—the subject matter of paragraph 5 of his proposed text for the article (A/CN.4/93).

The principle of a reference to historic bays was adopted by 6 votes to none with 3 abstentions.

2. Mr. GARCÍA AMADOR asked for the actual text of paragraph 5 to be put to the vote.

3. In reply to a suggestion by Mr. SALAMANCA that a reference to estuaries be made in paragraph 5, Mr. FRANÇOIS (Special Rapporteur) said he wished to reserve the question until the Commission had dealt with article 14 on the delimitation of the territorial sea at the mouth of a river.

4. Mr. SALAMANCA agreed.

The text of article 7, paragraph 5, as contained in document A/CN.4/93, was adopted unanimously.

5. Mr. FRANÇOIS (Special Rapporteur), opening the discussion on paragraph 4, pointed out that the text must be brought into line with the Commission's decision to adopt a distance of 25 miles, instead of 10 miles, as the maximum length of closing lines.

6. Sir Gerald FITZMAURICE said paragraph 4 had been drawn up on the assumption that the closing line of a bay would in no case exceed 10 miles. On the basis of that assumption, it was quite proper to state that where different lines of such length could be drawn, that line should be chosen which enclosed the maximum water area within the bay.

7. Now that a distance of 25 miles had been substituted for that of 10 miles, it was doubtful whether the same argument applied. Indeed, it might even be suggested that, in order not to extend internal waters unduly, that line should be chosen which enclosed the minimum water area within the bay.

8. He would like to know the Special Rapporteur's views on the question.

9. Mr. FRANÇOIS (Special Rapporteur) said that as the Commission had adopted the 25-mile rule, it should apply it consistently and adopt paragraph 4 with a reference to the new distance. The matter was, however, not of any very great importance.

10. The CHAIRMAN called for a vote on article 7, paragraph 4, reading as follows:

"4. Where the entrance of a bay exceeds 25 miles, a closing line of such length shall be drawn within the bay. When different lines of such length can be drawn that line shall be chosen which encloses the maximum water area within the bay."

Article 7, paragraph 4 was adopted by 8 votes to none, with 4 abstentions.

11. Mr. FRANÇOIS (Special Rapporteur) drew attention to the second and third sentences of paragraph 2. The third sentence, which read: "Islands within a bay shall be included as if they were part of the water area

of the bay” would enable any indentation to be considered as a bay provided its depth was at least half the closing line, even though some of the area within the bay was covered by islands rather than by sea. If a provision of that type were not included, the water area would be reduced and in certain cases might not be equal to the area of a semi-circle drawn on the entrance of the indentation—the criterion laid down for a bay in the opening sentences of paragraph 2, a criterion moreover which corresponded to the text adopted at the 317th meeting on the proposal of Mr. García Amador.¹

12. Mr. SCALLE said that such a liberal system might have been justified with a closing line of ten miles but was questionable now that the Commission had adopted a normal, “minimum” closing line as long as 25 miles.

13. Mr. SANDSTRÖM pointed out that the presence of islands actually emphasized, from a geographical point of view, the inland character of the waters within the bay.

The second and third sentences of paragraph 2, as contained in document A/CN.4/93, were adopted by 10 votes to none with 2 abstentions.

14. Mr. FRANÇOIS (Special Rapporteur) then drew attention to paragraph 3 of the text he proposed for article 7 in document A/CN.4/93; that paragraph dealt with the problem of a bay whose entrance was split up into a number of smaller openings by various islands. He proposed that closing lines could be drawn across those openings provided none exceeded 5 miles in length, except that one of them might extend up to 25 miles. The original text, of course, referred to a distance of 10 miles in the last instance. As to the distance of 5 miles, he proposed to leave it as it was, notwithstanding the adoption of the 25-mile rule.

15. Mr. KRYLOV said that the provision was a cumbersome one and article 7 could well do without it. It was quite unnecessary to overload the text with such detailed provisions.

16. He proposed that no provision be included of the type of paragraph 3, so as to leave possible arbitrators a free hand to decide specific cases.

17. Mr. GARCÍA AMADOR said he had some sympathy with Mr. Krylov's remarks. Moreover, paragraph 3 constituted a further instance of the adoption of arbitrary distances without any foundation.

18. He proposed that article 7, paragraph 3, be amended to read as follows:

“3. If the entrance of a bay is split up into a smaller number of openings by various islands, closing lines across these openings may be drawn.”

19. Sir Gerald FITZMAURICE said that there were reasons for retaining the provision in question, since the case was quite a common one. The same geographical and physical reasons which caused the existence

of a bay also frequently caused the formation of islands within and at the mouth of the bay. However, with some reluctance, he would be prepared to accept Mr. Krylov's proposal.

20. He could not, on the other hand, accept Mr. García Amador's proposal because that would be tantamount to removing all limitations. With a provision such as was suggested by Mr. García Amador, it would be possible to draw closing lines from island to island so as to cover hundreds of miles in all.

21. Mr. SCALLE agreed with Mr. Krylov's proposal to delete paragraph 3. There appeared to be no justification for a system whereunder two islands might be separated by 10 miles (or 25 miles) and the others by no more than 5 miles.

22. Mr. SANDSTRÖM suggested that a total distance of 25 miles be specified as the maximum for the total length of the various lines from island to island. In other words, if all the various lines added together gave a total of 25 miles or less, the indentation constituted a bay.

23. Mr. GARCÍA AMADOR said that, in view of the different opinions expressed by members of the Commission, perhaps the best course was to eliminate paragraph 3 altogether.

24. He would vote in favour of the deletion of that paragraph, while reserving the right to introduce his (Mr. García Amador's) own paragraph 5² at a later stage in the discussion, when a text for the whole of article 7 was prepared by the Drafting Committee on the basis of the various proposals adopted by the Commission.

Mr. Krylov's proposal to delete article 7, paragraph 3, was adopted by 9 votes to none, with 3 abstentions.

25. Mr. GARCÍA AMADOR pointed out that his own proposed paragraph 6³ had not been voted upon by the Commission. It was necessary to vote thereon before the Drafting Committee undertook to re-draft article 7 as a whole on the basis of the various texts adopted by the Commission.

26. Mr. EDMONDS agreed that all discussion on an article had to be completed before it went to the Drafting Committee.

27. Mr. SANDSTRÖM enquired how Mr. García Amador construed his proposed paragraph 6 in the light of the various proposals actually accepted by the Commission.

28. Mr. GARCÍA AMADOR said his paragraph 6 concerned the case where the waters of a bay were shared by several States. If they were in agreement, they could share the waters of the bay as internal waters. Failing such agreement, the waters concerned

¹ 317th meeting, para. 42.

² *Ibid.*, para. 52.

³ *Ibid.*

would not be internal waters, but each State would be entitled to territorial waters in the ordinary way.

29. Mr. FRANÇOIS (Special Rapporteur) suggested that the final clause of the proposed paragraph be amended to read as follows:

“... the territorial sea of each State shall be settled by arbitration.”

30. Mr. SCALLE said that he had always understood that, where there were several coastal States, the waters concerned were free seas. He could see no reason why those waters should be turned into internal waters. To acknowledge as the internal waters of a State the waters of a bay having an entrance of 25 miles was already a very great concession to the coastal State. There was no reason why that concession should be extended to the case where there were several coastal States.

31. Mr. SANDSTRÖM pointed out that the provisional articles the Commission was drafting were concerned solely with the régime of the territorial sea. They did not specifically deal with internal waters. There was, therefore, no reason why a provision of the type of Mr. García Amador's paragraph 6 should be included in article 7.

32. Mr. GARCÍA AMADOR pointed out that the Harvard Law School had produced a text along the lines of his own paragraph 6 following exhaustive research into the problem of Fonseca Bay, shared by Honduras, Nicaragua and Salvador.⁴

33. If, where there was only one coastal State, the waters of a bay were recognized as its internal waters, there was no reason why in cases where there was more than one coastal State the waters concerned should not be shared between them.

34. Sir Gerald FITZMAURICE said that the concept of internal waters was only valid in the particular case of a bay having only one coastal State. It was precisely because a single State owned all the shores of the bay and because the waters of the bay thus lay, so to speak, within its body, that it was permissible for it to have that special privilege.

35. It had never been previously suggested that where a bay had several coastal States, the waters thereof could be anything but either territorial sea or high seas. Such a bay was a bay in a geographical sense, but not in a political.

36. Mr. SCALLE said he could not understand what interests the two or more coastal States in question could have in thus closing the doors of a bay to foreign shipping.

37. Mr. ZOUREK said the principles adopted by the Commission did not exclude the possibility of two States sharing the waters of a bay the coasts of which belonged to them.

39. Mr. FRANÇOIS (Special Rapporteur) recalled that the report of Sub-Committee II of the 1930 Codification Conference had clearly specified that the term “bay” in its juridical sense applied to indentations having only one coastal State. He noted with interest that Mr. García Amador had included the same idea in proviso (b) in paragraph 3 of his proposed text.

39. Mr. HSU enquired how Mr. García Amador's paragraph 6 would apply in the Baltic.

40. Mr. GARCÍA AMADOR pointed out that his paragraph 6 was concerned with bays as defined by the Commission. It certainly did not affect inland seas themselves, although it could affect specific bays therein.

41. All that the provision meant was that where a bay existed in the juridical sense, the benefit of the régime of internal waters would not be restricted to the case where there was a single coastal State but would also benefit two or more coastal States where such existed.

42. Mr. AMADO said there appeared to be very few cases of bays having more than one coastal State. There appeared to be little justification for a special provision concerning them.

The Commission decided by 7 votes to 3 with 2 abstentions against the principle of including a provision along the lines of paragraph 6 of Mr. García Amador's proposed text for article 7.

43. Mr. GARCÍA AMADOR enquired what was the position concerning proviso (b) in his paragraph 3, under which the waters of a bay would be considered inland (internal) waters if that bay were totally bordered by the territory of a single State.

44. Mr. FRANÇOIS (Special Rapporteur) said that he proposed to re-draft article 7 along the lines of the 1930 report of The Hague Conference⁵ so as to specify that an indentation was a bay in the juridical sense when and only when it was bordered by a single coastal State.

Article 7, as a whole, was referred to the Drafting Committee for final drafting.

Article 10 [10]: Islands

45. Mr. FRANÇOIS (Special Rapporteur), after recalling that articles 8 and 9 had already been discussed,⁶ pointed out that in document A/CN.4/93 he proposed the addition to the provisional text of article 10 of a second paragraph, reading as follows:

“Where the distance between the island and the coast only slightly exceeds twice the breadth of the territorial sea, the limit of the territorial sea shall be measured from the base line of the outer coast of the island.”

5. League of Nations publication, *V. Legal, 1930, V.16* (document C.351(b).M.145(b).1930.V), p. 217.

6. See *supra*, 295th meeting, paras. 69–82.

⁴ See *American Journal of International Law*, vol. 11 (1917), p. 674.

46. That proposal was designed to meet the suggestion of the Government of the Union of South Africa (A/2934, Annex, No. 15).

47. Sir Gerald FITZMAURICE felt that clarification of the term "slightly" was necessary. Where a State claimed a breadth of twelve miles for its territorial sea, an island 26 or 27 miles from the coast would leave a stretch of 2 or 3 miles as open sea. The use of vague terms such as "slightly" would enable the coastal State to claim that the 2- or 3-mile stretch in question was too small in proportion to be allowed to remain as high seas.

48. Mr. HSU said that the term "slightly" must be retained so long as the Commission did not reach a conclusion on the breadth of the territorial sea.

49. Mr. EDMONDS said that it was preferable to state a definite distance rather than to use vague terms.

50. Mr. FRANÇOIS (Special Rapporteur) said that he would include, in the comment to article 10, an indication that a distance of half a mile or a mile was intended.

51. There was a precedent in article 6, paragraph 2 of the draft articles on the continental shelf,⁷ which laid down that safety zones around installations on the continental shelf could be established "at a reasonable distance around such installations".

52. In the comments on the draft articles, the Commission had stated:

"Although the Commission did not consider it essential to specify the size of the safety zones, it believes that, generally speaking, a radius of 500 metres is sufficient for the purpose."⁸

53. In that connexion, the Commission had felt that it should not tie the hands of the judges or arbitrators by laying down too strict a rule in the article itself, but had given a general indication in the comment.

54. In the same manner, it was quite appropriate for the Commission to suggest, in the comment to article 10, on islands, the distance which, in its opinion, would correspond as a general rule to the term "slightly".

55. Mr. KRYLOV said he would abstain from voting on the additional paragraph proposed by the Special Rapporteur because he considered that the coastal State had the right to delimit its own territorial sea.

56. Mr. SCELLE said he could not vote in favour of the proposed second paragraph. The territorial sea of a coastal State was already being extended sufficiently by the process of allowing islands to have a territorial sea of their own. If, on top of that, channels of high seas were to be annexed too, there would be a further

loss to the area within which the freedom of the seas applied.

The Commission rejected by 3 votes to 2 with 7 abstentions the Special Rapporteur's proposed paragraph 2 for article 10.

Article 10, in the form contained in the provisional articles, was unanimously adopted.

Article II : Groups of islands

57. Mr. FRANÇOIS (Special Rapporteur) recalled that at the 1930 Hague Conference for the Codification for International Law, there had been a tendency in favour of adopting a figure of ten miles as the maximum distance between islands in order for them to be regarded as a group of islands; no precise text had been formulated, however, and there had been complete disagreement with regard to the juridical status of the enclosed waters.⁹

58. The text which he proposed in document A/CN.4/93 was based on recommendations of the Committee of Experts (A/CN.4/61/Add.1) which had met at The Hague in April 1953. The experts had proposed that in order that they might be regarded as constituting a group the maximum distance between islands should be 5 miles instead of 10 except that in one case it might extend to 10. Now that the Commission had decided that the maximum length of a bay's closing line should be 25 miles instead of 10, the figure of ten miles in his proposed text for article 11 should, by analogy, be increased to 25. The figure of 5 miles, however, would remain unchanged.

59. The experts' reason for proposing that figure rather than 10 miles was to safeguard the freedom of the seas; if any larger figure were adopted there might well be cases where a very considerable area of the high seas would be affected. The fact that if his proposal was adopted the area of sea enclosed would become internal waters—a point on which there had been no agreement before—made it essential that the area enclosed should remain reasonably restricted.

60. Mr. GARCÍA AMADOR said that he could accept the Special Rapporteur's text of article 11 provided the distance limitation was deleted from paragraph 1. He stressed that any resemblance his proposal might have to the views of a particular country was coincidental. The particular country he had in mind, namely, Cuba, had refrained from submitting its written comments on the provisional articles since it was easier for him to acquaint the Commission with its views verbally. Moreover, in that way the Commission was spared such criticisms of the written views of governments as it had heard at the previous meeting.

61. Despite the fact that the Commission had adopted article 5 without any distance limitation by ten votes to three,¹⁰ the Special Rapporteur apparently wished it

⁷ "Report of the International Law Commission covering the work of its fifth session" (A/2456), para. 62, in *Yearbook of the International Law Commission, 1953*, vol. II.

⁸ *Ibid.*, para. 78.

⁹ League of Nations publication, *V. Legal, 1930.V.16* (document C.351(b).M.145(b).1930.V), p. 219.

¹⁰ 317th meeting, para. 42.

to retain the same form of limitation in article 11. The Commission should be consistent. Moreover, it was difficult to see how an archipelago which was linked to the mainland by the geographical, economic or other ties which the International Court of Justice had considered relevant could now be severed from it on the ground that the islands of which it was composed were more than 5 miles apart, simply because the Committee of Experts had so recommended.

62. Mr. SANDSTRÖM felt that the difficulty with regard to article 11 arose from the attempt to cover two different kinds of case in a single article. In such cases as that of the Aaland Islands off the coast of Finland, the straight-base-line system could be applied. In other cases, where the islands were small or few in number, he felt that the provisions of article 10 were sufficient. He therefore proposed the deletion of article 11.

63. Sir Gerald FITZMAURICE agreed that it might be impossible to cover in a single article the many different types of case which would arise.

64. He wondered whether Mr. García Amador had realized the implications of his proposal. The whole idea of having special provisions for groups of islands was in order that the enclosed waters might be regarded as internal waters. The islands must therefore be reasonably close together. Some numerical limitation in the definition of a group of islands was therefore essential in order that the waters enclosed could be regarded as internal waters. If the Commission could not agree on that point, it had indeed best delete article 11 altogether.

65. Mr. HSU said he was inclined to agree that article 11 should be deleted for the time being, on the understanding that it could be re-introduced at the next session if that seemed necessary and if it seemed possible to reach agreement on it.

66. Mr. GARCÍA AMADOR agreed that article 11 was not perhaps absolutely necessary since article 5, in the form in which it had been adopted, covered islands adjacent to the coast. It was possible that the countries concerned would regard that article as adequate for their purpose. He therefore withdrew his amendment to article 11, and agreed to its deletion pending the receipt of comments from governments.

Mr. Sandström's proposal for the deletion of article 11 was adopted by 10 votes to none with 2 abstentions.

Article 12 [11]: Drying rocks and shoals

67. Mr. FRANÇOIS (Special Rapporteur) said that in his amendment (A/CN.4/93) he had tried to meet the drafting point raised by the Belgian Government (A/2934, Annex, No. 2).

68. The Brazilian Government had proposed the insertion of the word "islands" at the beginning of the article, but he felt there must have been some misunderstanding because article 10 already provided that every island should have its own territorial sea. Article 12 did

not give drying rocks and drying shoals a territorial sea of their own, but extended the territorial sea of the mainland off which they lay.

69. Sir Gerald FITZMAURICE said he had no objection to article 12, but drew attention to the third paragraph of the comment, where reference was made to the relation between that article and the last sentence of article 5, paragraph 2, which read: "Base lines shall not be drawn to and from drying rocks and shoals." The Commission, however, had deleted the whole of article 5, paragraph 2, including that sentence.¹¹ The much-criticized Committee of Experts had pointed out (A/CN.4/61/Add.1, Annex, III) that straight base lines had the effect of dividing the territorial sea from internal waters and that it was very important for mariners to be able to see the points of departure for base lines at all times, in order that they might not unwittingly enter internal waters. If the point of departure was a rock or shoal which was only visible at low tide, mariners might easily cross the base line unawares. There was, therefore, good reason for the sentence to which he had referred, and which had now been deleted. He wondered whether the Commission would be willing to reconsider its decision on that particular point and to restore the sentence in question.

70. Mr. FRANÇOIS (Special Rapporteur) agreed with Sir Gerald that the objections which had been raised to the remainder of article 5, paragraph 2, did not apply to the last sentence. He was in favour of the Commission's reconsidering its decision on that point.

It was agreed by 9 votes to none, with 3 abstentions, to reconsider the decision to omit the last sentence of article 5, paragraph 2.

71. Sir Gerald FITZMAURICE proposed that the last sentence of article 5, paragraph 2, of the provisional articles be re-introduced in the text in a manner to be determined by the Drafting Committee.

72. Mr. SANDSTRÖM said that although Swedish law, in the same way, he believed, as the law of the other Scandinavian countries, allowed base lines to be drawn to and from drying rocks and shoals, he did not feel strongly about the question and would therefore abstain from voting.

73. Mr. KRYLOV felt that if the arguments which Sir Gerald had advanced in favour of his proposal were valid in respect of the last sentence of article 5, paragraph 2, it was difficult to understand why he did not regard them as valid in the case of article 12.

74. Sir Gerald FITZMAURICE said that the two cases were quite different. The same consideration did not arise in respect of article 12.

75. Mr. SCALLE agreed that the distinction was justified. In its internal waters, a State took up an entrenched position, and they should therefore be restricted as much as possible.

¹¹ 316th meeting, para. 78.

76. Mr. SANDSTRÖM pointed out that a further consequence of the deletion of article 5, paragraph 2, was that it was not clear that straight base lines could be drawn between headlands of the coastline and off-shore islands or between such islands. He wondered, therefore, whether the second sentence of article 5, paragraph 2, should not also be re-introduced, without the words "less than five miles from the coast".

77. Mr. ZOUREK disagreed, pointing out that it was Mr. García Amador's proposal for paragraph 1 which had been adopted, not the original text.

78. Mr. SANDSTRÖM said that he was not convinced that the point he had raised was covered by Mr. García Amador's text, but that since he intended to abstain in the forthcoming vote, it was not for him to make any proposals on the subject.

79. Sir Gerald FITZMAURICE felt that the point which Mr. Sandström had raised was a separate one which did not affect his proposal for re-introduction of the last sentence of article 5, paragraph 2. The question of drying rocks and drying shoals would still arise even if base lines could be drawn only between headlands.

Sir Gerald Fitzmaurice's proposal for the re-introduction of the last sentence of article 5, paragraph 2, was adopted by 4 votes to none, with 8 abstentions.

Article 12 was unanimously adopted in the form contained in document A/CN.4/93.

Article 13 [12]: Delimitation of the territorial sea in straits

80. Mr. FRANÇOIS (Special Rapporteur) said that he proposed no amendment but that comments had been received from two governments. The United Kingdom Government had stated that it approved the article (A/2934, Annex, No. 16). The Norwegian Government (A/2934, Annex, No. 11) said that the text failed to take into account the case where two States did not agree on the breadth of the territorial sea. That was true but the article had been drafted on the assumption that agreement could be reached on the breadth of the territorial sea and, in his view, that was the only assumption which the Commission could validly entertain at the present stage.

81. Mr. ZOUREK wondered whether the article could not be amended to meet the point raised by the Norwegian Government.

82. He also recalled that at the previous session¹² he had argued that paragraph 4 was too restrictive in that it did not allow a coastal State to regard the waters in a strait as internal waters even if the strait in question was never used by shipping. In that way, the paragraph was contrary to international law.

¹² See *Yearbook of the International Law Commission, 1954*, vol. I, 261st meeting (para. 31) and 271st meeting (para. 1).

83. Replying to the CHAIRMAN, Mr. ZOUREK said that his views on the subject had not been modified by the discussion which had taken place at the previous session,¹³ but that unless there was evidence that they were shared by other members, he would refrain from complicating the Commission's task by submitting definite proposals.

84. Replying to a point raised by Mr. KRYLOV, Mr. FRANÇOIS (Special Rapporteur) pointed out that paragraph 3 referred only to "the extent of the two belts of territorial sea". That did not necessarily mean that the two belts should be equal in breadth. The words "twice the breadth of the territorial sea" were not used until article 15.

Article 13 was adopted by 10 votes to none, with 2 abstentions.

Article 14 [13]: Delimitation of the territorial sea at the mouth of a river

85. Mr. FRANÇOIS (Special Rapporteur) said that his proposal (A/CN.4/93) was designed to meet the points raised by the United Kingdom and Yugoslav (A/2934, Annex, Nos. 16 and 18) Governments in their comments.

86. Mr. SALAMANCA asked whether in trying to satisfy the United Kingdom and Yugoslav Governments, the Special Rapporteur had had any specific cases in mind. He (Mr. Salamanca) had, and he feared that they might not be satisfactorily covered by the text proposed by the Special Rapporteur. He had already drawn attention to the fact that the estuaries of the River Plate and other South American rivers were quite different in nature from the estuaries of European rivers. In estuaries of the former type, with their numerous shoals and sandbanks, there were considerable areas even outside a line drawn *inter fauces terrarum* which could properly be regarded as internal waters. Before proposing the deletion of paragraph 2, however, he would appreciate an answer to his question whether the Special Rapporteur had had any specific cases in mind.

Further discussion of article 14 was deferred to the next meeting.

The meeting rose at 1 p.m.

¹³ *Ibid.*, 261st meeting (paras. 24-64), 264th meeting (paras. 58-63) and 271st meeting (paras. 1-14).