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Provisions Tentatively Adopted on 1 July 1952 - incorporated in the summary records of the 154th meeting

Topic:
Arbitral Procedure

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84. Mr. ZOUREK explained that he had voted in favour of the inclusion of such an article, on the understanding that it would be of an optional nature.

The meeting rose at 6.15 p.m.

154th MEETING

Tuesday, 1 July 1952, at 9.45 a.m.

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Chairman: Mr. Ricardo J. ALFARO.

Present:

Members: Mr. Gilberto AMADO, Mr. Roberto CÓRDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Manley O. HUDSON, Faris Bey el-KHOURI, Mr. F. I. KOZHEVNIKOV, Mr. H. LAUTERPACHT, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. J. M. YEPES, Mr. J. ZOUREK.

Secretariat: Mr. Ivan S. KERNO (Assistant Secretary General in charge of the Legal Department), Mr. Yuen-li LIANG (Director of the Division for the Development and Codification of International Law, and Secretary to the Commission).

Arbitral procedure (item 2 of the agenda) (A/CN.4/18, A/CN.4/46, A/CN.4/57, A/CN.4/L.33 and Add. 1 to 8) (*continued*)

1. The CHAIRMAN invited the Commission to resnume its discussion of the Second Preliminary Draft on Arbitral Procedure (annex to document A/CN.4/46) contained in the special rapporteur's second report.

PROPOSED ARTICLE ON APPEAL (*continued*)

2. Mr. LAUTERPACHT said that in accordance with the wishes expressed by some members of the Commission at the preceding meeting he had redrafted his text to read:

> "The *compromis* may provide that on the application of either party an appeal shall lie against the award, on the ground of erroneous application of international law, to the International Court of Justice or to a tribunal constituted in accordance with articles 3 and 4."

3. He wished to state that, in view of the extremely narrow majority by which the Commission had decided at the previous meeting to include an article of that kind in the draft, he did not wish himself formally to propose the text, since he believed that the authority of the Commission's decisions derived from the weight of opinion behind them. Seven members had considered that such an article, though declaratory, might be useful, whereas six had thought it would be positively harmful. Accordingly, unless there was a substantial change of view in the Commission he would not vote in favour of the text which he had prepared. The omission of such an article would be regrettable, but would not deprive the parties of any rights which they would otherwise possess.

4. Mr. SCELLE said that he would himself sponsor Mr. Lauterpacht's text.

5. Mr. YEPES considered that such an article was desirable, since it would make the draft more complete.

6. Mr. CÓRDOVA asked whether he was right in assuming that if an appeal were submitted to a tribunal constituted in accordance with articles 3 and 4 that body would be able to give a final judgment.

7. Mr. LAUTERPACHT replied in the affirmative.

8. Mr. HUDSON said that such an article would impose a restriction upon the parties which he could not accept, since he believed they should be free to choose whatever method of appeal they thought fit.

9. Mr. el-KHOURI asked whether the effect of the proposed article would be to limit the scope of paragraph (*g*) of article 12, which, and in his view correctly, imposed no limitation on the grounds of appeal.[1]

10. Mr. SCELLE replied that in his opinion the new text would not be restrictive, but would merely make for greater precision. If no mention was made of appeal the impression might gain ground that the Commission was not in favour of it.

11. He could not agree with Mr. Hudson that the new text would in any way circumscribe the freedom of the parties.

12. Mr. KOZHEVNIKOV said that the new text before the Commission did not seem to him to differ substantially from that introduced by Mr. Lauterpacht at the preceding meeting. His previous objections therefore stood, and he would be unable to vote for the proposal.

13. Mr. SANDSTRÖM suggested, with all respect, that Mr. Scelle was incorrect in arguing that the new text did not imply a restriction on paragraph (*g*) of article 12, for it would not allow an appeal on the ground of incorrect appraisal of the facts.

14. Mr. KERNO (Assistant Secretary-General) said that, as there was general agreement that the parties were free to include in the *compromis* any kind of provision relating to appeal, the article under discussion

[1] For text of para. (g) of article 12 see summary record of the 146th meeting, para. 40.

was superfluous. Furthermore, it was becoming clear that it might entail some danger of conflict with paragraph (*g*) of article 12. He wondered, therefore, whether any useful purpose would be served by adopting it.

15. Mr. AMADO maintained the objections to such an article that he had expressed at the preceding meeting. He feared that it represented an attempt to achieve legal perfectionism and to ignore the realities of international life. The draft was becoming overburdened with unnecessary ornament. For his part, he envisaged arbitral procedure as more sober and practical.

16. Mr. HSU said that although paragraph (*g*) of article 12 did cover appeal, it would be unfortunate if the Commission were not to devote a special article to the subject in view of the fact that it had done so in the case of revision and nullity.

17. Mr. ZOUREK said that he would be unable to support the new text, which imposed a restriction on paragraph (*g*) of article 12.

18. The CHAIRMAN put to the vote the text sponsored by Mr. Scelle for article 44, on appeals.

The text was rejected by 9 votes to 3, with 1 abstention.

19. Mr. SCELLE asked whether the Commission would agree to his indicating in the final report that the text for article 44 had not been adopted because it was considered that it duplicated paragraph (*g*) of article 12.

20. Mr. el-KHOURI pointed out that the article had been rejected because it restricted the wide scope of paragraph (*g*) of article 12.

21. Mr. HUDSON expressed the hope that Mr. Scelle would confine his comments to the articles which had been adopted, and that he would not give a detailed analysis of texts which had been rejected.

22. Mr. CÓRDOVA said that the ground for rejection mentioned by Mr. Scelle was far from being the only one. He, for example, had had others in mind. He agreed with Mr. Hudson that if any explanation concerning the Commission's decision on article 44 was required it should be made in connexion with paragraph (*g*) of article 12.

23. Mr. SANDSTRÖM endorsed Mr. Córdova's remarks.

24. Mr. LAUTERPACHT considered that the Commission should not at the present stage prejudice the commentary which the special rapporteur would have to prepare to accompany the draft finally adopted by the Commission, in accordance with article 20 of the Commission's Statute. That commentary would be a scientific work of the highest value, and would, perhaps, in some respects be more important than the draft itself.

25. The CHAIRMAN pointed out that, in accordance with the plan of work for the present session drawn up by himself, the draft on arbitral procedure to be presented to the Commission by the Standing Drafting Committee was to include a commentary prepared by the special rapporteur.

26. Mr. LAUTERPACHT could not envisage the special rapporteur being able to prepare a commentary of the kind demanded under article 20 of the Statute during the present session, and without a full commentary the draft would remain lifeless, and, to the casual reader, might seem to differ little from the Hague Convention for the Pacific Settlement of International Disputes of 1907. The draft convention on arbitral procedure would be the first text of that kind to be submitted to the General Assembly, and the Commission should not contemplate preparing the accompanying commentary under the exacting and busy conditions of its annual session.

27. Mr. KERNO (Assistant Secretary-General) said that Mr. Lauterpacht had raised a very important point, to which he himself had devoted a considerable amount of thought. He concluded that the Commission might follow the same procedure as it had done in the case of the draft articles on the régime of the continental shelf at the third session, that was, in accordance with article 16 of its Statute, to send the text to governments for their observations. He did not believe that the moment was ripe for the Commission to submit the draft on arbitral procedure to the General Assembly in conformity with article 20 of its Statute.

28. Mr. SCELLE said that he could support the suggestion made by the Assistant Secretary-General. At all events, he hoped that the Commission would not again take up the substance of the draft in connexion with the commentary to be attached to it.

29. Mr. FRANÇOIS did not think that any vital question was at stake, since, no matter whether the draft was submitted to governments or to the General Assembly, the form of the accompanying report would not differ very much. He personally would oppose its containing any detailed account of the discussions held on each article.

30. Mr. LAUTERPACHT said that the Commission must none the less face the question he had raised: a question which, in his opinion, touched on a most important aspect of the Commission's work, and one which affected the scientific value of that work and its influence on public opinion and governments.

31. As to the amount of space to be devoted to the discussions held on each article, that must be left to the discretion and wisdom of the special rapporteur.

32. The CHAIRMAN suggested that further consideration of the issue be deferred.

It was so agreed.

ADDITIONAL ARTICLE PROPOSED BY MR. ZOUREK

33. Mr. ZOUREK proposed that the following new article be inserted to follow article 35:

"1. The arbitral award shall be binding on the

parties from the date on which it is read in open court.

"2. Except in the case referred to in article 38 the arbitral award, once made, may not be revised. As long as the arbitral tribunal remains in office, however, it shall be entitled to rectify mere typographical errors or mistakes in calculation."

34. The purpose of paragraph 1 was merely to fill the gap left by article 35, which failed to specify the moment at which an award became binding.

35. The first sentence of paragraph 2 was a logical consequence of the generally accepted principle of the finality of arbitral awards, and the second sentence merely embodied a provision which existed in many legal codes, and which in his view was worth including in the draft. He had inserted the words "As long as the arbitral tribunal remains in office" in order to avoid the difficulties arising from the fact that most arbitral tribunals were temporary, *ad hoc* bodies.

36. In his view, a tribunal remained in office until the expiry of the time-limit, imposed upon it in the *compromis,* for rendering the award.

37. Mr. YEPES supported Mr. Zourek's proposal which would render the draft more complete.

38. Mr. FRANÇOIS felt some doubts about the expression "As long as the arbitral tribunal remains in office", and the interpretation placed on it by Mr. Zourek seemed to him quite novel. Surely once an award has been rendered the tribunal ceased to exist.

39. He wondered also whether the expression "mistakes in calculation" meant that a tribunal could, for example, make significant modifications to sums assessed for damages.

40. Mr. SANDSTRÖM considered that there was some justification for having a provision which would enable the arbitral tribunal to rectify typographical errors or mistakes in calculation, but wondered whether it would be expedient to refer to article 38 in paragraph 2 of Mr. Zourek's proposal, since that article related to the discovery of new facts and was accordingly quite a different matter.

41. Mr. SCELLE had no objection to paragraph 1 of Mr. Zourek's proposal, but asked whether the first sentence of paragraph 2 would exclude declaration of nullity and appeal. If that were the case, it would, of course, be unacceptable.

42. He agreed with Mr. François that once a tribunal had rendered its award it ceased to exist. The second sentence in paragraph 2 would have to be amended accordingly.

43. The CHAIRMAN suggested that Mr. Scelle's objection to the first sentence of paragraph 2 would be met if the words "by the tribunal which has rendered it" were added at the end.

44. Mr. ZOUREK accepted the Chairman's suggestion.

45. Mr. KERNO (Assistant Secretary-General) said that as a convinced upholder of the principle of the finality of arbitral awards, he had regretted the Commission's decision to adopt article 43, paragraph 3, and wondered whether paragraph 1 of Mr. Zourek's proposal did not conflict with it.

46. Mr. ZOUREK did not believe that there was any contradiction between paragraph 1 of his proposal and paragraph 3 of article 43, since the latter dealt with the execution of an award, which was a separate matter from its binding character.

47. Mr. SCELLE agreed with Mr. Zourek.

48. Mr. YEPES suggested that the objections raised to the words "As long as the arbitral tribunal remains in office" would be met if the words were replaced by a text borrowed from the draft on arbitral procedure prepared by the Institute of International Law in 1875.

49. He accordingly proposed that the opening words of the second sentence be amended to read:

"As long as the time-limit set in the *compromis* has not expired the tribunal shall be etc."

50. Mr. SCELLE could not support Mr. Yepes' amendment, since it took no account of the fact that once an award had been made it could not be modified.

51. Mr. ZOUREK accepted Mr. Yepes' amendment.

52. Mr. CÓRDOVA asked whether the provision in the second sentence of paragraph 2 of Mr. Zourek's proposal would be rendered inoperative if the tribunal made its award on the day on which the time-limit laid down in the *compromis* expired. Surely it was always open to any tribunal to rectify minor errors in an award?

53. Mr. KOZHEVNIKOV said that he could support the general principle laid down in paragraph 1 of Mr. Zourek's proposal, and believed that the provision contained in paragraph 2 would serve a useful purpose.

54. Mr. HUDSON believed that there were certain elements in Mr. Zourek's text which might usefully be included in the draft. The substance of paragraph 1 should be incorporated in the text of article 35 already adopted.[2]

55. The first sentence in paragraph 2 could be omitted, since the Commission had already adopted an article on revision. The provision in the second sentence enabling the tribunal to rectify mere typographical errors or mistakes in calculation was useful, but he believed that the words "As long as the arbitral tribunal remains in office" might be deleted, since their exact meaning was controversial. There was in fact no real need for a stipulation as to the period within which minor corrections could be made.

56. Mr. ZOUREK agreed to Mr. Hudson's suggestion concerning paragraph 1. Referring to Mr. François's point about damages, he explained that his intention

[2] See summary record of the 151st meeting, para. 2.

was that the tribunal should be free to correct only manifest mistakes in arithmetic.

57. He must, however, insist that the opening words of the second sentence of paragraph 2 as amended by Mr. Yepes be maintained, since the temporary character of arbitrary tribunals must be taken into account.

58. Mr. YEPES pointed out to members who had expressed doubts about the second sentence of paragraph 2 that it would not empower the tribunal to make substantive modifications to the award.

59. Mr. SANDSTRÖM said that under Swedish municipal law tribunals were empowered to rectify minor errors such as those mentioned in Mr. Zourek's text.

60. The CHAIRMAN put to the vote Mr. Hudson's suggestion that the Standing Drafting Committee be instructed to incorporate the substance of paragraph 1 of Mr. Zourek's proposal in article 35.

Mr. Hudson's suggestion was adopted unanimously.

61. The CHAIRMAN put to the vote the first sentence of paragraph 2, as amended, reading:

"Except in the case referred to in article 38, the arbitral award, once made, may not be revised by the tribunal which has rendered it."

That text was adopted by 10 votes to none, with 3 abstentions.

62. The CHAIRMAN put to the vote the second sentence in paragraph 2 of Mr. Zourek's text, as amended by Mr. Yepes to read:

"As long as the time-limit set in the *compromis* has not expired the tribunal shall be entitled to rectify mere typographical errors or mistakes in calculation".

That text was adopted by 12 votes to 1.

The text proposed by Mr. Zourek as a whole and as amended was adopted unanimously.

63. Mr. FRANÇOIS, explaining his vote, said that he could not support the second sentence of paragraph 2 because it would enable corrections to be made up to the expiry of the time-limit laid down in the *compromis* for rendering the award, even if the award had in fact been made much earlier.

Additional proposal by Mr. el-Khouri

64. Mr. el-KHOURI pointed out that no provision had been made to ensure that the award should be communicated to the parties in writing. He therefore proposed that the Standing Drafting Committee be instructed to add suitable wording to that effect, either in article 32 or in article 35.

65. Mr. SCELLE supported Mr. el-Khouri's proposal.

Mr. el-Khouri's proposal was adopted unanimously.

Additional article proposed by Mr. Yepes

66. Mr. YEPES said that in order to complete the draft convention it was necessary to add to it an article on the right of third parties to intervene. That right had been admitted in the 1907 Hague Convention for the Pacific Settlement of International Disputes and in the Statute of the International Court of Justice, and he felt that there need be no lengthy discussion on it. The wording which he proposed was as follows:

"Should a State consider that it has an interest of a legal nature which may be affected by the decision in a case submitted to an arbitral tribunal, it may submit a request to the tribunal to be permitted to intervene. The tribunal's decision in the matter shall not be open to appeal, and should permission to intervene be granted the award shall be binding on the State intervening."

67. The first sentence was taken — with the necessary consequential modifications — from paragraph 1 of Article 62 of the Statute of the International Court of Justice.

68. Mr. SCELLE said that he had left aside the question of the right of intervention because he had thought that it would be difficult to reach agreement on it; but if the Commission wished to include an appropriate article, he would have no objection.

69. Mr. LAUTERPACHT agreed that the draft convention would be incomplete if it contained no provisions on the right of intervention. He pointed out, however, that both the Hague Convention of 1907 and the Statute of the International Court of Justice distinguished between cases where the third State considered that it had an interest of a legal nature which might be affected by the decision, and cases where it had an interest in the interpretation of a multilateral convention. Cases of the former kind were not dealt with at all in the Hague Convention. In the Statute of the International Court of Justice they were dealt with in Article 62, whereas cases concerning the interpretation of a multilateral convention were dealt with in Article 63, which provided that the interpretation of the convention given by the International Court of Justice should be binding on the State intervening, although there was no corresponding provision in Article 62. He (Mr. Lauterpacht) did not understand how a decision in a dispute between two States could be made binding on a third, as Mr. Yepes proposed. In his view, it would be preferable to retain the wording used in Articles 62 and 63 of the Statute of the International Court of Justice.

70. Mr. FRANÇOIS understood the need for a provision dealing with the intervention of third States where the compulsory jurisdiction of the International Court of Justice was concerned, but saw no such need in the case of arbitration, which concerned only the States parties to the dispute. Moreover, inclusion of such a provision would raise a number of practical questions, for example, that of the allocation of the extra costs.

71. Mr. AMADO pointed out that article 84 of the 1907 Hague Convention for the Pacific Settlement of International Disputes read as follows:

"The award is not binding except on the parties in dispute.

"When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them."

72. The wording proposed by Mr. Yepes was very different, and he could not support it.

73. Replying to a question by Mr. LAUTERPACHT, Mr. HUDSON said that one difference between the International Court of Justice and an arbitral tribunal in the matter of interventions by third parties was that the judgments of the former had far greater authority than the award of the latter.

74. Mr. SCELLE pointed out that another difference was that the International Court of Justice had been set up to serve the international community as a whole, whereas an arbitral tribunal was set up to reach a settlement between the parties to the dispute, by whom it was normally set up. If Mr. Yepes' proposal was adopted, the tribunal would be transformed into a body with potentially world-wide jurisdiction, and in that case it would be logical to take away from the parties the power to choose the arbitrators. In view of the complicated nature of the question and the disagreements to which it had given rise, he felt it would be preferable to omit it from the convention, just as he had omitted it from his second draft.

75. Mr. LIANG (Secretary to the Commission) pointed out that in addition to the differences with regard to the intervention of third parties between the International Court of Justice and arbitral tribunals to which Mr. Hudson and Mr. Scelle had drawn attention, those bodies also differed in their composition, in the law which they had to apply and in their practical resources for dealing with such interventions. Moreover, it had to be borne in mind that expediency was of the essence of arbitration. For all those reasons he felt that if interventions by third parties were to be allowed, they should be restricted to cases concerning the interpretation of multilateral conventions.

76. Mr. SANDSTRÖM supported the view expressed by the Secretary.

77. Mr. KOZHEVNIKOV said that he had carefully studied Mr. Yepes' proposal and had come to the conclusion that it dealt with an extremely important question; so important, in fact, that he doubted whether it could be included in the convention without fuller reflection on its compatibility with the spirit of arbitration and the nature of the arbitral tribunal. Its inclusion would be a retrograde step if it were in fact merely based on an unjustifiable tendency to assimilate the International Court of Justice and arbitral tribunals, which differed profoundly, not so much in point of authority, which might be open to question, but in point of competence and composition. An arbitral tribunal was set up by agreement between the parties, and on their initiative, for the settlement of a specific dispute or disputes. The intervention of a third State in the arbitration proceedings could only give rise to difficulties, and he therefore felt that it would be inadvisable to include in the draft convention the article proposed by Mr. Yepes.

78. Mr. HUDSON said that the only reason in favour of including in the draft convention an article on intervention by third Powers was that such an article had been included in the 1907 Hague Convention. Article 84 of that Convention had, however, remained a dead letter in practice, and he doubted whether the States parties to it had ever respected the provision that when the dispute concerned the interpretation of a multilateral convention, they should inform all the signatory powers in good time.

79. Mr. YEPES said that he would not insist on his amendment, as he recognized that the question was not yet ripe for codification. He would not therefore adduce the reasons of a purely legal nature, or those based on diplomatic history, for its being both feasible and desirable to include in the draft convention the question of intervention by interested third States. It would be easy for him to recall cases of arbitration which had affected the interests of States other than those parties to the dispute in question. However, he would not press his point, and proposed that the discussion be closed.

It was so agreed.

Action to be taken in respect of the draft articles

80. The CHAIRMAN said that, now that the Commission had completed its work on Mr. Scelle's draft, he had only to thank Mr. Scelle on behalf of the Commission for the great assistance he had given it in its work on arbitration procedure. In his view, the Commission had drawn up a code which preserved the essential elements of arbitration, which would prevent arbitration procedure from being frustrated by the unilateral action of one of the parties, and which provided a flexible but at the same time efficient procedure for arbitration as a means of peaceful settlement of disputes in the interests of peace and the reign of law.

81. Mr. Scelle said that he in turn had to thank the Commission, and especially its Chairman, for the patience and understanding they had displayed in considering his draft.

82. After a brief discussion on procedure, Mr. KERNO (Assistant Secretary-General) pointed out that it was desirable that the special rapporteur should know as soon as possible whether he was to attempt during the present session to draft a commentary to the draft convention.

83. Mr. HUDSON said that in his view each of the articles should be followed by a brief commentary, as had been done in the case of the draft articles on the régime of the continental shelf.

84. Mr. LAUTERPACHT said that in his opinion the Commission would not be doing justice either to the importance of the subject or to the labour it had devoted to it if it confined itself to short commentaries such as had been appended to the draft articles on the régime of the continental shelf. The commentaries should be of the nature laid down in article 20 of the Commission's Statute. He felt that it was extremely important that a further twelve months should be devoted to producing a commentary which would be of high scientific value, great persuasive force and the maximum usefulness as a source of information, somewhat along the lines of the commentaries appended to the Harvard Research drafts, but even fuller, in view of the greater resources which were supposed to be at the Commission's disposal.

85. The decision on the commentary on arbitration procedure would be of crucial importance, as it would determine the character of all the Commission's work on questions of a similar nature, and he hoped that it would not be taken hastily.

86. Mr. LIANG (Secretary to the Commission) said that he would again emphasize that mere legal texts, without a full commentary, lacked persuasive value. The Commission's work on the régime of the continental shelf had been one of development, not of codification; for that reason it had not been possible to make the commentary very extensive. In the field of arbitration procedure, on the other hand, there was a whole body of international precedent and doctrine, and there was no reason why the commentary should not be much fuller. A full commentary could not, however, be written in two or three weeks. But it might be considered desirable, as the Assistant Secretary-General had suggested earlier, to accompany the draft convention which had been tentatively adopted with a simple, precise commentary, pending the fuller commentary which would be prepared during the forthcoming year.

87. Mr. HUDSON said that in order to retain the interest of governments in the Commission's work, the articles adopted should be submitted to them with a brief commentary during the current year. Their comments could then be taken into account in preparing the final, full commentary in 1953.

88. Mr. FRANÇOIS said that Mr. Lauterpacht's proposal would only be practicable if the Commission sat permanently and was assisted by a large Secretariat. The plain fact was that the Commission had not the material resources of the Harvard Research, and had no choice but to limit the commentary on arbitral procedure to approximately the same proportions as the commentary on the régime of the continental shelf.

89. Mr. KOZHEVNIKOV said that it might be wise to defer the decision on so important a matter in order to give members of the Commission an opportunity of pondering carefully Mr. Lauterpacht's remarks. In his view, if the Commission was to fulfil its role as an expert and authoritative body, it must supplement the draft convention with a full commentary which would enable governments to see what position the Commission had adopted, and to judge what position they themselves should adopt with regard to its proposals.

90. Mr. LAUTERPACHT thought that Mr. François was being unnecessarily pessimistic, and that it would be quite possible for the special rapporteur, with the help of the Division for the Development and Codification of International Law, to produce a volume of commentary, dealing with each article in the convention, within the space of twelve months.

91. With regard to what should be done at present, he would remind the Commission that it was first impressions which mattered. If governments received a draft with a short commentary, which could not be self-explanatory, on such a controversial question as arbitration procedure, their interest would be lukewarm and their comments necessarily perfunctory and sterile.

92. Mr. HSU heartily agreed with Mr. Lauterpacht that a full commentary was required. Such had obviously been the General Assembly's intention, and the Commission might forfeit that body's support if the commentary it produced on so important a question was inadequate. On the other hand, he agreed that the Commission should show something for its labours without waiting for a full commentary to be prepared. What could be done in the way of a commentary in the remaining few weeks at the Commission's disposal must be left to the discretion of the special rapporteur.

93. Mr. SCELLE agreed that a full commentary was necessary; but it could not be prepared by the end of the present session. In his view, the Commission should confine itself, in its report on the present session, to submitting the articles it had tentatively adopted.

94. Mr. AMADO was in complete agreement with Mr. Lauterpacht that the draft convention should be accompanied by a volume of commentary.

95. Mr. KOZHEVNIKOV proposed that further discussion be deferred until the next meeting.

It was so agreed.

The meeting rose at 1.15 p.m.

155th MEETING

Wednesday, 2 July 1952, at 9.45 a.m.

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Arbitral procedure (item 2 of the agenda) (A/CN.4/18, A/CN.4/46, A/CN.4/57, A/CN.4/L.33 and Add. 1 to 9) (*continued*)

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