

Document:-
A/CN.4/SR.301

Summary record of the 301st meeting

Topic:
Law of the sea - régime of the high seas

Extract from the Yearbook of the International Law Commission:-
1955 , vol. I

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81. Mr. SCELLE said that, following Mr. García Amador's explanation, he would be prepared to support article 4, provided it was subject to the provisions of articles 7 to 10.

82. Mr. ZOUREK said that the special interest of the coastal State was an acceptable criterion, but might give rise to drafting difficulties. He therefore believed that it should be defined as precisely as possible in the comment, in order to preclude the possibility of exorbitant claims. For example, the movements of migrant species of fish could lead to interminable international disputes. Perhaps the Drafting Committee might consider using some other word than "contiguous" which already bore a certain connotation in international maritime law.

83. Mr. SANDSTRÖM suggested that the Committee might consider some such wording as "in a certain zone".

84. Mr. SCELLE considered that if a State other than a coastal State had an equal interest in the preservation of the living resources of the sea in a certain area, it should enjoy the same privileges as the coastal State. It was conceivable, for example, that States wishing to engage in pearl fishing might be as interested in its regulation and control as the Australian Government.

85. Sir Gerald FITZMAURICE said that, as he sympathized with many of the ideas underlying Mr. Scelle's thesis, he wished to explain why he could not associate himself with it. To give any State a special position was a derogation from the vitally important principle of freedom of the high seas and freedom to fish therein, and if it had been found necessary for special reasons to do so in the case of the coastal State, that was no justification for further derogating from the principle by giving other States similar rights. Any State which began to fish in an area immediately acquired the rights enunciated in the articles under discussion, and he did not consider that a State which had never engaged in fishing and did not intend to do so should be entitled to lay claim to such rights. But he would make an exception for the latent interest of the coastal State, which he did recognize—albeit with some reluctance.

86. Mr. SANDSTRÖM sympathized with Mr. Scelle's views because some States might have a certain interest in the regulation of fisheries in remote areas. He mentioned the case of eels, which left the normal fishing grounds and crossed the Atlantic to breed in the Sargasso Sea.

87. Mr. SCELLE explained that since the world had not yet achieved that utopian state of affairs when the high seas would be regulated by the international community acting as one, he wished every State to have an equal right in ensuring that fishing activities were controlled. Despite all the arguments adduced to the contrary, he was still unable to understand why, when a general interest was involved, the coastal State should be the only one allowed to intervene, though he was

prepared to admit that, as its interest might be more closely affected than those of others, it was more likely to take the necessary steps. He therefore proposed that article 4 be amplified by the addition of some such wording as: *Si un Etat autre que l'Etat riverain peut justifier d'un intérêt analogue, il jouira des mêmes prérogatives.*

88. Mr. GARCÍA AMADOR said that article 4 had been unanimously accepted by the sub-committee after exhaustive discussion. He did not consider that the Commission would be able to take a decision immediately on Mr. Scelle's entirely new proposal, and therefore urged that its consideration be deferred until the next meeting.

It was so agreed.

The meeting rose at 1.05 p.m.

301st MEETING

Tuesday, 31 May 1955, at 3 p.m.

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

Chairman: Mr. S. B. KRYLOV, First Vice-Chairman
later: 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, Faris Bey el-KHOURI, 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 high seas (item 2 of the agenda) (A/CN.4/79, A/CONF.10/6) (*continued*)

NEW DRAFT ARTICLES ON FISHERIES (*continued*)

Article 4 [4] (*continued*)

Mr. Krylov, First Vice-Chairman, took the Chair.

1. The CHAIRMAN invited the Commission to continue its examination of article 4 of the new draft

articles on fisheries submitted by the Sub-Committee.¹

2. Mr. GARCÍA AMADOR asked Mr. Scelle to explain the amendment he had proposed at the end of the previous meeting.

3. Mr. SCELLE commended Mr. García Amador on the excellent way in which he had brought out in his preamble,² which he (Mr. Scelle) hoped would be adopted as an introduction to the draft articles, the principle of the paramount importance of the general interest over special interests.

4. He had recently received from a representative of one of the governments which had taken part in the work of the Rome Conference on the Conservation of the Living Resources of the Sea a letter stating that at the Conference, under cover of a scientific discussion, a political conflict had arisen between the countries with large fishing industries and those with little or none. All the countries of western Europe had stood firm in resisting the claims of the Latin-American and certain Asian countries, and had rejected a joint Cuban-Mexican proposal which would have conferred on coastal States the right to regulate unilaterally fisheries in adjacent waters. The writer had gone on to say that representatives of the Soviet Union, the United Kingdom and the United States of America had demonstrated the impossibility of framing reasonable regulations on an ecological basis, and the French representative had concurred in that view. Non-coastal States, particularly those which, having long been engaged in fishing, had acquired for themselves a special position, must not now be placed in one of inferiority.

5. He had also recently received a letter from a Latin-American politician, to the effect that the question of the territorial sea was a burning one in South America, and that those Latin-America countries which did not aspire to a 200-mile limit had in mind something of the order of at least 100 miles.

6. The two schools of thought had been about equally represented at the Rome Conference, yet in the general conclusions reached there the special interests of coastal States had been emphasized. He did not intend to object to that emphasis, since the coastal State had an obvious interest—either actual or potential—in the conservation of the living resources of the sea. Moreover, the Commission itself had, at its fifth session, decided to place the coastal State in a privileged position by allowing it to take part on an equal footing in any system of regulation in an area within 100 miles of its territorial sea, even though its nationals did not fish there.³ Notwithstanding the practical, not to say vital, reasons for doing so, there was something disturbing about conferring such privileges on States which might have but an insignificant fishing fleet or none at all. He was

vividly reminded of the deplorable policy of establishing zones of influence in favour of certain Powers, for example, in Africa, which had thus been enabled to create a monopoly for themselves which they had frequently failed to exploit, thus hindering all progress.

7. He would not deny that the interests of the coastal State should be protected; he was simply anxious to stress that other States should possess the same right. Mr. Sandström had quoted the very relevant case of eels breeding in the Sargasso sea to show that the interests of all States must be safeguarded against any threat that might originate in unilateral action by a coastal State. Other examples, relating to tunny fish, sardines and whales, could be cited to substantiate the thesis that a State which was geographically remote from the area to which the regulations would apply might well be vitally interested in them. He had accordingly submitted his amendment, because article 4 as it stood was at variance with the principle of equality, and would give rise to differences. It would be a retrograde step to accept article 4 without modification, for the coastal State would thereby gain far more than had ever been claimed in the sixteenth century by Genoa, Venice or Queen Elizabeth I of England. His purpose could be achieved by the wording he had suggested at the previous meeting, or by the addition at the end of the article of some such phrase as *Il en serait de même, bien entendu, de tout Etat même non riverain qui pourrait se réclamer d'une situation analogue*.

8. He had been extremely interested to learn from the last *Monthly Fisheries Bulletin* published by the Food and Agriculture Organization that conservation was not at present an important issue, and was unlikely to become one for many years to come. The difficulty was not that certain species were in danger of extermination, but that some countries did not possess the technical knowledge and equipment to exploit maritime resources. That fact further strengthened his argument that there was no reason to sacrifice countries with an important fishing industry to those without comparable experience or resources. He had submitted an amendment which was perfectly consistent with actual needs, and not merely a defence of an abstract theory, and which would in no way endanger the interests of the coastal State.

9. The CHAIRMAN said that it was not easy to see in what circumstances States other than the coastal State would be able to claim that they were in a "similar position".

10. Mr. SCELLE replied that countries with a large fishing fleet, such as France, the Netherlands, the Soviet Union and the United Kingdom, might have an interest in introducing conservation measures in certain areas, and should therefore be free to initiate appropriate action in accordance with the provisions of the new draft articles.

11. Faris Bey el-KHUORI said that, in view of the fact that the high seas were *res communis*, and that with regard thereto all States enjoyed the same rights without

¹ 300th meeting, para. 1.

² 296th meeting, para. 16.

³ "Report of the International Law Commission covering the work of its fifth session" (A/2456), para. 94, in *Yearbook of the International Law Commission, 1953*, vol. II.

distinction, he was unable to understand what "special interest" the coastal State could have in the maintenance of the productivity of the resources of the high seas. Article 4 failed to define the nature of that special interest, or to specify the extent of the area in which it would be valid. He accordingly believed that Mr. Scelle's amendment, which would safeguard the rights of the coastal State without allowing it to establish any kind of monopoly in a specific area, should be adopted.

12. Mr. GARCÍA AMADOR said he hoped that he had made it clear in his introductory statement⁴ that the joint Cuban-Mexican proposal at the Rome Conference had not been rejected. As would be seen from the definition of the objectives of conservation contained in chapter II of the report of the conference,⁵ that part of the proposal which expressly recognized the special interest of the coastal State in the maintenance of the productivity of the resources of the high seas contiguous to its coast had been accepted, but as was recorded in chapter VI, paragraph 6, the conference had not felt itself competent to deal with those elements of the proposal pertaining to regulations, because they involved legal problems which it was precluded from examining under the terms of General Assembly resolution 900 (IX). However, in considering the various scientific and technical questions before it the conference had not been able to avoid touching indirectly on legal ones, and had singled out from among them the special interest of the coastal State. That notion had not been dealt with either by J. L. Suarez in his report of 1926,⁶ or by the League of Nations Committee of Experts for the Progressive Codification of International Law, or by the Codification Conference held at The Hague in 1930; indeed, it had emerged clearly for the first time only at the Rome Conference, though the Commission itself had given some thought to the matter at its fifth session. The notion of the special interest of the coastal State was undoubtedly a revolutionary one in maritime law and in the light of the classical theory of the absolute freedom of the high seas, but it was, of course, subject to limitation.

13. With reference to the second letter Mr. Scelle had mentioned, he wished to dispel the belief held in certain European countries that all Latin-American States were claiming a very extensive territorial sea. The views of individual governments on the subject had been summarized in the Secretariat's working paper, but he would also like to draw attention to the fact that the 200-mile limit had been rejected both by the Inter-American Council of Jurists and by the Tenth Conference of the Organization of American States held in 1954 at Caracas. On the latter occasion a proposal for a 200-mile limit had been withdrawn for lack of significant support. If necessary, he could furnish the Commission with the relevant details.

14. Turning to Mr. Scelle's amendment, he said that recognition of the coastal State's special interest was subject to a number of other qualifications which Mr. Scelle had not mentioned. The criterion suggested by the Rome Conference was not the size of the coastal State's fishing industry, but the country's economic and social interests. The criterion of analogy, which Mr. Scelle wished to introduce, was surely inapplicable.

15. The point at issue was not that major Powers were seeking to exclude other States from fishing in extensive areas of the high seas, thereby restricting the supplies of fish available to the latter. Under the terms of the proposed draft articles the coastal State would not be entitled to establish a reserved zone, but only to take such measures as were necessary for conservation in compliance with the requirements of article 6. Therein lay the difference between the present provisions and the zones of influence formerly created by the Great Powers.

16. He agreed that the principle of equality, which Mr. Scelle considered would be violated were special rights conferred on the coastal State, was fundamental and must be safeguarded, but in the present instance that could be done only by recognizing that those States with a special interest must enjoy special rights, provided such special interest could be demonstrated by reference to the criterion adopted by the Rome Conference. The interests of non-coastal States, however, were also recognized—as was clear from articles 1 and 2—and non-coastal States would take part in any system of regulation on an equal footing, provided they were engaged in fishing in the area concerned. Thus the principle of equality was adequately safeguarded; furthermore, the coastal State was expressly prohibited from discriminating against foreign fishermen. In his opinion, the general interest had never been better protected, and he personally preferred recognition of the special interest of the coastal State within a general framework safeguarding the general interest, to the anarchy which had prevailed in the past, and still prevailed, in which any State was free to take unilateral action which might prejudice the interests of others.

17. Mr. SANDSTRÖM said that, although he had helped in the preparation of the draft articles as a member of the sub-committee, he had no difficulty in accepting Mr. Scelle's amendment, because, if States other than the coastal State could prove that they had a special interest, he saw no reason why they should not enjoy the same rights in respect of that interest. It was true that the adoption of such an amendment might affect the subsequent articles, but it should be remembered that the present discussion, being in the nature of a first reading, was provisional.

18. Mr. AMADO observed that the proposed system of regulation was general in character, and he could personally entertain no restriction of any kind on the universal freedom to fish in the high seas. It was inconceivable that limitations should be placed on States

⁴ 296th meeting, para. 31.

⁵ United Nations publication, Sales No.: 1955.II.B.2.

⁶ See text in *American Journal of International Law*, Special Supplement, vol. 20 (1926), pp. 231-240.

with a long-established fishing industry which traditionally operated in certain areas, since their rights were an inherent element of the freedom of the high seas. However, he did not suppose that any danger would arise from allowing a coastal State to participate on an equal footing in any system of regulation, if it so desired, in accordance with the rules finally adopted. Any frivolous intervention by a coastal State could be dealt with through the arbitral procedure provided for in articles 7-10.

19. He had always been firmly opposed to the practice of bestowing advantages on less-advanced States merely because they were less-advanced, because he did not believe that their inability to acquire technical knowledge should be allowed to work to the disadvantage of more dynamic and energetic States. But as article 4 did not seem likely to bring about that result he would continue to support it, despite Mr. Scelle's arguments; neither did he share the latter's apprehensions that by adopting that text the Commission would be neglecting its duty towards the development of international law or endangering the general interests of the community.

20. Mr. FRANÇOIS (Special Rapporteur) said that the substance of Mr. Scelle's amendment was acceptable to him, but not its form; it should not be open to such objections as those put forward by Mr. García Amador and Mr. Amado. Mr. Scelle was not correct in arguing that a non-coastal State with special interests could lay claim to analogous rights, because it would not be in the same position. On the other hand, a non-coastal State should be entitled to take part in any system of regulation, even if its nationals were not engaged in fishing in the area concerned, if it could prove that the extermination of a given species in that area would affect its interests elsewhere. It would, in his view, be logical to provide for that situation within the framework of the Sub-Committee's draft. Furthermore, he wondered whether the expression "to take part" was adequate. The intention would perhaps be better rendered by some such word as "initiate".

21. Mr. SCELLE said that he could support the Special Rapporteur's suggestion.

22. Mr. HSU said that the undoubted importance of special interests could be over-emphasized. Mr. Scelle's amendment, which, at first sight, had some appeal, revealed itself on reflection to be very broad in character, since it would allow States to take part in a system of regulation even if they did not fish in the area and were remote from it. If such an amendment were accepted, the Commission might as well invest the United Nations, or some other international authority, with the power to regulate fisheries, as he had himself once proposed in connexion with the continental shelf. That proposal had been rejected outright, and he did not think that, in the context of the present draft articles, Mr. Scelle's amendment was appropriate.

23. Neither did he believe that article 4 constituted a threat to the equality of States, since the right it conferred would be enjoyed by all coastal States. On the

other hand, it would undoubtedly affect the principle of the freedom of the seas, and that was undesirable; but perhaps such a concession was necessary if States were to be persuaded to withdraw extravagant claims concerning the territorial sea. From that purely practical standpoint, perhaps, article 4 merited support.

Mr. Spiropoulos resumed the Chair.

24. Mr. SALAMANCA considered that it was not possible to reconcile Mr. Scelle's proposal—which was based on political rather than on legal arguments—with the purposes of article 4. The question of the conservation of the living resources of the sea was a very real problem—contrary to what appeared to be suggested in the FAO bulletin from which Mr. Scelle had quoted. The ultimate objective of conservation was to help to maintain adequate supplies of food for mankind to meet the serious problem presented by the increase in the world's population.

25. In view of those facts, the special interest of the coastal State in any system of regulation was evident, even where that State did not actually fish in the area concerned. But it was impossible to grant an equal privilege to any other State that might claim an eventual interest, because no valid general criteria could be formulated for the case of non-coastal States.

26. As Mr. García Amador had pointed out, the claims to an abnormally wide territorial sea made by certain South-American States did not represent the general viewpoint of the Latin-American world. It must be remembered that those claims were simply the reflection of the feeling on the part of certain States that their legitimate rights and interests were not at present adequately protected. A moderate concession in the Commission's draft to those States' interests would satisfy their grievances and perhaps make it possible to persuade them to adopt a more reasonable attitude. He wished to stress that it was not his intention—any more than it was Mr. García Amador's—to support a purely negative attitude on the part of the coastal State, whose special interest would be recognized only on certain very clearly defined conditions.

27. A half-way solution did not seem feasible. The draft articles prepared by the sub-committee made adequate provision for the very different situations of the coastal State on the one hand and of non-coastal States on the other. In that sense, the true requirements of equality were met. The rights acknowledged to the coastal State were by no means excessive, for that State would be the best judge of any over-fishing it might observe in the waters adjacent to its coast.

28. By way of illustration, he quoted the conservation regulations adopted by Canada, the United States of America and Japan in the International North Pacific Fisheries Convention,⁷ which laid down certain rules and provided that other States which refused to observe those rules might be prevented from fishing in the

⁷ United Nations, *Treaty Series*, vol. 168, p. 9.

area. That was an illustration of the very real interest of coastal States in protecting the living resources of over-fished areas of the sea.

29. Another striking example was the practical disappearance from Argentina and Uruguay of the formerly prosperous industries based on the fur seal, following excessive sealing, mostly by sealers from remote countries.

30. Sir Gerald FITZMAURICE said that he had previously taken the view that there were only two kinds of States: coastal States and States fishing in a given area. However, the discussion that had just taken place seemed to show that there was a valid case for arguing that States other than a coastal State might have a potential interest in a given area, even though their nationals did not actually fish therein.

31. He therefore favoured Mr. Scelle's proposal in principle, but on condition that any dispute as to whether a given non-coastal State had or had not a special interest should be subject to arbitration. As the draft articles stood, the provisions for arbitration appeared to apply only to the issues raised by articles 3 and 6. With regard to article 4, so long as it related only to the coastal State, it seemed reasonable to suppose that no dispute could arise; the interest of the coastal State was patent. But where a non-coastal State, the nationals of which also did not fish in the area concerned, claimed a special interest, it was necessary to provide for arbitration to ensure the necessary safeguard against unwarranted interventions.

32. The Food and Agriculture Organization publication from which Mr. Scelle had quoted emphasized an important point: in an appreciable number of areas there was in fact no overfishing, so that conservation measures were unnecessary.

33. In such areas, the situation could and did arise where a coastal State had an interest in limiting fishing activities even though there was no need for conservation measures in the general interest. The activities of nationals of the coastal State were often limited to waters close to its shores, and comprised processes different from those employed by foreign fishermen in the deeper offshore waters: coastal fishermen often fished by line instead of trawling. The deeper waters abounded in fish which were in no danger of being exterminated, and it was in the general interest of mankind that more fish should be caught. But any increase in fishing activity to that end on the part of foreign fishermen could have an adverse effect on the less comprehensive type of fishing practised by the nationals of the coastal State. Hence it was clear that if the matter of regulation were left exclusively or largely to the latter, the outcome would be the sacrifice to its local interest of the general interest of mankind in catching the maximum number of fish possible without depleting stocks.

34. He agreed that the special interest of the coastal State must be recognized but equally a just balance must be struck between that interest and the broader objective of ensuring the maximum sustainable yield.

35. Mr. KRYLOV said that it was difficult to see what special interest could be claimed by a State which was neither a coastal State nor one whose nationals actually fished in the area concerned. In theory, it could be suggested that some future interest—the kind that might remain purely potential for centuries—might be at stake. The special interest of the coastal State was plain, and as such could be included by the Commission in its draft. But it was not practicable to endeavour to legislate for the very remote possibility of the special interest of a non-coastal, non-fishing State.

36. Law in general and international law in particular were concerned with the protection of concrete rights and positive interests; only to a very small degree could law be practically concerned with the protection of potential or eventual interests.

37. Mr. Scelle admitted that the coastal State had a special interest which merited separate mention. But that did not exclude the possibility of non-coastal States also having a special interest. With regard to the drafting of a provision to cover that interest, he would have no objection to any form the Special Rapporteur might see fit to propose.

38. In addition to the examples already given, he would point out that seaweed was becoming an increasingly important product of the sea commercially, both for medical purposes and as a source of food. It was quite conceivable that a non-coastal State might have a legitimate interest in the protection of seaweed, in the gathering of which it would have an eventual interest for its future medical or food supplies.

39. Mr. GARCÍA AMADOR pointed out that much of the discussion had centred round the special interest of the coastal State, as provided for in article 5. The question before the Commission at that stage was that of the special interest which justified the participation of the coastal State in any system of regulation, even though its nationals did not engage in fishing in the area concerned. That was the sole purpose of article 4, article 5 being concerned with the possibility of unilateral action by the coastal State—a totally different matter.

40. With regard to the statement in the Food and Agriculture Organization publication quoted by Mr. Scelle, he pointed out that the dangers of depleting stocks by over-fishing had been emphasized more than once by the highest authorities. He quoted from Russell's *The Overfishing Problem*⁸ and from the valuable paper on "Concepts of Conservation" by the United Kingdom expert Mr. Michael Graham, submitted to the Rome Conference.⁹

41. In fact, the calling of the Rome Conference had been prompted by international awareness of the danger of over-fishing, and all its work had been based on the necessity for dealing with that problem.

⁸ Russell, E. S., *The Overfishing Problem* (London, 1942).

⁹ A/CONF.10/L.2.

42. It was not possible to grant a non-coastal State the right to participate in the regulation of fisheries in an area where it did not fish. No practical criterion could be devised to define the special interest of a non-coastal State, and any provision along the lines suggested by Mr. Scelle would, if included in article 4, leave the door open to intervention by any State. For it would always be possible to claim that some particular product of the sea was a raw material essential to the industry of a given State.

43. There were, indeed, cases where a non-coastal State might have some indirect interest in the living resources of a particular area, or certain historical rights therein. He therefore proposed that such eventual interests of non-coastal States be protected by providing that such a State should be entitled to demand of the States concerned in fishing or the coastal State, that they adopt the necessary conservation measures if they had not done so.

44. Mr. SCELLE said he accepted Sir Gerald Fitzmaurice's suggestion that any question as to a non-coastal State's alleged special interest should be subject to arbitration.

45. The CHAIRMAN pointed out that it would not be enough for the Commission itself to agree upon a draft; it must also bear in mind what the reaction of the General Assembly was likely to be.

46. The Commission could proceed to vote on the principle of Mr. Scelle's proposal that any State, and not a coastal State alone, should be allowed to participate in the regulation of fisheries in a given area if it had a special interest therein.

47. Mr. GARCÍA AMADOR, referring to Sir Gerald Fitzmaurice's remarks on arbitration, said that the arbitration clauses applied to all the preceding articles, including article 4.

48. He could not see his way to accept Mr. Scelle's amendment as submitted, because it would not conform to the true principle of equality, which required that unequal things be treated unequally. The indirect interest of a non-coastal State could never be analogous to the special interest of a coastal State.

49. It was possible for a non-coastal State to have some indirect interest at stake in a fishery. But that interest could never justify the extension to it of the privilege, which properly belonged to the coastal State alone, of being entitled to participate in any regulation of fisheries in waters where its nationals did not fish.

50. He therefore proposed that article 4 should not be amended, but that a second paragraph should be added to it reading somewhat as follows:

"Any other State, having a special interest in the maintenance of the productivity of the living resources in an area of the high seas, may demand from the States engaged in fishing in that area that they prescribe, where necessary, measures for the conservation of such living resources."

51. Mr. AMADO failed to see what title could be laid to the privileges conferred in article 4 by a State, that nationals of which did not fish in an area, and which was not a coastal State.

52. Mr. SCELLE maintained that the non-coastal State's title was as good as that of the coastal State. The principle of equality before the law meant that a person owning property worth 100 francs was entitled to the same legal protection, and had the same legal redress as a person owning property worth 1,000,000 francs.

53. Mr. FRANÇOIS (Special Rapporteur) considered that, following Mr. García Amador's concessions, it would probably be possible for the sub-committee to redraft article 4 in a manner that would enable it to command maximum support.

The meeting rose at 6 p.m.

302nd MEETING

Wednesday, 1 June 1955, at 10.15 a.m.

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Chairman : Mr. Jean SPIROPOULOS

Rapporteur : Mr. J. P. A. FRANÇOIS

Present :

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

Régime of the high seas (item 2 of the agenda) (A/CN.4/79, A/CONF.10/6) (*continued*)

NEW DRAFT ARTICLES ON FISHERIES (*continued*)

Article 4 [4] (*continued*)

1. The CHAIRMAN announced that the sub-committee had drafted a second paragraph for article 4; it read as follows: