

Document:-
A/CN.4/89

Provisional Agenda

Topic:
<multiple topics>

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INTERNATIONAL LAW COMMISSION

SUMMARY RECORDS OF THE SEVENTH SESSION

282nd MEETING

Monday, 2 May 1955, at 4.30 p.m.

CONTENTS

	Page
Opening of the session	1
Statement by Mr. Krylov	1
Election of officers.	1
Adoption of the provisional agenda for the seventh session (A/CN.4/89)	1

Chairman : Mr. A. E. F. SANDSTRÖM

Rapporteur : Mr. J. P. A. FRANÇOIS

Present :

Members : Mr. Douglas L. EDMONDS, Mr. J. P. A. FRANÇOIS, Mr. F. V. GARCÍA AMADOR, Mr. Shuhsi HSU, Mr. S. B. KRYLOV, Mr. Carlos SALAMANCA, Mr. Georges SCELLE, Mr. Jean SPIROPOULOS, Mr. Jaroslav ZOUREK.

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

Opening of the session

1. The CHAIRMAN declared open the seventh session of the International Law Commission and he welcomed the members—and in particular Mr. Krylov, who was attending for the first time.

Statement by Mr. Krylov

2. Mr. KRYLOV thanked the Chairman for his kind words of welcome. He then went on to say that in protesting against the presence at the Commission's table of a person who in no sense could be said to represent China, he was expressing the feeling both of the people and of the Government of the Soviet Union.

3. Mr. ZOUREK, referring to what he had said on the subject at previous sessions, associated himself with Mr. Krylov's statement.

4. Mr. HSU regretted that such a question should have been raised in the Commission, which was a non-political body.

5. The CHAIRMAN explained that, as on previous occasions, the Commission was unable to take note of such a statement. Its members did not represent their countries, but served as individuals in their personal capacity.

Election of officers

6. The CHAIRMAN suggested that, since some members had not yet arrived, the Commission should defer the election of officers until Monday, 9 May.¹
It was so agreed.

Adoption of the provisional agenda for the seventh session (A/CN.4/89)²

7. Mr. GARCÍA AMADOR, supported by Mr. ZOUREK, suggested that the reason for which the election of officers had been deferred applied with equal force to item 1 of the agenda: filling of casual vacancies in the Commission. He therefore suggested that consideration of that item too be deferred.

It was so agreed.

8. Mr. GARCÍA AMADOR proposed the inclusion in the agenda of the topic "the responsibility of States", that had been only briefly discussed at the sixth session. The omission of so important a topic might create the impression that the Commission had postponed consideration of it indefinitely.

9. Mr. LIANG (Secretary to the Commission), said that the original intention had been to include that topic under item 6: planning of future work of the Commission. If the Commission so wished, it could either adopt that course, or consider the topic as a new item between items 5 and 6. He would point out, however, that the Commission might not even have time to take up item 5.

10. Mr. GARCÍA AMADOR proposed that the topic be included under item 6.

It was so agreed.

11. Mr. SCELLE suggested that when the Commission came to consider item 2, régime of the high seas, it should again take up the question of the continental shelf, which was its natural corollary.

12. Mr. FRANÇOIS pointed out that the question of the continental shelf had already been extensively dealt with under the subject of the territorial sea. However close the relationship between the continental shelf and

¹ See *infra*, 287th meeting, paras. 1-15.

² Document A/CN.4/89 read as follows:

1. Filling of casual vacancies in the Commission.
2. Régime of the high seas.
3. Régime of the territorial sea.
4. Law of treaties.
5. Diplomatic intercourse and immunities.
6. Planning of future work of the Commission.
7. Question of stating dissenting opinions.
8. Date and place of the eighth session.
9. Other business.