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Summary record of the 276th meeting

Topic:
Other topics

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45. Mr. FRANÇOIS proposed the following draft :

“The obligations envisaged in paragraph 2 include military service”.

The proposal was agreed to.

Article III

46. Mr. LAUTERPACHT proposed that the words “if she makes a declaration to that effect” should be replaced by the words “on her application”, before “his wife”.

The proposal was agreed to.

47. The CHAIRMAN put article III, as amended, to the vote.

Article III was approved as amended.

Comment to article III

48. The CHAIRMAN submitted the comment to article III.

The comment to article III was approved.

Article IV

49. The CHAIRMAN proposed that the word “(stateless)” before “child” should be deleted.

It was so agreed and article IV was approved as amended.

Comment to article IV⁹

50. Mr. PAL pointed out that the only object of the comment to article IV should be to explain why the Commission had decided to treat a protected child more favourably than the child's parents with regard to the acquisition of nationality. The second sentence failed to mention that the draft convention dealt only with present statelessness.

51. Mr. LAUTERPACHT proposed that the second and third sentences should be replaced by the following text :

“The effect of this provision is not only to reduce statelessness but to prevent it from becoming hereditary. Furthermore, through residence and as a consequence of their status as protected persons, the children would, by the time they attain the age of majority, have formed an attachment to the protecting State.”

The proposal was agreed to.

52. The CHAIRMAN put the comment, as amended, to the vote.

⁹ The comment read :

“As the position of a protected person is largely comparable to that of a national, such a person's children should, on attaining the age of majority, acquire the nationality of the country of residence. In this way statelessness will be reduced and would not be hereditary. Furthermore, through residence and as a consequence of their status as protected persons, the children would by then have formed an attachment to the country concerned.”

*The comment to article IV was approved as amended.*¹⁰

Article V

53. The CHAIRMAN proposed that the introductory words: “Every State Party hereto agrees to grant” should be replaced by the words: “The States shall grant”.

The proposal was agreed to.

54. The CHAIRMAN put article V, as amended, to the vote.

Article V was approved as amended.

The meeting rose at 6.40 p.m.

¹⁰ See, however, below, 276th meeting, paras. 1-2.

276th MEETING

Saturday, 24 July 1954, at 9.45 a.m.

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Chairman : Mr. A. E. F. SANDSTRÖM

Rapporteur : Mr. J. P. A. FRANÇOIS

Present :

Members : Mr. R. CÓRDOVA, Mr. D. L. EDMONDS, Faris Bey el-KHOURI, Mr. S. HSU, Mr. H. LAUTERPACHT, Mr. R. PAL, Mr. J. ZOUREK.

Secretariat : Mr. Yuen-li LIANG (Director of the Division for the Development and Codification of International Law, and Secretary to the Commission).

Consideration of the draft report of the Commission covering the work of its sixth session (*continued*)

CHAPTER II: NATIONALITY, INCLUDING STATELESSNESS

PART II: PRESENT STATELESSNESS (A/CN.4/L.48/Add.3) (*continued*)

Comment to article IV (resumed from the 275th meeting)¹

1. Mr. PAL thought it necessary to state in the comment to the article the reason for treating stateless

¹ *Vide supra*, 275th meeting, paras. 50-52.

children more favourably than their parents. The stateless children of stateless parents would in all probability fulfil the conditions required for naturalization and would have a sufficiently long association with the State in question to justify such favourable treatment. He proposed that the comment should be replaced by the following draft:

“This article covers the case of present stateless children enjoying the status of ‘protected person’. By reason of their association with the State from an early age the Commission is of the view that the States should consider their cases more favourably, and shall enable them to acquire the nationality of the protecting State on their attaining the age of 18, without anything more.”

2. Mr. CORDOVA, Special Rapporteur, criticized Mr. Pal’s proposed draft comment as it implied the long association of the stateless child with the State in question, whereas, in fact, a stateless child arriving in the country at the age of 17 would be entitled to the nationality of the country within only one year of its arrival. He proposed that all comment to the article should be deleted.

It was so agreed.

Comment to article V²

3. Mr. CORDOVA, Special Rapporteur, pointed out that the comment³ to the article was intended to emphasize that a stateless person should be placed on an equal footing with an ordinary alien, with the exception that if he fulfilled all the conditions required for naturalization the State was under a duty to grant naturalization, because the person in question would otherwise remain stateless.

4. The CHAIRMAN pointed out that the last phrase of the comment made no distinction between nationality and protection. Refugees from dictatorial States would not be likely to enjoy the protection of those States. He proposed that the words “have no international protection” should be deleted.

5. Mr. LAUTERPACHT said the Commission should explain the reason for granting stateless persons more favourable treatment than other aliens and proposed that the last sentence of the comment should be modified to read:

² The article was adopted at the previous meeting; *vide supra*, 275th meeting, paras. 53-54.

³ The comment to article V read as follows:

“While the grant of nationality is, as a rule, in the discretion of the authorities, it is suggested that stateless persons who fulfil the statutory conditions governing naturalization, including application and a prescribed period of residence, should be granted nationality as of right. The Commission felt that stateless persons should receive more favourable treatment than ordinary aliens in the matter of naturalization, because the latter, before being naturalized have nevertheless a nationality whereas stateless persons have no international protection.”

“The Commission felt that stateless persons should in this respect receive more favourable treatment than ordinary aliens in the matter of naturalization, seeing that the latter, before being naturalized, have a nationality, whereas stateless persons possess none.”

6. He also proposed that the words “it is suggested” in the second phrase of the comment should be replaced by the phrase: “the purpose of this article is to lay down...”

7. Mr. CORDOVA, Special Rapporteur, recalled that in document A/CN.4/L.49 he had submitted a further draft sentence to be added to the comment to article V. However, since it merely repeated the first sentence of the comment, he agreed to withdraw it.

8. The CHAIRMAN proposed that the Commission should adopt the text of the comment as modified in the course of discussion by Mr. Lauterpacht and himself.

It was so agreed.

Article VI

9. The CHAIRMAN said that the words “Party hereto” after “State” in the opening paragraph and in (b) should be deleted in conformity with a decision taken at the previous meeting.⁴

10. With this modification, he put the article to the vote.

Article VI was approved, as modified.

Comment to article VI

11. Mr. LAUTERPACHT thought the comment to the article somewhat colourless as it merely repeated the substance of the article. He proposed that the comment should be deleted.

It was so agreed.

Article VII

12. Mr. LAUTERPACHT said that although he had no objection in principle to the substance contained in it he thought the article⁵ as submitted was somewhat

⁴ See *supra*, 275th meeting, para. 35.

⁵ Article VII read as follows:

“1. The States parties hereto undertake to establish, within the framework of the United Nations, an agency to act on behalf of stateless persons before governments or before the tribunal referred to in paragraph 2.

“2. The parties undertake to establish, within the framework of the United Nations, a tribunal which shall be competent to decide any dispute between them concerning the interpretation or application of this [convention] and upon complaints presented by the agency referred to in paragraph 1 on behalf of individuals claiming to have been denied nationality in violation of the provisions of the [convention].

“3. If, within two years after the entry into force of the [convention], the agency or the tribunal referred to in paragraphs 1 and 2 has not been established by the Parties, any of the Parties shall have the right to request the General Assembly to establish the agency or the tribunal, or both.”

too formal. He accordingly submitted to the Commission the following revised draft of the article :

“There shall apply, to any convention concluded on this subject, the provisions of the conventions on the elimination and reduction of future statelessness concerning the interpretation and application of their terms, including the provisions for the creation of an agency to act on behalf of persons claiming to have been wrongfully denied nationality or the status of a protected person.”

13. The CHAIRMAN pointed out that the article having already been adopted,⁶ could not be reconsidered unless a two-thirds majority of the members so decided.

By 8 votes to none, with 1 abstention, it was decided to reconsider article VII.

14. The CHAIRMAN put to the vote the new draft text of article VII submitted by Mr. Lauterpacht.

Article VII as redrafted by Mr. Lauterpacht was adopted by 8 votes to 1.

Comment to article VII

15. The CHAIRMAN proposed that no comment should be attached to the article.

It was so agreed.

Voting on articles I - VII as a whole

16. The CHAIRMAN put to the vote articles I-VII as a whole, subject to the amendments agreed to in the course of the debate.

Articles I - VII, as amended, were adopted by 5 votes to 1, with 3 abstentions.

17. The CHAIRMAN said he had abstained from the vote because in his opinion the proper way in which to deal with stateless persons in law was to treat them broadly speaking in the same manner as other aliens ; they should not, as envisaged in the draft, receive privileged treatment for that meant in many cases that a premium was placed on the status of statelessness.

1. Mr. EDMONDS said he had abstained from voting because he had not attended the meetings of the Commission at which the articles in question had been discussed.

19. Mr. ZOUREK said he had voted against the adoption of the articles because, apart from the general reservations he had previously made to the draft conventions on the elimination and reduction of future statelessness, the draft under consideration gave States the possibility of granting only restricted civil rights to stateless persons while imposing on them the widest obligations, including that of military service.

20. Mr. FRANÇOIS said he had voted in favour of the articles, subject to a reservation concerning article V.

The application of the provisions of that article appeared to be impossible in States where the grant of naturalization was left, within the framework of some general directives, to the discretion of the administrative or legislative authorities, as was the case in the Netherlands.

21. Faris Bey el-KHOURI said he had abstained because he was unable to accept the text of article II. In his opinion the rights to be enjoyed by the person to whom the status of a protected person had been granted should be determined by the protecting State.

22. Mr. ZOUREK requested that his vote against the adoption of the articles should be recorded in a footnote in the Commission's report covering the work of its sixth session, in accordance with the procedure adopted at previous sessions.

23. The CHAIRMAN and Mr. FRANÇOIS made similar requests with regard to their votes.

CHAPTER III : DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND (A/CN.4/L.48/Add.1)

24. Mr. PAL wished, before the Commission proceeded to vote on the entire draft Code, to say that he would be unable to support the proposed measures. He had not participated in the discussion of the detailed articles and had abstained from voting when the provisions of the draft Code were being dealt with. The draft articles had been adopted by the Commission under article 20 of its statute in 1951 before he had become a member of the Commission. They had since been considered under article 21 of the statute and had also been studied by States. They were before the Commission once again only for the limited purposes of article 22 of its statute. Discussion at the present stage did not admit of raising any question which might require the abandonment of the entire effort, yet his objections to the present draft Code were of such a fundamental character as might necessitate taking such a step.

25. Before stating the exact nature of his objections he expressed the hope that his opposition would not be misunderstood by the Commission. He had not the least doubt as to the lofty ideals behind the Commission's effort which had been inspired by an ardent desire for justice. If in spite of that ideal he opposed the adoption of the draft Code, it was because he felt strongly that it was impossible to realize such an ideal in the present formative stage in the development of the international community.

26. He would oppose the adoption of the draft Code not because the various acts defined in it were not wrongful or reprehensible, but because in the present phase of international development, it would be impossible to punish them in a spirit of justice. Despite the very detailed provisions of several of the articles of the Code, it would in fact only be possible to establish guilt, and punish the guilty after armed conflict.

⁶ *Vide supra*, 249th meeting, para. 43.

27. In the present world crisis it was necessary to act with caution, whereas the majority of the provisions of the draft would, he feared in the present circumstances, jeopardize the very purpose of the Code. The present stage of world development made it imperative to extend the principles of order and justice from the national to the international community. It would, however, be impossible to achieve that object by adopting a single over-all solution for all the problems involved. In building for justice it was necessary to exercise particular caution so as not to erect a monstrous edifice of injustice. Where there was no possibility of justice and, in the matter under consideration there would be none for some time to come, it was dangerous to forge ahead. Waiting might not altogether be futile as history showed that problems could sometimes be settled without the intervention of any coercive force from above.

28. Mr. EDMONDS said that since his recent arrival he had not had sufficient time to consider all the aspects of the questions discussed by the Commission and the conclusions reached by it. He considered that the draft Code of offences dealt with a subject of paramount importance, but felt that the terms adopted by the Commission were in many cases too vague and indefinite to stand the test of any statutory political validity. As an example, where article 11, paragraph 2, relating to inhuman acts condemned "the toleration" of such acts he would be at a loss to know what interpretation should be placed on the word "toleration". Furthermore, article 2, paragraph 9, appeared to condemn as unjustified intervention practically all the normal manifestations of international life.

29. The examples he had quoted were perhaps of no great practical importance since the draft Code was hardly likely to be approved by States. However, the professional competence of the Commission was at stake, and since he did not wish it to produce a document which might be criticized as unpractical or not valid from a legal point of view, he would vote against its adoption.

30. The CHAIRMAN said that any further declarations on the draft Code as a whole should be deferred until later. He invited the Commission to consider the draft articles of the Code of Offences against the Peace and Security of Mankind, as submitted in document A/CN.4/L.48/Add.1.⁷

⁷ Mimeographed document only. It was incorporated, with modifications, in the Commission's report on its sixth session as chapter III. The modifications are given in the present summary record and in the summary record of the 280th meeting. The Commission's report on its sixth session is reproduced in *Yearbook of the International Law Commission, 1954*, vol. II, and was also published separately in *Official Records of the General Assembly, Ninth Session, Supplement No. 9 (A/2693)*.

THE DRAFT ARTICLES OF THE CODE⁸

Article 1

31. Mr. LAUTERPACHT expressed surprise at the use of the words "referred to" instead of "defined". The definitions contained in the draft Code were perhaps not perfect, but they were nevertheless definitions and not merely references. The Commission was formulating a code of crimes; the least it could do was to define them and not describe them by means of vague references.

32. Mr. LIANG, Secretary to the Commission, agreed with Mr. Lauterpacht; the article appeared to imply that there were other offences which constituted crimes under international law and which were not mentioned in the Code.

33. The CHAIRMAN proposed that the Commission should restore the original text of article 1 adopted by it which read:

"Offences against the peace and security of mankind as defined in this Code, are crimes under international law, for which the responsible individuals shall be punished."

The proposal was agreed to and article 1 was adopted in that form.

Article 2 (1)

34. The CHAIRMAN pointed out that for grammatical reasons in the third line of the paragraph the word "in pursuance" had been replaced by "the execution".

35. Mr. LAUTERPACHT proposed that the original expression "in pursuance" should be restored.

It was so agreed, and article 2 (1), was adopted as modified.

Article 2 (2)

36. The CHAIRMAN put paragraph 2 of article 2 to the vote.

Article 2 (2) was adopted without modification.

Article 2 (3)

37. The CHAIRMAN pointed out that the words "the execution" should be replaced by the words "in pursuance" as in article 2, paragraph 1.

38. Mr. LAUTERPACHT proposed that the paragraph should begin with the word "Preparation..." and that the word "for" should be replaced by the word "of" before "the employment".

It was so agreed, and article 2 (3) was adopted as modified.

⁸ Corresponds to paragraph 54 of the Commission's report on its sixth session.

Article 2(4)

39. The CHAIRMAN proposed that to avoid misunderstanding the comma between the words "other territory" and "for incursions into" should be deleted.

It was so agreed and article 2(4) was adopted, as modified.

Article 2(5)

40. Mr. LAUTERPACHT said there was a regrettable discrepancy between the English and French texts. The French text used the term "guerre civile" whereas the English used "civil strife". He proposed that the term "civil war" should be used instead. Civil strife was a term which could cover any form of political dissension on an acute scale. It would be exorbitant to make it a criminal offence for the authorities of a State to encourage any form of political dissension in other States, for example by means of subsidies to the press.

41. Mr. HSU said that the term "civil strife" was taken from General Assembly resolution 30(V) of 17 November 1950, in which it was stated that the fomenting of civil strife constituted aggression.

42. Mr. LIANG, Secretary to the Commission, said that in the comment contained in the report on the Commission's third session reference was made to that resolution and also to article 4 of the draft declaration on rights and duties of States, prepared by the Commission, which also mentioned the fomenting of civil strife.

43. Mr. CORDOVA said that he had voted against proposals for separate provisions to cover such acts as "fifth column" activities and sabotage because those activities were included in the term "civil strife". If the term were to be amended to "civil war", it would no longer cover those activities. It would then be necessary for the Commission to reconsider its attitude concerning "fifth column" activities and sabotage.

44. Mr. LAUTERPACHT said that the General Assembly was a political body, whereas the Commission was a technical body which should employ more precise terms. The two expressions "guerre civile" and "civil strife" were different in substance.

45. Mr. EDMONDS said the discussion illustrated his remarks on the vagueness of the terminology used in the draft Code. Many of the definitions would prove extremely difficult to interpret in practice.

46. Mr. CORDOVA said that the article had been discussed and adopted in its English version. To alter the English wording would therefore constitute a reversal of an earlier decision of the Commission. A decision to reconsider the provision would require a two-thirds majority.

47. Mr. HSU said that the term "civil strife" had been coined by the Commission for its draft declaration on rights and duties of States; it had been accepted by the General Assembly and its connotation was clear.

He urged the Commission to adhere to the terms it had adopted earlier.

48. Mr. LIANG, Secretary to the Commission, said that, as the Drafting Committee had not modified the paragraph, no vote was necessary upon it. Mr. Lauterpacht proposed a change that appeared too important for the matter to be raised at that late stage.

49. The CHAIRMAN said that if the paragraph were left as it stood, any discrepancy between the French and English texts would, if raised before a court, operate in favour of the accused. A criminal court, when in doubt regarding the interpretation of a provision, had to place upon it the most lenient construction.

50. Mr. PAL said the alteration of the words "civil strife" to "civil war" would require a preliminary decision by a two-thirds majority to reconsider the paragraph.

51. Mr. ZOUREK, while agreeing that the English and French texts should be brought into line, said that a special decision to reconsider the paragraph would be necessary.

The meeting was suspended at 12 noon, owing to the absence of a quorum, and resumed at 12.15 p.m.

52. The CHAIRMAN announced that paragraph 5, not having been amended by the Commission or by the Drafting Committee, would not have to be voted upon.

53. Mr. LAUTERPACHT said that as an attempt had been made, by making a quorum impossible, to prevent a critical revision of the draft, he would abstain from taking part in the discussion.

Article 2(6) and (7)

54. The CHAIRMAN announced that paragraphs 6 and 7 had not been amended so that no vote upon them was necessary.

Article 2(8)

55. Mr. FRANÇOIS, Rapporteur, said that the final draft of paragraph 8⁹ did not contain the words "or of territory under an international régime" which had appeared in the 1951 draft.¹⁰ The Commission considered that the term "State" should be interpreted as applying also to a territory under the international régime; paragraph 14 of the draft report for the current session (A/CN.4/L.48/Add.1) contained a specific stipulation to that effect, which could be deleted.¹¹

⁹ Article 2(8), as submitted in the draft report on the sixth session (A/CN.4/L.48/Add.1) read:

"(8) The annexation by the authorities of a State of territory belonging to another State, by means of acts contrary to international law."

¹⁰ Article 2(8), as adopted in 1951, read:

"(8) Acts by the authorities of a State resulting in the annexation, contrary to international law, of territory belonging to another State or of territory under an international régime."

¹¹ *Vide infra*, paras. 78-84.

56. The CHAIRMAN submitted to the Commission the text of paragraph 8, as contained in A/CN.4/L.48/Add. 1.⁹

Article 2(8) was adopted.

57. The CHAIRMAN, in reply to a remark by the Secretary, proposed that the word "thereby" should be inserted before the word "obtain" so that the final phrase of paragraph 9 should read: "in order to force its will and thereby obtain from it advantages of any kind".

Article 2(9) as amended was adopted.

Article 2(10)

58. The CHAIRMAN announced that paragraph 10 being unchanged, would not be put to the vote.

Article 2(11), (12) and (13)

59. The CHAIRMAN announced that no vote was needed on paragraphs 11, 12 and 13. He would only point out two minor corrections. The words "against any civilian population" at the end of paragraph 11 should instead be inserted in the second line after the word "committed" so as to make the paragraph read:

"11. Inhuman acts such as murder, extermination, enslavement, deportation or persecutions, committed against any civilian population on social, political, etc."

60. The text of paragraph 13 was identical with the corresponding text of the 1951 draft except that the order of the last two clauses was reversed.

Article 3

61. The CHAIRMAN said that in article 2 the word "defined" should be substituted for the word "referred", as was done in article 1.¹²

Article 3 as amended was adopted without discussion.

Article 4

62. Mr. FRANÇOIS, Rapporteur, said that the French text of article 4 had been altered to read, in its last phrase, "de ne pas se conformer à cet ordre." That alteration had been made in order to conform with the English text: "not to comply". There was a difference between the French text thus adopted and the original French wording which was stronger.

The change in the French text of article 4 was agreed to.

Paragraphs 1 - 9 of chapter III¹³

63. The CHAIRMAN invited the Commission to consider the introductory paragraphs 1 - 9 of chapter III of the draft report on the present session.

Paragraphs 1 - 6 were adopted without discussion.

64. The CHAIRMAN, following a suggestion by the Secretary, submitted paragraph 7 amended to read: "The Commission again took up..." (instead of "discussed").

Paragraph 7 as amended was adopted.

65. Mr. FRANÇOIS, Rapporteur, said that the last phrase of the French text of paragraph 8 was amended to read *mais la Commission les a prises en considération dans ces travaux* instead of the terms formerly used *en a tenu compte* which were not strictly consistent with the English "taken into consideration".

Paragraph 8 was adopted with the amendment of the French text.

66. The CHAIRMAN submitted paragraph 9 with the words "some brief comments" substituted for "annotations" in the third line of the paragraph.

Paragraph 9 as amended was adopted.

COMMENTS TO SOME OF THE ARTICLES

67. The CHAIRMAN invited the Commission to consider the comments to certain of the articles, included in paragraph 10 of chapter III of the draft report.¹⁴

Comment to article 1

68. Mr. FRANÇOIS, Rapporteur, suggested the deletion of the last sentence of the comment reading "The question of the criminal responsibility in international law of the State is left open".

The proposal was adopted by 6 votes to none with 1 abstention.

Comment to article 2, paragraph 4

69. The CHAIRMAN submitted the comment to the vote.

The comment to article 2, paragraph 4 was adopted.

Comment to article 2, paragraph 9

70. Mr. FRANÇOIS, Rapporteur, proposed the deletion of the second sentence of the comment: "The

¹³ Those paragraphs correspond to paragraphs 41-49 of the Commission's final report on its sixth session; *vide supra*, footnote 7.

¹⁴ Paragraph 10 of chapter III corresponds to paragraph 50 of the Commission's final report on its sixth session; *vide supra*, footnote 7.

¹² *Vide supra*, paras. 31-33.

majority of the Commission was in favour of inserting it in the draft". Those words were not necessary.

The comment to article 2, paragraph 9 was adopted as amended.

Comment to article 2, paragraph 1¹

71. The CHAIRMAN submitted the comment to article 2, paragraph 11, to the Commission with two amendments, both to the effect that the term "defined" should be substituted for the term "referred to" at the end of the second paragraph, and also at the end of the first sentence of the third paragraph.¹⁵

72. Mr. ZOUREK said that several members of the Commission had favoured the drafting of article 2, paragraph 11, in such a manner as to restrict its application to those inhuman acts which were committed in execution or in connexion with aggression and other international offences. It was desirable that the comment should contain a reference to the dissenting opinion of the members concerned.

73. Mr. FRANÇOIS, Rapporteur, said that it was not always possible to insert minority opinions in the comment, a process which would be too cumbersome. He hoped Mr. Zourek would not press the matter.

74. Mr. ZOUREK said he would not insist on the point.

75. The CHAIRMAN submitted the comment to the vote.

The comment to article 2, paragraph 1, was adopted.

Comment to article 4

76. The CHAIRMAN invited the Commission to consider the comment to article 4.

The comment to article 4 was adopted.

Paragraphs 11 - 14 of chapter III

77. The CHAIRMAN invited the Commission to consider paragraphs 11 - 14 of chapter III of the draft report on the current session.

Paragraphs 11 - 13 were adopted.¹⁶

78. Mr. LIANG, Secretary to the Commission, said that in paragraph 14 the term "State" was stated to include a territory under an international régime.¹⁷ There were two types of territories under such a régime. Firstly, there were Trust Territories, secondly, there had existed at times "free cities" which were under an inter-

¹⁵ Cf. *supra*, paras. 31-33 and 61.

¹⁶ These paragraphs correspond to paragraphs 51-53 of the Commission's final report on its sixth session; *vide supra*, footnote 7.

¹⁷ Cf. *supra*, para. 55.

national régime but were not administered by any particular State. Paragraph 14 would seem to require amplification.

79. Faris Bel el-KHOURI said he did not recollect that the Commission had decided that the term "State" should be interpreted in the manner indicated in paragraph 14.

80. The CHAIRMAN said that the Drafting Committee had been asked by the Commission to draft the paragraph in question.¹⁸

81. Mr. CORDOVA said that whatever the régime of a territory under international control, its rulers could be guilty of an offence under the code.

82. Mr. HSU suggested that paragraph 14 should be placed as a comment to article 2, paragraph 8.

83. Mr. FRANÇOIS, Rapporteur, said that paragraph 14 might be redrafted to read: "The Commission took the view that for the purposes of the draft code a territory under an international régime should be assimilated to a State."

84. The CHAIRMAN requested the Rapporteur to re-draft paragraph 14 of chapter III of the draft report for submission at the next meeting.¹⁹

The meeting rose at 1.20 p.m.

¹⁸ *Vide supra*, 267th meeting, paras. 34-38.

¹⁹ *Vide infra*, 280th meeting, para. 20.

277th MEETING

Monday, 26 July 1954, at 9.45 a.m.

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Chairman: Mr. A. E. F. SANDSTRÖM

Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. G. AMADO, Mr. R. CORDOVA, Mr. D. L. EDMONDS, Faris Bey el-KHOURI, Mr. F. GARCÍA-AMADOR, Mr. S. HSU, Mr. H. LAUTERPACHT, Mr. R. PAL, Mr. C. SALAMANCA, Mr. J. ZOUREK.

Secretariat: Mr. Yuen-li LIANG (Director of the Division for the Development and Codification of International Law, and Secretary to the Commission).