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Summary record of the 286th meeting

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

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

Article 17 [35]: Submarine cables and pipelines[17]

66. Mr. LIANG, Secretary to the Commission, raised the point of the difficulty of satisfactorily accommodating articles 17, 18 and 19 in the plan of the complete draft. Indeed, the Special Rapporteur himself raised that point in the second paragraph of his comment. There was still an excess of detail in the three articles which, however appropriate in a convention, appeared to be out of place in a set of principles. As an example, he would quote the provision in the first sentence of article 17—the designation of the breaking or injuring in certain circumstances of a submarine cable or of a submarine pipeline as a punishable offence. Such concrete provisions might find a place in a convention, but it was doubtful whether they would fit into a statement of principles.

Further consideration of article 17 was deferred.

The meeting rose at 1 p.m.

[17] Article 17 read as follows:
"The breaking or injuring of a submarine cable beneath the high seas done wilfully or through culpable negligence and resulting in the total or partial interruption or embarrassment of telegraphic or telephonic communication, or in the breaking or injury of a submarine pipe line in like circumstance, shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid the break or injury."

286th MEETING

Friday, 6 May 1955, at 10 a.m.

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

Chairman: Mr. A. E. F. SANDSTRÖM
Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

Members: Mr. Douglas L. EDMONDS, Mr. J. P. A. FRANÇOIS, 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.

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

DRAFT ARTICLES (A/CN.4/79, SECTION II) (*continued*)

1. The CHAIRMAN invited the Commission to continue its consideration of item 2 of the agenda: régime of the high seas (A/CN.4/79).

Articles 16-17 [34-35] (resumed from the 285th meeting) *and 18 [36]: Submarine cables and pipelines*[1]

2. Mr. FRANÇOIS (Special Rapporteur) replying to the Secretary's observations at the end of the previous meeting, said that articles 16, 17 and 18 could perhaps be deleted. Following the loss of a number of previous articles, however, the resulting draft would be a very meagre affair. With regard to submarine cables and pipelines, the Convention of 1884 for the protection of submarine cables contained seventeen articles and the *Institut de droit international* had made six recommendations. In his second report, he had retained seven of those and then, in accordance with the Commission's decision, had reduced them to four. The Secretary was now proposing a further cut, and he could not avoid the feeling that the tendency was becoming a little exaggerated.

3. In fact, articles 17 and 18 both embodied the main and essential principles of the 1884 Convention; in his opinion, article 17 contained a most important concept, which was supplemented by article 18. Upon reflection, he considered that he himself had carried the process of deletion too far, and that article 7 of the Convention —which had eventually been deleted from his second report—referring to compensation for the loss of fishing gear or anchors incurred in the avoidance of submarine cables or pipelines, should be reinstated.

4. Mr. LIANG (Secretary to the Commission) agreed that it was undesirable to delete articles as soon as the slightest difficulty arose over their acceptance, since the drafts prepared by the Commission should be as complete and comprehensive as possible. His doubts about articles 17 and 18 had been engendered by the fact that they had been taken direct but only in part, from conventions, and that they dealt with details of implementation rather than with general principles.

5. On the broader question of embodying provisions of international conventions in the texts that the Com-

[1] Article 18 read as follows:
"If the owner of a cable or pipe line beneath the high seas in laying or repairing that cable or pipeline causes a break in or injury to another cable or pipe line he shall be required to pay the cost of the repairs which such breaking or injury has rendered necessary."

mission was engaged in drawing up, he recalled the difficulties to which that method of work had given rise in the past; in the case, for instance, of certain provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, which had been incorporated in the Draft Code of Offences Against the Peace and Security of Mankind. As a principle, the Commission might well consider whether it was desirable to introduce into the articles it was drafting only certain parts of international conventions.

6. Mr. SPIROPOULOS pointed out that, in general, international law had hitherto been concerned to establish the rights and obligations of States. Article 17, by its determination of a punishable offence, introduced the concept of individual responsibility. Care should be taken not to upset the general pattern of the articles —of which article 15 was a good example—setting forth general principles. The Secretary was right in his contention; in the field of codification it was better to keep to general principles, introducing the question of individual rights or obligations only indirectly.

7. Mr. SCELLE could not agree. Although the system of *res communis* might be followed by certain socialist States whose merchant vessels were State property, that notion was still exceptional; the large majority of merchant vessels were owned by individuals or private undertakings. *Res communis,* which was an essential element in the integration of a political community, had originally been set up in the interests of the individual, and half a century previously progress in international law had been understood to consist in the increased safeguarding of individual interests. Since the concept of the high seas was essentially linked with that of *res communis,* the Special Rapporteur's approach in articles 17 and 18, based on individual responsibility, was entirely correct.

8. In reply to the Secretary, he would suggest that the Special Rapporteur had faithfully laboured for the achievement of the Commission's twofold purpose—the codification of international law and its development. His only criticism would be that, far from being too long, the sixth report on the régime of the high seas was not substantial enough. He would welcome not only the inclusion of provisions of conventions, but also their unification.

9. The CHAIRMAN asked how the previous speaker's views could be reconciled with article 7. Further, he had understood articles 17 and 18 as stipulating the subordination of the individual to the rules of individual States.

10. Mr. SCELLE, in reply, said that in article 7 he understood "jurisdiction" in its broadest sense.

11. As to articles 17 and 18, individual States were required to submit to majority rule.

12. He regretted the absence from the articles relating to merchant ships on the high seas of an article on the verification of the flag flown, in which a clear distinction would be drawn between the right of verification and that of board and search. The existing situation was dangerous in that exercise of the right of verification could easily, and almost imperceptibly, become an act of boarding and searching. It was the thin end of the wedge, and such a possibility should be guarded against. He hoped that the Special Rapporteur would draft a new article separating the two activities and stipulating that verification should take place on board the investigating warship.[2]

13. Mr. HSU wondered whether the Secretary had in mind any specific proposal that he could make to assist the Special Rapporteur. There was a choice between two methods in the work of codification: either to set out in the most suitable order the existing rules in the various international agreements, supplementing them when necessary; or to set out a separate system for digesting those rules. In the past, both methods had been used in the preparation of the Commission's special reports, and each had its drawbacks. The Special Rapporteur had adopted the second method and at the present stage it was impossible to change it; all that could be done was to make specific modifications where necessary.

14. Mr. LIANG (Secretary to the Commission) explained that he had not intended to suggest the deletion of articles 17 and 18; and he would certainly endorse the desirability of embodying in the work of codification essential principles of existing conventions. His doubt lay in the wisdom of taking, say, five articles out of a total of fifteen in a convention, thereby incurring the risk of destroying the integrity of the whole instrument. Paragraphs 17 and 18, however, might well be re-drafted and restricted to the enunciation of principles, deleting the details of the *modus operandi.* In that respect, he shared Mr. Spiropoulos' viewpoint. He feared that the Commission's draft might give rise to difficulties if it embodied only certain articles from existing conventions.

15. Mr. ZOUREK insisted that all the articles under consideration by the Commission should be formulated on the basis of the rights and obligations of States, not of individuals. In that he differed from Mr. Scelle, on the ground that international law should not concern itself with individuals; that was the path of self-destruction. As to Mr. Scelle's comments on *res communis* and the régime of the high seas, he would only reply that the theory of *res communis* had been critized by many leading international jurists, and had been rejected by, for instance, Gidel. The prerogative of States could be explained quite simply by applying the idea of mutually respected sovereignty. Thus there was no need to introduce the idea of *res communis.* He would further remind Mr. Scelle that in socialist States the conception of corporate bodies was recognized, and he found it difficult to see how it could be argued that States, the citizens of which accounted for one-

[2] See *infra,* 288th meeting, para. 14.

third of the population of the world, could be regarded as exceptions.

16. With regard to the Commission's method of work, he was in favour of including in the articles all the essential principles set forth in existing conventions.

17. Mr. SPIROPOULOS said that paragraph 1 of article 16 clearly established the right of States to lay submarine cables and pipelines. Article 17 stipulated that damage done thereto wilfully or through culpable negligence should be a punishable offence. Even had articles 17 and 18 not been drafted, would not the principle enunciated therein apply nevertheless? Under existing legislation throughout the world it was generally accepted that liability for damage to property lay with the person causing that damage. The two latter articles, therefore, added nothing to the force of article 16 and, whatever their technical appropriateness in the 1884 Convention, could well be deleted.

18. Mr. HSU suggested that further consideration of articles 16, 17 and 18 be deferred, in order to allow the Special Rapporteur and the Secretary to consult together with a view to re-drafting the texts.

19. Mr. SCELLE apologized for having raised the subject of the system of *res communis,* which, properly speaking, had no place in the work of codification. Nevertheless, whether the future world government took the form of a supra-national State or a federation of States, there would in either case be a system of public property the organization of which must be provided for. There was no question of an alternative between inserting all or none of the articles of the Convention, and the Special Rapporteur had been well guided in his principle of selection.

20. With regard to policing on the high seas, he thought the Special Rapporteur had perhaps been too restrictive in his approach. In view of the inevitable difficulties entailed by the settlement of disputes in national courts, his own preference would be for some kind of mixed court of appeal. The most satisfactory solution might be to apply some similar system to cases of collision on the high seas also. The International Court of Justice was too remote a body to have to deal with such cases. An article on the appropriate jurisdiction in that matter would suitably complete the work of codification.

21. Mr. FRANÇOIS (Special Rapporteur), replying to the various questions raised during the discussion, said that the question of the embodiment in the present draft articles of articles in existing conventions had been dealt with by Mr. Scelle. In codifying the régime of the high seas it was impossible not to draw on existing conventions, and it was surely only reasonable to embody—and in the same terminology, which might be widely accepted—any article in a convention that formulated an essential principle. As to the criticism that he ought to have included all the articles of the 1884 Convention, he would recall that his original report (A/CN.4/42) had contained many more articles, and that he had only followed the Commission's directive in reducing their number. He hoped the Commission would at least approve his present attempt.

22. With regard to the objection that he ought to have omitted reference to individuals, restricting the provisions of the articles to States alone, he thought that that was a question of drafting. Moreover the point was not important in States which recognized that international conventions need not be translated into domestic law in order to make them binding on their nationals. Many conventions in the matter imposed no obligations on States, but contained direct stipulations concerning individuals.

23. Mr. Spiropoulos had proposed the deletion of article 17. Would he also delete article 18, and article 7 of the 1884 Convention, which had been deleted from his (the Special Rapporteur's) second report? He saw no objection whatsoever to the occasional inclusion of an article which, while not strictly necessary in a narrow context, would certainly give a clearer general picture.

24. Lastly, he saw no reason why, as Mr. Hsu had suggested, further consideration of the articles should be deferred. Perhaps the problem could be more easily solved by a drafting committee.

25. Mr. ZOUREK said that criticism of article 17 seemed to him quite unjustified. If the efficacy of a provision was to be ensured, some form of sanction was called for. There was no novelty in such a stipulation, for sanctions had a place in other international agreements, such as the various conventions on narcotics and the Convention on the Prevention and Punishment of the Crime of Genocide. In fact, many national legislations had introduced such a stipulation, based on the Convention of 1884 for the protection of submarine cables.

26. He thought there had been a misunderstanding about the inclusion of the articles of the conventions. There had never been a question of including them all. What the Special Rapporteur had urged was merely the introduction of those articles containing essential principles; in addition, he had raised the question of article 7 of the 1884 Convention which, in his (Mr. Zourek's) opinion, did formulate such a principle.

27. Mr. SPIROPOULOS said that he would support Mr. Hsu's proposal. Paragraph 17 referred to a "punishable offence". Did that imply an obligation on individual States to punish an offender? The text should be clarified, since as it stood no such obligation was clearly stated.

28. Mr. HSU, while fully agreeing with the Special Rapporteur, said he would still prefer to see a draft of the Secretary's suggestions.

29. Mr. LIANG (Secretary to the Commission) preferred the Special Rapporteur's proposal; the matter could best be left to a drafting committee.

30. Mr. SALAMANCA said that through the diversity of its criticisms the Commission had placed the Special

Rapporteur in a very difficult position. No single practical suggestion, however, had been put forward and until some such were forthcoming the only possible course was to follow the text of the articles as drafted. With regard to the proposal that the Secretary should draft a proposal, he would point out that his official position precluded such a course. The Commission should make up its mind whether to proceed to a vote or to defer consideration of the articles.

31. The CHAIRMAN pointed out that the Secretary had not, in fact, put forward any proposals. His recollection was that when the question had first been discussed at an earlier session, the Commission had decided that the continental shelf was not *res communis*.[3]

32. He would suggest the retention in article 18 of the principle, which in turn would entail keeping article 17, including the principle of damages. Article 7 of the 1884 Convention should also be included in the articles on submarine cables and pipelines.

Article 16 was approved in substance and referred to the drafting committee.

33. Mr. FRANÇOIS (Special Rapporteur) suggested that the Commission approve the substance of article 17 and request the drafting committee to study the Secretary's suggestion and re-draft the article in appropriate form.

Articles 17 and 18 were approved in substance and referred to the drafting committee.

Article 19 [37]: Submarine cables and pipelines[4]

34. Mr. FRANÇOIS (Special Rapporteur) suggested that the provision contained in article 7, paragraph 1, of the Convention of 1884 for the protection of submarine cables should be referred to the drafting committee for insertion in article 19.

It was so agreed.

Article 20 [10]: Penal jurisdiction in matters of collision on the high seas[5]

35. Mr. FRANÇOIS (Special Rapporteur) said that the provision in article 20 was a very important one, and had already given rise to lengthy discussion and widely divergent views. He had fully explained in his comment the historical background to the article.

36. The CHAIRMAN observed that an incident had recently occurred which had some similarity with the famous "Lotus" case. A Swedish ship, the "Paramata", which had come into collision with and sunk a United States yacht on the high seas, had, on arrival at San Francisco, been held by the United States authorities and subsequently released on bail.

37. Mr. SCELLE said that if article 20 covered damage to submarine pipelines, cables and other installations that should be plainly stated, perhaps by some wording such as *notamment en ce qui concerne le lit de la mer* after the word *navigation*. As always, he was deeply perturbed by the threat to the freedom of navigation resulting from the exploitation of the seabed.

38. Mr. FRANÇOIS (Special Rapporteur) said that article 20 did cover such damage; but he thought that a modification of the kind outlined by Mr. Scelle would be going too far. It would be quite enough to clarify the point in the comment.

39. The CHAIRMAN believed that the contingency Mr. Scelle had mentioned was covered by the words "any other incident of navigation".

40. Mr. SCELLE suggested that the drafting committee should bear his point in mind.

It was so agreed.

41. In reply to a question by the CHAIRMAN, Mr. LIANG (Secretary to the Commission) undertook to ascertain how many countries had signed the Brussels Convention of 1952 for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collision or Other Incidents of Navigation.[6]

42. Mr. SPIROPOULOS observed that it was not clear to whom the words "the persons concerned", at the end of paragraph 1, referred.

43. Mr. FRANÇOIS (Special Rapporteur) said they referred to the master or crew, but not to passengers, involved in the collision.

44. The CHAIRMAN observed that the meaning would be clearer if the word "these" was substituted for the word "the" before the word "persons", and the word "concerned" were deleted.

The amendment was accepted.

45. The CHAIRMAN pointed out that paragraph 2 related to the régime of the territorial sea.

46. Mr. FRANÇOIS (Special Rapporteur) agreed, and suggested that that provision might be taken up in connexion with the territorial sea.

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[3] See *Yearbook of the International Law Commission, 1951*, vol. I, 113th and 114th meetings, pp. 273–275.

[4] Article 19 read as follows:

"All fishing gear used in trawling shall be so constructed and so maintained as to reduce to the minimum the danger of fouling submarine cables or pipe lines on the sea bed."

[5] Article 20 read as follows:

"1. In the event of a collision or any other incident of navigation concerning a sea-going ship and involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, proceedings may be instituted only before the judicial administrative authorities of the State of which the ship was flying the flag at the time of the collision or other incident of navigation, or of the State of which the persons concerned are nationals.

"2. No arrest or detention of the vessel shall be ordered, even as a measure of investigation, by any authorities other than those whose flag the ship was flying."

[6] See text in "International Conventions on Maritime Law", Great Britain, Cmd. 8954 (London, H.M. Stationery Office, 1953).

47. Mr. ZOUREK said that the implications of the latter part of paragraph 1, starting with the words "proceedings may be instituted", were not clear to him. Generally speaking, it was only after proceedings had been completed that responsibility for a collision was established.

48. Mr. FRANÇOIS (Special Rapporteur) agreed that the text was not perfect, but pointed out that it had been taken from the Brussels Convention of 1952. He himself had given a great deal of thought to the question raised by Mr. Zourek, but believed that in practice the provision would not give rise to difficulties.

49. Mr. SCELLE observed that both ships might be charged with responsibility for the collision, in which case some provision would have to be made for appeal against conflicting judgements. The ideal machinery for the settlement of that type of dispute was, of course, the mixed arbitral tribunal.

50. The CHAIRMAN said that he was very much attracted by Mr. Scelle's idea, since the impartiality of the judicial or administrative authorities of the flag State would almost inevitably be open to doubt.

51. Mr. KRYLOV said that he was far less bold in his approach than Mr. Scelle and did not think it expedient for the Commission to try to provide for every contingency. Surely, in any individual case of collision, common sense would prevail.

52. Mr. SPIROPOULOS considered it essential to draft a clear and precise text: the present version would only serve to create difficulties, and the fact that it had been taken from a previous convention was no defence.

53. He pointed out that, whereas, according to the existing text of article 20, proceedings could only be instituted by the flag State of the ship responsible for the collision, the difficulty was that it would not always be possible to establish responsibility immediately.

54. In answer to a question by Mr. SCELLE, the CHAIRMAN said that he had had personal experience both of the mixed courts in Egypt and of the mixed arbitral tribunals established after the First World War. In his opinion, the former had functioned very well, perhaps because all the judges had been neutral, and had succeeded in creating a tradition of complete impartiality; but the performance of the latter had been somewhat uneven, perhaps because they had only one neutral judge.

55. Mr. SCELLE observed that the machinery of the mixed courts in Egypt had been somewhat complex, but could be improved and simplified.

56. Mr. FRANÇOIS (Special Rapporteur) considered that the defects and ambiguity of article 20 had been somewhat exaggerated. In practice, it should be sufficient to ensure that the master of a ship responsible for a collision would be proceeded against by the authorities of the flag State. The Commission should, after all, bear in mind that a similar provision had been accepted in 1952 by a considerable number of maritime powers. He therefore proposed that the Commission approve the principle contained in article 20, and refer it to the drafting committee.

57. Mr. ZOUREK said that the risk of a conflict of jurisdiction had perhaps been exaggerated, and warned the Commission against reviving the obsolete Capitulations régime. In the present state of international law, and with the machinery contained in the Charter of the United Nations for solving international conflicts, there should be no need to provide for mixed courts.

58. Mr. SCELLE said that what he had in mind was a court of appeal, not a standing tribunal for the settlement of any dispute.

59. Mr. SPIROPOULOS said that, although the doubts he had expressed earlier had not been removed, after hearing the discussion and after further careful reflection, he had come to the conclusion that article 20 might be accepted as it stood, since it probably represented all that could be achieved at the present stage. Clearly, the difficulties involved had been recognized at the diplomatic conference in Brussels in 1952, when the same provision had been put forward as the best possible solution.

60. Mr. SCELLE said that he had no great liking for what might be described as the lazy way out, whereby the Commission resigned itself to the existence of a difficulty without making any attempt to overcome it. He proposed to discuss the matter further with the Special Rapporteur.

61. Mr. FRANÇOIS (Special Rapporteur) suggested that, subject to further consideration of Mr. Scelle's suggestion, article 20 might be adopted and referred to the drafting committee.

Subject to that reservation, *article 20 was approved by 8 votes to none, with 1 abstention.*

Article 21 [21]: Policing of the high seas[7]

62. The CHAIRMAN suggested that article 21 should be taken up at the following meeting, by which time the observations of the Polish Government (A/CN.4/L.53) would have been circulated.

63. Mr. ZOUREK, referring to the articles relating to the policing of the seas, said that the General Assembly, in resolution 821 (IX), had decided to transmit to the Commission the records and documents relating to the discussion in the *Ad hoc* Political Committee about the complaint of violation of the freedom of navigation

[7] Article 21 read as follows:

"Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant vessel at sea is not justified in boarding her or in taking any further action unless there is reasonable ground for suspecting that the vessel is engaged in piracy or the slave trade. Should such suspicions prove to be unfounded, and should the stopped vessel not have given by unjustified acts any ground for suspicion, the vessel shall be compensated for any loss due to the stoppage."

in the China Sea. He would be interested to learn from the Secretariat whether those documents were available.

64. Mr. LIANG (Secretary to the Commission) replied that the documents had been duly dispatched. If members had omitted to bring them to Geneva, he would endeavour to obtain more copies.

Further discussion of article 21 was deferred.[8]

Article 14 [11]: Safety of shipping
(resumed from the 285th meeting)

65. Mr. FRANÇOIS (Special Rapporteur), replying to Mr. Spiropoulos' question at the previous meeting[9] as to why in the first part of article 14 the master of a vessel was not obliged to render assistance to a vessel found at sea in danger of being lost but according to the second was obliged to do so after a collision, explained that the Convention of 1910 had not imposed such an obligation on the ground that it would hamper navigation, and would not, especially in the case of small ships, justify the expense involved.

66. Mr. SPIROPOULOS declared himself satisfied with the explanation.

Article 14 was approved unanimously.[10]

The meeting rose at 12.55 p.m.

[8] See *infra*, 288th meeting, para. 12.

[9] 285th meeting, para. 45.

[10] See *infra*, 294th meeting, para 78.

287th MEETING

Monday, 9 May 1955, at 4.30 p.m.

CONTENTS

Chairman: Mr. A. E. F. SANDSTRÖM
later: Mr. Jean SPIROPOULOS
Rapporteur: Mr. J. P. A. FRANÇOIS

Present:

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

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

Election of officers

(*resumed from the 282nd meeting*)

1. The CHAIRMAN invited the Commission to elect a chairman for the seventh session.

2. Mr. GARCÍA AMADOR proposed Mr. Amado who, having served on the Commission since its inception, had made a most significant contribution to its work, as well as to that of the Sixth Committee of the General Assembly. By electing Mr. Amado Chairman, the Commission would also be paying a tribute to Brazil's distinguished tradition in the field of international law.

3. Mr. SPIROPOULOS, seconding the nomination, said that Mr. Amado's outstanding qualities needed no commendation.

4. Mr. AMADO said that he was greatly honoured by the proposal that he should preside over the Commission, to which he was devoted, and in which he had been able to enlarge his own field of knowledge. However, much as he would like to assume that high office, he regretted that several months of fatiguing work had left him in a state which made it impossible for him to take on a task which might prove too taxing. Perhaps, too, he lacked sufficient patience to guide the Commission in the drafting of abstract rules, which in their essence seemed so remote from humanity, intensely difficult work demanding special gifts from an individual and even more so when confronted with a group of eminent men each with his own very definite ideas. He accordingly proposed the election of Mr. Spiropoulos.

5. The CHAIRMAN expressed the Commission's regret at Mr. Amado's decision.

6. Mr. GARCÍA AMADOR said that it was most unfortunate that Mr. Amado should feel unable to take the Chair, since he would undoubtedly have ensured that the session was a fruitful one.

7. He then seconded Mr. Amado's proposal of Mr. Spiropoulos.

Mr. Spiropoulos was elected Chairman by acclamation.

8. The CHAIRMAN, congratulating Mr. Spiropoulos on his election, thanked the Commission for the patience and kindness it had shown to himself.

Mr. Spiropoulos took the Chair.

9. The CHAIRMAN, thanking the Commission for the honour done to him, said that he accepted it with some hesitation, being fully conscious of the difficulties of his task, but aware that they would be greatly alleviated by the help of members and of the Secretariat.

10. On behalf of the Commission, he thanked Mr. Sandström for his impartial conduct of the Commission's business since the opening of the session.

11. He then called for nominations for two vice-chairman.

12. Mr. SCELLE proposed Mr. Krylov as first Vice-Chairman and Mr. García Amador as second Vice-Chairman.

13. Mr. ZOUREK and Mr. SANDSTRÖM seconded the proposal.

Mr. Krylov and Mr. García Amador were elected first and second Vice-Chairman by acclamation.