

Document:-  
**A/CN.4/SR.287**

**Summary record of the 287th meeting**

Topic:  
**<multiple topics>**

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

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(<http://www.un.org/law/ilc/index.htm>)*

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.*<sup>8</sup>

*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<sup>9</sup> 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.*<sup>10</sup>

The meeting rose at 12.55 p.m.

<sup>8</sup> See *infra*, 288th meeting, para. 12.

<sup>9</sup> 285th meeting, para. 45.

<sup>10</sup> See *infra*, 294th meeting, para 78.

## 287th MEETING

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

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*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.*

14. The CHAIRMAN called for nominations for a rapporteur.

15. Mr. SALAMANCA said that, as the Commission was going to devote a considerable amount of time at the present session to Mr. François' two reports, he should be asked to serve as rapporteur.

*Mr. François was elected Rapporteur by acclamation.*

#### Filling of casual vacancies in the Commission (item 1 of the agenda)

16. The CHAIRMAN announced that the Commission had decided at a private meeting to elect Sir Gerald Fitzmaurice to the casual vacancy caused by Mr. H. Lauterpacht's election to the International Court of Justice.

17. The Commission had also to fill a casual vacancy caused by Mr. Córdova's election to the International Court of Justice.

18. Mr. GARCÍA AMADOR moved that the Commission defer filling the second casual vacancy until the following meeting, since it was desirable that unanimity be achieved.

*It was so agreed.*

#### Request by the Japanese Government concerning the appointment of observers

19. Mr. LIANG (Secretary to the Commission) announced that he had received a telegram from United Nations Headquarters to the effect that the Japanese Permanent Observer to the United Nations had informed the Secretary-General of his Government's intention to send two observers in succession to attend the Commission's seventh session, and asking that appropriate facilities be granted them. He thought the Commission would probably wish to take a similar decision to that it had taken in the matter of the Polish observer.<sup>1</sup>

20. Mr. SANDSTRÖM proposed that the Commission grant the request in the same terms as in the case of the Polish observer.

After some discussion, *it was so agreed.*

The meeting rose at 4.55 p.m.

### 288th MEETING

*Tuesday, 10 May 1955, at 10 a.m.*

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Régime of the high seas (item 2 of the agenda) (A/CN.4/79, A/CN.4/L.53) (*resumed from the 286th meeting*)

Draft articles (A/CN.4/79, section II) (*resumed from the 286th meeting*)

Article 21 [21]\*: Policing of the high seas (*resumed from the 286th meeting*) . . . . . 26

Article 22 [12]\*: Policing of the high seas . . . . . 30

\* 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. Jean SPIROPOULOS

*Rapporteur:* Mr. J. P. A. FRANÇOIS

*Present:*

*Members:* Mr. Gilberto AMADO, Mr. Douglas L. EDMONDS, Mr. Shuhsi HSU, Mr. S. B. KRYLOV, 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.

#### Request by the Japanese Government concerning the appointment of observers (*continued*)

1. The CHAIRMAN invited the Commission to continue the discussion of the request by the Japanese Government concerning the appointment of observers to the present session, which the Secretary had brought to the Commission's notice at the end of the previous meeting.

2. Mr. ZOUREK pointed out that in view of the special interest which Japan, an essentially maritime country, took in the questions concerning the régime of the seas which were on the Commission's agenda, it was entirely appropriate to grant the Japanese Government's request to send two observers to the present session and he fully agreed with the decision adopted.

3. However, since certain members had referred to the admission of an official observer for the People's Republic of Poland as a precedent for admitting the Japanese observers he wished to make it clear that from the legal point of view there was an essential difference between the two cases, which were consequently not at all comparable. Mr. Jan Balicki represented a Member State of the United Nations and Member States had the right, if they so wished, to send observers to meetings of United Nations organs. Japan, on the other hand, was not a Member of the United Nations<sup>1</sup> and admission of its observers to meetings of the Commission was a favour which could be granted or withheld. The Commission could not therefore base its decision on the fact that a Member State was already represented by an

<sup>1</sup> Japan became a Member of the United Nations on 18 December 1956.

<sup>1</sup> See *supra*, 283rd meeting, paras. 44-54.