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**Summary record of the 298th meeting**

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

Extract from the Yearbook of the International Law Commission:-
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ferential Claims Case, heard before the Permanent Court of Arbitration in 1904, had brought Venezuela into opposition with the three Powers which had undertaken the pacific bloackade of Venezuelan ports, namely, Germany, Great Britain and Italy, who had been joined be several other States. Venezuela's three opponents had jointly chosen their arbitrator, and had entered joint pleas with the Permanent Court of Arbitration.

56. He could not see his way to accepting article 7. The obligation to arbitrate should proceed direct from the articles to be adopted by the Commission, and not be made conditional upon the conclusion of a further, separate agreement.

57. The proposed technical arbitration board was a veritable arbitration tribunal: if, in accordance with subparagraph (*c*), the entire board were to be appointed by the Secretary-General of the United Nations, it was questionable whether it would be acceptable to States which, it had been claimed, were unlikely to be satisfied with a provision conferring jurisdiction on the International Court of Justice, or even one for arbitration by a tribunal chosen by the interested parties themselves.

58. The CHAIRMAN said that the Commission must bear in mind that the question of the special rights of the coastal State would become very much graver if no provision were made for compulsory arbitration.

59. Mr. KRYLOV said that the Permanent Court of Arbitration had done very useful work in the past, but was hardly suited to the task of arbitrating disputes over problems of fisheries conservation. Nor was the International Court of Justice equipped to deal with such problems, which were essentially of a technical nature. It was highly desirable that the technical arbitration boards be composed of specialists in fishery questions, capable of finding the correct practical solution to the problems that would be brought before them.

60. Mr. GARCÍA AMADOR, replying to the criticisms of article 4, said that a coastal State whose nationals were not engaged in fishing could still be vitally interested in fishery conservation. Such was the case with Peru, already mentioned by Mr. Salamanca; as late as the 1920s there had appeared to be no conceivable danger to the ecological process he had described. But more recent events had shown that, with the aid of modern technical equipment, over-fishing of anchovies had become possible and indeed probable, a situation which might have disastrous effects on Peru's food supplies and, indeed, on its whole economy.

61. As he had already emphasized, article 7 was only a basis for discussion, and he hoped to improve it in the light of all the suggestions made by members. On one point, however, he must stand firm: the International Court of Justice was certainly not fitted to deal with the disputes for the settlement of which he was suggesting that technical arbitration boards should be set up. Those disputes would concern such problems as the size of mesh of the nets, the size and weight of the fish it was permissible to catch, possible limitations of total catch by weight or number, limitations on the age of fish caught, and, in some cases, the problem of abstention from fishing a particular species in order to maintain an ecological balance. Mr. Krylov, himself a distinguished former member of the International Court of Justice, had emphasized that such problems were best dealt with by technical experts, not by jurists.

62. With regard to the compulsory character of arbitration, it had been shown by the reaction of States to the Commission's draft articles on fisheries, adopted in 1953, that the solution suggested therein, providing for the compulsory jurisdiction of an international authority, the decisions of which would be binding upon States, was not a feasible one. Given that situation, only two alternatives were possible. One would be to provide for compulsory arbitration without conferring binding force on the arbitral decisions: such a course would meet with general approval, but would be ineffectual, as there would be no possibility of enforcement. The other alternative—the only practicable one, which he had embodied in article 7—was to provide for voluntary acceptance of arbitration, while at the same time laying down that the decisions of the arbitration boards would be final and binding on the parties.

63. Finally, he urged those members who had made suggestions to formulate them in texts, so that they could be usefully discussed by the Commission.

64. The CHAIRMAN thought that the best course the Commission could adopt would be, after a further short general discussion, to go on to vote on certain leading principles on the basis of concrete suggestions by members. The Commission could thus decide in principle whether the arbitration tribunals should be of a technical character or not; whether arbitration should be voluntary or compulsory; whether an international authority to deal with fisheries conservation was required; and, finally, whether the special position of the coastal State should be explicitly recognized.

65. In the light of those votes, the Drafting Committee —or a special committee—could prepare a final draft on fisheries.

The meeting rose at 1.10 p.m.

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## 298th MEETING

*Wednesday, 25 May 1955, at 10 a.m.*

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*Chairman:* 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. 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.

## 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*)

1. The CHAIRMAN called attention to the text proposed by the Special Rapporteur to replace articles 6 and 7 submitted by Mr. García Amador at the previous meeting:[1]

"1. Disputes between the coastal State and other States concerned relating to the rules laid down by the coastal State for the protection of the resources of the sea shall be submitted to the organ set up within the United Nations to deal with questions of that kind.

"2. Until that organ has been set up, such disputes shall, unless the parties agree on some other manner of peaceful settlement, be submitted to arbitration.

"3. The composition and procedure of the arbitral tribunal shall, unless otherwise agreed between the parties, be governed by the provisions adopted by the International Law Commission at its fifth session.

"4. The arbitral tribunal may decide that pending its award the provisions in dispute shall not be applied."

2. Mr. KRYLOV said the Commission should vote on Mr. García Amador's articles 1-5 before going on to discuss articles 6 and 7 and the amendments proposed thereto by the Special Rapporteur.

3. Mr. EDMONDS said that Mr. García Amador's articles could well supplement the draft articles on fisheries adopted by the Commission at its fifth session. If agreement could be reached on certain basic principles, it would be possible to combine the two texts.

4. International law gave equal rights to nationals of all States to fish in the high seas. But the problem had arisen of the need for conserving certain species; the right to fish would be illusory if there were no fish to catch. For that reason, it was desirable to recognize certain particular rights to States in respect of conservation measures.

5. There were three possible situations. First, there was the case in which nationals of a single State fished a particular area; it would be consistent with existing international law to lay down that such a State could regulate fisheries in the area. The second case was that in which nationals of more than one State fished a given area; regulation should then be by agreement between the States concerned; if no agreement were reached the case should be submitted to arbitration. Finally, there was the problem of the special interest of the coastal State, and it was there that Mr. García Amador's draft broke new ground by suggesting that, where no agreement was reached by the interested States, the coastal State would have the right to regulate fisheries unilaterally.

6. One important feature was, however, lacking in both drafts. It was the problem of whether regulations promulgated by one or more States and disputed by another or others should be recognized while arbitration was in progress. Years might elapse before a final award was made, and it would be extremely dangerous to suggest that, during what might well be a very long period, a regulation adopted unilaterally, and which might thereafter be declared invalid and unsound by the arbitral tribunal, should be enforceable.

7. Faris Bey el-KHOURI criticized the reference in the Special Rapporteur's substitute text for Mr. García Amador's articles 6 and 7 to the arbitration procedure adopted by the International Law Commission at its fifth session. The text then adopted by the Commission was only a draft convention, which had not yet been adopted by the General Assembly. It was still very far from being an arbitration treaty signed by States. It would be preferable merely to state that disputes should be submitted to arbitration, without specifying any particular procedure.

8. With regard to the composition of the technical arbitration board, it was undesirable that, suggested as in Mr. García Amador's draft, it should be composed of qualified experts. Governments were free to appoint any person of their choice, and they could be trusted to select persons who were properly qualified to adjudicate upon the particular points at issue. If it were suggested that a particular type of expert was needed, it might happen that a State would contest the qualifications of the arbitrator appointed by its opponent, and the question would then arise as to what higher authority would be competent to give a ruling on the expert's qualifications.

9. Finally, he expressed regret that the Special Rapporteur should have abandoned the proposal originally made in his second report concerning the compulsory jurisdiction of the International Court of Justice. It was not a valid argument to contend that fishery problems raised technical issues; all disputes submitted to the International Court of Justice did so. The Court examined the facts and applied the law to them. The crucial problems that would be submitted to the International Court of Justice would be matters of international law,

[1] 297th meeting, para. 28.

namely, the right to apply some particular regulation for the conservation of fisheries.

10. The CHAIRMAN, speaking as a member of the Commission, said it was undesirable that there should be any reference to arbitration procedure in the draft articles on fisheries. It would suffice to make provision for compulsory arbitration. The detailed regulation of the procedure to be adopted for such arbitration would require a special conference of States.

11. It was important to bear in mind the fact that an article 3 [2] of the draft articles on fisheries adopted by the Commission at its fifth session (A/2456) could not be set up merely by resolution of the General Assembly. That body could certainly draft a treaty on the subject; but the international authority would come into being only when that treaty had been ratified by the requisite number of States.

12. Mr. FRANÇOIS (Special Rapporteur) considered that the Commission should vote on articles 1-5 of Mr. García Amador's text before discussing the question of arbitration.

13. The CHAIRMAN pointed out that the issue of compulsory arbitration had a vital bearing on the acceptability of those articles. It would therefore be better to vote on the principle of compulsory arbitration first.

14. Mr. AMADO agreed with the Chairman. The problem of enforcement had to be decided first.

15. He would suggest that the article on arbitration be drafted along the following lines:

> "In case of differences between the coastal State and other States concerned, or between the States parties to an international agreement and other States, either on the scientific and technical justification for the measures adopted, or on their nature or scope, such differences shall be settled by arbitration.
>
> "States may at any time conclude general or special agreements stipulating the obligation to settle any such differences by arbitration."

16. Mr. SALAMANCA recalled that the principle of voluntary rather than compulsory jurisdiction had been accepted at San Francisco, where he had voted against it. It was clear therefore that compulsory jurisdiction was not part of international law at the present time.

17. The only really important substantive issue raised by Mr. García Amador's draft articles was recognition of the special position of the coastal State, which had not so far been clarified in international law.

18. Mr. SCELLE disagreed; Mr. García Amador's draft articles raised a number of vital questions of substance affecting the regime of the high seas. The most serious was whether the coastal State had the right to regulate fisheries on the high seas with respect to the nationals of other States; and if so, how far from the coast such right should extend.

19. Hitherto, under international law, the coastal State had had no right to issue any such regulations. At The Hague Codification Conference in 1930, proposals had been made that such a right should be acknowledged within twelve miles of the coast; later proposals, including those of the Special Rapporteur in his second report, had mentioned a distance of 200 miles and, in the Commission's draft articles on fisheries adopted in 1953, the distance specified was 100 miles. Mr. García Amador was now proposing that the distance be indeterminate.

20. The Commission must first settle such questions of substance; next came the problem of arbitration. It was first necessary to lay down rights and obligations; it would then be proper to discuss enforcement and procedure.

21. International arbitration was a comparative novelty. The freedom of the high seas had been the subject of international law for many centuries. Historically and logically, substance came before procedure.

22. Mr. SANDSTRÖM said that the question of compulsory arbitration conditioned the whole of Mr. García Amador's proposals. If compulsory arbitration were part of Mr. García Amador's scheme, articles 1-5 entailed no very grave concession to the coastal State, for the latter's competence to promulgate unilateral conservation measures would be in the nature merely of a provisional right. Should, however, compulsory arbitration not be an element of the scheme, recognition of the special position of the coastal State would confer an inherent right to adopt unilateral conservation measures.

23. Sir Gerald FITZMAURICE had no objection to discussing articles 1-5, but felt that not vote should be taken on them until a decision had been reached on the question of arbitration. Many members might be prepared to acknowledge the special position of the coastal State, provided it was made subject to control by means of a provision for compulsory arbitration.

24. Mr. ZOUREK recalled that at previous sessions the Commission had discussed its articles on the regime of the high seas and on that of the territorial sea before taking up the question of compulsory arbitration as it related to them, and leaving the discussion of the relevant articles to the end.

25. Sir Gerald FITZMAURICE said that there was a very important difference between the Commission's draft articles on the territorial and high seas on the one hand, and those on fisheries on the other. In the former case, the Commission had been almost exclusively concerned with *lex lata*. In the case of fisheries, however, the only extant rule of international law was that the high seas were free for all to fish, no State having the right to regulate fishing therein; it was now proposed that the Commission should legislate in the matter. At

[2] A/CN.4/79, article 32.

such a juncture, the question of arbitration ceased to be a matter of procedure and became one of substance. It was vital to provide for compulsory arbitration when laying down rules *de lege ferenda.*

26. Mr. GARCÍA AMADOR said that, in the matter of fisheries conservation, questions of substantive law were indissolubly linked with procedural issues; it was therefore not practicable in the present discussion to follow the usual course of dealing first with questions of substance exclusively, and then with procedural questions exclusively.

27. The only serious substantive issue was that of the right of the coastal State to promulgate regulations unilaterally, pending international agreement on conservation measures; but the Commission could not vote on that issue unless members knew in what manner the coastal State would exercise the right in question. For his part, he intended to recognize the right to unilateral action by the coastal State only on the conditions set out in articles 4 and 5 of his proposal, and subject to the particular procedure suggested in articles 6 and 7. He could, however, well understand that other members of the Commission might make their acceptance of article 4, for example, dependent upon the adoption of some other enforcement procedure.

28. He therefore proposed that members should be allowed to express their opinion on articles 1-5, while making it conditional on the adoption of the arbitration procedure advocated by each of them.

29. Mr. AMADO said that it would not be practicable to discuss and vote upon the articles in such conditional manner.

30. The CHAIRMAN called for a vote on the order in which Mr. García Amador's articles should be discussed.

*It was decided by 6 votes to 4, with 3 abstentions, to discuss articles 1-5 before articles 6-7.*

31. Mr. EDMONDS pointed out that article 1 corresponded to the second sentence of the draft adopted by the Commission in 1953.

32. Sir Gerald FITZMAURICE proposed that article 1 be completed by the addition of a phrase specifying more clearly the obligation of States to negotiate with a view to reaching agreement on conservation measures. The article would then read somewhat as follows:

> "If the nationals of two or more States are engaged in fishing in any area of the high seas the States concerned shall, at the request of any one of them, engage in negotiations to prescribe by agreement the necessary measures for the conservation of the living resources of the sea."

33. It would also be useful to lay down some procedure for the case in which States were unable to reach agreement. He suggested that it be provided that, where no agreement could be reached on the conservation measures to be adopted, the question should automatically be referred to arbitration.

34. Mr. SCELLE said that the scope of article 1 appeared to be limited to measures for the conservation of the living resources of the sea, whereas the Commission's draft articles on fisheries adopted in 1953 covered a wider field, in that they related to the regulation of fisheries as a whole on the high seas.

35. The CHAIRMAN said that Mr. García Amador's articles formed the basis for discussion. It was open to Mr. Scelle to move an amendment to article 1, with the object of reinstating the 1953 text.

36. Mr. GARCÍA AMADOR said that he had proceeded on the assumption that the articles on fisheries should lay down regulations for the conservation of the living resources of the sea—a purpose which had also been at the foundation of the 1953 articles.

37. Mr. LIANG (Secretary to the Commission) confirmed that the records of the proceedings at the fifth session showed that the Commission had adopted its three articles on fisheries principally with a view to conserving the living resources of the sea. Part II of Mr. François' fourth report (A/CN.4/60)[3] on the regime of the high seas had been entitled "Resources of the Sea".

38. Article 1 did not differ materially from the second sentence of article 1[4] of the 1953 draft, because the "necessary measures" mentioned in the latter were precisely those calculated to "regulate and control fishing activities in such areas for the purpose of protecting fisheries against waste or extermination".

39. Article 2 of the 1953 draft contained a provision which did not appear in Mr. García Amador's draft, namely, the limitation to a distance of 100 miles from the coast of the right of the coastal State to participate on an equal footing in any system of regulation, even though its nationals did not carry on fishing in the area concerned.

40. The problem raised by Mr. Scelle, namely, that of the extent of the coastal State's jurisdiction in the matter of fisheries, must be settled in the light of the decisions that the Commission might adopt concerning the breadth of the territorial sea and of the contiguous zone. Only when those questions had been settled would it be possible to fix the distance up to which the coastal State would be entitled to enforce fishery measures on the high seas.

41. The suggestion that the Commission should revert to the 1953 text could not be regarded as an amendment to Mr. García Amador's article 1: the 1953 articles on fisheries had been formally adopted by the Commission. The Commission was discussing Mr. García Amador's proposals, and members would naturally draw upon the 1953 articles to support formulations different from those put forward by him.

42. The CHAIRMAN said that for practical reasons it

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[3] *Yearbook of the International Law Commission, 1953*, vol. II.

[4] A/CN.4/79, article 30.

was essential that the Commission should use a single text as a basis for discussion; at present, Mr. García Amador's draft articles served that purpose. Any proposal to revert to the 1953 text would therefore be in the nature of an amendment to those articles.

43. Mr. AMADO pointed out that Mr. García Amador's article 1 was one of several which were intended to replace article 1 of the 1953 draft on fisheries. It was therefore not possible to choose between the two, as Mr. García Amador's article 1 was necessarily more restricted in scope.

44. The central idea of the 1953 draft was that the State or States whose nationals were engaged in a particular ocean area should alone be concerned in the regulation of fisheries in that area. If, for example, Portuguese fishermen were engaged in fishing cod in a particular area, then Portugal was entitled to protect cod stocks against depletion and to enforce those measures against foreign fishermen.

45. Mr. García Amador's purpose was quite clear: he wished, in addition, to protect the coastal State against possible depletion of given fishery resources in the future, provided the coastal State had a genuine interest at stake, irrespective of whether at the present time the coastal State was actually engaged in fishing in the area. There was no doubt that for certain species of marine life the danger of depletion was very real. He recalled that, in his voyages from Brazil to Europe before the First World War, he had often seen whales in the North Atlantic where now there were none to be seen.

46. Mr. ZOUREK agreed with the Chairman that the Commission could not simultaneously discuss two texts, and therefore suggested that for the time being it confine itself to the draft articles submitted by Mr. García Amador and decide later what should be done with those adopted at the fifth session. If it had to reverse an earlier decision it would not be for the first time, and, moreover, in the present instance it had been expressly authorized by the General Assembly in resolution 900 (IX) to reconsider the question of fisheries in the light of the conclusions reached at the International Technical Conference on the Conservation of the Living Resources of the Sea.

47. The lengthy discussion which had developed on the two articles 1 was in his opinion largely unnecessary, since a careful perusal of the first sentence of article 1 of the 1953 text would reveal that there was no substantial difference between the two, the words "for the purpose of protecting fisheries against waste or extermination" making it plain that the scope of the former was restricted to the conservation of the living resources of the sea.

48. Mr. SCELLE could not agree with that interpretation of the Commission's text as a whole, though the words Mr. Zourek had quoted lent some colour to his thesis. It must be pointed out that article 3 of the 1953 text clearly referred to "any system of regulation of fisheries in any area of the high seas". Surely coastal States would envisage a system of regulation that embraced a great deal more than the protection of fishing resources pure and simple; indeed, it could not be otherwise in view of the numerous interests involved, particularly those associated with the exploitation of the continental shelf. If the provisions were to be restrictive in the sense suggested by Mr. Zourek, the arbitral tribunal contemplated in Mr. García Amador's draft would persistently reject any measures promulgated by the coastal State not strictly limited to conservation.

49. The CHAIRMAN said that he had learnt that there was a substantial body of opinion in the Commission in favour of referring the whole question of fisheries to a sub-committee with the same membership as the Drafting Committee. The sub-committee would be requested to submit a new compromise text in the light of the discussion which had taken place in plenary meeting. He suggested that that course be followed.[5]

*It was so agreed.*

50. Mr. SCELLE said that he would be unable to attend the meeting of the sub-committee that afternoon, a fact which he greatly regretted because he held very definite views and was fairly clear in his own mind as to the extent of the concessions he would have been prepared to make. However, in the circumstances the Commission should appoint a substitute for that meeting.

51. The CHAIRMAN invited Mr. Sandström to take Mr. Scelle's place at the meeting of the sub-committee that afternoon.

52. Mr. GARCÍA AMADOR suggested that in the meantime the Commission might continue its discussion, particularly on the controversial points, in order to clarify the situation a little further for the sub-committee.

53. Mr. SANDSTRÖM said that the sub-committee should consider whether Mr. García Amador's text would also cover the protection of whales, since it referred to "the living resources of the sea", whereas the Commission's own text had been restricted to the protection of fisheries.

54. Faris Bey el-KHOURI asked that the sub-committee make provision for any agreement reached on measures for conservation to be communicated to all States regardless of whether or not they were Members of the United Nations; otherwise the universal freedom to fish on the high seas might be prejudiced.

55. Mr. SCELLE maintained that the Commission must clearly define the scope it had intended to give to the provisions adopted at its fifth session. If they had one and the same objective as that of Mr. García Amador's draft articles—he himself. of course, held the opposite view—the two texts should be combined.

56. Mr. GARCÍA AMADOR said that, in view of his clear statement at the 296th meeting[6] concerning the

[5] See *infra*, 300th meeting, para. 1.

purpose of his draft, he had not thought it necessary to emphasize subsequently that it was designed exclusively to ensure the conservation of the living resources of the sea. However, in order to make the position perfectly plain, he would point out that conservation was mentioned in each paragraph of the preamble with the exception of the first, and, indeed, constituted the special feature of his draft. There could be no doubt that conservation had been precisely the problem which the Rome Conference had been convened to study.

57. Mr. FRANÇOIS (Special Rapporteur) disagreed with Mr. Scelle's interpretation, and did not consider that the words "for the purpose of protecting fisheries against waste or extermination" allowed of any possibility of doubt. In order further to substantiate his argument, he reminded Mr. Scelle that the three articles adopted by the Commission at its fifth session had originated in that part of his second report on the high seas (A/CN.4/42)[7] which had been devoted to the protection of the resources of the sea. From the outset, the whole issue had been considered from that angle.

58. Mr. HSU suggested that the Commission might proceed with the examination of the draft articles within the narrower framework proposed by Mr. García Amador. It could later consider whether the wider approach, of which Mr. Scelle was the exponent, was preferable.

59. Mr. SANDSTRÖM endorsed the Special Rapporteur's argument, which was further reinforced by the first sentence of paragraph 98 in the Commission's report on its fifth session.

60. Mr. SCELLE observed that, if the Commission decided that the two texts had precisely the same purpose, article 1 in Mr. García Amador's draft would have to be amplified to bring it into line with article 1 of the former.

61. Mr. SALAMANCA said that the fact that Mr. García Amador's text was an amendment to the articles adopted by the Commission was perhaps being overlooked. The sole important difference between the two was that the former took into account the special interests of the coastal State. In his opinion, it was the task of the sub-committee to combine the two texts to produce a single draft.

62. Mr. GARCÍA AMADOR pointed out that he had transposed the second sentence of article 1 in the Commission's text to make a separate article, because it enunciated a fundamental principle which was not at variance with international law. As the first sentence in the Commission's article 1 was somewhat indeterminate, and failed to define the meaning of conservation, he had, in the light of the conclusions reached by the Rome Conference, devoted the whole preamble to that definition. The remainder of his articles derived from the Commission's own draft.

63. Mr. ZOUREK said that the discussion had shown that most members of the Commission, including the Special Rapporteur, agreed with the restrictive interpretation of the articles adopted in 1953; the Commission would be well advised to reach a definite decision about the scope of the text to be adopted.

64. Mr. AMADO considered the discussion to have been useful in clearing the air, and did not think that any doubts would have arisen in Mr. Scelle's mind if he had read carefully the comment on the Commission's articles. Mr. García Amador had not gone any further in formulating principles which, it must be acknowledged, were new in international law except that he had mentioned the special interests of the coastal State.

65. Mr. SCELLE observed that he had in fact given very careful study to the comment, but had interpreted the word "regulations" in paragraph 98 of the 1953 Report of the Commission (A/2456) in its widest sense. Perhaps he had been mistaken, and he would therefore ask that the Commission formally decide that issue. If his conception was incorrect, then Mr. García Amador's draft articles did indeed constitute an amendment to those already adopted by the Commission and should be dealt with first. Their approval would extricate the Commission from the embarrassment of having to submit to the General Assembly two texts which conflicted on certain points.

66. Mr. SALAMANCA observed that the Commission might, in the light of modern developments, have to modify its earlier views about the procedure for the settlement of disputes and he wondered how that important question of substance could be decided by the sub-committee if it had no guidance from the Commission itself.

*It was decided by 7 votes to none, with 5 abstentions, that Mr. Scelle's interpretation of the scope of the articles adopted at the fifth session (A/2456) was incorrect.*

The meeting rose at 1 p.m.

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## 299th MEETING

*Thursday, 26 May 1955, at 10 a.m.*

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[6] 296th meeting, para. 19.

[7] *Yearbook of the International Law Commission, 1951*, vol. II.