Document:-
A/CN.4/SR.374

Summary record of the 374th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1956, vol. I

not recognize honorary consuls need not accept the chapter relating to them.

42. The question would be easier to solve if the codification were to be in the form of draft articles, as they would not have to be submitted to States for signature, or accession. He agreed, however, with Mr. Salamanca that it would be best to await the governments' final opinion, to prepare the codification in the form of a draft convention and then see whether the General Assembly would be willing to adopt it as a general convention. It it were not so willing, then it could take the form of a model treaty.

43. Mr. AMADO pointed out that certain countries attached very great importance to honorary consuls. Brazil had found its honorary consuls at Lausanne and Louvain, where there were several hundred Brazilian students, extremely useful. To codify the rules relating to honorary consuls would, however, be difficult and it would perhaps be even more difficult to make provision for them in a general convention. Yet the importance of honorary consuls in the general relations between States must not be overlooked. He himself could not decide at that stage whether it would be better to place the rules concerning them in a separate chapter, but their status should be defined in two or three rules.

44. Mr. FRANÇOIS said that the Netherlands attached the very greatest importance to the question of honorary consuls, as it had appointed only twenty career consuls, but five hundred honorary consuls. Any proposal that honorary consuls should be transferred to the career service could not be entertained. It was not merely a question of expense. The Netherlands needed consuls in all the ports in the world, even the smallest, but as a career consul in one of the smallest ports would not have enough work, a person was appointed who already had some other employment.

45. The Special Rapporteur had not correctly posed the question of honorary and career consuls. Whether a consul was regarded as an honorary or a career consul was purely a domestic matter. There were only two essential differences between them: training and remuneration. A career consul obtained his post by examination and received a fixed salary, whereas an honorary consul was not appointed by examination and did not receive a fixed salary.

46. If, on certain points, the legal status of honorary consuls seemed to differ from that of career consuls, it was due to the fact that certain general rules—on nationality, the exercise of other professions, etc.—applied in practice only to honorary consuls. In several consular treaties there were no special provisions for honorary consuls, and generally speaking, the rules they formulated covered, theoretically, both categories. So far as he was aware, no State refused to recognize honorary consuls merely on the ground that they were not career consuls.

47. Accordingly, he must take issue with the whole basis of the Special Rapporteur's third question.

48. Mr. SPIROPOULOS observed that the point brought out by Mr. François showed that the Special Rapporteur would have to make a very thorough examination of the question. The Special Rapporteur had obviously not intended to deny the existence of honorary consuls and their rights, as was clear from his question whether the draft articles on consular intercourse and immunities should include provisions concerning honorary consuls. He appreciated Mr. François' point, since small countries could not afford many career consuls, but he was not at all sure that their legal status was precisely the same as that of honorary consuls. The latter did not enjoy the same immunities as career consuls, who to some extent were afforded the same rights as diplomats. He hoped that the Special Rapporteur would be able to say at the next session to what extent honorary consuls also enjoyed such immunities.

49. Faris Bey el-KHOURI observed that the whole problem lay in the distinction as regards immunities and exemptions, and that must guide the Commission. Many States were unwilling to grant such immunities and exemptions to honorary consuls having the nationality of the State to which they were accredited.

50. Mr. SANDSTRÖM remarked that the topic of consular intercourse and immunities bore some relation to that of diplomatic intercourse and immunities, for which he was the Special Rapporteur. In dealing with diplomatic immunities in his report, he had touched on the question of the possibility of appointing agents of the nationality of the country to which they were accredited, and had proposed that they should be afforded a special type of immunity, in accordance with the present rules of international law. He had not, however, examined the position of consuls, since they received very restricted immunities.

51. Mr. AMADO agreed that honorary consuls were of great importance, but he could not at that stage attach quite so much importance to them as Mr. François did. The Special Rapporteur himself had not yet come to a decision. There were obvious differences between career and honorary consuls with regard to immunities and privileges. He could not entirely agree that no distinction should be drawn between the two types of consul as the matter was not so simple as Mr. François contended.

The meeting rose at 1.05 p.m.

374th MEETING

Monday, 25 June 1956, at 3 p.m.

CONTENTS

Chairman: Mr. F. V. GARCÍA-AMADOR.
Rapporteur: Mr. J. P. A. FRANÇOIS.

Present:

Members: Mr. Gilberto AMADO, Mr. Douglas L. EDMONDS, Sir Gerald FITZMAURICE, Mr. Shuhsi HSU, Faris Bey el-KHOURI, Mr. S. B. KRYLOV, Mr. Radhabinod PAL, Mr. Carlos SALAMANCA, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jean SPIROPOULOS, Mr. Jaroslav ZOUREK.

Secretariat: Mr. LIANG, Secretary to the Commission.

Consular intercourse and immunities (A/CN.4/98) (item 5 of the agenda) (*continued*)

3. *Honorary consuls* (continued)

1. The CHAIRMAN invited the Special Rapporteur to reply to the points raised at the previous meeting on the third question in connexion with his report on consular intercourse and immunities.

2. Mr. ZOUREK, Special Rapporteur, said that it would expedite the work if the Commission could agree on a definition of " honorary consuls " or " *consules electi* ". As a general rule such consuls were chosen from persons already resident in the country of their duties and performed them in addition to some gainful activity. They could be nationals either of the country of residence, or of the appointing State or of a third State. According to Mr. François, the difference between career consuls and honorary consuls was slight, consisting mainly in the fact that honorary consuls were not recruited by examination, had no special training, and were unpaid. In his opinion, however, the essential difference was that career consuls were bound by a contract of service to the State which sent them, whereas honorary consuls were not and were consequently not subject to the same discipline. The question of payment was not decisive. An official could be regularly appointed and yet unpaid. A career consul remained a career consul, even though the State which appointed him might pay him none or only part of the usual emoluments. The municipal laws of certain countries lent support to his view of the nature of an " honorary consul ". Article 4 of the Finnish Consular Act of 1925, for instance, divided consuls into career consuls, whether paid or unpaid, and others chosen on the spot. The fact that, under the law of some countries, career consuls were allowed to engage in gainful activity in addition to their consular duties might appear to render the difference between the two categories very slight, but that was only an appearance, for career consuls were still officials.

3. Honorary consuls, owing to their different legal status and relation to the State of reception, did not enjoy the same privileges and immunities as career consuls. They generally enjoyed no immunity of jurisdiction, except with respect to acts performed in the course of their duties. They enjoyed no immunity from arrest or detention and no special treatment with regard to liability to subpoena. They were not exempt from taxation or from the payment of customs duties. Career consuls engaged in gainful activity in the country of reception were not exempted from customs duties either, but that did not affect the fundamental difference between the two categories. In view of the special status of honorary consuls, he thought it advisable to devote a special chapter to them in the report he proposed to prepare.

4. Sir Gerald FITZMAURICE said that, while he to a large measure agreed with the considerations put forward by Mr. François at the previous meeting,[1] he agreed with the Special Rapporteur that a special section was required to deal with the respects in which honorary consuls differed from career consuls. The essential difference between the two categories was not so much that one was " honorary " and the other " career ", since honorary consuls, though not permanent officials, were in the temporary service of the State they represented, but rather that honorary consuls were normally of the nationality of the country of residence—a fact which might give rise to differences in the personal or semi-personal treatment which the local government was obliged to extend to them. In that respect their position was not unlike that of diplomatic officers appointed from nationals of the country of reception.

5. Mr. FRANÇOIS doubted whether it would be possible to produce a satisfactory special chapter on honorary consuls, as there were so many different types. Some honorary consuls were sent from their country of nationality, just like career consuls, but had no special training and received no pay. Incidentally, the Special Rapporteur's distinction between officials and non-officials did not apply in the case of the Netherlands, which regarded all honorary consuls as officials. The undoubted differences in the privileges and immunities accorded to various types of consul depended not on whether they were honorary or career consuls, but on whether they engaged in gainful activity in addition to their consular duties. That it was impossible to draw any clear distinction between the two categories was suggested by the existence of conventions which made no separate mention of them. In the convention between the Netherlands and the United Kingdom, for instance, consuls were distinguished only according to whether they engaged in any other activity and whether or not they were nationals of the appointing State.

6. Mr. SPIROPOULOS observed that, whatever view one took, it was obvious that the Commission was confronted with a complex problem which would require close study.

7. Mr. ZOUREK, Special Rapporteur, replying to Faris Bey el-Khouri,[2] said that honorary consuls did not and could not enjoy the privileges and immunities attaching to the position of a career consul. Irrespective of their nationality, they were by definition chosen on the spot and always domiciled in the State of reception. International law did not recognize their entitlement to any immunity other than that of jurisdiction for acts performed in the course of their duties, and even that

[1] A/CN.4/SR.373, paras. 44-46.
[2] A/CN.4/SR.373, para. 49.

immunity attached not to the consul personally, but to the sovereignty of the appointing State.

8. He had been interested by Mr. François' statement that, under Netherlands law, honorary consuls were regarded as State officials. From the standpoint of international law, however, such so-called honorary consuls should be regarded as career consuls and, he thought, accorded the same treatment.

9. Mr. AMADO said that he could not see how persons not of the nationality of a particular State, and not resident in that State, could nevertheless be regarded as officials of that State. It would be impossible to take any disciplinary measures against them.

4. *Consular representatives*

10. Mr. ZOUREK, Special Rapporteur, turning to his fourth question, said that it would save a great deal of confusion and minor disputes if consular representatives were properly classified in the same way as diplomatic agents had been for well over a century. A classification similar to that he suggested was to be found in many bilateral conventions and in the national legislation of numerous countries. Though all countries had the first three classes: consuls-general, consuls and vice-consuls, the fourth class, " consular agents ", was not recognized by all legislations. In some countries that fourth category of consular representative was either not found at all or bore a different title. In Switzerland, for example, it appeared under the name of " consular attachés ".

11. The existing terminology was somewhat confusing. The term " consular agent " was used for various purposes: as a generic term covering all types of consul—in the Havana Convention of 1928 on consular agents, for example; to describe officials put in charge of minor posts and appointed not by the government but by the resident consul-general, the consul, or even the vice-consul; and to designate what were generally known as honorary consuls, as in the French Ministerial Order of 1833. In view of such confusion, it would be a great improvement if the Commission recommended the use of the term " consular representatives " instead of " consular agents " to describe consuls in general. The proposed classification naturally applied only to heads of consular offices and in no way affected the hierarchy established by the various countries within their own consular services.

12. Mr. FRANÇOIS said that, while he agreed in principle with the Special Rapporteur, he wondered whether a different term could be found for the fourth category. The term " consular agent " generally embraced all categories of consul, the term " consular attaché " being usually applied to the fourth.

13. Mr. AMADO said that in Brazil a term corresponding to " consular assistant " was used to describe the fourth category. Such persons could be either nationals or foreigners, and, if foreigners, were not recruited by examination but merely required to produce evidence of moral and professional qualifications.

14. Sir Gerald FITZMAURICE said that the first three categories undoubtedly existed in the administration of all countries and should be included in the classification. He agreed with the idea of establishing a fourth category provided it covered a large variety of officials. Different countries adopted different systems and nomenclatures and he understood that some services had a category of pro-consuls. Since use of the words " consular agent " as a generic term would lead to confusion, he would prefer another expression.

15. Mr. SANDSTRÖM agreed with Mr. François on the desirability of finding another term for the fourth category, although in some languages, such as German and Swedish, the term " consular agent " was not liable to be misunderstood.

16. Mr. ZOUREK, Special Rapporteur, reiterated his proposal that the Commission recommend that the expression " consular representative " be used as the generic term for all consular officers, and the expression " consular agent " reserved for the fourth category. The term " consular agent " was already used in a large number of treaties and national regulations to describe the fourth category and adoption of another term would create serious difficulties. It should, on the other hand, be possible to secure acceptance of the title " consular representative " as a generic term. It was to be found in international instruments, such as the conventions of 1920 between Denmark and Finland, and Germany and Finland, the Provisional Agreement of 1936 between Afghanistan and the United States of America and the Convention on Consular Representatives between Chile and Sweden. If, however, the Commission preferred the expression " consular agent " as a generic term, it would first be necessary to see whether States were willing to adopt it. He would, at all events, include in his report a paragraph on the defects of existing terminology.

5. *Consular duties*

17. Mr. ZOUREK, Special Rapporteur, turning to his fifth question, said that the exact scope of consular duties was not defined by general international law. Some duties, such as the protection of trade, activities in connexion with shipping and assistance to nationals, were already recognized by customary international law. Others were based only on bilateral agreements, national legislation or usage.

18. The purpose of his question was to discover whether the Commission thought it advisable in the present state of international law to attempt to codify the duties of consuls at all. So far, the bodies concerned with the codification of international law in respect to consuls had not ventured to do so. The Havana Convention on Consular Agents of 1928 merely stipulated in article 10 that " Consuls shall exercise the functions that the law of their State confers upon them without prejudice to the legislation of the country in which they are serving. " The sub-committee of the League of Nations Committee of Experts on the Progressive Codification of International Law had reported that it did " not think it necessary to define the functions of consuls by way of a convention, because these functions are perfectly well known and do not give rise to any disagreement, and because the determination of such functions is rather a matter of domestic law, since each State is alone able to determine the func-

tions of its own officials ".[3] The Committee of Experts itself, in a less categorical statement, had nonetheless deferred consideration of the question.

19. While it was always possible to codify the question by collating the points on which the various conventions and national regulations were agreed, which was the method followed in preparing article 11 of the Harvard draft, he thought it would be unwise to attempt to fix the duties of consuls of all States in a rigid formula. The nature of a consul's duties depended on the economic life of the State he represented and would differ according to whether it was a maritime or inland country or whether it maintained economic missions abroad. Feeling it wiser to leave the matter as it had been regulated so far, namely, by international conventions and national law, he had prepared a draft text on the subject, merely as a statement of principle. Naturally the national law of the sending State must not conflict with international law. For example, consuls authorized under the national law of the sending State to celebrate marriages and act as conciliators or arbitrators between their nationals could do so only when the law of the State to which they were appointed permitted, since otherwise such acts would constitute an encroachment on that State's territorial sovereignty.

20. Mr. FRANÇOIS said that the Commission must surely have envisaged that the draft would contain something about the scope of consular duties, which was one of the most important subjects of the topic under discussion. The Special Rapporteur, who was apparently intending to restrict the draft to consular privileges and immunities, had himself admitted that there was a wide divergence of opinion over the nature of consular duties which, as he had pointed out, were defined by agreements between States. That being so, the wording he had proposed on the subject could not suffice, and a model treaty containing no provision about such consular functions would be defective. He therefore hoped, despite the difficulty of such as task, that the Special Rapporteur would at least attempt to frame such a provision.

21. Mr. SPIROPOULOS agreed with Mr. François, because a model treaty must be capable of replacing existing agreements. A possible solution might be to allow reservations to the clauses relating to consular duties so that in that respect existing agreements would remain in force.

22. Mr. KRYLOV believed that the value of the draft would be greatly diminished if it did not deal with the vitally important question of consular duties. They were very varied in nature and needed to be systematized.

23. Sir Gerald FITZMAURICE agreed, but pointed out that in a sense the Special Rapporteur was right, because many consular functions had not originated in a specific agreement between two States but had resulted from certain duties being given to consuls by the law of the appointing country, the discharge of which had not been prohibited by local laws. However, he shared the opinion that a model treaty must contain clauses relating to the general nature of consular functions, as distinct from certain specific duties, because much of the law on consular privileges and immunities revolved round those functions.

24. Mr. SANDSTRÖM said that if the draft were to take the form of a model treaty, a form which the Special Rapporteur had apparently not contemplated at the outset, some mention must be made of consular duties though they could not be fully enumerated. It would then be more appropriate to specify that they were determined rather in conformity with international custom than with international law.

25. Mr. SCELLE pointed out that, for many centuries, consuls had exercised a kind of independent jurisdiction because of the need for regulating the relations between the nationals of one country when abroad. That essential feature of consular intercourse should occupy an important place in a model treaty because international law had not only to regulate relations between States, but also between individuals. It was essential that the duties of consuls should be defined by international law since there were many matters for which existing treaties did not legislate.

26. Faris Bey el-KHOURI said that numerous new States which had recently come into existence looked to the Commission for detailed guidance on consular duties and functions. He was therefore convinced that the draft should be as comprehensive as possible without being restrictive.

27. Mr. ZOUREK, Special Rapporteur, said that he had perhaps not made it sufficiently clear in his introductory remarks that he intended to devote the first part of his report to consular intercourse and the second part to consular immunities.

28. With regard to Mr. François' point, it was, of course, possible to include an article listing consular duties as established in conventions, bilateral agreements and national legislations. They included, among others, the general protection of trade interests, certain functions connected with maritime questions, assistance to aircraft, the issue of visas and passports, legal assistance to foreigners, certain services connected with the income of nationals resident in the country concerned, the duties of a civil registrar such as the celebration of civil marriages, registration of nationals, notarial functions, the settlement of inheritances abroad, guardianship, the settlement of problems connected with nationality, attestation of documents and certain arbitral and conciliatory functions.

29. The important question was whether such a codification of consular duties would be well received by governments. In due course their comments would show whether they would be disposed to accept an article of that kind in a general convention of whether they would prefer something less rigid. As regards form, he still maintained that the ultimate object should be codification by means of a multilateral convention, if feasible, because that was the only means of synthesizing all the principles involved. If a general convention obtained support,

[3] League of Nations Publications: A.15. 1928. V. [C.P.D. I 117 (I)], p. 14.

there was a disadvantage in adding an article codifying consular duties in a model treaty, because it might have a restrictive effect in those countries where the duties had grown up by custom. However, that question could be settled when the Commission discussed the whole subject in greater detail.

6. *Relationship between the rules contemplated and previous consular conventions*

30. Mr. ZOUREK, Special Rapporteur, coming to his sixth and last question, believed that in spite of the Secretary's scepticism about the possibility of States accepting a general convention, the Commission should not abandon all hope from the start because such a convention, if feasible, would be the quickest method of achieving a general codification. If, in due course, the comments of governments showed that the hope was a vain one, then the draft articles might serve as a model. Personally, he thought that there was no *a priori* reason why a general convention should not be acceptable to all States, which were already bound by numerous consular conventions or bilateral agreements. Clearly, the content of the draft and the method of work would depend on whether the draft was intended to replace all existing agreements or not. In order to ensure the success of codification it was necessary to lay down that those specific agreements would remain valid and that the general convention would only regulate questions not dealt with in earlier instruments. But, of course, States would be free to abandon the latter in favour of the general convention.

31. Mr. SPIROPOULOS considered that the question should be left open for the time being.

32. There being no further comments, Mr. ZOUREK, Special Rapporteur, thanking members for their observations, concluded that he should prepare draft articles suitable for presentation in the form of a general convention. Once the comments of governments had been obtained, the Commission could take a final decision on the form which the articles should take. He would include a clause concerning the scope of consular duties, about which he had expressed certain reservations during the present discussion, and it would be for the Commission to decide later whether his definition was acceptable. With regard to other points, he would take members' views into consideration without necessarily following them.

The CHAIRMAN *declared the discussion on consular intercourse and immunities closed.*

Consideration of the Commission's draft report covering the work of its eighth session (A/CN.4/L68 and Addenda thereto)

33. The CHAIRMAN invited the Commission to consider the draft report covering the work of its eighth session (A/CN.4/L.68 and Addenda thereto).

34. Mr. FRANÇOIS, Rapporteur, introducing the draft report, suggested that, as the section containing an account of the discussions on items 3, 5 and 6 was not yet complete, the Commission might first take up chapter II, which dealt with the law of the sea. Since it had been decided to submit a comprehensive report to the General Assembly concerning all the Commission's work on that topic over the past years, he had incorporated any material from former reports necessary for an understanding of the final text, so as to save members of the General Assembly from having to refer to earlier documents. Where texts previously adopted had been modified he had given reasons, because without such explanations the value of the final text would be considerably impaired. He had adhered, perhaps somewhat more extensively, to the Commission's practice of making it clear when the decision on an important issue had not been unanimous, indicating what had been the view of the minority, in the hope that that would reduce to a minimum the number of reservations entered by members.

35. As the Commission had not yet had an opportunity of examining the texts of those articles which had been referred to the Drafting Committee, they might be presented by its chairman with an explanation of the changes made, after which he himself could introduce the texts of the comment.

36. Mr. KRYLOV said that the Rapporteur was right to have drawn attention to the fact that the Commission was following a somewhat irregular procedure. It should first have approved the texts submitted by the Drafting Committee and then have considered the draft report as a whole, including the commentary. However, he was aware that the exigencies of time made it difficult to carry out the work in two stages, and would therefore make no formal objection.

37. Mr. PAL suggested that it would expedite consideration of the draft report if it were agreed that the sole purpose of such consideration was to ensure that the views of the majority of the Commission were accurately reflected and that in voting for or against any article or passage in the report members were not indicating their agreement or disagreement with the substance of that article or passage, but merely whether or not it did in their opinion reflect the majority view accurately.

38. The CHAIRMAN pointed out that the majority of the articles had already been approved by the Commission. For the remainder, the Drafting Committee had in certain cases simply been instructed to make a change which the Commission had agreed was necessary. Finally, there were a very few cases in which the Drafting Committee had been instructed to re-draft the article in order that the Commission might see how an idea expressed by one or more of its members would appear in the text. It was only on those articles that it was necessary for the Commission to vote, although any member could of course request a vote on any article or passage in the report with regard to which he wished to record a reservation. He then invited the Commission to consider the draft report paragraph by paragraph.

Chapter II: Law of the Sea

Introduction (A/CN.4/L.68/Add.1)

39. In response to an observation by Mr. SANDSTRÖM concerning the layout of the introduction, the CHAIRMAN and Sir Gerald FITZMAURICE suggested that subheadings reading " Regime of the high seas ", " Re-

gime of the territorial sea " and " Scheme of the present report " be inserted after paragraphs 1, 8 and 15 respectively, while Mr. EDMONDS suggested that paragraph 17 be inserted after paragraph 1, before the first subheading.

It was agreed that it should be left to the Rapporteur to decide the final layout of the introduction, in the light of the various comments and suggestions made.

40. The CHAIRMAN proposed that, in paragraph 7, a suitable reference be made to the fact that, in considering the regime of the high seas at its seventh session, the Commission had taken into account the report of the International Technical Conference on the Conservation of the Living Resources of the Sea (" the Rome Conference ").

It was so agreed.

41. Sir Gerald FITZMAURICE, referring to paragraphs 19 and 20, conceded that, with the law of the sea, it was probably difficult to maintain a clear distinction between the codification and the progressive development of international law, but felt that was much less true of other items on the Commission's programme of work. Such being the case, paragraph 20 was worded in an unnecessarily general way.

42. Mr. EDMONDS felt that the first sentence of paragraph 20, which stated that " the Commission has become more and more convinced that the very clear distinction established in the Statute between these two activities cannot be maintained in practice ", was in any case too categorical. The words " cannot be maintained in practice " should be replaced by " is difficult to maintain ".

43. Mr. FRANÇOIS, Rapporteur, accepted that amendment, to which could be added the words " especially as regards the law of the sea ", in order to meet the point made by Sir Gerald Fitzmaurice.

44. Mr. ZOUREK felt that, in view of the Commission's insistence in previous reports that rules or articles approved by it expressed the existing law, the last sentence of paragraph 20, which stated that the Commission had abandoned the attempt to distinguish between articles which came within the category of codification and those which came within the category of progressive development, should also be toned down.

45. Mr. SANDSTRÖM agreed with Mr. Zourek. The last sentence of paragraph 21, which stated that " in general the rules adopted by the Commission will not have the desired effect unless they are confirmed by a convention ", was open to the same objection, that it went too far.

46. Mr. FRANÇOIS, Rapporteur, recalled that the idea of a clear distinction between the codification and the progressive development of international law had been most warmly defended within the Commission by Sir Hersch Lauterpacht, but that the Commission as a whole had been increasingly reluctant to follow him in that direction and had finally abandoned the idea altogether. In the present report, he, as Rapporteur, had accordingly taken it on himself to omit all reference to whether a particular article was *lex lata* or *lex ferenda*, even where such reference had appeared in the Commission's previous reports. Having done so, however, he felt it was imperative to explain why the Commission had changed its practice.

47. Sir Gerald FITZMAURICE agreed that the Commission should not attempt to indicate whether each article approved by it was *lex lata* or *lex ferenda*. It was going too far, however, to say that all attempts to distinguish between the codification and the progressive development of international law must be abandoned. There was a distinction between the two, although it might not always be possible to say exactly where it lay. The point which the Rapporteur wished to make appeared to be made adequately in the first part of paragraph 20, and the last sentence might well be deleted.

48. Mr. FRANÇOIS, Rapporteur, felt that at any rate the first part of that sentence must be retained, in order to show why the Commission had gone back on its previous practice.

49. Sir Gerald FITZMAURICE suggested that in that case, the first part of the sentence in question be amended to read: " At first the Commission tried to specify which articles were in the one category and which in the other, but has had to abandon the attempt."

50. Mr. PAL opposed the deletion of the second part of the last sentence in paragraph 20, since it was necessary in order to explain the first part.

It was agreed that the Rapporteur should re-draft paragraph 20 in the light of the various observations and suggestions which had been made.

The meeting rose at 6.10 p.m.

375th MEETING

Tuesday, 26 June 1956, at 10 a.m.

CONTENTS

Chairman: Mr. F. V. GARCÍA-AMADOR.
Rapporteur: Mr. J. P. A. FRANÇOIS.

Present:

Members: Mr. Gilberto AMADO, Mr. Douglas L. EDMONDS, Sir Gerald FITZMAURICE, Faris Bey el-KHOURI, Mr. S. B. KRYLOV, Mr. Radhabinod PAL, Mr. Carlos SALAMANCA, Mr. A. E. F. SANDSTRÖM, Mr. Jean SPIROPOULOS, Mr. Jaroslav ZOUREK.

Secretariat: Mr. LIANG, Secretary to the Commission.