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Summary record of the 382nd meeting

Topic:
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INTERNATIONAL LAW COMMISSION

SUMMARY RECORDS OF THE NINTH SESSION

Held at the Palais des Nations, Geneva, from 23 April to 28 June 1957

382nd MEETING

Tuesday, 23 April 1957, at 3 p.m.

Chairman: Mr. Francisco V. GARCIA AMADOR;
later: Mr. Jaroslav ZOUREK.

Opening of the session

1. The CHAIRMAN declared the ninth session of the International Law Commission open.
2. He welcomed the newly-elected members of the Commission: Mr. Ago, Mr. Bartos, Mr. El-Erian, Mr. Khoman, Mr. Matine-Daftary, Mr. Tunkin, Mr. Verdross and Mr. Yokota. The session, he said, was opening on a note of optimism, the United Nations General Assembly having been practically unanimous in declaring the Commission's work on the law of the sea to be the most valuable contribution so far made to the subject. The Commission's proposal that an international conference of plenipotentiaries be convoked to examine the law of the sea had been adopted by the Assembly, and a tribute had been paid to the work of the Special Rapporteur, Mr. François, who had represented the Commission during the discussion of its report in the Sixth Committee.
3. Mr. LIANG (Secretary to the Commission), after recalling the circumstances in which it had been decided to increase the membership of the Commission, extended a cordial welcome to the new members on behalf of the Secretary-General.

Election of Officers

4. The CHAIRMAN called for nominations for the offices of chairman, first and second vice-chairman and rapporteur.
5. Mr. FRANÇOIS proposed Mr. Zourek for the office of chairman, Mr. Pal for first vice-chairman, Mr. Padilla Nervo for second vice-chairman and Sir Gerald Fitzmaurice for rapporteur.
6. Mr. SANDSTRÖM seconded the nominations.
Mr. Zourek was unanimously elected Chairman.
Mr. Pal was unanimously elected First Vice-Chairman.
Mr. Padilla Nervo was unanimously elected Second Vice-Chairman.
Sir Gerald Fitzmaurice was unanimously elected Rapporteur.
Mr. Zourek took the Chair.

Statement by the Chairman

7. The CHAIRMAN thanked the members of the Commission for the honour done to him, and on their behalf congratulated the retiring Chairman on the able manner in which he had filled his office.

8. The Commission had several texts before it for consideration, and he hoped that during the session at least one draft would be prepared for submission to Governments and two others adopted on first reading.

Adoption of the agenda (A/CN.4/105)

9. The Chairman invited the members of the Commission to give their views, first on the content of the agenda and then on the order in which the items should be studied.
10. In the absence of any observations on the content of the agenda, he suggested the following order of discussion for the various items: Diplomatic intercourse and immunities. Arbitral procedure, Law of Treaties, State responsibility, and Consular intercourse and immunities, the remaining business items to be dealt with at the most convenient opportunity.
11. Mr. FRANÇOIS proposed that since, under General Assembly resolution 989 (X), the report on arbitral procedure was not to be submitted to the General Assembly until 1958, that item be placed last.
12. Mr. LIANG, Secretary to the Commission, observed that the discussion of the Commission's draft convention on arbitral procedure at the tenth session of the General Assembly had put the question in an entirely new light. The Special Rapporteur, Mr. Scelle, would no doubt wish to make an oral report on the comments made at that session in addition to his written report.¹ That being so, the best course would perhaps be to hold a general discussion early in the Commission's session on the manner in which the item should now be handled by the Commission.
13. Mr. SCELLE said that the law of treaties would seem to have priority in the Commission's work. What he had to say on the discussions at the tenth session of the General Assembly would not take very long. It was his intention merely to propose that, instead of framing a draft convention which would run very little chance of adoption by States, the Commission should establish a model text on arbitral procedure to which States could refer whenever they desired.
14. Mr. FRANÇOIS accepted the Secretary's suggestion.
15. The CHAIRMAN said that, bearing in mind the suggestion made by the Secretary to the Commission, the Chairman's proposal concerning the order of discussion of the agenda items would be considered as adopted, if there was no objection.

It was so decided.

The agenda (A/CN.4/105) was adopted.

The meeting rose at 3.40 p.m.

¹ Later issued as document A/CN.4/109.