UNITED NATIONS

GENERAL ASSEMBLY

GENERAL

A/AC.48/SR.31
8 January 1952

ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Dual Distribution

COMMITTEE ON INTERNATIONAL CRIMINAL JURISDICTION

First Session

SUMMARY RECORD OF THE THIRTY-FIRST MEETING

held at the Palais des Nations, Geneva,
on Friday, 31 August 1951, at 10 a.m.

CONTENTS:

Present:

Chairman:	Mr. MORRIS
Members:	
Australia	Mr. WYNES
Brazil	Mr. AMADO
China	Mr. WANG
Cuba	Mr. VALDES ROIG
Denmark	Mr. SORENSEN
France	Mr. LACHARRIERE Mr. PINTO
Iran	Mr. KHOSROVANI
Israel	Mr. ROBINSON Mr. COHN
Netherlands	Mr. ROLING
Pakistan	Mr. MUNIR
Syria	Mr. TARAZI
United Kingdom of Great Britain and Northern Ireland	Mr. JONES
United States of America	Mr. MAKTOS
Uruguay	Mr. PINEYRO CHAIN

Secretariat

Mr. Liang	Secretary to the Committee

1. CONSIDERATION OF THE COMMITTEE'S DRAFT REPORT TO THE GENERAL ASSEMBLY, PREPARED BY THE RAPPORTEUR (A/AC.48/L.18, A/AC.48/L.18/Corr.1 and 2, A/AC.48/L.18/Add.1, A/AC.48/L.18/Add.1/Corr.1 and 2, A/AC.48/L.18/Add.2).

1. Mr. SORENSEN (Denmark), Rapporteur, introducing the Committee's draft report to the General Assembly, explained that the reason why it had been circulated in piecemeal fashion was that the Committee had taken various decisions after the first draft had been written, which had made corrections necessary.

2. Various corrections still remained to be made to the draft report. In his view, there were problems on which not only the final decision of the Committee, but also the decisions in the preliminary stages of the discussion should be recorded. That was particularly true of articles embodying several concepts. Where an article embodied only one concept, the report would record the final vote only. The order in which subjects would be taken up in the draft report had not finally been settled, but should, he thought, conform as closely as possible to the order of the articles in the draft statute. Finally, all articles mentioned in the draft report would be numbered in accordance with the final version of the draft statute. He would amend the text accordingly, unless the Committee decided otherwise.

3. The CHAIRMAN paid tribute to the Rapporteur for the impartiality and excellence of the draft report, which seemed to him to reflect faithfully the Committee's discussions. Members had been requested to submit any amendments they desired to make to the draft report. No vote would be taken on the report as a whole, which would be considered as approved after a decision had been taken on any individual amendments introduced.

4. Mr. ROLING (Netherlands) associated himself with the Chairman's tribute to the Rapporteur for his excellent draft report. He had, however, an additional sentence to suggest, to make good what seemed to him an omission in the draft report, and which he had endeavoured to frame in the same spirit of impartiality as displayed by the Rapporteur.

5. At the beginning of the session, certain members had claimed that the time was not ripe for the creation of an international criminal jurisdiction. By making that claim, they had expressed, as it were, disbelief in the significance of the Nuremberg Trial, which had marked a turning point in international relations, not because certain persons had been sentenced after an international trial, but because the new and revolutionary concept had been adopted of individual responsibility towards the international community. The very essence of both the Nuremberg and the Tokyo Trials was indeed that obedience to individual States had been superseded by responsibility towards the community of peoples.

6. No one had as yet drawn all the conclusions that could be drawn from that concept, and its consequences were as yet only dimly perceptible. One of them was, however, the possibility of creating an international criminal jurisdiction. It was realized by some that, while such jurisdiction would not materialize without great difficulty, it was not impossible to bring it about on a limited scale, the limitation being imposed by the facts that people lived under the rule of national sovereignty, and that the concept of national sovereignty had a very real influence on any decision as to what law was and how it should be developed. Nevertheless, some members of the Committee had expressed their faith in an international criminal jurisdiction. He found, however, that that faith was not adequately reflected in the draft report; it seemed to him that there should be some mention of that group of members which had worked for the realization of something they believed in.

7. The members favouring the establishment of an international criminal court had favoured a court of limited extent, with narrowly defined functions; for it was realized that to go beyond such a limited framework at the present juncture would militate against the establishment of the court. Those who had opposed an international criminal court, however, had on various occasions contended that criminal jurisdiction should have a wider scope than those in favour of its institution considered either possible or desirable in the initial stages. Indeed, the Rapporteur, who had doubted the possibility of establishing an international criminal jurisdiction[1] had himself stated at the 6th meeting, that the stage had now

(1) Summary Record of the 2nd meeting (A/AC.48/SR.2), paragraph 41

been reached when an organ of the United Nations could and should bring a criminal accused of a major crime under international law before an international criminal court, even if the State of which that criminal was a national opposed such a proceeding (1). There were other similar cases with the recapitulation of which he would not take up the time of the Committee. He felt, however, that the situation deserved mention in the report, and he accordingly proposed the following addition at the end of paragraph 10:

> "Other members expressed the conviction that an international criminal jurisdiction was possible (in the sense that it could be realized), and that it was desirable (in the sense that the advantages of such realization outweighed the disadvantages), but only on a very limited scale - on such a limited scale indeed that those members who had begun by expressing to the Committee their general disbelief in any international criminal jurisdiction in fact when it came to a specific topic, expressed their opinions in favour of a more extended jurisdiction and voted accordingly."

8. He did not insist upon the precise wording of his amendment. If the general idea contained in it was acceptable to the Committee, the Rapporteur could perhaps word it more appropriately.

9. Mr. PINTO (France) associated himself with the compliments paid to the Rapporteur on the objectivity of the draft report.

10. Referring to the Netherlands representative's proposal, he said that, in his opinion, it would be useful to state in the report that some members of the Committee had considered that the establishment of an international criminal court with limited powers was both possible and desirable. It did not, however, seem to him advisable to add to that concept any statement that might be interpreted to mean that members had not been entirely consistent in their views throughout the session.

11. Mr. ROBINSON (Israel) expressed his appreciation of the scholarly and impartial draft report prepared by the Rapporteur.

---

(1) Summary Record of the 6th meeting (A/AC.48/SR.6), paragraph 31.

12. He agreed with the French representative that the second part of the Netherlands amendment was unacceptable. The inference to be drawn from it was that the group of members who had opposed the establishment of an international criminal court had been lacking in consistency. He even doubted the advisability of including the first part of the amendment: all that really was required, if anything, was a sentence to the effect that, although a group of members had opposed the establishment at that stage of an international criminal court, they had yet co-operated with the Committee in working out the draft statute. In his view, such a sentence would satisfy the Netherlands representative and eliminate any criticism of any members, implied or explicit.

13. Mr. AMADO (Brazil) fully understood the point of the Netherlands representative's remarks and the importance he attached to the establishment of the court.

14. He himself had come to the Committee in a very pessimistic frame of mind. All his previous training had led him to doubt the advisability of setting up an international criminal court at a time when the Great Powers were at loggerheads and in conflict over principles and facts. That state of mind, which he had made known to the Committee at the outset, had resulted in his playing the part of a spectator rather than that of a collaborator in the Committee's work.(1)

15. However, the intellectual efforts made and the moral good will shown by the members of the Committee, who, under the leadership of their eminent Chairman, had gradually evolved a project that might well be acceptable to governments, had brought him to the conclusion that the change in the attitude of those members of the Committee to whom the idea of setting up the court had originally been repugnant, had been due, not to inconsistency, but to evolution.

16. He himself had come to welcome the success of a task he had considered hazardous, and to be happy to see an apparently chimerical dream take on constructive shape.

(1) See Summary Record of the 2nd meeting (A/AC.48/SR.2), paragraphs 25 to 33.

17. He considered, therefore, that the addition proposed by the Netherlands representative accurately reflected what had occurred.

18. Mr. JONES (United Kingdom), speaking to the Netherlands amendment, said that he could have voted for the draft report as it stood; if the Netherlands amendment were incorporated in it, however, he would have no option but to vote against it, for that amendment contained an implicit criticism of his delegation.

19. Explaining the general views of his Government, he said that he could add little more to what had been said by the leader of his delegation, Sir Frank Soskice,(1) except that a number of the difficulties which Sir Frank Soskice had mentioned had already been eliminated by the very constructive work and clear understanding of the Committee.

20. It would be difficult, in fact impossible, for him to criticize the principles of a number of the articles dealing with the strictly legal and procedural aspects of the drafting of a statute establishing an international criminal court; for those articles adopted the fundamental principles of Anglo-Saxon law. He felt justly proud that those principles had been accepted, at least as a basis for discussion in the Committee, for the Committee consisted of representatives of countries which had other codes of criminal law, the principles of which they rightly held to be indispensable.

21. When Sir Frank Soskice had spoken, the conception of an international criminal court had been very different from that which was about to be voted upon. At the beginning of the session, the whole field of possibilities had been about to be surveyed; those possibilities had been considered thoroughly and patiently, and all the obstacles and objections mentioned by Sir Frank Soskice had been examined. It seemed to him, nevertheless, that Sir Frank Soskice's critical

---

(1) See Summary Record of the 2nd meeting (A/AC.48/SR.2), paragraphs 2 to 18.

approach to the establishment of an international criminal court had been fully justified. No criticism could be attached to the work of the Committee, but the fact was that, while many of the obstacles had been eliminated, that had been done for the most part by reducing the authority and dignity of the proposed court until it reflected only a very limited concept of an international criminal court. All the difficulties which had led to the final decision regarding the statute were beyond the control of the Committee, and had been brought to the notice of the Committee by members who spoke with the authority of experience. Therefore, at the end of the session, as at the beginning, he was apprehensive as to the wisdom of setting up a court of that kind, especially one of such limited activities.

22. His delegation would therefore have voted against the draft statute had it been submitted to a vote. It could vote for the draft report, which was an excellent document, provided the Netherlands amendment were rejected. He would stress that his opinion against the statute was not a vote against the idea or the hope that at some future time an international criminal court would be set up with all the dignity, solemnity and authority that it deserved.

23. The CHAIRMAN said that the draft report was an endeavour to describe in condensed form the discussions of the Committee. The question raised by the Netherlands amendment was whether the facts set out in that amendment accurately corresponded to what had occurred in the Committee.

24. Mr. ROLING (Netherlands) apologized for any implication of criticism in his amendment; no such criticism was intended. He had merely desired to place on record the situation which had arisen, wherein some members, holding that the time was not ripe for an international criminal court, had yet voted for texts aimed at achieving its establishment on a scale, which was not acceptable to those members who had declared themselves in favour of establishing an international criminal jurisdiction. In his view, no question of inconsistency was involved; the decision of the former members was based on a policy towards or approach to the problem of an international criminal jurisdiction, and would be found important in any interpretation of what had been achieved by the Committee.

25. Mr. ROBINSON (Israel) agreed with the Chairman's view that the report should be a purely factual recapitulation of the Committee's discussions. He was not sure whether the lacuna referred to by the Netherlands representative did in fact exist, but if it did, he felt that it could be met by the following addition to paragraph 10 of the draft report.

> "These delegations, however, offered their whole-hearted co-operation to those who believed in the possibility and desirability of the establishment of such a court".

26. Paragraph 11 of the report dealt with procedural objections, and to avoid the impression of contradiction a consequential amendment to that paragraph would be required. If the word "Other" at the beginning of paragraph 11 were replaced by the word "Some", it would make it clear that paragraph 11 dealt, not with substantive, but with procedural objections.

27. Mr. ROLING (Netherlands) accepted the Israeli representative's amendment and withdrew his own.

28. Mr. SÖRENSEN (Denmark), Rapporteur, was prepared to accept the Israeli representative's amendment provided the United Kingdom representative agreed. If the United Kingdom representative did not agree, he would prefer the amendment to be put to the vote.

29. Mr. JONES (United Kingdom) felt that the Israeli amendment was unnecessary. His delegation at least had co-operated wholeheartedly, although it had opposed the establishment of an international criminal court; but there was no need to say so in a factual report. He therefore opposed the Israeli amendment.

30. The CHAIRMAN put the Israeli representative's amendment to the vote.

The Israeli representative's amendment was adopted by 3 votes to none, with 10 abstentions.

31. Mr. ROLING (Netherlands) recalled that, after considerable discussion, the Committee had adopted the view that no obligations should be imposed by the statute on States ratifying the convention establishing the international court, except in the case of diplomatic immunities and privileges for the judges. It might be desirable to record the Committee's view clearly in the draft report, as otherwise it might well be overlooked.

32. The CHAIRMAN disagreed, on the ground that the report merely provided a condensed version of the Committee's discussions. Any reader of the report was entitled to draw any deductions from the report he wished, but the report itself should contain no expression of opinion.

33. Mr. ROLING (Netherlands) withdrew his suggestion, in view of the Chairman's observations.

34. Mr. MAKTOS (United States of America) stressed the importance of no attempt being made in the draft report to the Committee's discussions.

35. Mr. PINEYRO CHAIN (Uruguay) considered that the draft report should be adopted, in view of its highly objective character.

36. His delegation was also prepared to accept the draft statute as a first step towards work the character of which would have to be modified later. He had had occasion in the course of the discussions to indicate the points on which his delegation differed from the conclusions arrived at by the Committee. Too much emphasis had been laid on the question of conventions. The Committee had also to some extent lost sight of the fact that acceptance of the statute would of itself entail the obligation on States of bringing into line any conventions which they might subsequently conclude.

37. His delegation also had a reservation to enter on article 27 (Recognition of Jurisdiction) which enabled a State of which the accused was a national to paralyse the court's action. Since, in the case of crimes under international law, the State frequently stood behind the offender, the provision in that article might entirely clog the wheels of international justice.

38. Thus, while accepting that first draft, which had the merit of establishing the principle of an international criminal court, his delegation hoped that the aforementioned provisions would be omitted from the final text.

39. Mr. WANG (China), while appreciating the high quality of the Rapporteur's draft report, regretted that he had been unable to study it as carefully and thoroughly as he would have wished, because so little time had been allowed for that purpose. In those circumstances, he would abstain if a vote were taken on the report; but he hoped that his abstention would not be taken as indicating lack of appreciation of the valuable services rendered by the Rapporteur.

40. The draft statute was based on the fundamental principle that it should in itself impose no obligations on States acceding to it. The jurisdiction of the court, its power to apprehend criminals, its power to execute judgments and yet other powers had all been left for settlement in subsequent conventions. In his view, that would not only impair the authority and prestige of the court, but would also to a large extent vitiate its usefulness. In the draft statute, the Security Council had been unnecessarily denied access to the court;(1) and the registrar and other officers of the court had been deprived of the privileges and immunities which were normally granted to persons of their position and standing.(2) In view of those gaps in the draft statute, he could not vote for it.

41. The final text of the draft report to the General Assembly and of the draft statute had been made available to him only when the Committee was about to end its session, and he had had no time to submit them to his Government for approval. He accordingly reserved the right of his Government to offer comments and suggestions at later stages, and he made it clear that, in accordance with the decision taken at the beginning of the session, no decision of the Committee would in any way prejudice or prejudge the position of the Chinese Government.

(1) See Summary Record of the 26th meeting (A/AC.48/SR.26), paragraphs 74 to 76, 79 and 80, 83 and 84, 88 to 92 and 96.

(2) See Summary Record of the 29th meeting (A/AC.48/SR.29), paragraph 106.

42. The CHAIRMAN pointed out that the function of the Committee had merely been to draft proposals and a statute for the establishment of an international criminal court. No State was committed to anything as a result of the Committee's work.

43. Mr. WYNES (Australia) suggested that paragraph 12 of the draft report met the Chinese representative's wishes. That paragraph might perhaps be clarified if the words "and voting on any draft texts" were added after the word "deliberations".

44. Mr. SORENSEN (Denmark), Rapporteur, accepted the Australian representative's suggestion.

45. He added that the suggestion had been made to him that the following sentence be added at the beginning of paragraph 18:

> "It was suggested that the most satisfactory course would be to establish the court as a principal organ of the United Nations by way of amendment of the Charter. While all members of the Committee agreed that most of the difficulties in the way of creation, organization and jurisdiction of the court would be met by this method, it was the feeling of the majority that it would be fruitless to embark upon a draft statute on this basis, since it was clear that amendment of the Charter was out of the question at the present stage of international relations."

The Committee accepted that addition.

46. The CHAIRMAN said that as there was no other objection to the draft report, he would assume that it was adopted and would not call for a vote on it.

47. Speaking about the work accomplished by the Committee, he said that he had had a letter from Sir Norman Birkett, in which the latter had remarked that if nobody undertook the initial spadework in setting up an international criminal court, the project would never have any chance of being discussed frankly and publicly. Sir Norman Birkett had recently referred in a speech at Atlantic City to the trial of Sir Peter of Hagenbach in 1474. In that speech, he had said that it had not been until the Nuremberg Trial that Hagenbach's trial had

been perceived to be of peculiar importance as the first international war crime trial. Duke, Charles of Burgundy (Charles the Bold to his friends, and Charles the Terrible to his enemies) had made Burgundy a great power in Europe. In 1469, the Archduke of Austria had found himself in great financial difficulties, and had been compelled to pledge his possessions on the Upper Rhine to Charles in return for the money he had so sorely needed. Those possessions had included the fortified town of Breisach. It had seemed highly improbable that the possessions would ever be redeemed, so Charles had installed Sir Peter of Hagenbach as his Governor or Landvogt. Hagenbach, like Charles his master, had inaugurated a reign of terror, the like of which had not been seen before. He and his soldiers had been guilty of the most terrible outrages. Those outrages had had a most remarkable result - they had brought about the union of all Burgundy's neighbours, including Austria, the Swiss Leagues and towns, France, and the towns and knights of the Upper Rhine, who had formed a grand alliance to oppose the tyranny of Hagenbach and Charles. They had provided money to enable the Archduke of Austria to repay Charles' loan, but Charles, on one pretext or another, had refused to accept it. The citizens of Breisach, however, had taken the law into their own hands and captured Peter of Hagenbach. Charles had been defeated in battle and had perished on the field of Nancy.

48. The Archduke of Austria, in whose territory Hagenbach had been captured, had ordered his trial. An ordinary trial would have taken place before local judges, but it had been agreed that Hagenbach's trial should take place before a special court of judges from the allied cities, including the Swiss towns. As those Swiss towns had ceased to form part of the Holy Roman Empire, their participation had given an international character to the bench before which Hagenbach had appeared. To represent the order of knighthood among the judges, sixteen knights had been added to their number. The trial had taken place in the market place of Breisach, on 14,May, 1474. The prosecutor had submitted that Hagenbach's deeds had "trampled underfoot the laws of God and men" and had constituted what, in the language of Nuremberg, were "crimes against humanity". Hagenbach's crimes had been committed before the actual outbreak of hostilities between Burgundy and the allies, and hence had not been war crimes in the sense that they had involved violation of the laws of warfare. The Breisach trial was

therefore a notable precedent for Nuremberg, where the jurisdiction of the Tribunal had been made to cover crimes against humanity whether committed "before or during the war". Interrogatories had been administered, witnesses had been heard, and Hagenbach's counsel had spoken on his behalf. His only defence had been that on which all war criminals had relied ever since - the defence of superior orders. That had been the main defence at Nuremberg. The judges of Breisach had deliberated for several hours. They had then overruled the preliminary objection to jurisdiction which had been taken, rejected the plea of superior orders, found Hagenbach guilty, and sentenced him to death. The Marshal of the Tribunal had given the order to the executioner with the words: "Let justice be done".

49. It seemed to him (the Chairman) that that tale constituted a fitting footnote to the work of the Committee, whose achievement it had been to do the initial spadework in the creation of an international criminal jurisdiction.

50. Mr. SORENSEN (Denmark), speaking on behalf of the Committee, thanked the Secretariat for the excellent work it had done during the session.

51. Mr. ROBINSON (Israel) claimed that the Committee's report to the General Assembly would provide the starting point for any future discussion on the establishment of an international criminal court. He had therefore three proposals to make. The first was that the Secretariat prepare an analytical table of the contents of the report. The second was that a printed text of the report be produced as soon as possible for the benefit of governments and scholars. The third was in the form of a request that the Secretary-General should have the summary records printed as soon as possible in one volume, for they formed an addition of permanent value, to the report.

52. Mr. LIANG, Secretary to the Committee, said that an analytical table of contents would be prepared without delay. Printing of the text of the report could not be undertaken while the resources of the Secretariat were being devoted to preparations for the General Assembly, but, while he could not make any definite promise, he would endeavour to expedite the printing. Mimeographed copies would be sent to governments without delay.

53. With regard to the summary records, rules had been laid down regarding the printing of such records, and he was not sure whether those of a subsidiary body such as the Committee could in fact be printed. It was always possible, however, for a government to raise the question of printing the summary records in the Fifth Committee of the General Assembly; if a grant was approved for that specific purpose, printing could then be carried out.

54. Replying to a query by Mr. MAKTOS (United States of America), he said that the question of the establishment of an international criminal court would not be on the agenda of the sixth session of the General Assembly.

55. Mr. MAKTOS (United States of America) was of the opinion that the conference, which would almost certainly be convened to consider the draft statute, and the proposal regarding genocide, should be convened as early as possible. If the question of an international criminal court was not placed on the agenda of the General Assembly until 1952, it was likely that no conference could be convened until 1953. That seemed to him a considerable waste of time, and he wondered whether it was possible to have the question included in the agenda for the sixth session at the request of the government of any of the States represented in the Committee, or by other means.

56. Mr. de LACHARRIERE (France) supported the solution suggested by the United States representative, for it would enable the work already begun to be continued without wasting a whole year.

57. For want of instructions, however, no representative appeared to be in a position to state that his Government would be prepared to take the initiative in requesting that the matter be placed on the agenda of the next session of the General Assembly. In those circumstances, he felt that the Committee as a whole should recommend that States themselves should make such a request.

58. Mr. SORENSEN (Denmark) felt that the matter was not one for the Committee to consider. General Assembly resolution 489 (V) ended with a request to the

Secretary-General "to communicate the report of the Committee to the governments of Member States so that their observations may be submitted not later than 1 June 1952". In preparing its resolution, the General Assembly had given due consideration to the time factor, and if it were desired that governments should submit their comments, they would have to be given time to study the Committee's report and consult with such outside bodies as might be concerned in the matter. If the Committee recommended placing the matter on the agenda of the next session of the General Assembly, it would be running counter to the intentions which the General Assembly obviously had had in fixing the time limit. On the other hand, any government could request the inclusion of an item on the agenda of a session of the General Assembly if it so desired.

59. Mr. LIANG, Secretary to the Committee, said that he, personally, agreed with the Danish representative's remarks, and felt that it would be inappropriate for the Committee to take any action, in view of the quite explicit wording of resolution 489 (V). For the information of the Committee, however, he pointed out that, under rule 12 of the rules of procedure of the General Assembly,(1) the provisional agenda for a regular session had to be drawn up by the Secretary-General and communicated to the Members of the United Nations at least sixty days before the opening of the session. In the present instance, that meant that the provisional agenda would have to be distributed by 6 September, which clearly did not leave sufficient time for the question mentioned by the United States representative to be included in it. On the other hand, under rule 14, any Member or principal organ of the United Nations or the Secretary-General could request the inclusion of supplementary items in the agenda at least thirty days before the opening of a regular session. Under that rule, therefore, there was a possibility of meeting the wishes of the United States representative.

60. Mr. TARAZI (Syria) recalled that the suggestion that the General Assembly be recommended to convene a conference to consider the draft statute, had originally been put forward by the Egyptian representative.(2)

(1) Document A/520/Rev.2
(2) See Summary Record of the 22nd meeting (A/AC.48/SR.22), paragraphs 29 and 53 to 55.

61. As he himself approved that solution, he proposed that the Committee should adopt a resolution to that effect and transmit it to States independently of its report.

2. TRIBUTE TO THE MEMORY OF DR.ANTONIO SANCHEZ DE BUSTAMANTE

62. Mr. VALDES ROIG (Cuba) rose to deliver a commemorative address on his fellow-countryman, Dr. Antonio Sanchez de Bustamante, whose death had recently been announced. That great internationalist had been a member of the National Convention which in 1900 had drafted the first Constitution of Cuba, then Senator, for many years Professor of International Law at the University of Havana, judge of the Permanent Court of International Justice at The Hague, President of the Sixth Pan-American Conference and a member of numerous legal societies. He had been one of the most active promoters of the development of international law, to which he had devoted his entire life. He had also been an enthusiastic champion of human rights and had defended them in a liberal and democratic spirit.

63. His legal works, in more than fifty volumes, were known the world over. Thirteen Latin American States had acceded to his Code of International Law, the Bustamante Code.

64. Well before the League of Nations had come into being, Dr. Sanchez de Bustamante had predicted to his pupils the codification of international law and the creation of a great court to apply it.

65. In him Cuba mourned one of her most illustrious sons. Might the memory of Dr. Sanchez de Bustamante be a beacon for those who had not lost their faith in a better world, the world of law, those who, within the framework of the United Nations, were working to realize the ideal upon which Dr. Sanchez de Bustamante had set his hopes, for the triumph of justice and peace over the barbarism of war.

66. Mr. ROLING (Netherlands) expressed his profound regret at the announcement made by the representative of Cuba. The world had suffered a great loss

in the death of Dr. de Bustam e, who had belonged to the small group of lawyers, who had tried to organize i national relations in accordance with the principles of justice.

67. Mr. PINE HAIN (Uruguay) said that it was with the greatest sorrow that the Uruguayan ation had learnt of the recent death of Dr. Sanchez de Bustamante. Dr. Sanc de Bustamante had been an ardent defender of the Inter-American system and ha devoted the most remarkable energy and talents to its developmer His legal thought was embodied in two basic works. He had been the autho of a code of private international law, corresponding with the views of a group of Latin-American countries and propounding a method of resolving the conflict of laws which was in general opposed to the system supported by the Uruguayan Government and embodied in the Treaties of Montevideo of 1899 and 1940. That fference of view notwithstanding, there was no gainsaying the greatness of the contribution of that great jurist to the formulation of private international law. His treatise on public international law was one of the most important works contributed by Latin America to the cause of peace and international justice.

68. The sorrow felt by Cuba and by the whole of America, and the loss to legal science, were likewise those of Uruguay.

69. Mr. ROBINSON (Israel) felt that it would be fitting for the Committee, as a kind of sub-committee for the development of international law, to pay tribute to the memory of Dr. Sanchez de Bustamante. He had known him personally, and had always been most impressed by his mental alertness and physical vigour. As a statesman and educationalist, he had taken part in a great number of international conferences over the preceding sixty years; he had been a great teacher, and had trained two generations of professional lawyers; he had been a judge of the Permanent Court of International Justice and, as an author, his books on international law had won world-wide renown. As a legislator, his draft code of private international law had been adopted by several States as a basis for their legislation. His death was a great loss to international law, to Cuba, and to all mankind.

70. Mr. AMADO (Brazil) also paid a tribute to the memory of the great lawyer, whose unique works would be a necessary source for any treatise on international law. Dr. Sanchez de Bustamante had given his whole mind to the task of introducing order into the chaotic tangle of the problem of the conflict of laws. American and other writers would have to go to him for guidance and instruction which no one else had provided.

71. Brazil realized how much the world had lost, and bowed her head at the grave of Bustamante with profound respect and wholehearted admiration for a great jurist.

72. Mr. de LACHARRIÈRE (France) wished to associate his country with the moving tribute paid to the memory of Dr. Sanchez de Bustamante, whose work had always been followed with the greatest interest by the French school of law. There was hardly any legal work which failed to show the influence of that great jurist's thought. His memory, associated with the legal work being effected in the United Nations, would ever remain fresh among the family of international jurists.

73. The CHAIRMAN said that all America had been proud of Dr. Sanchez de Bustamante; the tributes just paid to his memory by members of the Committee were no exaggeration. As a personal acquaintance, he had found him gentle, friendly and refined. He had been a gentleman in the full meaning of the word.

74. Mr. VALDÉS ROIG (Cuba) expressed his sincere gratitude for the moving tributes paid by the Committee to the memory of Dr. Sanchez de Bustamante.

3. CLOSURE OF THE SESSION

75. The CHAIRMAN declared the session closed.

The meeting rose at 12.05 p.m.