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SIXTH COMMITTEE
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SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. ZEHENTNER (Federal Republic of Germany)

later: Mr. GUNA-KASEM (Thailand)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 108: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF THE THIRTY-FIRST SESSION (continued) (A/34/10 and Corr.1, A/34/194; A/C.6/34/L.2)

1. Mr. KABONGO (Zaire) noted with satisfaction that the International Law Commission (ILC), in elaborating the draft articles on the succession of States in respect of matters other than treaties, had based itself on the Vienna Convention on Succession of States in Respect of Treaties. He welcomed the parallel grouping that had been adopted for the provisions on State property, State debt and State archives. Such an arrangement gave the reader a comparative over-all view of the articles in question, since the provisions concerning each type of succession were grouped under the same headings. The supplementary rules set forth in those provisions had the advantage of being applicable, over and above the principle of the intangibility of State frontiers, to groups of States. The rule set forth in article 3 according to which the present articles should apply only to the effect of a succession of States occurring in conformity with international law and, in particular the principles of international law embodied in the Charter of the United Nations, was important.

2. With regard to succession in the case of a newly independent State, the ILC had rightly pointed out that, according to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations, the dependent or Non-Self-Governing Territory possessed by virtue of the Charter a status separate and distinct from the territory of the State administering it and that, under General Assembly resolution 1514 (XV), every people, even if it was not politically independent at a certain state of its history, possessed the attributes of national sovereignty inherent in its existence as a people. The rules relating to the passing of State property in the case of newly independent States must be based on the principles of the viability of the territory and on equity. The introduction of the concept of the contribution of the dependent Territory to the creation of certain movable property of the predecessor State was likely to reinforce the legal guarantees.

3. He noted with satisfaction that article 11, paragraph 4, set forth the principle that agreements concluded between the predecessor State and the newly independent State, and in particular devolution agreements, which only rarely observed the rules of the succession of States, should not infringe the principle of the permanent sovereignty of every people over its wealth and natural resources. The principle of the sovereign equality of States was largely an illusion, if the economic dimensions of independence were ignored. It was therefore necessary to adapt the formulation of that principle to modern conditions so as to restore to the State the elementary bases of its national economic independence. Such must be the aim of the new economic co-operation which must be based, in accordance with the Declaration and Programme of Action on the Establishment of a New International Economic Order, on equity, sovereign equality and independence, and must be reflected in practice by an inequality which favoured the least developed States. The ILC had therefore rightly considered that the validity of co-operation agreements should depend on their degree of respect for the principles of political self-determination and economic independence, in conformity with contemporary international law.

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4. Article 20 set forth the principle that no State debt of the predecessor State shall pass to the newly independent State, contrary to what was stated in article 11 on the passing of State goods. Indeed, problems of succession in the matter of State debt might be prolonged for decades if the automatic passing of such debt to the newly independent State prevented the latter from achieving real independence. Article 20 did not exclude the possibility of an agreement between the predecessor State and the successor State to settle the matter.

5. The definition given of State archives and the principles concerning them set forth in the draft articles were acceptable, since equity was preserved by the supplementary rules concerning reproduction and fair compensation.

6. His delegation had studied closely the provisions of the draft article on the responsibility of a State for the internationally wrongful act of another State. It considered that the rules set forth in article 28 took fully into account the realities of international life and therefore helped to bring the law closer to the facts. Chapter V concerning the circumstances precluding wrongfulness should be supplemented by articles on the state of necessity and self-defence. Moreover, the ILC should accelerate its work on the second part of the draft concerning the content, forms and degrees of responsibility and should begin the study of the responsibility of States derived from certain activities not prohibited by international law. Nor should it be forgotten that the questions of the implementation of international responsibility and the settlement of disputes were now being studied by the United Nations.

7. With regard to treaties concluded between States and international organizations or between two or more international organizations, his delegation hoped that the ILC would soon complete the first reading of its draft articles so as to concentrate on the question of relations between States and international organizations. The international organizations should co-operate with the ILC in the codification and progressive development of law on that question.

8. The question of the law of the non-navigational uses of international watercourses should be tackled both in a global and detailed manner and in a spirit of co-operation. While his delegation reserved the right to speak later on the approach to be given to work in that field, it considered for the moment that the principles to be formulated should be sufficiently flexible to allow them to be supplemented by "user" agreements or "network" agreements.

9. The elaboration of a protocol on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier appeared to be desirable to the extent that existing conventions on diplomatic relations, consular relations and special missions did not solve certain problems arising in that field. Furthermore, in view of the development of State trade during the current period, a study of the question of the jurisdictional immunities of States and of their property was necessary. Finally, his delegation noted that the review of the multilateral treaty-making process was part of the rationalization effort now proceeding within the Organization.

10. Mr. HARTTILA (Finland) congratulated the Commission on the excellent work it had carried out at its thirty-first session and noted that its agenda was particularly heavy. Formerly, the ILC had been able to concentrate on two or three questions at a time so that even extensive codification could be completed within a reasonable period. Questions now had to be considered piecemeal and only a few draft articles on each question were submitted to Governments each year. As a result, not only did the codification of any given branch of law require more time than before but also Governments and their representatives in the Sixth Committee must consider parts of proposals which were often difficult to assess before the entire proposal had been completed.

11. His delegation noted with satisfaction that progress had been made concerning State responsibility. The Commission had now completed five draft articles accompanied by excellent commentaries. His Government would present its views in writing on the various draft articles when they were submitted to Governments for comments.

12. With regard to the succession of States in respect of matters other than treaties, his delegation was pleased with the progress of the work and also with the delimitation of the subject by the International Law Commission.

13. The Commission had also made considerable progress on the question of treaties concluded between States and international organizations or between two or more international organizations. With a few exceptions, the drafting of the articles completed by the Commission had not given rise to any particular difficulties. The Commission had adopted, with minor changes, the wording of the corresponding articles of the Vienna Convention on the Law of Treaties. Generally speaking, both the procedure and the results had been acceptable. It might be questioned, however, whether such a painstaking task had really been necessary. Whenever problems had arisen, it might have been possible to apply by analogy the provisions of the Vienna Convention to the treaties to which international organizations were parties. At any rate, it was useful to have the most important problems with respect to international organizations settled in advance by such a prestigious body as the Commission. Since the Vienna Convention would soon be entering into force, the ratification of an analogous convention on treaties to which one or more international organizations were parties should not meet with major difficulties.

14. The first report of the Special Rapporteur on the law of the non-navigational uses of international watercourses marked a positive step towards the codification of the international law of waters. The unique qualities of water required a particular legal régime for the uses of international watercourses. His delegation agreed with the Special Rapporteur's conclusion that, instead of defining the term "international watercourses", attention should be devoted at the outset of work to the formulation of general principles applicable to legal aspects of the uses of those watercourses. He recalled that when his Government in 1970 had made a proposal in the General Assembly that the item should be considered by the Commission, it had even then used the term "international watercourses" because it had seemed broad enough to cover all the relevant problems. Synonymous terms, however, could well be used, provided that they had the same legal scope.

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15. No doubt the majority of States expected the results of the Commission's work on the subject to emerge in the form of a draft treaty on the rules and principles of the law on the non-navigational uses of international watercourses. Such a treaty would in the main be a codification of existing customary law, but might also contain some new elements. Even though it might not be signed and ratified by a great number of States, it would nevertheless contribute to the development of law.

16. It was too early to assess the articles drafted by the Special Rapporteur, but his method of coupling general principles and specific rules seemed to be a sound one. His delegation, however, had some doubts about the appropriateness of supplementing the framework convention by user agreements. Draft articles 5 and 6, in particular, contained provisions which were difficult to implement in practice and unclear from a legal point of view. As to the draft articles on collection and exchange of data, there might be reason to ask whether some of the proposed provisions were not less advanced than existing customary law. The draft articles as a whole needed reconsideration, as had been proposed by several members of the Commission.

17. It was clear that the Commission was still uncertain as to how to continue its work on international watercourses, and that was not very encouraging after so many years devoted to studying the question. The four possible approaches suggested by the Special Rapporteur had met with mixed reactions, and the Commission had deferred its decision until the next session. In the view of his delegation, the needs of the international community and the availability of materials had to be taken into account. Both of those considerations seemed to require the development of general principles on the subject. There seemed to be no urgent need to take up institutional arrangements for international co-operation in that field in view of the guidance provided, for example, by the report of the United Nations panel of experts on the legal and institutional aspects of international water resources development and by the International Law Association's work on international water resources administration, particularly its guidelines for the establishment of an international water resources administration.

18. The problem of the detrimental effects of the uses of water did not have to be given priority because a number of international organizations and other bodies were already studying and developing a legal régime of environmental protection, including water pollution control. The Institute of International Law, for example, at its recent meeting in Athens, had adopted a resolution on pollution. It might thus be difficult to co-ordinate the efforts of the Commission with the activities of other organizations.

19. The two other possible approaches mentioned by the Special Rapporteur, namely the preparation of draft articles on particular uses and the drafting of general principles with respect to international watercourses, seemed preferable. They were, moreover, closely connected, because the general principles should not be drafted on too abstract a basis and the rules on particular uses must reflect the agreed general principles. There were also existing legal texts which might be used as a basis, especially the Helsinki Rules adopted by the International Law Association and the Salzburg resolution of the Institute of International Law. The International Law Association had also adopted interesting articles on particular

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uses, especially with regard to international flood control and regulation of the flow of waters of international watercourses. The Special Rapporteur should first concentrate his efforts on developing the general principles concerning international watercourses, while keeping in mind existing customary and other rules on particular uses. The Commission should perhaps be requested to present a more concrete programme for its work on international watercourses at the next session of the General Assembly.

20. On the question of jurisdictional immunities of States and their property, his delegation endorsed the Commission's decision to concentrate on the general principles, leaving aside for the time being the question of immunity from execution of judgement. It noted with satisfaction that the Commission had continued its fruitful co-operation with the International Court of Justice and the regional bodies engaged in codifying international law.

21. He announced in conclusion that his country would make a contribution to enable a representative of a developing country to participate in the International Law Seminar which was to be held in 1980.

22. Mr. LEGAULT (Canada) said that the thirty-first session of the Commission was particularly important because major draft articles were reaching completion and the Commission was embarking on other projects which would contribute to the development of international law.

23. As to State responsibility, the Commission had completed the drafting of articles on the difficult subject of the implication of a State in the internationally wrongful act of another State and had made considerable progress in its study of the equally difficult subject of circumstances precluding wrongfulness. Since his Government would shortly be providing written comments on the draft articles on the subject approved by the Commission in 1979, he would not now address himself to them. He wished, however, to reiterate Canada's interest in the question of international liability for injurious consequences arising out of acts not prohibited by international law. His delegation looked forward to the initial report that would most likely be submitted by the Special Rapporteur on that topic at the next session of the Commission.

24. The Special Rapporteur's first report on the law of the non-navigational uses of international watercourses was a good starting point for the development of a draft agreement. The 10 articles prepared by the Special Rapporteur represented the first attempt by the international community to regulate in a comprehensive way that vital aspect of inter-State relations. Canada had had a great deal of experience in that area by virtue of the arrangements worked out with the United States for regulating the use of the boundary waters between the two countries. In the area of institutional arrangements, they had together established the well-known International Joint Commission which regulated the co-operative use of international watercourses. The International Law Commission should take into account that body of North American experience, and the régime developed should be flexible enough to accommodate that and other regional arrangements.

25. His delegation noted with interest the proposed formulation of a framework convention which would establish rules of general application. That would allow

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for the adoption of regional arrangements which, while governed by the general régime, could be adapted to the requirements of specific situations. His delegation also noted the divergence of views between States which favoured the traditional definition of international rivers and those which preferred the broader drainage basin concept as the basis for future development of that area of law. One advantage of the conceptual framework adopted by the Commission was that it could accommodate both of those approaches.

26. The Commission had so far adopted 60 draft articles on the question of treaties concluded between States and international organizations or between two or more international organizations and planned to submit them to Governments and international organizations for observations and comments. Although the law of treaties involving international organizations was both complex and relatively inchoate, and would require more detailed study, his delegation was able to offer some very preliminary comments. The Vienna Convention on the Law of Treaties provided the general framework for the present draft articles. The Commission sought to prepare a body of articles independent of the Vienna Convention but closely linked to it. In some cases, new and original provisions were called for.

27. The basic problem which the Commission had encountered was that while all States were equal under international law, international organizations varied in legal form, functions, powers and structure and in their competence to conclude treaties. Consequently, it was not sufficient to define an "international organization" as meaning simply an intergovernmental organization, as was done in article 2, paragraph 1 (i). A definition of that kind simply begged the question, since many intergovernmental organizations did not, and probably never would, possess the power to enter into treaties with one or more States or with international organizations such as the United Nations. That question was not simply of academic interest: 170 intergovernmental organizations were listed with the Union des associations internationales in Brussels, and he wondered whether all those organizations were to be covered by the proposed definition. What was involved in the present instance was intergovernmental organizations with the capacity to assume rights and obligations under international law and thus to enter into treaties. It was essential for the Commission to revise the definition of "international organization" accordingly.

28. Draft article 6 provided that "the capacity of an international organization to conclude treaties is governed by the relevant rules of that organization". Such rules had been defined in article 2, paragraph 1 (j), as including the constituent instruments, the relevant decisions and resolutions, and the established practice of the organization. For example, the treaty-making powers of the European Economic Community were not confined to matters covered by express provisions of the Treaty of Rome but embraced the power to conclude treaties whenever the Community laid down common rules to give effect to common policies. It had been argued that it was not possible, once and for all, to make a list of the areas in which the Community had or did not have the capacity to conclude treaties with third States. There were situations where rights and obligations were divided between the Community and its member States, as in the case of treaties to which the Community was a party together with its nine member States. In those cases, the

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organization and its member States might be given different rights under the treaty, but those rights might be exercised concurrently. It was therefore necessary to look not only at the rules of the organization but also at their evolution as reflected in practice. It would be helpful if the Commission, in its commentaries on the draft articles, indicated the manner in which the capacity of international organizations to conclude treaties in accordance with their rules had been exercised in practice. It would also be useful to have information available on any problems which might have been created by the capacity of international organizations to discharge their international treaty obligations since that question might have relevance to their capacity to enter into treaties.

29. Under draft article 7, the representative of an international organization had to produce "appropriate powers" for the purpose of communicating the consent of that organization to be bound by a treaty unless it appeared from practice or from other circumstances that that person was "considered as representing the organization for such purposes without having to produce powers". That wording was vague and did not clearly show who might claim to represent an international organization. The Commission might usefully try to build upon some analogy with article 7, paragraph 2 (2), of the Vienna Convention on the Law of Treaties.

30. The Commission appeared to be on the right track in proposing a more restrictive rule for international organizations than for States in the formulation of reservations and objections to reservations, especially in the case of a multilateral treaty open to participation by all States and by one or more international organizations. However, the Commission needed to formulate some alternative wording to express that approach in order to avoid possible controversy where the participation of an international organization was not "essential to the object and purpose of the treaty".

31. Article 36 bis, which dealt with the effects of a treaty to which an internationcal organization was a party with respect to third States members of that organization, had given rise to prolonged debate in the Commission. The question had arisen as to the duty owed by States in relation to treaty obligations falling upon international organizations of which they were members. States members of international organizations, even though they were third States in relation to treaties between the organization and other States, had to observe the obligations and could exercise the rights which arose for them under those treaties. If the rules of the organization provided that member States were bound by treaties concluded by it or if all the parties concerned acknowledged that the treaty in question necessarily entailed such effects, then the obligations and rights thereunder would devolve on States members of the organization. Both logic and practice seemed to support that concept, which was at the core of article 36 bis. The question, however, was not free of controversy and would require further examination, bearing in mind developing practice.

32. Draft articles 39-60, adopted by the Commission in 1979, corresponded to articles in the Vienna Convention. Article 45 involved the conduct of an organization. In that article and in article 46, the structural difference between States and international organizations with respect to treaty-making was

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particularly apparent. The solution adopted by the Commission provided that an international organization could not invoke a ground for terminating, withdrawing from or suspending the operation of a treaty if, after becoming aware of the facts, "it must by reason of its conduct be considered as having renounced the right to invoke that ground". While, in the case of a State, conduct was considered to be evidence of acquiescence in the validity of the treaty, the Commission was proposing that conduct, in the case of an international organization, should be considered to be renunciation by the organization of the right to invoke a ground for terminating, withdrawing from or suspending the operation of a treaty. The result appeared to amount to much the same thing, placing international organizations on a footing similar to that of States in so far as conduct was concerned.

33. In article 46, the Commission had opted for the test of a "manifest" violation of the rules of the organization, dispensing with the condition laid down for States, namely, that of a violation of a rule of fundamental importance. The difficulty was to judge whether there had been a "manifest" violation of the rules of the organization regarding competence to conclude treaties, since there was no "normal practice" for international organizations and the organs or agents responsible for their external relations differed from one organization to another. Admitting those problems, the solution adopted by the Commission in article 46 appeared reasonable. That was also true of article 45, but his delegation would give further study to both of those articles.

34. He urged the Commission to adopt simpler solutions to some of its drafting problems and asked whether it was really necessary to distinguish, in each and every instance, between treaties to which both States and international organizations were parties and those to which only international organizations were parties. Articles 47, 54 and 57 were striking examples of unnecessarily complicated drafting, in which a rather simple principle had become buried in the obscurities of defining the cases to which it applied. For example, subparagraph (b) of both articles 54 and 57 could surely refer simply to "consultations with the other contracting States or organizations, as the case may be", rather than employ the present tedious wording.

35. In conclusion, he stressed that, consistent with its Statute, the Commission was responsible for the promotion of the progressive development of international law and its codification. Events since 1947 had given rise to two parallel streams for the codification and development of international law. On the one hand, the Commission had perservered in its efforts, with substantial and concrete results. On the other hand, there had been a growing tendency to entrust specialized bodies with the specific task of developing draft international legal instruments, including some which codified the law to a greater or lesser extent in political or technical areas, such as the law of outer space and the law of the sea. In the view of his delegation, the fact that a number of highly complex issues had been dealt with ab initio in specialized forums did not in any way derogate from either the mandate of the Commission of the universal respect in which it was held. On the other hand, it appeared to have been an implicit decision on the part of the international community to have the Commission focus on the more "technically legal" issues involving the conduct of subjects of

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international law, namely States, in their relations with each other and with international organizations. Political-economic issues relating, for example, to the co-operative use of resources had been assigned to specialized committees, commissions and conferences. Such a development seemed to have produced effective results but thought might be given to how it might be possible to derive greater benefit from the expertise of ILC in the drafting of conventions by other bodies. In fact, the Commission had developed an expertise in legal draftsmanship which was not always evident elsewhere.

36. Mr. Guna-Kasem (Thailand) took the Chair.

37. Mr. GONZÁLEZ GÁLVEZ (Mexico) said he attached great importance to the consideration of the report of the International Law Commission (A/34/10), as it provided an opportunity for Member States, on the one hand, to review progress made in the codification and development of international law and, on the other hand, to establish by means of a draft resolution an order of priority for the items in the Commission's programme of work. Generally speaking, it would be appropriate to establish flexible time-tables, which could be extended or modified, for the consideration of such items, and to re-examine every four years the stage of development of international law for the purpose of harmonizing the order of priorities with needs. It would also be appropriate for the Commission to maintain relations, not only for the purpose of mere protocol, with regional legal organizations and to make every effort to avoid overlap or even contradictions between its activities and those of such bodies, as had to some extent happened in the case of the Inter-American Juridical Committee.

38. He would deal only with certain of the questions covered in the report under consideration, bearing in mind that his Government would in due course submit written comments on the other questions.

39. In regard to the succession of States in respect of matters other than treaties, the essential point was perhaps to establish whether, instead of continuing to follow the model of the Vienna Convention on the Law of Treaties, it might not be better to devote to that problem the special attention which it merited. From the technical standpoint, it would doubtless be preferable that the Commission should retain the title of its draft articles without attempting to specify all the individual aspects to which the draft might apply; the draft might also cover the legal system of the predecessor State, territorial problems, the status of the inhabitants and acquired rights.

40. On the text of the draft itself, he doubted whether the definition of the term "newly independent State" in article 2 was the most appropriate, as it provided that the territory of such a State should have been a dependent territory "immediately before the date of the succession of States". Such a definition seemed intended to eliminate cases which his delegation saw no reason to exclude, such as the emergence of a new State as a consequence of the separation of part of an existing State or from the uniting of two or more existing States.

41. His delegation approved of article 3 but considered that its text should be amended as it incorrectly referred to the Charter of the United Nations, which was an instrument of an essentially political character.

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42. In regard to article 11, paragraph 4, it would perhaps be appropriate to draw further on legal documents which referred not only to natural wealth and resources but also to economic activities, such as the Charter of Economic Rights and Duties of States and the Declaration on the Establishment of a New International Economic Order.

43. Perhaps the most controversial part of the draft was that which dealt with State debt. His delegation disagreed with the Commission's conclusion that there was no point in defining the concept of "odious debts" and of stipulating that such debts could never be transferred. In that connexion it would be appropriate to broaden the scope of article 20, paragraph 2, as it was difficult to establish the meaning of the words "endanger the fundamental economic equilibria of the newly independent State".

44. His delegation reserved its position on articles A and B regarding State archives, which the Commission had adopted provisionally. It was very clear, however, that article A, which defined State archives, should specify that it referred to State property within the meaning of article 5 of the draft. Again, as the question of determining whether documents where State archives depended, not on what they contained or represented but on the manner in which they were kept, it might be better to define such State property as documents of any kind which, on the date of the succession of States, were owned by the predecessor State in accordance with its internal law and constituted State archives by virtue of what they contained or represented or the manner in which they were kept.

45. The question of State responsibility, which had been on the Commission's programme of work for 26 years, was one of the furthest-ranging and most complex in international law, because of the predominant role played by political factors in the conception and development of that branch of international law, and particularly because of clear doctrinal contradictions, which were confirmed in the practice of States. In that connexion, he stressed that the codification of the norms applicable in connexion with State responsibility represented one of the most important chapters in the history of inter-American codification, which dated back to the first inter-American conference, held at Washington in 1889.

46. His delegation agreed with the conclusion reached by the Commission on the question of circumstances precluding wrongfulness, namely, that in certain circumstances a State is not required to comply with an international obligation which it would normally respect. Article 29 on consent was essential. In fact, the consent of a State must be completely valid under international law, both in substance and in form, for wrongfulness to be precluded. In regard to paragraph 2 of the article, his delegation considered that such an obligation itself constituted a peremptory norm of general international law and not a secondary obligation deriving from such a peremptory norm. In regard to article 30, his delegation was of the view that the "legitimate measure" referred to did not necessarily cover the use of armed force; moreover, it hoped that the Commission would consider the possibility of stipulating, in an additional paragraph, that article 30 should not be interpreted as authorizing exceptions to the prohibition

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on the use of force other than those specified in the United Nations Charter. In fact, the legitimate act contemplated in article 30 should be interpreted in a restrictive manner and with great prudence.

47. Article 31 enshrined the principles of force majeure and fortuitous event, the legal validity of which had been confirmed in State practice, international judicial decisions and doctrine. Even the proponents of objective responsibility regarded force majeure and fortuitous event as circumstances precluding wrongfulness. Consequently his delegation considered that paragraph 1 of the article stipulated an absolute principle. It should be expressly stipulated that the exception in paragraph 2 should not apply unless the State had contributed, "in violation of an international obligation", to the occurrence of the situation of material impossibility. According to the commentaries on articles 31 and 32, the Commission at its next session would consider the proposition that preclusion of the wrongfulness of an act of a State did not affect the possibility that the State committing the act might incur an obligation to make reparation for damage caused by the act in question. The Mexican delegation considered that such an examination would lead to the study of international liability for injurious consequences arising out of acts not prohibited by international law. In that event, the Commission would be going beyond the objective which it had itself set on the question of the responsibility of States for internationally wrongful acts.

48. On the question of the review of the multilateral treaty-making process, the Mexican delegation noted that the scope of the item proposed by Australia and Mexico several years earlier had been much broader than that of the study completed by the Commission. Two major problems arose. First was the question of the defects inherent in the methods employed in drawing up treaties; those were the root cause of the very low percentage of accessions to international instruments. Such, for example, was the case with the international Covenants on Human Rights; their texts had not even been submitted to a drafting committee for the elimination of contradictions. Then there was the question of the theory of the sources of international law. His delegation hoped that that question would be considered in the near future with a view in particular to establishing the legal validity of the decisions of international organizations.

49. The question of international responsibility for the prejudicial consequences of activities not prohibited under international law should be studied as a matter of urgency. A group of experts of the Governing Council of the United Nations Environment Programme was already considering the matter from the ecological standpoint. In that connexion, the Commission should co-ordinate its work with that of the group of experts and take into account the principles formulated in the same field by the United Nations Conference on the Law of the Sea.

50. In conclusion, he regretted that the Commission had not appointed a representative from the developing world to be the new Special Rapporteur on the question of State responsibility but was satisfied that the individual appointed would take account of the views and concerns of the developing countries.

AGENDA ITEM 114: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

51. The CHAIRMAN announced that Mauritania had become a sponsor of draft resolution A/C.6/34/L.10.

COMMUNICATION FROM THE UNDER-SECRETARY-GENERAL FOR CONFERENCE SERVICES AND SPECIAL ASSIGNMENTS

52. The CHAIRMAN read out a communication which he had received from the Under-Secretary-General for Conference Services and Special Assignments emphasizing that, as the General Assembly approached the period of its peak meeting activity, the Main Committees, their working groups and other subsidiary organs of the Assembly were virtually competing in their quest for meetings. In view of the existing limits on conference rooms and staff resources, it might happen that meetings could not be held at a desired time or day. The Secretariat endeavoured to meet all requests within the framework of the resources at its disposal but could not assume responsibility for judging the relative importance of each request, let alone accord preferential treatment to any United Nations body or regional group. There were limits not only on the number of conference rooms of various sizes but on the capacity of the interpretation service, although the latter had been strengthened on a temporary basis by more than 25 per cent in order to accommodate the anticipated higher level of activity during the coming phase of the Assembly. Another, widely unknown, limitation related to the provision of summary records. As the précis-writing teams were composed of translators, any increase in the number of meetings with summary records reduced the capacity of the translation services. As some delegations had recently voiced displeasure about the Secretariat's inability to accommodate certain requests for services, the Under-Secretary-General for Conference Services and Special Assignments had thought it fit to apprise the Committee of the situation described; should further information be required, he would be glad to furnish it.

ORGANIZATION OF WORK

53. The CHAIRMAN, having ascertained that only two speakers were inscribed on the list of speakers on the report of the International Law Commission for the next meeting, proposed that the Committee should at that meeting start its consideration of agenda item 118, entitled: "Resolutions adopted by the United Nations Conference on the Representation of States in Their Relations with International Organizations".

54. It was so decided.

The meeting rose at 12.15 p.m.