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MEETING**

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Chairman: Mr. Abdullah EL-ERIAN
(United Arab Republic).

AGENDA ITEM 87

Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions (continued) (A/5809, A/6009; A/C.6/L.557-L.562)

1. The CHAIRMAN invited the Committee to consider the draft resolution submitted by Lebanon and Mexico (A/C.6/L.559), the amendments of Ghana and Romania (A/C.6/L.560), Costa Rica (A/C.6/L.561) and Tunisia (A/C.6/L.562).

2. Mr. BEN ARFA (Tunisia), introducing his amendment, said that many delegations had found that the drafts prepared by the International Law Commission were not submitted soon enough before the opening of the General Assembly to permit their Governments to study them and consider the position they should adopt. He had at first suggested that the drafts should be transmitted to Governments two months before the opening of the twenty-first session of the General Assembly, but he had been informed by the Secretariat that that would not be practicable and so had reduced the time-limit to one month.

3. Mr. CHAMMAS (Lebanon) said that his delegation approved of the Commission's decision to prepare draft articles on the law of treaties to serve as the basis for a convention and its decision to confine the draft articles to treaties concluded between States, it being understood that, if found desirable, that convention could be supplemented by a further convention dealing specially with treaties concluded by international organizations.

4. The co-sponsors of draft resolution A/C.6/L.559 gladly accepted the Ghanaian and Romanian amendment, and would also accept the Tunisian amendment if the time-limit was acceptable to the Secretariat. On the other hand, they preferred to have the Costa Rican amendment considered in connexion with agenda item 89.

5. Mr. FARTASH (Iran) said that his delegation supported the draft resolution and the amendments just accepted by its sponsors; nevertheless, the time-limit of one month in the Tunisian amendment might be

too short. He agreed that the Costa Rican amendment should be discussed in connexion with agenda item 89 particularly as General Assembly resolution 1968 C (XVIII) referred to fellowships in international law and the matter was discussed in the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/5887, para. 15 *et seq.*)

6. Mr. BEEBY (New Zealand) said that his delegation was glad to see the progress made by the International Law Commission on the topics of the law of treaties and special missions, and considered it important for the Commission to complete its work on those topics before its membership changed. His delegation accordingly favoured the Commission's recommendations concerning the holding of a winter session in 1966 and the possible extension of the 1966 summer session. It also welcomed the organization of a seminar on international law by the European Office of the United Nations and hoped that arrangements could be made for more participants from the developing countries to attend future seminars. The draft resolution and the two amendments accepted by its sponsors had his delegation's full support. With regard to the Costa Rican amendment, he thought that arrangements for other seminars and for fellowships for such seminars could be more carefully considered in the discussion of agenda item 89, and that the results of the discussion could be included in a more appropriate and general resolution adopted at that time.

7. Mr. BAGUINIAN (Secretary of the Committee) said that the Secretariat was well aware of the need for the prompt circulation of reports which were to be discussed by the General Assembly. It had, therefore, been the practice in years past to bring out the Commission's reports in mimeographed form at Geneva as soon as possible after the close of each session. The reports had usually been available in English, French and Spanish, in a document of general distribution, about 1 August of each year; that had been the case also in the current year. The Russian text appeared somewhat later, since Russian was not one of the working languages of the Commission and most of the translation had to be done at the end of the session.

8. The Secretariat had noted with surprise in the current year that a number of permanent missions at Geneva had apparently not forwarded the mimeographed copies of the report to their Ministries of Foreign Affairs, and that consequently some delegations had had their first sight of the report when the printed copies had been distributed just before the opening of the debate in the General Assembly. The Secretariat intended for 1966, first, to bring out

the report at Geneva as soon as possible in English, French and Spanish, as before, and secondly, to have the mimeograph stencils sent to New York, so that an additional distribution could be made in New York. The Secretariat hoped that by distribution to the permanent missions in New York it could achieve greater success in placing the report in the hands of those who needed it. The Geneva distribution might be a little later than usual in 1966 because of a possible extension of the Commission's summer session until 22 July, but it would probably still be not long after 1 August. The Headquarters distribution would be sometime thereafter, but at least one month before the opening of the General Assembly. The Russian text was a special problem, and the Secretariat could undertake only to bring it out as soon as possible, which might be less than one month before the Assembly opened.

9. Mr. MONTERO (Costa Rica) said that he would withdraw his amendment and introduce it again when agenda item 89 was discussed.

10. Mr. HAMID (Ethiopia) thought that not only the Costa Rican amendment but also the Ghanaian and Romanian amendments should have been deferred until agenda item 89 was discussed. It would then have been possible to consider the seminars on international law more thoroughly together with other measures of technical assistance to promote the dissemination of international law. The Tunisian amendment was unnecessary; it would be sufficient to inform the Secretariat that the Commission's final drafts should be circulated as soon as possible. Also, the draft articles on the law of treaties should not be singled out for special treatment in that amendment. Since those amendments had been incorporated in the draft resolution, his delegation would have to abstain on the draft resolution itself.

11. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation had not taken part in the general debate, since his Government was studying the draft articles submitted by the Commission and would offer its comments at the appropriate time. His delegation accepted the draft resolution, specially as it had been made clear that approval of the recommended extra session would not constitute a precedent and was required only to enable the Commission to complete its work on the law of treaties before the term of office of its present members expired.

12. Mr. CHAMMAS (Lebanon) understood the reservations expressed by the Ethiopian representative, and assured him that there would be ample opportunity to discuss the seminars on international law when agenda item 89 was discussed. He thought, however, that the substance of the Ghanaian and

Romanian amendment fell within the scope of the draft resolution on the reports of the Commission.

13. Mr. BAGUINIAN (Secretary of the Committee), in accordance with rule 154 of the rules of procedure of the General Assembly, directed the Committee's attention to the financial implications of the draft resolution and of the Ghanaian and Romanian amendments incorporated in it. The Committee had already received, in document A/C.6/L.557, a statement of the financial implications of the proposals, reaffirmed in the preambular paragraphs of the draft resolution, to hold a 1966 winter session of the Commission and possibly to extend its summer session that year. As for the proposal in the Ghanaian and Romanian amendment that seminars on international law should be organized in conjunction with future sessions of the Commission, it was the understanding of the Secretary-General that such seminars would be organized on the same basis as the 1965 seminar, namely, that the United Nations would not be responsible for the travel or living expenses of the participants. On the assumption that such seminars would be held at an established office of the United Nations, it would be the intention of the Secretary-General to meet any additional administrative or servicing costs within the resources he had requested for 1966. Should it be decided to organize such a seminar at any place other than an established office of the United Nations, it would be necessary at that time to consider the question of any additional credits required to finance administrative or servicing costs.

14. Mr. VANDERPUYE (Ghana) said that his delegation had been surprised to learn from the Commission's report that a Seminar had been organized and that hardly any nationals of the developing countries had participated in it. His delegation had therefore thought it desirable to insert in the resolution on the Commission's reports a suggestion that future seminars should include a reasonable number of participants from the developing countries.

15. The CHAIRMAN pointed out that, when the European Office of the United Nations had organized the 1965 Seminar as an experiment, the question of participation had been determined by practical considerations. There had been no intention to exclude representatives from the developing countries.

16. Mr. ROSENNE (Israel) said that, if the Ghanaian and Romanian amendments were intended to refer to seminars organized in the same way as the 1965 Seminar, the amendments came under the item now before the Committee.

Draft resolution A/C.6/L.559, as amended, was adopted by 74 votes to none, with 2 abstentions.

The meeting rose at 4.30 p.m.