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Chairman: Mr. Gonzalo ALCÍVAR (Ecuador).

*Statement by the Chairman*

1. The CHAIRMAN welcomed, on behalf of the Committee, the Vice-President and other members of the International Court of Justice who were present, and the Registrar of the Court.

2. The current state of world affairs made it more vital than ever for the Sixth Committee to fulfil its responsibility for developing international law in the interest of international peace and security. The pace of international events was now so rapid that the world community could no longer rely on customary law, which took too long to evolve. The need for a system of international conventions had therefore become increasingly urgent, and it lay with the Committee to continue its task of codification, the completion of which was a prerequisite of such a system.

*Election of the Vice-Chairman*

3. Mr. OULD DADDAH (Mauritania) nominated Mr. Engo (Cameroon) for the office of Vice-Chairman.

4. Mr. CHAMMAS (Lebanon), on behalf of the Asian group, Mr. KLAFKOWSKI (Poland), on behalf of the socialist countries, Mr. DARWIN (United Kingdom), on behalf of the Western group, and Mr. BONNEFOY (Chile) on behalf of the Latin American group, seconded the nomination.

*Mr. Engo (Cameroon) was elected Vice-Chairman by acclamation.*

*Election of the Rapporteur*

5. Mr. SECARIN (Romania) nominated Mr. Houben (Netherlands) for the office of Rapporteur.

6. Mr. EL-ERIAN (United Arab Republic), on behalf of the African group, Mr. SHANKARANAND (India), on behalf of the Asian group, Mr. ROBERTSON (Canada), on

behalf of the Western group, and Mr. VALLARTA (Mexico), on behalf of the Latin American group, seconded the nomination.

*Mr. Houben (Netherlands) was elected Rapporteur by acclamation.*

*Organization of the work of the Committee  
(A/C.6/392, A/C.6/L.742)*

7. The CHAIRMAN said that, if there was no objection, he would take it that the Committee accepted in principle the Secretariat's suggestion that the Committee should conclude its work at the current session on 9 December 1969 (see A/C.6/L.742, para. 2).

*It was so decided.*

8. The CHAIRMAN invited the Committee's comments on the Secretariat's suggestion concerning the order in which it should deal with the items on its agenda and the approximate dates for the consideration of each item (*ibid.*, para. 8).

9. Mr. DELEAU (France) felt that the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States and the report of the Special Committee on the Question of Defining Aggression, which appeared as items 7 and 8 in the suggested order of consideration, should be dealt with earlier in the session. The discussion of those items would probably lead to an extension of the mandates of the two Committees concerned, in which case the Fifth Committee would have to make the appropriate budgetary and administrative arrangements for their meetings in 1970. Moreover, if the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States was to conclude its work in time for the twenty-fifth anniversary of the United Nations, its next session would have to be held early in 1970. In order to allow time for the necessary arrangements to be made, the two items could perhaps be discussed immediately after the Draft Convention on Special Missions (item 4).

10. Mr. ROSENNE (Israel) said that his delegation wished to express its reservations concerning the suggestion, in paragraph 4 of the note by the Secretariat (A/C.6/L.742), that the Committee should consider the resolution of the United Nations Conference on the Law of Treaties relating to article 1 of the Vienna Convention on the Law of Treaties in connexion with its consideration of the report of the International Law Commission on the work of its twenty-first session. The resolution in question bore no relation whatsoever to any matter arising directly or

indirectly out of the 1969 report of the International Law Commission. His delegation had no objection to the development of the annual discussion on the report of the International Law Commission into a wide-ranging inquiry into the general state of the codification work being carried out under the auspices of the United Nations; indeed, from some points of view, it could be said that the Committee's debates were not sufficiently wide-ranging. Nevertheless, some limits must be drawn, and for the sake of orderly debate and sound procedure it would seem that debates on separate agenda items should not be confused in such a way. The General Assembly had adopted items 94 and 86 of its agenda as two separate items, and it could therefore be assumed that the Assembly considered that they should be examined by the Sixth Committee as two separate matters. There was nothing in the documents submitted to the General Committee, or in the General Committee's reports to the Assembly (A/7700 and Add.1), to suggest otherwise.

11. The topic with which the resolution of the Vienna Conference dealt was a weighty one in its own right. Opinion at the Vienna Conference had been divided regarding it, as appeared quite clearly from the series of separate votes taken at the thirty-second plenary meeting of the Conference on the amendments submitted by Sweden to the draft submitted to the Conference by the Committee of the Whole. His delegation had reserved its position at the Conference, because it had not been sure that the matter was yet ripe for the codification process. Scientific opinion outside the United Nations was also divided on the question.

12. Certain features of the Vienna resolution might interfere with the autonomy and the scientific independence of the International Law Commission. Their constitutionality might even be open to question. In the view of his delegation, those and other matters should be properly discussed and reported on to the General Assembly in the usual manner of the Sixth Committee. The consequence of following the regular procedure would be that, if the recommendation of the Vienna Conference was adopted and the matter in due course came before the International Law Commission, the Commission would be able to consider it in the light of a clear expression of views by the Sixth Committee and the General Assembly, such views having been expressed in a discussion devoted exclusively to the various matters referred to the General Assembly by the Vienna Conference, rather than in a discussion on an entirely different and irrelevant agenda item.

13. A decision to deal with that matter together with the other matters referred to the General Assembly by the Vienna Conference would not entail any serious modification of the Secretariat's suggestions regarding the time-table for the Committee's work. It might even save time and at the same time contribute to the clarity of the debate.

14. He endorsed the suggestion made by the representative of France. The Committee's agenda at the current session was a full one and contained some new items, but all the items could not be regarded as urgent. In his delegation's view, top priority should be given, in the Sixth Committee and in plenary meetings of the General Assembly, to completing the work on special missions, and the remaining questions should be subordinated to that major purpose.

15. Mr. MOVCHAN (Secretary of the Committee) said the reason why the Secretariat had assumed that the Committee might wish to take up the resolution of the Conference on the Law of Treaties in connexion with its consideration of the report of the International Law Commission was that, in that resolution, the Conference itself had recommended that the General Assembly should refer to the International Law Commission the study, in consultation with the principal international organizations, of the question of treaties concluded between States and international organizations or between two or more international organizations. Since it was the custom of the Committee to discuss the future work programme of the International Law Commission during its debate on the Commission's report, the question of the resolution would undoubtedly arise at that point. The Secretariat had also taken into account the fact that the draft resolution submitted by the Sixth Committee to the General Assembly on the report of the International Law Commission always contained an operative paragraph on the future work of the Commission. In its draft resolutions, the Committee not only recommended to the Commission subjects for study but also expressed its views on how the Commission should proceed and what subjects should be given priority.

16. The suggestion by the Secretariat in paragraph 4 of its note had not been intended to prejudice the action to be taken by the Committee. Its only purpose had been to save time and to bring to the Committee's attention the recommendation of the Conference on the Law of Treaties. The time-table suggested by the Secretariat was, as stated in paragraph 8 of the note, "subject to the progress of work" and was also, of course, subject to the wishes of the Committee.

17. Mr. ROSENNE (Israel) said that, in his delegation's view, the question of the resolution of the Vienna Conference was not merely a procedural matter relating to the Commission's future work programme. It was a substantive issue relating to the future study of a particular type of agreement. The resolution had arisen out of arduous debates on article 1 of the Vienna Convention on the Law of Treaties at the recent Conference and, earlier, in the International Law Commission itself. His delegation therefore maintained its reservations regarding paragraph 4 of the Secretariat's note.

*The meeting rose at 12.50 p.m.*