

GENERAL
ASSEMBLY

TWELFTH SESSION

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Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).

AGENDA ITEM 53

Report of the International Law Commission on the work of its ninth session (A/3623; A/C.6/L.400) (continued)

CONSIDERATION OF THE DRAFT RESOLUTION SUBMITTED BY BRAZIL, CHILE, CUBA, PERU, THE PHILIPPINES AND SPAIN (A/C.6/L.400) AND THE AMENDMENT THERETO (continued)

1. The CHAIRMAN said that, as decided at the 528th meeting, the Committee would at the current meeting deal with the points mentioned by the Rapporteur.

2. At its 513th meeting the Committee had decided to adjourn debate on the report of the International Law Commission (A/3623). It had then been considering a draft resolution (A/C.6/L.400), to which the representative of Ceylon had orally submitted an amendment (513th meeting, paras.27 and 53) under which operative paragraph 1 would be replaced by a text expressing the General Assembly's appreciation of the work of the International Law Commission during its ninth session.

3. Mr. BRAVO (Chile) said that the sponsors of the draft resolution had accepted the amendment proposed by Ceylon.

4. Mr. EL-ERIAN (Egypt) said the Committee had adjourned debate pending the Fifth Committee's decision on some of the administrative questions raised in chapter IV of the International Law Commission's report. However, the Rapporteur had pointed out that in paragraph 58 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/3624), pending before the Fifth Committee, the Commission's 1958 session was mistakenly linked to the conference on the law of the sea. The matter should, he thought, form the subject of consultations with the Fifth Committee. He would be grateful for the Legal Counsel's comments.

5. Mr. STAVROPOULOS (Legal Counsel) said that he had drawn the Controller's attention to the misunderstanding in paragraph 58 of the Advisory Committee's report. Since the error had not given rise to any proposal for a reduction of appropriations, it was probably

of no consequence. He would keep the Committee informed of any new developments in that regard.

6. Mr. LIANG (Secretary of the Committee) said that he had received a letter from the Chairman of the International Law Commission, stating that the Commission was most anxious that its next session should last ten weeks as scheduled. He had brought the contents of the letter to the notice of the Secretary of Subcommittee 9 of the Fifth Committee which would deal with the matter.

7. Mr. MALOLES (Philippines) said that the question raised by the Egyptian representative could be held in abeyance, and suggested that the Committee should vote on the draft resolution forthwith inasmuch as the Commission's report consisted principally of the draft articles concerning diplomatic intercourse and immunities. He would regard any attempt to postpone the vote on the draft resolution as delaying tactics.

8. Mr. EL-ERIAN (Egypt) explained that the draft resolution applied to the whole of the Commission's report; if the Committee voted on the draft resolution immediately, it would ipso facto be disposing of the administrative questions affecting the Commission.

9. Mr. CHAUMONT (France) agreed with the Egyptian representative; the only reason why the vote on the draft resolution had been adjourned was that certain administrative questions had arisen out of the International Law Commission's report. In connexion with the other administrative question which had arisen since, the correct course was likewise to await action by the Fifth Committee.

10. Mr. TABIBI (Afghanistan), Rapporteur, explained that he had moved that the Committee should suspend its work on the definition of aggression and examine instead the question raised in paragraph 58 of the Advisory Committee's report, lest the Fifth Committee began its examination of the report before the matter had been brought to its attention.

11. Mr. VAZQUEZ CARRIZOSA (Colombia) said that the amendment proposed by Ceylon should, as the United Kingdom representative had suggested (513th meeting, para.50), be preceded by paragraph 1 of the draft resolution as contained in document A/C.6/L.400.

12. After an exchange of views in which Mr. MALOLES (Philippines), Mr. CAVALIERATO (Greece), Mr. MOROZOV (Union of Soviet Socialist Republics) and the CHAIRMAN took part, Mr. MALOLES (Philippines) withdrew his suggestion.

13. The CHAIRMAN suggested that the Committee should vote on the Egyptian motion for the adjournment of the debate pending the outcome of consultations with the Fifth Committee.

The Egyptian motion was adopted.

Organization of work (A/C.6/355)

14. Mr. VALLAT (United Kingdom), referring to the letter of the President of the General Assembly (A/C.6/355) in which the Sixth Committee had been asked to interpret one of the provisions of the Charter, said his delegation hoped that other delegations would join it in examining the question strictly on its legal merits. It would be useful if the Secretariat could prepare a background paper analysing the preparatory work of the San Francisco Conference in 1945 and recapitulating the precedents. In that way, the Committee would know in which cases the General Assembly had decided that a two-thirds majority, and in which a simple majority, was necessary. He hoped that the paper might be prepared during the final stages of the debate on the definition of aggression.

15. The CHAIRMAN said that the Secretariat would prepare the paper requested by the United Kingdom representative.

16. Mr. MALOLES (Philippines) proposed that the question referred to the Committee by the Fourth Committee should be the last item on the agenda.

17. Mr. CHAUMONT (France) said that the Committee could not vote on the Philippine representative's proposal without knowing whether the Fourth Committee wanted the opinion by a specific date.

18. Mr. EL-ERIAN (Egypt) agreed with the United Kingdom representative that the question transmitted by the Fourth Committee should be examined on its legal merits.

19. The Fourth Committee should be asked how soon it wished to have the opinion. The Sixth Committee should not hastily decide that it would consider the question at the end of the session, for it might thereby defeat the Fourth Committee's purpose. Accordingly, he moved that the Fourth Committee should be asked for particulars concerning its intentions. That inquiry should precede any action by the Sixth Committee.

20. After an exchange of views in which Mr. CHAUMONT (France), Mr. MAURTUA (Peru) and Mr. MALOLES (Philippines) took part, the CHAIRMAN called for a decision on the Egyptian motion.

The Egyptian motion was adopted.

The meeting rose at 11.55 a.m.