

HUNDRED AND SIXTY-SIXTH MEETING

Held at Lake Success, New York, on Monday, 17 October 1949, at 3 p.m.

Chairman: Mr. LACHS (Poland).

Methods and procedures of the General Assembly (concluded)

REPORT OF THE DRAFTING COMMITTEE (A/C.6/L.29 and A/C.6/L.29/Add.1) (concluded)

Revised rule 81 (concluded)

1. The CHAIRMAN requested the Committee to continue its consideration of the amendments and additions to the rules of procedure of the General Assembly as approved by the Sixth Committee and revised by the Drafting Committee (A/C.6/L.29 and A/C.6/L.29/Add.1).

2. As the Committee had completed its discussions of the revised rule 81, he called for a vote on the insertion by the Drafting Committee of a reference to an amendment wherever there was a reference to a proposal.

The insertion of such reference was approved by 28 votes to 1, with 4 abstentions.

3. Mr. KORETSKY (Union of Soviet Socialist Republics) explained that he had abstained from voting, not because he objected to the insertions proposed by the Drafting Committee, but because the revised rule contradicted the democratic principle that, if a representative so requested, parts of a proposal should be voted on separately.

4. Mr. FITZMAURICE (United Kingdom) suggested that the words in the fourth sentence, "which have been approved", should be replaced by "which are subsequently approved".

That suggestion was accepted.

5. Mr. CHAUDHURI (India) said that the word "then" in the same sentence was superfluous and should be deleted.

That suggestion was also accepted.

6. The CHAIRMAN called attention to the drafting change, suggested by the Drafting Committee, of replacing the phrase, "If the motion for division is contested by a member" by "If objection is made to the request for division".

That drafting change was approved.

7. Mr. CHAUMONT (France) pointed out that in the French text of the revised rule 81, it would be better drafting if the fourth sentence began: "Si la motion de division est acceptée, les parties de la proposition ou de l'amendement adoptées..."

That drafting change was approved.

The text of rule 81 as proposed by the Drafting Committee, was approved with the foregoing drafting amendments.

¹ See paragraph 8 above.

Revised rules 82 to 119

8. The CHAIRMAN drew attention to the subsequent rules as set forth in documents A/C.6/L.29 and A/C.6/L.29/Add.1.

The text of rules 82, 89(a), 97, 97(a), 98, 102, 103, 105, 106, 107, 110 and 117, as proposed by the Drafting Committee, was approved without comment.

The text of rule 118 was amended to correspond with the wording of the approved rule 81 and was approved.

The text of rule 119 was approved without comment.

9. The CHAIRMAN noted that the Committee had consequently approved the work of the Drafting Committee.

10. He drew attention to the draft resolution concerning the methods and procedures of the General Assembly submitted jointly by the delegations of Denmark, Iceland, Norway and Sweden (A/C.6/L.23) and to the amendments to it submitted by the delegations of Egypt (A/C.6/L.26), of Lebanon (A/C.6/L.28 and Corr.1), and of China (A/C.6/L.36).

11. Mr. MATFAR (Lebanon) pointed out that the first of the two amendments proposed by the delegation of Lebanon in document A/C.6/L.28 and Corr.1 called for the insertion, between the third and fourth paragraphs of the joint draft resolution (A/C.6/L.23), of the following paragraph:

"Expresses its satisfaction with the work done by the Special Committee".² The second amendment proposed that "one week" in paragraph A,2 of the joint draft should be replaced by "one month".

12. Mr. KORETSKY (Union of Soviet Socialist Republics) remarked that the joint draft resolution in its current form would impose an unnecessary effort on representatives at the plenary meeting of the General Assembly. Paragraph A,1 stated that the General Assembly approved the amendments and additions to its rules of procedure "as set forth in the annex to this resolution". In other words, for the convenience of the delegations at the plenary meeting, the various new and revised rules approved by the Sixth

² In the mimeographed text of the amendment, reproduced on 10 October 1949, insertion of the new paragraph between the second and third paragraphs of the joint draft was proposed.

Committee would be reproduced in a special annex and could therefore be seen and evaluated at a glance. The same method had not, however, been followed with respect to the recommendations and suggestions of the Special Committee; the various paragraphs of the Special Committee's report (A/937) in which they appeared were listed in paragraph B,1 of the joint draft resolution. It would surely be far more convenient both for the General Assembly and for those who might have occasion to consult the resolution at a later date if reference could be made to an annex in which all the recommendations and suggestions of the Special Committee approved by the Sixth Committee might be reproduced.

13. If that procedure were followed, paragraph B,1 might be combined with paragraph A,1, which would then read:

Approves the amendments and additions to its rules of procedure and the recommendations and suggestions of the Special Committee on Methods and Procedures as set forth in the annex to this resolution."

14. In that connexion, he recalled that the Sixth Committee had approved only the substance of those recommendations and suggestions; it had not considered their formulation. He pointed out that he was making his suggestions purely from a drafting point of view, since he would vote against the adoption of paragraph A,1.

15. Mr. LOUFI (Egypt) introduced his amendments (A/C.6/L.26) to the joint draft resolution (A/C.6/L.23).

16. He proposed in the first place the deletion of paragraph B,2 of the joint draft on the ground that it seemed illogical to refer to the General Assembly a matter which the Committee had not approved, but of which it had merely taken note.

17. The second Egyptian amendment called for the insertion, at the beginning of paragraph B,3 of the joint draft resolution, of the following words: "Considering these recommendations and proposals to be useful and worthy of consideration by the General Assembly and its Committees". That addition explained why the Secretary-General should be requested to prepare the document referred to in that paragraph.

18. The representative of Egypt supported the USSR representative's proposal that the recommendations and suggestions referred to in paragraph B,1 of the joint draft resolution should be compiled in an annex to that resolution.

19. The representatives of DENMARK, ICELAND, NORWAY and SWEDEN, who had sponsored the joint draft resolution, accepted the deletion of paragraph B,2 proposed by the Egyptian representative.

20. Mr. ROBINSON (Israel) drew attention to the fact that, as a consequence of the deletion of paragraph B,2, the words "and considerations" should be deleted from paragraph B,3 and that the preceding phrase should read: "the above-mentioned recommendations and suggestions".

That suggestion was adopted.

21. Mr. CHAUMONT (France), Mr. TATE (United States of America) and Mr. WENDELEN (Belgium) agreed that an annex suggested by the USSR representative would be useful. Mr. Wendelen did not think, however, that it would be advisable to combine paragraphs A,1 and B,1 in

view of the fact that paragraph B,3 referred specifically to the statement in paragraph B,1.

22. Mr. STABELL (Norway) pointed out that the advantage of the present wording of paragraph B,1 was that the Sixth Committee did not have to proceed to a final drafting of the recommendations and suggestions whose substance it had beyond any doubt approved. Under the resolution as it stood, that would be left to the Secretariat. If an annex were made, the Committee would have to agree upon the final wording of the recommendations and suggestions, since the latter would then be taken out of their context.

23. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) said that, in his understanding, the joint draft resolution as it stood called on the Secretary-General merely to edit the recommendations and suggestions of the Special Committee, inasmuch as the latter had already been approved by the Sixth Committee. He agreed that it would be convenient for representatives in the plenary meeting to be able to refer to an annex rather than to the report of the Special Committee (A/937) in connexion with both paragraph A,1 and paragraph B,1.

24. Mr. GRAFSTRÖM (Sweden) agreed that it would be useful to put the recommendations and suggestions of the Special Committee in a separate annex. Paragraph B,1 of the joint draft resolution might then read: "*Approves* the recommendations and suggestions of the Special Committee on Methods and Procedures set forth in annex 2 to this resolution", while paragraph A,1 might contain a reference to annex 1 to the resolution.

25. Mr. TATE (United States of America) supported that suggestion.

26. In reply to Mr. FITZMAURICE (United Kingdom), who had remarked that paragraph 29 of the Special Committee's report (A/937) had already been approved by the Committee and should therefore be listed in paragraph B,1, the CHAIRMAN pointed out that the last paragraph of the joint draft resolution dealt with the use of mechanical and technical devices, the subject-matter of paragraph 29.

27. He recalled that there was before the Committee a Lebanese amendment¹ to paragraph A,2 which proposed that the words "one month" should be substituted for the words "one week", after the words "shall enter into force". If the date provided for the entry into force of the rules were only one week after their approval, the rules would go into effect during the current session. That would mean that questions taken up earlier in the session would be discussed and decided under one set of rules, while those dealt with later in the session would be decided under a different set of rules. He questioned the advisability of such a change of procedure.

28. Mr. CHAUMONT (France) supported the Lebanese amendments. He thought that the Committee should express its satisfaction with the work of the Special Committee. Moreover, the idea in the second amendment was excellent. The Committee had hoped that some of the amended rules could be used at the current session, but there were technical and political difficulties which made that undesirable. He questioned the legality of a change of procedure during a session.

¹ See paragraph 11 above.

29. Mr. TATE (United States of America) stated that he could not support the second Lebanese amendment. The revised rules had been considered at great length. The delegations were familiar with them. They would be referred to the General Assembly, which would have a week for further study of them. He assumed that the Special Committee and the Sixth Committee thought that the rules were good; and a good remedy should be applied as soon as possible.
30. Mr. GRAFSTRÖM (Sweden) supported the United States representative.
31. Mr. WENDELEN (Belgium) remarked that it was important to consider that the rules must be printed and distributed. They should go into effect as soon as possible after publication.
32. Mr. MATTAR (Lebanon) said that he would not dwell on his first amendment. In regard to the second, however, he thought that there should be a minimum time, probably one month, between the approval of the rules and their entry into force. That would give delegations time to become acquainted with them. It was questionable whether the Committee could ask the General Assembly to change its rules from one day to the next. He asked whether the words which were in brackets in paragraph A,2 that is "(one week after their approval by the General Assembly)" formed a part of the text of the joint draft resolution.
33. Mr. GRAFSTRÖM (Sweden) replied that they would be replaced by a date. The date entered would be one week later than the date of approval of the rules.
34. The CHAIRMAN suggested that the sentence should read: "... one week after their approval".
35. Mr. GRAFSTRÖM (Sweden) agreed to that wording.
36. The CHAIRMAN recalled that the General Assembly had approved its present rules of procedure on 17 November 1947 and they had gone into force on 1 January 1948.
37. Mr. JORDAAN (Union of South Africa) agreed with the representative of Belgium that the matter of printing the rules must be taken into consideration. He asked the Assistant Secretary-General how much time should be allowed for the printing.
38. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) explained that more than one week would be required for printing, but that the rules could first be published in mimeographed form.
39. Mr. WENDELEN (Belgium) suggested that the text of the draft resolution should be altered to read: "... shall enter into force one week from the time of their publication, which will be announced in the *Journal*".
40. Mr. KORETSKY (Union of Soviet Socialist Republics) remarked that the joint draft resolution, if adopted, was likely to produce a situation in which it would be possible to use the rules only a few days before the end of the current session. All democratic public institutions considered their rules of procedure so important that they could not be hastily amended. In every Parliament, the rules which were decided on at the beginning of a session applied for the duration of that session. To change the General Assembly's rules of procedure in mid-session would only produce confusion and complicate, not facilitate, the Assembly's work. In the past, the General Assembly had decided that its rules would go into effect at the beginning of the year after they were approved. The Committee might follow that example and decide on 1 January 1950 as the date on which the revised rules should enter into force. As the target date of the Assembly was 30 November 1949, there would be very little time in which to use the new rules if they went into effect before 1950. Those representatives who were so eager to change the rules must have some reason for eliminating the democratic procedure of the General Assembly and shortening the debates.
41. He recalled how the Committee had argued over rule 59 and had disagreed over its amendment. The basis of that disagreement had not been merely technical. Why should the questions on the agenda during the last month of the session be discussed and decided under a new set of rules?
42. He hoped that the representative of Lebanon would agree with his point of view.
43. Mr. LOUTFI (Egypt) supported the USSR representative's view. He did not believe that the rules could be changed in the course of a session. He thought that the purpose of that amendment proposed by the Lebanese representative was to assure that the revised rules would not go into force before an interval sufficiently long to enable delegations to become acquainted with them. He hoped that the Lebanese representative would agree to the date of 1 January 1950.
44. Mr. MATTAR (Lebanon) said that his delegation would accept the date of 1 January 1950.
45. Mr. TATE (United States of America) said that he adhered to his view that, if the Sixth Committee considered, as the Special Committee had done, that the new provisions were good, they should go into effect as soon as possible. It was logical that the USSR representative, who had said that he did not approve of some of the rules, should not wish to see them go into effect during the current session.
46. Mr. BARTOS (Yugoslavia) did not think that some questions on the General Assembly's agenda should be discussed under one set of rules, and other questions under another set of rules. In such circumstances, some matters would be considered more thoroughly than others. The effect of the new rules would be to shorten the debates. Some speakers would therefore not be permitted to express their views at length.
47. Moreover, the President of the General Assembly, the Secretary-General and the Assistant Secretaries-General, the chairmen and secretaries of the various committees must learn the new rules. They must be given sufficient time to do so. The new rules would cause confusion if put into force during the present session.
48. To continue under the old rules would save the time of the General Assembly.
49. Mr. FITZMAURICE (United Kingdom) agreed with the USSR representative's conclusion, but for different reasons. His Government would have liked to see the new rules go into effect during the current session; if they could have been adopted earlier in the session, his delegation would have favoured their use. But the Assembly should consider the rules on their

merits; and he feared that, in the advanced stage of the session, representatives might be induced to consider them according to the effect they would have on certain questions still to be discussed, or under discussion. He thought, therefore, that the Committee should adopt 1 January 1950 as the date of entry into force of the new rules.

50. Mr. CHAUMONT (France) called attention to some of the consequences of the new rules, if put into force during the current session. In the Committees, certain matters would be decided under one set of rules, and then, upon being referred to the General Assembly, would be treated and decided under a different set of rules. For example, the Chairmen of the various Committees had been elected for their qualifications under the old rules; the demands made on Chairmen would be different under the new rules, and consideration of that point might even have affected their election. He agreed with the USSR representative that 1 January 1950 should be the date on which the new rules became effective.

51. The CHAIRMAN recalled that the Chinese amendment (A/C.6/L.36) to the joint draft resolution under consideration was before the Committee. He pointed out that paragraph 37 of the Special Committee's report (A/937), which was mentioned in that amendment, did not appear among the paragraphs enumerated in paragraph B,1 of the joint draft resolution. As the Committee had taken action on rules 64 and 102, as proposed by the Special Committee in paragraph 37, it had considered that the clarification referred to in paragraph 37 was no longer necessary. He suggested that the representative of China should withdraw his amendment, since the Committee had not really discussed paragraph 37, but had discussed only the result of the considerations of the Special Committee mentioned therein.

52. Mr. HSU (China) replied that it was precisely because of those points that he had introduced his amendment (A/C.6/L.36) to insert "37" between "23" and "39" in paragraph B,1 of the joint draft resolution (A/C.6/L.23). Paragraph B,1 would then read as follows:

"B,1. Approves the recommendations and suggestions of the Special Committee on Methods and Procedures, as set forth in paragraphs 13, 14, 20, 22, 23, 37 and 39 of its report;"

Paragraph 37 contained two parts: the first part explained what points of order were; the second part introduced the recommended texts for rules 64 and 102, which had been approved. The first part, however, was still useful. Summary records of the Special Committee showed that it was the Committee's view that, although it was not necessary to define points of order, it was advisable to explain them. The Chinese delegation wished to have the matter discussed.

53. The CHAIRMAN explained that the Chinese amendment could not be accepted, since the Committee had never discussed paragraph 37. In order to do so, it would have to reopen the discussion on the report of the Special Committee (A/937). The Sixth Committee had considered that the paragraph did not merit a separate resolution and that it had been taken care of in the proposed rules 64 and 102.

¹ See paragraphs 11 and 44 above.

² See paragraph 11 above.

54. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) repeated that paragraph 37 had not been overlooked. It had been decided that that paragraph did not require a resolution and that the amendments to rules 64 and 102 were the important point.

55. Mr. HSU (China) stated that he was satisfied by attention having been drawn to paragraph 37.

56. The CHAIRMAN stated that the Lebanese amendments (A/C.6/L.28 and Corr.1) and the second Egyptian amendment (A/C.6/L.26) were still before the Committee. He recalled that the second Lebanese amendment referred to paragraph A,2 of the joint draft resolution (A/C.6/L.23), concerning the date when the new rules would go into force, and, as revised,¹ would amend paragraph A,2 to read as follows:

"Decides that they shall enter into force on 1 January 1950."

57. He put the second Lebanese amendment to the vote.

The second Lebanese amendment was adopted by 30 votes to 9, with 6 abstentions.

58. Mr. KORETSKY (Union of Soviet Socialist Republics) said that he would vote against the new rules of procedure because, to a certain extent, they violated the democratic principles on which the work of the United Nations should be based. He had therefore had to abstain from voting on the Lebanese amendment.

59. The CHAIRMAN put to the vote the first Lebanese amendment,² which proposed the addition to the joint draft resolution, after the paragraph: "Mindful of the importance of adapting its organization and procedures to its increasing responsibilities", of the words: "Expresses its satisfaction with the work done by the Special Committee. . ."

The first Lebanese amendment was adopted by 36 votes to none, with 4 abstentions.

60. The CHAIRMAN took up the second amendment (A/C.6/L.26)³ submitted by the Egyptian delegation. He asked the representative of Egypt where he wished the words: "Considering these recommendations and proposals to be useful and worthy of consideration by the General Assembly and its committees", to be placed in the draft resolution. They did not seem to belong in the operative part.

61. Mr. LOUTFI (Egypt) thought the words should be placed after paragraph B,1. He did not know exactly how paragraph B,1 would be worded. If it were worded like paragraph A,1, the Egyptian amendment could follow it directly, without any changes in the text he had suggested. He recalled that it had been decided that paragraph B,2 would be deleted from the draft resolution.

62. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) said that he did not think it logical to make the Egyptian amendment paragraph B,3 of the draft resolution. He pointed out that, if paragraph B,1 were accepted, it was not necessary to repeat that the Committee considered those recommendations to be useful. Since they had been approved by the Sixth Committee, it went without saying that the recommendations and suggestions of the Special Committee were useful.

³ See paragraph 17 above.

63. Mr. LOUTFI (Egypt) agreed that his text was not essential. It explained, however, why the Committee had recommended the request to the Secretary-General. Instead of being put in telegraphic style, the matter would be expressed more fully in the amendment.

64. The CHAIRMAN asked the representative of Egypt if he still wished his amendment to be voted on.

65. Mr. LOUTFI (Egypt) replied in the affirmative.

66. The CHAIRMAN put the second Egyptian amendment to the joint draft resolution to the vote.

The second Egyptian amendment was adopted by 22 votes to 5, with 17 abstentions.

67. The CHAIRMAN called attention to the fact that the word "proposals" in the paragraph just adopted should be replaced by the word "suggestions".

68. Mr. SVENNINGSEN (Denmark) thought that it would be better to insert the Egyptian amendment before the paragraph in the joint draft resolution beginning "Mindful of the importance . . ." It would not then be in the operative part.

69. The CHAIRMAN recalled that he had made that suggestion and that the Committee had decided otherwise.

70. Mr. WENDELEN (Belgium) proposed that the word "Considering", in the Egyptian amendment, should be replaced by the word "Considers".

71. The CHAIRMAN replied that, since that was only a drafting change, the word "Considers" could be substituted.

72. Mr. FITZMAURICE (United Kingdom) pointed out that the recommendations and suggestions referred to in the Egyptian amendment were only those mentioned in paragraph B,3 of the draft resolution. It would therefore not be advisable to put the Egyptian amendment in the preamble of the resolution. He also thought that the word "Considers" should be substituted for the word "Considering".

73. As Mr. LOUTFI (Egypt) agreed to the use of the word "Considers", the CHAIRMAN stated that the substitution would be made.

74. The CHAIRMAN put the joint draft resolution proposed by Denmark, Iceland, Norway and Sweden (A/C.6/L.23), as amended, to the vote as a whole.

The joint draft resolution was adopted by 37 votes to 6, with 2 abstentions.

75. Mr. BARTOS (Yugoslavia) explained that he had voted against the draft resolution because he was opposed to some of the amendments and additions to the rules of procedure approved therein. He considered them prejudicial to the democratic functioning of the General Assembly and to co-operation between the nations.

76. Mr. KORETSKY (Union of Soviet Socialist Republics) explained that while he had voted, in a spirit of co-operation, for some paragraphs which he nevertheless had not regarded as entirely satisfactory, he had voted against the draft resolution as a whole in view of the fact that some of the amended rules of procedure mentioned therein, in particular rules 59, 81, 98 and 118, artificially limited the rights of Member States in the General Assembly and thus violated the democratic principles on which the United Nations was based.

77. Mr. GARCÍA BAUER (Guatemala) stated that he had abstained in the vote on the draft resolution calling for the approval of the proposed amendments and additions to the rules of procedure, a number of which he had opposed during the general debate.

78. As regards the second Lebanese amendment to the draft resolution, he had voted in favour of 1 January 1950 as the date for the entry into force of the amended rules so as to avoid the application of two different sets of rules of procedures at the current session.

Report of the International Law Commission (A/925) (continued)

PART I: GENERAL (continued)

79. The CHAIRMAN then called for consideration of the Pakistan draft resolution (A/C.6/L.42) calling upon the International Law Commission to examine the possibility of including the topic of international rivers in its list of topics for codification.

80. Mr. ZIAUDDIN (Pakistan) stated that he had revised his earlier draft¹ to meet the objections raised by the United Kingdom and USSR representatives at the 164th meeting.

81. He had found it necessary to make that proposal in view of the fact that the question had not been included in the list of twenty-five topics in paragraph 15 of the Commission's report (A/925), and that it was not covered by any other item mentioned.

82. The delegation of Pakistan attached importance to the question of international rivers because many rivers used for transportation and irrigation flowed through different countries and had consequently formed the object of international treaties and conventions, as well as of international disputes.

83. Aware, however, of the Commission's load of work, he would be satisfied if the topic were included in a list of topics to be studied eventually by the Commission. He therefore proposed the following revised draft resolution:

"The General Assembly,

"Considering that the topic of international rivers i.e. the rights of States over the waters of rivers flowing through their territories is an important subject of international law,

"Recommends that the International Law Commission should examine this subject at an early convenience with a view to its possible inclusion in the list of topics for codification."

84. He explained, in reply to a question by the CHAIRMAN, that the word "their" in the draft resolution referred to the various countries through which the rivers flowed. He was prepared to redraft that phrase for greater clarity, if necessary.

85. Mr. CHAUMONT (France) considered that the Pakistani draft resolution, even in the revised form, was not entirely satisfactory, since it did not sufficiently take into consideration the Commission's workload. The second paragraph instructing the Commission in a mandatory manner to include that topic in its list of topics for codification at some time, raised an important ques-

¹ See the Summary Record of the 164th meeting, paragraph 94.

tion of principle affecting the Committee's recent vote on chapter II of the Commission's report (A/925). Paragraph 17 of that report stated that the list of topics in the foregoing paragraph was admittedly provisional and that additions or deletions might be made after further study by the Commission, or in compliance with the wishes of the General Assembly. In view of the Committee's recent decision to confirm the Commission's power of initiative in the selection of topics for codification, he proposed that the mandatory phrase "should examine this subject at an early convenience with a view to its possible inclusion in the list of topics for codification", should be replaced by the words: "should examine this subject as early as convenient with a view to examining the desirability of including this topic for codification".

86. Mr. MAKTOS (United States of America) stated that he did not object to the mandatory character of the Pakistani draft resolution as much as to the principle involved.

87. Article 18 of the Commission's Statute provided that the Commission should survey the whole field of international law with a view to selecting topics necessary and desirable for codification, having in mind existing drafts, whether governmental or not. Recalling the results of the Hague Conference of 1930, at which the codification of such well-known topics as territorial waters had failed to obtain the agreement of States, he stated that the Committee on the Progressive Development of International Law and its Codification had wished the fifteen experts who were members of the Commission to decide, after thorough study, whether a certain topic was ripe for codification and whether its codification was necessary and desirable. Consequently, it would be inappropriate to refer a certain topic to the Commission for codification without proper study, and without having formed a considered opinion on the necessity and desirability of its codification.

88. On the other hand, the French amendment, stating that the Commission should examine the desirability of including that topic for codification, seemed unnecessary inasmuch as it left the question open for consideration by the Commission, which in any case would ultimately deal with it. The very absence of the subject of international rivers from the Commission's report showed that, in the Commission's considered opinion, the fourteen listed topics should be examined first. While it was always within the power of the General Assembly to recommend a topic for codification, the question was whether such a recommendation was wise.

89. During its remaining two years, the Commission would have to deal with such difficult questions referred to it by the General Assembly as the formulation of the Nürnberg principles, international criminal jurisdiction and the draft declaration on the rights and duties of States. At the same time, the questionnaires on the subject which the Commission contemplated sending to Governments would call for considerable work on their part.

90. In view of those considerations, he felt that, while the Commission might later decide to include the topic now under discussion in its list, he would be reluctant to add it to the list of topics selected by the Commission at the present time without having thoroughly weighed the desir-

ability and necessity of its codification as against that of other topics. For that reason, his delegation had also voted against referring to the Commission the question of territorial waters, notwithstanding its affinity with that of the régime of the high seas.

91. Mr. FERRER VIEYRA (Argentina) suggested that, since the first paragraph of the Pakistani draft resolution gave only one of the various legal definitions of international rivers, it should be replaced by the following paragraph: "Considering that the topic of international rivers is an important subject of international law."

92. Mr. FITZMAURICE (United Kingdom) supported the French amendment to the Pakistani draft resolution which, if accepted, would make it possible for him to vote for the Pakistani draft. In principle, however, he was inclined to agree with the United States representative. He appreciated, however, the motive of the Pakistani proposal, which was that the International Law Commission had based its selection of topics on a memorandum prepared by the Secretary-General which had not listed international rivers. Recalling his earlier view that the Committee could not instruct the Commission to codify a question which it had never studied, he supported the modified version of the Pakistani proposal, as amended by France, the only purpose of which was to repair an omission in the Secretary-General's paper.

93. Mr. Fitzmaurice announced that, under rule 112 of the rules of procedure, his delegation would in the near future propose that the Committee reconsider the draft resolution submitted by Iceland (A/C.6/L.37) which had been approved at the 164th meeting.

94. Mr. BARTOS (Yugoslavia) agreed with the representative of Pakistan on the Assembly's right of initiative in the matter, but felt that the Pakistani draft resolution would be preferable as amended by France and Argentina.

95. He noted, in that connexion, that the question of international rivers was inextricably connected with the question of international lakes, and that both should therefore be considered. The matter would require careful preliminary study, however, since it was not certain whether the topics were ripe for codification in view of the differences in the régimes. He therefore could not support the Pakistani draft resolution calling for the eventual inclusion of that topic, and preferred the French amendment asking the Commission to study the desirability of codifying it. A final decision could be taken in the light of that study.

96. Mr. CHAUMONT (France) supported the Argentine representative's suggestion for the deletion of the definition of international rivers, in view of the many possible legal definitions of that subject.

97. Mr. ZIAUDDIN (Pakistan) accepted the French and Argentine amendments.

98. Mr. HUDSON (Chairman of the International Law Commission) explained, at the request of Mr. KORETSKY (Union of Soviet Socialist Republics), that the Commission's selection of topics had not been confined to the Secretary-General's list. While additional suggestions had been examined, he could not recall that international rivers had been among them. The Commission had made a provisional selection of topics, using

the Secretary-General's memorandum as a working basis, and had then decided to give priority to only three topics so as to be able to complete their codification by the end of the three-year term. Even with that limited choice, the Commission's workload was heavy. While there would be no objection to including that topic in the list under paragraph 16, it would be impossible for the Commission to deal with it under paragraph 20.

99. Mr. KORETSKY (Union of Soviet Socialist Republics) thanked Mr. Hudson for his explanation.

100. The Commission had a full programme. In addition to having given priority to three of the selected topics, the codification of which, in the view of some of its members, would require a number of years, it had assigned a fourth topic — the right of asylum — to a Rapporteur for the preparation of a working paper. Furthermore, the International Law Commission was composed of experts representing different legal and social systems, all of which must be taken into consideration. Consequently, it would require considerable time to find a general formula and to co-ordinate the differing systems and points of view. The members of the Commission were already overburdened with the Commission's work, which took much time from their regular activities; they should therefore not be asked to undertake further studies unless the General Assembly decided, in view of the urgency of a question, to refer it to the Commission as a matter of priority.

101. It seemed doubtful, however, from the statement made by the representative of Pakistan, that the question of international rivers was of such urgency or importance as to justify such a decision. If any real dispute existed in that connexion, it would be more practical to settle it directly with the country concerned. If the Commission should ever deal with the codification of that topic, it would not fail to appreciate and give

the necessary consideration to any such international agreement.

102. Any time which the Commission might spare from its numerous activities should be reserved for urgent questions which might come up in the future. Consequently, since there was no chance that the Commission would be able to take up the question within the following two years, he hoped that the representative of Pakistan would agree to withdraw his proposal which, if necessary, he could reintroduce at the following session of the General Assembly.

103. Mr. SPIROPOULOS (Greece) agreed with the preceding two speakers. The Pakistani proposal, even as amended by France, would serve no practical purpose. As had already been pointed out, there were already fourteen other topics on the Commission's list; allowing two years for the codification of a topic, it would be thirty years before that topic could be codified. He therefore thought it unwise to refer it to the Commission, which would only be forced to spend some time discussing the desirability of its codification. He urged the representative of Pakistan to withdraw the draft resolution.

104. Mr. HUDSON (Chairman of the International Law Commission) said that the Commission's members would welcome any suggestions regarding the addition or deletion of topics. The fact that the question had been raised in the Sixth Committee would be sufficient reason for the Commission to consider the Pakistani proposal. The Commission would give due consideration to the official records of the Sixth Committee's proceedings, and examine the question of international rivers at its earliest convenience.

105. Mr. ZIAUDDIN (Pakistan), declaring himself satisfied with Mr. Hudson's assurance, withdrew his proposal.

The meeting rose at 5.55 p.m.
