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Chairman: Mr. Constantine EUSTATHIADES
(Greece).

AGENDA ITEM 76

**Report of the International Law Commission on the work of
its fourteenth session (A/5209, A/C.6/L.498, A/C.6/
L.504 and Rev.1 and 2, A/C.6/L.508 and Rev.1) (con-
cluded)**

1. Mr. MISHRA (India), in introducing the revised draft resolution (A/C.6/L.508/Rev.1), explained that the sponsors had incorporated most of the changes suggested by members of the Committee. He said that the pattern was the same as that of the original draft resolution A/C.6/L.508. Paragraph 2 of the revised draft was identical with similar paragraphs of other resolutions of the Committee. The changes had been made so as to conform with the rules of the General Assembly. The addition of the words "further" and "extended" and the deletion of the words "of new States" would meet the objections raised. The reference to document A/C.6/L.504/Rev.2 had been omitted, as that text had not been formally adopted by the Committee. But he assured the Committee that the views of the members would be taken into account by virtue of the latter part of paragraph 1 and also in accordance with the provisions of paragraph 4 of the resolution adopted at the 747th meeting of the Sixth Committee. He hoped that the revised text of the draft resolution would secure unanimous support.

2. Mr. E. K. DADZIE (Ghana), who was also a sponsor of draft resolution A/C.6/L.508/Rev.1, could not agree that it was outside the province of the International Law Commission to advise the Sixth Committee. He would have preferred the question of the accession of new States to general multilateral conventions to be settled at the current session; but since that was obviously impossible, nothing could be lost by referring the matter back to the Commission for further study. He hoped that those who had objected to that course would reconsider their position and vote for the revised draft resolution.

3. Mr. SCHWEBEL (United States of America) said that his delegation fully supported the revised draft resolution, which provided a judicious solution for a

very difficult problem. In particular, the highly controversial question of whether reference should be made to States Members of the United Nations or whether the "all States" formula should be employed had been neatly avoided by omitting language suggestive of either.

4. Mr. CHAMMAS (Lebanon), Mr. HASSAN (Mauritania), Mr. SHARAF (Jordan), Mr. OKANY (Nigeria) and Mr. CAINE (Liberia) said that their delegations would support the revised draft resolution.

5. Mr. AMADO (Brazil) did not share the anxieties of the representatives of Italy and Chile over constitutional difficulties which might prevent parties to general multilateral conventions from permitting the accession of new States. His delegation would support the revised draft resolution (A/C.6/L.508/Rev.1); but, as a member of the Commission, he pointed out that, as the Commission's annual session lasted only ten weeks, the task which the Committee was imposing on it would not be light.

6. Sir Kenneth BAILEY (Australia) and Mr. QUINTERO (Panama) said that the revised draft resolution had dispelled the doubts expressed by their delegations at the preceding meeting, and they would therefore vote for it.

7. Mr. SALDIVAR (Paraguay) said that his delegation would vote for the revised draft resolution, but questioned the appropriateness of the words "más a fondo" (further) and "debidamente" (due) in the Spanish text of operative paragraph 1.

8. Miss GUTTERIDGE (United Kingdom) said that her delegation would support the revised draft resolution (A/C.6/L.508/Rev.1). She hoped, however, that the further study requested of the Commission would not divert it from its normal programme of work, or in any way prejudice the general question of participation in multilateral conventions referred to in articles 8 and 9 of the draft articles on the law of treaties (A/5209, chap. II).

9. Mr. TABIBI (Afghanistan) said that he shared the apprehension expressed by the Brazilian representative, a fellow-member of the Commission, concerning operative paragraph 1 of the revised draft resolution (A/C.6/L.508/Rev.1), but would vote in favour of the text for the sake of unanimity.

10. Mr. E. K. DADZIE (Ghana) said, in reply to the Panamanian representative, that the sponsors of the draft resolution saw nothing wrong in their request to the Commission for further advice on the suggestions it had made in paragraph (10) of the commentary on articles 8 and 9 of the draft articles on the law of treaties (A/5209, chap. II). The request was in fact an acknowledgement by the Committee of the attention that the Commission had already paid to the matter. He thanked the Lebanese representative for not pressing the proposal that he had made earlier (751st meet-

ing, para. 32) to the vote, and the United States delegation for its assistance in preparing the revised draft resolution.

11. Mr. ROSENNE (Israel) said he would vote in favour of the revised draft resolution (A/C.6/L.508/Rev.1). From paragraph (10) of the commentary to articles 8 and 9 of the draft articles on the law of treaties, his delegation had concluded that the General Assembly could properly act in the matter, and that the Commission's suggestions relating to administrative action by the depositaries of treaties were wise and practical. He had therefore joined in sponsoring draft resolution A/C.6/L.504 and the subsequent revisions. He thanked the Legal Department for its assistance in drafting those texts, and the representatives of Australia, Ghana, Italy and other countries for clarifying certain problems and drawing attention to various issues. The debate had shown a consensus in the Committee that the problem of extended participation in general multilateral treaties concluded under the auspices of the League of Nations should be solved without delay; the revised draft resolution was designed to achieve that purpose. He could not share the pessimistic views of some members of the Commission, but was sure that it could render the Committee valuable service in pursuance of the draft resolution.

12. Mr. TOURE (Mali) praised the manner in which the sponsors of the revised draft resolution (A/C.6/L.508/Rev.1) had achieved their aims. It had become fairly obvious that they could have obtained a majority for their earlier version (A/C.6/L.508) if they had pressed it to a vote; but they had preferred to prepare a new text on which the whole Committee could agree. He would vote for the revised draft resolution.

13. Mr. BERNSTEIN (Chile) said he would vote for the revised draft resolution for the sake of unanimity, though he still had doubted whether the Commission should be burdened with further tasks. Nor had he been entirely convinced by the Brazilian representative's arguments concerning constitutional law.

14. U SAN MAUNG (Burma) observed that paragraph 1 of the draft resolution was perfectly in order, since the International Law Commission's work was partly advisory in character, as paragraphs 13 and 17 of its report showed (A/5209). In the belief that it was wise for the Committee to seek technical advice from the Commission, the Burmese delegation would vote in favour of the revised draft resolution.

15. Mr. USTOR (Hungary) expressed his delegation's satisfaction that the Committee would be able to adopt yet another resolution without a dissenting vote. The admission of new States to participation in general multilateral treaties concluded under the auspices of the League of Nations should be effected as soon as possible, and the procedure should be both legally correct, in conformity with the law of treaties, and easy and swift to apply. His delegation was sure that the procedure which the Committee would be called upon to consider at the next session would be just and completely devoid of the discriminatory tendencies which had permeated draft resolution A/C.6/L.504 and Rev.1 and 2 and which certain delegations had seemed to wish to maintain. The Hungarian delegation deeply regretted that the Australian representative had categorically rejected the compromise solution it had proposed (749th meeting, para. 29) in respect of draft resolution A/C.6/L.504/Rev.2. Even if certain Gov-

ernments were still unwilling to enter into treaty relations with some States and could not consent to their participation in the League of Nations treaties, at least they should not try to debar others from consenting to the participation of all States irrespective of their political, social and economic systems.

16. Mr. MOLINA (Venezuela) said that, although his delegation would vote in favour of the revised draft resolution (A/C.6/L.508/Rev.1), he felt obliged to draw attention to the growing trend in the Sixth Committee to refer every legal problem that arose to the International Law Commission. He had the highest possible opinion of the Commission's work, the impressive quality of which had enabled the Committee to reach some important decisions. Nevertheless, three members of the Commission had stated in the Committee that the Commission would have difficulty in finding time to deal with an additional subject. The Committee should use the Legal Department's services more frequently, particularly in matters which did not relate directly to codification.

17. Mr. ANOMA (Ivory Coast) noted with satisfaction that, thanks to the initiative taken by the delegations of Ghana, India and Indonesia and to the able guidance of the Chairman, the Committee seemed to be on the point of adopting another resolution unanimously, in the spirit with which jurists should always be imbued. He agreed with the Paraguayan representative that the word "document" in the French text of paragraph 1 might be regarded as superfluous.

18. Mr. MOVCHAN (Union of Soviet Socialist Republics) observed that the revised draft resolution (A/C.6/L.508/Rev.1) and the whole debate on it showed a salutary trend in the Sixth Committee and the International Law Commission towards dealing with questions of immediate importance. It was gratifying to observe that the Committee seemed to be unanimous in wishing to extend participation in general multilateral treaties concluded under the auspices of the League of Nations, although a discordant note had been struck during the debate by those who seemed to want to retain discriminatory formulae and to prevent the United Nations from keeping abreast of the times. Furthermore, by adopting a resolution on a particular aspect of the Commission's work, and not only a general resolution on its report, the Committee would be expressing its particular interest in the law of treaties, which was so important in all contemporary international relations.

19. The CHAIRMAN drew attention to the Paraguayan representative's drafting suggestions, and asked the sponsors if they could accept them.

20. Mr. MISHRA (India) said that the term "giving due consideration" had been taken from paragraph 3 (b) of the resolution, which the Committee had adopted unanimously at the 747th meeting.

21. Mr. SALDIVAR (Paraguay) said that the problem was one of translation only.

22. The CHAIRMAN put the revised draft resolution (A/C.6/L.508/Rev.1) to the vote.

The revised draft resolution was adopted unanimously.

23. Mr. SPERDUTI (Italy) did not feel that the Brazilian representative's surprise at the points he had raised in the debate was justified. He had referred not only to the requirements of domestic constitutional

law, but also to the expression of consent, and whether silence could mean consent at the international level. He expressed his gratification at the outcome of the debate, and hoped that at the next session the problem of extended participation in treaties concluded under the auspices of the League of Nations would be solved rapidly and satisfactorily.

24. Miss LAURENS (Indonesia) thanked the members of the Committee for their co-operative spirit.

25. Mr. CHALE (Tanganyika), speaking in explanation of his vote, expressed his delegation's conviction that participation in general multilateral treaties was of overriding importance, especially to developing countries, which had the arduous task of catching up in legal, political, social, cultural and economic matters. They had no time to spare, for they had to do in decades or months what others had done in centuries or years. That they might accelerate their development and interdependence, and so fulfil that mission, all barriers should be removed and all assistance given them. Accordingly his delegation would fully support the International Law Commission's study of the law of treaties and its effort to facilitate the participation of the developing countries in general multilateral treaties as soon as possible.

26. Mr. TABIBI (Afghanistan), recalling the resolution on the report of the International Law Commission adopted by the Sixth Committee at its 747th meeting, noted that under paragraph 5 the Secretary-General would be requested "to provide the necessary technical services to the Commission, referred to in paragraphs 84 and 85 of its report". It would be helpful if the interpreters, translators and précis-writers assigned to cover the Commission's sessions were selected from those familiar with legal terminology and with the legal work of the United Nations.

27. Mr. SCHWEBEL (United States of America) recalled that during the debate on the Commission's report several delegations had referred to the difficulties raised by the pattern of conferences established by General Assembly resolution 1202 (XII), which prohibited any overlapping of the Commission's session at Geneva with the summer session of the Economic and Social Council. The sentiment uniformly expressed in the Sixth Committee, while recognizing that the financial considerations involved were within the competence of the Fifth Committee, had been sympathetic to the Commission's request that it should be freed from the burden placed on it by that resolution. He was impressed by the Brazilian's representative's emphasis of the fact that the Commission met for only ten weeks each year. If longer sessions were required, resolution 1202 (XII) should not stand in the way. He hoped, therefore, that the Chairman would communicate the Committee's views on that point to the Chairman of the Fifth Committee, which was to consider the pattern of conferences at the present session.

28. The CHAIRMAN said that he would communicate the Committee's views to the Chairman of the Fifth Committee.

29. Mr. CHENG (China) was pleased that in the vote just taken the Committee had once again upheld its precious tradition of unanimity.

30. The Chinese version of the International Law Commission's report (A/5209) had not yet been issued. The Chinese text was important, not only because Chinese was an official language of the United Nations

and because his Government had to study that text in order to submit its comments on the draft articles on the law of treaties, but also because the progressive development of international law required that the important work of the Commission, through the medium of its report, should be within the reach of Chinese-speaking law societies and communities. While his delegation was not unaware of some technical difficulties, it believed that the Secretariat should have assigned adequate staff to do the work, and hoped that it would not have to wait much longer for a satisfactory translation.

AGENDA ITEM 73

Question of the publication of a United Nations juridical yearbook (A/5169 and Add.1 and Corr.1, A/5190, A/C.6/L.499) (continued)*

31. The CHAIRMAN announced the appointment of the following delegations to the working group on the question of the publication of a United Nations juridical yearbook: Afghanistan, Australia, Ceylon, Chile, Ghana, Hungary, Netherlands, Panama, Poland, United Arab Republic, and United States of America. The Committee desired that the working group should submit its conclusions as quickly as possible.

32. Mr. CACHO ZABALZA (Spain) restated for the working group his delegation's views on the publication of a United Nations juridical yearbook. It believed that the yearbook should be directed to specialists, since a publication intended for the general public would not repay the effort or the cost. The yearbook should not interfere with, or duplicate, existing private or governmental publications, such as the International Law Reports, the Bibliography of the International Court of Justice, or the United Nations' Reports of International Arbitral Awards, United Nations Legislative Series, and Repertory of Practice of United Nations Organs. It should not duplicate the contents of influential journals such as the French and Swiss Annales. Consequently it should be confined strictly to documentary and bibliographical information. The United Nations already published a list of selected articles from periodical publications and lists of new publications in the United Nations Library, which though incomplete were very useful. The yearbook, however, should fill a need by providing a systematic bibliography with a summary of the listed works and articles; it should be limited to the United Nations and the specialized agencies, since a general publication would be too voluminous and costly. The documentary material should be similarly restricted and should include: first, important unpublished material; second, the complete text only of important documents of legal interest which had appeared in other publications; and third, a systematic and complete list of the sources in which other less important documents could be found.

33. Mr. LUTEM (Turkey) said that, since the Committee would not wish to interrupt its discussion of another item to consider the report of the working group, perhaps that report should be discussed after agenda items 74 and 75 had been dealt with.

34. Miss GUTTERIDGE (United Kingdom) supported that suggestion.

35. Mr. E. K. DADZIE (Ghana) saw no reason why, if the working group's report was ready at the end of

*Resumed from the 749th meeting.

the debate on agenda item 75, it should not be discussed then. Besides, it was to be hoped that the working group would reach a generally-acceptable formula which the Committee could approve without extended debate.

36. Mr. KERLEY (United States of America), as a member of the working group, supported the Turkish representative's suggestion. The working group would not want to be rushed; the material it had to consider covered a number of years, and the financial implications also had to be regarded. Moreover, the Committee had decided at its 733rd meeting to allow sufficient time for consideration of the question of consular relations.

37. Mr. ALCIVAR (Ecuador) thought it unnecessary for the Committee to decide at present when it would consider the working group's report, especially as it did not yet know whether the working group would submit its report before the end of the discussion of agenda item 75.

38. Mr. EL-ERIAN (United Arab Republic) recalled that the purpose of establishing the working group had been to avoid a prolonged debate on the juridical year-book in the Committee, and thus to ensure adequate time for discussion of the other agenda items. He hoped that the working group would reach a generally-acceptable decision, and that the Committee would not have to spend much time in considering it. Any decision would have to be referred to the Fifth Committee. He therefore thought it best for the Committee not to decide yet when it would consider the working group's report.

39. Mr. KERLEY (United States of America) said that there was much force in the arguments of the two previous speakers. The Committee might, without taking a formal decision, recognize that it need not determine when the working group's report should be considered until the report was finished. If the debate on consular relations had begun or had been completed before the report was submitted, there would be no need for any decision. If, however, a different solution needed to be considered, the Committee could fix a time, and his delegation would then retain its present views on the desirable sequence of the items.

40. Mr. CHALE (Tanganyika) thought that the working group should not be hurried and should report when it felt ready.

41. Mr. LUTEM (Turkey) agreed that, if there was enough time to deal with items 74 and 75, the working group's report could be taken up before the discussion of those items was concluded. His delegation reserved its position, however, if in the event there was not enough time to cover both items.

42. Mr. E. K. DADZIE (Ghana) noted that there was not general agreement that the Chairman should decide when the problem of priorities should be taken up again.

43. The CHAIRMAN, in view of the discussion, withdrew his suggestion that the working group should submit its report as soon as possible.

The meeting rose at 5.40 p.m.