



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/35/731
11 December 1980

ORIGINAL: ENGLISH

Thirty-fifth session
Agenda item 106

REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS THIRTY-SECOND SESSION

Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

I. INTRODUCTION

1. On the recommendation of the General Committee, the General Assembly decided, at its 3rd plenary meeting, on 19 September 1980, to include in the agenda of its thirty-fifth session the item entitled "Report of the International Law Commission on the work of its thirty-second session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered this item at its 25th, 30th, 33rd, 37th, 43rd to 60th and 72nd meetings, on 21, 27 and 30 October, 4 and 10 to 24 November and 3 December 1980. The summary records of those meetings (see A/C.6/35/SR.25, 30, 33, 37, 43-60 and 72) reflect the views expressed by the representatives who participated in the debate on the item.

3. At the 25th meeting, on 21 October, Mr. Christopher W. Pinto, Chairman of the International Law Commission at its thirty-second session, introduced the Commission's report on the work of that session. ^{1/} The Committee also had before it a note by the Secretary-General (A/35/388), prepared pursuant to a decision adopted by the Commission at its twenty-ninth session, containing the text of the draft articles provisionally adopted so far by the Commission on topics under current consideration, as well as the text of two resolutions of the 59th Conference of the International Law Association, circulated at the request of the Permanent Mission of Yugoslavia (A/C.6/35/4). At the 60th meeting, on 24 November, the Chairman of the Commission made a statement at the end of the debate on the item.

^{1/} Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 10 (A/35/10).

4. The Committee also had before it a working paper submitted by the United States of America on the organization of the Committee's debate on the item. The Committee considered the working paper at its 33rd and 37th meetings, on 30 October and 4 November. At its 37th meeting, on the suggestion of its Chairman, the Committee agreed, as an experiment, to adopt a flexible approach for the consideration of the report of the International Law Commission and to invite representatives to deal with it either by sections or as a whole, as indicated in the working paper.

5. At its 54th meeting, on 19 November, the Committee authorized the Chairman to send a letter 2/ to the Chairman of the Fifth Committee regarding the honoraria payable to members of the International Law Commission and its special rapporteurs and chairmen.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/35/L.20)

6. At the 72nd meeting, on 3 December, the representative of Argentina introduced a draft resolution (A/C.6/35/L.20) sponsored by Algeria, Argentina, Australia, Austria, Bolivia, Brazil, Bulgaria, Canada, Chile, Ecuador, Egypt, the German Democratic Republic, Germany, Federal Republic of, Greece, India, Italy, Jamaica, Mexico, Mongolia, the Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, the Philippines, Spain, Suriname, Turkey, Uruguay, Venezuela, and Yugoslavia, subsequently joined by Equatorial Guinea, Japan, Kenya, the Libyan Arab Jamahiriya, Sri Lanka and Thailand.

7. At the same meeting, the Committee adopted the draft resolution by consensus (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-second session, 3/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 4/ and to give increased importance to its role in relations among States,

2/ A/C.5/35/L.20.

3/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 10 (A/35/10).

4/ Resolution 2625 (XXV), annex.

Noting with appreciation that at its thirty-second session the International Law Commission, pursuant to General Assembly resolutions 33/139 of 19 December 1978 and 34/141 of 17 December 1979, completed the first reading of the addendum to the draft articles on succession of States in respect of matters other than treaties and of the draft articles on treaties concluded between States and international organizations or between international organizations as well as the first reading of the set of articles constituting part one of the draft on responsibility of States for internationally wrongful acts,

Noting further with appreciation the progress made by the International Law Commission in the preparation of draft articles on the law of the non-navigational uses of international watercourses, and jurisdictional immunities of States and their property, as well as the work done by it regarding the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and international liability for injurious consequences arising out of acts not prohibited by international law,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics which might be submitted to the International Law Commission, thus enabling the Commission further to enhance its contribution to the progressive development of international law and its codification,

1. Takes note of the report of the International Law Commission on the work of its thirty-second session;

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session;

3. Approves the programme of work planned by the International Law Commission for 1981; 5/

4. Recommends that, taking into account the written comments of Governments and views expressed in debates in the General Assembly, the International Law Commission should, at its thirty-third session:

(a) Complete, as recommended by the General Assembly in resolution 34/141, the second reading of the draft articles on succession of States in respect of matters other than treaties adopted at its thirty-first and thirty-second sessions;

(b) Commence the second reading of the draft articles on treaties concluded between States and international organizations or between international organizations;

(c) Continue its work on State responsibility with the aim of beginning the preparation of draft articles concerning part two of the draft on responsibility of States for internationally wrongful acts, bearing in mind the need for a second reading of the draft articles constituting part one of the draft;

5/ See Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 10 (A/35/10), chap. IX, sect. A.

(d) Continue its work on international liability for injurious consequences arising out of acts not prohibited by international law;

(e) Proceed with the preparation of draft articles on the law of the non-navigational uses of international watercourses and on jurisdictional immunities of States and their property, taking into account the replies to the questionnaires addressed to Governments as well as information furnished by them;

(f) Continue its work on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, with a view to the possible elaboration of an appropriate legal instrument;

5. Recommends further that the International Law Commission should continue its study of the second part of the topic of relations between States and international organizations;

6. Endorses the decisions of the International Law Commission requesting observations and comments on the provisions adopted on first reading on the draft articles on succession of States in respect of matters other than treaties, treaties concluded between States and international organizations or between international organizations and responsibility of States for internationally wrongful acts;

7. Urges Governments to respond as fully and expeditiously as possible to the requests of the International Law Commission for comments and observations on its draft articles and questionnaires, and for materials on topics on its programme of work;

8. Welcomes the considerations and recommendations contained in the report of the International Law Commission on questions having a bearing on the nature, programme and methods of work of the Commission and the organization of its sessions with a view to the timely and effective fulfilment of the tasks entrusted to it;

9. Reaffirms its previous decisions concerning research projects and studies required by the work of the International Law Commission and the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat, as well as those concerning the need for continuing provision of summary records of the Commission's meetings;

10. Expresses confidence that the International Law Commission will continue to keep the progress of its work under review and to develop the methods of work best suited to the speedy completion of the tasks entrusted to it;

11. Reaffirms its wish that the International Law Commission will continue to enhance its co-operation with legal organs of intergovernmental organizations whose work is of interest for the progressive development of international law and its codification;

12. Expresses the wish that seminars will continue to be held in conjunction with sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars;

13. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the discussion on the report of the Commission at the thirty-fifth session of the General Assembly and to prepare and distribute a topical summary of the discussion.
