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**A/CN.4/SR.1643**

**Summary record of the 1643rd meeting**

Topic:  
**Other topics**

Extract from the Yearbook of the International Law Commission:-  
**1981, vol. I**

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# INTERNATIONAL LAW COMMISSION

## SUMMARY RECORDS OF THE THIRTY-THIRD SESSION

*Held at Geneva from 4 May to 24 July 1981*

### 1643rd MEETING

*Monday, 4 May 1981, at 3.35 p.m.*

*Chairman:* Mr. C. W. PINTO

*later:* Mr. Doudou THIAM

*Present:* Mr. Barboza, Mr. Boutros Ghali, Mr. Dadzie, Mr. Díaz González, Mr. Francis, Mr. Quentin-Baxter, Mr. Reuter, Mr. Šahović, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.

#### Opening of the session

1. The CHAIRMAN declared open the thirty-third session of the International Law Commission.

#### Statement by the outgoing Chairman

2. The CHAIRMAN, reporting on developments since the Commission's thirty-second session, said that in his capacity as the Commission's representative at the thirty-fifth session of the General Assembly he had introduced, in the Sixth Committee, the report of the International Law Commission on the work of its thirty-second session.<sup>1</sup> There had been two innovations in the Sixth Committee's treatment of that report. First, he had been able to introduce the report about two weeks in advance of the appointed date, in order to enable delegations to study issues of importance before submitting their observations; secondly, the Sixth Committee had decided to consider the report by topics or by groups of topics, in a predetermined order. Some delegations had favoured that method; others had considered that it would simply prolong the debate. As a temporary measure, delegations had been permitted to deal with groups of topics, either in a single statement or in a series of statements. His own view, as expressed in the Sixth Committee, was that the new method ought to be given a fair trial before a final decision was taken on its adoption.

3. During the debate, some delegations had criticized the Commission's recent performance as compared

with its past achievements. The judgment of one delegation—that the Commission's work was slow and inefficient—had been reflected in its written comments on the multilateral treaty-making process, and deserved due consideration by the Commission. He had felt bound to reply to that criticism in his concluding statement to the Sixth Committee, and copies of his statement would be distributed to members of the Commission.

4. He also wished to draw attention to a study undertaken under the auspices of UNITAR and entitled "The International Law Commission: a new approach". He was arranging for copies of the draft of that study to be sent to all members of the Commission, and he understood that its two authors would shortly be in Geneva, when they would like to meet the members of the Commission.

5. The General Assembly's recommendations regarding the Commission's programme of work for its thirty-third session, as set out in General Assembly resolution 35/163 of 15 December 1980, were summarized, together with related decisions, in the Secretariat's Information Circular No. 169. Among other resolutions adopted by the General Assembly, three deserved special mention: Resolution 35/49 of 4 December 1980, which recommended the further action to be taken in regard to the draft Code of Offences against the Peace and Security of Mankind; Resolution 35/161 of 15 December 1980, relating to the draft articles on the most-favoured-nation clause; and Resolution 35/162 of the same date, on the review of the multilateral treaty-making process. The Commission might wish to consider whether any further comments were necessary before those three items came up for discussion at the thirty-sixth session of the General Assembly.

6. As authorized by the Commission,<sup>2</sup> he had also raised the question of the level of the honoraria paid to members of the Commission, including its Special Rapporteurs, both in his introductory statement to the Sixth Committee and with senior United Nations officials. The majority of members of the Sixth Committee had been sympathetic, and it had been decided to raise the matter in the Fifth Committee, by a letter addressed to the Chairman of that committee by the Chairman of the Sixth Committee.<sup>3</sup> He had

<sup>1</sup> *Yearbook . . . 1980*, vol. II (Part Two) (*Official Records of the General Assembly, Thirty-Fifth Session, Supplement No. 10 (A/35/10)*).

<sup>2</sup> *Ibid.*, p. 170, para. 194.

<sup>3</sup> A/C.5/35/L.20, reproduced in document A/CN.4/L.326, footnote 4.

negotiated the terms of that letter and prepared the way for a debate in talks with the Chairman of the Fifth Committee, the Chairman of the Advisory Committee on Administrative and Budgetary Questions, and certain influential delegations, such as those of Egypt and Trinidad and Tobago. As a result, a substantial increase in the level of honoraria had been approved in the Fifth Committee by a vote of 53 to 11, with 19 abstentions. The corresponding resolution (35/218 of 17 December 1980) was adopted at a plenary meeting of the General Assembly by 111 votes to 12 with 13 abstentions. The text of that resolution was set out in paragraph 17 of Information Circular No. 169: the honorarium of a member had been raised from \$1,000 to \$3,000, and that of a Special Rapporteur increased by \$1,000. The additional honorarium payable to the Chairman had been increased from \$1,500 to \$2,000, and the requirement that he should be paid that sum only upon presentation of a "Specific Report" had been lifted. For the achievement of that result, credit was due to the efforts of his predecessors, to the delegations of Egypt, Mexico and Trinidad and Tobago, and to the Commission's secretariat.

7. The General Assembly's views on the length and cycle of the Commission's sessions and on the Commission's records and documentation were set out in paragraphs 20-25 of the Information Circular. There had been no apparent reduction in the facilities afforded the Commission. The Committee on Conferences, however, might wish to propose, pursuant to General Assembly resolution 35/10 of 3 November 1980, that the Commission's sessions be shortened, although such a step could only be taken after "due consultation" with the Commission.

8. As to co-operation with other bodies, he had attended the session of the Inter-American Juridical Committee held early in 1981. It had not, however, been possible to send an observer to attend the meeting of the European Committee on Legal Co-operation. The meeting of the Asian-African Legal Consultative Committee had been postponed until May 1981. One matter which the Commission might wish to discuss in its Planning Group was ways and means of ensuring more effective co-operation between the Commission and the Inter-American Juridical Committee. That suggestion had been made not only by the Committee's representative at the Commission's preceding session,<sup>4</sup> but also by the Deputy Secretary-General of the League of Arab States in charge of legal affairs and the observer for the Arab Commission for International Law. His own view was that the Commission's reaction should be positive.

9. Lastly, speaking on behalf of all members of the Commission, he paid a tribute to Mr. Pierre Raton, who was shortly due to retire.

<sup>4</sup> See *Yearbook ... 1980*, vol. I, p. 148, 1611th meeting, para. 31.

### Election of officers

*Mr. Thiam was elected Chairman by acclamation.*

*Mr. Thiam took the Chair.*

10. Mr. THIAM thanked the members of the Commission for the confidence they had shown in him and assured them that, inspired by the example of his eminent predecessors, he would do his best to further the progress of the Commission's work with the help of all its members.

*Mr. Quentin-Baxter was elected first Vice-Chairman by acclamation.*

*Mr. Šahović was elected second Vice-Chairman by acclamation.*

*Mr. Tsuruoka was elected Chairman of the Drafting Committee by acclamation.*

*Mr. Francis was elected Rapporteur by acclamation.*

### Adoption of the agenda (A/CN.4/336)

*The provisional agenda (A/CN.4/336) was adopted unanimously.*

### Organization of work

*The Commission decided to begin its work with the consideration of item 3 of the agenda (Question of treaties concluded between States and international organizations or between two or more international organizations).*

*The meeting rose at 5.25 p.m.*

## 1644th MEETING

*Tuesday, 5 May 1981, at 10.15 a.m.*

*Chairman: Mr. Doudou THIAM*

*Present: Mr. Barboza, Mr. Boutros Ghali, Mr. Dadzie, Mr. Díaz González, Mr. Francis, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Šahović, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.*

**Question of treaties concluded between States and international organizations or between two or more international organizations (A/CN.4/339 and Add.1-4, A/CN.4/341 and Add.1)**

[Item 3 of the agenda]

INTRODUCTORY STATEMENT BY THE SPECIAL  
RAPPORTEUR