

Document:-
A/CN.4/SR.1410

Summary record of the 1410th meeting

Topic:
Other topics

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fact was confirmed by judicial decisions. For example, the charter agreements concluded between the United Kingdom and Greece had been the subject of international arbitration, in the course of which the question whether they were agreements under international law or agreements under internal law had been examined. Thus there were cases in which States exercised a choice, and that was what the Special Rapporteur had wished to emphasize by using the expression "in rare cases".

69. Mr. USHAKOV said that, in his opinion, every agreement between States was governed by international law. A State could agree to be bound by the internal law of another State, but only of its own free will.

70. Mr. USTOR said he could not conceive of a case in which an obligation assumed under a contract between two States was not in some degree governed by international law.

71. Mr. HAMBRO said that the wording of the final clause of the first sentence appeared to discount the possibility of obligations deriving from the international legal order. It would therefore be preferable to replace the words "international legal order" by the words "international public law in the ordinary sense".

72. Mr. AGO (Special Rapporteur) said that the idea expressed by Mr. Hambro was precisely that contained in the text: what was involved was a legal order which was neither public international law nor internal law.

73. Mr. KEARNEY suggested that foot-note 3 should be deleted.

It was so agreed.

Paragraph (6), as amended, was approved.

Paragraphs (7) to (9)

Paragraphs (7) to (9) were approved.

The commentary to article 15 bis [16], as amended, was approved.

The meeting rose at 6.15 p.m.

1410th MEETING

Tuesday, 20 July 1976, at 10.10 a.m.

*Chairman: Mr. Abdullah EL-ERIAN
later: Mr. Paul REUTER*

Members present: Mr. Bilge, Mr. Calle y Calle, Mr. Hambro, Mr. Kearney, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Rossides, Mr. Šahović, Mr. Sette Câmara, Mr. Tabibi, Mr. Tammes, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Sir Francis Vallat, Mr. Yasseen.

Draft report of the Commission on the work of its twenty-eighth session (continued)

Chapter II. THE MOST-FAVOURLED-NATION CLAUSE (A/CN.4/L.246 and Add.1-3)

1. The CHAIRMAN invited the Commission to consider, paragraph by paragraph, chapter II of its draft

report, relating to the most-favoured-nation clause (A/CN.4/L.246 and Add.1-3).

A. INTRODUCTION (A/CN.4/L.246)

1. Summary of the Commission's proceedings

Paragraphs 1-27

Paragraphs 1-27 were approved.

2. The most-favoured-nation clause and the principle of non-discrimination

Paragraphs 28 and 29

Paragraphs 28 and 29 were approved.

Paragraph 30

2. Mr. KEARNEY said he was not sure that the first sentence accurately reflected the Commission's deliberations. Since the most-favoured-nation clause was based on the theory that a State selected its partners, it might be more appropriate to say that the clause "may be used as a technique or means for promoting the equality of States or non-discrimination".

3. Mr. USTOR (Special Rapporteur) pointed out that the same wording had been used in previous reports.

4. Mr. REUTER suggested that the French version of the passage should be amended to read *comme une des techniques ou un des moyens de promouvoir...*

It was so agreed.

Paragraph 30 was approved.

Paragraph 31

5. Mr. CALLE y CALLE said he had the impression that an article similar to that quoted in paragraph 31 was also contained in the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character. If that was the case, a reference to the latter Convention might be included.

6. The CHAIRMAN said that a similar provision might also be contained in the Convention on Special Missions. He suggested that the Secretariat should be requested to look into that matter and to insert a reference to those two Conventions in paragraph 31, if they proved to be relevant.

Paragraph 31 was approved on that understanding.

3. The most-favoured-nation clause and the different level of economic development

Paragraphs 32 and 33

Paragraphs 32 and 33 were approved.

Paragraph 34

7. Mr. ŠAHOVIĆ, referring to the penultimate sentence of paragraph 34, said he was not sure that article 21 should be considered as resulting from progressive development of international law.

8. Mr. USTOR (Special Rapporteur) said he believed the statement in question to be accurate, since the specific provision drafted by the Commission represented a considerable step forward as compared with the previous vague practice and the vague understandings reached in UNCTAD bodies.

Paragraph 34 was approved.

4. *The general character of the draft articles*

Paragraphs 35-37

Paragraphs 35-37 were approved.

Paragraphs 38 and 39

9. Mr. KEARNEY said that the words "which belong to fields outside its functions" in the last sentence of paragraph 38 and the words "not included in its functions" in the first sentence of paragraph 39 were perhaps not altogether appropriate, since there was nothing to prevent the Commission from taking up, for instance, certain aspects of countervailing duties, beyond the fact that GATT was already active in that field. He therefore suggested that those phrases should be replaced by the words "which belong to fields specifically entrusted to other international organizations".

It was so agreed.

10. Mr. SETTE CÂMARA proposed that the word "highly", in the last sentence of paragraph 38, should be deleted.

It was so agreed.

Paragraphs 38 and 39, as amended, were approved.

Paragraphs 40-45

Paragraphs 40-45 were approved.

Paragraph 46

11. Mr. KEARNEY said he was not sure that the fourth sentence gave a full or accurate account of the reasons for which the Commission had decided not to include a provision on the settlement of disputes. He therefore suggested that the words, "in the light of past experience... and treaty interpretation," should be deleted.

It was so agreed.

Paragraph 46, as amended, was approved.

Paragraphs 47-50

Paragraphs 47-50 were approved.

Section A of chapter II, as a whole, as amended, was approved.

B. RESOLUTION ADOPTED BY THE COMMISSION (A/CN.4/L.246)

Section B of chapter II was approved.

C. DRAFT ARTICLES ON THE MOST-FAVOURLED-NATION CLAUSE (A/CN.4/L.246/Add.1-3)

Articles 1-14 (A/CN.4/L.246/Add.1)

Commentary to article 1 (Scope of the present articles)

The commentary to article 1 was approved.

Commentary to article 2 (Use of terms)

Paragraphs (1)-(9)

Paragraphs (1)-(9) were approved.

Paragraph (10)

12. Mr. USTOR (Special Rapporteur) suggested that, in order to bring the wording of paragraph (10) into line with that of draft article 2, subparagraph (e), the words "the same" as", in the second sentence, should be replaced by the words "equivalent" to".

It was so agreed.

Paragraph (10), as amended, was approved.

Paragraph (11)

13. Mr. KEARNEY suggested that the word "practically" should be inserted before "never", in the second sentence.

It was so agreed.

Paragraph (11), as amended, was approved.

Paragraph (12)

Paragraph (12) was approved.

The commentary to article 2, as amended, was approved.

Commentary to article 3 (Clauses not within the scope of the present articles)

The commentary to article 3 was approved.

Commentary to article 4 (Most-favoured-nation clause)

Paragraph (1)

Paragraph (1) was approved.

Paragraph (2)

14. Mr. KEARNEY suggested that the words "on grounds of precision", in the last sentence, should be replaced by the words "as imprecise".

It was so agreed.

Paragraph (2), as amended, was approved.

Paragraph (3)

15. Mr. KEARNEY proposed that the words "such stipulations, sometimes lengthy, which make up a whole treaty", in the third sentence, should be replaced by the words "any combination of such provisions, including entire treaties when appropriate".

It was so agreed.

Paragraph (3), as amended, was approved.

Paragraphs (4)-(9)

Paragraphs (4)-(9) were approved.

Paragraph (10)

16. Mr. KEARNEY suggested that the following words be added at the end of the last sentence: ", although the concession can be withdrawn from all members by the granting State subject to any temporal commitment in effect".

It was so agreed.

Paragraph (10), as amended, was approved.

Paragraph (11)

Paragraph (11) was approved.

Paragraph (12)

17. The CHAIRMAN said that, if relevant, the Convention on Special Missions and the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character should also be referred to in paragraph (12).

Paragraph (12) was approved on that understanding.

Paragraphs (13)-(15)

Paragraphs (13)-(15) were approved.

Paragraph (16)

18. Mr. KEARNEY said he was not sure whether the expression "*cautio judicatum solvi*" in subparagraph (f) would be readily understandable in all legal systems.

19. Sir Francis VALLAT said that the expression normally used in English law was "security for costs".

20. Mr. CALLE Y CALLE suggested that the words "security for costs" should be inserted before the expression "*cautio judicatum solvi*", which should be placed in brackets. The same procedure should be followed at other points in the draft report where that expression was used.

It was so agreed.

Paragraph (16), as amended, was approved.

Paragraph (17)

Paragraphs (17) was approved.

The commentary to article 4, as amended, was approved.

*Commentary to article 5 (Most-favoured-nation treatment)**Paragraph (1)*

Paragraph (1) was approved.

Paragraph (2)

21. Sir Francis VALLAT said he had the impression that, in the second sentence, the words "beneficiary State" should read "granting State".

22. Mr. USTOR (Special Rapporteur) confirmed that that was the case.

Paragraph (2) was approved with that correction.

Paragraph (3)

23. Sir Francis VALLAT proposed that, in the fourth sentence, the words "The most frequent such relationship is" should be replaced by the words "Such relationships are".

It was so agreed.

Paragraph (3), as amended, was approved.

Paragraph (4)

24. Mr. KEARNEY suggested that the seventh sentence, beginning with the words "In other words, while most-favoured-nation treatment..." should be clarified

by the addition, at the end, of the following clause: "although it may be required to accord such preferential treatment under other most-favoured-nation clauses".

It was so agreed.

Paragraph (4), as amended, was approved.

Paragraph (5)

25. Sir Francis VALLAT suggested that, in the second sentence, the words "the clause comes into operation" should be replaced by the words "the clause begins to operate", and that in the penultimate sentence the word "patently" should be deleted.

It was so agreed.

Paragraph (5), as amended, was approved.

Paragraphs (6) and (7)

Paragraphs (6) and (7) were approved.

Paragraph (8)

26. Sir Francis VALLAT suggested that the word "explicit", in the penultimate sentence, should be deleted.

It was so agreed.

Paragraph (8), as amended, was approved.

The commentary to article 5, as amended, was approved.

*Commentary to article 6 (Legal basis of most-favoured-nation treatment)**Paragraphs (1)-(4)*

Paragraphs (1)-(4) were approved.

Paragraph (5)

27. Mr. USHAKOV proposed that the words "a legal obligation", in the first sentence, should be replaced by the words "an international legal obligation".

It was so agreed.

Paragraph (5), as amended, was approved.

Paragraph (6)

Paragraph (6) was approved.

The commentary to article 6, as amended, was approved.

Commentary to article 7 (The source and scope of most-favoured-nation treatment)

28. Mr. USHAKOV pointed out that the commentary to article 7, and paragraph 2 of the article itself, referred to "the third State", whereas article 5 referred to "a third State". That point should be considered during the Commission's second reading of the draft articles.

The commentary to article 7 was approved.

*Commentary to article 8 (Unconditionality of most-favoured-nation clauses), article 9 (Effect of an unconditional most-favoured-nation clause) and article 10 (Effect of a most-favoured-nation clause conditional on material reciprocity)**Paragraphs (1)-(20)*

Paragraphs (1)-(20) were approved.

Paragraph (21)

29. Mr. USHAKOV suggested that the Special Rapporteur should add one or two sentences at the end of the paragraph summing up his findings on "more recent practice and doctrinal views."

Paragraph (21) was approved on that understanding.

Paragraphs (22)-(29)

Paragraphs (22)-(29) were approved.

Paragraph (30)

30. Mr. ŠAHOVIĆ suggested that it might be advisable to bring the French text of the heading preceding paragraph (30) into line with the English text by using the words "*réciprocité matérielle*", since that was the expression used in article 10.

31. Mr. USTOR (Special Rapporteur) supported that suggestion.

It was so agreed.

Paragraph (30) was approved.

Paragraphs (31)-(36)

Paragraphs (31)-(36) were approved.

Paragraph (37)

32. Mr. REUTER suggested that the first two sentences of paragraph (37) should be joined together, using the conjunction "*alors que*" (whereas) in the French text.

It was so agreed.

Paragraph (37), as amended, was approved.

Paragraphs (38)-(42)

Paragraphs (38)-(42) were approved.

The commentary to articles 8, 9 and 10, as amended, was approved.

Commentary to article 11 (Scope of rights under a most-favoured-nation clause) *and article 12* (Entitlement to rights under a most-favoured-nation clause)

Paragraphs (1)-(9)

Paragraphs (1)-(9) were approved.

Paragraph (10)

33. Mr. USHAKOV said it might be advisable to give some information on the content of the *ejusdem generis* rule.

34. Sir Francis VALLAT suggested that the words "which derives from the very nature of the most-favoured-nation clause", in the first sentence, should be replaced by the words "which, for the purposes of the most-favoured-nation clause, derives from its very nature".

It was so agreed.

Paragraph (10), as amended, was approved.

Paragraph (11)

35. Mr. REUTER suggested that, in the French version of the first sentence, the verb "*attirer*" should be replaced by the verb "*étendre*".

It was so agreed.

36. Mr. KEARNEY suggested that the word "expressly" in the last sentence, should be deleted.

It was so agreed.

Paragraph (11), as amended, was approved.

Paragraphs (12)-(26)

Paragraphs (12)-(26) were approved.

The commentary to articles 11 and 12, as amended, was approved.

Mr. Reuter, First Vice-Chairman, took the Chair.

Commentary to article 13 (Irrelevance of the fact that treatment is extended gratuitously or against compensation)

The commentary to article 13 was approved.

Commentary to article 14 (Irrelevance of restrictions agreed between the granting and third States)

37. Sir Francis VALLAT said that the use of the word "States" at the end of the English text of the article could cause confusion. It would be better to bring the English text into line with the French so that it would read: "the granting State and the third State".

It was so agreed.

The commentary to article 14 was approved.

Article 15-20 (A/CN.4/L.246/Add.2)

Commentary to article 15 (Irrelevance of the fact that treatment is extended under a bilateral or a multi-lateral agreement)

Paragraphs (1)-(25)

Paragraphs (1)-(25) were approved.

Paragraph (26)

38. Mr. KEARNEY referring to the last sentence, said that the "Customs-union issue" could not be considered to be "settled" by article XXIV of the General Agreement on Tariffs and Trade. He therefore suggested that the words "in this respect the matter is settled by article XXIV of that Agreement" should be replaced by the words "in this respect provision for settlement is contained in article XXIV of that Agreement". He also suggested that the semi-colon following that phrase should be replaced by a full stop.

It was so agreed.

Paragraph (26), as amended, was approved.

Paragraph (27)

39. Mr. KEARNEY suggested that, in the first sentence, the words "and that that was a prerogative" should be replaced by the words "which was recognized as a prerogative". In the second sentence, he suggested that the word "rule" after the word "exception" should be deleted, and that the words "no such rule" should be replaced by "no rule".

It was so agreed.

40. Mr. KEARNEY, referring to the third sentence, said that he was not sure in what context a new right was to be accepted as a "superior right".

41. Mr. USTOR (Special Rapporteur) explained that the third sentence reflected the opinion of a member of the Commission as expressed during the discussions.

42. The CHAIRMAN* suggested that the words "As one member put it" at the beginning of that sentence should be replaced by the words "According to one member".

It was so agreed.

Paragraph (27), as amended, was approved.

Paragraphs (28)-(37)

Paragraphs (28)-(37) were approved.

The commentary to article 15, as amended, was approved.

Commentary to article 16 (Right to national treatment under a most-favoured-nation clause)

The commentary to article 16 was approved.

Commentary to article 17 (Most-favoured-nation treatment and national or other treatment with respect to the same subject-matter)

The commentary to article 17 was approved.

Commentary to article 18 (Commencement of enjoyment of rights under a most-favoured-nation clause)

The commentary to article 18 was approved.

Commentary to article 19 (Termination or suspension of enjoyment of rights under a most-favoured-nation clause)

Paragraphs (1)-(9)

Paragraphs (1)-(9) were approved.

Paragraph (10)

43. Mr. USTOR (Special Rapporteur), referring to the second sentence, suggested that the words "union of those States" be replaced by the words "uniting of the granting State and the third State".

It was so agreed.

Paragraph (10), as amended, was approved.

The commentary to article 19, as amended, was approved.

Commentary to article 20 (The exercise of rights arising under a most-favoured-nation clause and compliance with the laws of the granting State)

Paragraphs (1)-(6)

Paragraphs (1)-(6) were approved.

Paragraph (7)

44. Sir Francis VALLAT said he thought the expression "in a certain relationship", used in the first sen-

tence, required some clarification. An example of a rule analogous to the rule in article 20 should be given.

45. The CHAIRMAN suggested that the Special Rapporteur should include such an example in paragraph (7).

It was so agreed.

Paragraph (7) was approved on that understanding.

Paragraph (8)

Paragraph (8) was approved.

The commentary to article 20, as amended, was approved.

Articles 21-27 (A/CN.4/L.246/Add.3)

Commentary to article 21 (The most-favoured-nation clause in relation to treatment under a generalized system of preferences)

Paragraphs (1)-(13)

Paragraphs (1)-(13) were approved.

Paragraph (14)

46. Mr. QUENTIN-BAXTER said that the second sentence placed too much emphasis on the temporary nature of the generalized system of preferences. He suggested that it should be amended to read: "It is aware that the initial duration of the system has been set at ten years".

It was so agreed.

47. Mr. CALLE Y CALLE said that, in the third sentence, it should be stated that the resolution referred to was a resolution of the General Assembly.

It was so agreed.

Paragraph (14), as amended, was approved.

Paragraphs (15) and (16)

Paragraphs (15) and (16) were approved.

Paragraph (17)

48. Mr. QUENTIN-BAXTER said that, in the last sentence, the word "assumes" was inappropriate. He therefore suggested that the full stop at the end of the penultimate sentence should be replaced by a semicolon and that the remainder of the paragraph should read: "but there is also the expectation that the right of self-selection will be exercised with reasonable restraint".

49. Mr. USTOR (Special Rapporteur) said that Mr. Quentin-Baxter's suggestion was acceptable.

It was so agreed.

Paragraph (17), as amended, was approved.

Paragraphs (18)-(20)

Paragraphs (18)-(20) were approved.

The commentary to article 21, as amended, was approved.

Commentary to article 22 (The most-favoured-nation clause in relation to treatment extended to facilitate frontier traffic)

Paragraphs (1)-(4)

Paragraphs (1)-(4) were approved.

* Mr. Reuter.

Paragraph (5)

50. Mr. QUENTIN-BAXTER said that the expression "traffic in persons", used in the second sentence, had a more sinister connotation in English than had probably been intended. He suggested that the words "traffic in goods and traffic in persons" should be replaced by the words "movement of goods or of persons or of both".

It was so agreed.

Paragraph (5), as amended, was approved.

Paragraphs (6) and (7)

Paragraphs (6) and (7) were approved.

Paragraph (8)

51. Mr. QUENTIN-BAXTER said that article 22, paragraph 2, was constructed in exactly the same way as article 23, paragraph 2. He noted that, in paragraph (8) of the commentary to article 23, it was quite correctly stated that article 23, paragraph 2, somewhat restricted the rules embodied in articles 11 and 12. He thought that the same was true of article 22, paragraph 2, which contained the same basic wording as article 23, paragraph 2, in particular, the key words "relates especially to", which did not appear in articles 11 and 12. He therefore suggested that the last sentence of paragraph (8) of the commentary to article 22 should be amended to read: "The Commission considered, however, that this requirement should be stated restrictively...", in order to produce a clearer balance between that paragraph and paragraph (8) of the commentary to article 23.

It was so agreed.

Paragraph (8), as amended, was approved.

The commentary to article 22, as amended, was approved.¹

Commentary to article 23 (The most-favoured-nation clause in relation to rights and facilities extended to a land-locked State)

52. Mr. USTOR (Special Rapporteur) drew attention to the fact that it would be necessary to harmonize the texts of article 22, paragraph 1, and article 23, paragraph 1, since the words "in order to facilitate" were used in the former paragraph, and the words "to facilitate" in the latter.

53. Sir Francis VALLAT said that, in the interests of simplicity, the words "in order" should be deleted from article 22, paragraph 1.

It was so agreed.

Paragraphs (1)-(6)

Paragraphs (1)-(6) were approved.

Paragraphs (7) and (8)

54. Mr. KEARNEY objected to the use of the word "undoubtedly" in the second sentence of paragraph (7) and suggested that it should be deleted. Moreover, in his opinion it was not the clause which was *ejusdem generis*, but the treatment. In that connexion, he drew

attention to the wording of paragraph (8) of the commentary to article 22 and suggested that, in the third sentence of that paragraph, the phrase "the most-favoured-nation clause attracts the relevant benefits only if it conforms to the requirements..." should be amended to read "the most-favoured-nation clause attracts the relevant benefits only if the treatment conforms to the requirements...". He suggested that a similar wording should be used in paragraph (7) of the commentary to article 23.

It was so agreed.

Paragraphs (7) and (8), as amended, were approved.

Paragraph (9)

55. Mr. QUENTIN-BAXTER, supported by Mr. PINTO, said he had understood that, with regard to the question raised in paragraph (9), the Commission's view was that it should not express an opinion on matters under active negotiation in another international forum. He believed that the last sentence could be regarded as stating an opinion on the merits of the question, and therefore suggested that it should be amended to read: "The Commission believed, however, that it would not be appropriate to pursue this question at the present time".

It was so agreed.

Paragraph (9), as amended, was approved.

Paragraph (10)

Paragraph (10) was approved.

Paragraph (11)

56. Mr. CALLE Y CALLE said that paragraph (11) was unnecessary because, in paragraph (5), the Commission had stated that it "did not propose to enter into the study of the rights and facilities which are needed by land-locked States or which are due to them under general international law". He therefore proposed that paragraph (11) should be deleted.

It was so agreed.

The commentary to article 23, as amended, was approved.

*Commentary to article 24 (Cases of State succession, State responsibility and outbreak of hostilities)**Paragraph (1)*

Paragraph (1) was approved.

Paragraph (2)

57. Mr. QUENTIN-BAXTER, referring to the third sentence, said that while the violation of primary rules could certainly entail consequences, he found it difficult to see how the violation of such rules could prejudice the consequences. He suggested that that sentence should be amended to read: "These primary rules would entail certain consequences, namely, the application of the "secondary rules" of international responsibility; therefore, the violation of the rules could be said, in a certain sense, to prejudice the consequences".

58. Mr. USHAKOV said that the amendment proposed by Mr. Quentin-Baxter expressed an idea which differed

¹ See para. 54 below.

from the one originally intended by the Special Rapporteur.

59. The CHAIRMAN suggested that it should be left to the Special Rapporteur whether or not to find less abstract wording for the third sentence of paragraph (2).

It was so agreed.

Paragraph (2) was approved on that understanding.

Paragraphs (3)-(5)

Paragraphs (3)-(5) were approved.

The commentary to article 24 was approved.

Commentary to article 25 (Non-retroactivity of the present articles)

Paragraph (1)

Paragraph (1) was approved.

Paragraph (2)

60. Mr. SETTE CÂMARA pointed out a typographical error at the end of the paragraph: the Latin words should be corrected to read: "*ex abundanti cautela*".

Paragraph (2) was approved with that correction.

Paragraph (3)

Paragraph (3) was approved.

The commentary to article 25 was approved.

Commentary to article 26 (Freedom of the parties to agree to different provisions)

61. Mr. PINTO said that in his opinion article 26 did not fulfil the promise of the article D originally proposed by the Special Rapporteur (A/CN.4/293 and Add.1, para. 30); it should therefore be given careful consideration on second reading.

Paragraphs (1) and (2)

Paragraphs (1) and (2) were approved.

The commentary to article 26 was approved.

Commentary to article 27 (The relationship of the present articles to new rules of international law in favour of developing countries)

Paragraphs (1)-(7)

Paragraphs (1)-(7) were approved.

Paragraph (8)

62. Mr. PINTO said he had doubts about the need to include article 27 in the draft. He was aware that the Commission considered that such an article should be included, but article 27 seemed inadequate to meet the wishes of the Sixth Committee, as expressed in paragraph (1) of the commentary. Moreover, he thought that the penultimate sentence of paragraph (8) should be deleted.

63. Mr. USTOR (Special Rapporteur) said that Mr. Pinto's comments were justified, but he did not think the penultimate sentence should be deleted. He therefore

suggested that it should be amended to read: "The Commission, however, with a view to the possibility of the development of such new rules, decided to include in the draft articles a general reservation concerning the possible establishment of new rules of international law in favour of developing countries".

It was so agreed.

Paragraph (8), as amended, was approved.

The commentary to article 27, as amended, was approved.

Section C of chapter II, as a whole, as amended, was approved.

Chapter II, as a whole, as amended, was approved.

The meeting rose at 1 p.m.

1411th MEETING

Wednesday, 21 July 1976, at 10.50 a.m.

Chairman: Mr. Abdullah EL-ERIAN

later: Mr. Paul REUTER

Members present: Mr. Bilge, Mr. Calle y Calle, Mr. Hambro, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Rossides, Mr. Šahović, Mr. Sette Câmara, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Sir Francis Vallat, Mr. Yasseen.

Draft report of the Commission on the work of its twenty-eighth session (continued)

Chapter I. ORGANIZATION OF THE SESSION (A/CN.4/L.245 and Corr.1)

1. The CHAIRMAN invited the Commission to examine, paragraph by paragraph, chapter I of its draft report, on the organization of the session (A/CN.4/L.245 and Corr.1).

2. Mr. CALLE Y CALLE suggested that, in the list of abbreviations at the beginning of chapter I, the abbreviation "ILC" and the corresponding title should be added after the abbreviation "I.C.J. Reports".

It was so agreed.

The list of abbreviations, as amended, was approved.

Paragraph 1

3. Mr. ŠAHOVIĆ pointed out that, in the first sentence of the French text, the words "*vingt-septième session*" should be corrected to read "*vingt-huitième session*".

With that correction, paragraph 1 was approved.

Paragraphs 2 and 3

Paragraphs 2 and 3 were approved.

Paragraph 4

4. The CHAIRMAN drew attention to document A/CN.4/L.245/Corr.1 relating to the first sentence of