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

#### Report of the Sixth Committee

Rapporteur: Miss Salwa Gabriel BERBERI (Sudan)

#### I. INTRODUCTION

1. On the recommendation of the General Committee, the General Assembly decided, at its 4th plenary meeting, on 24 September 1982, to include in the agenda of its thirty-seventh session the item entitled "Report of the International Law Commission on the work of its thirty-fourth session" and to allocate it to the Sixth Committee.
2. The Sixth Committee considered this item at its 37th to 52nd and 63rd meetings, on 4 to 22 November and 6 December 1982. The summary records of those meetings (see A/C.6/37/SR.37-52 and 63) reflect the views expressed by the representatives who participated in the debate on the item.
3. At the 37th meeting, on 4 November, Mr. Paul Reuter, Chairman of the International Law Commission at its thirty-fourth session, introduced the Commission's report on the work of that session. <sup>1/</sup> The Committee also had before it a note by the Secretary-General (A/37/402), 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 a note by the Secretariat (A/C.6/37/L.12) containing the text of decision 1982/17 adopted by the Administrative Committee on Co-ordination and entitled "Treaties between States and international organizations or between international organizations". At the 46th meeting, on 16 November, the Chairman of the Commission made a statement towards the end of the debate on the item.

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<sup>1/</sup> Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.6/37/L.27

4. At the 63rd meeting, on 6 December, the representative of Argentina introduced a draft resolution entitled "Report of the International Law Commission" (A/C.6/37/L.27) sponsored by Algeria, Argentina, Australia, Austria, the Bahamas, Brazil, Canada, Chile, Colombia, Cyprus, Ecuador, Egypt, Germany, Federal Republic of, Greece, Italy, Japan, Madagascar, Mexico, the Netherlands, New Zealand, the Philippines, Romania, Spain, Thailand, Uruguay, Venezuela, Yugoslavia and Zaire, subsequently joined by Bulgaria, Iraq, Nigeria, Panama, Sierra Leone and Turkey.
5. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 9, draft resolution I).

### B. Draft resolution A/C.6/37/L.28

6. At the 63rd meeting, on 6 December, the representative of Iraq introduced a draft resolution entitled "Convention on the Law of Treaties between States and International Organizations or between International Organizations" (A/C.6/37/L.28) sponsored by Algeria, Argentina, Austria, Brazil, Egypt, France, Germany, Federal Republic of, Ghana, Iraq, Italy, Kenya, the Philippines, Qatar, Yemen and Zaire, subsequently joined by Belgium, Greece, Jordan, Kuwait, the Libyan Arab Jamahiriya, the Niger, Nigeria, Sierra Leone, Spain, Thailand and Yugoslavia.
7. At the same meeting, the Committee adopted the draft resolution by consensus (see para. 9, draft resolution II).
8. The representative of the United States of America made a statement in explanation of his position on the Committee's decisions.

## III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

### DRAFT RESOLUTION I

#### Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-fourth session, 2/

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2/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10).

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 3/ and to give increasing importance to its role in relations among States,

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

Welcoming the establishment of general objectives and priorities which will guide the study by the International Law Commission of the topics on its programme of work within the term of office of Commission members elected at the thirty-sixth session of the General Assembly,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the contemporary international community, may be suitable for progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

1. Takes note of the report of the International Law Commission on the work of its thirty-fourth session;
2. Expresses its appreciation to the International Law Commission for the work accomplished at that session and, in particular, for having completed the final reading of the draft articles on the law of treaties between States and international organizations or between international organizations;
3. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work aimed at the preparation of drafts on all the topics in its current programme;
4. Expresses its satisfaction with the conclusions and intention of the International Law Commission concerning its procedures and methods of work, as reflected in paragraphs 266 and 270 of its report;
5. Reaffirms its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and approves the conclusions reached by the International Law Commission concerning its summary records and the application to its documentation of the thirty-two-page limit as well as the request made by the International Law Commission in paragraph 272 of its report;

6. Appeals to Governments and, as appropriate, to international organizations 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;

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

8. 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;

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

#### DRAFT RESOLUTION II

##### Convention on the Law of Treaties between States and International Organizations or between International Organizations

###### The General Assembly,

Recalling that following consideration of a recommendation adopted by the United Nations Conference on the Law of Treaties, held at Vienna in 1968 and 1969, the General Assembly by its resolution 2501 (XXIV) of 12 November 1969 recommended that the International Law Commission should study, in consultation with the principal international organizations, as it may consider appropriate in accordance with its practice, the question of treaties concluded between States and international organizations or between two or more international organizations, as an important question,

Noting that pursuant to General Assembly resolution 36/114 of 10 December 1981 the International Law Commission, taking into account the written comments of Governments and of principal international organizations as well as views expressed in debates in the General Assembly, completed at its thirty-fourth session the second reading of the draft articles on the said question,

Noting that, as reflected in paragraph 57 of the report of the International Law Commission on the work of its thirty-fourth session, the Commission decided to recommend that the General Assembly should convoke a conference to study the Commission's draft articles on the law of treaties between States and international organizations or between international organizations and to conclude a convention,

Recalling the adoption of the Vienna Convention on the Law of Treaties of 23 May 1969, the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character of 14 March 1975 and the Vienna Convention on Succession of States in respect of Treaties of 23 August 1978,

Mindful of Article 13, paragraph 1 a, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that the successful codification and progressive development of the rules of international law governing treaties between States and international organizations or between international organizations would contribute to the development of friendly relations and co-operation among States, irrespective of their differing constitutional and social systems, and would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

1. Expresses its appreciation to the International Law Commission for its valuable work on the law of treaties between States and international organizations or between international organizations and to the Special Rapporteur on the topic for his contribution to this work;
2. Invites States to submit, no later than 1 July 1983, their written comments and observations on the final draft articles on the law of treaties between States and international organizations or between international organizations, prepared by the International Law Commission, as well as on the questions referred to in paragraph 60 of the report of the Commission on the work of its thirty-fourth session;
3. Invites also principal international intergovernmental organizations to submit within the same period their written comments and observations on the subject;
4. Requests the Secretary-General to circulate such comments so as to facilitate the discussion on the subject at the thirty-eighth session of the General Assembly;
5. Decides that an international convention shall be concluded on the basis of the draft articles adopted by the International Law Commission;
6. Takes note of the recommendation of the International Law Commission on the subject and agrees to decide upon the appropriate forum for the adoption of the convention at its next regular session in the light of the comments received in accordance with the present resolution;
7. Decides to include in the provisional agenda of its thirty-eighth session an item entitled "Convention on the Law of Treaties between States and International Organizations or between International Organizations".