

Document:-
A/CN.4/SR.1754

Summary record of the 1754th meeting

Topic:
Other topics

Extract from the Yearbook of the International Law Commission:-
1983, vol. I

*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

1754th MEETING

Wednesday, 4 May 1983, at 10.15 a.m.

Outgoing Chairman: Mr. Paul REUTER

Chairman: Mr. Laurel B. FRANCIS

Present: Mr. Balanda, Mr. Barboza, Mr. Díaz González, Mr. Evensen, Mr. Flitan, Mr. Laclea Muñoz, Mr. Mahiou, Mr. Malek, Mr. McCaffrey, Mr. Quentin-Baxter, Mr. Razafindralambo, Sir Ian Sinclair, Mr. Stavropoulos, Mr. Sucharitul, Mr. Thiam, Mr. Ushakov, Mr. Yankov.

Election of officers

Mr. Francis was elected Chairman by acclamation.

Mr. Francis took the Chair.

1. The CHAIRMAN thanked the outgoing Chairman for the efficient and distinguished manner in which he had conducted the proceedings of the previous session and the opening phase of the present one. He also expressed the Commission's warm appreciation of the ability with which the outgoing Chairman had represented it at the thirty-seventh session of the General Assembly. Lastly, he thanked members for the honour they had done him by electing him Chairman.

Mr. Yankov was elected first Vice-Chairman by acclamation.

Mr. Razafindralambo was elected second Vice-Chairman by acclamation.

Mr. Laclea Muñoz was elected Chairman of the Drafting Committee by acclamation.

Mr. Jagota was elected Rapporteur by acclamation.

Adoption of the agenda (A/CN.4/361)

2. The CHAIRMAN drew attention to the fact that adoption of the provisional agenda in no way prejudged the order in which the items were to be considered.

The provisional agenda (A/CN.4/361) was adopted on that understanding.

Organization of work

3. The CHAIRMAN pointed out that, in paragraph 255 of its report on its thirty-fourth session,¹ the Commission had expressed the intention of proceeding at an early stage during the present session to a general debate in plenary on the draft Code of Offences against the Peace and Security of Mankind (item 4 of the agenda), on the basis of a first report to be submitted by the Special Rapporteur. It would also be remembered that a number

of the draft articles on jurisdictional immunities of States and their property (item 2 of the agenda) had been referred to the Drafting Committee for further refinement, a process which, he hoped, would be actively pursued at the present session.

4. After a discussion in which Mr. THIAM, Mr. SUCHARITKUL, Mr. USHAKOV, Sir Ian SINCLAIR and Mr. REUTER took part, the CHAIRMAN suggested that the Commission should start its work with item 4 of the agenda (Draft Code of Offences against the Peace and Security of Mankind).

It was so agreed.

The meeting rose at 11.30 a.m.

1755th MEETING

Thursday, 5 May 1983, at 10.15 a.m.

Chairman: Mr. Laurel B. FRANCIS

Present: Mr. Balanda, Mr. Barboza, Mr. Calero Rodrigues, Mr. Díaz González, Mr. Evensen, Mr. Flitan, Mr. Laclea Muñoz, Mr. Mahiou, Mr. Malek, Mr. McCaffrey, Mr. Quentin-Baxter, Mr. Razafindralambo, Mr. Riphagen, Sir Ian Sinclair, Mr. Stavropoulos, Mr. Sucharitul, Mr. Thiam, Mr. Ushakov, Mr. Yankov.

Draft Code of Offences against the Peace and Security of Mankind (A/CN.4/364,¹ A/CN.4/365, A/CN.4/368, A/CN.4/369 and Add.1 and 2²)

[Agenda item 4]

FIRST REPORT OF THE SPECIAL RAPPORTEUR

1. The CHAIRMAN invited the Commission to begin its consideration of item 4 of the agenda. Following the Commission's decision at its thirty-fourth session,³ the General Assembly had requested it to comply with General Assembly resolution 36/106, of 10 December 1981, and to submit a preliminary report on the draft code to the Assembly at its thirty-eighth session. The Commission was therefore giving urgent consideration to the item. The documents on the topic presented to the Commission comprised the Special Rapporteur's first report (A/CN.4/364), the analytical paper (A/CN.4/365) prepared pursuant to the request contained in paragraph 256 of the Commission's report on its thirty-fourth session and the Government comments received so far (A/CN.4/369 and Add.1 and 2). In addition, the Secretariat was preparing a compendium of relevant international

¹ Reproduced in *Yearbook* . . . 1983, vol. II (Part One).

² *Idem*.

³ *Yearbook* . . . 1982, vol. II (Part Two), p. 121, para. 256.

¹ *Yearbook* . . . 1982, vol. II (Part Two), p. 121.