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

Report of the Sixth Committee

Rapporteur: Mr. Jargalsaikhany ENKHASAIKHAN (Mongolia)

1. At its 4th plenary meeting, on 21 September 1979, the General Assembly decided to include in the agenda of its thirty-fourth session the item entitled "Report of the International Law Commission on the work of its thirty-first session" and to allocate it to the Sixth Committee.
2. The Sixth Committee considered this item at its 38th to 52nd, 59th and 60th meetings, held from 12 to 26 November and on 4 and 5 December 1979. The summary records of those meetings (A/C.6/34/SR.38-52, 59 and 60) reflect the views expressed by the representatives who participated in the debate on the item.
3. At the 38th meeting, on 12 November, Mr. Milan Sahović, Chairman of the International Law Commission at its thirty-first 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/34/194), 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. A note by the Secretariat (A/C.6/34/L.2) was also circulated, indicating the correspondence between the set of draft articles on succession of States in respect of matters other than treaties adopted on first reading by the Commission at its thirty-first session and the set of draft articles on the topic provisionally adopted prior to that session. At the 52nd meeting, on 26 November, the Chairman of the Commission commented on observations which had been made by representatives in the Sixth Committee on the report of the Commission.
4. At the 59th meeting, on 4 December, the representative of Argentina introduced a draft resolution (A/C.6/34/L.21) sponsored by Afghanistan, Algeria, Argentina, Austria, Bahrain, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia,

^{1/} Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 10 (A/34/10 and Corr.1).

Costa Rica, Ecuador, Egypt, Finland, the German Democratic Republic, Germany, Federal Republic of, Ghana, Italy, Ivory Coast, Jamaica, Jordan, Kenya, the Libyan Arab Jamahiriya, Mongolia, Morocco, the Netherlands, Norway, Peru, the Philippines, Spain, Thailand, Tunisia, Turkey, Uruguay, Venezuela and Yugoslavia, later joined by Australia, New Zealand, the Niger and Romania.

5. At its 60th meeting, on 5 December, the Committee adopted draft resolution A/C.6/34/L.21 by consensus (see para. 6).

RECOMMENDATION OF THE SIXTH COMMITTEE

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

Report of the International Law Commission on the work of its thirty-first session

The General Assembly,

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

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

Noting with appreciation that at its thirty-first session the International Law Commission, pursuant to General Assembly resolution 33/139 of 19 December 1978, completed the first reading of its draft articles on succession of States in respect of matters other than treaties,

Noting further with appreciation the progress made by the International Law Commission in the preparation of draft articles on state responsibility and on treaties concluded between States and international organizations or between international organizations, as well as the work done by it regarding the study of the law of the non-navigational uses of international watercourses, jurisdictional immunities of States and their property, the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the review of the multilateral treaty-making process,

Taking note of the decision of the Swiss Federal Council on the question of the privileges and immunities of the members of the International Law Commission, 4/

2/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 10 (A/34/10 and Corr.1).

3/ Resolution 2625 (XXV), annex.

4/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 10 (A/34/10 and Corr.1), para. 12.

Welcoming the considerations and recommendations contained in the report of the International Law Commission regarding the programme and methods of work of the Commission with a view to the timely and effective fulfilment of the tasks entrusted to it,

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-first session, including the fact of the transmittal to the Secretary-General of the Commission's observations on the techniques and procedures used in the elaboration of multilateral treaties requested by the General Assembly in its resolution 32/48 of 8 December 1977;

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 1980;

4. Recommends that the International Law Commission should:

(a) Continue its work on succession of States in respect of matters other than treaties with the aim of completing, at its thirty-second session, the study of the question of State archives and, at its thirty-third session, the second reading of the entire draft articles on succession of States in respect of matters other than treaties, taking into account the written comments of Governments and views expressed on the topic in debates in the General Assembly;

(b) Continue its work on state responsibility with the aim of completing, at its thirty-second session, the first reading of the set of articles constituting part I of the draft on responsibility of States for internationally wrongful acts, taking into account the written comments of Governments and views expressed on the topic in debates in the General Assembly, and proceed to the study of the further part or parts of the draft with a view to making as much progress as possible in the elaboration of draft articles within the present term of office of the members of the Commission;

(c) Proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations with the aim of completing, at its thirty-second session, the first reading of these draft articles;

(d) Continue its work on the law of the non-navigational uses of international watercourses, taking into account the replies from Governments to the questionnaire prepared by the Commission and the views expressed on the topic in debates in the General Assembly;

(e) Continue its work on jurisdictional immunities of States and their property, taking into account information furnished by Governments and replies

to the questionnaire addressed to them as well as views expressed on the topic in debates in the General Assembly;

(f) Continue its work on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, taking into account the written comments of Governments and views expressed on the topic in debates in the General Assembly, with a view to the possible elaboration of an appropriate legal instrument;

5. Requests the International Law Commission to continue its work on the remaining topics in its current programme, namely, international liability for injurious consequences arising out of acts not prohibited by international law and the second part of the topic of relations between States and international organizations;

6. Expresses its appreciation to the Swiss Federal Council for the decision to accord, by analogy, to the members of the International Law Commission, for the duration of the Commission's sessions at Geneva, the privileges and immunities to which the judges of the International Court of Justice are entitled while present in Switzerland, thereby facilitating the performance of the functions of the Commission's members; 4/

7. Calls the attention of Governments concerned and appropriate institutions to the need to enable members of the International Law Commission, in particular those who are Special Rapporteurs and officers of the Commission, to have adequate time available for the fulfilment of their responsibilities to the Commission, especially at its sessions;

8. 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;

9. Reaffirms its previous decisions concerning research projects and studies required by the work of the 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 the wish that the 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;

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

12. 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-fourth session of the General Assembly and prepare a topical summary of the discussion to be made available to the Commission.