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Summary record of the 1360th meeting

Topic:
Other topics

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INTERNATIONAL LAW COMMISSION

SUMMARY RECORDS OF THE TWENTY-EIGHTH SESSION

Held at Geneva from 3 May to 23 July 1976

1360th MEETING

Monday, 3 May 1976 at 3.30 p.m.

Chairman: Mr. Abdul Hakim TABIBI

later: Mr. Abdullah EL-ERIAN

Members present: Mr. Ago, Mr. Bilge, Mr. Calle y Calle, Mr. Hambro, Mr. Martínez Moreno, Mr. Quentin-Baxter, Mr. Rossides, Mr. Šahović, Mr. Sette Câmara, Mr. Tammes, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Mr. Yasseen.

Opening of the session

1. The CHAIRMAN declared open the twenty-eighth session of the International Law Commission.

Statement by the outgoing Chairman

2. The CHAIRMAN said that, since the end of the previous session, he had been called upon, in accordance with the Commission's decision, to represent it at the thirtieth Session of the General Assembly and at meetings of the regional legal bodies. The meeting of the European Committee on Legal Co-operation had unfortunately coincided with the session of the General Assembly, so he had been unable to attend that meeting. The meeting of the Asian-African Legal Consultative Committee had been postponed until June-July 1976 and he would endeavour to attend that. He had attended the meeting of the Inter-American Juridical Committee at Rio de Janeiro, where he had been received with warm hospitality, and he proposed to submit a report to the Commission on the subject under item 9 of the provisional agenda (Co-operation with other bodies).

3. At the thirtieth session of the General Assembly, the Sixth Committee had as usual received with great interest the report of the International Law Commission (A/10010/Rev.1)¹ and representatives had praised the valuable work being performed by the Commission and its Special Rapporteurs.

4. He had made a statement on the opening day of the discussion of the Commission's report in the Sixth Committee² and a concluding statement to summarize the trend of the debate and to answer points raised by members of the Committee.³

5. During the discussion, members had expressed their satisfaction with the progress made by the Commission on various topics in accordance with the decision of the General Assembly in resolution 3315 (XXIX). Their satisfaction was reflected in resolution 3495 (XXX) of the General Assembly, which expressed confidence in and support for the International Law Commission and appreciation of its work and that of the Special Rapporteurs.

6. A number of useful suggestions had been made in the Sixth Committee for the further improvement of the methods of work of the Commission. Members had welcomed the establishment by the Commission of a planning group for further rationalizing its methods of work in accordance with paragraph 6 of General Assembly resolution 3315 (XXIX).

7. Useful comments had been made on chapter II of the report, dealing with State responsibility. Several members had approved the plan of work for the draft articles in preparation, which would cover the responsibility of States for the breach of any international obligation. Generally speaking, the provisions embodied in the articles adopted by the Commission at its twenty-seventh session had received the warm support of many delegations, although a number of improvements had been suggested; different views had also been expressed on some of the saving clauses. He himself had pointed out that, on the basis of the case-law and State practice mentioned in the commentaries, draft articles 12, 13 and 14 provided that the conduct of an organ of another State, of an international organization or of an insurrectional movement was not considered an act of the territorial State because the organs in question were not under the control of the latter State. The principle underlying those three articles, as well as that underlying articles 10 and 11, appeared to have been considered basically sound by most of those who commented on them.

8. Article 15 of the draft on State responsibility had led to a lively discussion. The article dealt with the attribution of conduct to the State when an insurrectional movement had triumphed or when the structure of an insurrectional movement became that of a new State constituted by secession or decolonization. Reference was made during the discussion to the non-attribution of responsibility for the acts of a people struggling for liberation or of a third State supporting a liberation movement.

9. He himself had emphasized, and the members of the Sixth Committee had recognized, the outstanding contribution made to the codification of State responsibility by the Special Rapporteur for that topic. Some members

¹ *Yearbook... 1975*, vol. II, pp. 47 *et seq.*

² See *Official Records of the General Assembly, Thirtieth Session, Sixth Committee*, 1534th meeting, paras. 2 *et seq.*

³ *Ibid.*, 1550th meeting, paras. 16-39.

had expressed uneasiness at what they considered to be the slow pace of the Commission on that vital topic but he had emphasized to them that the success of any work of codification could not be measured in terms of the number of articles adopted at a session; the essential point was that each step forward taken by the Commission must be fully understood in all its implications and receive the general support of Member States. A topic could only be codified if a realistic assessment was made of the difficulties involved and of the time required to overcome them. Indeed, the goal and policy established by the Commission and the Special Rapporteur on the subject of State responsibility had been fully accepted by the General Assembly.

10. With regard to the topic of succession of States in matters other than treaties (chapter III of the report), appreciation was expressed of the valuable work done by the Special Rapporteur and useful comments were made on draft article 9 (General principle of the passing of State property). On draft article X (Absence of effect of a succession of States on third State property) the division of opinion in the Sixth Committee had been similar to that in the Commission itself. It would therefore seem useful if the Commission were to make a careful study of article X in the light of the observations made in the Sixth Committee.

11. With respect to the most-favoured-nation clause (chapter IV of the report), general support was expressed by many members of the Sixth Committee for the fourteen additional draft articles prepared by the Commission at its twenty-seventh session. On the relationship between the most-favoured-nation clause and the national treatment clause, some speakers had supported the Special Rapporteur's approach of dealing with the national treatment clause as well, because of the interaction between its operation and that of the most-favoured-nation clause. Some delegations, however, had made their support conditional on such a study not preventing the conclusion of the first reading of the draft during the present session of the Commission. Others had felt that the subject was outside the terms of reference of the Commission.

12. With respect to draft article 21, a great many delegations had urged that the rule it embodied should be further expanded by the Commission in order to cover the interests of the economically weaker nations, in line with the Charter of the Economic Rights and Duties of States adopted and proclaimed by the General Assembly in its resolution 3281 (XXIX). Most members, including all the representatives of third-world States, had urged that the rules contained in that Charter, in the relevant resolutions adopted at the thirtieth session of the General Assembly and in the decisions of GATT and UNCTAD, should be explored by the International Law Commission at the present session in order to include appropriate provisions in the future draft convention.

13. Representatives had also expressed support for such saving clauses as that inserted at the beginning of draft article 16, which underlined the residual character of the rules embodied in the draft. Strong objections were put forward by the supporters of customs or economic unions and by the spokesman for EEC who insisted that the trend towards such unions and the consequent

trade expansion should not be curtailed.⁴ The supporters of article 15, however, had pointed out that there was no rule recognizing customs unions and free-trade areas as an exception. Representatives of third-world States had urged that to apply the most-favoured-nation clause to all countries regardless of their levels of economic development would amount by implication to discrimination against those countries, and would have the undoubted effect of widening the gap between the rich and the poor countries.

14. During the discussion on draft article 14, all the representatives of land-locked States who spoke had supported its contents in the light of paragraphs 8 to 10 of the commentary to that article.

15. On the question of treaties concluded between States and international organizations or between two or more international organizations (chapter V of the report), members of the Sixth Committee had approved the Special Rapporteur's approach and the Commission's decision that the draft should reflect to the fullest appropriate extent the provisions of the 1969 Vienna Convention on the Law of Treaties, at the same time taking into account the specific characteristics of those treaties.

16. On the question of the law of the non-navigational uses of international watercourses, some delegations had expressed the hope that the Commission would speed up its work and report to the Assembly as soon as possible. Others, however, had urged that the pattern of priorities which had already been approved by the General Assembly in resolution 3315 (XXIX) should not be disturbed.

17. On the question of co-operation with other bodies, there had been unanimous support for the exchange of observers between the Commission and the regional legal bodies.

18. Several representatives had commented on the high standard of the third Gilberto Amado Memorial Lecture and expressed appreciation of the handsome gift of the Brazilian Government. There had also been warm support for the continuation of the annual International Law Seminar and a number of generous contributions towards that programme had been announced by the representatives of donor countries. He himself had supported the suggestion made in the Sixth Committee by the Swedish representative that the time had come to include that programme in the regular budget of the United Nations, and thus provide help for training jurists in the developing world.

19. In introducing the report, he had also mentioned the need to strengthen the role of the Office of Legal Affairs so that it could participate fully and actively in such vitally important areas of contemporary international relations as the preparation and formalization of normative documents relating to the new international economic order.

20. Many representatives had spoken during the debate on the methods of work of the Commission and concern

⁴ *Ibid.*, 1544th meeting, paras. 37-45.

had been expressed, not for the first time, at the length of the Commission's report and the lateness with which it was circulated. In answering criticisms of the Commission's methods of work, he had pointed out that the Commission could not apply a general uniform criterion to the preparation of the various chapters of its report. Each had to be prepared taking into account such factors as the nature of the topic and the stage reached in its consideration. It was obvious, for instance, that a chapter dealing with treaties concluded between States and international organizations or between international organizations, prepared after the conclusion of the 1969 Vienna Convention on the Law of Treaties, did not need the same amount of detailed comment as a chapter dealing with State responsibility for internationally wrongful acts on a basis never previously attempted. Drafts based on well-established principles or rules did not need the same treatment as those based on an analysis of State practice, sometimes very modern State practice, such as that on the most-favoured-nation clause. Furthermore, in some fields, international law was very rich in relevant precedents while in others such precedents were lacking or were not so abundant. Even within a specific topic, some sectors required much lengthier treatment than others.

21. He had also urged critics to bear in mind that the codification of international law in the 1970s was a very different matter from what it had been in the 1950s when the majority of the States Members of the United Nations were old States that had had a part in the cases recorded in the history of international law. Those States possessed a rich documentation on such cases. The same, however, could not be said of the newly independent States which were now so numerous that they constituted two thirds of the membership of the United Nations. For those States, express references to relevant precedents were very helpful for the preparation of their written and oral comments. Moreover, the reports of the Special Rapporteurs were often, for a variety of reasons, not available to those who had to prepare such comments.

22. Reference to precedents in some of the drafts was also advisable for reasons connected with sound codification policy. The addressees of the codification drafts—the States—did not form as homogeneous an international society as in the past. All States, including newly independent States, were entitled to know fully the legal background of the rules proposed by the Commission. Only when support was accompanied by knowledge could real progress be achieved and rules be codified on a basis that could lead to their effective implementation in international relations.

23. Some members had drawn attention during the debate to the conciseness of the commentaries attached by the Commission to its 1956 draft articles on the law of the sea. His reply to them had been that less than fifteen years after the conclusion of the 1958 Geneva Conventions on the Law of the Sea, States had had to undertake a full revision of that law and that the documentation for the Third United Nations Conference on the Law of the Sea and its Preparatory Committee could certainly not be described as concise, a fact which was perhaps the main reason for the delay in achieving a successful instrument on the subject. He had also mentioned the continual

pressure to make codification more concrete, with the result that drafts became longer as their contents became more precise. As a result, much more elaborate commentaries were needed in order to avoid misunderstandings concerning the situations intended to be covered by the different provisions.

24. Lastly, he had pointed out that the Commission had been working on several important topics simultaneously, not just on one or two as had been generally the case in the past. He had been obliged to remind the Committee that the present situation had not been due to any initiative of the Commission itself but rather to the recommendations adopted by the General Assembly. For instance, during the preparation of the draft articles on the law of treaties, the Commission had decided to put aside the question of the most-favoured-nation clause and that of treaties concluded between States and international organizations or between two or more international organizations, but the General Assembly had then recommended the Commission to take up the study of those two topics. It was also on the Assembly's recommendation that the law of non-navigational uses of international watercourses had been included in the Commission's programme and a Special Rapporteur appointed for the topic. A few years previously, the Assembly had recommended that the Commission's work on State responsibility should continue on a high priority basis, and that recommendation had been repeated in General Assembly resolution 3495 (XXX) of 15 December 1975, but at the same time the Assembly had asked the Commission to proceed with the preparation of the draft articles on succession of States in respect of matters other than treaties on a priority basis.

25. Clearly, States were eager to make progress in different areas, but not all of them were interested in giving priority to the same topics. The inevitable consequence was that the Commission had no alternative but to divide its available time among several topics. He had pointed out that, if it were considered advisable to limit the number of topics under active consideration, it would be for the Sixth Committee to recommend to the Assembly the necessary choices in the matter, since it was a question of codification policy; in that case, the decision should be taken by the Sixth Committee, which was the diplomatic body in control of the codification process.

26. As to the suggestions that the Commission's session should be shortened or the opening date changed, he had made it clear that, because of the duties of the members of the Commission, particularly those with academic and professional commitments, it was impossible for the Commission to change the opening date of its sessions.

27. With regard to the preparation of the Commission's report, he had pointed out that the typescript was always ready by the end of July or early August but that it was difficult to complete the translation and reproduction of such a highly technical and scientific document by the end of August for submission to Member States; the only solution was for the Sixth Committee to consider the Commission's report at a somewhat later stage in its work so as to give representatives more time to study the content of the report.

28. He had drawn the attention of the Sixth Committee to the underestimation of the work of the Commission by the Fifth Committee and certain other organs of the United Nations. He had emphasized that administrative and budgetary arrangements could not be made without taking fully into account the letter and the spirit of the Commission's Statute, which had been prepared by the Sixth Committee and approved by the General Assembly.

29. He had thanked the Sixth Committee for its support for the position taken by the Commission with regard to the questions raised in the report of the Joint Inspection Unit on the pattern of conferences of the United Nations and the possibility for more rational economic use of its conference resources,⁵ which had been prepared without consulting the International Law Commission.

30. Finally, he had written to the Chairman of the Fifth Committee urging the adoption of the Secretary-General's recommendation to increase the honoraria of Special Rapporteurs and members of the Commission. For political and administrative reasons, consideration of that question had been postponed until the next session of the General Assembly.

31. In conclusion, he would like to mention once again that great appreciation had been shown in the General Assembly of the high standard of the work performed by the Commission, as was demonstrated by the terms of the resolution unanimously adopted by the Assembly.

32. Mr. AGO said that he wished to refer to two points on which the Chairman had admirably defended the Commission's cause before the Sixth Committee. First, the Chairman had had to reply to those who insisted, year after year, on the need to improve the methods of work of the Commission. They complained that the Commission produced too little. But the problem of the codification of international law could not be compared with the problem of industrial productivity. The criterion of successful codification was not quantity but quality.

33. Secondly, the Chairman had had to answer those who felt the Commission's reports were too long; he had pointed out that many States would have difficulty in procuring all the documents necessary for judging the texts proposed by the Commission if the texts were not accompanied by detailed commentaries. Moreover, experience had shown that conventions such as the 1969 Convention on the Law of Treaties, the preparation of which had covered a period of some 20 years, were even now far from constituting universally accepted treaty law, although it was generally admitted that most of its provisions were an expression of the general customary law at present in force. The Commission's commentaries on the subject of treaty law were accordingly especially important as evidence of customary law on that matter. The preparatory work, and particularly the commentaries to the articles, were almost as important as the actual wording of the convention. Apart from this, it would be dangerous for the Commission to content itself with a

hasty effort and to dispense with thorough preliminary research. If it did so, it might be able to agree on rules which would seem acceptable at the time but which, inasmuch as they took no account of the past and possibly foreseeable future development of international law as a whole, would rapidly become obsolete.

34. Mr. ROSSIDES said he wished to thank the Chairman for the manner in which he had represented the Commission in the Sixth Committee debates. With regard to the Commission's drafts, he fully agreed that the emphasis should be more on the quality of the work than on the quantity of production.

35. As to the pace of the Commission's work, it should be remembered that the present world was one of continued and rapid change. It was therefore important to adjust the rules of international law to the compelling needs of the times. It was noteworthy that the provisions of Article 13, paragraph 1 a of the Charter of the United Nations called upon the General Assembly to "make recommendations for the purpose of... encouraging the progressive development of international law and its codification". That essential provision, on the basis of which the Assembly had established the International Law Commission in 1947, mentioned "the progressive development of international law" before "its codification", a circumstance which clearly indicated the priorities in the matter. From his long experience of work in United Nations bodies, he could bear witness to the speed with which conditions were changing in the world. Now more than ever, the progressive development of international law stood out as the primary duty of the Commission, in preference to the codification of rules which were being rendered obsolete by the passage of time.

36. Mr. HAMBRO said that he had attended part of the debate in the Sixth Committee and wished to join the previous speakers in thanking the Chairman for his presentation of the Commission's work. He fully endorsed Mr. Ago's appeal to the Commission to maintain the high standard of its work. He noted with appreciation the courtesy shown to the Commission during the debates in the Sixth Committee.

Election of officers

37. The CHAIRMAN called for nominations for the office of Chairman.

38. Mr. AGO proposed Mr. El-Erian, one of the longest standing and most eminent members of the Commission, and a man of great personal and intellectual qualities. Mr. El-Erian's considerable contribution to the work of the Commission had resulted in particular in the Vienna Convention on the Representation of States in their Relations with International Organizations of Universal Character which had been adopted in 1975.

39. Mr. KEARNEY, Mr. YASSEEN, Mr. USHAKOV, Mr. USTOR and Mr. CALLE Y CALLE seconded the proposal.

40. The CHAIRMAN said he also wished to support the nomination of Mr. El-Erian, an eminent diplomat,

⁵ A/9795.

professor and jurist, who through his work had contributed to the codification and the progressive development of international law.

Mr. El-Erian was unanimously elected Chairman and took the Chair.

41. The CHAIRMAN thanked the members of the Commission for the honour they had done his Country and himself in electing him Chairman and assured them that he would do his best to justify the confidence they had placed in him and to live up to the standards of objectivity and impartiality established by the previous Chairmen of the Commission. He also thanked those who had proposed or supported his nomination for their kind words. He also expressed appreciation to the outgoing Chairman for the way in which he had presented the views and defended the interests of the Commission before the General Assembly. In his opinion, the results achieved by the Commission were distinguished not only by their quality, as Mr. Ago had said, but also by their quantity, as could be seen from the work the Commission had completed during the past four years.

42. The CHAIRMAN called for nominations for the office of first Vice-Chairman.

43. Mr. QUENTIN-BAXTER proposed Mr. Reuter.

44. Mr. MARTÍNEZ-MORENO and Mr. USTOR seconded the proposal.

Mr. Reuter was unanimously elected first Vice-Chairman.

45. The CHAIRMAN called for nominations for the office of second Vice-Chairman.

46. Mr. SETTE CÂMARA congratulated the Chairman on his election and emphasized the role he had played in the adoption of the Vienna Convention on the Representation of States in their Relations with International Organizations of Universal Character. He proposed Mr. Calle y Calle for the office of second Vice-Chairman.

47. Mr. USHAKOV and Mr. HAMBRO seconded the proposal.

Mr. Calle y Calle was unanimously elected second Vice-Chairman.

48. Mr. CALLE Y CALLE thanked the members of the Commission for electing him.

49. The CHAIRMAN called for proposals for the office of Chairman of the Drafting Committee.

50. Mr. USHAKOV proposed Mr. Šahović.

51. Mr. HAMBRO and Mr. AGO seconded the proposal.

Mr. Šahović was unanimously elected Chairman of the Drafting Committee.

52. Mr. ŠAHOVIĆ thanked the members of the Commission for electing him and congratulated the Chairman on his election.

53. The CHAIRMAN called for nominations for the office of Rapporteur.

54. Mr. YASSEEN proposed Mr. Tsuruoka.

55. Mr. TABIBI seconded the proposal.

Mr. Tsuruoka was unanimously elected Rapporteur.

56. Mr. RYBAKOV (Representing the Secretary-General, Director, Codification Division), congratulated the Chairman and the officers on their election and conveyed to the Commission the best wishes of the Secretary-General and the Legal Counsel for a fruitful session. He hoped that most of the members would be re-elected by the General Assembly at its thirty-first session and would thus be enabled to continue to make a great contribution to the task of progressively developing and codifying international law.

57. The present session afforded an opportunity for the Commission to make that contribution still more tangible by substantially advancing the preparation of draft articles on State responsibility, succession of States in respect of matters other than treaties and treaties of international organizations, by continuing the preliminary work on the law of non-navigational uses of international watercourses, and by completing the first reading of the draft articles on the most-favoured-nation clause for submission to the Assembly at its thirty-first session. The latter goal, in particular, lay within the Commission's reach, as the Planning Group of the Enlarged Bureau had suggested and the Assembly had recommended.

58. In considering questions pending in respect of the most-favoured-nation clause, the Commission had in mind the fact that the completion of a new draft instrument—which was especially important at a time when the refreshing ideas expressed at the Helsinki Conference on Co-operation and Security in Europe and the positive trends towards *détente* were determining, although not without difficulties, the development of international relations among States with different social systems—would enhance the Commission's prestige, and further demonstrate its awareness of the realities of the world of today and its readiness to help give concrete form to the principles of the United Nations set forth in the Charter. In that way, the Commission would yet again confirm that it was the most suitable mechanism, within the United Nations system, for the preparation of legal instruments designed to regulate the fundamental aspects of contemporary international relations.

59. That matter should be one of particular concern to the Commission, not only because of repeated calls for the urgent creation or improvement of norms of universal application in international economic relations but also because of certain suggestions that had been made, such as those of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, more particularly for the establishment of *ad hoc* committees for the codification of international law in specific areas. It would be remembered that the General Assembly had taken note of a draft resolution on the consolidation and progressive evolution of the norms and principles of international economic development law⁶ and had decided to include the question as a separate item in the pro-

⁶ *Official Records of the General Assembly, Thirtieth Session, Supplement No. 34 (A/10034), p. 78.*

visional agenda of its thirty-first session, in the hope that it would be allocated to the Sixth Committee.

60. The Codification Division always sought to meet promptly the requirements of the Commission and of the Special Rapporteurs and, to that end, had undertaken research on all of the topics currently under consideration by the Commission. In the matter of State responsibility, for example, the Division was preparing a Survey of State practice, treaties, international judicial decisions and doctrine on "*force majeure*" as a circumstance excluding wrongfulness, and was conducting research on other such circumstances relating to "*état de nécessité*", "self-defence", "sanctions" and "consent".

61. It had embarked on research into all aspects of the topic of succession of States in respect of matters other than treaties and had collected material having a bearing on succession to public property and to public debts, with particular reference to cases arising after the Second World War.

62. With regard to the most-favoured-nation clause, it was in the process of completing its research on relevant clauses in treaties published in the United Nations *Treaty Series* and had collected material on the question of the operation of the clause among States with different levels of economic development. Research requirements in connexion with the topic of treaties of international organizations were obviously fewer, but the Division had none the less prepared a number of documents, including an historical survey,⁷ a selected bibliography⁸ and a study of the possibilities of participation by the United Nations in international agreements on behalf of a territory.⁹

63. Lastly, for the law of the non-navigational uses of international watercourses, in addition to the two existing reports of 1963¹⁰ and 1974¹¹ and volume 12 of the *Legislative Series*, appropriate material was now being gathered from United Nations bodies, including the specialized agencies and the regional commissions. The bibliographies contained in the two reports in question were being brought up to date, and a list was being prepared of treaties on the uses of such watercourses covering both navigational and non-navigational uses.

64. The Division, despite the smallness of its staff, was continuously engaged in research activity which adapted itself to the needs and priorities of the Commission as well as discharging other responsibilities entrusted to it by the General Assembly. In 1975, for instance, it had been requested to prepare documents on the protection of human rights in armed conflicts and on diplomatic asylum, as well as papers for the Conference on the Representation of States in their Relations with International Organizations and for the *Ad Hoc* Committee on the Charter of the United Nations. It also participated actively in the work of various bodies, which in 1977 would include three plenipotentiary con-

ferences, namely, those on territorial asylum, on succession of States to treaties and on human rights in armed conflicts.

65. There was little he could add to the outgoing Chairman's comprehensive account of the views of the General Assembly on the work and organization of the Commission. The report of the Secretary-General on honoraria payable to members of organs and subsidiary organs of the United Nations, a matter included as an item on the provisional agenda of the thirty-first session of the Assembly, had not been finalized, but a copy of the draft would be submitted to the Legal Counsel by the Budget Division at a later stage. Similarly, the report requested from the Secretary-General on the optimum utilization of office space by organizations and services of the United Nations, with a view to the inclusion of Vienna in the pattern of conferences, was now being prepared. An assurance had been given that the records of the meetings of the Commission would not be noticeably affected by General Assembly resolution 3415 (XXX).

66. The Sixth Committee had taken a favourable view of the establishment of a Planning Group, which could become a permanent feature in the organization of the Commission. The Group's suggestions would not only serve the interests of the Commission—they would also provide guidance to representatives of States on the time factor in carrying out the Commission's programme of work.

67. In conclusion, he wished to assure the Commission of the greatest possible co-operation from its secretariat in the successful completion of the Commission's tasks at the present session.

Adoption of the agenda (A/CN.4/288)

68. The CHAIRMAN said that, if there were no objection, he would take it that the Commission agreed to adopt the provisional agenda, as set out in document A/CN.4/288.

It was so agreed.

The meeting rose at 5.25 p.m.

1361st MEETING

Tuesday, 4 May 1976 at 10.15 a.m.

Chairman: Mr. Abdullah EL-ERIAN

Members present: Mr. Ago, Mr. Bedjaoui, Mr. Bilge, Mr. Calle y Calle, Mr. Hambro, Mr. Kearney, Mr. Martínez Moreno, Mr. Quentin-Baxter, Mr. Rossides, Mr. Šahović, Mr. Sette Câmara, Mr. Tabibi, Mr. Tammes, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Mr. Yasseen.

Organization of work

1. The CHAIRMAN observed that, in accordance with the Commission's usual practice, it might be advisable

⁷ A/CN.4/L.161 and Add.1-2.

⁸ *Yearbook...* 1974, vol. II (Part Two), p. 3, document A/CN.4/277.

⁹ *Ibid.*, p. 8, document A/CN.4/281.

¹⁰ *Ibid.*, p. 33, document A/5409.

¹¹ *Ibid.*, p. 265, document A/CN.4/274.