

Document:-
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Summary record of the 1419th meeting

Topic:
Other topics

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frontier, navigation or other treaties which had been the responsibility of the predecessor State and which could remain the responsibility of the successor State. Such non-financial obligations could be created not only by treaty but also by custom. They might be passive obligations, imposing a *non facere* requirement on the State to refrain from committing certain sovereign acts so as to respect the interests of one or more States, or positive obligations imposing a *facere* requirement on the State to accept acts of foreign States in its own territory. In his first report²⁴ he had proposed studying those obligations from the standpoint of objective territorial régimes, as a subject-matter of succession to be considered on the same basis as debts. Since that time the Commission had studied that question in the context of succession of States in respect of treaties. However, it had dealt with it only from the point of view of territorial régimes established by treaty—although such régimes could also be established by custom—as it had been considering the matter in connexion with succession of States in respect of treaties. The Commission had in fact exceeded the scope of succession of States in respect of treaties, since it had referred not only to treaties but also to frontier régimes and other territorial régimes created by treaties, thus confusing treaties as a matter susceptible of succession and treaties as an instrument of succession. The Commission had thus dealt with succession to objective régimes established by a treaty.

The meeting rose at 1 p.m.

²⁴ See foot-note 11 above.

1419th MEETING

Monday, 16 May 1977, at 3.10 p.m.

Chairman: Mr. José SETTE CÂMARA

Members present: Mr. Ago, Mr. Bedjaoui, Mr. Calle y Calle, Mr. Castañeda, Mr. Dadzie, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Jagota, Mr. Njenga, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta, Mr. Yankov.

Tributes to the memory of Mr. Edvard Hambro

1. The CHAIRMAN, declaring open the special meeting which the Commission had decided to hold to honour the memory of its dear and distinguished friend, the late Ambassador Edvard Hambro, said that a tribute of silence had been paid to Mr. Hambro's memory at the first meeting of the current session on the proposal of the Legal Counsel of the United Nations. A similar tribute had been paid by the recent United Nations Conference on Succession of States in Respect of Treaties. On the proposal of the Senior Legal Officer in charge of the

Seminar on International Law, the thirteenth session of that Seminar was to be entitled the "Edvard Hambro Session".

2. He had received a telegram from Sir Francis Vallat, in which Sir Francis expressed deep regret at his inability to attend the special meeting and, after recalling Mr. Hambro's close links with the United Kingdom, his sadness at his passing and his conviction that Mr. Hambro's work would be his monument. He had also received a telegram from Mr. Pinto, who was likewise unable to be present, in which he paid tribute to Mr. Hambro as an internationalist of vision and creativity, whose precise and incisive mind had no patience with needless verbiage and irrelevant detail, and as a warm and generous spirit. Through his untimely death, the Commission had lost an outstanding lawyer, a great gentleman and a great European. Mr. Pinto asked the Chairman to convey his message of condolence to Mrs. Hambro and the Permanent Representative of Norway to the United Nations Office.

3. Mr. Hambro's death had cast a shadow of sorrow over the first session of the new Commission. It had been at the beginning of a new and brilliant mission in Paris and a new term as member of the Commission, two tasks dear to his heart, that Mr. Hambro had been taken away by the irrevocable call of destiny. If ever there had been a life completely dedicated to the cause of international law and international relations, it had been that of Edvard Hambro. He had indeed been born into international life, for his father had also been one of Norway's most distinguished diplomats. Both men had headed supreme international bodies, for his father had been President of the League of Nations Assembly, while the Commission's late friend had been President of the twenty-fifth session of the United Nations General Assembly.

4. Edvard Hambro had been born in Oslo in 1911 and had obtained a law degree at the University of Oslo before going on to take a doctorate in political science at the Graduate Institute for International Studies of the University of Geneva. His curriculum vitae thereafter was so rich and so impressive that it was difficult to make even a summary of it. He had been Ambassador of Norway in important capitals and had undertaken numerous diplomatic and special missions; he had given countless lectures and courses at the Hague Academy of International Law and in nearly every important university throughout the world; he had held numerous honorary degrees and played an important role in scores of arbitration cases; and he was the author of a long list of books and articles. Mr. Hambro's life was well-known to all members of the Commission, because it was intertwined with the history of contemporary international life, of which it unquestionably constituted an important part. It was enough to single out the beginning and the end: as a young man of 35, he had been appointed Registrar of the International Court of Justice and had published the very first book of commentaries on the Charter of the United Nations, he had died as President of the Institute of International Law, the learned society to which he had been so devoted.

5. In the five years in which they had worked together, he had learned to admire in Mr. Hambro qualities which

were not recorded in a curriculum vitae: his modesty, his friendliness, his ever-present good humour and his kindness, behind which had lain the magnitude of his culture, the brilliance of his intellect, and the soundness of his experience. Thomas Lynch had written that "wisdom is not hard voiced and frowning, but benign and approachable", and, even in illness, Edvard Hambro had never been worried and depressed, but always ready for a joke.

6. In closing his own tribute to the memory of Mr. Milan Bartoš three years ago, Mr. Hambro had prophetically quoted some lines from Samuel Butler:

Yet meet we shall, and part, and meet again,
Where dead men meet, on lips of living men.

While the physical vacancy left by Mr. Hambro's departure would be filled, that could never be so of the vacuum left in the hearts of his friends, who had been accustomed to enjoying his warm comradeship, admiring his learned spirit and benefiting from his concise comments, rich in wisdom and experience.

7. Mr. AGO said that Edvard Hambro's death had been a cruel loss for the Commission and for the international community as a whole. Edvard Hambro, who had been admired and loved, had set an example by devoting his entire life to problems of peaceful international relations, as an active participant in political bodies and delegations representing his country, as a judge on some of the highest international tribunals, and as a teacher and a man of learning.

8. With respect to the first of those aspects, he recalled that during the war Edvard Hambro had taken refuge first in the United States of America and then in London, where he had acted as secretary to the Minister for Foreign Affairs of the Norwegian Government. As soon as peace had been restored, he had been a member of the first Norwegian delegations at San Francisco and at the United Nations and had taken part in the earliest activities of the United Nations as Chief of the Organization's Legal Section. He had been a member of the Norwegian delegation at various international conferences and had been elected President of the United Nations General Assembly in 1970. For five years, he had been a member of the Norwegian Parliament, which had benefited from his experience in international life.

9. As to the second aspect, Edvard Hambro had for years held many high positions. He had been Registrar of the International Court of Justice and a member of various international tribunals, conciliation commissions and other similar bodies. He himself had had Edvard Hambro as a colleague on the Franco-German Arbitral Board for the implementation of the Treaty of the Saar, the very existence of which had helped to put the final seal on peace between France and Germany.

10. With regard to the third aspect, as a graduate of the University of Oslo and the Graduate Institute for International Studies of the University of Geneva, Edvard Hambro had had a very full international training. He had taught at Bergen and at Oslo and had been a visiting professor at American and British universities. He had directed the Dag Hammarskjöld Seminar at the Hague Academy of International Law, and the Curatorium of

that Academy had appointed him to teach at Bangkok. He had been elected a member of the Curatorium only two weeks before his death. The Institute of International Law, which had appointed him President, would miss him at its forthcoming session at Oslo, which he had been looking forward to and for which he had done everything possible. As for his contribution to the International Law Commission, Mr. Hambro had given an example which it would be difficult to equal. The members of the Commission who had known him, and had had the pleasure of listening to his speeches, so full of learning and wisdom, and of being honoured by his friendship would always miss him and faithfully cherish his memory.

11. Mr. EL-ERIAN said that nothing about Edvard Hambro had been ordinary: neither his appearance, which had been both commanding and impeccable, nor his convictions, which had been deep and intense, nor his intellect, which had been powerful and subtle, nor his wit, which had been rich and sharp.

12. To the family of the United Nations, Edvard Hambro had been the distinguished Registrar of the International Court of Justice, an outstanding President of the General Assembly, the eminent Permanent Representative of Norway in New York and Geneva, and an active participant in innumerable meetings and conferences. To students and practitioners of international law, he had been—to mention only a few of his works—co-author of the standard work on the Charter of the United Nations and the author of the monumental work on the case law of the International Court of Justice. He had brought to both those works first-hand knowledge, acquired in the former case through active participation in the San Francisco Conference, and in the latter through long years of devoted service as Registrar of the International Court. To his colleagues he had been the eminent jurist and distinguished diplomat, the wonderful raconteur whose reserve of anecdotes and humour had been inexhaustible. He had been a man who had set for himself and for others high standards of performance, a colleague known for his energy and dynamism, his precision and brevity, his punctuality and incisiveness, his impatience with mediocrity and banality.

13. And to many members of the Commission, as to all his friends, Mr. Hambro had been a kind comrade who would be remembered for his warmth and affection. At one point during Mr. Hambro's Presidency of the General Assembly, he (Mr. El-Erian) had had to compress a complex statement into the allotted ten minutes in order, as he had thought, to avoid provoking a conflict between Mr. Hambro's feelings as a friend, who might have allowed him to speak longer, and his duties as a President, who might have ruled him out of order. When they had spoken about the matter afterwards, Mr. Hambro had replied that there would have been no conflict at all, for, for him, friendship would have prevailed.

14. Edvard Hambro had been a staunch believer in an international order where the rule of law would replace force, institutionalized relations would replace power politics, and co-operation would replace conflict. He had devoted his life tirelessly and unswervingly to his ideals and, over and above his official functions as Ambassador

of Norway and member of the Commission and his active participation in international conferences, he had played an important role in the founding of the Dag Hammarskjöld Foundation and been the first President of the Dag Hammarskjöld Seminar. Young jurists from his own region who had attended the Foundation's seminars had spoken of their heartfelt gratitude for Mr. Hambro's kindness and help. He had not slowed down even when his health had begun to fail. In the last year of his life, he had completed the seventh volume of the case law of the International Court of Justice, which had won general praise and appreciation, and had attended the annual meeting of the International Peace Academy and presided over one of its committees. In his very last weeks, he had been closely involved, in his capacity as its illustrious President, in the preparations for the Oslo session of the Institute of International Law.

15. A belief in, devotion to, and work for an international order had been the driving force and inspiration of the life of Edvard Hambro. He hoped they would continue to play the same role for his friends and students.

16. Mr. TSURUOKA said that, for him, Mr. Hambro's death had meant the loss of a teacher, a colleague and a friend. Mr. Hambro had been an expert in international law, in the law of the United Nations in particular, a distinguished colleague in New York and at Geneva, and a faithful and devoted friend. Japan had had to wait until 1956 to be admitted to the United Nations, and during the years of waiting which had followed the end of the war, it had been in part through Mr. Hambro's works that Japanese officials had been able to study the new world organization. Mr. Hambro had thus been an invaluable guide for them on the road that led to the United Nations.

17. He had known Mr. Hambro in New York when he had been Permanent Representative of Norway, and had thus been able to develop a friendship with him and admire the effective and courteous way in which he had presided over the United Nations General Assembly in 1970. In the International Law Commission, he had appreciated Mr. Hambro's wisdom and profound knowledge of international law. He had also had an opportunity to enjoy Mr. Hambro's hospitality during a private mission to Oslo. In conclusion, he wished to express his sincere condolences to Mrs. Hambro.

18. Mr. ŠAHOVIĆ said that he had worked with Edvard Hambro for nearly 20 years in the Sixth Committee of the General Assembly, at the Diplomatic Conference on Humanitarian Law and in the International Law Commission. He had followed Edvard Hambro's efforts to contribute to international peace, the implementation of the principles of the Charter and the development of a new international law. As a man with an active mind and concrete ideas, Edvard Hambro had insisted on full respect for positive law, but he had always had its progressive development in mind. He had been direct and open, demanding of others and of himself. He had contributed not only to the practice, but also to the doctrine, of international law and his work had made him an authority for all those who were interested in the Charter of the United Nations and the International Court of Justice.

19. Edvard Hambro had been a true friend of Yugoslavia, where he had many faithful friends. The lecture which Edvard Hambro had given on the Antarctic Treaty and the United Nations during his last visit to Belgrade a little more than a year ago had aroused the greatest interest. He wished to express his deep regrets to Mrs. Hambro and to the Norwegian Government.

20. Mr. DADZIE said that, while he had not had the pleasure and honour of being a colleague of Mr. Hambro in the Commission, he had long known him as a fellow member of the Sixth Committee of the General Assembly, of which Mr. Hambro had been one of the leading lights. His personal acquaintanceship with Mr. Hambro dated from a colloquium organized in 1964 by the Carnegie Endowment for International Peace which had ultimately led to the elaboration of the 1967 Protocol to the 1951 Convention on the Status of Refugees. Mr. Hambro's great sense of humour, his remarkable gift for co-operation and his notable juridical acumen had contributed in outstanding measure to the success of the colloquium, just as his personal qualities had made the breaks between meetings all the more enjoyable.

21. He considered it a great privilege to have known and worked with Mr. Hambro, a great son of Norway, the memory of whose friendliness, cheerfulness, understanding, modesty, and, above all, wisdom would remain indelibly in his mind. Mr. Hambro's death had robbed his friends, colleagues and students of a great jurist and a great human being.

22. Mr. CALLE Y CALLE said that it was with the same grief as previous speakers that he wished to pay tribute on behalf of himself, Mr. Castañeda, Mr. Francis, and Mr. Díaz González to a very close and dear friend and colleague.

23. He had come to know Mr. Hambro in 1949 when Peru and Colombia had taken a case of diplomatic asylum to the International Court of Justice, and he had been able to admire his serenity, his very thorough training and his political good sense. The International Court had had in Mr. Hambro one of its most able officials. All students of the law had benefited both from his rich collection of the case law of the Court and from his other works, particularly his commentary on the Charter of the United Nations. In 1970 it had been a great pleasure to him to attend the session of the United Nations General Assembly presided over by Mr. Hambro, an occasion which had seen not only the Silver Jubilee of the Organization, but also the approval of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. As a member of the Commission, his own experience had been enriched by contact with Mr. Hambro, a good, wise, and exemplary man, whose life had been entirely devoted to the cause of advancing international relations. Mr. Hambro's death represented a very deep loss for the academic and political world and for the Commission. All the members of the Commission would preserve an inextinguishable memory of him to whom they were now paying individual and collective tribute as a man and a jurist.

24. Mr. BEDJAOUI said that the death of Edvard Hambro, an engaging man in very respect, had filled him with sadness and he shared the family's sorrow. As a distinguished jurist, statesman, teacher, judge and diplomat, Edvard Hambro had led a rich and varied life, but its many facets had a common denominator, namely, his contribution to international law. Indeed, through his functions, missions, and professional and scientific activities, he had made a notable contribution to international peace and to better understanding among peoples. He had always had an open mind about the world's problems and had never approached them with preconceived or doctrinaire ideas. His friends would always remember his smiling efficiency and his sense of humour.
25. He had been part of the same diplomatic corps as Mr. Hambro when Mr. Hambro had been the Norwegian Ambassador in Paris and he had thus had numerous opportunities to appreciate Mr. Hambro's many qualities and, in particular, his extreme simplicity. No better tribute could be paid to a man who knew no boundaries, whose mind was open to the problems of the world and the third world, than to elect an Asian to replace him—since it seemed that an Asian should rightly occupy the seat left vacant by Edvard Hambro, whose full life had been an example of brotherly love for all mankind.
26. Mr. USHAKOV said that he had been deeply grieved by the death of Mr. Hambro, a remarkable personality, a great son of his country, indeed, a son of all mankind, for those who worked for international law also worked for the cause of mankind, world peace and understanding among nations.
27. Mr. Hambro, whose entire life had been devoted to international law, had begun his career with the publication in Paris in 1936, at the age of 25, of a work on *l'Exécution des sentences internationales*. That exceptional beginning had been followed by 40 years in the service of international law and the service of his country as a diplomat. Mr. Hambro had been one of the founders of the United Nations and, in 1946, had published a commentary on the Charter of the United Nations. He had been the President of the General Assembly in 1970 and the first Registrar of the International Court of Justice.
28. He requested the Ambassador of Norway to convey his sincere condolences to Mr. Hambro's family and to the Norwegian Government.
29. Mr. QUENTIN-BAXTER said that, while he had naturally long known Mr. Hambro for his scholarship, he had come to know him personally only at the beginning of the last session of the Commission, but had quickly come to value his friendship. His own decision to seek re-election to the Commission had been due in no small measure to Mr. Hambro's encouragement. It was also to Mr. Hambro that he owed his familiarity with the writings of Sigrid Undset, and he treasured the volume of her works which he had given him. He also remembered how, when his interest in the Antarctic Conference had brought him to New Zealand, Mr. Hambro had studied the people of the country in his own way and had noticed things about them that amused him and had found in them a simplicity which had given him great pleasure.
30. All members of the Commission would recall how, with a grip on the arm and a statement that, while perhaps somewhat dogmatic, also contained a plea for reassurance that his view was correct, Mr. Hambro would comment on some remark made in the Commission or in the day's newspaper. It was that mixture of forthrightness and simplicity, of suspicion of humbug and real appreciation of the true values of life, that would have made Edvard Hambro challenge mere formal tributes; but he would undoubtedly have been deeply moved by the spontaneity of what had been said at the current meeting.
31. It was typical of Mr. Hambro that, even during his illness, he had always had time for others less fortunate than himself. Further keys to his character had been his immense love and knowledge of literature, his desire to master not merely the formal expressions but also the idioms of every language he had learnt, and his letters which had expressed the pith of an idea in just a few words. Mr. Bedjaoui had been very close to the truth when he had spoken of him as a man who knew no boundaries. He had wished to strip the world of all that was artificial and disingenuous, but had never sought to set himself apart in it. He had taken an honest and justified pride in all his many achievements and their recognition. The essence of his contribution had been to show that the law was not a thing apart and was only of full value as an instrument of service to the world in the hands of men who belonged to the world and who combined devotion to the law with appreciation of the richness of human life. He would be remembered therefore as a constructive critic who had loved the world in which he had worked and had contributed greatly to it.
32. Mr. FRANCIS said that his first personal contacts with Mr. Hambro dated from the 1960s, in the United Nations, where he had seen that while both a diplomat and a jurist Mr. Hambro always remained a gentleman of the highest order. At the session of the General Assembly presided over by Mr. Hambro, he himself had been the beneficiary, in respect of a statement which he had expected to be ruled out of order but which Mr. Hambro had subsequently agreed was justified, of the magnanimity which had been typical of a man of such great humility and generosity. The members of the Commission would miss his outstanding erudition, his profound sincerity and his undoubted authority, but above all they would miss a devoted friend and a good man. He hoped the words which had been spoken at the present meeting would go some way towards consoling Mr. Hambro's family for their loss. Unlike Shakespeare's Julius Caesar, there was no evil, but only good to live on after Edvard Hambro.
33. Mr. THIAM said that he associated himself with the homage paid to Mr. Hambro, whose qualities as a diplomat and jurist he did not need to recall. The Commission had lost a worthy member and each of its members had lost a friend. Edvard Hambro's simplicity, kindness and spontaneity had been greatly appreciated, as had his sense of humour and the anecdotes he had recounted. As Mr. Bedjaoui had said, Mr. Hambro had had an open and universal mind. He had dealt with problems in an unbiased manner and without preconceived ideas,

adopting a practical approach which demonstrated that his legal culture was based on vast experience.

34. He wished to express his sincerest condolences to Mr. Hambro's family and to the Government of Norway.

35. Mr. SCHWEBEL said that, while he had not had the privilege to work with Mr. Hambro in the Commission, he was happy to say that he had been a personal friend both of Mr. Hambro and of his family. He had been able to see that, during his period in New York, Mr. Hambro had devoted himself with his characteristic warmth and skill to numerous activities, including the sometimes dry proceedings of the American Society of International Law. Mr. Hambro had been a man of impeccable integrity and great idealism, a passionate democrat and anti-nazi, and a man of the world in the fullest and best sense of the term. He had been an ardent believer in international law, to whose development he had so splendidly contributed. He had enjoyed life and radiated gaiety, and it had been a joy to be with him in his large family. He had been a man with an extraordinary capacity to give and attract affection. His death was a genuine loss to all who had known him, especially his friends.

36. Mr. NJENGA said that death had deprived the world of one of the greatest of contemporary jurists. Despite their short acquaintance, he had been able to appreciate Edvard Hambro as one of the finest minds he had ever met. He had viewed him as a father figure to whom he could look for guidance, for his greatness had lain not only in his works and his concise and lucid statements in international forums, but also in his kindness as a man and his appreciation of the views of others. He hoped the Permanent Representative of Norway would convey to Mr. Hambro's family and the Norwegian Government his sincerest condolences.

37. Mr. SUCHARITKUL said that he shared the feelings of sadness and sympathy expressed by the speakers who had preceded him; he also wished to express his sincere condolences to the Government of Norway and to Mr. Hambro's family. The Government and people of Thailand would not forget the role which Mr. Hambro had played in diplomatic conciliation between the countries of South-East Asia.

38. He had met Mr. Hambro in 1952, when Mr. Hambro had been Registrar of the International Court of Justice and had given a lecture at Oxford on the functioning of the Court. He had worked with Mr. Hambro in the Sixth Committee since 1960 and at the Hague Academy of International Law, particularly at the session which the Academy had held at Bangkok in January 1974. It had been Mr. Hambro who, as a member of the Bureau of the Institute of International Law had, in 1973, proposed that he (Mr. Sucharitul) should participate in the work of the Institute.

39. Mr. Hambro had left behind him many followers whom he had personally inspired and trained. He expressed the sincere hope that Mr. Hambro's spirit of humanitarian and brotherly co-operation would continue to prevail in the Commission, thus contributing to the progressive development of international law.

40. Mr. JAGOTA said that it had not been his privilege to know Mr. Hambro personally; he was simply a distant

admirer of a great jurist and practitioner in international relations whose published works on the International Court of Justice and on the Charter had been the first source material with which he had been acquainted, and which he appreciated immensely. His most abiding impression of Mr. Hambro had been gained at the twenty-fifth session of the General Assembly, a very important session at which Mr. Hambro had served as President and one which had taken several crucial decisions on matters dear to Mr. Hambro's heart, more particularly the adoption of the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The Declaration had elaborated on the principles of the Charter, of which Mr. Hambro had been one of the chief authors. Mr. Hambro had also been involved in other extremely important decisions on matters such as the United Nations Development Decade and the law of the sea. He wished to associate himself with the tributes that had been paid by members of the Commission and to express, through the Chairman, his sincere condolences to Mr. Hambro's family and to the Government of Norway.

41. Mr. YANKOV said that he wished to join in the homage to the memory of a great jurist who had made a remarkable contribution to many facets of international law, to a scholar of rich experience dedicated to the rule of law and to a diplomat who had served the international community, the United Nations, in such distinguished fashion. Mr. Hambro's election as President of the twenty-fifth session of the General Assembly had been a well-deserved tribute to his abilities and to his faith in international law and in the institutionalization of international law through a universal organization like the United Nations. When Edvard Hambro was Chairman of the Sixth Committee, representatives on the Sixth Committee had ignored his ruling to dispense with the customary congratulations on the election of the Chairman and, with deep conviction, had expressed their admiration for the jurist, the diplomat and the man who was their Chairman at that time. Mr. Hambro had been rightly praised as not only a scholar but also a man of responsibility, modesty, generosity and integrity and someone who knew how to encourage the young. In the words of the French poet: "*Un seul être vous manque et tout est dépeuplé*". Great men were irreplaceable because, in some sense, their contribution to the world was unique. Of course, mankind would continue to produce great men, but the loss of those who had departed would always remain in the hearts and minds of men. He wished, through the Chairman, and the Permanent Representative of Norway, to express his most sincere condolences to the family of the late Edvard Hambro.

42. Mr. RYBAKOV (Representative of the Secretary-General, Director of the Codification Division) said that, upon the death of Mr. Hambro, in a letter to the Government of Norway, the Secretary-General had paid tribute to Mr. Hambro's outstanding personal qualities and his great contribution to the codification and progressive development of international law. The Director-General of the United Nations Office at Geneva and the Legal Counsel of the United Nations deeply regretted that

they had been unable to attend the present meeting, but both would have endorsed the many tributes paid to the memory of a remarkable man. It was difficult to express in more eloquent terms what had already been said by the members of the Commission. While it might perhaps at times have been possible to disagree with Mr. Hambro, no one could question the sincerity of his beliefs or of his arguments in the causes that he had defended. Members of the Office of Legal Affairs, particularly members of the Codification Division who had known Mr. Hambro for many years, had looked on him as not only a scholar and a diplomat but also as a true friend who would always remain alive in their hearts.

43. The CHAIRMAN said he wished to express the Commission's appreciation of the presence at the meeting of H.E. Mr. Johan Cappelen, Permanent Representative of Norway to the United Nations Office at Geneva, Mr. Humbert, Secretary-General of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, Ambassador Serup, Head of the Danish Delegation to that Conference, Professor Seyersted, who had worked for so many years with the late Mr. Hambro, and Mr. Schreiber, who had long been the Director of the Division of Human Rights.

44. Mr. CAPPELEN (Permanent representative of Norway to the United Nations Office at Geneva) said that, on behalf of Mrs. Hambro and the Government of Norway, he wished to express his gratitude for the generous tribute paid by the Commission to the memory of his fellow countryman, colleague and friend, Mr. Edvard Hambro. Mrs. Hambro had been deeply touched by the Commission's message to her, by its decision to hold the special meeting and by its thoughtfulness in inviting her to attend. She would indeed have been present, had not an airline strike upset her arrangements to travel to Geneva. She had requested him to inform the Commission that the special meeting was a great encouragement to her. She, more than anyone else, knew what the Commission had meant to her late husband.

45. His Government had also held Edvard Hambro, a brilliant son of Norway, in the highest esteem, and had placed the fullest confidence in him at all times. Speaking as a friend and colleague of Edvard Hambro, he wished to thank all the members of the Commission for the kind words they had spoken about Mr. Hambro, who had always looked forward eagerly to the sessions of the Commission, where he had been able to discuss his beloved subject of international law among kindred spirits greatly admired for their expertise and their personal qualities, and where friendships had been formed that had extended across frontiers and across legal systems. It was therefore especially fitting and moving that the Commission should have decided to pay tribute to the memory of Mr. Hambro at one of its official meetings.

46. Speaking as the official representative of his country, he also wished to express the appreciation and thanks of his Government. Members of the Commission were elected in their personal capacity, but they were none the less nationals of their countries, to which their reputations

were a credit. The Government of Norway was therefore highly appreciative of the deep respect shown by members of the Commission for the memory of Mr. Hambro.

47. The CHAIRMAN said that the records of the special meeting would be forwarded to Mrs. Hambro and to the Government of Norway, with an appropriate covering letter.

The meeting rose at 5.10 p.m.

1420th MEETING

Monday, 16 May 1977, at 5.30 p.m.

Chairman: Mr. José SETTE CÂMARA

Members present: Mr. Ago, Mr. Bedjaoui, Mr. Calle y Calle, Mr. Castañeda, Mr. Dadzie, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Jagota, Mr. Njenga, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta, Mr. Yankov.

Succession of States in respect of matters other than treaties (continued)* (A/CN.4/301 and Add.1)

[Item 3 of the agenda]

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR (continued)

ARTICLE O (Definition of State debt)¹ (continued)

1. Mr. BEDJAOUI (Special Rapporteur), replying to a question raised by Mr. Reuter² and several other members of the Commission concerning the source of State debts, said that the question called for two clarifications.

2. First, the topic for which he had been appointed Special Rapporteur in 1967 had then been entitled "Succession in respect of rights and duties resulting from sources other than treaties" and the parallel topic had been entitled "Succession in respect of treaties".³ Succession of States could be considered either from the point of view of sources or from the point of view of subject-matter. From the point of view of sources, a distinction could be made between succession from treaties and succession resulting from sources other than treaties. From the point of view of the subject-matter of succession, a distinction could be made between succession to treaties and succession to matters other than treaties. But in 1963, the Commission had inadvertently included in the title of one of the topics a reference to the

* Resumed from the 1418th meeting.

¹ For text, see 1416th meeting, para. 1.

² 1416th meeting, para. 28.

³ *Yearbook ... 1976*, vol. II (Part Two), p. 122, document A/31/10, para. 79.