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Summary record of the 1473rd meeting

Topic:
Other topics

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1473rd MEETING

Closure of the session

Friday, 29 July 1977, at 10.05 a.m.

Chairman: Sir Francis VALLAT

Members present: Mr. Ago, Mr. Castañeda, Mr. Dadzie, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sette Câmara, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta, Mr. Yankov.

Draft report of the Commission on the work of its twenty-ninth session (concluded)

CHAPTER II. State responsibility (concluded) (A/CN.4/L.259 and Add.1-4)

B. Draft articles on State responsibility (concluded) (A/CN.4/L.259 and Add.1-4)

2. TEXT OF ARTICLES 20-22 AND COMMENTARIES THERETO, ADOPTED BY THE COMMISSION AT ITS TWENTY-NINTH SESSION (concluded) (A/CN.4/L.259/Add.1-4)

Commentary to article 22 (Exhaustion of local remedies) (A/CN.4/L.259/Add.3 and 4)

Paragraphs (1)-(48)

Paragraphs (1)-(48) were approved.

Paragraph (49)

1. The CHAIRMAN suggested that the draft report should include more detailed information on the *Ambatielos* case, in which the rule on the exhaustion of local remedies had been carried further than in the *Finnish Vessels* case.

2. Mr. AGO (Special Rapporteur) said that he would provide the Secretariat with more detailed information on the *Ambatielos* case for inclusion in the foot-note relating to paragraph (49).

Paragraph (49) was approved, subject to the inclusion in the foot-note of the additional information to be provided by the Special Rapporteur.

Paragraphs (50)-(63)

Paragraphs (50)-(63) were approved.

The commentary to article 22, as amended, was approved.

Subsection 2, as amended, was approved.

Chapter II, as amended, was approved.

CHAPTER V. Other decisions and conclusions of the Commission (concluded) (A/CN.4/L.262 and Add.1-3)

F. Co-operation with other bodies (A/CN.4/L.262/Add.3)

Section F was approved.

Chapter V, as amended, was approved.

3. The CHAIRMAN put the draft report of the Commission on the work of its twenty-ninth session as a whole, as amended, to the vote.

The draft report as a whole, as amended, was adopted.

4. Mr. AGO thanked the Chairman for the skill, the firmness and the courtesy with which he had directed the work of the Commission. Under his Chairmanship, the Commission had done extremely fruitful work on such difficult topics as succession of States in respect of matters other than treaties and the question of treaties concluded between States and international organizations or between two or more international organizations. The latter, on consideration, had proved much less easy than had been thought at the beginning. On the topic of State responsibility, the Commission had adopted only three articles, but it could be satisfied with its work. The commentary accompanying the three articles contained what was in effect a monograph on the question of the exhaustion of internal remedies, one of the most important issues posed by State responsibility, not only technically and juridically but even from the political aspect. Thanks to the patience and firm guidance of its Chairman, the Commission had succeeded in overcoming very great difficulties. It had substantial achievements to submit to the Sixth Committee of the General Assembly, which would doubtless have some criticisms to make of the Commission's methods of work, the length of its reports and its slow progress. The Commission could nevertheless have a clear conscience for it had not been sparing in its efforts.

5. Congratulations must also go to the other officers of the Commission, and particularly to the Chairman of the Drafting Committee, Mr. Tsuruoka, who had had a very heavy task that year.

6. The work of the Chairman of the Commission during the session represented only part of his duties. The other and perhaps the more important part consisted in explaining to the General Assembly what the Commission had done and under what conditions. It was most important not to forget that the Commission had been able to do useful work precisely because its members were not representatives of States; they were men who were guided by their conscience rather than by national interests. That should be borne in mind whenever it was proposed to revise the working methods followed by the Commission and in connexion with the codification of international law and with treaty-making procedure in general. The successes achieved at plenipotentiary conferences were due in no small measure to the fact that the work of codification was prepared by the International Law Commission.

7. Mr. EL-ERIAN, Mr. USHAKOV, Mr. TABIBI, Mr. SETTE CÂMARA, Mr. FRANCIS, Mr. VEROSTA, Mr. SCHWEBEL and Mr. DADZIE associated themselves with the statement made by Mr. Ago.

8. The CHAIRMAN expressed his thanks to the officers and to the members of the Secretariat and declared the twenty-ninth session of the International Law Commission closed.

The meeting rose at 12.30 p.m.