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Summary record of the 1753rd meeting

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INTERNATIONAL LAW COMMISSION

SUMMARY RECORDS OF THE THIRTY-FIFTH SESSION

Held at Geneva from 3 May to 22 July 1983

1753rd MEETING

Tuesday, 3 May 1983, at 3.15 p.m.

Outgoing Chairman: Mr. Paul REUTER

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

Opening of the session

1. The OUTGOING CHAIRMAN declared open the thirty-fifth session of the International Law Commission.

Statement by the outgoing Chairman

2. The OUTGOING CHAIRMAN extended a warm welcome to the members of the Commission and said that it was gratifying to note the presence of Mr. Flitan, who had recovered from the illness which had prevented him from attending a considerable part of the previous session. Mr. Ni, who had suffered an accident, would be unable to participate in the Commission's work for a few weeks and Mr. Suy, Director-General of the United Nations Office at Geneva, had been prevented by pressing obligations from attending the first meeting.

3. As to the chief events since the previous session, at the thirty-seventh session of the General Assembly the Sixth Committee had devoted some 15 meetings to consideration of the Commission's report on the work of its thirty-fourth session.¹ He had addressed the Sixth Committee on two occasions.² To begin with, he had given a general account of the work accomplished by the Commission and had explained the manner in which it was preparing its future work. He had stressed the fact that the Commission was concerned to improve its methods of work and was conscious of the privilege it enjoyed regarding the preparation of summary records and also the waiving of the rules on the limitation of documentation. It was apparent from the documents of the General Assembly that the Commission's report had

received an excellent reception from the Sixth Committee.

4. In his second statement to the Sixth Committee, on the question of the Commission's methods of work, he had emphasized that it had little leeway in the organization of its work. It was a fact that the special rapporteurs, who had to take account of government comments and the observations made in the Sixth Committee, normally had only a short time available in which to draft their reports. As for the suggestion that the Commission, in its new enlarged composition, might be in a position to work simultaneously in a number of internal groups, he had pointed out that such a method had never been used regularly and that it was contrary to the principle of the equality of the members of the Commission.

5. The Sixth Committee had examined more particularly the draft articles on the law of treaties between States and international organizations or between international organizations³ and its conclusion in that regard had been in line with that of the Commission. In its resolutions 37/110, 37/111 and 37/112, of 16 December 1982, the General Assembly had adopted the proposals submitted by the Commission. It had agreed that the draft articles would form the subject of a convention, but had reserved the question of the appropriate framework for adopting the convention. That question would be examined again by the General Assembly at its next session. One suggestion had been that the Sixth Committee itself might examine the draft for the purpose of giving it the form of a convention.

6. In the course of the past year the Commission had been represented by Mr. Francis at the session of the Inter-American Juridical Committee and by himself at the session of the European Committee on Legal Co-operation. More recently, the Asian-African Legal Consultative Committee had extended to the Commission an invitation to attend the Committee's forthcoming session in Tokyo, from 16 to 20 May 1983. In his opinion, it would not be possible to accept the invitation; otherwise, a member of the Commission would be prevented from participating in the present session.

7. Lastly, Mr. Fleischhauer, Legal Counsel, showed very great interest in the Commission and intended to be present at its work on the occasion of his next visit to Geneva.

The meeting rose at 4.05 p.m.

¹ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10)*, published as *Yearbook* . . . 1982, vol. II (Part Two).

² *Official Records of the General Assembly, Thirty-seventh Session, Sixth Committee, 37th meeting*, paras. 1-29; and 46th meeting, paras. 96-103.

³ *Yearbook* . . . 1982, vol. II (Part Two), pp. 17 *et seq.*, para 63.