

Document:-
A/CN.4/SR.580

Summary record of the 580th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1961 , vol. I

*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

INTERNATIONAL LAW COMMISSION
SUMMARY RECORDS OF THE THIRTEENTH SESSION
Held at Geneva, from 1 May to 7 July 1961

580th MEETING

Monday, 1 May 1961, at 3 p.m.

Chairman: Mr. Luis PADILLA NERVO

Later: Mr. Grigory I. TUNKIN

Opening of the Session

1. The CHAIRMAN declared open the thirteenth session of the International Law Commission.

Tribute to the late Mr. Georges Scelle

2. The CHAIRMAN said that the Commission had suffered a grievous loss by the death of its eminent French member, Mr. Georges Scelle.

The members of the Commission observed a minute of silence in tribute to the memory of Mr. Georges Scelle.

Filling of casual vacancies in the Commission

(article 11 of the Statute)

(A/CN.4/135 and Add.1)

[Agenda item 1]

3. The CHAIRMAN said that communications had been received from Sir Gerald Fitzmaurice and Mr. Yokota, tendering their resignations.

4. The letter from Sir Gerald Fitzmaurice, dated 6 December 1960, stated that his recent election to the International Court of Justice compelled him, with regret, to resign from the Commission. The importance of the role played by the Commission in the development of international law had become quite evident, and recent events had emphasized it. In that way the Commission also made a significant contribution to the maintenance of peace and security, which could only exist on the basis of a well-developed body of international legal rules recognized and respected by all States. The Commission played an indispensable part in the United Nations; to its great credit, it had always endeavoured to work in a scientific spirit, and although differences of view based on the different national backgrounds of its members existed, they had never been allowed to affect its work in any significant manner.

5. Sir Gerald paid a tribute to the work of the Commission's secretariat and in particular to that of its Secretary, Dr. Liang.

6. The letter from Mr. Yokota, dated 1 April 1961, tendered his resignation from the Commission in view of the burden of work imposed on him as a result of his appointment as Chief Justice of the Supreme Court of Japan, and conveyed to the Chairman and members of the Commission his gratitude for their co-operation during his term of office as Vice-Chairman at the twelfth session.

7. The CHAIRMAN said that copies of the two letters of resignation would be circulated to members of the Commission.¹ He had replied to both Sir Gerald Fitzmaurice and Mr. Yokota congratulating them on their election to high office and expressing the Commission's regret at their withdrawal.

8. Mr. LIANG, Secretary to the Commission, read a telegram dated 28 April 1961 from Mr. Jiménez de Aréchaga announcing that he would arrive in Geneva on 15 May 1961; a letter from Mr. Hsu, dated 21 April 1961, expressing regret at being unable to attend the early part of the session; and a letter from Mr. García Amador, dated 27 April 1961, stating that he would be able to arrive in Geneva in three or four week's time.

Election of officers

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

10. Mr. VERDROSS proposed Mr. Tunkin, whose valuable services to the Commission were known to all the members and who was eminently qualified for the office.

11. Mr. AGO seconded the proposal.

12. Mr. SANDSTRÖM, Mr. AMADO, Mr. PAL, Mr. MATINE-DAFTARY, Mr. ZOUREK, Mr. BARTOS and Mr. YASSEEN supported the proposal.

13. The CHAIRMAN, speaking as a member of the Commission, likewise supported the proposal.

Mr. Tunkin was unanimously elected Chairman and took the chair.

14. The CHAIRMAN, thanking the members for having elected him, said that it was a great honour for him to succeed so distinguished a diplomat and jurist as Mr. Padilla Nervo. He hoped that the Commission would be guided by the spirit of co-operation and the sincere desire to contribute to the maintenance of international peace and the development of friendly relations among nations.

¹ Subsequently circulated as document A/CONF.4/135/Add.1.

15. He called for nominations for the office of First Vice-Chairman.

16. Mr. AMADO proposed Mr. AGO, the distinguished professor of the University of Rome, whose ability and experience eminently qualified him for the office.

17. Mr. BARTOŠ, Mr. VERDROSS, Mr. PAL, Mr. YASSEEN and Mr. MATINE-DAFTARY supported the proposal.

Mr. Ago was unanimously elected First Vice-Chairman.

18. The CHAIRMAN called for nominations for the office of Second Vice-Chairman.

19. Mr. ŽOUREK proposed Mr. Jiménez de Aréchaga, the distinguished Latin American jurist who, although he had only recently become a member of the Commission, had already made a valuable contribution to its work.

Mr. Jiménez de Aréchaga was unanimously elected Second Vice-Chairman.

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

21. Mr. VERDROSS proposed Mr. Martine-Daftary, the eminent professor of international law in the University of Teheran.

22. Mr. AMADO seconded the proposal.

23. Mr. PAL, Mr. BARTOŠ, Mr. YASSEEN, Mr. AGO and Mr. PADILLA NERVO supported the proposal.

Mr. Matine-Daftary was unanimously elected Rapporteur.

The meeting rose at 4 p.m.

581st MEETING

Tuesday, 2 May 1961, at 10 a.m.

Chairman: Mr. Grigory I. TUNKIN

Resolutions of interest to the Commission adopted by the United Nations Conference on Diplomatic Intercourse and Immunities

(A/CN.4/L.94)

1. The CHAIRMAN said that the United Nations Conference on Diplomatic Intercourse and Immunities held recently at Vienna had adopted two draft resolutions of interest to the Commission (text in A/CN.4/L.94). One paid a tribute to the Commission's work, which had been the basis of the Conference's deliberations. The other related to the subject of special missions, which had been referred to the Conference by General Assembly resolution 1504 (XV), and recommended that the subject

should be referred back to the Commission for further study.

2. Mr. AGO, supported by Mr. MATINE-DAFTERY, said that the Commission should express its thanks to Mr. Verdross, who had presided over the Vienna Conference with such distinction. The success of the Conference had been in great measure due to him.

3. The CHAIRMAN expressed the belief that all members of the Commission would wish to join in paying a tribute to Mr. Verdross.

4. Mr. VERDROSS thanked members for their appreciative remarks.

Adoption of the agenda

(A/CN.4/133)

5. The CHAIRMAN invited comments on the provisional agenda (A/CN.4/133).

6. Mr. AGO, supported by Mr. MATINE-DAFTARY, suggested that for the time being the best course would be for the Commission to adopt its agenda provisionally, subject to revision in the light of developments. That session was the last of the Commission as then constituted, and there would be little advantage in embarking upon new topics which would subsequently have to be taken over by a Commission with possibly a different membership. Clearly, the session's first task should be the completion of the work on consular intercourse and immunities: little more than a general discussion of the other items on the provisional agenda would be possible.

7. The CHAIRMAN recalled that at its twelfth session (571st meeting, para. 4) the Commission had decided to complete at its thirteenth session its draft on consular intercourse and immunities and also take up the question of State responsibility. In the meantime, Mr. Ago's suggestion might well be followed.

It was so agreed.

Filling of casual vacancies in the Commission

(article 11 of the Statute)

(A/CN.4/135)

(concluded)

[Agenda item 1]

8. The CHAIRMAN proposed that discussion of item 1 of the agenda be held in private session.

It was so agreed.

The meeting was suspended at 10.30 a.m. for private discussion and resumed at 11.40 a.m.

9. The CHAIRMAN announced the election of Sir Humphrey Waldock to fill the vacancy caused by the election of Sir Gerald Fitzmaurice to the International Court of Justice, that of Mr. André Gros to fill the vacancy caused by the death of Mr. Georges Scelle and that of Mr. Senjin Tsuruoka to fill the vacancy caused by the resignation of Mr. Kisaburo Yokota.

The meeting rose at 11.45 a.m.