

Document:-
A/CN.4/261 and Corr.1

**Letter dated 31 March 1972 from Mr. Mustafa K. Yasseen to the Chairman of the
International Law Commission**

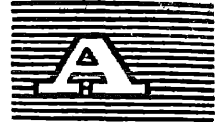
Topic:
Succession of States in respect of matters other than treaties

Extract from the Yearbook of the International Law Commission:-
1972, Not in Ybk

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

UNITED NATIONS

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Twenty-fourth session
2 May - 7 July 1972

Letter dated 31 March 1972 from Mr. Mustafa K. Yasseen
to the Chairman of the International Law Commission

A letter from a member of the Commission, accompanied by a memorandum (A/CN.4/251, of 29 July 1971), has been circulated. It requests that the letter and the attached memorandum be circulated as documents of the International Law Commission to the same extent as the Fourth Report on Succession of States in respect of Matters other than Treaties (A/CN.4/247 and Add.1, of 2 and 19 April 1971) and published alongside that report in the Commission's Yearbook.

I do not wish to state an opinion on the substance of the matter here, but I nevertheless consider that in taking up the problem of the applicability of the rules on succession of States to illegal situations created in violation of the basic principles of international law and, more particularly, of the United Nations Charter, the Special Rapporteur was bound to draw the appropriate examples from international life and consequently to refer to the expansionist policy of Israel.

The facts reported may, of course, be contested, but since the Yearbook is supposed to contain the documents of the Commission, an opinion on a report can only be expressed in it as part of statements made during the discussion of that report, as reflected in the records; in any event, a memorandum by a member can only be included among the Commission's documents if its inclusion is authorized by the Commission. This, in my opinion, is the Commission's established practice.

Now since the report has not been discussed and the Commission has taken no decision regarding the publication of the letter and the accompanying memorandum, there seems to me to be no basis for reproducing these two documents in the Yearbook. The request therefore, sets a precedent which I regret and on which I venture to express a reservation.

I should be grateful if you would be kind enough to circulate this letter to the same extent as the letter and memorandum in question.

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to the Chairman of the International Law Commission

CORRIGENDUM

Third paragraph

Amend the first line to read:

"Of course, everyone has the right to contest the facts reported,
but since the Yearbook is ..."

GE.72-12182