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A/CN.4/40

Provisional Agenda for the Third Session.

Topic:
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INTERNATIONAL LAW COMMISSION

SUMMARY RECORDS OF THE THIRD SESSION

82nd MEETING

Wednesday, 16 May 1951, at 3.10 p.m.

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Chairman: Mr. A. E. F. SANDSTRÖM.

Present:

Members: Mr. Ricardo J. ALFARO, Mr. Gilberto AMADÓ, Mr. James L. BRIERLY, Mr. Roberto CÓRDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Jean SPIROPOULOS, Mr. Jesús María YEPES.

Secretariat: Mr. Ivan KERNO, Assistant Secretary-General in charge of the Legal Department; Mr. Yuen-li LIANG, Director of the Division for the Development and Codification of International Law, and Secretary to the Commission.

Opening of the session

1. In the absence of the Chairman, Mr. Georges Scelle, whose arrival had been delayed, Mr. A. E. F. Sandström, first Vice-Chairman, took the Chair.
2. The CHAIRMAN declared the third session of the International Law Commission open.
3. Welcoming his colleagues, he expressed the hope that their serious deliberations would provide satisfactory solutions to a number of problems.
4. Certain members of the Commission were absent. Sir Benegal Rau had written to say he was unable to attend the opening meeting but hoped to be present from 21 May onwards.
5. Mr. KERNO (Assistant Secretary-General) said that Mr. Faris el Khouri, whom he had seen before leaving New York, had informed him that the incidents which had occurred between Syria and Israel compelled him to remain in New York, where the Security Council was sitting, but that he hoped to join the Commission on 21 May. Mr. Hudson would be sailing on 24 May. He had, however, no news of Mr. Jaroslav Zourek.
6. The CHAIRMAN read out a telegram from Mr. Vladimir Koretsky informing the Commission that the state of his health prevented him from attending the session and requesting that the Secretariat be instructed to send him the documentation and summary records.
7. Mr. YEPES proposed that the Commission reply

to Mr. Koretsky regretting his illness and expressing the hope that he would come and take part in its work as soon as he was well enough.

The proposal was adopted.

Election of officers

8. Mr. CORDOVA suggested that it would be more courteous to wait until Mr. Scelle was present before electing the officers; he accordingly proposed deferring the election until the following day.

9. The CHAIRMAN supported that proposal.

It was so decided.

Adoption of the provisional agenda

10. The CHAIRMAN announced that a provisional agenda, drawn up by the Secretariat (A/CN.4/40) was before the Commission.¹ He thought it would be pref-

¹ Document A/CN.4/40 read as follows:

- " 1. General Assembly resolution 484 (V) of 12 December 1950: Review by the International Law Commission of its Statute with the object of recommending revisions thereof to the General Assembly.
- " 2. Preparation of a draft code of offences against the peace and security of mankind:
 - (a) Report by Mr. Spiropoulos;
 - (b) General Assembly resolution 488 (V) of 12 December 1950: Formulation of the Nürnberg principles.
- " 3. General Assembly resolution 378 B (V) of 17 November 1950: Duties of States in the event of the outbreak of hostilities.
- " 4. Law of treaties:
 - (a) Report by Mr. Briery;
 - (b) General Assembly resolution 478 (V) of 16 November 1950: Reservations to multilateral conventions.
- " 5. Arbitral procedure: report by Mr. Scelle.
- " 6. Régime of the high seas: report by Mr. François.
- " 7. Date and place of the fourth session.
- " 8. Economic and Social Council resolution 319 B III (XI) of 11 August 1950 requesting the International Law Commission to prepare the necessary draft international convention or conventions for the elimination of statelessness.
- " 9. Co-operation with other bodies.
- " 10. General Assembly resolution 494 (V) of 20 November 1950: Development of a 20-year programme for achieving peace through the United Nations.
- " 11. Other General Assembly resolutions relating to the report of the International Law Commission on its second session:
 - " (a) General Assembly resolution 485 (V) of 12 December 1950: Amendment to article 13 of the Statute of the International Law Commission;
 - " (b) General Assembly resolution 486 (V) of 12 December 1950: Extension of the term of office of the present members of the International Law Commission;
 - " (c) General Assembly resolution 487 (V) of 12 December 1950: Ways and means for making the evidence of customary international law more readily available;
 - " (d) General Assembly resolution 489 (V) of 12 December 1950: International Criminal Jurisdiction."