

Document:-
A/CN.4/78 and Corr.1

Provisional Agenda

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1954 , vol. I

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

12. In the period between its fifth and sixth sessions he had represented the Commission at the eighth session of the General Assembly in New York. Little had been achieved at the Assembly since neither the draft convention on arbitral procedure nor the draft articles on the continental shelf submitted by the Commission¹ had been discussed. The discussion of the first of those documents had been postponed to the tenth session of the General Assembly in 1955,² while the study of the draft articles on the continental shelf adopted by the Commission had been postponed until such time as the reports of the Commission on the régime of the high seas and the territorial sea were ready,³ which, as the Commission knew, would not be for some time.

13. He thanked the Director-General of UNESCO on behalf of the Commission for the words of welcome addressed to the Commission and the facilities so generously placed at its disposal.

14. Mr. SCALLE wished, as a Frenchman, to welcome his colleagues to Paris. France had a splendid tradition of legal scholarship and upheld the principle that law and not force should prevail in international relations. In particular, articles 26 and 28 of the French Constitution acknowledged the supremacy of international law over municipal law.

15. France could proudly point to a long line of lawyers who had given the weight of their authority to the doctrine that international law was essentially a projection of the rules of law on the international relations of States. In addition, French statesmen such as Bourgeois, Briand, Herriot and Schuman had made contributions to the progress of international law, and French ideas had been incorporated in the basic charters of such bodies as the Institute of International Law, the International Law Academy at The Hague, and UNESCO itself. Léon Blum, who had been closely associated with UNESCO in its early days, had stressed the need to fight the spirit of war in the minds of men before fighting it in the realm of facts and he (Mr. Scelle) was glad to see that both UNESCO and the International Law Commission were by the very nature of their work pursuing the same objective.

16. Mr. el-KHOURI commended the Chairman for the most efficient manner in which he had represented the interests of the Commission at the eighth session of the General Assembly. He welcomed the choice of Paris as a meeting place for the present session of the Commission, as the French capital was considered throughout the Near East as a world capital in the fields of law and education.

¹ See "Report of the International Law Commission covering the work of its fifth session", *Official Records of the General Assembly, Eighth Session, Supplement No. 9 (A/2456)*. Also in *Yearbook of the International Law Commission, 1953*, vol. II.

² General Assembly resolution 797 (VIII) of 7 December 1953.

³ General Assembly resolution 798 (VIII) of 7 December 1953.

Election of officers

17. The CHAIRMAN invited the Commission to elect its officers for the sixth session. He nominated Mr. Sandström as Chairman.

Mr. Sandström was elected Chairman by acclamation, and took the chair.

18. The CHAIRMAN thanked the Commission for the honour conferred upon him, and said that he would do his utmost to emulate the high standard set by his predecessor in the chair.

19. He invited members to submit nominations for the offices of first Vice-Chairman, second Vice-Chairman and Rapporteur.

20. Mr. HSU nominated Mr. Córdova as first Vice-Chairman.

Mr. Córdova was elected first Vice-Chairman by acclamation.

21. Mr. el-KHOURI nominated Mr. Pal as second Vice-Chairman.

Mr. Pal was elected second Vice-Chairman by acclamation.

22. Mr. LAUTERPACHT nominated Mr. François as Rapporteur. He said that the preparation of the annual report of the Commission was one of its most important functions and one in which Mr. François' scholarship and capacity for work would be of invaluable assistance.

Mr. François was elected Rapporteur by acclamation.

Consideration of the provisional agenda of the sixth session (A/CN.4/78)

23. The CHAIRMAN invited the Commission to consider the provisional agenda of the sixth session.

The agenda as contained in document A/CN.4/78⁴ was adopted, subject to modification of the order of agenda items.

24. Mr. SCALLE, speaking on the order in which items would be discussed, stressed the particular importance of item 6 of the provisional agenda (law of treaties) and the relevant report prepared by Mr. Lauterpacht (A/CN.4/63).⁵ He was anxious for that item to be studied early in

⁴ It contained the following items :

1. Filling of casual vacancy in the Commission ;
2. Régime of the territorial sea ;
3. Régime of the high seas ;
4. Draft code of offences against the peace and security of mankind ;
5. Nationality, including statelessness ;
6. Law of treaties ;
7. Question of codifying the topic "Diplomatic intercourse and immunities" ;
8. Request of the General Assembly for the codification of the principles of international law governing state responsibility ;
9. Control and limitation of documentation ;
10. Date and place of the seventh session ;
11. Other business.

⁵ See text in *Yearbook of the International Law Commission, 1953*, vol. II.