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**Report on the twenty-first session of the European Committee on Legal Co-operation, by  
Mr. A. H. Tabibi, observer for the Commission**

Topic:  
**Cooperation with other bodies**

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## CO-OPERATION WITH OTHER BODIES

[Agenda item 10]

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**Report on the twenty-first session of the European Committee on Legal Co-operation  
by Mr. A. H. Tabibi, observer for the Commission**

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[8 July 1974]

1. The European Committee on Legal Co-operation (CCJ) held its twenty-first session at Strasbourg (France) from 24 June to 28 June 1974. I had the honour, on behalf of the International Law Commission, to take part in the proceedings at the first meeting held at 3 p.m. on 24 June, during which I delivered a statement.<sup>1</sup>

2. The Chairman and members of the CCJ, as well as the Director of Legal Affairs of the Council of Europe, Mr. Golsong, paid very warm tribute to the work of the International Law Commission. Members of the CCJ expressed their support for the usefulness of the exchange and co-operation between the Commission and the CCJ. I was asked by the Chairman of the CCJ to convey to the Chairman and members of the International Law Commission their warm greetings on the occasion of the twenty-fifth anniversary of the Commission.

3. I should like to express my profound appreciation for the kindness, hospitality and warm reception accorded to me by the Committee as well as by the Director of Legal Affairs, Mr. H. Golsong.

4. A copy of the draft Agenda of the twenty-first meeting of the CCJ is annexed to the present report.<sup>2</sup>

### ANNEX I

**Text of the statement made by Mr. A. H. Tabibi, observer for the International Law Commission, at the meeting held in Strasbourg by the European Committee on Legal Co-operation on 24 June 1974**

It is, indeed, a very pleasant duty for me to convey, on behalf of the International Law Commission and our current Chairman, Mr. Endre Ustor, who on account of his heavy duties is unable to participate, their warmest greetings to you and to all the members of the European Committee on Legal Co-operation

We are grateful to Your committee for sending Mr. Golsong every year to our Commission to explain your committee's annual achievements on the vital tasks before you. I personally have greatly benefited from Mr. Golsong's high juridical knowledge since 1952, when I first took part in the work of the Commission. I believe that the collabor-

ation established between the International Law Commission and other legal institutions such as yours is very useful for a better understanding of each other's views in the important task of codification and progressive development of international law. The annual exchange of views of our two bodies which are pursuing the same noble task is beneficial not only to the work ahead of us, but also to the whole juridical circle. The rest of the world benefits more from you because historically Europe is ahead of the rest of the world in the task of codification and progressive development of international law and for this reason I am certain and confident that the fruitful co-operation between your Committee and our Commission will enhance further our object.

Since I am an Asian jurist and have followed the work of other regional committees such as the Asian-African Legal Consultative Committee, I find it appropriate to state here that since, on the basis of their Statute, the Asian-African Committee is dealing directly with the topics before the International Law Commission, both bodies, in this respect, derive benefit from this institutionalization of their work. In my view, if the European Committee also tries to follow to some degree the same pattern of work, I believe it will be of great assistance not only to the Commission, but also to the countries of Europe whose representatives in the United Nations and plenipotentiary conferences participate in the final adoption of various texts produced by the Commission. Since the regional committees serve the same noble task, which is the furtherance of the role of law for the preservation of peace and co-operation among States, and closer ties, the following of the same pattern of work by this Committee and our Commission will be beneficial to us all. I must add, however, that I am personally interested in two items which you have undertaken:

1. The Justice Ministers of Europe, as the Chairman stated, concluded their meeting<sup>a</sup> recently in Vienna. I know, as a former Minister of Justice of my country, that this role is a very sensitive and important one indeed. The exchange of information between countries will help to facilitate the smooth operation of the activities which are the backbone of social life in each country. This will help greatly the newly independent countries of Asia and Africa which need guidance in this field.

2. The other item is the offering of technical assistance for training young jurists of Asia and Africa. It was more than a decade ago that I first raised the question of technical assistance and wider appreciation of international law in the Sixth Committee of the General Assembly which was designed mainly for this purpose. An International Law Seminar for young jurists of the world is held every year during the meeting of the Commission, but direct training of Asian

<sup>1</sup> See annex I below.

<sup>2</sup> See annex II below.

<sup>a</sup> Ninth Conference of European Ministers of Justice.

and African jurists by your Committee or by member countries of your Committee will greatly help the establishment of a better legal system in the newly independent countries. They need this no less than they need economic and social development. In my view, if there is not a sound constitution or a good system of law, these countries cannot benefit properly from the cherished independence acquired.

This year is the year for the commemoration of the 25th anniversary of the International Law Commission which, following the General Assembly's commemoration, we commemorated in Geneva on 27 May. In those 25 years, the members of the Commission who are alive or dead were among the most eminent European jurists, who dedicated themselves to the noble and lifelong task of the progressive development of international law and its codification. There is no doubt that jurists, particularly in Europe, made many attempts to codify international law, beginning as early as the 18th century, but most of these attempts remained without universal approval, until the establishment of the United Nations and the functioning of the International Law Commission. It was the Commission that as early as 1949 took up the marathon task of codification of the whole field of international law and embarked on a task which has always been a lifelong dream of world jurists. The Commission, in this short span of 25 years has, out of the initial fourteen topics selected at its first session, already produced scientific drafts on seven of them and others are currently under consideration. The work on the topics of *State responsibility, the question of treaties concluded between States and international organizations or between two or more international organizations, succession in respect of matters other than treaties*, as well as the topic of *the most-favoured-nation clause*, are progressing satisfactorily at our current session. At this session we have also begun our work on *the law of the non-navigational uses of international watercourses*. So far, ten conventions have been concluded by the Commission and six of the main conventions already have come into force. The topic of succession of States in respect of treaties will be finalized at our current session. The Commission, in addition to the initial list adopted on the basis of the Survey of international law, produced also several other legal drafts, which were not included in the original list but had subsequently been referred to it by the General Assembly. The Commission has on its current agenda an item concerning review of its original list and its future work. We believe that in order to harmonize our task, it will be useful if the European Committee also have a look at reviewing its activities to help the Commission in its vital duty of codification of international law.

Looking at your agenda, I find that you have a heavy task before you, therefore I do not wish to take up more of your valuable time, but I want to conclude with my warmest appreciation for giving me this early opportunity to make my statement and hope that your representative will as usual give us the pleasure of his presence during the current session of the Commission.

One more word and that is my hope that you will accept my regrets for not being able to stay longer with you because our Commission is in the midst of its work and I have to return soon but our Commission found it vital that I should come here to extend to you our good wishes and wish you a very pleasant session. Thank you.

#### ANNEX II \*

##### Draft agenda of the twenty-first meeting of the European Committee on Legal Co-operation (CCJ)

1. Opening of the meeting
2. Adoption of the agenda

\* This annex reproduces a document of the CCJ. The references in square brackets are to documents of that body.

3. Action taken by the Committee of Ministers on the proposals made by the CCJ  
Working document:  
Report by the Secretariat  
[CCJ (74) 7]
4. Report on the work of the Sub-committees, Committees of experts and ad hoc Committees established by the CCJ  
Working documents:  
Report by the Secretariat  
[CCJ (74)]  
Report by the Secretariat on study visits abroad  
[CCJ (74) 1]
5. Reports of Sub-committees, Committees of experts and ad hoc Committees to the CCJ
  - A. Protection of the individual in relation to acts of administrative authorities  
Working document:  
Report by the Sub-Committee  
[CCJ (74) 12]
  - B. Symposium of judges  
Working document:  
Report by the Sub-Committee on fundamental legal concepts  
[CCJ (74) 10]
6. Final consideration of draft Conventions and draft Resolutions
  - A. Draft European Convention on the legal status of children born out of wedlock  
Working documents:  
Draft Convention and draft Explanatory Report  
[CCJ (75) 37]  
Comments by Governments (Luxembourg, Federal Republic of Germany, Norway, Sweden, Austria, Denmark)  
[CCJ (74) 4, 5, 11, 13, 14 and 19]
  - B. Draft Resolution on the protection of the privacy of individuals vis-à-vis electronic data banks in the public sector and future work of the Committee of Experts  
Working documents:  
Draft Resolution and draft Explanatory Report  
[CCJ (74) 3]  
Memorandum of the Directorate of Legal Affairs  
[CCJ (74) 8]  
Report of the Committee of Experts on Human Rights  
[CM (74) 106]  
Comments by Governments (Switzerland)  
[CCJ (74) 22]
  - C. Draft Resolution relating to compensation for physical injury or death  
Working documents:  
Draft Resolution and draft Explanatory Report  
[CCJ (73) 44]  
Comments by Governments (Switzerland, Norway, Sweden, Netherlands)  
[CCJ (74) 15, 17, 18, 21]
7. Preliminary examination of the results of the Ninth Conference of European Ministers of Justice  
Working document:  
Conclusions of the Ninth Conference  
[CMJ/Concl (74)]

8. Forms to accompany judicial and extrajudicial documents sent abroad <sup>a</sup>
- Working documents:
- Report on the 20th meeting of the CCJ  
[CCJ (73) 46, item 5, No. 5]
- Conclusions of the Ninth Conference of European Ministers of Justice  
[CMJ/Concl (74)]
9. Practical guide to the recognition and enforcement of foreign judicial decisions (for information)
- Statement by the Director of Legal Affairs
10. Privileges and immunities of international organizations (Request by States participating in European Co-operation in the field of scientific and technical research (COST))
- Working documents:
- Memorandum by the Directorate of Legal Affairs  
[CCJ (74) 9]
- Request by States participating in COST  
[CM (73) 242]
11. Creation of ad hoc Committees for an exchange of view on legislative matters
- Working documents:
- Report on the 20th meeting of the CCJ (transplanting of human organs)  
[CCJ (73) 46, item 7 A]
- Conclusions of the Ninth Conference of European Ministers of Justice  
[CMJ/Concl (74)]
12. Publicity for resolutions and conventions prepared within the framework of the CCJ
- Working document:
- Report on the 20th meeting of the CCJ  
[CCJ (73) 46, item 13]
13. Opinion to be submitted to the Committee of Ministers on Recommendation 716 (1973) on the control of tobacco and alcohol advertising and on measures to curb consumption of these products
- Working documents:
- Recommendation 716 (1973) of the Consultative Assembly  
Report on the draft Recommendation  
[Doc 3323]
- Comments by Governments (Sweden and Belgium)  
[CCJ (74) 2 and 16]
14. Legal problems dealt with within the framework of the Council of Europe outside the CCJ
- Working document:
- Memorandum by the Directorate of Legal Affairs  
[CCJ (74)]
15. Exchange of views on the work in other international organizations
- A. International Commission on Civil Status
- Working document:
- Report of activities 1972/73  
[CCJ (74) 6]
- B. UNCITRAL (including Diplomatic Conference on prescription)
- C. International Law Commission of the United Nations
16. Exchange of views on the state of signatures and ratification of the conventions of the Council of Europe (especially the European Convention on State Immunity and the European Convention relating to stops on bearer securities in international circulation) (see report on the 20th meeting of the CCJ, item 18)
- Working document:
- Chart of signatures and ratifications  
[CCJ (74)]
17. Items for reference only:
- (a) Legal status of the married woman with a view to full equality between spouses (see report on the 20th meeting of the CCJ, item 5, No. 2);
- (b) Rights and duties of the individual with a view to protecting and improving his environment (see report on the 20th meeting of the CCJ, item 5, No. 10);
- (c) Mutual assistance in administrative matters (see report on the 20th meeting of the CCJ, item 5, No. 1).
18. Questions which might be included in the agenda of the 22nd meeting of the CCJ
19. Dates of the 22nd and 23rd meeting of the CCJ
20. Other business

<sup>a</sup> Following the decision taken by the Deputies which is mentioned in document CCJ (74) 7 under item 3 of the draft agenda, this question will have to be worded as follows: "Forms designed for the harmonization of the content of judicial and extrajudicial documents sent abroad".