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**A/CN.4/SR.1046**

**Summary record of the 1046th meeting**

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Extract from the Yearbook of the International Law Commission:-  
**1970, vol. I**

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## 1046th MEETING

Monday, 11 May 1970, at 3.5 p.m.

Chairman: Mr. Taslim O. ELIAS

*Present:* Mr. Ago, Mr. Albónico, Mr. Bartoš, Mr. Bedjaoui, Mr. Castrén, Mr. El-Erian, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldock, Mr. Yasseen.

### Tributes to the memory of Mr. Gilberto Amado

1. The CHAIRMAN said he felt sure that the members of the Commission would wish to honour the memory of Mr. Gilberto Amado, who had been a member of the Commission since it had first been established.
2. Mr. NAGENDRA SINGH said that with the passing of Mr. Amado the legal world had lost one of the greatest jurists of his time; his presence had been felt in many international organizations, in particular in numerous United Nations bodies. He had been a kind and gracious colleague and also a great orator, but one who never departed from the Sanskrit maxim which enjoined men always to speak the truth, but to speak it softly and not to say anything that would be unpalatable even to an enemy. He himself had joined the Commission in 1966 and from his own experience could speak of Mr. Amado with affection and admiration as a man of true humility and selflessness. He was reminded of the parable in the great epic of the Mahabharat, in which King Yudhisthir had to answer a number of searching questions before he could partake of water from a pool guarded by a *yaksha*. Two of those questions had been: "Who is the person most respected in the world?" and "Who is the person most loved in the world?". The answers were: "The person who cares for his colleagues is the most respected" and "The one who has no ego is the most loved". The care and attention which Gilberto Amado had given to his colleagues were indeed well known. From his own personal experience he could say that he had been a most kind and gracious colleague, who had gone out of his way to help other members of the Commission. Though given to making long speeches, he had had no ego. In fact, if humility was the greatest virtue in man and arrogance the greatest vice, Gilberto Amado had been the very embodiment of virtue. With him had passed away a veritable legal luminary whose contribution to law and diplomacy would always be remembered.
3. Mr. AGO said that it was difficult to sum up precisely the many-sided personality of Gilberto Amado. When the Sixth Committee of the General Assembly had paid its tribute to his memory, several speakers had recalled in turn the diplomat, the politician, the jurist, the poet and the novelist. He had been all those things, but to picture the whole man one should, perhaps,

imagine a fifteenth-century humanist who had chosen to be born in another age and another country than those which would normally have been his. Though born in Brazil, he had had a predilection for the Mediterranean region, and had loved what its people loved—beauty, life and the pleasures of life. He had been fundamentally good, like all who appreciated the good things of this world. He had been a man in the full sense of the word, with his good qualities and his weaknesses, which had only made him the more likable.

4. His statements in the Commission had always been full of life. Sometimes he would seem to stray from the point or would be groping for the right word; then there would be a sudden flash of humour, of insight, of wisdom—one of those lapidary phrases which his colleagues would afterwards take pleasure in quoting. Those sallies of his could change an occasionally overcharged atmosphere and revive the spirit of co-operation among the members of the Commission.

5. To have sat beside Gilberto Amado in the International Law Commission, session after session, for so many years, had been a remarkable experience; it had enabled him to appreciate the many-sided interests of an outstanding personality and his need to communicate with his fellow men. Sometimes Mr. Amado would draw his attention to a passage in a poem or a phrase in a letter; sometimes he would whisper an aside to him about the turn the discussion was taking or the part a particular member of the Commission was playing in it, occasionally with a touch of reproach or even of malice, which was dispelled the next moment by a kind word.

6. The Commission would certainly not forget Gilberto Amado's teachings, and it was to be hoped that it would be able to apply them at the right time and so avoid certain errors; but it had lost for ever the father and friend he had been to it and could only mourn him.

7. Mr. TSURUOKA said that Gilberto Amado had been not only a diplomat, a statesman, a scholar, a man of letters and an outstanding humanist, but also, and above all, one of the founders of the International Law Commission and the guardian of its traditions. He had shown his deep devotion to the Commission in his statements, his conversation and his writings, but he had also shown it by always remaining a member of the Commission, the only one of its founder members to do so. That strong attachment had seemed to spring from his conviction that the Commission's role was to relieve the world's sufferings and that it could do useful work for peace. Knowing that nations too often acted in contempt of the lawful interests of others, he had believed that, through its work of codification and progressive development of international law, the Commission could bring progress, justice, harmony and order to the international community. As a realist with great experience, he had not underestimated the difficulties of the task, but he had been convinced that the Commission would be able to surmount them.

8. Much as he had respected expert opinion, Gilberto Amado had not been much interested in legal subtleties and had taken little part in the discussion of technical

problems. But whenever he had seen the Commission too deeply divided or on the point of wavering, he had intervened with warmth and enthusiasm to counsel calm, to advocate wisdom and to persuade the Commission to maintain a balance between the doctrines and interests involved. The Commission had often been glad it had followed his advice.

9. As the senior member and father of the Commission, he had lavished his affection on all its members, including newcomers, and on all who worked for it.

10. A distinguished poet in his own country, he could not tolerate negligence of style and had often persuaded the Commission to improve the wording of the articles it was drafting.

11. Gilberto Amado had gone, but his spirit remained with the members of the Commission and continued to guide them. The Commission would be faithful to him and would do its best to ensure that the international community followed the path of progress and justice, bringing harmony and reconciliation to the nations.

12. Sir Humphrey WALDOCK said that when he had received the news of Mr. Amado's death, his first thought had been one of deep sadness at the passing of a close friend who had combined all the qualities of a civilized man. The international community as a whole had sustained a great loss by the death of a man whose learning, sound judgement and progressive outlook had contributed much to the codification and progressive development of international law, to the creation of the Commission's traditions and to the success of its work. His qualities as a member of the Commission had been outstanding and his loyalty and devotion to it absolute.

13. Mr. Amado had always had his own strong views, but had been sensitive to the opinions of his colleagues, and always ready to search for the best solution which would attract general agreement. His puckish humour and colourful language had been one of the joys of the Commission's debates. When the sharpness of his perception had led him to criticize, he had done so with frankness, but at the same time with warmth of spirit. He had given friendship and affection in full measure. He himself would carry with him a lasting memory of the charm and kindness with which Gilberto Amado, as the senior member of the Commission, had spoken upon the completion of the Commission's work on the law of treaties.

14. Mr. Amado had not had an opportunity of taking leave of the Commission, but his last statement to it, made at the 978th meeting,<sup>1</sup> was characteristic of his devotion to the work of codification; in it, he had urged the Commission to study the problem of encouraging the ratification of treaties, thus showing its sense of responsibility and its desire to ensure that the work to which it had contributed so much should bear its full fruit.

15. Mr. YASSEEN said that he was deeply grieved at the death of a man to whom he owed so much, whom he had regarded as a father and who had treated him

as his spiritual son. The first time he had seen Mr. Amado had been in 1958, in the Sixth Committee of the General Assembly, when he had been attacking the International Law Commission's report on arbitral procedure and, in particular, the unrealistic ideas of the Special Rapporteur, Mr. Georges Scelle. Despite his own great admiration for that eminent lawyer, he had been struck by the depth and humour of Mr. Amado's speech; since then he had always greatly admired him and had never ceased to receive kindness and encouragement from him.

16. Gilberto Amado had been the senior member of two bodies: the Sixth Committee and the International Law Commission. There was no need to recall his prestige in the Commission: the regard he had enjoyed in the Sixth Committee had been no less remarkable. Each of his statements had been awaited with impatience and listened to with deep respect. His aphorisms, always illuminating, had often been repeated. The reason why he had enjoyed such prestige and respect was that he had been a great jurist—not in the sense of one who had been through all the legal textbooks and knew every opinion, but in the much higher sense of one who had the necessary intuition to find the right answer. He had acted as arbitrator between the lawyers of the Sixth Committee, in the International Law Commission and at the codification conferences; and although most of the time he had represented a State, he had never given the impression of being tied by the instructions of a government. He had sought the right answer himself, and if it had been found by someone else he had supported it, for he had believed that he had an international mission to seek the truth. That was why he had always made a valuable contribution in international circles and at the conferences in which he had taken part. The outstanding features of his extraordinary personality had been his humanism, his universalism and his conviction of the interdependence of cultures and civilizations; and that was why he had given a fatherly welcome to young lawyers of all countries, particularly those of the Third World.

17. Mr. USTOR said that he too wished to pay homage to the memory of Gilberto Amado, who had taught him much during their acquaintance and given him friendly encouragement and welcome advice when he had first come to the General Assembly. Mr. Amado's statements in the Sixth Committee had displayed the wide range of outstanding qualities which had constituted his personality. He had been a wise man who had lived a full life in law, literature and the service of his country and Latin America. He had made an important contribution to the codification of international law. Without being a revolutionary figure, he had been fully aware of the social inadequacies of his time and had realized the need for change. He had enjoyed life, but had once described it, in memorable words, as no more than a short leave of absence from the eternity of death. He had been wholehearted in conveying his humanistic and legal wisdom to the younger generation of lawyers and diplomats. All who had been his disciples owed him a debt which they could only discharge by cherishing his

<sup>1</sup> See *Yearbook of the International Law Commission*, 1968, vol. I, p. 202.

memory, following his teaching and dedicating their lives to the cause of international law.

18. Mr. RAMANGOASAVINA said he had known Gilberto Amado for only a few years, but he had nevertheless been able to appreciate his vast knowledge of law, of things and of men, to learn from him and to enjoy his kindness and friendship. For him, Gilberto Amado, by reason of his culture, his character and the exuberance of his feelings, had been the very personification of Latin America, that cross-roads of races and civilizations and cradle of a new society. His life, his work and his influence testified to what Latin America had given mankind. He had been a living example of that marvellous story of how a transplanted scion of Europe formed for himself an original and fruitful personality and then came back to rejuvenate and enrich the Old World. As a national of a young State of the Third World, he himself could not fail to welcome the new conception of which Gilberto Amado had been an illustrious architect, working tirelessly to build a society founded on mutual aid, common understanding and universal brotherhood and peace, in a world where men and nations were equal. Despite the vicissitudes of history and the major upheavals he had witnessed, Gilberto Amado had never been discouraged and had kept his faith in the progress of mankind and the possibility of perfecting its organization and its laws. Because of the sympathy he had felt for Asia and Africa, he had given a very warm welcome to lawyers from those regions, who had always found in him a counsellor and a guide.

19. In the International Law Commission, his statements had been a joy to hear, for they had always been rich in ideas and inspiration which reflected the many facets of his exceptional talent and experience. He had always been able to relax the atmosphere by philosophical reflexions and lyrical flights and to raise a laugh with witticisms or anecdotes gleaned from a particularly full career.

20. As the Commission remembered the man who had been its senior member and one of its founders, its thoughts went out to his native Brazil and his family. His work would always remain an inexhaustible source of inspiration for the Commission, and when difficulties arose it would recall the examples he had set.

21. Mr. ALBÓNICO, speaking also on behalf of the absent Latin American members of the Commission, thanked those who had used such moving words about Mr. Amado. He himself had had the honour of knowing him only in the Commission, although Mr. Amado had served as his country's ambassador to Chile and had always been a great friend of Chile. He had greatly admired the depth of Mr. Amado's erudition, his many talents, his delicate sense of irony and his impressive humanistic culture. He remembered an episode on the return journey to South America in 1968 when Mr. Amado had felt unwell during the flight and, having recovered, had spoken of his presentiment that death was approaching. He had said that he did not fear it, and to express his thoughts he had quoted some lines by the Chilean poet Pedro Prado as a mark of friendship to his colleague from Chile, a gesture which he (Mr.

Albónico) had deeply appreciated. Gilberto Amado had been a jurist and a poet of simple things. His loss would be greatly felt, not merely in the Commission, but by Brazil and the whole Latin American community.

22. Mr. BEDJAOUI said that he had first met Gilberto Amado in 1965 at the seventeenth session of the International Law Commission, so he did not feel well qualified to extol his outstanding qualities. Instead of recalling Mr. Amado's threefold career as a jurist, diplomat and man of letters, he would say that he had a tender memory of the man who had guided his first steps in the Commission, whom he had sometimes been privileged to sit beside, and who had shown him all his zest, liveliness and erudition.

23. During those few years he had been struck, like so many others, by the brilliant sayings—sometimes outspoken, always unexpected or inspired—which had revealed a man to whom one could not remain indifferent even if one did not share all his ideas. To each he had left some legacy: an anecdote, a phrase, a confidence, something to remember him by. Each had thus had the impression of being bound to him by a special link of affection, and that was the mark of an exceptional man. When the Commission had met in Monaco in January 1966, Mr. Amado had spoken to him at length of the cherished memory of his daughter, Vera Clouzot, who had died some years before.

24. Mr. CASTRÉN said that unfortunately he had been absent when the Sixth Committee had paid its tribute to the memory of Gilberto Amado, but at a subsequent meeting he had expressed his grief at the passing of a very dear friend and respected colleague.

25. Everything which had been said showed how impressive had been the stature of the man and his very varied talents. Not only had he excelled in international law, but he had also been outstanding as a writer, poet, teacher, statesman and diplomat. And he had had charm such as was rarely found.

26. Although Gilberto Amado had been Brazil's first diplomatic representative to Finland thirty years before, he had only met him much later, at the second United Nations Conference on the Law of the Sea, at which, as head of the Brazilian delegation, he had made some notable statements. In one of them, in particular, he had extolled the grandeur and beauty of the sea and its importance to all mankind, in a poetic vision tinged with the wisdom of the law.

27. In the International Law Commission, Mr. Amado had intervened rarely, perhaps, but always at the right moment to keep the debate on practical lines and to prevent his colleagues from becoming too involved in the theoretical aspects of the matter under discussion. He had often suggested practical and wise solutions which had contributed much to the satisfactory progress of the Commission's work. It had been a great pleasure to listen to him, for he had been a master of the apt simile—he had once described the *rebus sic stantibus* clause as a "serpent of the law".

28. All the members of the Commission regretted the loss of their senior member, who had done so much for

the codification and progressive development of international law and for better understanding among nations. It was incumbent on the Commission to bear in mind his fine example, his valuable advice and his noble ideas.

29. Mr. EL-ERIAN said that Mr. Amado had been associated with the Commission from the beginning; in fact, he had been a member of the Sub-Committee of the Sixth Committee of the General Assembly which had drawn up the Commission's Statute. His membership of the Commission had been an honour which he had consistently preferred to any other with which a lawyer might seek to crown his career, and he had deeply cherished his position as the Commission's senior member.

30. The Commission was a body to which different members made different contributions: some gave their theoretical knowledge; some their practical experience; others excelled in the art of draftsmanship. Gilberto Amado's contribution had made a great impact on the Commission, but was not so easy to classify. A typical instance of it was his way of intervening in the final, critical moments of a debate, when the Commission was about to exceed the appropriate limits of the possible and realistic in progressive development, to remind it that in the last analysis, however far the Commission might wish to go, it was States that made international law. He had also been a humanist and a poet, but it was as a lawyer that he had wished to be remembered. Other speakers had rightly stressed his kindness and encouragement to the younger members of the Commission and his awareness of social inequalities. He would echo their comments, and in concluding remind the Commission that "old soldiers never die; they only fade away".

31. Mr. KEARNEY said that of all the qualities of Mr. Amado which other members had so eloquently recalled, the ones which stood out most prominently were his zest for life, his wide-ranging interests and his stubborn refusal to allow old age to dull the cutting edge of his mind, to curb his activities or to undermine his search for the best. Among many other things, Mr. Amado had been a poet, and it was the words of two famous poets that perhaps described his spirit best. For Tennyson had written, in *Ulysses*:

I cannot rest from travel: I will drink  
Life to the lees: all times I have enjoy'd  
Greatly, have suffer'd greatly, both with those  
That loved me, and alone; on shore, and when  
Thro' scudding drifts the rainy Hyades  
Vext the dim sea: I am become a name;  
For always roaming with a hungry heart  
Much have I seen and known; cities of men  
And manners, climates, councils, governments,  
Myself not least, but honour'd of them all;  
And drunk delight of battle with my peers,  
Far on the ringing plains of windy Troy.  
I am a part of all that I have met;  
Yet all experience is an arch wherethro'  
Gleams that untravell'd world, whose margin fades  
For ever and for ever when I move.  
How dull it is to pause, to make an end,  
To rust unburnish'd, not to shine in use!  
As tho' to breathe were life.

And then there were Dylan Thomas's lines:

Do not go gentle into that good night,  
Old age should burn and rave at close of day;  
Rage, rage against the dying of the light.  
Though wise men at their end know dark is right,  
Because their words had forked no lightning they  
Do not go gentle into that good night.  
Good men, the last wave by, crying how bright  
Their frail deeds might have danced in a green bay,  
Rage, rage against the dying of the light.

32. Mr. ROSENNE said that all those who, like himself, had been associated with Mr. Amado in the Commission, in the Sixth Committee and in the great codification conferences, would cherish that association and remember it with pride and humility, for he had been a good master in the law and in United Nations diplomacy.

33. Mr. Amado had made an outstanding contribution to international law through his personal efforts to create a good and friendly atmosphere, both in the Commission and in the Sixth Committee. He had had a remarkable gift for seeing clearly the middle road between legal perfectionism and diplomatic pragmatism. He had been an intensely practical diplomat, concentrating above all on the art of the possible. He could change his own views in the light of experience and after hearing discussion by his colleagues, as had been shown by his positions on reservations to multilateral treaties.

34. Mr. Amado would always be remembered for one of his favourite aphorisms, *Les Etats ne sont pas des bébés*, which so often pulled the Commission up short when that was most needed.

35. In 1946 and 1947, both in the Sixth Committee and in the Committee on the Progressive Development and Codification of International Law, Mr. Amado had been perhaps the most consistent proponent of two inter-related theses: first, that the conventional method should be the normal manner of codifying international law; second, that the members of the International Law Commission should not be allowed to retire to an ivory tower. Events since 1947 had proved him right on both points.

36. In his memorable statement at the 893rd meeting proposing a resolution of appreciation of Sir Humphrey Waldock's work as Special Rapporteur on the law of treaties,<sup>2</sup> Mr. Amado had made the significant statement that "The Commission did not give lessons in law; it tried to help States to derive the maximum benefit from their contacts within the international community". At the second meeting of the very first session of the Commission in 1949, he had said that the Commission's work "could not, of course, be purely theoretical. It would have to take into account political contingencies and the opinion of governments".<sup>3</sup> He had then gone on to quote from his statement before the Committee on the Progressive Development and Codification of International Law:

"Neither the codification nor the development of

<sup>2</sup> See *Yearbook of the International Law Commission, 1966*, vol. I, part II, p. 335.

<sup>3</sup> *Op. cit.*, 1949, p. 18, para. 34.

law can be achieved merely by the submission of learned opinions. They must take the form of resolutions by the General Assembly or of multilateral conventions. But those resolutions and conventions must not be submitted under 'take it or leave it' conditions."

37. Gilberto Amado had also been a great humanist, a person who deeply appreciated life, and a writer of no mean merit. It was a privilege to have been associated with such a man and it was an honour for the Commission to have had such a personality as its senior member.

38. Mr. BARTOŠ said that his friendship and collaboration with Gilberto Amado went back to the time when the Statute of the International Law Commission had been drawn up. At that time there had been two conflicting views: Mr. Jessup's view that the Commission should be a permanent and totally independent organ, and Mr. Koretsky's view that it should consist of lawyers playing an active part in the life of States. Mr. Amado had found both those views unacceptable, and it was thanks to his tenacity and adroitness that the Sixth Committee had adopted a compromise Statute based on his ideas. He (Mr. Bartoš) had always thought that Gilberto Amado had then given a great lesson in how a man of experience and a skilful diplomatist fought for what he considered to be the right ideas and succeeded in getting them accepted in practice.

39. As his Government's representative, Mr. Amado had distinguished himself in the Sixth Committee by his individualism and had been guided more by his conscience than his instructions. If his Government had sought to constrain him, he would have arranged to be replaced by his alternate rather than vote himself against what he thought was right.

40. Although he had always refused to be Chairman or Vice-Chairman of the Sixth Committee or the International Law Commission, he had enjoyed the respect of all. He had been particularly attached to the International Law Commission: he had been proud of having contributed so much to its creation, and proud and happy to have been a member from the beginning and to have represented in it the universal science of law and humanistic ideas. As a member of the Commission, Mr. Amado had been a friend of all its members, willing to give help, particularly to the younger ones, to advise them and to give them the benefit of his long and rich experience. He had been the friend of everyone he had worked with. He had loved people and they, whatever their ideas and beliefs, had loved and respected him. He had been greatly attached to the Commission and had always expressed his desire to remain a member until his death. Without him, the Commission would not be quite the same, for he had been its conscience.

41. Mr. USHAKOV said that he had not made the acquaintance of Gilberto Amado until he had become a member of the Commission in 1967, but Mr. Amado had not been unknown to him, for his reputation as an eminent citizen of his country, loved and esteemed by all its people, and an eminent representative of the peoples of Latin America, had been very great. Gifted with

high intelligence and an outstanding mind, Mr. Amado had combined the talents of a jurist, a poet, a man of letters, a philosopher and a historian. His name evoked a whole period of history, not only of his own country but also of the United Nations, of which he had been one of the founders, as he had been a founder of the International Law Commission.

42. Gilberto Amado had been the senior member of the Commission by reason of his age and his length of service, and also by reason of his attitude and his personality; but he had been very young in spirit and had never lost his great vivacity and good humour. A great man of learning and profoundly human, he had been known for his attachment to the Commission, which the Commission had fully reciprocated. He (Mr. Ushakov) had been touched by his kindness and moved by his humanism. In paying homage to his memory, he felt certain that his spirit would abide with the Commission.

43. Mr. REUTER (France) said that although silence was the highest tribute the heart could pay to the dead, it was the custom to honour them in words as well. Did not those who discharged that duty of gratitude and devotion feel deep within themselves some dim irrational hope of thereby restoring the dead to life for a few moments? If that were so, he would like, with the fervour of one of man's remote forbears who believed in magic, to bring Gilberto Amado to life before the Commission by evoking a memory of him.

44. At the first session of the United Nations Conference on the Law of Treaties, at Vienna in 1968, Mr. Amado had invited his colleagues of the International Law Commission to a very sumptuous and friendly dinner. Had he intended it to be a farewell dinner? Perhaps not, but that was the significance it took on today. Never had he spoken with greater brilliance or greater intimacy, distilling in a few sentences the secret of his personality: an immense love of life, an energy deriving from the primitive forces of nature, a creative urge, accompanied by great sensitivity and wrapped in humour—but a humour which, like that of the great artists, had always been close to tears. He had spoken of Brazil, which he adored; in doing so he had paid homage to all who had helped to make it, from the colonizers to the Africans; his Brazil was no longer merely an earthly fatherland, his own, but an incarnation of what a universal civilization, a united humanity could be; and his words had brought to his hearers a secret dream of an ideal which, with less poetry and less warmth, was also the dream of all who devoted themselves to international law.

45. A great intellectual, a great jurist and diplomatist, Gilbert Amado had not become what so many became under the weight of the years. To evoke him it might be appropriate to refer to Dionysos or Erasmus, but it was enough to say that he was quite simply himself and unique, Gilberto Amado.

46. The CHAIRMAN, speaking as a member of the Commission, said he could testify personally to the warm friendship Mr. Amado had shown to younger lawyers. He had been a man of great sensitivity, who had always expressed humanistic views; in particular he had consistently shown sympathy with the Third World. During the

discussion of the question whether work on the law of treaties should take the form of a code or a convention, Mr. Amado had argued in favour of a convention as being the only means of ensuring that treaty law could be effectively improved. He had fought for the inclusion of provisions on *jus cogens* and the *pacta sunt servanda* rule in the Commission's draft. At the first session of the Vienna Conference on the Law of Treaties in 1968, he had spoken little, but had broken his silence to make some forceful statements in defence of the provisions on *jus cogens*, which were being attacked. At the same session of the Conference, he had made a moving speech at the fourth plenary meeting, at which the Conference had paid its tribute to the memory of Mr. de Luna. He (Mr. Elias) had then had a disturbing presentiment that in making that speech Mr. Amado was himself taking leave of his colleagues.

47. Mr. Amado had not attended the Commission's session in 1969. It had been intended to elect him Chairman at the previous session, but he had intimated that, in view of his great age, the Commission should choose a younger Latin American member.

48. Reference had been made to Mr. Amado's gifts as a diplomat and a writer, but he would wish to be remembered as a jurist; not, he would insist with his characteristic modesty, as a great jurist, but simply as a jurist. It would indeed have been difficult to accuse him of egotism. His calm manner, his culture and his sensitivity to injustice had earned Gilberto Amado the love and homage of the Commission.

49. Speaking as Chairman, he informed the Commission that a written statement had been received from Mr. Tabibi, who was unable to be present.

50. In his statement, Mr. Tabibi expressed his deep sorrow at the death of Mr. Amado, who, to him, had been not merely a colleague, but also a great friend and teacher. He had known him since he had begun his career as a young diplomat in the United Nations more than twenty years ago. Their friendship had continued in the Sixth Committee, in the International Law Commission and at the various codification conferences. Mr. Amado had been an experienced diplomat, a practical statesman and a distinguished jurist, but he had always shown respect for his younger colleagues in the United Nations. He had been a man of vision, ready to support new ideas. Many years ago, he (Mr. Tabibi) had submitted a proposal to the Sixth Committee for the provision of technical assistance in the field of international law, a proposal which had received no support except from Mr. Amado. Together, he and Mr. Amado had ultimately secured acceptance of that idea and technical assistance in the field of international law was now a flourishing activity of the United Nations. Mr. Amado's voice would be heard no more in the Commission or elsewhere in the United Nations, but his many outstanding personal qualities and his devotion to the codification and development of international law would always be remembered by the Commission, and particularly by its younger jurists. The United Nations had lost a great diplomat, Brazil a great son, the Commission its devoted and respected doyen and every member a true friend.

### Appointment of a drafting committee

51. The CHAIRMAN said it was proposed that a drafting committee of twelve should be appointed, consisting of the First Vice-Chairman, the General Rapporteur and the following members of the Commission: Mr. Ago, Mr. Castrén, Mr. Castañeda (or, in his absence, the Second Vice-Chairman, Mr. Albónico), Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Ruda, Mr. Ushakov, Mr. Ustor and Sir Humphrey Waldock.

*It was so agreed.*

The meeting rose at 5.25 p.m.

### 1047th MEETING

*Tuesday, 12 May 1970, at 10.10 a.m.*

*Chairman: Mr. Taslim O. ELIAS*

*Present: Mr. Ago, Mr. Albónico, Mr. Bartoš, Mr. Bedjaoui, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Tammes, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldock, Mr. Yasseen.*

### Relations between States and international organizations

(A/CN.4/221 and Add.1; A/CN.4/227)

[Item 2 of the agenda]

*(resumed from the 1045th meeting)*

ARTICLE 51 (Establishment of permanent observer missions) *(continued)*

1. The CHAIRMAN invited the Commission to continue consideration of article 51.

2. Mr. AGO said he recognized that the rule to be laid down should be fairly simple and should relate to normal cases. However, the position of observers was rather exceptional, for a State was seldom unable or unwilling to be a member of an international organization of a universal character; moreover, the Commission should lay down a rule which did not need to be broken in special cases. In his opinion, the Commission was not required to decide whether or not non-member States had a "right" to establish permanent observer missions to the organization. He therefore suggested that the Special Rapporteur should combine the rule in article 51 with that in article 52, without referring to that "right". The following formula might be adopted:

"The principal function of permanent observer missions to an organization established by States not members of that organization is to provide the desired