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Summary record of the 1235th meeting

Topic:
<multiple topics>

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bly, if it saw fit, could add to those subjects any other matters it wished the Commission to study.

49. Mr. USHAKOV said he did not think the Commission should formally decide forthwith what topics it wished to include in its programme of work. No one could say what topics would be suitable for codification or would require it in 10 years' time. Besides, the Commission had chosen its subjects of study itself only at the beginning of its life; later, the initiative had always come from the General Assembly. That applied, for example, to the question of treaties concluded between States and international organizations or between two or more international organizations, and to the law of the non-navigational uses of international watercourses. Moreover, the General Assembly could hardly be asked to decide now, that in 10 or 15 years' time the Commission was to study one or another of the topics it proposed. Again, some of the topics which might be proposed, such as the law relating to the environment or the law of the sea, were either too far-reaching or had already been entrusted to other bodies, but one or more of their aspects might be referred to the Commission by the General Assembly. It was, indeed, for the Assembly to decide not only the subjects to be studied, but the most suitable bodies to study them.

50. It would therefore be better not to draw up a long list of possible topics for study or to decide formally what topics should be codified, but to report to the Assembly that, having examined the excellent *Survey of International Law* prepared by the Secretary-General, the Commission was submitting, for the consideration and information of the Assembly, several topics which its discussions had shown to be important.

Mr. Castañeda resumed the Chair.

51. The CHAIRMAN, speaking as a member of the Commission, pointed out that at its first session the Governing Council of the United Nations Environment Programme had unanimously adopted a report which included the following passage:

“So far as the topic of the international law regarding the environment was concerned, the suggestion was made that the General Assembly should be invited to consider the codification and progressive development of environmental law and possibly to refer the topic to the International Law Commission.”¹²

The meeting rose at 1 p.m.

¹² See *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 25 (A/9025)*, para. 60.

1235th MEETING

Wednesday, 27 June 1973, at 10.10 a.m.

Chairman: Mr. Mustafa Kamil YASSEEN

later: Mr. Jorge CASTAÑEDA

Present: Mr. Ago, Mr. Bartoš, Mr. Bilge, Mr. Calle y Calle, Mr. Hambro, Mr. Kearney, Mr. Martínez Moreno, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Reuter,

Mr. Sette Câmara, Mr. Tabibi, Mr. Tammes, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, Sir Francis Vallat.

(a) **Review of the Commission's long-term programme of work: "Survey of International Law" (A/CN.4/245) prepared by the Secretary-General**

(b) **Priority to be given to the topic of the law of the non-navigational uses of international watercourses**

(A/CN.4/244/Rev.1; A/CN.4/245; A/CN.4/254; A/CN.4/270)

[Item 5 of the agenda]

(continued)

1. Sir Francis VALLAT said that Mr. Ustor had been right to remind the Commission that it should always bear in mind the provisions of its Statute. The Statute should be taken as it stood, at least until the General Assembly chose to amend it. In the context of the *Survey*, articles 16, 17, 18 and 24 were particularly relevant. Article 16, which dealt with the progressive development of international law, gave the initiative primarily to the General Assembly, while article 18, which dealt with the codification of international law, gave the initiative primarily to the Commission and placed upon it the duty of surveying the whole field of international law with a view to selecting topics for codification.

2. Article 18, paragraph 2, provided that, when the Commission considered that the codification of a particular topic was necessary or desirable, it should submit its recommendations to the General Assembly. He believed that the time had come for the Commission to submit such recommendations; the only question was whether a particular topic was ripe for codification. The real difficulty was to determine the area on which the Commission should concentrate. Some guidance on that point was given in article 15, which provided definitions of the expressions "progressive development of international law" and "codification of international law". That article read:

“In the following articles the expression ‘progressive development of international law’ is used for convenience as meaning the preparation of draft conventions on subjects which have not been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States. Similarly, the expression ‘codification of international law’ is used for convenience as meaning the more precise formulation and systemization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine.”

3. It was perhaps difficult to be precise about the distinction between new and old subjects of law and between general and specific rules of law—in other words, between the foundation and the superstructure of the Commission's work. For example, the law of treaties clearly fell within the Commission's area, while the law of outer space and the ocean floor were in a different category. The Commission's object, as he saw it, should be to complete and fill out the main framework of inter-

national law and in so doing it should rely on the Statute as a useful guideline.

4. Useful guidance was also to be found in General Assembly resolution 2926 (XXVII). In operative paragraph 3 of that resolution the General Assembly had recommended that the International Law Commission should continue its work on State responsibility, succession of States in respect of treaties and of matters other than treaties, the most-favoured-nation clause and the question of treaties concluded between States and international organizations. In operative paragraph 4 the Assembly had approved the programme and organization of work of the Commission's twenty-fifth session, including the decision to place on the provisional agenda for that session an item entitled "Review of the Commission's long-term programme of work: 'Survey of International Law' prepared by the Secretary-General". He interpreted those paragraphs as meaning that the General Assembly expected the Commission to produce some positive proposal for the future in the broad field of codification.

5. Operative paragraphs 5 and 6 of the resolution were also very important. Paragraph 5 noted that the Commission intended to decide upon the priority to be given to the topic of the law of the non-navigational uses of international watercourses, while paragraph 6 requested the Secretary-General to submit a study on the legal problems relating to the non-navigational uses of international watercourses. Since the General Assembly obviously wished to know what place the Commission intended to give that topic in its long-term programme of work, it was up to the Commission to provide a satisfactory answer. As long ago as 1970, in its resolution 2669 (XXV), the General Assembly had recommended

"that the International Law Commission should, as a first step, take up the study of the law of the non-navigational uses of international watercourses with a view to its progressive development and codification and, in the light of its scheduled programme of work, should consider the practicability of taking the necessary action as soon as the Commission deems it appropriate".

6. He fully agreed that the Commission should take up the subject of international watercourses, on which sources of law were abundant and some preparatory work had already been done. That subject, which involved some aspects of the environment and represented a blending of technology with legal study, would call for new methods and be a real test of the Commission's strength.

7. With regard to the question of priority, he thought it would be a mistake to organize the work on international watercourses in such a way as to interfere with the Commission's current programme. It would be better to organize the preliminary stage of that work and leave the question of priority to be decided by the General Assembly or the Commission at a later stage. For the time being, priority should be given to the international law relating to States, although the law relating to international organizations should not be excluded. That would represent a natural extension of the work from

the law of treaties and State responsibility to unilateral acts and the treatment of aliens.

8. The approach to the subject of unilateral acts required further definition and selection. Some help might be obtained from the first sentence of paragraph 279 and the last sentence of paragraph 280 of the 1971 *Survey* (A/CN.4/245). Mr. Kearney, in section VIII of his observations on the Commission's long-term programme of work (A/CN.4/254), had said that difficulties might be expected to arise in the realm of unilateral acts and that they were perhaps not a subject which should be recommended for study. He himself was not quite so pessimistic, but was inclined to support Mr. Kearney's suggestion that such a study might be undertaken by some organization other than the Commission, such as the International Law Association or the *Institut de droit international*.

9. As to his own preferences concerning the topics which the Commission should tackle, the first was succession of governments, which would be a natural development of the Commission's work on succession of States. In practice, problems concerning succession of governments occurred much more often than those concerning succession of States. His second preference, the jurisdictional immunities of foreign States and of their organs, agencies and property, was a topic on which vast experience had already been accumulated and one which affected both States and private persons, especially business concerns. In recent years, there had been a growing divergence in the practice of States with respect to immunities, and it was highly desirable that the Commission should attempt to find suitable solutions.

10. In regard to methods of work, he was not a revolutionary and believed that the Commission should continue to use those methods which had proved successful in the past, while always maintaining a certain flexibility. He recommended two methods in particular: first, the use of expert studies in fields having scientific aspects, such as that of international watercourses; secondly, increased recourse to the assistance of other professional bodies which could prepare the ground for the Commission on certain subjects.

11. Mr. QUENTIN-BAXTER said that the law relating to international watercourses seemed to be the kind of subject with which the Commission was pre-eminently qualified to deal and that, in his opinion, it should take a special decision in response to the request made to it by the General Assembly.

12. Unilateral acts formed an interesting topic which was a natural counterpart to the Commission's work on the law of treaties. It should be approached with caution, however, since it impinged on many other fields of law in which there had been dynamic developments in recent times, such as the law of the sea. The Commission should plan to take up the topic of unilateral acts in the not too distant future and meanwhile should encourage the collection of suitable material.

13. Sir Francis Vallat had mentioned the subject of jurisdictional immunities, which was a counterpart to the Commission's work on diplomatic and consular immunities. The subject was one rich in practice, and

did not call for so much caution as unilateral acts. A very definite need was felt among States for some international guideline on jurisdictional immunities, and he considered it a subject eminently suitable for the Commission's list.

14. He thought it would be a mistake to define methods of work too closely, for they needed to be adjustable in the light of experience. He could understand the reluctance of the older members of the Commission to accept dogmatic views about the need for change, but it was only proper that the Commission should face the possibility that it might have to consider international law in a wider context and perhaps slightly widen its span of topics. It would not be a satisfactory solution to extend either the length or the number of the Commission's sessions, since it was dependent on a quorum of members who had many other calls on their time. Nevertheless it might be appropriate to consider whether certain minor innovations could be made in the Commission's working methods.

15. With regard to the relationship between the Commission and the General Assembly, he noted that in recent years there had been a proliferation of other law-making bodies in specialized fields. For example, the General Assembly had entrusted the topic of the law of the sea to its main political Committee, and the question of the environment to another organ. The Commission thus had reason to feel some slight anxiety lest it be excluded from too many fields of law.

16. In responding to the recent request of the Commission on Human Rights,¹ the International Law Commission should make it clear that it did not intend to abdicate its responsibilities and confine itself to topics on which the issues were already settled and only scholarship was called for. After all, the members of the Commission were what might be called the guardians of international law; they worked on the basis of notions of pure law as opposed to mere political considerations, and nobody could take their place. He therefore considered that the Commission, while showing a proper responsiveness to the General Assembly's own wishes, should concentrate primarily on the traditional fields of international law. The Commission should make it clear to the General Assembly that the place of law in the international community was largely in its care, although it was fully conscious of the importance of the General Assembly itself as the embodiment of the existence and growth of law in that community.

17. Mr. CALLE y CALLE said he had listened with interest to the statements of members of the Commission, against the background of the 1971 *Survey of International Law*. The Commission's task was to compare what had been accomplished in the past with what could still be done in the future to create a legal order for the international community. The Commission should first explain to the General Assembly why some topics had not been dealt with, and say whether or not they should be discarded. It should also propose to the

Assembly a new list of topics which would take into account the present needs of the international community.

18. In his opinion the Commission should not be a mere depositary of residual tasks or a secondary organ of the United Nations. In recent years there had been a proliferation of organs to which the General Assembly had entrusted specific tasks, such as the definition of aggression, questions relating to human rights and the question of the sea-bed and ocean floor. A most important achievement of one such body had been the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.²

19. Over the past 25 years the Commission had developed its own methods of work, but he thought that in its report to the General Assembly it should express its willingness to accept new topics and begin new studies. The Commission was, after all, the servant of the General Assembly; in particular, it should be prepared to serve the new Member States and to deal with new areas of law where much practice already existed.

20. Among the topics which he considered of particular importance was the right of asylum, which had not yet been taken up by the Commission although it was of interest to the international community in general. The Declaration on Territorial Asylum³ had been adopted in 1967, but that instrument was transitional in character and it would be necessary to adopt more obligatory rules in the future. There was an abundance of precedent available regarding asylum, especially in Latin America, where many bilateral conventions containing provisions on that subject had been concluded.

21. The Commission should comply with the General Assembly's request and undertake to codify the law relating to international watercourses, on which much material had already been collected by the Secretary-General. The law relating to economic development was of particular importance. It was necessary to identify the legal principles regulating the basic duty of economic co-operation between States. Such co-operation was urgently needed to ensure a fair standard of living for the peoples of under-developed countries and to solve their tremendous social problems. It was necessary to protect their natural resources and to prevent illicit interference with them by large multinational corporations.

22. The Declaration adopted by the United Nations Conference on the Human Environment at Stockholm in 1972⁴ should be translated into legal rules determining the rights and duties of States in that field. Mr. Castañeda had already drawn attention to the suggestion made in the Governing Council of the United Nations Environment Programme that the General Assembly should be invited to consider the codification and progressive development of environmental law and possibly to refer the topic to the International Law Commission.⁵

23. He thought the topic of the jurisdictional immunities of foreign States and of their organs, agencies and

¹ See 1201st meeting, paras. 1 and 4-6 and 1228th meeting, paras. 33-36.

² See General Assembly resolution 2625 (XXV).

³ See General Assembly resolution 2312 (XXII).

⁴ See document A/CONF.48/14, section I.

⁵ See previous meeting, para. 51.

property, should also be examined, because there had been a number of recent cases in national courts concerning expropriated enterprises. A considerable amount of material was available on that subject, particularly in the Council of Europe and various Latin American bodies.

24. The topic of recognition of States and governments was also of great interest, especially in so far as it concerned the collective recognition of new States and of national liberation movements struggling to give their peoples the full sovereignty to which they were entitled.

25. Mr. Tammes had expressed himself in favour of tackling the subject of unilateral acts. Important studies had already been carried out on that subject which, by reason of its complexity, needed legal systematization.

26. Lastly, among the less important subjects calling for the Commission's attention was that of extradition. In the past it had been considered preferable to leave that matter for settlement by bilateral agreements, but in view of the very large number of conventions and treaties concluded on the subject it was undoubtedly ripe for codification. A multilateral convention would certainly help to bring order into that field and to improve judicial co-operation concerning the punishment of criminals. In view of the many new forms of international crime, such as those involving narcotics, genocide, attacks on diplomats and the hijacking of aircraft, such a convention would be extremely useful to the international community.

Mr. Castañeda took the Chair.

Co-operation with other bodies

(A/CN.4/272)

[Item 8 of the agenda]

(resumed from the 1228th meeting)

STATEMENT BY THE OBSERVER FOR THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

27. The CHAIRMAN welcomed the Observer for the Asian-African Legal Consultative Committee and invited him to address the Commission.

28. Mr. SEN (Observer for the Asian-African Legal Consultative Committee) said that as the Chairman of his Committee was prevented from attending by his new duties as Prime Minister of Sierra Leone, the honour fell to him, as Secretary-General of the Committee, to convey to the Commission the admiration which the Asian-African community felt for its work, and the hope of that community that the Commission's recommendations would be even more widely followed in the future.

29. The close ties between the two bodies had been further strengthened by the presence of an observer for the Commission at the Committee's fourteenth session, held at New Delhi in January 1973. Mr. Tabibi, the observer, had not only reported on the Commission's work, but had also made valuable contributions to the substantive discussions on a number of items on the Committee's agenda. Mr. Castañeda, the Commission's

present Chairman, had also attended the Committee's fourteenth session as observer for Mexico, and his statement on the concept of the patrimonial sea and the Santo Domingo Declaration had been a most valuable contribution. The Committee looked forward to welcoming him as the Commission's observer at its fifteenth session, to be held in Tokyo in January 1974. At its fourteenth session the Committee had had the satisfaction of welcoming 40 delegations of observers from States in the Americas and Europe.

30. The agenda for the Committee's fourteenth session had been a heavy one but, as at the previous two sessions, most of the plenary meetings had been taken up with the discussion on the law of the sea. Between sessions continuous consultations had been carried out by correspondence and working group meetings, between the Secretariat, the governments of States members of the Committee and the governments of other Asian and African countries. Extensive documentation had been prepared, abundant material had been collected, and an analysis had been made of the proposals before the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor, to help the governments of Asian and African States to prepare for the 1974 Conference on the Law of the Sea.

31. Another topic on the Committee's agenda had been the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law, on which the Commission had prepared a set of draft articles at its previous session. The Committee had unfortunately not been able to discuss that question, because member governments had not had enough time to consider it in the light of the Commission's 1972 recommendations. State succession and State responsibility had also been on the Committee's agenda, as well as the question of pollution of international rivers. Since the latter subject was a new one, it would be some time before any specific proposals could be made on it.

32. The Committee had held a useful exchange of views on the organization of legal advisory services in Foreign Offices—a subject of great interest to developing countries in the region. It was most grateful to the observer delegation from the United States of America for its detailed description of the system functioning in that country. The Committee had decided to organize, at the appropriate stage, a meeting of Foreign Office legal advisers to exchange views and information.

33. Sub-Committees had dealt with the questions of the use of the waters of international rivers for agricultural purposes and prescription in international sales. After the Committee's fourteenth session, its Special Study Group on Landlocked States had met for five days and had put forward tentative draft proposals on some matters affecting such States. A meeting would be held at Geneva in a few days' time to enable the governments of Asian and African States to consult on the eve of the session of the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor.

34. Although the Committee worked primarily for its member States, it had extended its assistance during the

past three years to non-member States in Asia and Africa, many of which sent observers to its sessions and other meetings and regularly received the Committee's documents. Although the Committee worked mainly in English, its more important documents were now being translated into French, and simultaneous English-French interpretation was provided at all meetings.

35. The Secretariat of the Committee had arranged for a publisher in the United States to issue a publication on the constitutions of African States, which gave a brief account of constitutional developments in Africa. It was hoped thereby to arouse greater interest in African affairs and to focus attention on the process of constitutional development on that continent.

36. He had listened with great interest to the discussion on the Commission's long-term programme of work. Whatever the Commission might decide on that subject, he was sure that its work would always command the same respect as the draft articles on the law of treaties, the law of the sea and diplomatic and consular relations.

37. On behalf of the Asian-African Legal Consultative Committee, he invited the Chairman of the Commission to attend as an observer the Committee's fifteenth session, to be held at Tokyo in January 1974.

38. The CHAIRMAN warmly thanked the observer for the Asian-African Legal Consultative Committee for his statement. The increasing importance of the Committee's work was shown by the number of observers who had attended its fourteenth session. As one of those observers, he had been able to appreciate the high standard of the documentation provided for the session, particularly that on the law of the sea, which was very complete and most useful to jurists in all countries. The Committee's discussions on the law of the sea were certain to produce important proposals for the 1974 Conference.

39. Among the many items on the Committee's agenda he noted with interest the organization of a meeting of legal advisers to Foreign Offices. Exchanges of information at that level would be extremely useful.

40. Mr. TSURUOKA said that the success of the Asian-African Legal Consultative Committee's work was largely due to the devoted efforts of Mr. Sen, its Secretary-General. The membership of the Committee and the number of observers attending its meetings were increasing, and the scientific level of its work was rising higher and higher. He was very glad to find the links between the Committee and the Commission growing stronger from year to year and hoped that tendency would be accentuated in the future.

41. Mr. YASSEEN said that, under its statutes, the Committee placed on its agenda all the items which were on the Commission's agenda. The Commission could thus be kept informed of the trends developing in a vast region of the world embracing two continents, the oldest and the newest. Exchanges of views in the Committee between representatives of those two continents had led to conclusions which, on more than one occasion, had been helpful to the Commission and to certain codification conferences. In particular, the Committee had made useful contributions to the preparation of the drafts

on the law of treaties and on diplomatic relations. It had set itself the task of synthesizing the views of its member States on the codification drafts prepared by the Commission.

42. He hoped that the Committee would continue to work on those lines and that its links with the Commission would become even stronger. In conclusion, he wished to pay a tribute to the hard work, learning and ability of Mr. Sen, the Committee's Secretary-General.

43. Mr. TABIBI thanked the Observer for the Asian-African Legal Consultative Committee for his enlightening statement and paid a tribute to the contribution he was making, as Secretary-General of the Committee, to the cause of international law.

44. The Committee's fourteenth session had been a particularly important one because it had devoted most of its time to the law of the sea. The Committee's work would certainly contribute to the success of the 1974 Conference on that subject, as it had to the success of the Vienna Conference of the Law of Treaties. The good tradition of close contact between the Commission and the Committee should be maintained in their mutual interest.

45. Mr. KEARNEY reiterated the regret he had expressed at the opening meeting of the present session, at having been prevented at the last moment from attending the New Delhi session of the Asian-African Legal Consultative Committee. He was very grateful to Mr. Tabibi for having so well represented the Commission on that occasion. He had been glad to hear from Mr. Sen that the Committee had been further strengthened and its staff expanded, which would help it to continue its excellent work. He extended his best wishes for the success of the Committee in the performance of its tasks.

46. Mr. SETTE CÂMARA, speaking also on behalf of Mr. Calle y Calle and Mr. Martínez Moreno, two other Latin American members of the Commission, said that they associated themselves with the welcome given to the Observer for the Asian-African Legal Consultative Committee and with the praise addressed to the Committee for its work.

47. The very up-to-date documentation prepared by the Committee on the law of the sea would be most useful. He was glad to see signs that the work on that subject being done in Asia, Africa and Latin America was being usefully co-ordinated. He was also interested to note that the Committee had had the courage to take up the very difficult subject of the protection of diplomats. The results of the practical steps it had taken to give technical assistance to Foreign Office legal advisers would be watched with keen attention in Latin America, as would its work on the uses of the waters of international rivers. In conclusion, he expressed the hope that the co-operation between the Committee and the Commission would grow even closer.

48. Mr. USHAKOV, speaking also on behalf of Mr. Ustor, congratulated the observer for the Asian-African Legal Consultative Committee on his excellent statement. He himself had attended the Committee's eleventh session, in 1970, and had then had occasion to

admire the high quality of its work and the very full documentary material prepared for each of its sessions. That material was of interest to all international lawyers, and in particular to the members of the Commission. He hoped that the Committee would go on to ever greater successes.

49. Mr. HAMBRO, speaking also on behalf of Mr. Ago, Mr. Bilge, Mr. Reuter and Mr. Tammes, who, like himself, came from States members of the Council of Europe, said that they wished to associate themselves with the tributes paid to the Asian-African Legal Consultative Committee for the quality of its work and to Mr. Sen for his most interesting and admirably concise statement. They welcomed the friendly collaboration which had grown up between the Committee and the Commission and which, among other advantages, served to avoid the creation of regional international law in competition with general international law.

50. Mr. QUENTIN-BAXTER, speaking also on behalf of Sir Francis Vallat, said that they both took a special interest in the work of the Asian-African Legal Consultative Committee, whose very large membership included the great majority of Commonwealth countries. The lawyers of those countries brought to the Committee notions of law with which they were both very familiar and very much in sympathy. The Committee served a huge area which contained a great many countries, including some of the oldest and some of the newest in the world.

51. He was impressed at the very practical approach consistently adopted by the Committee in its work. The Committee was performing a great service to the Commission, and giving it real support and encouragement.

The meeting rose at 1.5 p.m.

1236th MEETING

Thursday, 28 June 1973, at 10.5 a.m.

Chairman: Mr. Mustafa Kamil YASSEEN

later: Mr. Milan BARTOŠ

later: Mr. Jorge CASTAÑEDA

Present: Mr. Bilge, Mr. Calle y Calle, Mr. Hambro, Mr. Kearney, Mr. Martínez Moreno, Mr. Pinto, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Reuter, Mr. Sette Câmara, Mr. Tabibi, Mr. Tammes, Mr. Tsu-ruoka, Mr. Ushakov, Mr. Ustor, Sir Francis Vallat.

Co-operation with other bodies

(A/CN.4/272)

[Item 8 of the agenda]

(continued)

ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE (continued)

1. Mr. RAMANGASOAVINA congratulated the observer for the Asian-African Legal Consultative Com-

mittee on his excellent statement. The Committee brought together the new ideas in the sphere of international law which were gaining acceptance in Africa and Asia. It was encouraging for the Commission that observers from such regional bodies should attend its sessions regularly, for they approached their work in the same spirit as it did.

2. The two observers who had already addressed the Commission at its current session had intimated, with regard to the law of the sea, that the younger States were claiming a greater role in the exploitation of their natural resources. That quite natural trend, which was soon to lead to revision of the Geneva Conventions on the law of the sea, might cause concern to the Commission, which had prepared the drafts of those instruments with especial care only about 15 years previously. It must be acknowledged, however, that in fact the situation had greatly changed in the meantime and that it had become necessary to harmonize the different positions in order to achieve the purposes of the United Nations Charter, namely, to maintain peace and to develop friendly relations among nations.

3. Mr. BARTOŠ said that his country, Yugoslavia, was keenly interested in the work of the Asian-African Legal Consultative Committee. He welcomed the fact that the Committee followed developments in the work being done on general international law and regularly informed the Commission of the position in regard to questions of interest to African and Asian countries. The Committee was composed of a large number of countries in the non-aligned group, to which Yugoslavia itself belonged. The excellent statement by the observer for the Committee showed that States wished to work together to develop an international law that was universal in outlook and conducive to co-operation between States. He wished the Committee every success in its future work.

Mr. Bartoš took the Chair.

(a) Review of the Commission's long-term programme of work: "Survey of International Law" (A/CN.4/245) prepared by the Secretary-General

(b) Priority to be given to the topic of the law of the non-navigational uses of international watercourses

(A/CN.4/244/Rev.1; A/CN.4/245; A/CN.4/254; A/CN.4/270)

[Item 5 of the agenda]

(resumed from the previous meeting)

4. The CHAIRMAN invited the Commission to resume consideration of agenda item 5.

5. Mr. RAMANGASOAVINA congratulated the Secretariat on its excellent *Survey of International Law* (A/CN.4/245), which reviewed the Commission's work over its 25 years of existence and what remained to be done. The document gave an account not only of the work done by the Commission, but also of the debates and decisions of the General Assembly.

6. It must be admitted, however, that judged by the extent of the texts it had prepared since its establishment,