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Summary record of the 1249th meeting

Topic:
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“common heritage of mankind” had, on the contrary, the effect of restricting the extent of exclusive national jurisdiction.

62. Mr. TABIBI said he favoured the idea put forward by Mr. Castañeda. The problem was to find wording which would satisfy all the members of the Commission. The notion that the sea-bed and ocean floor and their subsoil were the common heritage of mankind constituted a genuine rule of international law. Indeed, since those areas lay under the high seas, they had belonged to all nations from time immemorial. The same was true of the resources to be found in the area. It was not possible to separate the rules governing the high seas from the General Assembly resolutions concerning the sea-bed.

63. The Organization of African Unity had adopted a declaration recognizing that the sea-bed and ocean floor, and the subsoil thereof under the high seas and beyond the limits of national jurisdiction, constituted the common heritage of mankind.

64. Mr. HAMBRO said it would be over-cautious to say that no rule of law existed on a matter on which resolutions had been adopted unanimously by the General Assembly. At its twenty-fifth session the General Assembly had solemnly adopted resolution 2750 (XXV), part A of which began with the words “Reaffirming that the area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and its resources are the common heritage of mankind”. He therefore proposed that the Chairman and the Rapporteur should consult together and prepare, for submission to the Commission at its next meeting, a text expressing, in language acceptable to all members of the Commission, the idea that the acceptance of the concept of the “common heritage of mankind” as part of the vocabulary of international law was an indication of a certain development.

65. Mr. MARTÍNEZ MORENO supported that proposal and expressed the hope that the wording of the passage submitted to the Commission could be accepted unanimously, just as the General Assembly had adopted unanimously the concept of the common heritage of mankind not only for the sea-bed, but also for the moon and other celestial bodies. That concept had been formally endorsed by the Inter-American Juridical Committee.

66. Mr. USHAKOV observed that the question of the sea-bed had never been on the Commission’s programme of work in the past, nor was it included in the programme of future work.

67. The CHAIRMAN said he would consult with the Rapporteur on the drafting of a passage for inclusion in the report. The text would be submitted to the Commission at its next meeting.

68. Sir Francis VALLAT drew attention to the fact that the point under discussion was related not to paragraph 28, but rather to paragraph 29 or even paragraph 30.

The meeting rose at 1.10 p.m.

1249th MEETING

Friday, 13 July 1973, at 9.15 a.m.

Chairman: Mr. Jorge CASTAÑEDA

Present: Mr. Ago, Mr. Bartoš, Mr. Bilge, Mr. Hambro, Mr. Kearney, Mr. Martínez Moreno, Mr. Pinto, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Sette Câmara, Mr. Tabibi, Mr. Tammes, Mr. Thiam, Mr. Tsu-ruoka, Mr. Ushakov, Mr. Ustor, Sir Francis Vallat, Mr. Yasseen.

Draft report of the Commission on the work of its twenty-fifth session

(A/CN.4/L.202; A/CN.4/L.204)

Chapter VI

REVIEW OF THE COMMISSION’S PROGRAMME OF WORK

(continued)

1. The CHAIRMAN invited the Commission to continue its examination of chapter VI of the draft report on the work of its twenty-fifth session (A/CN.4/L.202).

Paragraph 28 (continued)

2. He announced that the Rapporteur preferred to insert at the end of paragraph 30 the text concerning the concept of the common heritage of mankind which the Commission, at its previous meeting, had requested him to submit for insertion at the end of paragraph 28.

Paragraph 28 was approved.

Paragraph 29

3. Mr. RAMANGASOAVINA criticized the words “have taken place outside the Commission’s competence”, which appeared in the second sentence; in his view it was not a question of competence. He proposed that the passage should be amended to read: “have taken place outside the Commission”.

4. The CHAIRMAN suggested that the words “The law-making activities” should be amended to read: “Certain law-making activities”.

5. Mr. TAMMES (Rapporteur) accepted those amendments.

6. Mr. USHAKOV said he could not accept the last sentence because he considered that the concept of international responsibility remained unchanged; what was changing was the concept of damage caused by certain activities.

7. Mr. USTOR associated himself with Mr. Ushakov’s reservation.

8. Mr. AGO proposed that the words “like international responsibility” in the last sentence should be deleted.

It was so agreed.

Paragraph 29, as amended, was approved.

Paragraph 30

9. Mr. USTOR said he could not subscribe to the idea embodied in the sixth sentence, because the statement that "private persons, individual as well as corporate, are able to control an increasing amount of physical and economic power" held good, in his opinion, only for the capitalist world and could not be applied to socialist States.

10. Mr. TAMMES (Rapporteur) pointed out that the phenomenon in question was apparent in many parts of the world and that the United Nations had decided to study it.

11. The CHAIRMAN suggested that, in order to take Mr. Ustor's reservation into account, the words "in certain parts of the world" should be inserted before the words "private persons".

It was so agreed.

12. Mr. USHAKOV said he wondered what was meant by the words "human duties and responsibilities under international law", in the same sentence.

13. Mr. TAMMES (Rapporteur) said he maintained that individuals could have obligations and responsibilities under international law; he was surprised to find certain members of the Commission apparently disowning texts which the Commission had adopted on that matter. Those texts were still valid, and until such time as the Commission formally decided to cancel or amend them, it was free to refer to them.

14. The CHAIRMAN stressed the importance of the Nürnberg Principles¹ which the Commission had formulated and of the draft Code of Offences against the Peace and Security of Mankind² which it had adopted. That early work of the Commission was all the more valid in that the principles of international law recognized by the Charter of the Nürnberg Tribunal had been expressly affirmed by General Assembly resolution 95 (I), which had thus affirmed the responsibility of individuals under international law.

15. Mr. AGO said there was no question of going back and repudiating principles already established; but the Commission must not confuse the responsibility of the State as such with the penalty to which an individual was liable, for example, in a case of piracy.

16. Mr. USHAKOV said he thought a distinction should be made between the responsibility of subjects of international law and criminal liability. He therefore proposed that, in the sixth sentence, the word "responsibilities" should be replaced by the words "criminal liability".

17. Mr. TAMMES (Rapporteur) observed that the responsibilities in question covered more than just criminal liability, for example, in the case of damage caused by pollution. He would therefore prefer to retain the broader term.

18. The CHAIRMAN agreed with the Rapporteur. Consideration was now being given to the idea of drawing up a code of conduct for multinational companies.

19. Mr. HAMBRO, referring to the seventh sentence, said that as early as 1921 scientists had warned mankind of the grave dangers which the development of nuclear energy would present. It could hardly be said, therefore, that "The technological world makes difficult any prediction in the sense that major breakthroughs, such as the discovery of nuclear energy... take place at short notice". He proposed that the sentence in question should be reworded, without giving any examples, to read: "The speed of scientific and technological development makes any prediction very difficult."

20. Mr. TAMMES (Rapporteur) said he thought examples spoke more directly to the imagination and it would be preferable to give some.

21. The CHAIRMAN suggested that the sentence should be amended to read: "The rapid development of science and technology in such fields as nuclear energy, the conquest of outer space and the exploitation of the sea-bed, makes any prediction very difficult."

It was so agreed.

22. The CHAIRMAN suggested that the following text, submitted by the Rapporteur, should be inserted at the end of paragraph 30: "The idea of a common heritage of mankind, which was developed mainly under the pressure of modern technological conditions, may become an important new subject in the sense that the Commission, at some stage of its future work, may have to pay due regard to it."

23. Mr. AGO said he doubted whether the notion of the common heritage of mankind was really new. In his opinion it was centuries old.

24. The CHAIRMAN said that the notion was far from being accepted by all States.

25. Mr. USHAKOV formally opposed the insertion of the proposed text. In his view, the notion in question was highly controversial and gave rise to widely different interpretations. Moreover, the question was not on the Commission's agenda, so there was no reason to mention it in the report.

26. Mr. HAMBRO said he considered that the question was very important and that the proposed text should be put to the vote.

27. Mr. USHAKOV formally opposed the Commission's voting on a question which was not on its agenda and on which there had been no previous discussion.

28. Mr. BARTOŠ reminded the Commission that the Chairman had invited members to inform the Rapporteur of a few topics they thought the Commission might examine in the future. Accordingly, certain possible subjects of study, such as the notion of the common heritage of mankind, could quite well be merely mentioned in the report without committing the Commission. It could also be stated that the subjects in question had not been approved by certain members.

29. Mr. TSURUOKA said that a certain balance should be maintained in the report; if the notion of the common heritage of mankind was to be mentioned, reference should also be made to the notion of national sovereignty, which had developed considerably since the Second World War. But the Commission was not obliged

¹ See *Yearbook of the International Law Commission, 1950*, vol. II, p. 374 *et seq.*, document A/1316, part III.

² *Ibid.*, 1954, vol. II, p. 151, document A/2693, para. 54.

to mention all the trends which had appeared in recent years, and he himself would prefer no reference to be made to the common heritage of mankind, so as to preserve the objectiveness of the report.

30. Mr. AGO said that he too thought it would be better to drop the proposal, in order not to introduce an element of disharmony.

31. Sir Francis VALLAT agreed with Mr. Ago. Personally, he would have preferred to include the proposed text in the report, but he believed it would be wiser not to open a debate on such a controversial question at the present stage.

32. The CHAIRMAN withdrew his suggestion.

Paragraph 30, as amended, was approved.

Paragraph 31

33. Mr. SETTE CÂMARA proposed the deletion of the first sentence which, in his opinion, did not add anything to the paragraph.

34. Mr. TAMMES (Rapporteur) said that that sentence provided a link with what had been said in the preceding paragraph and should not be left out. Surely there could be no doubt that, amid the turmoil of international law-making activity, the Charter had been a stabilizing and consolidating factor.

35. Mr. SETTE CÂMARA said that that activity could be highly beneficial. The conclusion of many international conventions could only help the international community, but the first sentence of paragraph 31 would give the impression that the role of the Charter was to protect the world against irresponsible legislation.

36. Mr. QUENTIN-BAXTER said no one could doubt that the Charter had been a stabilizing factor, but he wondered whether the words "In contrast..." were really justified.

37. Sir Francis VALLAT proposed that the first two sentences in the paragraph should be combined to read: "The Charter of the United Nations has been a stabilizing and consolidating factor, but its formulations were wide enough to be adapted..."

It was so agreed.

38. Mr. AGO, referring to the fourth and fifth sentences, said that it was going too far to regard the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States as established legal data for the Commission. It would be enough to say that the Commission had often referred to that Declaration in its discussions.

39. Mr. TAMMES (Rapporteur) said that he personally believed that the major resolutions of the General Assembly, which were the fruit of many years' work, should be regarded by the Commission as binding law.

40. Mr. KEARNEY said he had a number of objections to paragraph 31. He did not understand, for example, why the Rapporteur had mentioned the Special Committee on the Question of Defining Aggression, which had accomplished little during its long lifetime, but ignored the work of the Committee on the Peaceful Uses of Outer Space. Again, the Declaration on Principles

of International Law concerning Friendly Relations and Co-operation among States had received much support, but it contained many internal contradictions and had been assailed by a number of writers. There was also a violent division of legal opinion concerning the legal effects of General Assembly resolutions. He proposed that everything between the revised first sentence of paragraph 31 and the last sentence, which he could fully endorse, should be deleted.

41. Mr. BARTOŠ said he shared Mr. Kearney's opinion on the importance of the Committee on the Peaceful Uses of Outer Space, but could not agree that the work of the Special Committee on the Question of Defining Aggression was not worth mentioning. Nor could he agree with Mr. Kearney about the legal effects of General Assembly resolutions, which were undoubtedly a source of international law. It was inconceivable to him that the Commission, which was an organ of the United Nations and not merely the sum of its individual members, should oppose solemn declarations which had been adopted by the General Assembly.

42. Mr. USTOR said he agreed with Mr. Bartoš that the Commission could not place itself above the General Assembly, but the question of the legal effects of General Assembly resolutions was such a difficult and complex one that it could not be dealt with in one sentence. He could therefore agree to the deletion of the sentence referring to these resolutions. He hoped that the reference to the Special Committee on the Question of Defining Aggression would be retained.

43. Mr. KEARNEY said he would not press for the deletion of the reference to the Special Committee.

44. The CHAIRMAN suggested that the penultimate sentence should be shortened and amended to read: "The Commission, in its discussions, has often referred to that important Declaration, which was adopted solemnly and unanimously."

It was so agreed.

45. Sir Francis VALLAT proposed that the words "according to article 103", in the last sentence, should be amended to read: "having regard to Article 103".

It was so agreed.

46. After a brief discussion, in which Mr. HAMBRO, the CHAIRMAN and Sir Francis VALLAT took part, Mr. QUENTIN-BAXTER proposed that the words "Another important case was the Special Committee..." at the beginning of the fourth sentence should be amended to read: "Of special importance was the Special Committee..."

It was so agreed.

Paragraph 31, as amended, was approved.

Paragraph 32

47. Mr. AGO said he thought it would be imprudent to tell the General Assembly that the Commission regarded itself as a law-making body. He therefore proposed that the first sentence should be amended to read: "Among the different bodies that work or have worked within the United Nations system on the definition

of the principles of international law, the International Law Commission has very distinctive features.”

It was so agreed.

48. Mr. USHAKOV proposed the last sentence, which in his opinion was not really necessary, should be deleted.

It was so agreed.

Paragraph 32, as amended, was approved.

Paragraph 33

49. Mr. USHAKOV proposed that the term “legislative conference”, in the second sentence, should be replaced by the term “codification conference”.

It was so agreed.

50. Mr. USHAKOV said that the last sentence was not correct, since the Commission had, on occasion, responded to urgent requests.

51. Mr. KEARNEY thought the sentence hinted that the General Assembly should not confront the Commission with any urgent requests.

52. Mr. TAMMES (Rapporteur) said it was an undeniable fact that the Commission had a great deal of work on its regular agenda and that urgent requests might interfere with that work.

53. Mr. QUENTIN-BAXTER suggested that the words “urgent requests” might be replaced by the words “short-term-needs”.

54. Mr. KEARNEY said that expression was too vague, since some urgent requests, such as the one concerning the protection of diplomats, might involve long-term needs.

55. Sir Francis VALLAT suggested that the last sentence might be somewhat qualified by replacing the words “limits the Commission’s capability” by the words “places certain limits on the Commission’s capability”.

56. Mr. AGO observed that the words “inbuilt periodicity” had not been correctly translated into French.

57. The CHAIRMAN said the Secretariat would correct the French text. He suggested that the Commission should adopt the amendment submitted by Sir Francis Vallat.

It was so agreed.

Paragraph 33, as amended, was approved.

Paragraph 34

58. Mr. USHAKOV said that the word “*souverain*” in the French text of the first sentence was not an accurate translation of the word “pre-eminent”.

59. Mr. TSURUOKA said he hoped the Secretariat could find more elegant wording for the French text of the sixth sentence.

60. Mr. YASSEEN challenged the suggestion in the seventh sentence that the Commission had “from time to time proposed certain specific innovations”. The concept of *jus cogens*, in particular, had certainly existed in connexion with treaties long before the adoption of the Vienna Convention. It would be better to omit the examples given by the Rapporteur, for they were not really “innovations” at all.

61. Mr. TAMMES (Rapporteur) said he would regret having to omit certain examples of concepts which represented important contributions by the Commission to the international legal system. He hoped that the Commission would agree to retain those examples and that it would be possible to find a more apt word than “innovations”.

62. Mr. AGO said that the concept of *jus cogens* and the principle *rebus sic stantibus* were not innovations; they were old, unwritten rules which the Commission had formulated in writing. Examples of real innovations would be the notions of coercion and corruption as grounds for the invalidity of a treaty.

63. The CHAIRMAN suggested that the last two sentences of paragraph 34 should be deleted.

It was so agreed.

Paragraph 34, as amended, was approved.

Paragraph 35

64. Mr. THIAM proposed that the beginning of the first sentence should be amended to read: “With regard to the nature of the future tasks of the Commission, it was decided to complete to the full extent the great structural projects that are already on its programme . . .”.

65. Mr. USHAKOV proposed the deletion of the word “great” before “structural projects”.

66. The CHAIRMAN suggested that Mr. Thiam’s proposal should be adopted, subject to the amendment proposed by Mr. Ushakov and the replacement of the words “it was decided” by the words “it was envisaged”.

It was so agreed.

Paragraph 35, as amended, was approved.

Paragraph 36

67. Mr. SETTE CÂMARA said he could not agree to the second sentence, which in his opinion was not entirely accurate. Moreover, he regretted the omission of any mention of bilateral treaties, which were also an important means of carrying forward the work of codification.

68. Mr. USTOR said he could accept the first two sentences, but thought that the rest of the paragraph should be revised. In practice, the Commission had adopted the convention system, but perhaps it should not be given too much emphasis. One or two sentences concerning the possibility of a change of method might be included at the end of the paragraph. Mention should also be made of the concern of the Commission’s members that the process of ratification of conventions which had been unanimously adopted was so slow.

69. Sir Francis VALLAT found much that was convincing in what Mr. Sette Câmara and Mr. Ustor had said. He himself saw no merit in attempting to evaluate the codification convention as an instrument of international law and agreed with Mr. Ustor that it would perhaps be unwise to take one particular method out of context. After all, the Commission had often said that it would decide at a later stage of its work about the ultimate form to be given to the instrument it was preparing.

70. He had considerable doubts about the paragraph as a whole and thought that it might be sufficient to add a sentence to the preceding paragraph. In particular, he doubted whether anything should be said about the difficulties of securing the ratification of conventions.

71. Mr. KEARNEY said he could agree to the deletion of the whole paragraph.

72. Mr. AGO supported the views expressed by Mr. Ustor and Mr. Sette Câmara. In particular he did not like the term "legislative convention".

73. Mr. TAMMES (Rapporteur) said he would not like to drop paragraph 36 in its entirety, but he agreed with Sir Francis Vallat that the idea expressed in it might be better placed at the end of paragraph 35. His intention had been merely to remind the General Assembly of the distinction between a code and a codification convention. He had based his thinking on the Commission's report on the work of its fourteenth session, in which certain ideas of principle had been expressed concerning the advantages of conventions.³

74. However, the interesting suggestion had been made in the 1971 Survey of International Law (A/CN.4/245) that there were other ways of developing international law besides codification. Perhaps reference might be made in a foot-note to the relevant paragraph in the Survey. He was prepared to consider any change in paragraph 36 which Mr. Ustor might suggest.

75. Mr. USHAKOV and Mr. AGO said they were in favour of retaining the paragraph.

76. Mr. SETTE CÂMARA said that, in common with Mr. Kearney, he was in favour of its deletion.

77. Mr. YASSEEN said he hoped that paragraph 36 could be retained with suitable amendments.

78. The CHAIRMAN, speaking as a member of the Commission, said that he too would prefer paragraph 36 to be retained, though he noted that the views of members of the Commission were divided.

79. Mr. TSURUOKA thought it should be possible to produce a new paragraph 36 with the assistance of Mr. Yasseen and Mr. Ustor.

80. Mr. KEARNEY said he had no objection to the first two sentences, but that the end of the paragraph raised a number of problems. If the paragraph was to be retained, further discussion of those problems would be necessary.

81. Mr. USTOR proposed that paragraph 36 should be reworded. The first sentence would be retained, with the words "legislative convention" replaced by the words "codification convention". In the second sentence, the words "its wide publicity moulding public opinion and doctrine into the hard language of precise articles" would be replaced by the words "and that it is published". The third, fourth and last sentences would be replaced by a single sentence reading: "Nevertheless the Commission, in the interest of the effectiveness of the codification process, would consider it desirable if the conventions adopted at codification conferences could receive

as soon as possible the formal consent (ratification or accession) of States."

Paragraph 36, thus amended, was approved.

Paragraph 37

Paragraph 37 was approved.

Paragraph 38

82. Mr. QUENTIN-BAXTER said it was going too far to say that the Commission "will be, during the coming years, fully occupied" with the active consideration of the five topics which constituted its current programme of work. He suggested that those words be replaced by the words: "will, for some years, have ample work to do".

83. Mr. TABIBI proposed that foot-notes should be added to indicate that four of the topics mentioned in paragraph 38 had been considered during the twenty-fifth session and were dealt with in other chapters of the report.

84. The CHAIRMAN said that, if there were no further comments, he would take it that the Commission agreed to approve paragraph 38 with the amendments proposed by Mr. Quentin-Baxter and Mr. Tabibi.

It was so agreed.

Paragraph 38, as amended, was approved.

New paragraph 38bis

85. Following a comment by Mr. USHAKOV, the CHAIRMAN suggested that a new paragraph 38bis should be added, to indicate that, in addition to the five topics listed in paragraph 38, the Commission's programme of work included topics referred to it by the General Assembly.

It was so agreed.

Paragraphs 39 and 40

86. Mr. KEARNEY said he was disappointed at the feeble conclusions stated in paragraph 39, which did less than justice to that major work, the Survey of International Law. The conclusion that substantive consideration of additional topics might seriously delay the completion of work on the topics already under study would have been justified if the Commission had been considering its short-term programme of work. It had no relevance, however, to the long-term programme, which was the matter under consideration.

87. He thought that paragraph 40, which accurately reflected the discussion in the Commission, should be placed first. He therefore proposed that the order of paragraphs 39 and 40 should be reversed and that the text of paragraph 40 should be preceded by the following proviso: "In the course of the consideration of the long-term programme of work,".

It was so agreed.

88. The CHAIRMAN asked whether there were any comments on the text of paragraph 40, which had now become paragraph 39.

³ See *Yearbook of the International Law Commission, 1962*, vol. II, p. 160, document A/5209, para. 17.

89. Mr. USHAKOV observed that the paragraph mentioned both topics that were already on the Commission's programme of work and topics not yet on it. He thought those two categories of topic should be kept completely separate.

90. The CHAIRMAN explained that the first list enumerated those topics whose priority had been repeatedly stressed, while the second consisted of topics which had merely been mentioned by one or more members. Hence, either list might contain both topics already on the Commission's programme of work and new topics.

The new paragraph 39, as amended, was approved.

91. Mr. KEARNEY proposed that, for the reasons he had already given, paragraph 40 (the former paragraph 39) should be replaced by the following shorter text: "The Commission decided that it would give further consideration to the foregoing suggestions in the course of future sessions".

It was so agreed.

The new paragraph 40, as amended, was approved.

92. Sir Francis VALLAT said that he wished to place on record his misgivings with regard to paragraphs 38 to 40. The new paragraph 38*bis* should have referred to the 1949 list of topics and to the list in the Survey of International Law; more important, it should have given some account of the discussion which had taken place in the Commission.⁴ With regard to the important subject of unilateral acts, for example, many comments and in particular many reservations had been made during the discussion. A mere reference to "unilateral acts" was much too vague, because the subject itself was a very broad one.

Paragraph 41

93. Mr. USHAKOV proposed that a reference to the relevant General Assembly resolution should be introduced.

It was so agreed.

94. Mr. USHAKOV said it might also be indicated that in 1974 the Commission would consider setting up a working group.

95. Mr. SETTE CÂMARA opposed that idea. At the present stage the Commission was only concerned with the adoption of its report, and it would be premature to mention in the report a question which had not been discussed at the session.

96. Mr. USHAKOV said he would not press his suggestion.

97. Mr. KEARNEY said that he had made a statement during the discussion suggesting that action should be taken at an early stage on the topic of the law of the non-navigational uses of international watercourses.⁵ He believed that there should be some trace in the report of the view he had put forward; it had received considerable support.

98. Mr. AGO suggested that the Rapporteur and the Secretariat should revise the wording of paragraph 41 so as not to give the impression that the Commission meant to postpone the study of the topic indefinitely.

99. Sir Francis VALLAT suggested that the new wording should indicate that the majority of the members showed great interest in the topic and a desire that work on it should begin as soon as possible.

100. Mr. USTOR said that reference might perhaps be made to the possibility of appointing a Special Rapporteur for the topic in due course.

101. Mr. SETTE CÂMARA opposed that suggestion. He thought it would be premature to mention the matter. It was the practice of the Commission to appoint a small group to study a topic before a Special Rapporteur was appointed.

102. Mr. TSURUOKA observed that there was general agreement on the need to replace paragraph 41 by more positive wording.

103. The CHAIRMAN said that, if there were no further comments, he would take it that the Commission agreed to entrust the Rapporteur with the task of re-drafting paragraph 41 on the lines indicated.

It was so agreed.

Paragraph 42

Paragraph 42 was approved.

Chapter VI of the draft report, as amended, was approved.

Chapter VII

OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

104. The CHAIRMAN invited the Commission to examine chapter VII of its draft report (A/CN.4/L.204).

Paragraph 1

Paragraph 1 was approved.

Paragraph 2

105. Mr. RYBAKOV (Secretary to the Commission) said he had been informed by the Budget Division of the financial implications of the request for a fourteen-week session, made in paragraph 2. The additional cost would be \$130,000.

106. Mr. USHAKOV said he wished to place it on record that he was opposed to a fourteen-week session.

Paragraph 2 was approved.

Paragraphs 3 to 30

Paragraphs 3 to 30 were approved.

Paragraph 31

107. The CHAIRMAN suggested that the twenty-sixth session should open on Monday, 6 May 1974. If members agreed, that date would be inserted in the blank space in paragraph 31.

It was so agreed.

Paragraph 31, as amended, was approved.

⁴ 1233rd-1237th meetings.

⁵ 1237th meeting, paras. 13-24.

Paragraphs 32 to 40

Paragraphs 32 to 40 were approved.

Chapter VII of the draft report, as amended, was approved.

The draft report of the Commission on the work of its twenty-fifth session as a whole, as amended, was adopted.

Closure of the session

After an exchange of congratulations and thanks, the CHAIRMAN declared the twenty-fifth session of the International Law Commission closed.

The meeting rose at 1.35 p.m.
