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Summary record of the 1321st meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
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to grant concessions, there was no need for a provision on the passing of the predecessor State's rights in that respect. If draft article 9 [19] was accepted, with or without the amendments suggested by some members, the predecessor State's property, rights and interests, as defined in article 5, would pass to the successor State on succession. Logically, therefore, if there was to be an article on concessions, it should be concerned with the status of the concessions granted by the predecessor State and with the circumstances in which those concessions would or would not be binding on the successor State after succession.

47. Mr. BEDJAOUI (Special Rapporteur) said that, unlike Mr. Elias, he did not think the issue was whether the successor State continued to be bound by concessions granted by its predecessor. That was not the object of article 10 and the other articles submitted in his seventh report (A/CN.4/282), which dealt with the problem of property and not with the obligations which the successor State might assume. The question whether a concession was binding on the successor State was an entirely different one, which, for the time being, the Commission should not consider.

The meeting rose at 5.55 p.m.

[19] For text see 1318th meeting, para. 7.

1321st MEETING

Tuesday, 3 June 1975, at 10.15 a.m.

Chairman: Mr. Abdul Hakim TABIBI

Members present: Mr. Bedjaoui, Mr. Bilge, Mr. Calle y Calle, Mr. Elias, Mr. Hambro, Mr. Kearney, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Reuter, Mr. Šahović, Mr. Sette Câmara, Mr. Tammes, Mr. Tsuoruoka, Mr. Ushakov, Mr. Ustor, Sir Francis Vallat.

Succession of States in respect of matters other than treaties

(A/CN.4/282) [1]

[Item 2 of the agenda]

(continued)

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR

ARTICLE 10 (Rights in respect of the authority to grant concessions) [2] *(continued)*

1. The CHAIRMAN invited the Commission to continue consideration of draft article 10.

2. Mr. HAMBRO said he agreed with the Special Rapporteur that within its territory the successor State had all rights in the matter of granting concessions, which was part of the ordinary exercise of sovereignty by any independent State. Thus draft article 10 stated what would seem obvious to some lawyers. It had also been rightly pointed out that the article concerned areas of international law other than that of State succession. But a complete, self-sufficient treaty sometimes had to state the obvious or to overlap with rules in other fields of international law. When the whole draft had been completed, the Commission would be in a better position to decide whether such provisions should be included in the final text.

3. A bald statement to the effect that the successor State had rights in regard to the granting of concessions might seem surprising if no reference was made to the more difficult problem of the rights of concessionaires and the possible payment of compensation when concessions were cancelled or replaced by new ones. As the Special Rapporteur had said, that aspect of concessions related, not to State property, but to the obligations of States, and perhaps to State responsibility. Hence the subject-matter of article 10 did not, strictly speaking, belong to the series of draft articles under consideration, and if the other members agreed, the Commission should say so clearly in its commentary.

4. Mr. SETTE CÂMARA also expressed doubt about the need for draft article 10 in its present form, especially in view of the economy with which the articles provisionally adopted by the Commission had been formulated (A/CN.4/282, chapter III). The inclusion of the article might be justified if the Commission adopted the approach to State property originally proposed by the Special Rapporteur, which was based on the distinction between State property "necessary for the exercise of sovereignty" and other classes of State property. Only the former class of State property would then pass automatically and without compensation to the successor State, and a provision would be needed to deal with other classes of property subject to the régime of concession. But that distinction had been discarded, and if article 9 was based, as proposed, on the definition of State property in article 5, all property of the State, even if a concession had been granted on it, would be automatically transferred. Thus the right of eminent domain, which corresponded to the *nuda proprietas* of private law, would pass to the successor State and there would be no need for a specific provision to that effect.

5. As it stood, the draft article raised some difficulties. The definition in paragraph 1—which, if the article was retained, should be moved to article 3, as suggested by the Special Rapporteur—contained ideas that would be misleading, because of the diversity of legal systems and political régimes. The reference to "a private enterprise", for example, would make the provision inapplicable to socialist régimes, which did not recognize private enterprises.

6. The Special Rapporteur had explained in his sixth report why article 10 dealt with the right of the conceding State to grant concessions only as an act of sovereignty and not with the contractual aspects of concessions. [3] The right to grant concessions passed, on succession, with the State property as defined in article 5, from the predecessor State to the successor State. Recognizing the advisability of applying, *mutatis mutandis*, the rules

[1] *Yearbook ... 1974*, vol. II, Part One, pp. 91-115.

[2] For text see previous meeting, para. 35.

[3] See *Yearbook ... 1973*, vol. II, pp. 24-25, para. (2).

adopted by the Commission on succession in respect of treaties to contracts or treaties of concession,[4] the Special Rapporteur had excluded that aspect from the scope of article 10. Under that article the successor State merely acquired, by virtue of its sovereignty, ownership of the soil and subsoil of the transferred territory and the rights pertaining thereto, as the new conceding authority. Moreover, that was not a case of subrogation, for according to the United Nations Committee on Natural Resources, sovereignty over natural resources was inherent in the quality of statehood and part and parcel of territorial sovereignty.[5]

7. The problem of concessions was an internal juridical matter and not within the scope of the topic of State succession, except where the concessionaire was a State, in which case the matter came within the scope of the topic of succession in respect of treaties. There was therefore no reason to include an article on concessions, even as amended by the Special Rapporteur, if it dealt only with the passing of the right to grant concessions and was a corollary of articles 5 and 9.

8. Mr. KEARNEY said he shared the concern expressed by Mr. Sette Câmara about draft article 10. If the substance of the article was strictly confined to the sovereignty of the successor State over its natural resources it would serve little purpose unless there were special legal reasons for including an article on concessions, as the point was already adequately covered by article 9. It would be difficult to deal with non-legal problems in the context of public property. For example, the public service mentioned in the definition of the term "concession" might be that provided by an airline, a railway or even a factory operating under contract and, although involving the use of public property, it would have only a remote bearing on the State's ownership of, and control over, its natural resources.

9. The combination of subjects which the article was intended to cover was difficult to deal with in the context of the set of articles under discussion. As Mr. Elias had pointed out, the basic issue in regard to concessions was what action a successor State might wish to take regarding concessions, its authority in the matter and the restrictions on that authority. The problem was not necessarily one of State succession and certainly not one of succession to public property. He agreed with Mr. Sette Câmara that if the subject was to be dealt with at all, it should be treated in the context of the obligations of successor States, as the Special Rapporteur himself had suggested, and not in the present context.

10. Mr. TSURUOKA said that in view of the concern expressed by the Special Rapporteur and other members of the Commission, he thought it would be better to delete article 10 or to study its content after the other related articles had been considered. From the theoretical point of view, the authority to grant concessions was manifestly an attribute of State sovereignty, so that it was unnecessary to state that principle in an article. The draft should be confined to matters directly related to State succession; rights in respect of the authority to grant concessions were only indirectly related to succession. If article 10 had any practical value, it lay in the aspect to which Mr. Elias had drawn attention.[6] Personally, he was in favour of deleting the article.

11. Mr. ŠAHOVIĆ said he had studied article 10, both in the first version (A/CN.4/282, chapter IV), and in the new version submitted by the Special Rapporteur. At first, he had wondered why the Special Rapporteur had wished to formulate the principle of the successor State's rights in respect of the authority to grant concessions. In view of the structure of the general provisions, he thought the Special Rapporteur had wished to mention, in the last part of those provisions, a few special problems, like that of rights in respect of the authority to grant concessions and State debt-claims, which required special attention.

12. In the second version of paragraph 2, the Special Rapporteur had meant to emphasize a general principle which, as he had pointed out in his oral introduction, was already stated in article 6. By doing so, he had intended to stress the need to apply article 6 in regard to rights in respect of the authority to grant concessions. It was open to question, however, whether an article on concessions was necessary in view of article 5, which contained the definition of State property. The definition of the term "concession", in paragraph 1, showed that the reference was not to rights of ownership, but to rights of enjoyment and exploitation. The principle of the sovereignty of States over their natural resources was beyond dispute, for nobody contested the State's right of eminent domain. Hence there was no need to state the principle in the draft articles, though it would be useful to mention it in the commentary or elsewhere, and not in connexion with concessions.

13. The definition of the term "concession" raised the problem of concessions granted to other States, which the Special Rapporteur had discussed in his sixth report.[7] It also raised the question of servitudes. That question was different from the question of concessions, but the relationship between concessions granted to other States and servitudes should be indicated.

14. He thought that in paragraph 2 the Special Rapporteur had intended to affirm the "clean slate" principle in regard to rights in respect of the authority to grant concessions; but the paragraph began with an allusion to the existence of different types of State succession, which was not mentioned in the preceding articles. In his opinion, the problems relating to concessions should be examined from the point of view not only of rights, but also of obligations, in order to clarify the question and to weigh up all the consequences of the proposed rule.

15. Mr. USTOR said that the Special Rapporteur's doubts about the appropriateness of dealing with the problem of concessions were justified: it was outside the scope of the study of State succession. Article 5 defined "State property" as property, rights and interests owned

[4] *Yearbook ... 1974*, vol. II, Part One, document A/9610/Rev.1, chapter II, section D.

[5] See *Official Records of the Economic and Social Council, Fifty-ninth Session, Supplement No. 3*, p. 7, draft resolution III.

[6] See previous meeting, para. 46.

[7] *Yearbook ... 1973*, vol. II, p. 26, paras. (8)-(11).

by the State—in other words, what had been called *dominium* as distinct from *imperium*. The right to grant concessions did not form part of State property, but was part of the *imperium* of the State and hence outside the scope of the present study. The Special Rapporteur, while recognizing that fact, had relied on the generally accepted principle of permanent sovereignty over natural resources as a reason for including a special provision on concessions; but the acceptance of that principle did not alter the fact that the right to grant concessions was not a right to State property and had no place among the provisions under consideration.

16. Mr. RAMANGASOAVINA noted that the members of the Commission had all expressed doubts about the usefulness of article 10 and its place in the draft as a whole. He thought the definition of a "concession" in paragraph 1 might be acceptable, for it was broad enough and included not only State property in the strict sense, but also the rights of the State in all property, whether existing as such or in the form of eminent domain, as in the case of concessions. On the other hand, it was open to question whether the principle stated in article 10 belonged in that article, since the preceding articles, and in particular article 9, stated general principles relating to all State property. He understood the hesitation of members of the Commission and of the Special Rapporteur himself, who had expressed doubts about the scope of article 10 and its place in the draft as a whole. Nevertheless, some principle relating to that class of property ought to be stated, for the question of concessions, even though they formed a special class of property, was controversial and important and could not be avoided.

17. The new paragraph 2 proposed by the Special Rapporteur confirmed the principle that every State exercised its sovereignty over its territory and over the natural resources belonging to it. The principle stated in paragraph 2 followed from that stated in article 6, which defined succession of States as "the extinction of the rights of the predecessor State and the arising of the rights of the successor State". Thus, as the Special Rapporteur had said, the predecessor State was replaced by the successor State in the rights relating to property situated in the territory to which the succession of States related. Some members of the Commission had accordingly been able to argue that the principle in article 10 was merely a repetition of that already stated in article 6. But in paragraph 2 of article 10 the Special Rapporteur had tried to deduce the consequences of the definition in paragraph 1 and to state a principle that applied to a special class of State property.

18. He noted that in article 3, on the use of terms, the Commission had reproduced the terms and definitions it had used in the draft articles on succession of States in respect of treaties; in particular, article 3, sub-paragraph (*a*) defined succession of States as "the replacement of one State by another in the responsibility for the international relations of territory". He thought that the definition ought to have included confirmation of the principle of the sovereignty of every State over its property, instead of being confined to responsibility for international relations. That was the principle the Special Rapporteur had meant to state in article 10, with regard to the transfer of property forming the subject of a concession, without, however, taking any position on the obligations of the conceding authority that devolved on the successor State.

19. The problem of concessions could arise in all types of State succession, whether the States involved were newly independent or had resulted from a uniting of States or from the dissolution of a union. He recognized that the position which article 10 should occupy in the draft as a whole was debatable, but reference to concessions could not be avoided, for the subject was important and raised many problems; the Commission should take a decision on it later, when the work was further advanced.

20. He therefore reserved his position on article 10, although he approved of the definition of the term "concession" in paragraph 1, and of the principle that property which was the subject of a concession constituted a special class of property over which the permanent sovereignty of the State should be exercised, as the Special Rapporteur had said.

21. Mr. USHAKOV said he deduced from the definition in paragraph 1 of article 10 that concessions were not part of State property. He also considered that the question of concessions did not belong to the topic of State succession, but rather to the subject of acquired rights, which was not at issue.

22. Mr. CALLE Y CALLE asked the Special Rapporteur why he had decided to delete paragraph 3 of draft article 10. That paragraph was of special importance in an article dealing with the successor State's replacement of the predecessor State in its rights of ownership of public property covered by a concession. The Commission was drafting rules for the whole field of State succession to protect the basic rights of the successor State and, to a reasonable degree, any residual rights passing from the predecessor to the successor State. Rules were needed on such matters as the right of eminent domain, to ensure the proper transfer of public property to the successor State, since many economic interests were often involved in such transfers.

23. Mr. BEDJAOUI (Special Rapporteur) said he gathered that the members of the Commission, while recognizing that sooner or later they would have to deal with the problem raised by article 10, wished, if not to delete that article, at least to leave it aside for the time being, while keeping open the possibility of reverting to it later. As he had said himself, he had been hesitant to submit draft articles on the problem of concessions, and he saw no objection to dropping article 10 for the time being and not referring it to the Drafting Committee. Nevertheless, he urged the Commission to stress the principle of the sovereignty of States over their natural resources by indicating in the commentary that it had been considered unnecessary to affirm, in article 10, the incontestable principle of the right of eminent domain of the successor State over its natural resources—a right which was inherent in the quality of statehood. If the Commission succeeded in drawing attention to that point, he would have attained his object.

24. He wished to distinguish the problem of concessions from that of servitudes and that of enclaves, for they were

three different problems. The problem of concessions did not arise in the same terms as those of servitudes and enclaves. There was no alienation of sovereignty in the case of concessions and servitudes, but the same was not true of enclaves. The problems of servitudes and enclaves, which had been discussed in his first report in 1968, [8] were to be the subject of a separate chapter on problems of State succession connected with strictly territorial questions.

25. The reason why he had deleted paragraph 3 of article 10 was to avoid complicating the Commission's task by posing the problem of concessions in connexion with the obligations of the successor State. The sole purpose of article 10 was to settle the fate of concessions.

26. Sir Francis VALLAT said that he shared the misgivings expressed by other members about the inclusion of draft article 10, but agreed with the Special Rapporteur that the subject of the article should not be overlooked. The Commission should record the presentation of the article and the ensuing discussion in its report, and consider the possibility of including a reference to the subject in its commentaries.

27. The CHAIRMAN said he thought appropriate references to the subject could be made in the commentaries and in the final report on the draft articles. He thanked the Special Rapporteur for acceding to the wishes of the other members of the Commission; if there were no objections, the procedure suggested by the Special Rapporteur would be followed.

It was so agreed.

Co-operation with other bodies

[Item 8 of the agenda]

(resumed from the 1310th meeting)

Statement by the Observer for the Inter-American Juridical Committee

28. The CHAIRMAN invited Mr. Ricaldoni, Observer for the Inter-American Juridical Committee, to address the Commission.

29. Mr. RICALDONI (Observer for the Inter-American Juridical Committee) said that he welcomed the opportunity of returning, on behalf of the Inter-American Juridical Committee, the visit which Mr. Martínez Moreno had paid to it as the Commission's observer.

30. In 1974, the Committee had adopted a statement of reasons attached to a list, which it had also adopted, of examples or "cases" of violation of the principle of non-intervention. That list had had its origin in a draft which the Committee itself had prepared as far back as 1959, for submission to the Ninth Inter-American Conference, but which had remained in abeyance because the conference had not been held. The General Assembly of the Organization of American States (OAS), at its second session, held in 1972, had requested the OAS Council to study the 1959 draft and to report to that Assembly at its third session. The Council had then asked the Inter-American Juridical Committee to review the 1959 draft, and the Committee, at its session in January and February 1973, had appointed as Rapporteur for the topic, Mr. Vargas Carreño, its Chilean member.

31. After the submission of a preliminary report by the Rapporteur, and after the report had been considered by a working group, the Committee had adopted, on 12 February 1974, a final list of 21 cases which the majority of the Committee regarded as examples of breaches of the principle of non-intervention. The Committee had clearly specified that the list in question was not exhaustive and merely enumerated a number of examples of situations which constituted breaches of the rules of international law governing non-intervention. The Committee had envisaged only violations by a State or a group of States. Although it recognized that certain types of conduct by private undertakings might be regarded as cases of intervention, it had decided to postpone consideration of that matter and to consider it in conjunction with the subject of multinational corporations.

32. The first item on the list adopted by the Committee was more a general definition than an example. A breach of the principle of non-intervention was defined as any form of interference with, or attack upon, the personality of the State or any of its constituent elements—political, economic, social or cultural. Among the means used to commit acts of intervention, the Committee had noted that recourse to subversion and economic and financial weapons was becoming more common than military action. Acts of intervention constituted violations of a well-established rule of international law which demanded full respect for the sovereign will of States. Not all violations of international law constituted acts of intervention, however, and the Committee had stressed that breaches of the principle of non-intervention should be distinguished from breaches of other principles and rules of international law. In addition, the Statement of reasons recognized the difficulty of drawing a distinction between lawful and unlawful conduct, for an act which was lawful if performed with moderation, might become unlawful or constitute an abuse if there was excess or distortion.

33. Out of the 21 cases adopted in 1974, nine had been taken virtually unchanged from the 1959 list: they included the use of force; recourse to economic, political or other forms of pressure to coerce the sovereign will of a State; the organization or support of armed, subversive or terrorist activities; an attempt by a State to prevent a particular form of government from prevailing in another State, or certain social and economic changes from occurring; coercion to impose a particular government or system upon another State; and a number of other examples of coercion or pressure.

34. The Committee had thus added 12 new cases to the 1959 list. Three of them related to military acts of intimidation, such as troop concentrations and naval or air manœuvres in the vicinity of the threatened State. Those cases were of course quite distinct from territorial

[8] *Yearbook ... 1968*, vol. II, p. 113, paras. 129-130.

violations and related to acts outside the territorial jurisdiction of the threatened State. Two other cases related to acts committed with the intention of altering the political structure or disrupting the normal operation of the institutions of a State. The first was the attempt to prevent the emergence of a particular form of government or the carrying out of certain social and economic changes; the second related to interference with, or pressure on, political parties or trade unions in the threatened country. The statement of reasons made it clear that undue pressure constituted an abuse and hence an intervention in the internal affairs of the injured State.

35. A third group of three cases consisted of acts of intervention committed by means of sanctions or discriminatory measures, such as economic and financial measures. They included economic sanctions and other discriminatory measures taken against a State in retaliation for acts performed by that State in the exercise of its sovereignty; the organization of an economic or financial boycott against a State on political grounds or in retaliation for economic or social measures taken by its government; and the imposition of extraneous conditions for the granting of loans or the transfer of technology, when those conditions amounted to undue interference with the sovereign decisions of the State concerned. The statement of reasons indicated, however, that the rules reflected in the first two of those cases did not cover internal measures which themselves violated fundamental principles or rules of international law.

36. Four of the remaining five cases related to misleading propaganda; the incitement of subversion; the misuse of intelligence and espionage services; and interference by the diplomatic or other representatives of a State in the internal affairs of another State. With regard to intelligence and espionage operations, the majority of the Committee had decided that not all such operations constituted violations of the principle of non-intervention. A number of members of the Committee, himself included, did not share that view. As to acts of interference by diplomatic agents, the statement of reasons made it clear that the text adopted should not be interpreted so as to hamper normal diplomatic relations between States. In that connexion, it referred to the rule in article 41 of the Vienna Convention on Diplomatic Relations. [9]

37. Lastly, mention was made of any action by a State which constituted a breach of the immunity from jurisdiction enjoyed by another State under international law. In the statement of reasons, the Committee explained that an action by the organs of a State—usually judicial organs—asserting jurisdiction over another State, would be a violation of the principle of non-intervention if adjudication upon the acts of another State involved interference in matters within the exclusive competence of that State.

38. In accordance with the Committee's practice, separate opinions had been placed on record by three members who had cast affirmative votes, and one member who had abstained had explained the grounds for his abstention. The Peruvian and Colombian members, who had voted in favour, had expressed the view that transnational undertakings should have been recognized as capable of committing acts of intervention. The United States member of the Committee had explained that one of the reasons for his abstention was the inclusion of the example concerning the immunity of foreign States from jurisdiction. He himself had voted in favour, but had recorded his disagreement with the method of listing cases, which had originated in the 1959 text.

39. At its 1974 session, the Committee had also dealt with the question of transnational undertakings. It had noted with alarm that a report had been submitted on that question to the OAS Council, in which it had been recommended that the co-operation of transnational corporations should be sought in order to facilitate the study of the whole problem. The Committee had expressed its concern by a resolution adopted on 24 October 1974, in which it had pointed out that the recommendation was at variance with the terms of the relevant resolutions of the United Nations General Assembly. The Committee had also expressed regret that the methods it had followed in the study of the activities of multinational corporations had been ignored, and that it had not been consulted about the study of a subject that had legal aspects, several of which were under consideration by the Committee as the foremost legal organ of OAS.

40. The Committee had been considering questions relating to multinational corporations for some years, and had received a number of interesting reports on the subject. One of those reports, prepared by its Chairman, Mr. Galindo Pohl, which dealt with international production undertakings, including those of the "joint venture" type, pointed out that strained relations between such corporations and the States in which they operated did not usually develop where international production undertakings were established under integration schemes.

41. Another report, by Mr. Ruiz Eldredge, the Committee's Peruvian member, dealt with interference by transnational corporations in the sovereignty of States. It included a draft convention for consideration by the States members of OAS, under the terms of which the signatories would undertake to adopt measures to prevent and punish any acts by transnational corporations that interfered, or attempted to interfere, directly or indirectly, in matters pertaining to the sovereignty of any of the contracting States.

42. The United States member of the Committee, Mr. Rubin, had submitted a study on the structure and operation of multinational corporations, in which he advised caution in the interpretation of data concerning such corporations and their activities, investments and conduct. The Colombian member, Mr. Caicedo Castilla, had submitted a preliminary draft on multinational companies, giving his views on the advantages and disadvantages of such companies for the States in which they operated, and suggesting certain protective measures of an economic and legislative character.

43. Mr. Aja Espil, of Argentina, in his study on the transfer and monopoly of technology, had recommended the preparation of a code of conduct for the transfer of technology. He had also suggested that the study on

[9] United Nations, *Treaty Series*, vol. 500, p. 96.

multinational undertakings should use the term "multinational" in preference to "transnational", and that it should deal with all the undertakings concerned, regardless of whether they had the legal status of companies or that of commercial corporations. On that last point, the author's views had been based on the United States doctrine of "disregard of legal entity".

44. On another topic, Mr. Ruiz Eldredge, the Peruvian member, had submitted a study of the immunity of States from jurisdiction, in which he urged that the distinction between acts *jure gestionis* and acts *jure imperii* should be abandoned as artificial, since it was based on the fiction of the dual personality of the State underlying certain international conventions on the subject, such as that signed at Havana in 1928. [10]

45. Another study by Mr. Galindo Pohl concerned the settlement of disputes relating to the law of the sea. After reviewing traditional methods of settlement under international law, the writer suggested that it would be preferable to seek other solutions, taking into account the work of the Third United Nations Conference on the Law of the Sea. The law of the sea was developing extremely fast, and there was bound to be a stage of consolidation of the new rules that would be adopted *de lege ferenda*. The proposed rules on the international sea-bed zone, for example, would constitute an entirely new chapter of international law. In the circumstances, it would be appropriate to make provision for compulsory arbitration or judicial settlement by the International Court of Justice or by a special tribunal; there were also good grounds for prohibiting all reservations to such arbitration and judicial settlement clauses.

46. The Inter-American Juridical Committee had also carried on, in 1974, its usual activities relating to research and to the dissemination and teaching of international law through courses of study organized at Rio de Janeiro in co-operation with the Getulio Vargas Foundation. The subjects covered in 1974 included the law of the sea, the law of international economic integration and specific questions of private international law. Fellowships had been granted to 12 out of the 62 participants. The next courses would begin on 21 July 1975 and would cover five general topics: multinational corporations or undertakings; legal aspects of economic integration; evaluation of the work of the Inter-American Specialized Conference on Private International Law held at Panama in January 1975; the inter-American system; and the law of the sea.

47. The next session of the Inter-American Juridical Committee would begin on 14 July 1975. The agenda would include the topic of multinational corporations, which had been sub-divided and allocated to seven rapporteurs. The other subjects were: the immunity of States from jurisdiction; legal aspects of international problems connected with the full development of the American nations; nationalization and expropriation of foreign property in international law; the revision, modernization and evaluation of the inter-American conventions on industrial property; legal aspects of progressive harmonization of the educational systems of the American countries and of the validity and equivalence of qualifications and degrees; revision of the Inter-American Juridical Committee's rules of procedure; territorial colonialism in America; the principle of self-determination and its field of application; the settlement of disputes relating to the law of the sea; a draft convention on conflict of laws relating to cheques in international circulation and a draft uniform law on that subject; identification, protection and supervision of the archeological, historical and artistic heritage of the American nations; and the function of law in social change.

48. In conclusion, he expressed the hope that the close and fruitful co-operation between the International Law Commission and the Inter-American Juridical Committee would continue to develop, as an expression of the firm conviction that there could be no justice, peace or freedom without law.

49. The CHAIRMAN thanked the Observer for the Inter-American Juridical Committee for his lucid statement on the accomplishments of that Committee. Co-operation between the Commission and the regional bodies should continue and be further strengthened. It was particularly important that the views and requirements of the regional bodies should be reflected in the Commission's universal approach to the codification and development of international law.

50. He had been much impressed by the work done by the Inter-American Juridical Committee and by the range of topics on its agenda. It was significant that the Organization of American States and the Committee, as its legal organ, should pay such close attention to the important principle of non-intervention. That principle was, of course, vital to the peace and security of the region concerned, and he hoped that the work undertaken by the Committee would be completed as soon as possible in the interests of Latin America and the rest of the world.

51. Latin-American jurists had played a very important part in the progress of international law, as was shown by two examples. The first was that of the 1949 draft Declaration on the Rights and Duties of States adopted by the International Law Commission at its very first session, [11] based on a draft and submitted by a Latin-American jurist, Mr. Alfaro. The second was the system of reservations, of Latin-American origin, which had been incorporated in the 1969 Vienna Convention on the Law of Treaties. [12]

52. He asked the Observer for the Inter-American Juridical Committee to convey to that Committee the expression of the Commission's most cordial feelings; the mutual exchange of observers at the annual sessions of the two bodies was particularly gratifying.

The meeting rose at 12.50 p.m.

[10] League of Nations, *Treaty Series*, vol. CLV, p. 261.

[11] *Yearbook . . . 1949*, p. 287.

[12] See *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), pp. 291-292, articles 19-23.