

Document:-  
**A/CN.4/SR.1752**

**Summary record of the 1752nd meeting**

Topic:  
**Other topics**

Extract from the Yearbook of the International Law Commission:-  
**1982, vol. I**

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sending State did not have diplomatic relations. In view of such possibilities, it would be advisable to replace the words "diplomatic delegations" by the words "official delegations or special missions".

*It was so decided.*

*Paragraph 19, as amended, was adopted.*

Paragraphs 20 and 21

*Paragraphs 20 and 21 were adopted.*

#### **Organization of work (concluded)\***

65. The CHAIRMAN, noting that the only documents available in all working languages were those containing chapter VII of the draft report, "Other decisions and conclusions of the Commission" (A/CN.4/L.349 and Add.1 and 2), asked whether members would be prepared to consider documents that had not been circulated in all the working languages.

66. Mr. DÍAZ GONZÁLEZ said he would find it very difficult, as would Mr. McCaffrey, to take part in a discussion on documents that had not been issued in his working language. If the documents that still had to be considered could not be circulated in Spanish until the following day, it would be necessary either to envisage convening an extraordinary session to consider them or to defer their consideration until the following session.

67. Mr. LACLETA MUÑOZ said that, while he agreed with Mr. Díaz González, he would be prepared to participate in a discussion on texts worded in English. In that event, it should be clearly understood that the Spanish-speaking members of the Commission would not be bound by any texts that were adopted.

68. Mr. DÍAZ GONZÁLEZ said that in that case the summary record of the meeting should make it clear that those members had been unable to take part in the discussion.

69. Mr. QUENTIN-BAXTER, speaking as Special Rapporteur for the topic which was agenda item 4 (International liability for injurious consequences arising out of acts not prohibited by international law), said he regretted that the part of the report dealing with that topic had not been circulated to members on time. He had deliberately given his duties as a member of the Drafting Committee priority over his duties as Special Rapporteur. He had however endeavoured to include in the documents drafted first—which it should be possible to circulate in all working languages before the next meeting—the most controversial questions and those which called for decisions of principle.

70. Mr. ROMANOV (Secretary of the Commission) informed the Commission that, at the present session, the Secretariat had noted a certain deterioration in performance on the part of the services responsible for ensuring that documents were circulated on time. In at least one case—that of addenda 3 and 5 to document A/CN.4/L.344—the translations had been distributed

before the original. That was an unacceptable and inexcusable procedure. Reluctantly, the Secretariat had raised the matter in the Planning Group and the Enlarged Bureau, and it was to be hoped that at the next session the Commission would find time to consider it.

71. The CHAIRMAN said that it would be most regrettable if the consideration of certain parts of the draft report had to be postponed until the following year. In principle, each member should have at least half a day to study documents in his working language; in the present case, however, it would undoubtedly be best to apply that principle flexibly so as not to detract from the spirit of friendly co-operation which should characterize the meetings of the Commission.

*The meeting rose at 1.05 p.m.*

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## **1752nd MEETING**

*Friday, 23 July 1982, at 9.30 a.m.*

*Chairman: Mr. Paul REUTER*

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#### **Statement by Mr. Cottafavi, Director-General of the United Nations Office at Geneva**

1. Mr. COTTAFIVI (Director-General of the United Nations Office at Geneva) underlined the importance of the session of the International Law Commission that was drawing to a close. When the session had begun, the consequences of the enlargement of the Commission had been uncertain. Even though all the outgoing members who had stood for election by the General Assembly had been re-elected, the majority of the Commission was composed of members who had been elected for the first time. The conclusion, after twelve weeks' work, was that the decision to expand the Commission had been beneficial; it had done much to enhance the Commission's vitality while ensuring continuity in its work.

2. The Commission's particularly heavy agenda had been dominated by the second reading of the draft articles on the law of treaties between States and international organizations or between international organizations. In that connection, he warmly congratulated Mr. Reuter, who had distinguished himself both as Special Rapporteur and as Chairman of the session. On behalf of the Secretary-General of the United Nations, he thanked all members of the Commission and wished Mr. Flitan a speedy recovery.

3. The closure of the Commission's session was an important moment in the life of the United Nations Office at Geneva. The Commission, which had chosen Geneva as its seat, occupied a special place at the Palais des Nations, to which the nature of its work, the earnestness of its deliberations and the high competence of its

\*Resumed from the 1745th meeting.

members gave added lustre. By his presence, he wished to attest to the very special interest which the Office accorded to the privilege of welcoming the Commission.

4. The CHAIRMAN, speaking on behalf of all the members of the Commission, thanked Mr. Cottafavi for attending the meeting and for his kind words. The Commission's connection with the United Nations was very close, not only because it was a subsidiary organ of the General Assembly but also because the United Nations system was well known to all its members, either because they took part in the work of the Sixth Committee of the General Assembly or of the United Nations Conference on the Law of the Sea or because they taught the law of the United Nations. In the performance of their task, the members of the Commission were wholly and exclusively at the service of the United Nations.

**Draft report of the Commission on the work of its thirty-fourth session (concluded)**

**CHAPTER VI. Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier (concluded) (A/CN.4/L.348)**

**B. Consideration of the topic at the present session (concluded)**

Paragraphs 22 and 23

*Paragraphs 22 and 23 were adopted.*

Paragraph 24

5. Sir Ian SINCLAIR, referring to the English text, proposed that the words "back from" in the first sentence should be replaced by the words "from those missions back to".

*Paragraph 24, as amended, was adopted.*

Paragraph 25

*Paragraph 25 was adopted.*

Paragraph 26

6. Mr. YANKOV (Special Rapporteur) said that the word "diplomatic", which appeared by mistake in the first sentence, should be replaced by the word "official".

*Paragraph 26, as corrected, was adopted.*

Paragraphs 27 to 42

*Paragraphs 27 to 42 were adopted.*

Paragraph 43

7. Sir Ian SINCLAIR proposed that the last sentence should be expanded by adding, after the words "the captain or the master", the words "had full authority inside the aircraft or ship and".

*It was so decided.*

*Paragraph 43, as amended, was adopted.*

Paragraphs 44 and 45

*Paragraphs 44 and 45 were adopted.*

Paragraph 46

8. Sir Ian SINCLAIR proposed the deletion of the last sentence because a separate article had in fact been devoted to the commencement of the functions of the diplomatic courier.

*It was so decided.*

*Paragraph 46, as amended, was adopted.*

Paragraph 47

*Paragraph 47 was adopted.*

Paragraph 48

9. Sir Ian SINCLAIR proposed that, with a view to reflecting the discussions more accurately, the following sentence should be added after the first sentence: "Several members suggested the deletion of paragraph 2; others thought that, if it were to be maintained, it should at least be made facultative rather than obligatory."

*It was so decided.*

*Paragraph 48, as amended, was adopted.*

Paragraphs 49 to 51

*Paragraphs 49 to 51 were adopted.*

*Section B, as amended, was adopted.*

*Chapter VI of the draft report, as amended, was adopted.*

**CHAPTER IV. International liability for injurious consequences arising out of acts not prohibited by international law (A/CN.4/L.347 and Add.1)**

**A. Introduction**

Paragraphs 1 to 4

*Paragraphs 1 to 4 were adopted.*

*Section A was adopted.*

**B. Consideration of the topic at the present session**

Paragraph 5

10. Sir Ian SINCLAIR, referring to the last sentence, said that the question of surveying the boundaries of the topic and its relationship with the topic of State responsibility was in fact a practical one and was not "more theoretical" than the question of the actual content of the topic. He therefore proposed the deletion of the words "more theoretical". He further proposed that the word "boundaries" should be replaced by the word "scope".

*It was so decided.*

*Paragraph 5, as amended, was adopted.*

Paragraphs 6 and 7

*Paragraphs 6 and 7 were adopted.*

Paragraph 8

11. Mr. DÍAZ GONZÁLEZ, referring to the last sentence, pointed out that the Commission had made suggestions, rather than given "instructions", to the Special Rapporteur regarding the development of principles of unlimited generality.

12. Mr. QUENTIN-BAXTER (Special Rapporteur) said that, although the Commission had not reached any formal decision to that effect, it had always been clear, during the two years for which the topic had been under discussion, that it should be examined in its entirety. The Commission had in fact expected that the Special Rapporteur would continue to study the topic without introducing any limitations, but would confine himself almost entirely to the environmental field.

13. The CHAIRMAN proposed that the words "the Special Rapporteur was under instruction" should be replaced by "the Special Rapporteur's guidelines were".

*Paragraph 8, as amended, was adopted.*

Paragraph 9

*Paragraph 9 was adopted.*

Paragraph 10

14. Mr. McCAFFREY said he wondered whether the second and third sentences might not give the impression that a situation such as the one envisaged could give rise to liability even in the absence of any agreements. Also, the United States nuclear ship *Savannah* was the only specific example given in the report. He therefore considered that the third sentence should be redrafted to read:

"This might, for example, be the case where one country agrees to assume responsibility for the safe operation of a ship as a condition of the ship's entry into a foreign port."

15. Furthermore, in the fourth sentence, the word "control" should be replaced by the word "regulate", since it was not a question of "control" in the sense of the expression "territory or control", with which paragraph 10 was concerned.

16. Lastly, he wondered whether the fourth sentence, and in particular in the last part of that sentence, really reflected the idea the Commission wished to convey. The host country might lack the technology and scientific skills adequately to regulate an industry of foreign origin irrespective of the extent to which it operated for the benefit of its foreign owners. The main point was that the host country lacked such technology and scientific skills. Accordingly, the words "that continues to operate for the benefit of its foreign owners" might be deleted.

17. Mr. QUENTIN-BAXTER (Special Rapporteur) said that he fully approved Mr. McCaffrey's first two proposals and accepted them. However, out of respect for the position taken by some members of the Commission, he could not simply delete the last part of the fourth sentence of the paragraph. It was true that when the host country lacked the technology and scientific skills adequately to regulate an industry of another country it might have to seek the latter's assistance irrespective of whether the benefits of that industry were exported. At the same time, there was more likely to be

an aid agreement if the country which exported the industry was still in a significantly dominant position.

18. Mr. SUCHARITKUL said that he was among those who, in the Commission and in the Sixth Committee, had made the observation reflected in the clause in question. That clause was quite correct. Of course, a developing country which accepted a foreign industry in its territory ran certain risks, but what really mattered was that it might not have the necessary means to regulate that industry and might not fully appreciate the risks it was running. At the present session the discussion had gone still further, since mention had been made of a division of responsibility between the host State, which should be deemed to assume some degree of responsibility, and the State that exported the industry.

19. The CHAIRMAN suggested that the Special Rapporteur should make any necessary changes in the third and fourth sentences of paragraph 10 in consultation with Mr. McCaffrey and Mr. Sucharitkul.

*Paragraph 10 was adopted on that understanding.*

Paragraph 11

20. Sir Ian SINCLAIR said that, in the light of the numerous suggestions made during the session with a view to formulating guidelines rather than general primary rules, and in order to make it clear that paragraph 11 dealt with past history, all the verbs in the paragraph might be expressed in the past tense.

21. Mr. LACLETA MUÑOZ said that the word "*responsabilidad*", as used in paragraph 11 of the Spanish version, was incompatible with the definition of the word given in paragraph 5.

22. Mr. QUENTIN-BAXTER (Special Rapporteur) said that he accepted Sir Ian Sinclair's idea of putting the paragraph into the past tense. Replying to Mr. Lacleta Muñoz's point, he suggested that the words "for wrongfulness" should be added after the word "responsibility" in all the language versions.

*It was so decided.*

*Paragraph 11, as amended, was adopted.*

Paragraphs 12 and 13

*Paragraphs 12 and 13 were adopted.*

Paragraph 14

23. Mr. FRANCIS suggested that the word "would" in the last sentence should be replaced by the word "could".

*It was so decided.*

24. Mr. QUENTIN-BAXTER (Special Rapporteur) pointed out that the word "reflected" in the penultimate line of the English text should read "neglected".

*It was so decided.*

*Paragraph 14, as amended, was adopted.*

## Paragraph 15

*Paragraph 15 was adopted.*

## Paragraph 16

25. Mr. RIPHAGEN asked for an explanation of the expression “shared expectation” in the last sentence of paragraph 16.

26. Mr. QUENTIN-BAXTER (Special Rapporteur) said that, after discussing the matter with Mr. Riphagen, he believed the problem could be solved by adding the following sentence at the end of the paragraph: “Accordingly, no claim could be based upon the provisions of the treaty.”

*Paragraph 16, as amended, was adopted.*

## Paragraphs 17 and 18

*Paragraphs 17 and 18 were adopted.*

## Paragraph 19

27. Mr. USHAKOV observed that the second sentence in paragraph 19 did not take account of his position, which was that the duty of care did not exist in contemporary international law.

28. Mr. QUENTIN-BAXTER (Special Rapporteur) said that a broad range of opinions had been expressed on the subject of the duty of care, both in the Commission and in the Sixth Committee, and he had attempted to summarize them.

29. The CHAIRMAN suggested that Mr. Ushakov’s position should be recorded in a footnote 10 *bis*, to be added after the word “Commission” in the second sentence of the paragraph.

*It was so decided.*

*Paragraph 19 was adopted.*

## Paragraphs 20 to 26

*Paragraphs 20 to 26 were adopted.*

## Paragraph 27

30. Sir Ian SINCLAIR recalled that he had raised a question concerning the attributability to the State of activities carried out by private persons and having injurious transboundary consequences. Since that question was not reflected in the draft report, he proposed that the following sentence should be added at the end of paragraph 27: “Several members did, however, raise questions about how far activities carried out by private persons and having injurious transboundary consequences could be attributed to the acting State.”

31. Mr. THIAM said that the first sentence in paragraph 27 did not adequately reflect the discussion in the Commission, which had adopted a proposal by Mr. Ushakov to the effect that the Commission would explore the subject again the following year before taking a final decision. That did not correspond to the statement “there was a substantial majority in favour of proceeding with the topic...”.

32. Mr. DÍAZ GONZÁLEZ agreed with Mr. Thiam. To begin with, it was inaccurate to use the term “substantial majority” when not all the members of the Commission had been present at the discussion. In any event, the majority seemed to have expressed support for Mr. Ushakov’s proposal to continue studying the subject, but to do so in an exploratory way.

33. Mr. McCAFFREY approved the amendment proposed by Sir Ian Sinclair. Concerning the first sentence of paragraph 27, the Special Rapporteur, in summing up the discussion, had given figures of the number of members who had expressed support for proceeding with the topic. It certainly appeared that a majority of the members had not questioned the viability of doing so. The number of members actually present at discussions should not affect the validity of decisions.

34. Mr. SUCHARITKUL said that he agreed with Mr. McCaffrey; whatever the size and nature of the majority, several members of the Commission had expressed the view that the obligation to provide reparation should be laid down. A practice of States in favour of providing reparation might even be regarded as emerging. The fact that many States made reparation *ex gratia* was of little importance so long as the practice of making effective reparation continued to grow. As to the question of attributability, he supported the idea of the extraterritorial application of the strict requirements of law, in other words, the strict observance of the duty of care to prevent injurious consequences to human beings.

35. Mr. USHAKOV pointed out that the Commission had unanimously decided to postpone until the following session a decision on whether to proceed with the study of the topic. With regard to the third sentence of the paragraph, he said that in the French text the words “*Les membres de la Commission*” did not reflect his position. He found the last sentence strange, since a majority could not decide whether or not an obligation existed under international law.

36. Mr. FRANCIS proposed that the word “substantial” in the first sentence should be deleted. However, there was no doubt that the Commission as a whole had favoured the main thrust of the Special Rapporteur’s report. In that connection, it was not correct to say that the Commission had decided to postpone a decision on the topic until the following year. The General Assembly would ultimately decide whether or not the topic was viable.

37. Mr. CALERO RODRIGUES said that he believed the Special Rapporteur had reflected the view of the majority of the Commission fairly accurately. However, since the decision to look into the topic further had not been clear-cut, perhaps the paragraph should be amended in the following way: in the first sentence, the words “there was a substantial majority” would be replaced by the words “most of the members who spoke were ...”; in the third sentence, the words “from several members” would be added after the word “support”; and in the last sentence the words “there was

also a declared majority in favour of" would be replaced by the words "many speakers favoured".

38. Mr. QUENTIN-BAXTER (Special Rapporteur) pointed out that the Special Rapporteur had a duty to reflect not only the minority view but also that of the majority. The majority view was dealt with in paragraph 27 only, whereas the subsequent paragraphs dealt with the views of those members who had expressed opposition to the topic. Concerning attendance of Commission members at discussions, he did not think that the word "majority" as used in paragraph 27 could be interpreted as meaning an absolute majority of the Commission. He had been careful, in paragraph 26, to state that "Almost all members present at any stage of the Commission's discussion of the topic intervened in the debate." On the matter of figures, 20 members had taken part in the discussion, 15 of whom had expressed willingness to see the study of the topic continued; 12 of the 20 speakers had said specifically that they supported the prevention measures and 8 had said they would like to see those measures strengthened. The reference to the "majority" in the last sentence related only to those members who had said specifically that formal obligation to make reparation should be laid down; 12 members had expressed that view.

39. Following a discussion in which Mr. USHAKOV, Mr. QUENTIN-BAXTER (Special Rapporteur), Mr. FRANCIS, Mr. DÍAZ GONZÁLEZ, Mr. CALERO RODRIGUES and Mr. YANKOV took part, the CHAIRMAN said that, in the absence of any objection, he would take it that the Commission agreed to amend the paragraph in the following manner: first, the opening clause would be reworded to read: "As in other years, most of the members who spoke were in favour ..."; the first part of the third sentence would be amended to read: "There was particularly strong support from many members for the retention ..."; and the last sentence would read: "There was also a majority in favour of establishing ...".

*It was so decided.*

*Paragraph 27, as amended, was adopted.*

Paragraph 28

40. Mr. USHAKOV noted that he was the member referred to in the second sentence of the paragraph. He proposed that the words "in customary law" in that sentence should be replaced by the words "in general international law" and that the rest of the sentence should be deleted.

*It was so decided.*

*Paragraph 28, as amended, was adopted.*

Paragraph 29

41. Mr. THIAM said that quantitative expressions such as the words "half a dozen members", which appeared in the penultimate sentence, should be avoided.

He proposed that the words "some members" should be used in that sentence instead.

*It was so decided.*

*Paragraph 29, as amended, was adopted.*

Paragraph 30

*Paragraph 30 was adopted.*

Paragraph 31

42. Mr. YANKOV said that, in the light of the decision taken in regard to article 29, he proposed that the words "five or six Commission members" at the beginning of the last sentence should be replaced by the words "some Commission members".

*It was so decided.*

*Paragraph 31, as amended, was adopted.*

Paragraph 32

43. Mr. QUENTIN-BAXTER (Special Rapporteur) said that the word "any" in the penultimate sentence should be deleted.

*It was so decided.*

44. Sir Ian SINCLAIR said that in his view the clause which ended the last sentence of the paragraph was far too categorical. He proposed that it should be amended to read: "though such rules might have precedential value".

45. Mr. McCAFFREY said he agreed with that proposal but would suggest that the words "precedential value" should be replaced by the words "analogical value".

46. Mr. QUENTIN-BAXTER (Special Rapporteur) said that he could accept Sir Ian Sinclair's proposal but not Mr. McCaffrey's, owing to the implications which the rules based upon State practice in the field of the physical environment had for the field of economic law.

47. Mr. FRANCIS agreed with the Special Rapporteur. He proposed that the clause should be amended to read "though such rules would have some precedential value".

48. Sir Ian SINCLAIR pointed out that such a statement would depend on the nature of the rules. In his view, the statement should be as flexible as possible.

49. Mr. LACLETA MUÑOZ said that in the Spanish text the clause did not reflect the Special Rapporteur's intent. It should read: "*a una esfera tan diferente como la del derecho económico ...*".

50. The CHAIRMAN said that, in the absence of any objection, he would take it that the Commission agreed to adopt the amendment to paragraph 32 proposed by Sir Ian Sinclair.

*It was so decided.*

*Paragraph 32, as amended, was adopted.*

Paragraph 33

*Paragraph 33 was adopted.*

Paragraph 34

51. Mr. QUENTIN-BAXTER (Special Rapporteur) said that, in the second sentence of the English text, the word "the" between the words "a number of" and the word "Commission" should be deleted and the semicolon after the word "reparation" should be replaced by a full stop.

*It was so decided.*

*Paragraph 34 was adopted, subject to those drafting changes in the English version.*

Paragraph 35

52. Mr. DÍAZ GONZÁLEZ said that, as the Commission had not reached agreement on the content of the draft article, he did not fully understand what procedural rules, principles, etc. the last sentence referred to. In his view, the sentence should be deleted altogether, since it was far too categorical in its terms.

53. Mr. QUENTIN-BAXTER (Special Rapporteur) said he did not think that the last sentence was categorical. In any event members of the Commission, including Mr. Razafindralambo and Mr. Jagota, had made statements to that effect.

54. Mr. FRANCIS said that he was in favour of retaining the sentence.

55. Following a discussion in which Mr. McCAF-FREY, Mr. KOROMA, Mr. USHAKOV, Mr. ILLUECA and Mr. THIAM took part, the CHAIRMAN said that, in the absence of any objection, he would take it that the Commission agreed to amend the last sentence of the paragraph to read: "The developing countries would derive great benefit from the body of references, information and options which would be available to them and which they would find in the work of the Commission."

*It was so decided.*

*Paragraph 35, as amended, was adopted.*

Paragraphs 36 to 43

*Paragraphs 36 to 43 were adopted.*

Paragraph 44

56. Mr. QUENTIN-BAXTER (Special Rapporteur) said that the words "court proceedings" in the second sentence should be replaced by the words "licensing proceedings".

*Paragraph 44, as amended, was adopted.*

Paragraphs 45 to 53

*Paragraphs 45 to 53 were adopted.*

*Section B, as amended, was adopted.*

*Chapter IV of the draft report, as amended, was adopted.*

**CHAPTER VII. Other decisions and conclusions of the Commission (A/CN.4/L.349 and Add.1 and 2)**

**A. The law of the non-navigational uses of international water-courses (A/CN.4/L.349)**

Paragraphs 1 and 2

*Paragraphs 1 and 2 were adopted.*

*Section A was adopted.*

**E. Date and place of the thirty-fifth session (A/CN.4/L.349)**

Paragraph 3

57. The CHAIRMAN said that, in the absence of any objection, he would take it that the Commission agreed to hold its next session at the United Nations Office at Geneva from Tuesday, 3 May 1983, to Friday, 22 July 1983.

*It was so decided.*

*Paragraph 3 was adopted.*

*Section E was adopted.*

**F. Representation at the thirty-seventh session of the General Assembly (A/CN.4/L.349)**

Paragraph 4

*Paragraph 4 was adopted.*

*Section F was adopted.*

**G. International Law Seminar (A/CN.4/L.349)**

Paragraphs 5 to 7

*Paragraphs 5 to 7 were adopted.*

Paragraph 8

58. Mr. JACOVIDES said that he had drawn the attention of the Secretariat to the correct title of the lecture he had given, which was not as stated in paragraph 8.

*Paragraph 8 was adopted subject to correction.*

Paragraphs 9 to 12

*Paragraphs 9 to 12 were adopted.*

*Section G, as amended, was adopted.*

**B. Draft Code of Offences against the Peace and Security of Mankind (A/CN.4/L.349/Add.1)**

Paragraphs 1 to 3

*Paragraphs 1 to 3 were adopted.*

Paragraph 4

59. Mr. USHAKOV said he did not understand why the last sentence of paragraph 4 should state that the Commission would endeavour to present a preliminary report to the General Assembly "if possible", at its thirty-eighth session, bearing in mind the General Assembly's formal request to that effect.

60. Mr. MAHIOU said the Planning Group had considered that it might be difficult to submit a preliminary report to the General Assembly at its thirty-eighth session, since the topic would not come before the Commission until the latter's thirty-fifth session. The Special Rapporteur would not be in a position until then to draw up a report, which would be based on the discussion which took place in the Commission.

61. Mr. THIAM (Special Rapporteur) said that, as he understood the position, the Special Rapporteur would first draw up an introductory report and then, on the basis of the discussion in the Commission, prepare another report for submission to the General Assembly on the scope of the topic. He could scarcely submit directly to the General Assembly a report that had not been approved by the Commission.

62. The CHAIRMAN suggested that, in the light of those comments, the last sentence of paragraph 4 should be replaced by wording to the effect that the Commission would submit to the General Assembly at its thirty-eighth session the initial conclusions arising out of the discussion which it would hold at its thirty-fifth session on the basis of a preliminary report by the Special Rapporteur.

*It was so decided.*

*Paragraph 4, as amended, was adopted.*

Paragraph 5

*Paragraph 5 was adopted.*

*Section B, as amended, was adopted.*

C. Programme and methods of work of the Commission (A/CN.4/L.349/Add.1)

*Paragraphs 6 to 20 were adopted.*

*Section C was adopted.*

D. Co-operation with other bodies (A/CN.4/L.349/Add.2)

*Paragraphs 1 to 7 were adopted.*

*Section D was adopted.*

*Chapter VII of the draft report, as amended, was adopted.*

ANNEX. *Comments and observations of Governments and principal international organizations on articles 61 to 80 and annex of the draft articles on treaties concluded between States and international organizations or between international organizations, adopted by the International Law Commission at its thirty-second session (A/CN.4/L.350)*

*The annex to the draft report was adopted.*

63. The CHAIRMAN put to the vote the draft report of the Commission on the work of its thirty-fourth session as a whole.

*The draft report as a whole, as amended, was adopted.*

#### Closure of the session

64. Mr. USHAKOV said that the major achievement of the session had been the adoption of 81 articles and an annex on the topic of treaties between States and international organizations or between international organizations—an achievement that was particularly significant at a time when the importance of international organizations and of the treaties they concluded was growing. Mr. Reuter was therefore to be congratulated for two reasons: first as Special Rapporteur

for that topic, and then as Chairman, for he had presided over the Commission with skill and a sense of discipline which it was to be hoped other chairmen would emulate.

65. A tribute was likewise due to the other members of the Bureau and to the Secretariat. He expressed his best wishes to Mr. Flitan for his recovery.

66. Mr. QUENTIN-BAXTER, speaking on behalf of himself and Mr. Evensen, Mr. Lacleta Muñoz, Mr. McCaffrey, Mr. Riphagen, Sir Ian Sinclair and Mr. Stavropoulos, expressed their best wishes to Mr. Flitan for his recovery. The Chairman's benevolence had elicited responsiveness from the members of the Commission. He also expressed their gratitude to the Secretariat.

67. Mr. SUCHARITKUL said that it had been a memorable experience to work under the chairmanship of Mr. Reuter, whose sense of duty and discipline was coupled with kindness and compassion. The enlargement of the Commission was bound to prove beneficial to the development of international law.

68. Mr. NI said that he had learned a great deal from a most instructive session. He expressed his gratitude to the Chairman, whose able leadership and sense of duty and discipline had set an example for all, and to all the other members of the Commission. He thanked the Secretariat for its assistance.

69. Mr. THIAM, speaking on behalf of the African members of the Commission, said it was his pleasure to thank Mr. Reuter, who as Chairman had guided the Commission through some turbulent patches during the session; his concern for the problems of the third world had fitted him eminently to preside over the work of the enlarged Commission. In addition, as Special Rapporteur, Mr. Reuter had made a noteworthy contribution to international law and as a member of the Commission he had given its members the benefit of his culture and experience. He thanked the other members of the Bureau and the Secretariat. He wished Mr. Flitan a speedy recovery.

70. Mr. ILLUECA, speaking on behalf of the Latin American members of the Commission, spoke of the wisdom with which the Chairman had conducted the business of the Commission. Mr. Reuter was respected throughout Latin America for his outstanding contribution to contemporary international law. His image had been further enhanced by the task he had accomplished as Special Rapporteur on the topic of treaties between States and international organizations or between international organizations. He thanked all the members of the Bureau and the Secretariat.

71. The CHAIRMAN thanked all the members of the Commission for their kind words. Time did not allow him to address a word of thanks to each of them in-



dividually as he would wish. He would, however, make one exception in expressing the Commission's thanks to the interpreters, précis-writers and translators.

72. For the benefit of future chairmen, he wished to say that his task had been both pleasant and easy because it had been made so by all the members. The

manner in which the Commission was flourishing augured well for the future.

73. He declared the thirty-fourth session of the International Law Commission closed.

*The meeting rose at 1.20 p.m.*