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Summary record of the 1876th meeting

Topic:
Other topics

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Co-operation and the Inter-American Juridical Committee by Mr. Sucharitkul, Sir Ian Sinclair and himself, respectively.

9. He expressed appreciation to all members of the Commission for their co-operation and to the Legal Counsel, the Secretary of the Commission and members of the secretariat for their assistance during his term of office.

Election of officers

Mr. Jagota was elected Chairman by acclamation.

Mr. Jagota took the Chair.

10. The CHAIRMAN expressed gratitude to Mr. Yankov for his able guidance as Chairman of the Commission and for his excellent report to the General Assembly on the work of the thirty-sixth session of the Commission. He was also grateful for Mr. Yankov's warm tribute on behalf of the Commission to the memory of Mrs. Indira Gandhi.

11. He thanked all members for the confidence reposed in him by his election and expressed appreciation for the kind words spoken in support of his nomination.

12. The Commission, the world's premier international law institution, represented all the major legal systems and regional groups. Its membership reflected unique expertise and experience in international law and diplomacy and its contribution to the codification and progressive development of international law had accordingly been substantial. The Commission had served the international community well and had been guided by that community's responses to its contributions.

13. In following on from Mr. Reuter, Mr. Francis and Mr. Yankov, it was his hope that a collective endeavour would be made to complete the Commission's work in certain areas by 1986, as required by the General Assembly.

14. In the forthcoming elections to fill casual vacancies, the Commission was faced with repairing the loss of much wisdom and expertise. It also had to appoint two special rapporteurs to succeed Mr. Evensen and Mr. Quentin-Baxter for their respective topics: the law of the non-navigational uses of international watercourses, and international liability for injurious consequences arising out of acts not prohibited by international law.

15. Consultations between members would be desirable to elect the other officers of the Commission and he suggested that the meeting should be adjourned to allow them to take place.

It was so agreed.

The meeting rose at 4.05 p.m.

1876th MEETING

Tuesday, 7 May 1985, at 10.20 a.m.

Chairman: Mr. Satya Pal JAGOTA

Present: Chief Akinjide, Mr. Balandá, Mr. Barboza, Mr. Boutros Ghali, Mr. Calero Rodrigues, Mr. Castañeda, Mr. Díaz González, Mr. El Rasheed Mohamed Ahmed, Mr. Flitan, Mr. Francis, Mr. Jacovides, Mr. Koroma, Mr. Lacleta Muñoz, Mr. Mahiou, Mr. Malek, Mr. McCaffrey, Mr. Ogiso, Mr. Pirzada, Mr. Razafindralambo, Mr. Reuter, Mr. Riphagen, Sir Ian Sinclair, Mr. Sucharitkul, Mr. Thiam, Mr. Ushakov, Mr. Yankov.

Election of officers (*concluded*)

Mr. El Rasheed Mohamed Ahmed was elected First Vice-Chairman by acclamation.

Sir Ian Sinclair was elected Second Vice-Chairman by acclamation.

Mr. Calero Rodrigues was elected Chairman of the Drafting Committee by acclamation.

Mr. Flitan was elected Rapporteur by acclamation.

Adoption of the agenda (A/CN.4/385)

1. The CHAIRMAN invited the Commission to adopt the provisional agenda (A/CN.4/385), on the understanding that it would have to take a decision later on the recommendations of the Enlarged Bureau concerning the order in which the various substantive items should be considered.

The provisional agenda (A/CN.4/385) was adopted.

Organization of work of the session

[Agenda item 1]

2. The CHAIRMAN suggested that the Enlarged Bureau, consisting of the officers of the Commission, its past chairmen and the special rapporteurs, should be invited to examine a number of questions: (1) the order in which the various topics should be taken up, especially during the first four weeks of the session; (2) the question of the filling of casual vacancies in the Commission (agenda item 2); (3) the appointment of two new special rapporteurs for agenda items 7 and 8, to replace Mr. Evensen, elected a Judge of the ICIJ, and the late Mr. Quentin-Baxter; (4) the appointment of a Planning Group, to be chaired by the First Vice-Chairman. The Enlarged Bureau would report to the Commission on those matters so that it could take decisions thereon.

3. Mr. BOUTROS GHALI proposed that casual vacancies should be filled as quickly as possible so that the Commission could resume its consideration of the items on its agenda.

4. Mr. KOROMA suggested that the filling of casual vacancies should begin the following day.
5. Mr. CASTAÑEDA said that nearly all members of the Commission had been present for the opening of the current session, an unusual occurrence of which advantage should be taken to fill casual vacancies without delay. He himself might be called back to his country at any time. Perhaps the vacancies could be filled now.
6. Mr. LACLETA MUÑOZ said that the filling of casual vacancies should take place either the following day or within the next few days at the latest. When the Commission had adopted its agenda, it had decided to leave aside the question of the order in which the various topics would be taken up; that decision obviously related only to items 3 to 9, namely those concerning substantive issues. Once the discussion of the question of the organization of work, which was the subject of agenda item 1, had been completed, the Commission should, of course, go on to item 2 concerning the filling of casual vacancies.
7. Mr. BOUTROS GHALI said that, if memory served, at the last session at which the Commission had had to fill a vacancy, it had done so as early as its second meeting.
8. The CHAIRMAN said that several vacancies had to be filled at the current session and that account had to be taken of the new procedure adopted by the General Assembly in its resolution 36/39 of 18 November 1981, the relevant passage of which had been reproduced in the note by the Secretariat (A/CN.4/386 and Add.1). The Enlarged Bureau would study the question as a matter of priority in order to make specific recommendations to the Commission the following morning.
9. Mr. REUTER said that the filling of casual vacancies had higher priority than the appointment of new special rapporteurs or the order in which the agenda items would be discussed. The Enlarged Bureau should therefore meet as soon as possible.
10. The CHAIRMAN said that the views of all members would be taken into account by the Enlarged Bureau and that the question of the filling of casual vacancies would be considered with all necessary dispatch.

The meeting rose at 11.40 a.m.

Mr. Pirzada, Mr. Razafindralambo, Mr. Reuter, Mr. Riphagen, Sir Ian Sinclair, Mr. Sucharitkul, Mr. Thiam, Mr. Ushakov, Mr. Yankov.

Organization of work of the session (*continued*)

[Agenda item 1]

1. The CHAIRMAN informed members that the Enlarged Bureau had met the previous day, 7 May 1985, and had decided to make the following recommendations for consideration by the Commission.

(a) With regard to agenda item 2 (Filling of casual vacancies in the Commission), the Commission should proceed that day, 8 May 1985, to fill the four casual vacancies that had arisen in the Commission, in accordance with article 11 of its statute. A note prepared by the Secretariat in that connection (A/CN.4/386 and Add.1) had been circulated, as well as a note setting forth the communications received concerning candidatures (ILC(XXXVII)/Misc.1). The elections would be held by secret ballot at a private meeting and the results would be announced later at a public meeting of the Commission.

(b) With regard to the substantive work of the Commission, the Enlarged Bureau recommended that the Commission should take up first the question of the draft Code of Offences against the Peace and Security of Mankind (agenda item 6). Accordingly, if the elections were completed that day (8 May 1985), the Commission would take up item 6 the following day, 9 May 1985. The decision to make that recommendation had been reached in consultation with the special rapporteurs.

(c) The Enlarged Bureau should meet again either on Thursday, 9 May 1985, or on Friday, 10 May 1985, to make further recommendations regarding the organization of work during the first four weeks of the session and other related matters.

2. If there were no objections, he would take it that the Commission approved the recommendations of the Enlarged Bureau.

It was so agreed.

3. The CHAIRMAN then invited the Commission to adjourn so that elections could be held in a private meeting to fill the casual vacancies that had arisen in the Commission.

The meeting rose at 10.15 a.m.

1877th MEETING

Wednesday, 8 May 1985, at 10.10 a.m.

Chairman: Mr. Satya Pal JAGOTA

Present: Chief Akinjide, Mr. Balandia, Mr. Barboza, Mr. Boutros Ghali, Mr. Calero Rodrigues, Mr. Castañeda, Mr. Diaz González, Mr. El Rasheed Mohamed Ahmed, Mr. Flitan, Mr. Francis, Mr. Jacovides, Mr. Koroma, Mr. Lacleta Muñoz, Mr. Mahiou, Mr. Malek, Mr. McCaffrey, Mr. Ogiso,

1878th MEETING

Wednesday, 8 May 1985, at 12.35 p.m.

Chairman: Mr. Satya Pal JAGOTA

Present: Chief Akinjide, Mr. Balandia, Mr. Barboza, Mr. Boutros Ghali, Mr. Calero Rodrigues,