

Document:-  
**A/CN.4/SR.2252**

**Summary record of the 2252nd meeting**

Topic:  
**Other topics**

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## 2252nd MEETING

Friday, 19 July 1991, at 3.25 p.m.

Chairman: Mr. Abdul G. KOROMA

*Present:* Prince Ajibola, Mr. Al-Baharna, Mr. Al-Khasawneh, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Barsegov, Mr. Beesley, Mr. Calero Rodrigues, Mr. Díaz González, Mr. Eiriksson, Mr. Graefrath, Mr. Mahiou, Mr. McCaffrey, Mr. Njenga, Mr. Ogiso, Mr. Pawlak, Mr. Pellet, Mr. Razafindralambo, Mr. Roucounas, Mr. Sepúlveda Gutiérrez, Mr. Shi, Mr. Solari Tudela, Mr. Thiam, Mr. Tomuschat.

### Draft report of the Commission on the work of its forty-third session (concluded)

#### CHAPTER VIII. *Other decisions and conclusions of the Commission (concluded)* (A/CN.4/L.468 and Corr.1)

1. The CHAIRMAN invited the Commission to resume consideration of chapter VIII of its draft report.

#### B. Cooperation with other bodies

Paragraphs 19 to 21

*Paragraphs 19 to 21 were adopted.*

*Section B was adopted.*

#### B bis. Other cooperation activities related to the work of the Commission

2. The CHAIRMAN said that the Chairman of the Drafting Committee was proposing the insertion of a new section B bis entitled "Other cooperation activities related to the work of the Commission", to read:

"1. A group of members of the Commission as well as other scholars in international law participated in a seminar on the draft Code of Crimes against the Peace and Security of Mankind and the establishment of an international criminal jurisdiction. The seminar was arranged on 18-20 May 1991 in Talloires (France) by the Foundation for the Establishment of an International Criminal Court and International Criminal Law Commission.

"2. Some members of the Commission as well as other legal experts on disarmament participated in the meetings of the Committee on Arms Control and Disarmament Law of the International Law Association held in Geneva on 7-8 July 1991."

*Section B bis was adopted.*

#### C. Date and place of the forty-fourth session

Paragraph 22

*Paragraph 22 was adopted.*

*Section C was adopted.*

#### D. Representation at the forty-sixth session of the General Assembly

Paragraph 23

3. The CHAIRMAN proposed that, in addition to himself, Mr. Barboza, Special Rapporteur for the topic of international liability for injurious consequences of acts not prohibited by international law, should attend the forty-sixth session of the General Assembly. Mr. Barboza would attend meetings at which his topic was being discussed and would be able to reply to the questions put by Governments.

4. He said that, if he heard no objection, a footnote to that effect would be added to paragraph 23.

*It was so agreed.*

5. Mr. BARBOZA thanked the Commission for the confidence it had shown in him and assured it that he would do his best to carry out the task entrusted to him.

6. The CHAIRMAN said that, following the consultations he had held, the Commission appeared to be considering the possibility of sending a second Special Rapporteur to the forty-sixth session of the General Assembly. The name of Mr. McCaffrey, Special Rapporteur for the topic of the law of the non-navigational uses of international watercourses, seemed to be the one mentioned most often.

7. Mr. DÍAZ GONZÁLEZ, supported by Mr. EIRIKSSON, Mr. CALERO RODRIGUES, Mr. BEESLEY, Prince AJIBOLA, Mr. PELLET, Mr. SHI and Mr. ARANGIO-RUIZ questioned whether the General Assembly would agree that the Commission should send two Special Rapporteurs. Quite apart from considerations of cost, it was to be feared that such an initiative might be regarded as setting a precedent and that the General Assembly might therefore decide not to receive Special Rapporteurs from the Commission.

8. Mr. McCAFFREY thanked his colleagues for the confidence they had shown in him, but recalled that he would no longer be a member of the Commission at the next session. He would also not be available during the session of the General Assembly.

*Paragraph 23, as amended, was adopted.*

*Section D, as amended, was adopted.*

#### E. International Law Seminar

Paragraphs 24 to 34

*Paragraphs 24 to 34 were adopted.*

*Section E was adopted.*

**F. Gilberto Amado Memorial Lecture**

Paragraphs 35 to 37

*Paragraphs 35 to 37 were adopted.*

*Section F was adopted.*

Annex

9. Mr. BEESLEY, speaking as Chairman of the Planning Group, said that several members of the Planning Group had taken the view that it would be useful to add an explanatory note to the list of topics which followed paragraph 7. Since there had been strong objections to that view, the Planning Group had concluded that it would be better to recommend to the Commission that the explanatory note in the annex should be deleted.

*The annex, as amended, was adopted.*

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

**CHAPTER VI. Relations between States and international organizations (second part of the topic) (A/CN.4/L.466)**

**A. Introduction**

Paragraphs 1 to 8

*Paragraphs 1 to 8 were adopted.*

*Section A was adopted.*

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

Paragraphs 9 to 42

*Paragraphs 9 to 42 were adopted.*

*Section B was adopted.*

*Chapter VI of the draft report was adopted.*

*The draft report of the Commission on the work of its forty-third session, as a whole, as amended, was adopted.*

**Closure of the session**

10. The CHAIRMAN said that a special word of thanks should be addressed to the three Special Rapporteurs who had contributed so significantly to the success of the current session. Thanks to the diligence and expertise of Mr. McCaffrey and Mr. Thiam, the Commission had adopted complete sets of draft articles on topics which, although they were quite different, had one thing in common, namely, their topicality. Thanks to the dedication and scholarly work of Mr. Ogiso, the Commission had adopted in final form a draft on the jurisdictional immunities of States and their property which it could now recommend to the General Assembly as the basis for a convention. Mr. Ogiso would no doubt have an important role to play at the time of the finalization of such a convention.

11. After the usual exchange of courtesies, the CHAIRMAN declared the forty-third session of the International Law Commission closed.

*The meeting rose at 4.40 p.m.*