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Summary record of the 2608th meeting

Topic:
Other topics

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be retained in brackets, but, in the text of draft guideline 1.5.2 [1.2.7], the number in brackets, “[1.2.4]” should be deleted.

62. The footnote to draft guideline 1.1.3 [1.1.8] raised a more general question. He believed that more systematic footnotes were required to indicate not only which draft guidelines had been adopted at the fiftieth session, but also exactly where the relevant commentaries were to be found. Special footnotes would, however, be needed on draft guidelines 1.1.1 [1.1.4] and 1.1.3 [1.1.8] to explain that there was a fresh commentary to draft guideline 1.1.1 [1.1.4] because it had been provisionally adopted at the fiftieth session, but revised and amended at the current session, whereas draft guideline 1.1.3 [1.1.8] had not been changed and there was thus no new commentary.

63. Mr. ROSENSTOCK (Rapporteur) stated that he saw considerable merit in including a reference to the commentaries to the draft guidelines provisionally adopted at the fiftieth session, but urged the Special Rapporteur to reconsider the disastrous numbering system.

64. Mr. GAJA proposed that paragraph 1 should be used as an index, as that would obviate any need for the incorporation in the text of numbers in brackets, which were of no immediate use.

65. Mr. SIMMA said that he supported Mr. Pellet’s proposal on paragraph 1.

66. Mr. PELLET (Special Rapporteur) said he agreed that paragraph 1 should be amended, but was opposed to the deletion of the footnote to draft guideline 1.1.3 [1.1.8]; he believed, rather, that a footnote to draft guideline 1.1.3 [1.1.8] should be added.

67. Mr. MIKULKA (Secretary to the Commission) said that, in sections C.1 and C.2, the secretariat had merely followed the Commission’s normal practice. If it wished to alter that practice, it would have to do so for all topics under consideration and it should therefore consider the consequences of such a step.

68. Mr. PELLET (Special Rapporteur) said that precedents did not necessarily have to be followed in all cases.

69. Mr. HAFNER said that he endorsed Mr. Pellet’s proposal on footnotes.

70. Mr. KATEKA said that he agreed with Mr. Hafner and Mr. Pellet on the inclusion of footnotes.

71. Mr. PELLET (Special Rapporteur) said that, on the basis of Mr. Tomka’s suggestion, draft guideline 1.5.2 [1.2.7] should be amended to read: “Guidelines 1.2 and 1.2.1 are applicable to interpretative declarations in respect of multilateral as well as bilateral treaties.” The title should be amended accordingly.

It was so agreed.

72. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the text of the draft guidelines, as amended by the deletion of the guideline numbers from paragraph 1, the inclusion of appropriate footnotes concerning the genesis of certain draft guidelines, the deletion in the text of draft guideline

1.5.2 [1.2.7] of the numbers in square brackets and the adoption of Mr. Tomka’s suggestion.

It was so agreed.

Section C.1, as amended, was adopted.

The meeting rose at 5.20 p.m.

2608th MEETING

Wednesday, 21 July 1999, at 10.05 a.m.

Chairman: Mr. Zdzislaw GALICKI

Present: Mr. Addo, Mr. Al-Baharna, Mr. Al-Khasawneh, Mr. Baena Soares, Mr. Candioti, Mr. Crawford, Mr. Dugard, Mr. Economides, Mr. Elaraby, Mr. Gaja, Mr. Goco, Mr. Hafner, Mr. He, Mr. Kateka, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Rosenstock, Mr. Simma, Mr. Tomka, Mr. Yamada.

Draft report of the Commission on the work of its fifty-first session (*continued*)

CHAPTER VI. *Reservations to treaties (continued)* (A/CN.4/L.583 and Add.1-5)

C. *Draft guidelines on reservations to treaties (continued)* (A/CN.4/L.583/Add. 1-5)

2. TEXT OF THE DRAFT GUIDELINES WITH COMMENTARIES THERETO ADOPTED BY THE COMMISSION AT ITS FIFTY-FIRST SESSION (A/CN.4/L.583/ADD.2-5)

Commentary to guideline 1.1.1 [1.1.4] (A/CN.4/L.583/Add.2)

1. Mr. HAFNER, referring to paragraph (5), said that it was too categorical to say that across-the-board reservations had never raised any particular objection; he would prefer to say that they had never raised any major objection.

2. Mr. PELLET (Special Rapporteur) replied that it was simply incorrect to say that across-the-board reservations had never raised any major objection: they had, but not because of their across-the-board nature, not “as such”. Mr. Hafner’s proposal tended to give the first sentence of paragraph (5) a meaning that was unacceptable.

3. Mr. HAFNER thanked the Special Rapporteur for his explanation; however, he remained concerned at the unconditional nature of the statement. He proposed a

compromise, namely, to say that across-the-board reservations, as such, had “not” raised any particular objection.

4. Mr. PELLET (Special Rapporteur) said that he accepted Mr. Hafner’s proposal.

5. The CHAIRMAN said he took it that, in paragraph (5) of the commentary, the Commission wished to replace the word “never” by the word “not”.

It was so agreed.

6. Mr. TOMKA, supported by Mr. ADDO, said that it was not necessary to reproduce the criticism of one author—controversial at that—in the commentary. He proposed that, in paragraph (2), all the words between “Conventions” and “takes care” should be deleted and, consequently, that “The second” at the beginning of paragraph (3) should be changed to “A”.

7. The CHAIRMAN said he took it that the Commission wished to adopt the amendments to paragraphs (2) and (3) of the commentary.

It was so agreed.

8. Mr. PELLET (Special Rapporteur) said that the words “The commentary” at the beginning of the footnote after the title of the draft guideline should be replaced by the words “An initial commentary”.

9. Mr. TOMKA said that the word *extrêmement* in the French version of paragraph (5) was too strong and proposed that it should be deleted.

10. Mr. PELLET (Special Rapporteur) said that he would not object to Mr. Tomka’s proposal, although he was convinced that the word was appropriate in the French version.

11. The CHAIRMAN said he took it that the Commission wished to delete the word *extrêmement* in paragraph (5) of the French version.

It was so agreed.

12. Mr. ELARABY asked whether the Special Rapporteur might explain the meaning of the word “particular” in paragraph (5).

13. Mr. PELLET (Special Rapporteur), replied that “particular” signified that there had been no objection relating particularly to the across-the-board nature of the reservation.

14. Mr. SIMMA said that, as the practice of across-the-board reservations was not considered to be very desirable, it was strange to say, in paragraph (8), that across-the-board reservations indicated a social need. He proposed that the word “social” in paragraph (8) should be replaced by the word “practical”.

15. Mr. TOMKA proposed that the word “strongly” in the phrase “the International Court of Justice has strongly underlined” in paragraph (8) should be deleted.

16. The CHAIRMAN said he took it that the Commission agreed to the amendments to paragraph (8).

It was so agreed.

The commentary to guideline 1.1.1 [1.1.4], as amended, was adopted.

Commentary to guideline 1.1.5 [1.1.6] (A/CN.4/L.583/Add.3)

17. Mr. GAJA said he wondered whether it was advisable to speak at length in the commentary about extensive reservations when the guideline in question did not deal directly with the subject. Extensive reservations had their place in the draft, but not necessarily at that point.

18. He also wondered about the example given in the footnote at the end of paragraph (10), which in his view confused the point the Special Rapporteur was making in that paragraph of the commentary, namely, that a State could not take the opportunity offered by the treaty to try, by means of a reservation, to acquire more rights than those to which it could claim to be entitled under general international law.

19. Mr. PELLET (Special Rapporteur) said that the draft guideline under consideration was in any event a harmless provision. The footnote at the end of paragraph (10) simply reflected a lengthy discussion between two former members of the Commission at an earlier session. The Commission could always come back to that part of the commentary when it came to consider draft guideline 1.4.2.

The commentary to guideline 1.1.5 [1.1.6] was adopted.

Commentaries to guidelines 1.1.6, 1.2, 1.2.1 [1.2.4], 1.2.2 [1.2.1], 1.3, 1.3.1, 1.3.2 [1.2.2] and 1.3.3 [1.2.3]

The commentaries to guidelines 1.1.6, 1.2, 1.2.1 [1.2.4], 1.2.2 [1.2.1], 1.3, 1.3.1, 1.3.2 [1.2.2] and 1.3.3 [1.2.3] were adopted.

Commentary to guideline 1.4 (A/CN.4/L.583/Add.4)

The commentary to guideline 1.4 was adopted.

Commentary to guideline 1.4.1 [1.1.5]

20. Mr. SIMMA proposed that the word “famous” at the beginning of paragraph (1) should be replaced by the word “well-known”.

21. Mr. PELLET (Special Rapporteur) noted that, in the last sentence of the French version of paragraph (1), the phrase *l’existence de réserves de cas* should read *l’existence de cas où la réserve*.

The commentary to guideline 1.4.1 [1.1.5], as amended, was adopted.

Commentary to guideline 1.4.2 [1.1.6]

22. Mr. GAJA said that the commentary reflected the problem he had raised in connection with draft guideline 1.1.5 [1.1.6]. The goal was to avoid a State using unilateral statements in order to increase the obligations of the other contracting parties. It would be preferable to replace the words “any obligations which do not arise under general international law” at the end of the first sen-

tence of paragraph (1) by the words “any obligations which do not arise under the treaty”.

23. Mr. PELLET (Special Rapporteur) said that it was nevertheless important to retain the idea contained in that phrase, namely, that a State could not add to general international law by means of a universal statement. Perhaps the end of the sentence could read: “any obligations which do not arise under general international law or the treaty”.

24. Mr. GAJA said he found that wording even less clear.

25. Mr. ROSENSTOCK (Rapporteur) proposed that the sentence should say “any obligations”, without further specification.

26. Mr. HAFNER said he wondered what would happen in cases where a treaty provided for just the kind of universal statement to which the commentary referred. The proposed wordings did not cover that possibility.

27. Mr. ECONOMIDES said that emphasis should be placed on the treaty, which was the subject of the guideline. For that reason, he would prefer to speak of “any obligations which do not arise under the treaty”.

28. The CHAIRMAN said he took it that the Commission was prepared to accept the wording “any obligations which do not arise either under the treaty or under general international law”.

It was so agreed.

The commentary to guideline 1.4.2 [1.1.6], as amended, was adopted.

Commentary to guideline 1.4.3 [1.1.7]

29. Mr. SIMMA said that the question of non-recognition of a Government should be given more direct and thorough treatment than was provided in paragraph (11) of the commentary, especially as many of the examples cited related to cases of non-recognition of a Government. He therefore proposed that the Commission should add to the text of draft guideline 1.4.3 [1.1.7] the phrase “or recognition of the Government of a State”, following the words “as a State”.

30. The CHAIRMAN noted that the text of draft guideline 1.4.3 [1.1.7] had been adopted and in principle could not be reconsidered.

31. Mr. LUKASHUK endorsed Mr. Simma’s comment. On reading paragraph (3), it might be asked whether the Commission was able to distinguish between recognition of a State and recognition of a Government. Nevertheless, as the draft guideline had already been adopted, the question might be settled through an addition to the commentary.

32. Mr. PELLET (Special Rapporteur) acknowledged that Mr. Lukashuk’s and Mr. Simma’s comments were justified; he had erred in limiting the draft guideline to recognition of a State, as that made it impossible to formulate an appropriate commentary. Despite the inconvenience involved in making a correction at such a late stage in a draft guideline which had already been adopted,

he believed that was where the solution lay. He could, however, propose a change which was simpler than the one suggested by Mr. Simma and which would be to delete the words “as a State”. The last sentence of paragraph (11) could then be deleted.

33. Mr. ROSENSTOCK (Rapporteur) proposed that the Special Rapporteur’s amendment should be submitted to the members, on the understanding that, if there was any opposition, it would be rejected.

34. Mr. CANDIOTI (Chairman of the Drafting Committee) endorsed the proposals of both the Rapporteur and the Special Rapporteur.

35. Mr. LUKASHUK endorsed the Special Rapporteur’s proposal.

36. Mr. GOCO endorsed the Rapporteur’s proposal and said he believed that the Special Rapporteur’s proposed amendment would solve the problem.

37. The CHAIRMAN said that he would be prepared, exceptionally, to submit the Special Rapporteur’s proposal to the members of the Commission because it would help improve the quality of the report of the Commission. He asked whether the members agreed to the proposal that the words “as a State” in draft guideline 1.4.3 [1.1.7] and the last sentence of paragraph (11) of the commentary should be deleted.

38. Mr. SIMMA, supported by Mr. PAMBOU-TCHIVOUNDA, said that the deletion of the last sentence of paragraph (11) alone would not suffice; the entire organization of the paragraph should be reviewed by the Special Rapporteur.

39. Mr. ECONOMIDES noted that the relevant entity in practice was most often a State, and occasionally a Government. If the Commission decided to delete the words “as a State”, the text of the guideline would refer only to a non-recognized entity, which would broaden the concept considerably. In his view, the provision should, rather, be made more specific and include non-recognition of a Government.

40. Mr. AL-BAHARNA said that, although he would prefer to keep the text of the draft guideline as adopted, he was prepared to accept Mr. Economides’ proposal, which would have the advantage of avoiding changes in the commentary.

41. Mr. PAMBOU-TCHIVOUNDA said that he understood the approach Mr. Economides was suggesting; however, as possible entities for recognition included not only States and Governments, but insurgent national liberation movements, for example, he had doubts about specifying the categories covered by the concept of entity in the text of the guideline. Such a specification would be better placed in the commentary.

42. Mr. PELLET (Special Rapporteur) said that, although agreement seemed to be emerging, he endorsed Mr. Pambou-Tchivounda’s comment. Including the words “as a State or as a Government” in the text of the guideline would amount to the same error, although slightly less serious, as the one the Commission was attempting to correct. However, deleting the words “as a State” would be

sufficient to cover all situations, on the understanding that paragraph (11) of the commentary would explain what was covered by the word “entity”.

43. Consequently, he proposed that the words “as a State” in draft guideline 1.4.3 [1.1.7] should be deleted, on the understanding that he would reformulate paragraph (11) of the commentary and submit it to the Commission after it had been reviewed by the Rapporteur.

44. The CHAIRMAN suggested the following compromise: the Commission would amend the text of draft guideline 1.4.3 [1.1.7] by deleting the words “as a State” and ask the Special Rapporteur to reformulate paragraph (11) of the commentary to reflect the tenor of the debate, in particular Mr. Economides’ idea that draft guideline 1.4.3 [1.1.7] was aimed principally at recognition of a State.

45. He said that, if he heard no objection, he would take it that the Commission accepted that suggestion.

It was so agreed.

Guideline 1.4.3 [1.1.7], as amended, was adopted.

The commentary to guideline 1.4.3 [1.1.7] was adopted subject to the reformulation of paragraph (11).

Commentary to guideline 1.4.4 [1.2.5]

The commentary to guideline 1.4.4 [1.2.5] was adopted.

Commentary to guideline 1.4.5 [1.2.6]

46. Mr. GAJA, referring to the end of paragraph (11), proposed that the word “general” before the words “international law” should be deleted. Although it was true that the internal rules of international organizations were rooted in international law, guideline 1.4.5 [1.2.6] referred primarily to treaty law, even though it might include some rules of general international law.

47. Mr. LUKASHUK said that the question whether the internal rules of international organizations were within the purview of international law was a highly controversial one; the last phrase of paragraph (11) should be deleted altogether.

48. Mr. ECONOMIDES said that the internal rules of international organizations were essentially, if not exclusively, based on the treaties establishing the organizations, but general international law had been playing a role for some time. That having been said, the question was not directly relevant in the context of the commentary. He therefore endorsed Mr. Lukashuk’s proposal that the last phrase of paragraph (11), should be deleted. In that case, the footnote should be placed after the words “international organization”.

49. The CHAIRMAN said he took it that the Commission accepted the proposed amendment, namely, that the phrase “even if it is rooted in general international law” should be deleted from paragraph (11) and that the footnote should be placed after the words “international organization”.

It was so agreed.

The commentary to guideline 1.4.5 [1.2.6], as amended, was adopted.

CHAPTER V. *State responsibility* (A/CN.4/L.582 and Add.1-4)

50. The CHAIRMAN invited the Commission to consider chapter V paragraph by paragraph.

A. *Introduction* (A/CN.4/L.582)

Paragraphs 1 to 4

Paragraphs 1 to 4 were adopted.

Paragraph 5

51. Mr. CRAWFORD (Special Rapporteur) said that the original understanding had been that part three might include provisions on the settlement of disputes, but would essentially be about the implementation of international responsibility. As the emphasis had certainly not been on the settlement of disputes, he proposed that the words “the settlement of disputes and” should be deleted from the end of paragraph 5.

52. Mr. PAMBOU-TCHIVOUNDA said that he wondered whether it was advisable to dispose in such a manner of a question which had arisen and which had not been examined by the Commission.

53. Mr. KATEKA noted that the phrase which the Special Rapporteur was proposing to delete was a direct quotation from the report of the Commission on the work of its twenty-seventh session.¹

54. Mr. CRAWFORD (Special Rapporteur) said that, if the phrase in question was in fact a direct quotation, he would withdraw his proposal. He noted, however, that, throughout the discussion of the structure of the draft report, part three had until very recently been entitled, in French, *la mise en oeuvre de la responsabilité internationale*; that had been the original understanding. Another option would be to delete the phrase in question and add the words “including the settlement of disputes” in brackets at the end of the paragraph. He did not believe that implementation had ever been regarded by the former Special Rapporteur, Mr. Ago, as being limited to the settlement of disputes. It was a purely historical question rather than one of substance and he was simply trying to recall what the original position had been.

55. Mr. ECONOMIDES endorsed Mr. Crawford’s proposal that paragraph 5 should end with the words “the question of the implementation of international responsibility (including the settlement of disputes)”.

56. Mr. AL-KHASAWNEH said that, if he remembered correctly, there had always been a reference to a part three which would relate to the implementation of international responsibility, but he was less certain whether the settlement of disputes had been mentioned. In any case, the

¹ See *Yearbook ... 1975*, vol. II, p. 56, document A/10010/Rev.1, subheading (3).

statement was in the conditional, hence, not categorical. He believed it would be preferable to keep the sentence as it stood.

57. Mr. PAMBOU-TCHIVOUNDA endorsed the Special Rapporteur's second proposal, namely, to state explicitly that the settlement of disputes was one means of implementing international responsibility, by placing the words "including the settlement of disputes" in brackets at the end of the paragraph.

58. The CHAIRMAN suggested that the Commission should postpone its consideration of paragraph 5 until a later meeting, pending the necessary verifications by the secretariat.

It was so agreed.

Paragraphs 6 to 13

Paragraphs 6 to 13 were adopted.

Paragraph 14

59. The CHAIRMAN said that the words "At its fifty-third session" at the beginning of the paragraph should be replaced by the words "At its fiftieth session".

Paragraph 14, as amended, was adopted.

Paragraph 15

Paragraph 15 was adopted.

B. Consideration of the topic at the present session (A/CN.4/L.582 and Add.1-4)

Paragraph 16 (A/CN.4/L.582)

Paragraph 16 was adopted.

Paragraph 17

60. Mr. SIMMA said that the word "retain" in the footnote to paragraph 17 did not appear to be correct, as the Commission had in fact agreed to defer any decision concerning draft article 30 bis.

61. Mr. CRAWFORD (Special Rapporteur) said he agreed that it would be better to replace the words "retain proposed draft article 30 bis" by the words "suspend consideration of proposed draft article 30 bis".

62. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission accepted the amendment proposed by the Special Rapporteur.

It was so agreed.

Paragraph 17, as amended, was adopted.

Paragraph 18

63. Mr. CRAWFORD (Special Rapporteur) said that the footnote to article 22 might be misleading: it stated part of

the truth, but not the whole truth. He had thought that draft article 26 bis had been referred to the Drafting Committee on the understanding that there would be an article dealing with exhaustion of local remedies. An uninformed reader might think that the Commission had agreed to delete any article on the exhaustion of local remedies. Inserting "the content of" between "discussion on" and "the article" would make it clear that the Commission was retaining the article.

64. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission accepted the amendment proposed by the Special Rapporteur.

It was so agreed.

Paragraph 18, as amended, was adopted.

65. The CHAIRMAN invited the Commission to consider document A/CN.4/L.582/Add.1 paragraph by paragraph.

Paragraphs 1 and 2 (A/CN.4/L.582/Add.1)

Paragraphs 1 and 2 were adopted.

Paragraph 3

66. Mr. CRAWFORD (Special Rapporteur) said that the word "and" before the words "the fourth was an annex" should be deleted and the following words should be added to the end of the paragraph: "and the fifth related to certain questions of principle concerning counter-measures."

67. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission accepted the amendment proposed by the Special Rapporteur.

It was so agreed.

Paragraph 3, as amended, was adopted.

Paragraph 4

68. Mr. CRAWFORD (Special Rapporteur) said that, in the French version, the words *qu'il s'agisse d'un fait ou d'une omission, devait être imputable à l'État* should be replaced by the words *qu'il s'agisse d'une action ou d'une omission, devait être attribuable à l'État*.

69. The CHAIRMAN said that the linguistic correction in question would be made by the secretariat.

Paragraph 4 was adopted.

Paragraphs 5 to 17

Paragraphs 5 to 17 were adopted.

Paragraph 18

70. Mr. SIMMA said that the first sentence of paragraph 18 should be redrafted, as it implied that the Special Rapporteur had been requesting clarifications for

assistance in taking a decision rather than simply raising a question before the Commission.

71. Mr. CRAWFORD (Special Rapporteur) proposed that the first sentence of paragraph 18 should be replaced by the following sentence: "A number of Governments had raised the problem of conflicting obligations", which, in his view, was historically more accurate.

72. Mr. CANDIOTI (Chairman of the Drafting Committee) said that, as a logical consequence of that change, the words "In his opinion" at the beginning of the following sentence should be replaced by the words "In the opinion of the Special Rapporteur".

73. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission accepted the proposed amendments.

It was so agreed.

Paragraph 18, as amended, was adopted.

Paragraphs 19 to 28

Paragraphs 19 to 28 were adopted.

The meeting rose at 1 p.m.

2609th MEETING

Wednesday, 21 July 1999, at 3.05 p.m.

Chairman: Mr. Zdzislaw GALICKI

Present: Mr. Addo, Mr. Al-Baharna, Mr. Baena Soares, Mr. Brownlie, Mr. Candiotti, Mr. Crawford, Mr. Dugard, Mr. Economides, Mr. Gaja, Mr. Goco, Mr. Hafner, Mr. Kabatsi, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Pellet, Mr. Rosenstock, Mr. Simma, Mr. Tomka.

Draft report of the Commission on the work of its fifty-first session (continued)

CHAPTER V. State responsibility (continued) (A/CN.4/L.582 and Add.1-4)

A. Introduction (concluded) (A/CN.4/L.582)

Paragraph 5 (concluded)

1. The CHAIRMAN invited the members of the Commission to continue their consideration of chapter V of the

draft report. He had received confirmation from the secretariat that the Commission had decided at its twenty-seventh session, in 1975, to include the question of the settlement of disputes and the implementation of international responsibility in part three of the draft articles. If he heard no objection, he would take it that the Commission wished to adopt paragraph 5.

It was so agreed.

Paragraph 5 was adopted.

Section A, as amended, was adopted.

B. Consideration of the topic at the present session (continued) (A/CN.4/L.582 and Add.1-4)

2. The CHAIRMAN invited the members of the Commission to continue their consideration of chapter V, section B, starting with paragraph 29.

Paragraph 29 (A/CN.4/L.582/Add.1)

Paragraph 29 was adopted.

Paragraph 30

3. Mr. CRAWFORD (Special Rapporteur) proposed that, in the second sentence, the word "sources" should be replaced by the word "norms".

Paragraph 30, as amended, was adopted.

Paragraphs 31 to 53

Paragraphs 31 to 53 were adopted.

Paragraph 54

4. Mr. CRAWFORD (Special Rapporteur) proposed that the word "positive" should be deleted before the word "guarantee".

Paragraph 54, as amended, was adopted.

Paragraphs 55 to 59

Paragraphs 55 to 59 were adopted.

Paragraph 60

5. Mr. TOMKA requested the secretariat to adopt a uniform method of referring to the judgments of ICJ in footnotes.

6. Mr. SIMMA proposed that, in the first sentence, the words "it was to be pointed out" should be replaced by the words "it was pointed out".

Paragraph 60, as amended, was adopted.

Paragraphs 61 to 73

Paragraphs 61 to 73 were adopted.