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Summary record of the 87th meeting

Topic:
Law of Treaties

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favoured the draft Declaration while making certain formal reservations with regard to article 6. Mr. Yepes thought that such a measure would facilitate the Chairman's task when he represented the Commission in the General Assembly.

82. Mr. SPIROPOULOS supported Mr. Yepes' suggestion.

83. The CHAIRMAN thought that the inclusion of his footnote to paragraph 23 was sufficient indication of what his attitude towards the draft Declaration had been; it was therefore pointless for him to reconsider his vote on the draft Declaration.

Use of working languages

84. Mr. YEPES recalled that throughout the session he had spoken in French. He had done so in order to render homage to the French language, which had long been pre-eminently the diplomatic language, and also in order to expedite the Commission's work because the use of Spanish would have required a supplementary translation.

85. Mr. Yepes emphasized that that fact should not create a precedent; the Spanish language was a working language of the General Assembly and on that subject he reserved all his rights and those of the representatives of his country in the General Assembly.

The meeting rose at 5.30 p.m.

38th MEETING

Thursday, 9 June 1949, at 3.45 p.m.

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Chairman: Mr. Manley O. HUDSON.

Rapporteur: Mr. Gilberto AMADO.

Present:

Members: Mr. Ricardo J. ALFARO, Mr. James L. BRIERLY, Mr. Roberto CORDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Vladimir M. KORETSKY, Sir Benegal RAU, Mr. Georges SCELLE, Mr. Jean SPIROPOULOS, Mr. Jesús María YEPES.

Secretariat: Mr. KERNO, Assistant Secretary-General in charge of Legal Department; Mr. LIANG, Director of the Division for the Development and Codification of International Law, Secretary to the Commission.

Adoption of the Report to the General Assembly on the Work of the First Session

1. The CHAIRMAN invited the members of the Commission to discuss and approve the draft report to the General Assembly (A/CN.4/W.10/Rev.1).

2. Mr. KORETSKY recalled that when the Commission established the order of priority in which topics chosen for codification should be studied, Mr. Yepes had stressed the importance of the question of nationality and of statelessness. The last sentence of paragraph 19¹ of the report should therefore be amended and the words "and statelessness" inserted after "the question of nationality".

It was so decided.

3. Mr. KORETSKY pointed out that some confusion might be caused by placing the comments on the various articles of the draft declaration on rights and duties of States immediately after the articles themselves. In certain cases such comments might appear to be a second paragraph of the article. He felt that that shortcoming should be corrected.

4. After a brief exchange of views between the CHAIRMAN, Mr. ALFARO and Mr. KORETSKY, the CHAIRMAN said that the Secretariat would ensure that comments were presented in such a manner as to prevent any possible confusion.

5. Mr. KORETSKY said that a uniform procedure should be maintained both as to the way in which the names of members were mentioned in the report as well as to the way in which his opinion, which differed from that expressed by the majority, had been recorded. He had no objection to his name being mentioned, but insisted that it be mentioned everywhere.

6. After a brief discussion in which Mr. SPIROPOULOS, Mr. KORETSKY, the CHAIRMAN and the RAPPORTEUR took part, the Commission decided to adopt the practice followed by all United Nations Commissions, with the exception of the Main Committees of the General Assembly, and not to mention the Rapporteur's name at the beginning of the report.

7. The CHAIRMAN then put to the vote the draft report as a whole.

The draft report, under the title "Report to the General Assembly of the work of the first session" was adopted by 11 votes to one.

Closing Speeches

8. Mr. SCELLE felt that it should be his privilege, because of his age, to be the first to express his warmest thanks to the Chairman and to the officers of the Commission.

¹ Corresponds to para. 19 of the *Report*.

9. The Commission's members were unanimous in their admiration for the authoritative manner in which the Chairman had conducted the debates. He had brought the work of the Commission to a successful issue and everyone was to be congratulated on the results achieved. The two Vice-Chairmen had contributed with their personal qualities. Mr. Scelle paid a special tribute to the Commission's Rapporteur who had fulfilled his task to perfection. He had been friendly with all his colleagues not only because he had wished to please everybody but mainly because he had not wished to hurt anyone.

10. In conclusion, Mr. Scelle expressed the Commission's hope that the efforts made at future sessions would be crowned with even greater success, so that the Commission would deserve the confidence which the General Assembly and the peoples of the world had placed in it.

11. Mr. SPIROPOULOS, associating himself with Mr. Scelle's remarks, paid a special tribute to Mr. Alfaro who had been the first member to submit to the Commission a document which had been the subject of careful and lengthy examination. The Commission had used that document as a basis for the draft Declaration on the Rights and Duties of States which it would submit to the fourth session of the General Assembly. Mr. Spiropoulos was certain that that draft would receive the attention it deserved from the General Assembly, and that Mr. Alfaro would have the satisfaction of seeing it adopted unanimously.

12. Mr. ALFARO expressed his warmest thanks to Mr. Spiropoulos. He was very satisfied with the results of the Commission's discussions, and was glad that the basic points of the Panamanian draft had been maintained. He emphasized that the delegation of Panama did not claim the honour of having introduced any new ideas in the matter; it could only take credit for having drawn the General Assembly's attention to the necessity of preparing a declaration of universal scope proclaiming the rights and duties of all States, just as the declaration adopted at Montevideo in 1933 had laid down the rights and duties of the American States.

13. Mr. Alfaro thanked the Chairman and the Commission's officers for the efforts they had made to carry out successfully the work entrusted to them. He also expressed his thanks to the members of the Secretariat who had assisted the Commission at all stages of its work.

14. The CHAIRMAN expressed his thanks to the members of the Secretariat, as well as the thanks of all members of the Commission. Mr. Kerno and all the members of his Department, the interpreters, précis writers and the representative of the Department of Public Information, had placed all their technical knowledge and untiring devotion at the Commission's service. The

Chairman congratulated them on the quality of their work.

15. He also thanked the members of the Commission for the indulgence they had shown him. If at times he had given the impression of being somewhat impatient, and had attempted to over-accelerate the rhythm of the work of the Commission, it was because of his keen desire to obtain positive results at the first session.

16. The work which still had to be accomplished was very difficult. It could only be carried out if all the Commission's members directed their persevering efforts and individual ability towards their common goal. If appreciable results were not obtained immediately that should not be a reason for discouragement. Any success, even though partial and achieved by unrelenting effort, would mark the beginning of a new era in the development of international law.

17. Mr. KERNO (Assistant Secretary-General) said that he and the members of the Secretariat who had serviced the Commission, felt honoured at having followed its work and at having made a small contribution to the work it had carried out. The two last months of close co-operation with the Commission's members had been particularly gratifying to him. He assured members that, within the limit of its means and knowledge, the Secretariat was animated by keen enthusiasm and carried out its work with complete objectivity. The expressions of appreciation from the Commission were its greatest recompense.

18. Sir Benegal RAU associated himself with the preceding speakers and expressed his thanks to the Chairman who had, with considerable vigour and authority, brought the work of the Commission to a successful conclusion and within the prescribed time.

19. Mr. CORDOVA stated that it had been an honour for him to serve on the Commission. He was sure that with patience and mutual understanding the Commission would succeed in expediting the establishment of the reign of international law which would ensure to each and every one a happy existence.

20. Mr. AMADO expressed his very sincere thanks to the Commission's members and, in particular, to Mr. Scelle for his kind words. He would take with him the happiest memories of his association with every member of the Commission, and it was with a mixed feeling of happiness and deep emotion that he took leave of the Commission until its next session.

21. Mr. SPIROPOULOS asked the members of the Commission to remember with indulgence the vehemence he had at times displayed which had been due solely to the fact that he was animated by a profound enthusiasm for the work of the Commission, to which he had endeavoured to contribute in every way within his means.

22. Mr. YEPES stated that of all the national

and international conferences which he had been privileged to attend, the session of the Commission just closing had left on him the deepest impression.

23. Mr. HSU associated himself with the remarks of his colleagues and expressed his thanks to the Chairman and his best wishes for the future of the Commission.

24. Mr. FRANÇOIS said that the Commission had done very satisfactory work, and expressed his conviction that the task it had undertaken would be crowned with success in the course of subsequent sessions.

25. Mr. BRIERLY said he had been happy to be a member of the Commission, where a spirit

of friendliness and close collaboration had reigned. He looked forward with pleasure to meeting his colleagues again in Geneva.

26. Mr. AMADO, in the name of the Commission's members, paid a tribute to Mr. Sandström whose tact and understanding had been appreciated by all.

27. The CHAIRMAN asked the Secretariat to forward to Mr. Sandström a copy of the meeting's summary record as proof of the esteem in which he was held by his colleagues.

28. He then declared the first session of the International Law Commission closed.

The meeting rose at 5.30 p.m.
