

Document:-
A/CN.4/SR.636

Summary record of the 636th meeting

Topic:
Programme of work

Extract from the Yearbook of the International Law Commission:-
1962 , vol. I

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accomplished by a small group of members who, after thorough study of the topic, would present a report for consideration during the next session.

67. There was no reason why a procedural issue of that kind should not be settled by a vote.

68. Mr. YASSEEN suggested that, in view of the importance of the subject of state responsibility, it should perhaps be approached in stages. During the first stage, the scope of the study and the method to be followed would be determined. Decisions in that regard would certainly greatly influence the final content of the report. That first stage of the study, for which a special rapporteur would be designated by the Commission, could be entrusted to a committee. At the second stage, the Commission would be in a position, in the light of the committee's report, to settle the precise instructions to be given to the special rapporteur, and he agreed with Mr. Amado that the instructions should be very specific. There were obvious drawbacks in deciding forthwith on the special rapporteur for the whole of the study since the one chosen for the preparatory stage might not feel able to undertake the study as ultimately defined after the committee had submitted its report.

It was so agreed.

The meeting rose at 12.25 p.m.

636th MEETING

Friday, 4 May 1962, at 10 a.m.

Chairman: Mr. Radhabinod PAL

Future work in the field of the codification and progressive development of international law (General Assembly resolution 1686 (XVI)) (item 2 of the agenda) (A/CN.4/145) (continued)

1. The CHAIRMAN said that the consensus of opinion appeared to be that a sub-committee on state responsibility should be appointed. Consequently, after consulting the other officers of the Commission, he would at the next meeting submit suggestions for the composition of the sub-committee, which should begin work during the present session and report some time during the next session.

It was so decided.

2. The CHAIRMAN said he believed the Commission would also wish to appoint a similar sub-committee on the succession of states and of governments.

It was so decided.

3. Mr. EL-ERIAN urged that the latter decision should be treated as provisional because it was not clear from the discussions on item 2 whether, in the case of the topic of the succession of states and governments, the Commission would be justified in following the same procedure as in the case of the topic of state responsi-

bility; he would not, however, press the point if the majority took a different view.

The meeting rose at 10.25 a.m.

637th MEETING

Monday, 7 May 1962, at 3 p.m.

Chairman: Mr. Radhabinod PAL

Future work in the field of the codification and progressive development of international law (General Assembly resolution 1686 (XVI)) (item 2 of the agenda) (A/CN.4/145) (continued)

1. The CHAIRMAN said that at the previous meeting it had been decided that sub-committees should be appointed to consider the two topics of state responsibility and succession of states and of governments. The officers of the Commission now suggested that the sub-committee on state responsibility should be composed of Mr. Ago as Chairman, Mr. Briggs, Mr. El-Erian, Mr. Gros, Mr. Jiménez de Aréchaga, Mr. Lachs, Mr. de Luna, Mr. Paredes, Mr. Tsuruoka and Mr. Tunkin. They also suggested that the sub-committee on the topic of succession of states and governments should be composed of Mr. Lachs as Chairman, Mr. Bartoš, Mr. Briggs, Mr. Castrén, Mr. Liu, Mr. Elias, Mr. Tabibi, Mr. Tunkin, Mr. Rosenne and Mr. Yasseen.

2. Mr. YASSEEN said that, as a matter of principle, it would have been preferable to consult the Commission as a whole on the composition of the sub-committees, since some members might have special interests. He personally would have preferred to serve on the sub-committee on state responsibility.

3. The CHAIRMAN said that the officers were merely suggesting names; any changes might be made if desired.

4. Mr. AMADO proposed that Mr. Yasseen should serve on the sub-committee on state responsibility rather than on the other sub-committee.

5. Mr. EL-ERIAN said that he was prepared to serve on the sub-committee on succession of states and governments in order to maintain parity of numbers.

It was so agreed.

Co-operation with other bodies (item 4 of the agenda)

6. Mr. LIANG, Secretary to the Commission, said that he had received a letter from Dr. Charles Fenwick, Director of the Department of International Law and Organization, Pan-American Union, dated 24 April 1962, stating that Dr. Hugo Juan Gobbi of Argentina, a member of the Inter-American Juridical Committee, had been designated at the session held from July to September 1961 as its official observer at the 1962 session of the International Law Commission. He had also