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Summary record of the 844th meeting

Topic:
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INTERNATIONAL LAW COMMISSION

SUMMARY RECORDS OF THE EIGHTEENTH SESSION

Held at Geneva from 4 May to 19 July 1966

844th MEETING

Wednesday, 4 May 1966, at 3.15 p.m.

Chairman: Mr. Milan BARTOŠ

Later: Mr. Mustafa Kamil YASSEEN

Present: Mr. Ago, Mr. Amado, Mr. Briggs, Mr. Castrén, Mr. El-Erian, Mr. Jiménez de Aréchaga, Mr. Lachs, Mr. de Luna, Mr. Paredes, Mr. Pessou, Mr. Reuter, Mr. Rosenne, Mr. Ruda, Mr. Tsuruoka, Mr. Tunkin, Mr. Verdross, Sir Humphrey Waldock.

Opening of the Session

1. The CHAIRMAN, after declaring the eighteenth session of the Commission open, said that a message had been received from Mr. Cadieux to the effect that for the time being he was unfortunately prevented from coming to Geneva. A telegram had also been received from Mr. Pal, informing the Commission that he was unable to attend the session owing to ill-health. He (the Chairman) would send Mr. Pal a telegram conveying to him the Commission's good wishes for his speedy recovery and the regret felt by all the members at his absence.

Election of Officers

2. The CHAIRMAN called for nominations for the office of Chairman.

3. Mr. VERDROSS proposed Mr. Yasseen, whose eminence as a scholar and devotion to the Commission admirably qualified him for that office.

4. Mr. TUNKIN seconded the proposal.

5. Mr. TSURUOKA, Mr. BRIGGS, Mr. AMADO, Mr. AGO, Mr. PAREDES and Sir Humphrey WALDOCK supported the proposal.

Mr. Yasseen was unanimously elected Chairman and took the Chair.

6. The CHAIRMAN, thanking the members of the Commission for his election, said he regarded it both as an encouragement and as a sign of friendship. One

of the merits of the International Law Commission was precisely that it served to establish firm friendships based on lofty ideals in the service of the international community.

7. Mr. PALTHEY, Deputy Director-General of the United Nations Office at Geneva, said he would not address any formal welcome to the members of the Commission; it was more a pleasure than a duty for him to greet them and to be with them again.

8. In 1966 the Commission's work would be particularly important, as it had to complete its drafts on the Law of Treaties and on Special Missions. It was an all too common complaint that international law had lost some of its former prestige; but it was certain that no genuine organization of the world would be possible until rules of law and conduct were firmly established and respected. With the work of codification that it was pursuing in all scientific humility, the Commission was at the very heart of the work of the United Nations and its achievements were undoubtedly of fundamental value in that prodigious structure.

9. In order to spread knowledge of international law, a system of seminars had been initiated in 1965, and, thanks to the members of the Commission, had met with remarkable success. A second seminar was to begin the following week and it was to be hoped that it could count on the Commission's collaboration. Without the Commission, a project of that kind would not exist, for the Commission was the heart of it; the United Nations Office at Geneva was merely the modest organizer, responsible for gathering together the young lawyers who would subsequently go out and spread the doctrine and preach throughout the world, both in the developing countries and in Europe, the need to establish rules of law in human and in international relations. He thanked the members of the Commission for what they had done for the seminar the previous year and for what he was sure they would do in 1966. He wished the Commission every success in its work.

10. The CHAIRMAN said he was expressing the Commission's feelings in thanking the Deputy Director-General of the United Nations Office for coming to welcome them and for his kind words. The Commission had always been well received at Geneva, where it was surrounded with all the good will and all the attention it could hope for. As to the seminar, it was true that it was meeting on the occasion of the Commission's

session, but it would never have been held if the United Nations Office had not taken the initiative.

11. The CHAIRMAN called for nominations for the office of First Vice-Chairman.

12. Mr. JIMÉNEZ de ARÉCHAGA proposed Mr. Briggs.

13. Mr. AGO seconded the proposal.

14. Mr. BARTOŠ, Mr. TUNKIN, Mr. VERDROSS, Mr. AMADO, Mr. de LUNA and Mr. TSURUOKA supported the proposal.

Mr. Briggs was unanimously elected First Vice-Chairman.

15. Mr. BRIGGS thanked the Commission for his election.

16. The CHAIRMAN called for nominations for the office of Second Vice-Chairman.

17. Mr. RUDA proposed Mr. Lachs.

18. Mr. REUTER seconded the proposal.

19. Mr. VERDROSS, Mr. BARTOŠ and Mr. AMADO supported the proposal.

Mr. Lachs was unanimously elected Second Vice-Chairman.

20. Mr. LACHS thanked the Commission for his election.

21. The CHAIRMAN called for nominations for the office of Rapporteur.

22. Mr. EL-ERIAN proposed Mr. de Luna.

23. Mr. AGO seconded the proposal.

24. Mr. ROSENNE, Mr. TUNKIN, Mr. RUDA, Mr. VERDROSS, Mr. AMADO, Mr. BARTOŠ, Sir Humphrey WALDOCK, Mr. REUTER, Mr. TSURUOKA and Mr. PAREDES supported the proposal.

Mr. de Luna was unanimously elected Rapporteur.

25. Mr. de LUNA thanked the Commission for his election.

Adoption of the Agenda

26. The CHAIRMAN suggested that the provisional agenda (A/CN.4/185) be adopted without discussion of the order in which the items would be taken up; it had already been decided at the previous session to start with the law of treaties.

It was so agreed.

Organization of Work

27. Sir Humphrey WALDOCK, Special Rapporteur, said that as the Commission had not been able to complete its work on Part II of the draft articles on the law of treaties at the second part of its seventeenth session, he presumed that it would wish to start work on that item of the agenda by considering article 51, on which he had commented in his fifth report (A/CN.4/183/Add.4). That article laid down the proce-

cedure for dealing with disputes arising from the invocation by one party of nullity as a ground for terminating a treaty. The Commission could then take articles 52, 53, and 54, dealing with the legal consequences of nullity, termination and suspension, which were discussed in his sixth report (A/CN.4/186), containing his observations and proposals in the light of the comments by governments. After that it could consider the articles in Part III.

28. The CHAIRMAN suggested that the Commission proceed with the articles on the law of treaties in that order.

It was so agreed.

29. Mr. WATTLES, Deputy Secretary to the Commission, said that the administration of the United Nations Office at Geneva had asked the Commission to hold its meetings on 5 and 10 May in the afternoon, because on those dates the interpreters would be required in the mornings for meetings of the Eighteen-Nation Committee on Disarmament.

30. Mr. AMADO asked whether other United Nations bodies had ever been asked to change their usual working hours in that way.

31. Mr. WATTLES, Deputy Secretary to the Commission, said there had been occasions when other bodies had been asked to change the times of meetings at the Palais des Nations, where the staff was not as numerous as at Headquarters.

The meeting rose at 4.45 p.m.

845th MEETING

Thursday, 5 May 1966, at 3 p.m.

Chairman: Mr. Mustafa Kamil YASSEEN

Present: Mr. Ago, Mr. Amado, Mr. Bartoš, Mr. Briggs, Mr. Castrén, Mr. El-Erian, Mr. Jiménez de Aréchaga, Mr. Lachs, Mr. de Luna, Mr. Paredes, Mr. Pessou, Mr. Reuter, Mr. Tunkin, Mr. Verdross, Sir Humphrey Waldock.

Special Missions

[Item 2 of the agenda]

1. The CHAIRMAN announced that a letter had been received from Mr. Elias informing the Commission that he had been appointed a Professor and Dean of the Faculty of Law of Lagos University, and that to his great regret he would be unable to attend the Commission's meetings until later in the session.

2. He invited Mr. Bartoš, the Special Rapporteur on special missions, to make a statement on the position with regard to that topic.

3. Mr. BARTOŠ, Special Rapporteur, said he had been slightly delayed in the preparation of his report