

Document:-  
**A/CN.4/SR.988**

**Summary record of the 988th meeting**

Topic:  
**Other topics**

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receipt of those comments dictated the rhythm of codification work. There was no doubt that the three topics he had mentioned would require lengthy discussion and should be given priority.

55. Mr. ROSENNE suggested that a general programme might be drawn up for 1969 and for the winter session of 1970, without going into too much detail. That programme should include the completion of the first reading of Mr. El-Erian's topic (relations between States<sup>5</sup> and international organizations); further work on Sir Humphrey Waldock's topic (succession in respect of treaties); and a preliminary discussion on Mr. Ago's topic (State responsibility). In 1970 and 1971 Mr. El-Erian's topic would be given a second reading in the light of the observations received from Governments.

56. Mr. TABIBI (Rapporteur) said he agreed with Sir Humphrey Waldock that the time allocations should not be included in the Commission's report to the General Assembly. But the report should mention the need for a winter session in 1970.

57. Mr. BARTOŠ said that the topics dealt with by Sir Humphrey Waldock and Mr. Bedjaoui were so closely connected that it was impossible to study them separately. It would be absurd to try to draw a distinction between the rules applicable to succession in respect of treaties and those applicable to succession in respect of matters other than treaties.

58. The CHAIRMAN confirmed that the time-table was purely for internal use and that the time allocations would not appear in the Commission's report.

59. Sir Humphrey WALDOCK suggested that the Secretariat might prepare, for inclusion in the Commission's report, a suitable passage on the organization of its future work.

*It was so agreed.*<sup>4</sup>

The meeting rose at 1.10 p.m

<sup>5</sup> See 989th meeting, para. 74.

## 988th MEETING

*Thursday, 1 August 1968, at 3.10 p.m.*

*Chairman:* Mr. José María RUDA

*Present:* Mr. Ago, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Tabibi, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldock, Mr. Yasseen.

### Draft report of the Commission on the work of its twentieth session

*(continued)*

#### Chapter V

OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION (A/CN.4/L.135, sections B-G, and A/CN.4/L.135/Add.1) *(continued)*

1. The CHAIRMAN said that, until there was a quorum, it would be impossible for the Commission to

take any decisions at that meeting. He invited the Commission to continue its discussion of chapter V of the draft report, starting with section D.

#### D. Date and place of the twenty-first session

*Section D was noted.*

#### E. Co-operation with other bodies

2. Mr. BARTOŠ thought that section E should perhaps mention that Sir Humphrey Waldock had reported to the Commission on his participation in the work of the General Assembly and the Council of Europe in his capacity as Chairman of the Commission.

3. Mr. MOVCHAN (Secretary to the Commission) said that it was not customary to indicate in the Commission's report what information had been given by its previous Chairman to the Sixth Committee of the General Assembly.

#### Paragraph 1. International Court of Justice

4. Mr. MOVCHAN (Secretary to the Commission) said that the passage on the International Court of Justice should form a separate section of chapter V. Since, in the final text of the Commission's report, sections B to D would be re-lettered A to C, the new section could be lettered D and the succeeding sections beginning with section E, on co-operation with other bodies, would remain unchanged.

5. Mr. USHAKOV suggested that the existing text of the new section D should be amended to read as follows:

"The Vice-President of the International Court of Justice, Mr. Vladimir M. Koretsky, visited the Commission at its 971st meeting and addressed it on behalf of the President and the members of the Court."

6. The CHAIRMAN noted that that suggestion met with general approval.

#### Paragraph 2. Asian-African Legal Consultative Committee

7. Mr. MOVCHAN (Secretary to the Commission) said that the first sentence had been expanded, so as to begin with the words: "Mr. Mustafa Kamil Yasseen reported orally at the 952nd meeting and later in writing (A/CN.4/207) on his attendance as an observer...". An additional sentence reading as follows had been inserted at the end of the paragraph: "The Commission requested its Chairman, Mr. José María Ruda, to attend the Committee's session or, if he were unable to do so, to appoint another member of the Commission for the purpose". That was in accordance with previous practice.

8. When the whole of section E had been approved, the passage on the Asian-African Legal Consultative Committee would be placed at the beginning.

#### Paragraph 3. European Committee on Legal Co-operation

9. Mr. MOVCHAN (Secretary to the Commission) said that the text had been drafted as follows: "The Commission had before it document A/CN.4/L.126, reproducing the letters exchanged between Sir Humphrey Waldock, Chairman of the International Law Commission at its nineteenth session, and Mr. H. Golsong, Director of

Legal Affairs of the European Committee on Legal Co-operation, concerning the eighth session of the Committee held at Strasbourg in December 1967. The European Committee on Legal Co-operation was represented by Mr. Golsong, who addressed the Commission at its 985th meeting. The Commission was informed that the next session of the Committee, to which it has a standing invitation to send an observer, would open in Strasbourg on 11 November 1968. The Commission requested its Chairman, Mr. José María Ruda, to attend this session or, if he were unable to do so, to appoint another member of the Commission for the purpose<sup>1</sup>.

10. Mr. EUSTATHIADES, supported by Mr. BARTOŠ, expressed the view that it was not sufficient to say that the representatives of regional organizations such as the Council of Europe had addressed the Commission. A few words should be included to indicate the contents of their statements.

11. Mr. YASSEEN said that that consideration also applied to the new section D relating to the statement by the Vice-President of the International Court of Justice.

12. Mr. AGO and Mr. USHAKOV expressed agreement with Mr. Yasseen.

13. Sir Humphrey WALDOCK thought it would be well to expand the paragraph on the International Court of Justice a little and also to refer to particular points of interest in the statements made by the observers from the other bodies mentioned in the report. The report on the nineteenth session gave more information concerning both the European Committee on Legal Co-operation and the Inter-American Juridical Committee than was given in the present draft report.

14. Mr. MOVCHAN (Secretary to the Commission) said that that had been necessary because the Charter of the Organization of American States had been amended and the position of the Inter-American Juridical Committee had changed. To balance the statement on that subject, more detail than was customary had also been given concerning the Asian-African Legal Consultative Committee and the European Committee on Legal Co-operation.<sup>1</sup> If the Commission wished otherwise, there was no reason why the previous practice should be continued. The same amount of information should, however, be provided concerning each of the bodies mentioned.

15. The CHAIRMAN said that the Rapporteur would write a new paragraph on the International Court of Justice and would expand the paragraphs dealing with the three bodies mentioned in section E.

#### *Paragraph 4. Inter-American Juridical Committee*

16. Mr. MOVCHAN (Secretary to the Commission) reminded the Commission that, at its nineteenth session, it had requested its secretariat to explore with the secretariat of the Inter-American Juridical Committee the various means of establishing closer co-operation.<sup>2</sup> The secretariat had accordingly brought to the attention of the secretariat of the Inter-American Juridical Committee the

<sup>1</sup> See *Official Records of the General Assembly, Twenty-second Session, Supplement No. 9 (A/6709/Rev.1)*, paras. 51-56.

<sup>2</sup> *Ibid.*, para. 58.

relevant decisions of the Commission, in the light of which specific suggestions had been made regarding the exchange of information and documentation between the two bodies. The secretariat of the Inter-American Juridical Committee had indicated that, on at least two of the items which it was to consider in 1968, the participation of an observer from the Commission would be greatly appreciated.

17. At the end of the paragraph the following sentence had been added: "The Commission requested its Chairman, Mr. José María Ruda, to attend the meetings of the Committee's session."

#### *F. Representation at the twenty-third session of the General Assembly*

18. Mr. EUSTATHIADES said that, in the French text, the words "*serait représentée*" should read "*sera représentée*".

#### *G. Seminar on International Law*

19. Mr. BARTOŠ said that, in the French text of the last paragraph, the expression "*d'autres séminaires*" should be replaced by "*des séminaires futurs*" or "*ultérieurs*".

20. Mr. AGO suggested that, in that last paragraph, a few words of appreciation should be added on the following lines: "The Commission was gratified at the results of the Seminar and commended its organizers; it expressed the hope that a similar seminar would be organized at its next session".

21. Mr. EUSTATHIADES suggested the addition of a statement that the Commission was prepared to lend its co-operation in the future.

22. Sir Humphrey WALDOCK said he agreed that it was desirable to add some comment of a favourable nature, which might be worded on the lines of the report on the nineteenth session,<sup>3</sup> and to commend Mr. Raton on the organization of the seminar.

23. Mr. YASSEEN suggested the following sentence: "The Commission expressed appreciation of the initiative taken by the United Nations Office at Geneva and, in particular, of the work of Mr. Raton, the director of the Seminar".

24. The CHAIRMAN said that the wording could be left to the Secretariat.

### *Chapter III*

#### SUCCESSION OF STATES AND GOVERNMENTS (A/CN.4/L.132 and Add.1)

##### *I. Background*

25. Mr. EUSTATHIADES said that, in the French text, the title should read simply "*Historique*" instead of "*Historique de la question*".

##### *Paragraphs 1 to 9*

*Paragraphs 1 to 9 were noted.*

##### *Paragraph 10*

26. In response to a comment by Mr. EUSTATHIADES, Mr. YASSEEN suggested that the opening words of the

<sup>3</sup> *Ibid.*, para. 64.

paragraph, "In codifying the law of treaties", should be replaced by the words "In the course of its work on the law of treaties".

27. Sir Humphrey WALDOCK suggested that the English text of that phrase should read: "In its work on the law of treaties...".

28. The CHAIRMAN noted that that suggestion met with general approval.

#### *Paragraphs 11 to 14*

*Paragraphs 11 to 14 were noted.*

#### *Paragraph 15*

29. Mr. EUSTATHIADES said that paragraph 15, which contained an extremely useful account of the work of the Secretariat on the question of succession of States and Governments, would be better placed either at the beginning or at the end of the chapter.

30. Mr. BARTOŠ said he thought that it should be placed at the end and that it should include some words of commendation to the Secretariat on its work.

31. The CHAIRMAN suggested that the commendation should appear at the end of paragraph 15; that paragraph should then become a separate section of chapter III.

32. He noted that those suggestions met with general approval.

### *II. Summary of the Commission's debates at its twentieth session*

33. Mr. EUSTATHIADES, supported by Mr. YASSEEN and Sir Humphrey WALDOCK, suggested that the words "Summary of" should be deleted from the title.

34. The CHAIRMAN noted that that suggestion met with general approval.

#### *Paragraph 16*

*Paragraph 16 was noted.*

#### *A. Succession in respect of matters other than treaties*

##### *Paragraph 17*

35. The CHAIRMAN said that the words "at its 960th, 965th" in the first sentence of the English text should be replaced by the words "at its 960th to 965th".

##### *Paragraphs 18 and 19*

*Paragraphs 18 and 19 were noted.*

##### *Paragraph 20*

36. Mr. KEARNEY suggested that, in the third sentence, the word "immediate" should be inserted before "usefulness".

37. Sir Humphrey WALDOCK supported that suggestion.

38. Mr. CASTRÉN suggested that the words "Most of the" at the beginning of the first sentence should be replaced by the word "Many".

39. The CHAIRMAN said it was his understanding that the members of the Commission present wished those suggestions to be adopted.

##### *Paragraph 21*

40. Mr. EUSTATHIADES suggested that, in the second

sentence, the word "traditionally" should be deleted because it was not in accordance with the facts.

41. Mr. BARTOŠ said that it was thought he transformation of feudal law into constitutional law that the concept of State succession had emerged from that of succession to territory.

42. Sir Humphrey WALDOCK suggested the expression "now in common use".

43. Mr. EUSTATHIADES said that he would prefer the expression "now widely used".

44. The CHAIRMAN noted that there was general support for Mr. Eustathiades's formula.

##### *Paragraph 22*

45. Mr. KEARNEY suggested that the word "perhaps" and the phrase "even though it was associated with private law" should be deleted.

46. Mr. BARTOŠ said that he had no objection to the deletion of the words "even though it was associated with private law". Nevertheless, those words constituted a statement of fact, and the Commission had taken note without objection of Mr. Bedjaoui's report (A/CN.4/204) which stated that fact.

47. In that connexion, it should be borne in mind that the Commission had only taken note of the report, without adopting any decision on it.

48. The CHAIRMAN suggested that the word "meanwhile" should be inserted before the word "continue".

49. Mr. EUSTATHIADES suggested that the words "failing a better one" should also be deleted; the Commission had not really made an effort to find a better term than "succession".

50. Mr. BARTOŠ said he thought the suggestions made by the Chairman and Mr. Eustathiades were acceptable.

51. Sir Humphrey WALDOCK said that the word "succession" was very misleading to lawyers, but it was difficult to find any more appropriate term. He therefore endorsed the Chairman's suggestion.

52. The CHAIRMAN said it was his understanding that the members present wished the sentence to read: "that the term "succession" would meanwhile continue to be used".

##### *Paragraph 23*

*Paragraph 23 was noted.*

##### *Paragraph 24*

53. Mr. CASTRÉN observed that there was a large body of legal opinion which held that *jus cogens* could not be equated with public order. He therefore suggested that, in the second sentence, the words "principles of an international public order" should be replaced by the words "peremptory principles".

54. The CHAIRMAN said that he would prefer the term "peremptory norms".

55. Mr. EUSTATHIADES supported the Chairman's suggestion.

56. With regard to the first sentence, he observed that decolonization was not the only reason why the succession of States lent itself to progressive development.

57. Mr. BARTOŠ said that the General Assembly had recognized decolonization as the predominant factor.

58. After a brief discussion Mr. AGO, supported by Mr. YASSEEN, suggested that in the first sentence the words "would lend itself to progressive development better than other topics" should be replaced by the words "would lend itself particularly well to progressive development".

59. The CHAIRMAN said that it was his understanding that Mr. Ago's suggestion met with general support.

#### *Paragraph 25*

60. Mr. AGO, supported by Mr. CASTRÉN, suggested that, in the first sentence, the words "not to adhere too exclusively to the method of progressive development, but rather" should be deleted as implying too sharp an antithesis.

61. Mr. EUSTATHIADES said that he would prefer a form of words indicating clearly that the question was approached from the standpoint of progressive development.

62. Mr. KEARNEY endorsed Mr. Ago's suggestion.

63. Sir Humphrey WALDOCK said that he too was not in favour of drawing a sharp contrast between the two approaches mentioned in the first sentence. He suggested that that part of the sentence preceding the words "to ascertain" should be replaced by the following: "Other members, while noting that the diverse character of the practice in State succession would clearly necessitate a certain element of progressive development, considered it essential".

64. Mr. AGO said he found that suggestion acceptable.

65. Mr. BARTOŠ said that his views were diametrically opposed to those expressed in the second and fourth sentences.

66. After a brief discussion, Mr. AGO suggested that the second and fourth sentences should be deleted.

67. The CHAIRMAN noted that there was general approval for the wording proposed by Sir Humphrey Waldock for the first sentence and also for the proposal to delete the second and fourth sentences.

#### *Paragraphs 26 to 28*

*Paragraphs 26 to 28 were noted.*

#### *Paragraph 29*

68. Mr. AGO, supported by Mr. BARTOŠ, pointed out that paragraph 29 did not mention the cession of territory, which was the commonest and most normal case of State succession.

69. Sir Humphrey WALDOCK suggested that the words "Although some" at the beginning of the second sentence should be deleted and that the words following "succession" should become a new sentence.

70. The CHAIRMAN noted that Sir Humphrey Waldock's suggestion seemed to meet with general approval.

#### *Paragraph 30*

71. Mr. BARTOŠ suggested the deletion of the words in brackets at the end of the second sentence.

72. Mr. AGO suggested that, in the second sentence, the word "always" should be inserted after the word "cannot".

73. The CHAIRMAN noted that there was general approval for both those suggestions.

74. After a brief discussion, Mr. AGO, supported by Mr. YASSEEN, suggested that the last two sentences should be amended to read: "Other members expressed doubts regarding that idea and stressed that, in spite of the importance of decolonization, other causes of succession might become more frequent in the future".

75. The CHAIRMAN noted that Mr. Ago's suggestion was generally accepted.

76. Mr. EUSTATHIADES thought that the Commission should, in addition, consider stating that it had examined the question not only from the standpoint of decolonization but also from that of the emergence of new States, whether by decolonization or otherwise.

#### *Paragraph 31*

77. Sir Humphrey WALDOCK suggested that, in the first sentence, the words "make a detailed study of" should be replaced by the words "deal separately with" and that, in the fourth sentence, the words "legal assumptions" should be replaced by the word "situations".

78. Mr. AGO suggested that, in the fourth sentence, the words "a special provision for each particular type of succession" should be replaced by the words "a special rule for the case of a succession due to a particular cause".

79. The last sentence of the paragraph and the words "with a view to drawing up a classification" at the end of the first sentence should be deleted.

80. In response to a comment by Mr. BARTOŠ, Sir Humphrey WALDOCK suggested that the second and third sentences should be deleted.

81. The CHAIRMAN noted that there was general approval of those suggestions.

#### *Paragraph 32*

*Paragraph 32 was noted.*

#### *Paragraph 33*

82. Mr. EUSTATHIADES suggested that in the French text the words "*mettre en relief*" should be replaced by the words "*prêter une attention particulière*" which were closer to the original English.

83. Sir Humphrey WALDOCK suggested that the word "causes" should be substituted for the word "types".

84. The CHAIRMAN noted that those suggestions met with general approval.

#### *Paragraph 34*

85. Mr. EUSTATHIADES said it seemed unduly optimistic to claim, in the eighth sentence, that a study by the Commission of the succession problems raised by decolonization "would help to consolidate the political and economic independence of the recently emancipated States".

86. Mr. BARTOŠ said that it should not be overlooked that developing countries sought in the proceedings of

the Commission arguments in defence of their independence.

87. Mr. AGO suggested that, in order to meet the objection raised by Mr. Eustathiades, the eighth sentence should be amended to read: "Consequently, formulation of the rules relating to succession problems connected with decolonization might prove useful even for the purpose of consolidating the political and economic independence of the recently emancipated States". In the third sentence, the words "this type of succession" should be replaced by the words "succession resulting from decolonization".

88. The CHAIRMAN noted that there was general approval of Mr. Ago's suggestions.

*Paragraph 35*

89. Mr. CASTAÑEDA suggested that in the second sentence the words "decolonization brings" should be replaced by "decolonization may bring".

90. Mr. EUSTATHIADES suggested that, in the fourth sentence, the words "There is a lack of homogeneity of conditions" should be replaced by the words "Conditions are not the same".

91. Mr. AGO, supported by Mr. BARTOŠ suggested that, in the fifth sentence, the word "sometimes" should be inserted between the words "but" and "also".

92. The CHAIRMAN noted that those suggestions met with general approval.

*Paragraph 36*

93. Sir Humphrey WALDOCK suggested that, in the third sentence, the word "unduly" should be inserted between the words "stress" and "the differences", and that, in the French text, the word "*exagérément*" should be replaced by the word "*indûment*".

94. Mr. AGO suggested that, in the eighth sentence, the words "cases of succession which may occur in the future" should be replaced by the words "the cases of succession most likely to occur in the future".

95. The CHAIRMAN noted that the changes in question met with general approval.

*Paragraph 37*

*Paragraph 37 was noted.*

*Paragraph 38*

96. Mr. USTOR said that, in the first sentence the phrase "some members intimated that they could not disregard the General Assembly's recommendations" implied that others could, which was obviously not the case. The phrase should be redrafted in more appropriate terms.

97. Mr. CASTAÑEDA suggested that the last two sentences should be replaced by the following: "In preparing its codification drafts the Commission took account of the views of all States, without making any distinction between old and new States."

98. The CHAIRMAN said that those suggestions seemed to be generally acceptable.

*Paragraph 39*

99. Mr. AGO suggested that the first two sentences should be combined by the deletion of the words "is not of a bilateral nature. It". The new sentence would begin:

"It was also pointed out that State succession, and particularly succession resulting from decolonization, concerns not only...".

100. The CHAIRMAN noted that Mr. Ago's suggestion was favoured by the members present.

*Paragraph 40*

101. Sir Humphrey WALDOCK suggested that the first sentence should be deleted, that the word "Others" at the beginning of the second sentence should be replaced by the words "Some members", and that the word "Yet" at the beginning of the third sentence should be deleted.

102. The CHAIRMAN noted that those suggestions met with general approval.

*Paragraph 41*

103. Mr. AGO said that he had never heard the expression "*traité de dévolution*" used in French.

104. Mr. EUSTATHIADES said that he would prefer the Secretariat to find another French translation or, failing that, to alter the expression used in the original English.

105. Sir Humphrey WALDOCK said that the only alternative to the term "devolution" was "inheritance"; he did not think the Commission would be wise to use it.

106. Mr. YASSEEN said that he saw no reason why the Commission should not borrow the term "devolution" from private law.

107. Mr. CASTRÉN said that the Special Rapporteur must have used that expression advisedly.

108. Mr. EUSTATHIADES said he would not press his proposal.

109. Mr. AGO suggested that the third sentence should be deleted as unnecessary.

110. Sir Humphrey WALDOCK said that the sentence reflected the discussion which had taken place.

111. Mr. KEARNEY thought that the words "contain an exhaustive enumeration of the grounds for invalidity of treaties" did not accurately reflect the provisions of the draft articles. It would be preferable to say "provide that treaties may be invalidated only on the grounds specified therein".

112. After some further discussion, the CHAIRMAN said it was his understanding that the members present did not wish to alter the text of paragraph 41.

*Paragraph 42*

*Paragraph 42 was noted.*

*Paragraph 43*

113. Mr. USTOR said that succession treaties were the same as devolution treaties. Consequently the substance of the paragraph was already covered by paragraph 41, and he suggested that paragraph 43 should be deleted.

114. Mr. YASSEEN thought that the term "succession treaties" had a wider meaning than "devolution treaties". However, he would agree to the deletion of paragraph 43 if that was the Commission's wish.

115. The CHAIRMAN noted that Mr. Ustor's suggestion met with general approval.

*Paragraph 44*

116. Mr. AGO suggested the deletion of the second sentence.

117. The CHAIRMAN noted that that suggestion was generally acceptable.

*Paragraph 45*

118. Mr. AGO suggested that the last sentence should be amended to read: "The Commission concluded that it was premature to take a decision on the question of the judicial settlement of disputes".

119. The CHAIRMAN noted that that suggestion met with general approval.

*Paragraph 46*

120. The CHAIRMAN suggested that, in the first sentence, the words "this subject heading" should be replaced by the words "the task entrusted to the Special Rapporteur".

121. He noted that that suggestion met with general approval.

*Paragraph 47*

122. Mr. KEARNEY said that the meaning of the words "administrative contracts" in the fourth sentence was not clear.

123. Mr. CASTAÑEDA suggested that, in the English text, those words should be replaced by "Government contracts", the French text remaining unchanged.

124. Mr. KEARNEY said that the question of transfer of assets and liabilities in the public domain, listed under point (3) in the first sentence, should perhaps be mentioned in the fourth sentence also.

125. Mr. CASTAÑEDA observed that the French expression "*patrimoine public*" was difficult to render in English; it might be well to delete point (3). He would have no objection to deleting point (5) as well.

126. Mr. EUSTATHIADES, supported by Sir Humphrey WALDOCK, proposed that point (5) should be amended to read: "Special problems arising from decolonization".

127. Mr. USHAKOV suggested that the second sentence should be amended to read: "The predominant view was that the economic aspects of succession should be considered first".

128. The CHAIRMAN noted that the members present were in favour of Mr. Castañeda's first two suggestions and of the changes suggested by Mr. Eustathiades and Mr. Ushakov.

*Paragraphs 48-52*

129. Mr. EUSTATHIADES pointed out that paragraphs 48 to 52 stated individual views. Perhaps paragraphs 49-52 might be deleted and paragraph 48 alone retained.

130. Sir Humphrey WALDOCK endorsed that suggestion.

131. Mr. TABIBI (Rapporteur), opposed it.

132. The CHAIRMAN observed that paragraphs 49-52 set forth some very definite views held by members; the Commission should make it clear that it had examined them carefully.

133. Mr. EUSTATHIADES said that, of those paragraphs, paragraph 50 was the most important. Perhaps that paragraph alone should be retained and should be transferred to the part of the report dealing with the general discussion.

134. Mr. AGO objected that the result would be to give undue prominence to the problems dealt with in paragraph 50.

135. Sir Humphrey WALDOCK suggested that the order of sections 8 and 9 should be reversed, so that the part of chapter III under discussion would end with the decision recorded in paragraph 47.

136. Mr. TABIBI (Rapporteur) accepted that suggestion.

137. Mr. KEARNEY said that, in view of the limited time at the Commission's disposal, many members of the Commission had deliberately refrained from taking part in the discussion recorded in paragraphs 48-52. The discussion had not therefore been truly general, and he wondered whether that fact should not be reflected in the paragraphs concerned.

138. Mr. TABIBI (Rapporteur) said that, in preparing the reports of all United Nations organs, it was the practice to summarize the views expressed in discussion; the fact that other views had been withheld could not be reflected in such reports.

139. Mr. EUSTATHIADES suggested that the title of the former section 9 — henceforth section 8 — should be amended to read: "Particular comments by members on certain aspects of the topic", and the last sentence of paragraph 48 to read: "The Commission did not discuss these subjects".

140. The CHAIRMAN noted that there was general approval for the suggestions just made by Mr. Eustathiades.

The meeting rose at 6.55 p.m.

**989th MEETING**

*Friday, 2 August 1968, at 9 a.m.*

*Chairman:* Mr. José María RUDA

*Present:* Mr. Ago, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Tabibi, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldoack, Mr. Yasseen.