

GENERAL  
ASSEMBLY

GENERAL

A/2088  
29 January 1952

ORIGINAL: ENGLISH

Dual DistributionSixth session  
Agenda item 49REPORT OF THE INTERNATIONAL LAW COMMISSION COVERING THE  
WORK OF ITS THIRD SESSION, INCLUDING: (C) REVIEW OF  
THE STATUTE OF THE INTERNATIONAL LAW COMMISSION WITH  
THE OBJECT OF RECOMMENDING REVISIONS THEREOF  
TO THE GENERAL ASSEMBLYReport of the Sixth Committee

Rapporteur: Mr. D. ABDOH (Iran)

1. The General Assembly, on 12 December 1950, adopted resolution 484 (V), by which it requested the International Law Commission to review its Statute with the object of making recommendations to the Assembly at its sixth session concerning revisions of the Statute which might appear desirable, in the light of experience, for the promotion of the Commission's work.

2. The International Law Commission studied the question during its third session, and devoted chapter V of its report covering the work of that session<sup>1/</sup> to the review by the Commission of its Statute.

3. Chapter VI of the same report was devoted to the Commission's work on the law of treaties, chapter VII to its work on the regime of the high seas, and chapter VIII to other decisions of the Commission.

4. On 13 November 1951 the General Assembly, at its 341st plenary meeting, decided to include the International Law Commission's report, except for chapter IV on the draft Code of Offences against the Peace and Security of Mankind<sup>2/</sup>, in the agenda of its sixth session. At its 342nd meeting on the same date the item was

1/ A/1858, Official Records of the General Assembly, Sixth Session, Supplement No. 9.

2/ See A/BUR/SR.75, A/1950 and A/PV.341.

referred to the Sixth Committee for consideration and report.

A. REVIEW OF THE STATUTE OF THE INTERNATIONAL LAW COMMISSION WITH THE  
OBJECT OF RECOMMENDING REVISIONS THEREOF TO THE GENERAL ASSEMBLY

5. The Sixth Committee discussed this chapter of the report at its 295th and 296th meetings on 22 and 23 January 1952. During the discussion, the Committee had before it a draft resolution of Venezuela, later revised by the sponsor (A/C.6/L.218/Rev.1). The draft resolution was ultimately adopted by the Committee without any change of substance.

6. The debates of the Committee concerned the International Law Commission's recommendation in paragraph 67 of its report that its members to be elected in 1953 should be placed in a position which would enable them to devote their full time to the work of the Commission, and that its Statute should be amended to provide that no member of the Commission might exercise any political or administrative function, or engage in any other occupation of a professional nature.

7. Some delegations favoured the recommendation that the Commission should be established on a full-time basis, on the ground that it would promote the progress of international law which was one of the most important fields of activity of the United Nations.

8. Most delegations, however, felt that the time had not yet come for so fundamental a change in the structure of the Commission. In their opinion, the prevailing political situation was unpropitious to rapid progress in international law. Further, they feared that a large increase in the output of the Commission would impose an excessive burden upon governments asked to comment on draft texts and upon the General Assembly which reviewed them. Some thought it not in the interests of the Commission's work that its members should be severed from their connexions with their respective countries by full-time employment abroad, and were of the opinion that such a condition of membership might make it difficult to find suitable candidates for election.

9. The draft resolution of Venezuela (A/C.6/L.218/Rev.1) was voted on in parts, the first part being the preamble and the first operative paragraph, the second part being the second operative paragraph, the third part being the third operative paragraph as far as the words "the said Statute", and the fourth part being the remainder of the third operative paragraph.

The first part of the Venezuelan draft resolution was adopted by 38 votes to none, with 2 abstentions.

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The second part was adopted by 34 votes to none, with 7 abstentions.

The third part was adopted by 39 votes to none, with 2 abstentions.

The fourth part was adopted by 25 votes to 5, with 11 abstentions.

The Venezuelan draft resolution as a whole was adopted by 34 votes to none, with 8 abstentions.

B. CHAPTERS VI, VII AND VIII OF THE REPORT OF THE INTERNATIONAL LAW COMMISSION

10. The Committee dealt with these chapters at its 296th and 297th meetings on 23 and 24 January 1952. A draft resolution of Iran (A/C.6/L.207) proposed that the General Assembly should note chapters VI, VII and VIII. An oral amendment proposed by France was accepted by Iran.

11. Some delegations were of the opinion that chapters VI, VII and VIII of the report had not been placed on the agenda of the General Assembly, and consequently the Committee should not deal with them in any way. Most delegations, however, believed that the word "including" in item 49 of the agenda as adopted (A/1958) meant that the whole report of the International Law Commission, except for chapter IV which had explicitly been dealt with otherwise, was included in the agenda.

12. The Committee did not consider it necessary to deal with the substance of chapters VI, VII and VIII, which had been submitted for the information of the General Assembly. It was the general opinion that the appropriate action to be taken was to note those chapters without expressing approval or disapproval.

13. The draft resolution of Iran, as modified by the acceptance by its sponsor of the French oral amendment, was adopted by 34 votes to none, with 5 abstentions.

14. The Sixth Committee therefore recommends to the General Assembly the adoption of the following two resolutions:

A

REVIEW OF THE STATUTE OF THE INTERNATIONAL LAW COMMISSION

The General Assembly,

Referring to its resolution 484 (V) of 12 December 1950 in which it asked the International Law Commission for "recommendations ... concerning revisions of the Statute which may appear desirable, in the light of experience, for the promotion of the Commission's work",

/Considering

Considering that, according to the report covering the work of its third session<sup>1/</sup>, the said Commission, in pursuance of the Assembly's resolution, recommended that, at the time of the next election of its members, the Commission should be placed on a full-time basis,

1. Notes the observations and recommendations contained in chapter V of the report of the International Law Commission;
2. Expresses appreciation for the work done by the Commission pursuant to the term of its Statute;
3. Decides, for the time being, not to take any action in respect of the revision of the said Statute until it has acquired further experience of the functioning of the Commission.

B

REPORT OF THE INTERNATIONAL LAW COMMISSION  
(CHAPTERS VI, VII AND VIII)

The General Assembly, pending its consideration of the questions dealt with in chapters VI, VII and VIII of the report of the International Law Commission,

Notes the progress of the Commission's work on those questions.

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<sup>1/</sup> A/1858, Official Records of the General Assembly, Sixth Session, Supplement No. 9.