



CONTENTS

	Page
Special meeting to commemorate the twenty-fifth anniversary of the International Law Commission	1

President: Mr. Leopoldo BENITES (Ecuador).

Special meeting to commemorate the twenty-fifth anniversary of the International Law Commission

1. The PRESIDENT (*interpretation from Spanish*): I call to order this special meeting of the General Assembly to commemorate the twenty-fifth anniversary of the International Law Commission.
2. When the General Assembly began its work a little less than a month ago, there was an atmosphere of hope and optimism. It was thought that, after having overcome the obstacles to the restoration of peace in some parts of the world, we were close to building a real peace and that this would be the task which the General Assembly would accomplish this year. Soon we were to see again how war unleashed, in tense and dangerous areas of the world, Death, Poverty and Fear; and the Four Horsemen of the Apocalypse rode over tormented earth.
3. During the general debate we also saw how, despite creative initiatives, and although a lofty and noble feeling has prevailed, we have had sporadic outbursts of misunderstanding and of violence.
4. Today we meet in a peaceful atmosphere, without the clamour of those verbal disputes. We meet to commemorate one of the most important events in the history of the United Nations: the establishment of the International Law Commission.
5. It is clear that the United Nations Charter, in Article 13, created a new concept, an aspect of which was to be the orientation and guide-line for its own existence, the very *raison d'être* of its own life. Article 13 dealt in subparagraph (a) with the encouragement of international co-operation in the political field and the duty to promote the progressive development of international law and its codification, and, in subparagraph (b) with international co-operation in all the other fields: educational, social, cultural and so on.
6. It is not possible to understand the true intent of the Article if we separate the two parts. International co-operation is the first and essential duty. The progressive

development of international law and its codification is a means of achieving that. This becomes even clearer in the light of history itself. Until the principles of the San Francisco Charter that I have mentioned came into being, efforts to consolidate and clarify the rules of international law had centred, almost exclusively, on codification.

7. This goal of being able to rely on specific rules in the field of international law had become clear already in the last century. During the first attempt to organize the international community, which politically started with the Congress of Vienna of 1814-1815 and prior to that with the Treaty of Paris that led to it, there was already some disquiet and concern about at least codifying three of the major problems which were then a source of worry to mankind: one, the abolition of the ignominious slave trade, the next (a problem which was of urgent importance to Europe) the establishment of a régime for international rivers and, finally, the drafting of a set of principles on diplomatic status.

8. We know how the first attempt soon collapsed and how the Congress of Vienna was to be followed by all the divisions which later made Europe an area where the balance of power became more important than unity in the designs for peace. Armed peace, the balance of power, the very use of power as a means for peace, dominated that entire century.

9. When, after the First World War, the first effort to organize the international community was made, efforts were made to create a League of Nations, and so it was created, but in its Covenant there were no specific rules regarding the codification of international law. However, in operation, these were of great concern to it, as is shown in the resolution of the Assembly of 22 September 1924¹ which established a Committee of experts on the progressive codification of international law. Parallel with this, important efforts were made by well-meaning private institutions, by universities and by learned jurists.

10. We are aware how and why this first attempt to establish an organized international community failed. Society is always a congeries of interests, and when, after the Second World War, the ideal of lasting peace emerged with that of a world of co-operation, and when the United Nations was established under the San Francisco Charter, a League was not created but an Organization, an organization of the peoples of the United Nations, which naturally, given the stage of international development, could only be an organization of States.

11. The rule I have referred to in Article 13 called for international co-operation and the need for the progressive

¹ League of Nations, *Official Journal, Special Supplement*, No. 21, p. 10.

development of international law and not only its codification. In the history of the evolution of international law, this is one of the most important steps, for the attempt was not only to codify existing laws but to develop the law according to the needs of the current conditions of life itself and thus progressively to develop international law. The General Assembly shortly thereafter, in resolution 94 (I), established a Committee on the progressive development of international law, but it was resolution 174 (II) of November 1947 that created the present International Law Commission, to which the Organization is so indebted. The first election was held in November 1948, which is why today we celebrate the twenty-fifth anniversary of its existence.

12. It is not for me to give you a history of the Commission, or to outline its main achievements. Others will surely do so in a masterful way, whereas I am speaking in a field which is not my specialty, since I am not a jurist. However, I wish to mention the great and definitive achievements of the International Law Commission and the debt that our Organization owes it. In the first place, it has established a technical body with representatives elected at a high level on the basis of their own qualifications, not as Government representatives. This gives the Commission a sense of independence and responsibility which has been extremely fruitful. The close relationship between the International Law Commission and the States Members of the Organization and other specialized bodies—such as for example, the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States and the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction as well as with the Assembly, has been extremely important not only for the codification of international law but also for its progressive development.

13. In conclusion, I shall mention only one example which illustrates what I am saying. The Vienna Convention on the Law of Treaties which emerged from the United Nations Conference on the Law of Treaties, held in Vienna in 1968 and 1969, shows the perfect balance achieved by the wise guidance of the International Law Commission not only in codifying existing norms but also in being able to take steps in the direction of the progressive development of the law.

14. Law—and this is not the affirmation of a jurist but a universal conviction—is a reflection of life. It is not static. It is dynamic. It cannot remain enclosed, but must follow all the developments that life itself undergoes. Law determines relationships, and these relationships are subject to the changing times. A good example of this was the first task of the International Law Commission in the codification and progressive development of the law of the sea. New events occurred and new rules were needed. When technical development allowed the exploitation to some extent of the wealth of the continental shelf, it was necessary to create new rules, and not merely to codify existing ones.

15. As President of the General Assembly I greet the anniversary of the birth of the noble International Law Commission. When mentioning some of its achievements and the hopes that we have placed in it, I am voicing full faith and the complete confidence that we place in the future of the International Law Commission, hoping that it will

fulfil the targets sought by man to insure the ideal co-ordination for the development of international co-operation and for the sake of peace.

16. I now call on the Secretary-General of the United Nations to make a statement.

17. The SECRETARY-GENERAL: At the outset, I should like to endorse most warmly the remarks of the President on the outstanding contribution which has been made to the work of the United Nations by the International Law Commission over the past 25 years. At this particular moment, when the United Nations is heavily occupied with a critical international situation, it is especially appropriate that we address ourselves to the fundamental principles of international law and behaviour to which the United Nations and the Commission are dedicated.

18. The work of the Commission may not have the immediate dramatic impact of activities in other fields, but the long-range significance in the foundations of law are essential for the achievement of the purposes of the United Nations. I need not repeat the list of the Commission's accomplishments, nor dwell upon the important subjects with which it is currently engaged.

19. But I should like to place particular emphasis upon the work of the Commission in the first codification of the law of the sea, the law of diplomatic and consular relations, and, above all, the Law of Treaties. These are substantial achievements, which emphasize the constructive and relevant role of the Commission in the work of the United Nations. I am particularly glad that the relationship between the Commission and the Secretariat over the years has always been close, harmonious and effective.

20. The Commission represents a crucially important stage in the efforts of the world community to establish a practical legal system to govern its relations. The drafters of the Charter rightly regarded the progressive development of international law as essential in the creation of a new world order. While previous efforts at codification had been on an *ad hoc* basis, the Commission was given the advantages of being a standing body, and of having a permanent secretariat. The creation of a permanent body of jurists to carry out that work was proposed at the San Francisco Conference on International Organization by Lebanon, and while that proposal was not contained in the Charter, there was wide agreement that such a body was needed. In that direction, under Article 13 of the Charter, the Secretariat from its inception contained a special Division in the Legal Department which was dedicated to the purposes of progressive development and codification of international law.

21. I should also like to emphasize that, in addition to the intellectual esteem which the Secretariat feels for the members of the Commission, there have been developed close bonds of friendship and affection which have been of particular value to the work of both. These bonds have grown out of close collaboration in matters of common concern, and in which the full distinction of the members of the Commission became evident. It would be invidious to name any present members of the Commission, but I should like to recall the important roles of such past members as

Ricardo Alfaro, Gilberto Amado, James Brierly, Manley Hudson, Sergei Krylov, Sir Hersch Lauterpacht, Sir Benegal Rau, Georges Scelle and Alfred Verdross.

22. In conclusion, I would like to give the Commission my assurance of my deep appreciation of the value of the Commission's work, of the desire of the Secretariat to serve it as well as possible and of our sincere best wishes for the successful continuation of its important work.

23. The PRESIDENT (*interpretation from Spanish*): I now call on Judge Manfred Lachs of Poland, the President of the International Court of Justice, to make a statement.

24. Mr. LACHS, President of the International Court of Justice: Mr. President, Mr. Secretary-General, may I say how pleased I am to mount this rostrum today with both of you looking down at me. Indeed the situation in which I am speaking is an unusual one. It is one linked with the calendar year. Sometimes we find, looking at the calendar, that time moves too slowly; sometimes—and more frequently—we find that it has moved much more quickly than we have realized and that we are closer to the end of our journey than we had imagined. The calendar also reminds us of certain dates which are linked with important events. These special dates call for us to pause and to assess achievements which they recall to our minds. Such an occasion brings us together today.

25. The road began with Article 13, paragraph 1 (a) of the Charter of the United Nations. It led to the establishment of a Committee on the Progressive Development of International Law and its Codification.

26. On 21 November, 26 years will have passed since the General Assembly adopted the resolution which called the International Law Commission into being. Thus the Commission was born. For 25 of these years it has met in annual sessions to deal with such tasks as have been assigned to it. In the course of its continuing work, it has developed special procedures and evolved its own practices. It has also undergone changes resulting from the changes in composition of the United Nations and from the need for improving its work. Although not all of its efforts have borne fruit, its harvest has been rich and varied.

27. During this quarter of a century the Commission has gained world recognition. Conceived as a subsidiary organ of the General Assembly, it has since acquired a special status, and its relationship with the Sixth—the Legal—Committee of the General Assembly, which each year discusses the annual reports of the Commission, has evolved. Notable has been the distinguished role played by the Legal Department of the United Nations. And there can be little doubt today that the Commission is the central organ of the United Nations working on the progressive development of international law and its codification.

28. Is there any need for me today to recall that international law has a long history or to recall how deep are its roots? In the past—representatives know this as well as I do—international law owed much to individual codifiers and to individual scholars, who performed a most valuable service by lending authority to rules and providing reassurance to those in the Councils of State who would have their

Governments espouse these rules. This period was followed by another, when codes were drawn up by institutes of learning and by the collective efforts of prominent jurists. Only 135 years ago, it was claimed: "... that international law is a body of jurisprudence which is, and of necessity must be, exclusively the growth of opinion".

29. Although by the nineteenth century important international instruments, which have become part of the written law and have carried it forward, had been recorded, it was only at the end of that century and the beginning of ours that the great codifications by international law-making conferences were begun. Efforts in this direction continued in the 1920s and 1930s, and the International Law Commission took up its task in an entirely different setting. Not only had the political map of the globe been transformed and the fortunes of nations undergone rapid change, but the world community was being expanded to include the many new States which were coming into being.

30. When the International Law Commission began its work there were 59 States Members in the United Nations; now, as we know, there are 135. Yet, during the time in which we have witnessed this extraordinary growth in the number of new States, the world itself has become a much smaller place to live in.

31. In this increasingly complex world setting the dual task of the Commission—that of progressive development of international law and its codification—has acquired particular importance. Interesting as the relationship between these two functions may be, I shall only touch upon it here.

32. At an early stage attempts were made to set a dividing line between them. The Commission itself made a distinction, but made it for the sake of convenience only, for it has become clear that the two processes—progressive development and codification—far from being mutually exclusive, do in fact merge. It was found, as was bound to happen, that in some domains the distinction established between the two activities could hardly be maintained. Thus the work of the Commission has fallen within both categories in varying proportions.

33. If we look upon law as a living phenomenon—particularly at times when life proceeds at great speed—consolidation is, as it obviously must be, a self-realization of progress. A mere chronicler's work would not suffice, for law also calls for harmonization and improvement. Moreover, the horizon of consolidation must be wide enough so that, from various indications in the existing system, one can extrapolate towards some desired rule which all are nearly ready to accept.

34. The visionary will, of course, go further. When faced with some progressive idea he may voice aspirations of a new age in terms of legal precepts. Indeed we find that, while some of the codifiers in the early days limited themselves to mere inventory making, the works of others were more than mere compilations and mere explications of the implicitly accepted. No, their aim was correction, reform and improvement. Thus, Dudley Field, writing in the last century, set as his goal: "... to bring together whatever was good in the present body of public law, to leave out what

seemed obsolete, unprofitable or hurtful, and then to add such new provisions as seemed most desirable." Certainly we, the codifiers of today, could not allow ourselves to recede into the more humble and more modest role of chroniclers.

35. Codification and progressive development of law is a complex task; it is not and cannot be a purely theoretical exercise. Neither should it develop into a dialogue with history; for, as always, no one wins such a dialogue and if anyone turns his back to history—to quote a writer—he should rather turn to the garden and grow roses.

36. In law we must beware of petrifying the rules of yesterday, and thereby halting progress in the name of progress. If one consolidates the past and calls it law he may find himself outlawing the future. If, on the other hand, one codifies rules that have not yet matured one postulates the future and calls it law; the present will not heed it and those rules will be still-born. Where there is no rule at all it is perhaps preferable to agree on a possible common denominator, taking care, however, not to leave burning problems unsolved. Where rules which we are seeking to improve already exist, one does well to aim high, for a less ambitious solution might defeat progress for decades. If rules are to keep pace with changes in international life, the paces obviously must be as far reaching and as anticipatory as possible, while at the same time obtaining the agreement necessary for the transformation of what is *lex ferenda* into *lex lata*.

37. One cannot possibly underestimate the importance and difficulty of this work. By reading the records of the Commission's deliberations one is bound to find an impressive reflection on this subject, together with interesting exchanges of views and an interesting evolution in the views of its members. The rules proposed have not infrequently been preceded by heated debates at which fundamentally different positions have been taken up.

38. But it is my purpose here to bring the Assembly to the conclusion that the International Law Commission has performed its task with great distinction. Declarations have been enunciated, important principles have been formulated, new conventions have been drafted and the ways and means for making evidence of customary law more readily available received the attention of the Commission also. May I recall what I said at the last meeting of the Commission's eighteenth session:

"Lawyers from different parts of the world, representing different cultures, different philosophies and backgrounds, different thoughts, had managed to find a common ground . . . [The Commission] had been able to create something durable, by helping to evolve rules to fit the changing needs of life and by adjusting law to the impact of the dynamic developments of the present age."²

What I had in mind at the time was the Law of Treaties, but this, I suggest, applies to other areas of the activities of the Commission.

² See *Yearbook of the International Law Commission, 1966*, vol. I, part II (United Nations publication, Sales No.67.V.1), 894th meeting, para. 196.

39. The work of the Commission throughout this quarter of a century has not been anonymous. As the United Nations so rightly pointed out, there have been very distinguished men who worked on that Commission; and I would particularly like to recall those, not with us any more, who have contributed to its work: wise men of Asia—from India, Iran and Syria—of the United States, the Soviet Union, the United Kingdom, Spain, Sweden, France, and Greece and, in Latin America, of Brazil, Colombia, Ecuador, Mexico and Panama. I believe that these great men of the International Law Commission should be gratefully remembered today.

40. Now speaking, as I do, on behalf of the International Court of Justice, it is only fitting that I place on record the special relationship between the Court and the International Law Commission, a relationship which has grown between our two bodies. The work of the Commission has been of great importance to the Court, for in administering law and justice the Court has frequently relied upon it. The two can be thought of as convergent in yet another way. By its codification and progressive development the Commission assists the Court in finding the law. The Court, in some respects and in its own way, also develops law. Another important aspect of this relationship is to be found on a personal basis. In the course of the past 25 years, 16 former members of the Commission have been elevated to the Bench. At present, 7 former members of the Commission are on the Bench. Experience in law-making is of great importance, of course, to the work of any judicial body.

41. At this point, may I recall the two criteria with regard to the composition of both the Court and the Commission. They are identical. Both are so composed as to represent the main forms of civilization and the principal legal systems of the world. The Statutes of both recognize these as essential elements for their proper functioning, relying on the unquestionable principle of the universality of contemporary international law.

42. One hundred and seventy-eight years ago, a writer could claim that—"however desirable such universality may be, the whole word was not susceptible to that intimacy and closeness . . . that what is commonly called the law of nations falls very short of universality, and that therefore the law is not the law of all nations". It is true that only gradually has international law acquired new dimensions. It has followed man's footsteps throughout his journey in time and space. It has followed him in his exploration when he crossed oceans and landed on new shores. Such ventures brought Europeans into contact with alien civilizations, giving rise to confrontations, *inter alia*, concerning the nature of the law of nations as seen through different eyes. Owing to the great strides in relations between States, in science and technology, international law has extended its rules until it embraces today all nations in their contacts and into whatever domains and dimensions their activities extend.

43. In order to be true to itself, international law had to become universal. Men have learned this truth the hard way, as the pages of history so vividly reveal. A living symbol is the universal destiny of this Organization. Small wonder, therefore, that—coming back to the point where I began—representation of the main forms of civilization is particu-

larly required in the two organs of this Organization concerned with law.

44. One may ask, "What is civilization?". It would be too narrow an approach to view the past and present only in terms of the beauty of castles, the sound of music, the marvels of technology and the great milestones of social progress. Culture and technology are mutually complementary aspects of the human experience. Even man and nature can no longer be reliably counterposed. As to international law, by reflecting the needs of nations and enabling them to progress and by guaranteeing their equality, it protects their rights, all that is most precious to them. By providing for intercourse between them, it creates a framework for an orderly development of relations in the interests of all. Thus, it is an important means for safeguarding human civilization—indeed it becomes a part of human civilization.

45. Law is in fact the rock upon which this Organization is built. If you survey the history of the last 27 years, you will find that not only the International Law Commission, but many other organs of the United Nations, as you, Mr. President, so rightly pointed out, have made their contribution to the development of international law. You may recall that some instruments were elaborated by the General Assembly, by this body; some by the Committees of the Assembly; others by the Economic and Social Council and its Commissions; and still others by special committees established to deal with specific areas of law. Far from being limited to the initiating and drafting of new instruments, this Assembly has also made an important contribution to the modernization of old treaties by adapting them to the needs of contemporary life.

46. Thus we see an evolving pattern or, I would say, a series of patterns, some with distinct, novel features. A new phenomenon in international life is the activity of this Assembly itself. I refer to your resolutions. Among the 3,000 adopted in 27 years, not a few have made history. They have each become a stepping-stone, a stage in the political and legal processes, a factor in the development of international law. As such they have attracted the attention of the world of learning and you may be gratified by the large number of studies which have been devoted to the resolutions of this Assembly.

47. We can thus, drawing a wider bow, affirm that general international law has been built in the United Nations and by the United Nations. It has also been made and developed as the law of the United Nations. It is the law, the internal law of this Organization.

48. Finally, there is also what I would call the indirect impact that the United Nations has made on the development of international law, its invisible contribution. By the interpretation of existing rules, by fostering better understanding, your debates in the Assembly may have paved the way to a possible agreement in the future. They may have also engendered new concepts and revealed hitherto unknown possibilities of resolving legal issues. Processes have been set in motion in this Assembly the outcome of which may not be immediately discerned.

49. However, it is possible to trace the origin of certain developments back to a particular event, to a particular

discussion, an exchange of views, a decision taken in this hall. Thus, international law has permeated many of the spheres of this Organization.

50. This is not surprising if we ponder the variety of means by which law is made. Law is not alchemy, nor is it a mystical happening, as in the case of Prometheus who, without divine permission, stole fire, bringing wisdom to man. Indeed it is no sacrilege sometimes to abandon old patterns and seek new ones.

51. Although the achievements of the United Nations in the field of law may be great and unequalled in any comparable period of history, expectations have no doubt been much greater and there remains a gap between them. Having now reached almost universal dimensions, the Organization faces here, and indeed elsewhere, new problems, problems demanding just solutions. On a much wider plane law must become more effective where, alas, it is at present helpless. Thus, our age is not only a great laboratory, but also, what is more important, a testing ground for international law's role for the future in inter-State relations.

52. Law must in the long run progress further and adapt itself to the changing needs of life. It must be strengthened and become more effective. Thus it will not only help to shape the future of all nations but also enrich their lives and in that way become a meaningful instrument for the betterment of mankind.

53. In this great endeavour the International Law Commission has played no small role. On behalf of the International Court of Justice, I wish to congratulate the Commission on the great achievements recorded during the first 25 years of its activities and also express the hope that it may play an ever-increasing role in strengthening the Organization through the law by which it must live, consolidating the existing structure and building new mansions of international law in the years to come.

54. The PRESIDENT (*interpretation from Spanish*): I now call on Mr. Radha Krishna Ramphul of Mauritius, who will speak on behalf of the African States.

55. Mr. RAMPHUL (Mauritius): On behalf of the African group of States, I come to this rostrum to pay our homage to the International Law Commission on the celebration of its twenty-fifth anniversary, and to wish the Commission every success in the future. The best hopes of all the world lie in the establishment of a coherent, complete and just system of international law, and this precisely is the task of the Commission, a task carried out in the past, as I am sure it will be in the future, with such great distinction.

56. When the United Nations was created, Africa—large, diverse and populous as it was—was barely represented in the United Nations, its peoples being still for the most part under the yoke of colonialism. Today, Africa constitutes the single largest geographical group in this Organization. All the new States of Africa, be they large or small, have a vital interest in the creation of an international legal system which will protect their independence and territorial integrity and which will permit them to develop their natural and human wealth and resources with dignity and justice. Much

of the old law of nations was created without the participation of Africa, and without its true interests in mind. Africa does not repudiate the old law, but it insists on its right of full participation in the creation of the new law. The International Law Commission is one of the principal instrumentalities in reformulating the law and in bringing it into line with the realities and demands of modern life.

57. Distinguished sons of Africa have, particularly in recent years, been able to make important contributions to the work of the Commission. One former member, Luis Ignacio-Pinto, is now a distinguished Judge of the International Court of Justice. We are honoured by Judge Ignacio-Pinto's presence among us on this historic day.

58. Time will not permit me to name all those from our region who have served on the Commission, but let me just mention the present African members: Mr. Mohammed Bedjaoui, Ambassador of Algeria to Paris and former Algerian Minister of Justice; Mr. Abdullah El-Erian, Ambassador of Egypt to Paris and former Director of the Department of Legal Affairs and Treaties of the Egyptian Ministry of Foreign Affairs; Mr. Taslim O. Elias, President of the Supreme Court of Nigeria and former Minister of Justice; Mr. Doudou Thiam, former Minister of Justice and Minister for Foreign Affairs of Senegal. The high level of their qualifications and the great importance of the posts they have held bear most eloquent testimony to the importance Africa attaches to its representation on the International Law Commission.

59. Africa has also been faithful to the final work of the Commission. For all of those who have participated in the great codification conferences of the United Nations, it has been obvious that the States of Africa have been among the staunchest supporters of the drafts prepared by the International Law Commission. They have invariably voted in favour of adopting the tremendously high quality of the Commission's texts.

60. In the last 25 years, the International Law Commission has produced the greatest volume of written international law ever known. However, it is not the volume that distinguishes it. Prepared in a calm, scholarly and realistic atmosphere, the work of the Commission is particularly distinguished by the fact that it has proved acceptable to the vast majority of States from every region despite the great variety of interests and points of view.

61. The Commission has been one of those organs of the United Nations which has proved how vital and essential our Organization is in the modern world. What the Commission has done may not have made the headlines, but it has been something of greater and more enduring value than much of what we read in the headlines.

62. Africa therefore salutes the Commission today and pledges its full support for the future.

63. The PRESIDENT (*interpretation from Spanish*): I now call on Mr. Abdul Hamin Sharaf of Jordan, who will speak on behalf of the Asian States.

64. Mr. SHARAF (Jordan): The occasion on which I am speaking today is a particularly meaningful one for the

progress of our common civilization. When we today salute the achievements of the successive members and the concept itself of the International Law Commission we are saluting a more real aspect of our progress towards a civilized international order.

65. Nothing makes us more civilized than the progressive articulation of the rules of international intercourse, transaction, friendly coexistence, co-operation and the adjustment of rights and interests in a clear and flexible code of international conduct. That is precisely what the International Law Commission is meant to focus on. It is a task intimately connected with the conscious and unconscious human process of passing from tribalism to community, from the anarchy of inter-State and inter-nation contradictions to a just and peaceful world order.

66. Born in that ideal and yearning on 21 November 1947, the International Law Commission carried with it the idealism of the new philosophy of the Charter. It was entrusted by its Statute with the promotion of the progressive development of international law and its codification. Through that dual function—progressive development and codification—the Commission was designed to be both tradition-bound and innovative, for without drawing upon the wealth of legacy, precedent and tested principles of State conduct, there can be no rules and therefore no international law, no law.

67. But the future is novelty, and planning for the future is innovation, is creativity, is intelligence. Men need both history and intelligence to survive, to coexist, to co-operate in forming a community. And mankind also needs both to establish a viable and organized international community.

68. The progressive development of international law through precise formulations and the systematization of rules, as well as through creative exploration, is the essence of building a regulated world society, at least the essence of consciously planning for it. In that sense, the task of the International Law Commission is an ambitious—some say over-ambitious—task. But it is a noble and very necessary task. It is also best represented in the character and intellect of the sober and sensitive scholars who have traditionally held seats in the Commission.

69. The idealism of the Commission and its scholars is a glimpse into our future as we hope it will be, not as we often make it.

70. The Commission has not been a club of high-minded scholars divorced from immediate and practical concerns. Its contribution attests to the great sensitivity of its members to issues of practical significance. It dealt with questions of international criminal jurisdiction. It studied and reported on problems of nationality, including statelessness. It studied arbitral procedure. It formulated conventions on diplomatic intercourse and immunities. It drafted conventions on consular relations. It worked on the rights and duties of States. It contributed to the clarification and articulation of the rules governing relations between States and international organizations. It made a considerable and lasting contribution to the Law of Treaties. It is still actively and deeply engaged in some of those and other important aspects of contemporary international law.

71. For a young and small unit of people entrusted with such an enormous, complex and basic responsibility, the International Law Commission can claim remarkable accomplishments. But the Commission makes no claims. It is the most silent commission of the United Nations. It is silent and productive, and these two qualities usually go together.

72. On this twenty-fifth anniversary of the International Law Commission the United Nations salutes the Commission, its members and its achievements.

73. On behalf of the Asian group of States, I extend to the Commission and its members the warmest expressions of admiration and felicitation. May its tradition grow and its ideals remain bright and shining.

74. The PRESIDENT (*interpretation from Spanish*): I now call on Mr. Vladimir Martynenko of the Ukrainian Soviet Socialist Republic, who will speak on behalf of the Eastern European States.

75. Mr. MARTYSENKO (Ukrainian Soviet Socialist Republic) (*interpretation from Russian*): Mr. President, the group of socialist countries of Eastern Europe has entrusted me with the pleasant task of speaking today from this rostrum in order to congratulate the International Law Commission of the United Nations upon the twenty-fifth anniversary of its establishment.

76. Its quarter-century of activities represents a significant period that makes it possible not only carefully to review the past, but also to take a good look into the future, to analyse the distance already travelled and to define future prospects.

77. The International Law Commission was established as one of the main organs of the General Assembly designed to promote the progressive development of international law and its codification.

78. For the first time in history, the United Nations Charter, in Article 13, paragraph 1, by referring these tasks to the General Assembly, assigned to an international organization universal in character, functions in the fields of the codification of international law, a field which had previously been considered to be the preserve of individual specialists in international law, or at best, a few scholarly institutions or special international conferences.

79. In assigning such functions to the international Organization, its Charter emphasized the close link existing between codification—and hence the enhancement of the effectiveness of international law—and the attainment of the basic goals of the Organization, namely, the strengthening of international peace and security for all peoples and the development of co-operation and good-neighbourly relations among all States.

80. The years which have elapsed since the adoption of the United Nations Charter have been a period of gigantic changes in the social, political, economic, scientific and technological fields. They comprised a whole historical era, and all the events which took place in international life during those years constantly confirmed the need for strict and unswerving compliance with the principles and norms

of international law and the strengthening of its role in relations among States.

81. In numerous resolutions adopted at various times by the General Assembly, and in particular in the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations [*resolution 2627 (XXV)*] and the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations [*resolution 2625 (XXV)*], we find expressed the profound conviction that these principles must be given greater significance and must be put into practice more effectively in the activities of States throughout the world. We also find emphasis placed on the importance of the progressive development and codification of international law and on the great progress achieved in this area through United Nations activities during these years.

82. Reflecting the orderly nature of the development of society in the modern world, the codification of international law in present circumstances—despite various difficulties, some of them of major significance—has become one of the most important means for setting out and consolidating in international law those progressive changes which are taking place under the influence of the concepts of freedom, peace and democracy. We should like to note here that an enormous role in this process has been played by the socialist countries, and also by the young developing countries, which are playing an active part in the work of a great variety of United Nations bodies dealing in various ways with the problems of codification and the progressive development of international law.

83. A significant contribution to the cause of the codification and development of international law has been made over the past 25 years by the International Law Commission itself. It has achieved considerable success in the elaboration of many topics and many international legal institutions. It has prepared a series of draft articles, on the basis of which important multilateral treaties have been adopted, including the Geneva Conventions on the Law of the Sea, the Vienna Conventions on Diplomatic and Consular Relations, the Vienna Convention on the Law of Treaties, and the Convention on Special Missions. Many of these conventions have been ratified by a large number of States and have attained a wide measure of recognition. As a result of the extensive work done by the Commission, treaty standards have replaced those based on custom in such important areas of international law as diplomatic and consular relations.

84. The present session of the General Assembly has before it draft articles prepared by the International Law Commission concerning the prevention and punishment of crimes against diplomatic agents and other internationally protected persons. Work is being done to convene an international conference to consider the draft articles prepared by the Commission on the representation of States in their relations with international organizations.

85. The agenda of the Commission includes such important and relevant topics of modern international law as State responsibility, succession of States, the most-favoured-nation clause and several others.

86. One of the special features of the Commission, which distinguishes it from other United Nations bodies dealing with codification, lies in the fact that the Commission consists of highly qualified specialists in international law whose authority is recognized in that field and who represent the basic legal systems of the world. That will unquestionably help the Commission, in the course of its work, to make use of progressive conceptions and the results of the development of theories of international law in various countries of the world. In that connexion, there is every reason to stress the significance of the socialist countries' approach to international law and its progressive influence on the development of modern international law.

87. In speaking of the membership of the International Law Commission on the occasion of its twenty-fifth anniversary, we inevitably think with gratitude and recognition of the contributions made, and still being made, to its work by many outstanding specialists in international law and, in particular, by jurists from the socialist countries, such as S. B. Krylov, V. M. Koretsky, G. M. Tunkin, M. Bartov, M. Lachs, E. Ustor and others.

88. In accordance with General Assembly resolutions, the Commission has firmly incorporated into its practice the holding of seminars on international law. Considerable work is being done by the Commission in establishing ties of co-operation with various organizations, including the Asian-African Legal Consultative Committee and others.

89. However, in accordance with established tradition, which has been confirmed by the wisdom of experience, on the day when we celebrate an anniversary we must not only talk about successes and achievements. It is equally important jointly to analyse shortcomings as well. In doing so, we are bound to acknowledge the fact that the Commission, working in the field of codification and the progressive development of international law, has still not exhausted all possibilities in order to respond fully to the needs and requirements of our times.

90. The development of international relations and of international law—which is called upon to make an active contribution to the implementation of the purposes of the United Nations Charter and the settlement of the problems facing mankind—places greater demands on the International Law Commission, whose anniversary we are celebrating today.

91. In the course of its activities, the Commission has acquired considerable experience in the field of codification and, of course, it has extensive and as yet untapped resources for improving the organization of its work and increasing its effectiveness.

92. Today, Mr. President, in celebrating the twenty-fifth anniversary of the International Law Commission, we wish, from this lofty rostrum, to express the hope that it will make its own worthy contribution to strengthening the legal foundations of universal peace and security.

93. The PRESIDENT (*interpretation from Spanish*): I now call on Mr. Rashleigh Jackson of Guyana, who will speak on behalf of the Latin American States.

94. Mr. JACKSON (Guyana): It is a great honour for me to be able to speak today on behalf of the Latin American and Caribbean States on the occasion of the celebration of the twenty-fifth anniversary of the opening of the International Law Commission's first session.

95. Moreover, it gives me an added pleasure to recall that this year our region of Latin America has provided the personnel for three important positions in our Organization, two of them directly in the field of international law. You, Sir, the President of our General Assembly, are a distinguished son of Ecuador; Jorge Castañeda, the current Chairman of the International Law Commission—which, this morning, we are gathered to honour—is one of the eminent jurists of Mexico; and his compatriot, Sergio Gonzalez Galvez, is the distinguished Chairman of the Sixth Committee. Indeed, one can say that this is a Latin American year for international law and of this the region can be justly proud.

96. Almost 27 years ago, this General Assembly established a 17-member Commission to study the ways by which the progressive development of international law and its eventual codification might be encouraged. This was with a view to implementing the obligation set out in Article 13, paragraph 1 (a), of our Charter. In the following year this Assembly adopted, without dissent, resolution 174 (II), which was recommended by the Sixth Committee. That resolution gave birth to the International Law Commission which was sent out into the world, so to speak, with this directive: to promote the progressive development of international law and its codification. The Commission held its first session in 1949, met annually ever since and, this year, for the twenty-fifth time.

97. May I be permitted briefly to recite some of the achievements of the 25-year-old Commission.

98. In those 25 years the Commission prepared a draft declaration on the rights and duties of States; it formulated the principles of international penal law recognized in our Charter; it prepared a draft code of offences against the peace and security of mankind; it studied the question of defining aggression; it gave an opinion on the desirability and possibility of establishing an international criminal court to try people accused of international crimes; it made recommendations on the problem of reservations which States might make at the time of ratifying international agreements; it prepared draft conventions on the elimination or reduction of future statelessness; it made proposals concerning ways and means for making the evidence of customary international law more easily available; it drafted a code of arbitration procedures aimed at ensuring that States which have agreed to arbitration perform in good faith. Its 1956 session was dedicated mainly to codifying the law of the sea. Since then, it has given us the bases of the Conventions on Diplomatic Relations, Consular Relations, Special Missions and on the Law of Treaties. These days the Sixth Committee is engaged in considering the Commission's draft convention on the protection of diplomatic agents and other internationally protected persons.

99. It is in the nature of things that the prosaic hardly ever makes the headlines. Rather, I should say, it almost never

does. The work of the International Law Commission is not such that it would capture the interest of the man in the street. But whether he knows it or not the life of the man in any street, in any city, in any country in the world is better off today because the Commission exists. For, as has been truly said, it is "quietly building the foundations upon which, if there is time, a solid world peace may some day be created".

100. We live in a world of nations corrupted by power and egoism. Nevertheless, the fact that the International Law Commission is functioning gives us a certain assurance of the possible achievement of social justice. The results of its labours affect the very foundations of international relations.

101. In recent times—indeed, in our very lifetime—international law has expanded, and is expanding in a significant manner. A tremendous corpus of law and legal institutions has been developed thanks to the efforts of the United Nations, the International Court of Justice, the International Law Commission, the specialized agencies, the several regional organizations and professional and other associations. But, I believe that no one here would deny pride of place to the International Law Commission. And we in the Latin American regional group are particularly pleased that we have been able to make our contribution through these 25 years. Within our geographic region our eminent jurists who have served and are serving on the Commission have come from Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Mexico, Panama, Peru and Uruguay.

102. They have brought to the Commission a rich tradition of codification, a distinctive approach to international law and an awareness of its expanding role to meet contemporary demands. Some of them have gone on to sit on the International Court of Justice.

103. In the Sixth Committee we have had the privilege from year to year of having with us, sitting as representatives of their countries, some of those distinguished lawyers who serve on the Commission. This year we have with us Jose Sette Camara of Brazil and Alfredo Martínez Moreno of El Salvador; and, outside of our region, Zenon Rossides of Cyprus and Mustapha Yasseen of Iraq. It is always a pleasure, and very instructive, to hear them and to listen to their learned contributions to our debates. Yet, while we honour the men who serve on the Commission and the Commission itself, I think it is only right that we should at the same time not forget the invaluable assistance given them by the Commission's secretariat ever since the Commission was established.

104. The International Law Commission now has behind it its first quarter of a century. What of the future? Perhaps we could look forward to even closer co-operation between the Commission and the regional bodies such as the Inter-American Juridical Committee, the Asian-African Legal Consultative Committee and the European Committee on Legal Co-operation. The existing co-operation could be strengthened, I would venture to suggest, by the exchange of material on subjects under consideration by all of them.

105. What is very important is that the Commission should be always sensitive and responsive to the needs of the

age. It should not only codify existing international law but seek always to develop that law progressively.

106. Finally, I should like to end by saying that if the International Law Commission did not exist, it would now more than ever be necessary to invent it.

107. The PRESIDENT (*interpretation from Spanish*): I now call on Professor Erik Castrén of Finland, who will speak on behalf of the Western European and other States.

108. Mr. CASTRÉN (Finland) (*interpretation from French*): In examining the annual report to the Sixth Committee of the International Law Commission in this the twenty-fifth anniversary year we paid many tributes to its activities. Several delegations have also this year presented their well deserved congratulations on its long and fruitful activity. My delegation has the honour, on behalf of the group of Western European and other States, to congratulate the International Law Commission collectively and to express our gratitude to it at this solemn meeting.

109. We are pleased to note that, despite the difficulty of the work of codification, the Commission, according to the general view, has fulfilled the great hopes of the United Nations and its Members. Although the Commission has not yet been able to conclude the extensive work programme drawn up for it in 1949, the results are quite significant. It has already succeeded in codifying several important fields of international law. I would only mention the law of the sea, diplomatic law and the Law of Treaties. On the basis of drafts of the Commission, several important general conventions have been concluded, a large number of which are already in force or will come into force shortly, and these are frequently already invoked in international relations. As we know, the Commission is elaborating several draft articles *inter alia* on the important questions of international responsibility and the succession of States. Apart from its original programme, the Commission has also prepared several valuable codes and draft resolutions on various questions.

110. It has frequently been said that the Commission works slowly, but this is inevitable if satisfactory results are to be achieved. Quality of work must come before quantity. The work of the Commission not only includes codification in its purest form but, in case of need, the progressive development of international law. The statute of the Commission is very flexible and leaves it with sufficient freedom in the manner of the organization and methods of its work. It has not been necessary to modify the statute except in a few rare cases. Thus the number of members was raised from 15 to 25, which seems to be appropriate. The Commission is itself dealing with its methods of work and intends to do so in the future also. Thus it has constantly revised its own work programme. As a former member with 10 years experience, I may attest to the fact that the atmosphere in the Commission is good and that co-operation between its members is of the best.

111. The United Nations has made available to the Commission an excellent secretariat, which helps the Commission between annual sessions, by elaborating preparatory documentation. It is most important that the Commission, at the very outset of its examination of each subject, be in

constant contact with Governments and frequently with certain international organizations concerned, that supply material and offer written observations in the course of the work. Similarly, it is appropriate for us to follow its work in the Sixth Committee and inform it of our judgements and recommendations. The Commission has been collaborating for some time with certain other codification organs, but it may be possible, and indeed desirable, to strengthen and expand such relations. The Commission established relations with the International Court of Justice a few years ago. In the course of visits made by a few of the eminent members of that high court to meetings of the Commission, opinions have been exchanged concerning relations between the two organs.

112. At present we shall refrain from making any proposals concerning the working methods of the Commission or its long-term programme of work. We have confidence in it and know that the necessary reforms and revisions will be carried out in good time. We are optimistic with respect to the future of the Commission. It is the only permanent and specialized organ set up for the codification of international law on a universal basis. Its importance and the need to continue its activities cannot be denied. We wish the Commission much success during the second 25-year period. We also hope that its work will be useful and, if possible, even more fruitful than heretofore. The importance of international law is constantly increasing as relations between peoples and States are becoming closer and the situation is developing in various fields. Accordingly it is also necessary to develop international law so that order and peace in the world may be maintained.

113. The PRESIDENT (*interpretation from Spanish*): I thank Mr. Castrén, who rendered such important services to the International Law Commission from 1962 to 1971.

114. I now call on the last speaker, Mr. Jorge Castañeda of Mexico, Chairman of the International Law Commission.

115. Mr. CASTAÑEDA, Chairman of the International Law Commission (*interpretation from Spanish*): On behalf of the International Law Commission, of its present and past members, I express our whole-hearted gratitude to the speakers who have spoken before me for their expressions of appreciation of the work of the Commission during its first 25 years, for their congratulations and for the encouragement they have given it in its future work. In particular, I should like to thank the President of the General Assembly, the Secretary-General, the President of the International Court of Justice and the representatives of the different regional groups in the Assembly.

116. Perhaps I shall not be committing a sin of immodesty if I say on behalf of the Commission that it is entitled to be satisfied with its work. The senior members present may recall the very dubious forecasts made in the Assembly and in the International Law Commission exactly 25 years ago regarding the fate of its future work. The memory of the various still-born attempts made at conferences on codification at the time of the League of Nations, together with the acute ideological and political polarization which then prevailed in the world, did not promise well for future codification of international law.

117. Today, a quarter of a century later, we can affirm that the post-war period has been one of the most fruitful in history for the codification of international law. We might well add that the International Law Commission has made a major contribution to that endeavour. Almost all its drafts have become international conventions which have gained substantial acceptance in the international community. The Commission has codified—or made considerable progress in codifying—the laws of treaties, the succession of States, the responsibility of States, nationality and practically all of diplomatic law, that is to say, diplomatic relations, consular relations, special missions and multilateral diplomacy. I need hardly explain, of course, that for the time being I am using the term “codification” in its generic and common meaning, and not its strict sense.

118. With respect to the law of the sea, the drafts of the Commission were the solid foundation for the four Geneva conventions of 1958. Although today they require considerable revision, due in large measure to the speed and depth of the technological changes which have since taken place in the exploration of the resources of the sea and the sea-bed, these conventions on the whole still constitute the basic code governing maritime space. All these conventions are therefore beyond question a plentiful harvest.

119. As the Commission points out in its latest report to the General Assembly [*A/9010/Rev. I*], now that we have a certain historical perspective to assess what has been done, what is striking is not so much that in these 25 years the Commission has in fact not systematically codified all of international law, but rather that in practice it has come so close to that goal which had been set at the inception of its work.

120. During this period new forces have emerged and events have occurred which have made a major contribution to moulding contemporary international law. In the first place, the entire geography of the law of peoples has changed. On the international scene we have seen the emergence of more than 80 new States since the end of the war. It is only today, with the end of the process of decolonization in sight, that we can say that international law has become genuinely universal in scope.

121. Secondly, spectacular advances in science and technology have taken place in this quarter of a century which perhaps have never been surpassed in any other era. These changes have influenced not only our assessment of many traditional norms and principles, but also the formation of new legal concepts, such as the common heritage of mankind, or the appearance of entire new chapters of international law, such as the law of outer space and the law of the environment.

122. The International Law Commission has been far from insensitive to the appearance of these new forces and trends, or to the aspirations of the young nations. Thus, for example, in the field of international law, which is most closely linked to the situation of the new States, that is to say, the succession of States, the Commission has been preparing several drafts on succession in respect of treaties and on succession in respect of matters other than treaties, both of which have as a nucleus, as a central norm, the

principle of *tabula rasa*. Despite the existence of many opposing doctrinal views, the Commission reached the conclusion that every new State should come into independent life free from the heavy mortgage of debts and commitments which may have been imposed on it by the predecessor State.

123. While it is true that the International Law Commission is the central organ for the codification and progressive development of international law, a considerable part of the creative process of that law is being carried out under United Nations auspices, but outside the Commission which I have the honour to represent. This is either because certain items are markedly political or because with respect to others the technical aspects predominate or because other questions are unknown or controversial, but the fact is that the General Assembly has considered it necessary to entrust the systematic formulation of certain international norms to *ad hoc* bodies made up, for the most part, of representatives of the States.

124. The law on international economic co-operation, the law on outer space, the principles of international law governing friendly relations and co-operation among States and the revision of the law of the sea, among other topics, have been entrusted to other organs or to special committees composed of representatives of States.

125. The International Law Commission, for its part, has concentrated its efforts lately on certain more traditional chapters, more characteristic of international law, such as the responsibility of States, the succession of States, and some partial and still pending aspects of the Law of Treaties.

126. While understanding and accepting the well-known reasons for this, I think it might be fitting to meditate, particularly now, in connexion with the twenty-fifth anniversary of the International Law Commission, on whether this kind of spontaneous division of labour, between the Commission and other organs, is really the ideal solution. I ventured to ask the Sixth Committee when it discussed the report of the International Law Commission this year whether it would not be possible and desirable to make use of the experience, the technical competence and creative potential of an organ such as the International Law Commission in connexion with new subjects or new aspects of subjects that were not outside the statutory field of action of the Commission, even though they might have some political or technical facets.

127. To me it appears that the experience gathered over the last three years in the Preparatory Committee for the forthcoming Third United Nations Conference on the Law of the Sea might serve as a lesson. This frustrating experience might perhaps suggest several conclusions regarding the process of codification in our times and even regarding the functions which the International Law Commission could fulfil in that process. In the first place, that experience reveals that an organ made up of a large number of representatives of Governments, while it may be an appropriate forum for a broad debate on general principles from which some trends or even an outline of certain norms might emerge, it is at the same time an organ which inevitably encounters enormous obstacles in making those principles specific and in preparing suitable documents as a basis for a

codification conference. The total scarcity of results after six such lengthy sessions, phased over three years, of the work of the Preparatory Committee for that Conference, when compared with the drafts prepared by the International Law Commission for the 1958 Conference, speaks for itself.

128. Yet that is not the only consideration, nor even the principal one. When it comes to the progressive development of certain topics, such as a régime for maritime space, the interests of the international community as such constitute a paramount consideration. It is logical and natural that the independent jurist who does not represent a State should perhaps be in a better position than a State representative to take into account and safeguard the interests of the entire international community. It would be desirable that, at least at the initial phase of the process, this take place.

129. There will, of course, be subsequent phases when the General Assembly will be able to judge, revise and correct the work of the body of independent jurists. In these later stages the purely national interests and considerations can be expressed at length and thereafter be reconciled and harmonized.

130. It seems that this is the key to success: the interaction between the interests of the international community as a whole and the interests of individual States. To this is added another factor which is also characteristic of the codifying mechanism as represented by the International Law Commission. The last report defines it as "continuous interaction, throughout the development of a codification draft, between professional expertise and governmental responsibility, between independent vision and the realities of international life" [A/9010/Rev.1, para. 166]. This element, which was often absent from the attempts at codification has proved to be one of the main factors of the promise of success in the codifying work of the United Nations.

131. Other conditions are also indispensable for the Commission to be able to continue to contribute with equal or greater effectiveness to the formulation of an international law that will meet the needs of our times.

132. Apart from the obvious requirement of maintaining the high technical level of its texts, I think that if the work of the Commission is to have a really universal impact, it must to an increasing degree reflect the interests, the points of view and the aspirations of the developing countries, of the nations of the third world, which today number almost three-fourths of the international community.

133. A solution to the problem is difficult. One must ascertain to what extent and in what conditions the recently independent States which did not participate in the creation of the international law which they found when they came into being, and whose rules frequently do not reflect their aspirations and interests, are bound by the body of its provisions. Of course, from a technical point of view, from a strictly legal point of view, there would appear to be no problem: anyone who enters a society must comply with its governing order. This is undeniable, but it is also an undeniable political fact that among the new States we observe less readiness to accept many norms of the law of peoples than among the older and more developed countries. At times, the new States show their reluctance indirectly, but fre-

quently they are directly opposed to the application of rules which have their origin and *raison d'être* in outmoded conditions.

134. It is no mere chance that the jurisdiction of the International Court of Justice is more widespread among the developed countries than among the young nations. Year after year we hear these and similar arguments in the Sixth Committee: justice must not be confused with international law; we must not petrify the law of yesterday; it is not warranted for precedents dating back half a century or a century be cited as the decisive factors in determining what international law is to be today. As was rightly said by the President of the International Court of Justice, Judge Lachs, in his inspired statement this morning,

“If one consolidates the past and calls it law he may find himself outlawing the future” [*supra*, para. 36].

135. These same considerations are equally valid for solving another essential question in the work of the International Law Commission: how to select future subjects for codification or progressive development, and criteria to be applied in determining whether a subject is appropriate for codification. While it is true that in codification—and now, of course, I am using this term *strictu sensu*—of many topics, particularly old ones, the Commission based itself on an abundant and generalized State practice, on treaties and uniform doctrines. The same did not occur in other cases where the elements of progressive development were predominant, or at least inseparable from *lex lata*. Some examples of these are the draft of the Commission which became a treaty on the continental shelf and the draft already mentioned with respect to treaties of succession in which State practice and doctrine were not completely uniform. In both cases the decisive element which the International Law Commission took into account was the present need and not the past practice of the international community. It seems to me that this is the basic criterion which should inspire the future work of the International Law Commission.

136. Nowadays, in a heterogeneous international society in which new States predominate, characterized as they are by their dynamism and accelerated rate of change, international law cannot, as it has been in the past, be a mere repetition of the precedents, a ritual recital of what States

did heretofore. I am certain that the International Law Commission will continue to adapt its approach to the problems and its working methods to the changes in the reality of the international society.

137. I am equally sure that its members, with fervour and determination, will continue to elaborate a just international law which will contribute to the peace and well-being of all peoples.

138. I reiterate my gratitude for the recognition given the work of the Commission and for the expressions of goodwill made for the success of its future work. On behalf of the Commission I wish to express our special gratitude to the Secretary-General for the broad and invaluable co-operation which the Secretariat has rendered the Commission. Finally, we express our gratitude to the General Assembly and to its Members for the support and encouragement they have given to the International Law Commission throughout the years.

139. The PRESIDENT (*interpretation from Spanish*): May I be allowed to pay a tribute to the illustrious members of the International Law Commission who have died and whose names I shall read out: Ricardo Alfaro of Panama, James Brierly of the United Kingdom, Roberto Córdova of Mexico, Faris El-Khoury of Syria and Egypt, Manley O. Hudson of the United States, Sergei Krylov of the USSR, Sir Hersch Lauterpacht of the United Kingdom, Antonio de Luna of Spain, Ahmed Martine-Daftary of Iran, Sir Benègal N. Rau of India, Mr. Sandstrom of Sweden, Professor Georges Scelle of France, Jean Spiropoulos of Greece and Professor Jesus Maria Yepes of Colombia.

140. May I also pay a special tribute to the last two who died and who were from the Latin American region: the humanist and distinguished jurist Gilberto Amado of Brazil, and Professor Gonzalo Alcívar of my own country. May I ask the General Assembly in this case—since I speak of an Ecuadorean—to allow me to express the great personal sorrow I feel in noting his absence from the work of the Sixth Committee and from the work of the International Law Commission.

The meeting rose at 12.55 p.m.