

Mr. JENARD (Belgium) said that although, at first sight, he had been in favour of the text before the Commission he had come to the conclusion that it should be deleted. A major defect of the draft Convention was that it was excessively complicated. The rules proposed in article 17 regarding the establishment of dates were of logarithmic complexity and he considered that, being bizarre, they could only be a source of confusion and embarrassment to the creditor.

Mr. GUEIROS (Brazil) agreed with the Belgian representative that the article should be deleted altogether.

Mr. GUEST (United Kingdom) said that the representatives of Norway and France, neither of whom was present in the Commission, could certainly be expected to express strong opposition to any suggestion that the article should be deleted. The simpler course would be to place the entire article in square brackets and to record the views expressed during the current debate in the commentary.

The CHAIRMAN said that, if there was no objection, he would take it that the Commission agreed to a compromise solution whereby the whole text of the proposed new article 17 would be placed in brackets and approved on the understanding that the views of delegations would be stated in the commentary on the article.

It was so decided.

#### Article 28 (continued)

Mr. JAKUBOWSKI (Poland) said that the general rule was stated in paragraph 1 and that paragraph 2 merely set forth one interpretation of the rule. Moreover, in the view of his delegation, paragraph 2 could lead to a conclusion contrary to that stated in paragraph 1. Paragraph 2 should therefore not be given the same weight as paragraph 1. He asked that his delegation's views be inserted in the commentary.

The CHAIRMAN said that the views of the Polish representative would be inserted in the commentary on article 28.

#### Draft decision proposed by the Working Group on Prescription

The CHAIRMAN drew attention to a draft decision proposed by the Working Group on Prescription (A/CN.9/V/CRP.26), whereby the Commission would (a) approve

the text of the draft Convention, (b) request the Secretary-General to prepare a commentary on its provisions, to circulate its text to Governments for comment and to prepare an analytical compilation of the resulting comments and proposals for submission to Governments and interested international organizations; and (c) recommend that the General Assembly should provide for the conclusion of a convention on prescription, possibly by an international conference of plenipotentiaries.

Mr. BURGUCHEV (Union of Soviet Socialist Republics) pointed out that, in adopting the draft decision, the Commission would "approve" the text of the draft Convention. Yet the Commission had never even considered part IV of the draft Convention or its articles 37 and 38, while some provisions of the text which it had considered were still in square brackets. The language of the draft decision implied that the Commission had approved the entire draft Convention.

Mr. SAM (Ghana) said that his delegation had intended to make the same comments as the USSR representative.

Mr. HONNOLD (Secretary of the Commission) said that it was the intention that the draft decision should be included in the report of the Commission with any editorial changes necessary to make it perfectly clear which portions of the draft Convention had been approved and which had not. The Commission could not in any case approve the draft decision until it had considered the question of the financial implications of an international conference of plenipotentiaries to conclude a convention on prescription.

Mr. KAMAT (India) said that the subject-matter of the draft Convention and the complex issues of private law which it involved indicated that it should be considered by an international conference of plenipotentiaries rather than by the Sixth Committee of the General Assembly. He nevertheless wondered whether it was necessary for the Commission to make any firm recommendation to the Assembly in that connexion. The International Law Commission had recommended to the Assembly that an international conference on the representation of States in their relations with international organizations should be convened but at the twenty-sixth session of the Assembly a number of delegations had expressed the view that it would be better for the Sixth Committee to deal with the question.

It would be wiser for the Commission's report to state its views regarding the desirability of convening an international conference of plenipotentiaries and to leave the actual decision to the General Assembly.

Mr. RECZEI (Hungary) proposed that any draft decision adopted by the Commission should contain a paragraph expressing appreciation of the immensely valuable task performed by the Working Group on Prescription in preparing the draft Convention.

The CHAIRMAN said that, if there was no objection, he would take it that the Commission agreed to complete consideration of the draft decision in the context of the adoption of its report.

It was so decided.

Mr. SLOAN (Director, General Legal Division), speaking as the representative of the Secretary-General, said that initial estimates by the Secretariat indicated that the over-all cost of an international conference of plenipotentiaries lasting three weeks would be approximately \$150,000 - on the assumption that it was convened in New York.

Mr. BURGUCHEV (Union of Soviet Socialist Republics) observed that although the figure announced by the Secretariat appeared to be very considerable, the Commission could consider it only in comparative terms. More details were necessary before it could be discussed.

The CHAIRMAN suggested that consideration of the financial implications of a diplomatic conference should be deferred until more details were available.

It was so agreed.

[ The last part of the meeting was taken  
up by the discussion of other matters ]