

liability for injurious consequences arising out of acts not prohibited by international law, Robert Q. Quentin-Baxter (New Zealand), and on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, Alexander Yankov (Bulgaria).

International Law Seminar

The sixteenth session of the International Law Seminar was held at Geneva between 2 and 20 June 1980, with 25 participants. Austria, Denmark, Finland, the Federal Republic of Germany, Kuwait, the Netherlands, Norway and Sweden gave fellowships to participants from developing countries. For the first time, a private body, the Dana Fund for International and Comparative Legal Studies (United States), also granted fellowships.

Other topics

On the basis of the recommendations of a planning group established in June 1980, the Commission adopted its work programme for 1981, which included: the second reading of the draft articles on succession of States in respect of matters other than treaties, and on treaties concluded between States and international organizations or between international organizations; continuing preparation of drafts on the responsibility of States for internationally wrongful acts, particularly on content, forms and degrees of international responsibility; as well as the study of and preparation of additional draft articles on the other topics on its 1980 work programme.

Other topics

During the year, Commission members attended meetings of other legal bodies, such as the Asian-African Legal Consultative Committee (Jakarta, Indonesia, April/May) and the Inter-American Juridical Committee (Rio de Janeiro, Brazil, January/February). Those committees as well as the Arab Commission for International Law and the European Committee on Legal Co-operation were represented at the Commission's 1980 session.

At the Commission's request, the third edition of the handbook "The work of the International Law Commission" was published during the year under review.

Consideration by the General Assembly

During the debate in the General Assembly's Sixth (Legal) Committee on the report of the International Law Commission, many Members referred to the subject of State archives. Afghanistan, Brazil, Kenya and Yugoslavia pointed out that State archives were an essential part of a nation's cultural heritage. They stressed the obligation to pass them on to a successor State as soon as it attained sovereignty. In Jamaica's view,

State archives could be essential to national development. Hungary said the draft on succession of States in respect of matters other than treaties should emphasize the importance of preserving the unity of State archives in all cases of State succession. China believed that the draft articles on State archives should not be placed together with those on State property. It wondered whether it might be possible to broaden the definition of State archives to include cultural objects reflecting historical development.

Referring to the question of State responsibility, the USSR expressed the view that the Commission must act more quickly on the urgent needs of the international community. Japan felt that the draft articles on that subject were of great value since they contained guidelines regarding the fundamental rules of international law. The Ukrainian SSR referred to what it considered to be ambiguities in several articles which could be subject to broad interpretations. Several Members referred to State responsibility arising out of internationally wrongful acts, to circumstances precluding the wrongfulness of an act, and, in particular, to the draft articles dealing with self-defence, state of necessity and compensation for damages. The Byelorussian SSR, Hungary, Mongolia and the USSR said reference should be made in the draft article on self-defence to Article 51 of the Charter of the United Nations setting out the inherent right of individual or collective self-defence.¹

The Libyan Arab Jamahiriya called for further definitions in relation to state of necessity and self-defence. In Algeria's view, the application of those articles in inter-State relations would give rise to difficulties and disputes, especially in the case of the use of armed forces. Pakistan supported the inclusion of state of necessity and self-defence in the category of circumstances in which wrongfulness of an act should be excused. Bulgaria and Mongolia pointed out that the provisions of the articles might give rise to the possibility of misuse.

Trinidad and Tobago held that recognition of a plea of state of necessity to safeguard essential financial and economic interests of the State would assist the Governments of developing countries to cope with their short-term and temporary financial difficulties without damaging their international credit.

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¹ For text of Article 51 of the Charter, see APPENDIX II.