Tenth session
Agenda item 50

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE
WORK OF ITS SEVENTH SESSION

Financial implications of the draft resolutions
proposed by the Sixth Committee (A/3028)

Report of the Fifth Committee

Rapporteur: Mr. Mauro MENDEZ (Philippines)

1. At its 514th and 515th meetings, the Fifth Committee considered, in
accordance with rule 154 of the rules of procedure of the General Assembly,
the financial implications of the draft resolutions (A/C.6/L.361)\(^1\)/ approved
by the Sixth Committee relating to the report\(^2\)/ of the International Law
Commission on the work of its seventh session. For its consideration of
this item, the Fifth Committee had before it a note (A/C.5/640) by the
Secretary-General and the twenty-first report (A/3037) of the Advisory
Committee on Administrative and Budgetary Questions to the tenth session
of the General Assembly. The Committee also invited the Chairman of the
International Law Commission to participate in its consideration of this matter.

2. In his note, the Secretary-General informed the Committee that the draft
resolution dealing with a change in the term of office of members of the
International Law Commission, and that dealing with the question of casual
vacancies, had no financial implications.

\(^1\)/ Now incorporated in the report of the Sixth Committee (A/3028).
\(^2\)/ See Official Records of the General Assembly, Tenth Session, Supplement
No. 9, document A/2934.
Draft resolution I

3. Under draft resolution I proposed by the Sixth Committee, article 12 of the Statute of the International Law Commission would be amended to provide that the Commission sit at the European Office of the United Nations at Geneva, the article at present providing that the Commission sit at Headquarters. The second part of article 12, providing that the Commission have the right to hold meetings at other places after consultation with the Secretary-General, would remain unchanged. In respect of this draft resolution, the Fifth Committee was informed, in the report before it that, based on a ten-week session of the Commission annually, the additional expenditure involved each year in a meeting at Geneva rather than at Headquarters was of the order of $22,000. The cost of a ten-week session at Geneva was estimated by the Secretary-General at $79,800; at Headquarters, $57,850.

4. In considering the implications of this draft resolution, the Fifth Committee was mindful of the fact that, with the exception of its first session, held in 1949, the International Law Commission had held all its sessions in Geneva, having exercised the right provided under the second part of article 12 of its Statute. For the holding of the sessions in Geneva, the General Assembly had, each year, voted the necessary additional budgetary provision.

5. The Advisory Committee, in its report, referred to the fact that in each case when it had been necessary to consider the question of providing additional funds for the Geneva sessions, it had recommended, on financial and administrative grounds, against the provision of such additional funds, basing itself on the principle that Headquarters-based bodies should meet at Headquarters (a principle later formalized in resolution 694 (VII), adopted on 20 December 1952, dealing with the programme of conferences for Headquarters and Geneva), and on the argument that items of avoidable expenditure should not be incurred. Again referring to these arguments, and to the fact that it was principally at Headquarters - in the General Assembly, the Councils and the Commissions - that the United Nations was building up a jurisprudence and contributing through that process to the development of international law, the Advisory Committee, on administrative and financial grounds, reiterated
its previous recommendation on the question of the place of meeting of the International Law Commission. The Advisory Committee reported, however, that should the General Assembly adopt the draft resolution approved by the Sixth Committee, an appropriation of $79,000 for the 1956 session of the Commission in Geneva would be necessary.

6. In the discussion in the Fifth Committee, a number of representatives referred to the reasons which had induced the International Law Commission to decide to meet in Geneva. These reasons had led their delegations to support, in additional budgetary provisions for that purpose in the past, and to support, in the Sixth Committee, the draft resolution now being considered. It was further noted that resolution 694 (VII) on the programme of conferences implied in paragraph 1 (c) that the Commission could meet at Geneva. Several delegations stressed however that, while in the light of the background and particular circumstances of the question in so far as the International Law Commission was concerned, they would vote in favour of the appropriation required for meetings at Geneva of the Commission, this fact did not in their view constitute a precedent for other bodies of the United Nations. The Fifth Committee agreed, without objection, to inform the General Assembly that the adoption of draft resolution I proposed by the Sixth Committee would involve an appropriation, for a Geneva session of the International Law Commission in 1956, of $79,000.

Draft resolution IV\(^3\)/

7. Under draft resolution IV, provision is made for:

(a) The printing, in their original languages, of the studies, special reports, principal draft resolutions and amendments presented to the International Law Commission at its first seven sessions, and of the summary records of those sessions initially in English;

(b) The printing each year, in English, French and Spanish, of the documents mentioned in (a) relating to future sessions of the Commission;

(c) The Commission to give instructions to the Secretary-General with respect to the selection and editing of the documents to be printed and, if necessary in its opinion, to resubmit to the General Assembly the question of the printing of the Commission's documents.

\(^3/\) Draft resolution III in documents A/0.5/L.361 and A/3037.
8. The Fifth Committee was informed in the reports before it that, under the draft resolution, the total cost of printing the records of the first seven sessions of the International Law Commission was estimated at $42,000 and the annual cost of printing the records of future session at $16,900. The Advisory Committee, in its report (paragraphs 13 and 14), had recommended that supplementary provision to an amount of $16,900 should be made in the 1956 budget for the printing of the records of the eighth (1956) session of the Commission; but that, as regards the material of earlier sessions, the printing should be undertaken only to the extent that savings arose in the section of the budget for contractual printing or that deferment of other items therein was possible.

9. In the course of the discussion in the Fifth Committee, certain delegations expressed some hesitation as to whether, in view of paragraph 3 of the draft resolution (paragraph 7(c) above), the Committee was in a position to give the General Assembly any firm information on financial implications. The opinion was expressed that Committees adopting resolutions having financial implications should ensure that the terms of those resolutions were such as to enable the Fifth Committee to deal adequately with its responsibilities under rule 154 of the rules of procedure. An oral proposal by the representative of the Union of Soviet Socialist Republics that the Fifth Committee should refrain from considering the estimates presented for the publication of the records of the International Law Commission until that Commission had considered the matter and made appropriate recommendations, was rejected by 22 votes to 8, with 14 abstentions.

10. In the course of further discussion, several representatives referred to the positions taken by their delegations in the Sixth Committee on the question, and the view was expressed that the action taken in respect of printing the records of the Commission should not be considered a precedent for other bodies.

11. In the event of adoption by the General Assembly of the draft resolution of the Sixth Committee, the Fifth Committee, on an oral proposal by the representative of the United Kingdom, decided:

(a) By 37 votes to 5, with 2 abstentions, that the Committee should recommend that provision be made in the budget for the current publications of the International Law Commission in the amount of $16,900;

(b) By 32 votes to none, with 10 abstentions, that, subject to a suitable selection of the backlog material by the International Law Commission,
Expenditures for printing this material, as provided by the draft resolution, should be incurred under the following conditions:

(i) That the work should be spread over a period of three years;

(ii) That, for 1956, the cost should be absorbed within the total of $1,375,000 approved by the Fifth Committee in its first reading of section 25 of the budget;

(iii) That the costs of publication of backlog material in future years should be met within a similar maximum total budgetary provision; and

(iv) That the printing of the records of the International Law Commission should be accorded suitable priority in the printing programme.

Conclusions

12. Thus, in accordance with the provisions of rule 154 of the rules of procedure of the General Assembly, the Fifth Committee informs the General Assembly that, in the event of the adoption of the draft resolutions proposed by the Sixth Committee relative to the report of the International Law Commission on the work of its seventh session, the financial implications would be those set out in paragraphs 6 and 11 of the present report.