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International Law Commission

Seventy-fourth session (second part)

Provisional summary record of the 3657th meeting

Held at the Palais des Nations, Geneva, on Friday, 4 August 2023, at 3 p.m.

Contents

Present:

Chair:	Ms. Galvão Teles
Members:	Mr. Akande
	Mr. Asada
	Mr. Fathalla
	Mr. Fife
	Mr. Forteau
	Mr. Galindo
	Mr. Huang
	Mr. Jalloh
	Mr. Lee
	Ms. Mangklatanakul
	Mr. Mavroyiannis
	Mr. Mingashang
	Ms. Okowa
	Ms. Oral
	Mr. Ouazzani Chahdi
	Mr. Oyarzábal
	Mr. Paparinskis
	Ms. Ridings
	Mr. Ruda Santolaria
	Mr. Sall
	Mr. Savadogo
	Mr. Tsend
	Mr. Vázquez-Bermúdez

Secretariat:

Mr. Llewellyn	Secretary to the Commission

The meeting was called to order at 3.05 p.m.

Draft report of the Commission on the work of its seventy-fourth session (*continued*)

Chapter VII. Subsidiary means for the determination of rules of international law (*continued*) (A/CN.4/L.979 and A/CN.4/L.979/Add.1)

The Chair said that the meeting would be suspended briefly to allow members to consult on the revised text to be presented by the Special Rapporteur.

The meeting was suspended at 3.10 p.m. and resumed at 3.40 p.m.

The Chair invited the Commission to resume consideration of the portion of chapter VII of its draft report contained in document A/CN.4/L.979/Add.1. She drew attention to an informal document that the Special Rapporteur had circulated earlier in the day, in English only, showing the changes that he was proposing to the outstanding paragraphs of the commentaries to the draft conclusions.

Commentary to draft conclusion 1 (Scope) (continued)

Paragraph (5) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (5):

(5) Third, and more substantively, the Commission's study of the French (*moyens auxiliaires*), Spanish (*medios auxiliares*) and other equally authentic language versions of Article 38, paragraph 1 (*d*), found that they more precisely underline the ancillary or auxiliary nature of the subsidiary means. The other authentic language versions, which set forth a relatively narrower understanding of the term "subsidiary" than a broader ordinary understanding which also became associated with the English term, further confirm that both judicial decisions and teachings differ in their nature from the sources of law expressly enumerated in Article 38, paragraph 1 (*a*) to (*c*), of the Statute: treaties, international custom and general principles of law. In other words, judicial decisions and teachings are subsidiary simply because they are not sources of law that may apply in and of themselves. Rather, they are used to assist or to aid in determining whether or not rules of international law exist and, if so, the content of such rules. This is not to suggest that the subsidiary means are not important. On the contrary, they remain so, albeit only as auxiliary means for the identification and determination of rules of international law.

The proposed footnote at the end of the first sentence would indicate that the same understanding of the term was reflected in Chinese and Russian and would provide the Arabic term, as decided by the Arabic-speaking members of the Commission.

Ms. Okowa said that, in the second sentence, the indefinite article "a" before "broader" should be replaced with "the".

Mr. Fife said that the indefinite article indicated that there were several possible understandings and so should be retained.

Mr. Oyarzábal said it was unclear from the wording that the problem being addressed was associated only with the English term.

Mr. Fife proposed that the first "which" in the second sentence should be replaced with "also", so that the beginning of the sentence would read, "The other authentic language versions also set forth". The sentence should then be split in two after "English term", with the new third sentence beginning with "They further confirm that …".

Paragraph (5), as amended, was adopted.

Paragraph (12) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (12):

(12) But, in addition to the meaning given in paragraph (9) above, the word "determine" as a verb can also mean to state the law. In some cases, and although as

a formal matter, Article 59 will continue to apply, the Court simply refers to the rule whose content it determined in a previous decision. In most cases, it may do so without engaging in further analysis to establish whether the rule exists or not, since that could at a later stage be taken as a given, following the prior decision to that effect. For, after all, in practice, judges – as well as States and their legal representatives for that matter – do not start with a clean slate when they have to resolve a new dispute raising factual and legal issues similar to those already considered. Indeed, prior decisions are "frequently used to identify or elucidate a rule of the law, not to make such a rule, i.e. not so much in the quality of binding precedents as having persuasive influence". Indeed, for reasons of legal security, not only does the Court itself refer to its own prior decisions, it often seeks to explain a prior position that is based on previous decisions or to justify a departure from a prior decision.

The footnote at the end of the fifth sentence would give the source of the quotation and the footnotes after "legal security" and at the end of the final sentence would refer to relevant cases.

Paragraph (12), as amended, was adopted.

Commentary to draft conclusion 2 (Categories of subsidiary means for the determination of rules of international law) (continued)

Paragraph (8) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (8):

(8) The term "decisions" refers to a judgment, decision or determination by a court of law or a body of persons or institution, as part of a process of adjudication with a view to bringing to an end a controversy or settling a matter. While normally such a decision, especially a judicial one, would be issued by a court of law, such as the International Court of Justice or other international or national courts, it may also be issued by another type of appropriate adjudicative body. Relatedly, as regards the decisions of international courts and tribunals, it should be clarified that decisions would include not just final judgments rendered by a court, but also advisory opinions and any orders issued as part of incidental or interlocutory proceedings. The latter would include provisional measures orders issued by the International Court of Justice. The term "decisions" understood in a broad sense includes those taken under individual complaints procedures of State-created treaty bodies, such as the Human Rights Committee. Thus instead of the term "judicial decisions", which is found in Article 38, paragraph 1 (*d*), of the Statute, the Commission, consistent with its prior work, selected the broader term "decisions", the merit of which is to encompass decisions issued by a wider range of bodies.

The footnote at the end of the third sentence would refer to the Commission's explanation of the term "decisions" in the commentary to its conclusions on identification of customary international law, and the footnote at the end of the fourth sentence would refer to the commentary to conclusion 13 on the same topic.

Mr. Paparinskis proposed that the words "the International Court of Justice" in the fourth sentence should be replaced with "international courts and tribunals".

Paragraph (8), as amended, was adopted.

Paragraph (9) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (9):

(9) The term "courts and tribunals" should generally be understood broadly. It encompasses both international courts and tribunals and national courts or, as they are sometimes referred to, municipal courts. The broad meaning captures, for example, the International Court of Justice, the International Tribunal for the Law of the Sea, the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Special Tribunal for Lebanon and the dispute settlement bodies of the World Trade Organization. Reference to courts and tribunals

would also encompass regional courts, such as the African Court on Human and Peoples' Rights, the Court of Justice of the European Union, the ECOWAS Court of Justice, the European Court of Human Rights and the Inter-American Court of Human Rights.

Mr. Paparinskis, supported by **Ms. Ridings**, pointed out that the phrase "as well as investment tribunals" had been inadvertently deleted at the end of the second sentence and should be reinstated.

Mr. Savadogo said that, as the phrase "courts and tribunals" in the third sentence encompassed regional courts, it should be replaced with "judicial bodies".

Paragraph (9), as amended, was adopted.

Paragraph (13) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (13):

(13) In the present draft conclusions, and as will be further explained in conclusion 5, the Commission decided to use the term "teachings" to describe the second well-established category of subsidiary means. The Commission debated the possibility of using the "most highly qualified publicists" reference contained in Article 38, paragraph 1 (*d*). The formulation was found to be a historically and geographically charged notion that could be considered elitist. It was also felt that it focused too heavily on the status of the individual as an author as opposed to the scientific quality of the individual's work, which ought to be the primary consideration. The view was, however, expressed that the formulation "the teachings of the most highly qualified publicists of the various nations", which mirrors the exact phrase used in Article 38, paragraph 1 (*d*), of the Statute of the Court, was preferable to the succinct formulation "teachings".

Paragraph (13), as amended, was adopted.

Paragraph (14) (continued)

Paragraph (14) was deleted.

Paragraph (18) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (18):

(18) Subparagraph (c) of draft conclusion 2 provides for the third category of subsidiary means when it states that subsidiary means for the determination of rules of international law include "any other means generally used to assist in determining rules of international law". While various candidates that could be included in the "any other means" category emerge from practice and the literature, the key ones may include the works of expert bodies and resolutions/decisions of international organizations, as explained elsewhere. The view was expressed that this subparagraph is best understood in light of future work on the question of additional subsidiary means.

The footnote at the end of the second sentence referred to the discussion of additional subsidiary means in the Special Rapporteur's first report on the topic (A/CN.4/760).

Paragraph (18), as amended, was adopted.

Paragraph (19) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (19):

(19) Alternatives for subparagraph (c) were considered, ranging from formulating an illustrative list of subsidiary means to simply leaving a placeholder as an indication that text would be included in the future. Regarding the illustrative list of additional subsidiary means, express mention was made of the works of expert bodies and the resolutions or decisions of international organizations. After a thorough deliberation, taking into account the various positions, the Commission settled on referring in

general terms to "any other means generally used to assist in determining rules of international law". That formulation was thought sufficiently broad to allow for further elaboration of its contents in future draft conclusions and the commentaries thereto. Express mention was made of the need to have separate and additional draft conclusions addressing the works of expert bodies, especially those created by States, which found broad support for inclusion. The categories mentioned would also accord with the prior work of the Commission on several topics completed since 2018.

Paragraph (19), as amended, was adopted.

Paragraph (20) (continued)

Mr. Jalloh (Special Rapporteur) proposed the following wording for paragraph (20):

(20) The role of the works of expert bodies and other entities has been examined by the Commission in its recent work on other topics: "Identification of customary international law" (specifically conclusions 13 on decisions of courts and tribunals and 14 on teachings), "Subsequent agreements and subsequent practice in relation to the interpretation of treaties" (conclusion 13 on pronouncements of expert treaty bodies), "General principles of law" (draft conclusions 8 on decisions of courts and tribunals and 9 on teachings) and identification and legal consequences of peremptory norms of general international law (*jus cogens*) (conclusion 9 on subsidiary means for the determination of the peremptory character of norms of general international law – addressing both judicial decisions, teachings and the works of expert bodies). However, there is a need to further assess to what extent they can specifically contribute as subsidiary means for the determination of rules of international law in the context of the present draft conclusions.

The footnotes, after "(draft conclusions 8 on decisions of courts and tribunals and 9 on teachings)" and at the end of the first sentence, would refer to the relevant sections of the Commission's reports to the General Assembly on the current session and its seventy-third session.

Paragraph (20), as amended, was adopted.

Paragraph (21) (continued)

Mr. Jalloh (Special Rapporteur) said that he proposed to delete the last two sentences of the paragraph.

Paragraph (21) was adopted with that amendment.

Commentary to draft conclusion 3 (General criteria for the assessment of subsidiary means for the determination of rules of international law) (continued)

Paragraph (8) (continued)

The Chair recalled that, at the previous meeting, the Commission had decided to split paragraph (8) in two; to make the second part, from "The Commission mentioned", a new paragraph (10); and to insert a new paragraph (9) between the two paragraphs.

The Special Rapporteur said that, following the earlier discussion and after consultations with concerned members, he wished to propose the following wording for the new paragraph (10):

(10) The Commission has previously noted "support ... within the body" as a factor influencing the "value" of "[t]he output of international bodies engaged in the codification and development of international law" in its conclusions on identification of customary international law. A high level of agreement may be particularly significant if the concurring parties represent different geographical regions or cultures. At the same time, it should be noted that, even when there is a measure of consensus among those who participated in producing a particular work or decision, the outcome can be subject to external criticism. The reactions and views of others in

the field are also indications of how well received, or not, a particular subsidiary means might be.

Mr. Galindo, supported by **Mr. Ruda Santolaria**, proposed that the word "cultures" at the end of the second sentence of the paragraph should be replaced with "legal systems".

Mr. Asada said that the last two sentences of the paragraph should be either deleted or combined with the following paragraph, as they were more relevant to the latter paragraph.

Mr. Forteau said he agreed that the last two sentences of the paragraph should be deleted. In the second sentence, he proposed replacing "concurring parties" with "concurring persons".

Mr. Jalloh (Special Rapporteur) said that concerns about the last two sentences of the paragraph could be met by moving the sentences and placing them after the first sentence of the original paragraph (9).

The Chair said she took it that, in the second sentence, the term "concurring parties" should be replaced with "concurring persons" and the word "cultures" with "legal systems", and that the last two sentences should be moved to the original paragraph (9), as proposed by the Special Rapporteur.

The new paragraph (10), as amended, was adopted.

Paragraph (9) (continued)

Mr. Jalloh (Special Rapporteur) proposed that the last two sentences of the original version of the previous paragraph, minus the words "At the same time", should be inserted after the first sentence of paragraph (9) and that the last sentence of paragraph (9) should be deleted.

Paragraph (9), as amended, was adopted.

Paragraph (12) (continued)

Mr. Jalloh (Special Rapporteur) said that, although Mr. Galindo had proposed deleting the reference to the United Nations Commission on International Trade Law (UNCITRAL) in the seventh sentence, other members had called for its retention. Mr. Oyarzábal, for example, had recalled that the International Law Commission in principle dealt with both public and private international law and that UNCITRAL worked on a wider range of issues than had been claimed by some members. His view was that the reference to UNCITRAL was necessary and that the word "also" in the same sentence should be retained. With regard to the ninth sentence, he saw no difficulties with the proposal to delete the word "narrow", which could be interpreted as pejorative if applied to the mandate of the Human Rights Committee. He would prefer to retain the reference to the judgment of the International Court of Justice on preliminary objections in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, which, in terms of its treatment of the decisions of the treaty bodies, provided a contrast to its judgment on compensation in *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*. While it had been proposed that the penultimate sentence should be deleted, his view was that it should be retained, perhaps subject to some minor textual changes. If it was to be deleted, the beginning of the last sentence might need to be amended.

Mr. Forteau said that, in the tenth sentence, the words "by contrast" should be deleted, the word "also" should be inserted after "Court" and the words "in this case" should be inserted after "follow it". The difference between the two judgments lay in the fact that the Court had followed the position of the competent treaty body in only one of them.

The Chair recalled that, at the previous meeting, Mr. Forteau had provided additional references to be incorporated into footnote 71.

Mr. Paparinskis said that he fully supported the substance and reasoning of Mr. Forteau's proposal. The two judgments should be contrasted on the substance rather than in terms of the respective mandates of the two treaty bodies. He proposed that a reference to

paragraph 100 of the Court's judgment on preliminary objections in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)* should be added to footnote 72, introduced by the words "See also", since that was where the Court addressed the mandate of that treaty body. The deletion of the words "created, composed and funded by States" in the penultimate sentence of the paragraph might address some of the concerns of members. He would be grateful if the Special Rapporteur could respond to his earlier proposal, which had been supported by Mr. Asada, regarding the possibility of adding a reference to the judgment of the International Court of Justice of 26 February 2007 in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. In paragraph 403 of that judgment, the Court reasoned that, while it attached the utmost importance to the factual and legal findings made by the International Tribunal for the Former Yugoslavia in ruling on the criminal liability of the accused before it, the situation was not the same for positions adopted by the Tribunal on issues of general international law. A reference to the paragraph in question, introduced by the words "See also", could be added to footnote 71 or 72.

Ms. Okowa said that she had reservations about including a reference to the Court's judgment of 26 February 2007. The substantive propositions made in that judgment remained highly contested. While the Special Rapporteur might wish to address that judgment in a future report, the Commission needed to properly consider the conflicting interpretations to which it had given rise before citing it.

Mr. Savadogo proposed that, in the sixth sentence, to align the description of the Commission's mandate with the exact wording used in its statute, the words "*est habilitée à développer et codifier 'le droit international' public ou privé*" should be replaced with "*a pour but de promouvoir le développement progressif du droit international et sa codification*" [has for its object the promotion of the progressive development of international law and its codification].

Mr. Jalloh (Special Rapporteur) said that he accepted Mr. Forteau's proposals aimed at clarifying the contrast between the two judgments cited. He did not fully understand the insistence of certain members on the deletion of the words "created, composed and funded by States". His preference would be to retain those words, which added value and reflected the discussions that had taken place. In the Drafting Committee, Mr. Grossman Guiloff had emphasized the link between the composition and functioning of the treaty bodies, on the one hand, and States, on the other. For the reasons given by Mr. Akande, Mr. Forteau and Ms. Okowa, he would not be comfortable with the addition of a reference to the judgment of the International Court of Justice of 26 February 2007 in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. Judicial decisions were addressed in a separate draft conclusion, the commentary to which had yet to be translated, and would be discussed in a dedicated report.

Mr. Akande said that the use of the words "created, composed and funded by States" raised certain issues. Although the members of the treaty bodies were elected by States, it was problematic to claim that the treaty bodies were themselves "composed" by States. In addition, some international bodies received most of their funding from private sources.

Ms. Mangklatanakul proposed deleting the last two sentences as a way of simplifying the paragraph.

Mr. Forteau said that he saw no need to delete the words "whether public or private" in the sixth sentence, as had been suggested earlier. However, if they were to be deleted, the text of article 1 (2) of the statute of the Commission could be reproduced in footnote 70.

Mr. Jalloh (Special Rapporteur) said that he saw no problem with the sixth sentence as currently drafted. Although the Commission had in practice not worked on private international law, it had a mandate to do so. It was clear from the wider context of the paragraph that the words "created, composed and funded by States" in the penultimate sentence referred to the treaty bodies as opposed to international bodies in general. As members of the treaty bodies were nominated and elected by States, a phrase such as "composed of persons elected by States" could be used instead. The aim had been to establish a link between the role and mandate of the treaty bodies and States. He had no objection to

Mr. Paparinskis' proposal to supplement footnote 72 with a reference to paragraph 100 of the judgment of the International Court of Justice on preliminary objections in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates).*

Mr. Forteau said that the members of UNCITRAL were not elected persons but States. That was a further reason in favour of deleting the words "created, composed and funded by States", since the situation of each international body might be different.

Mr. Akande said that he had understood the penultimate sentence as referring to international bodies in general. Although the treaty bodies were addressed specifically in the previous two sentences, a wide range of international bodies, including the Commission and UNCITRAL, were mentioned in the paragraph as a whole. The deletion of the words "created, composed and funded by States" would avoid limiting the scope of the paragraph.

Mr. Jalloh (Special Rapporteur) said that there seemed to be agreement to delete the word "narrow" in the ninth sentence; to delete the words "by contrast" and insert the words "in its reasoning" after "the Court", in the tenth sentence; to delete the words "Whatever the case" and "created, composed and funded by States" in the penultimate sentence; and to add a reference to paragraph 100 of the judgment of the International Court of Justice on preliminary objections in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)* to footnote 72.

Paragraph (12), as amended, was adopted.

Chapter VII of the draft report, as a whole, as amended, was adopted.

Mr. Oyarzábal said that he was concerned about the extremely hasty manner in which the Commission had considered the commentaries contained in chapter VII. That afternoon, the Commission had, in barely an hour, reached agreement on issues that it had spent days discussing. He was not comfortable with the idea that the commentaries would be sent to the Sixth Committee without the Commission first having had the opportunity to reread them in their entirety and ensure that they contained no fundamental errors. It would be preferable to either suspend the meeting to give members time to reread the commentaries or to adopt the commentaries in a manner that would allow the Commission to revisit them the following year. If the Commission proceeded with its regular adoption procedure, it would not return to the commentaries contained in chapter VII until it had finalized all the draft conclusions.

The Chair said that, while she understood Mr. Oyarzábal's concerns, as a matter of procedure, it was in line with the Commission's usual practice to adopt commentaries without suspending the meeting for them to be reread in their entirety. The commentaries would be revisited at the end of the first reading. The Commission should continue to discuss how it could improve its procedure for adopting its commentaries, including through the creation of working groups to assist in their preparation.

Ms. Mangklatanakul said that she supported the remarks made by Mr. Oyarzábal. Article 16 (g) of the Commission's statute, which said that the Commission would request the Secretary-General to issue a draft as a Commission document when it considered the draft to be satisfactory, could be relevant to the situation at hand. There were no rules regarding how the Commission had to present its work to the Sixth Committee and the General Assembly. The commentaries contained in chapter VII should be adopted provisionally so as to allow the Commission to return to them and to signal to the Sixth Committee that they were still very much a work in progress.

The Chair said that she fully understood the concerns being expressed, as it was not uncommon for the end of the report adoption process to be quite hectic. It should be noted that it was stated in chapter VII that the commentaries were being adopted provisionally.

Mr. Savadogo said that it would be preferable to follow the Commission's established practice. It would not be prudent to return to the text that had been adopted and hold further discussions on it. The Special Rapporteur had been holding informal consultations since the previous evening in order to be able to reach agreement on that text.

Mr. Akande said that it was in the nature of collective work for each person involved to feel a certain degree of dissatisfaction. In his view, the Commission should not return to the text that it had adopted, as that was unlikely to leave members feeling more satisfied.

Mr. Ruda Santolaria said that he shared the views expressed by the Chair and Mr. Akande. The provisional adoption process involved a collective effort and the difficult task of balancing various positions and perspectives, with the result that the Commission usually found itself rushing to complete the process in the time allotted. At the first-reading stage, the Commission would thoroughly review everything that it had provisionally adopted up to that point.

Ms. Okowa said that she had some of the same concerns that Mr. Oyarzábal and Ms. Mangklatanakul had raised. It would be helpful for the Commission to add a buffer period of a few days to the time period allotted for the adoption of the report. However, the Commission's decision-making rules could not be changed in the middle of the process. There would be time the following year to discuss how the process could be improved.

Mr. Oyarzábal said that he was ready to follow the procedure indicated by the Chair. He had not intended to suggest that discussions on substantive issues should be reopened. It would be helpful to have the type of buffer period suggested by Ms. Okowa so that the Commission would not have to work in such a hasty manner. A thorough review of the Commission's procedures for adopting texts was required.

Mr. Mingashang said that, until the procedural problems that had been noted were addressed, the procedures in place should be followed. The Commission's work was the product of consensus, which meant that members had to make concessions in order to reach agreement and could not expect to find absolute truths in its texts.

The Chair said that, as a member of the Commission, she had herself for some time argued that the Commission should find a better process for the adoption of commentaries. The Working Group on methods of work should examine the matter.

She took it that the Commission wished to adopt the draft report on the work of its seventy-fourth session.

The draft report of the International Law Commission as a whole, as amended, was adopted.

Chair's concluding remarks

The Chair said that, despite challenging circumstances, the seventy-fourth session had been a productive one. As the first session of the new quinquennium, it had also been a special one. During the session, the Commission had completed the first reading of its output on the topic "General principles of law" and had made good progress on the topics "Settlement of disputes to which international organizations are parties", "Prevention and repression of piracy and armed robbery at sea", "Subsidiary means for the determination of rules of international law" and "Sea-level rise in relation to international law". With respect to the topic "Succession of States in respect of State responsibility", the Commission had decided to re-establish a working group at the seventy-fifth session with a view to undertaking further reflection and making a recommendation on the way forward. The Commission had appointed Mr. Grossman Guiloff to replace Ms. Escobar Hernández, who was no longer with the Commission, as Special Rapporteur for the topic "Immunity of State officials from foreign criminal jurisdiction" and had appointed Mr. Forteau as Special Rapporteur for the topic "Non-legally binding international agreements". The Commission had also decided to hold a seventy-fifth anniversary commemorative event during the seventy-fifth session in Geneva in 2024.

The Commission could be proud of its productivity, although there was agreement that its working methods needed to be improved. It could also be proud of its creativity and the continued collegial spirit in which it worked. She was grateful to her colleagues on the Bureau and wished to thank the members of the Commission for their cooperation and Ms. Oral for her skilful guidance of the Commission as Chair of the first part of the session. She thanked the members of the secretariat from the Codification Division for their extraordinary assistance and continuous support and the Legal Affairs Section in Geneva for

its efficient assistance. She also thanked the précis-writers, interpreters, editors, conference officers, online platform moderators, translators and other members of the conference services who extended their assistance to the Commission on a daily basis.

Closure of the session

After the customary exchange of courtesies, **the Chair** declared the seventy-fourth session closed.

The meeting rose at 5.30 p.m.