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Question of the prolongation of the Sixteenth Session - Note by the Secretariat

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INTERNATIONAL LAW COMMISSION
Sixteenth session

QUESTION OF THE PROLONGATION OF THE SIXTEENTH SESSION

Note by the Secretariat

1. At its fifteenth session the International Law Commission decided to hold a three-week winter session from 6 to 24 January 1964.^{1/}
2. With regard to this question the report of the Sixth Committee to the General Assembly concerning the agenda item entitled "Report of the International Law Commission on the work of its fifteenth session" contains the following passages:

"31. During the debate several representatives expressed their approval of the programme of work adopted by the Commission for 1964. Nevertheless, as regards the proposal to hold a three-week winter session from 6 to 24 January 1964 devoted specifically to consideration of the draft articles being prepared by the Special Rapporteur on special missions, some speakers urged that the financial implications of such a session and the administrative difficulties it would entail should be taken into account.

"32. At the 792nd meeting, on 17 October 1963, the Legal Counsel informed the Sixth Committee that, in view of the fact that the Special Rapporteur for special missions had indicated that he would not be able to deliver his 150-page report to the Secretariat before 10 December 1963, the French text of the report would not be available in Geneva before 6 January 1964 and the Spanish and English texts could not be circulated before 30 January 1964. In the circumstances the Secretariat could not recommend to the Fifth and Sixth Committees that \$67,300 should be allocated for a winter session which might prove pointless. If the Commission decided at its next regular session to prolong that session by two weeks, the Secretariat would take steps to request the funds necessary for the two extra weeks.

^{1/} Official Records of the General Assembly, Eighteenth Session, Supplement No. 9 (A/5509), para. 72.

"33. The Legal Counsel also stated that consideration had been given to the possibility of postponing the opening of the proposed winter session in order to give time for the Special Rapporteur's report on special missions to be prepared and distributed, but that it was impracticable because some members of the International Law Commission could not attend a winter session beginning later than scheduled and because the 1964 time-table of United Nations meetings was so crowded that the Secretariat might not be able to provide the necessary facilities.

"34. Because of the difficulties mentioned by the Legal Counsel, the view was advanced that it would be preferable to cancel the proposed 1964 winter session, and approval was expressed of the operative paragraph of the draft resolution (A/C.6/L.529 and Corr.1) concerning the Commission's 1964 work programme subject to that reservation."^{2/}

3. Accordingly, it is for the Commission to decide whether or not to prolong its session by two weeks, in other words whether to schedule the session to end on 31 July instead of 17 July 1964.

4. In order that the Secretariat may make the appropriate arrangements and obtain the necessary technical services, it is desirable that the Commission should come to an early decision on this question, which appears as item 2 on the provisional agenda (A/CN.4/164).

^{2/} A/5601, paras. 31 to 34