

Provisional

**For participants only**

9 October 2014

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## **International Law Commission**

### **Sixty-sixth session (second part)**

#### **Provisional summary record of the 3243rd meeting**

Held at the Palais des Nations, Geneva, on Friday, 8 August 2014, at 10 a.m.

## Contents

Draft report of the Commission on the work of its sixty-sixth session (*continued*)

*Chapter X. Identification of customary international law*

*Chapter XII. Provisional application of treaties*

*Chapter I. Introduction*

*Chapter II. Summary of the work of the Commission at its sixty-sixth session*

*Chapter III. Specific issues on which comments would be of particular interest to the Commission*

*Chapter XIV. Other decisions and conclusions of the Commission*

Chairman's concluding remarks

Closure of the session

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***Present:***

*Chairman:* Mr. Gevorgian  
*Members:* Mr. Al-Marri  
Mr. Caflisch  
Mr. Candiotti  
Mr. El-Murtadi  
Ms. Escobar Hernández  
Mr. Hassouna  
Mr. Hmoud  
Ms. Jacobsson  
Mr. Kittichaisaree  
Mr. Laraba  
Mr. Murase  
Mr. Murphy  
Mr. Niehaus  
Mr. Nolte  
Mr. Park  
Mr. Peter  
Mr. Petrič  
Mr. Saboia  
Mr. Singh  
Mr. Šturma  
Mr. Tladi  
Mr. Valencia-Ospina  
Mr. Vázquez-Bermúdez  
Mr. Wisnumurti  
Sir Michael Wood

***Secretariat:***

Mr. Korontzis Secretary to the Commission

*The meeting was called to order at 10.05 a.m.*

**Draft report of the Commission on the work of its sixty-sixth session** (*continued*)

*Chapter X. Identification of customary international law (A/CN.4/L.843)*

**The Chairman** invited the Commission to consider chapter X of its draft report, as contained in document A/CN.4/L.843.

**Sir Michael Wood** (Special Rapporteur), recalling that a considerable number of editorial errors had been introduced into the text of his second report, said that a corrected version would be issued and made available on the Commission's website. While the United Nations had its own editorial style rules, they should be applied with some flexibility when dealing with legal texts.

*A. Introduction*

*Paragraphs 1 and 2*

*Paragraphs 1 and 2 were adopted.*

*B. Consideration of the topic at the present session*

*Paragraph 3*

**Sir Michael Wood** (Special Rapporteur) requested that the paragraph should be altered to refer to the corrected version of his second report, once its symbol was known.

*On that understanding, paragraph 3 was adopted.*

**Sir Michael Wood** (Special Rapporteur) proposed the addition of a new paragraph after paragraph 3, to read: "At its 3227th meeting, the Commission decided to refer the draft conclusions in the second report to the Drafting Committee. At its 3242nd meeting, on 7 August 2014, the Chairman of the Drafting Committee presented the interim report of the Drafting Committee, containing the eight draft conclusions provisionally adopted by the Drafting Committee at the sixty-sixth session. The report, together with the draft conclusions, was presented for information only and is available on the Commission website."

*The new paragraph was adopted.*

*1. Introduction by the Special Rapporteur of the second report*

*Paragraph 4*

*Paragraph 4 was adopted.*

*Paragraph [5]*

**Sir Michael Wood** (Special Rapporteur) suggested that, in the second sentence, the words "some of the terms that were considered useful to define" should be changed to "some of the terms that it might be useful to define". He added that he would submit a number of minor editorial amendments directly to the Secretariat.

*On that understanding, paragraph [5], as amended, was adopted.*

*Paragraphs 5 to 14*

*Paragraphs 5 to 14 were adopted.*

2. *Summary of the debate*

(a) *General comments*

*Paragraphs 15 and 16*

*Paragraphs 15 and 16 were adopted.*

*Paragraph 17*

**Mr. Kittichaisaree**, referring to the last sentence of the paragraph, recalled Mr. Kamto's remarks during the debate to the effect that the International Court of Justice was the principal judicial organ of the United Nations and that the Commission should not challenge its jurisprudence; he also recalled the exchange that had followed. He suggested that the paragraph should be amended to better capture that debate.

**Sir Michael Wood** (Special Rapporteur) said that changing the words "other international courts and tribunals" to "other, more specialized courts and tribunals" might take account of that concern.

**Mr. Vázquez-Bermúdez** said that there was a close, even symbiotic, relationship between the Court and the Commission, as reflected in the work of each. The last sentence of paragraph 17 could send an unfortunate message; he suggested that it should be deleted altogether.

**Mr. Tladi**, while agreeing with the position taken by Mr. Vázquez-Bermúdez, observed that the text must accurately reflect the debate that had taken place. An additional sentence indicating that the members of the Commission had generally considered it appropriate to refer to the Court's rulings might strike the right balance.

**Mr. Murphy** suggested that a simpler solution might be to replace the word "overreliance" with "exclusive reliance".

**Sir Michael Wood** (Special Rapporteur) said he favoured the simple approach.

*Paragraph 17, as amended by the Special Rapporteur and Mr. Murphy, was adopted.*

*Paragraph 18*

**Mr. Kittichaisaree** suggested a minor editorial amendment to the English version of the text.

*Paragraph 18, as amended, was adopted.*

*Paragraph 19*

*Paragraph 19 was adopted.*

(b) *Use of terms*

*Paragraph 20*

*Paragraph 20 was adopted.*

*Paragraph 21*

**Mr. Murphy** suggested that, in the third and fourth sentences, the word "doctrine" should be altered to "writings".

*Paragraph 21, as amended, was adopted.*

(c) *Basic approach*

**Mr. Vázquez-Bermúdez** proposed the insertion of a new paragraph at the beginning of the section to read: “Several members of the Commission agreed that the subjective element of custom, “*opinio juris*”, was not synonymous with the “consent” or “will of States”, but rather signified a belief that a particular practice was followed in exercise of a right or to comply with an obligation under international law.” [*Varios miembros de la Comisión coincidieron en que el elemento subjetivo de la costumbre, la “opinio juris”, no es sinónimo de “consentimiento” o “voluntad de los Estados”, sino que significa la creencia de que una determinada práctica es seguida porque se está ejerciendo un derecho o cumpliendo con una obligación conforme al derecho internacional.*]

**Sir Michael Wood** (Special Rapporteur) agreed to that proposal, on the understanding that the text would be submitted in writing for official translation.

*On that understanding, the additional paragraph proposed by Mr. Vázquez-Bermúdez was adopted.*

*Paragraph 22*

**Mr. Nolte** suggested that, in the second sentence, the phrase “was generally supported among the members of the Commission” should be changed to “was supported by most members of the Commission”. The original wording suggested that the view in question had enjoyed broader support than had been the case.

**Mr. Kittichaisaree** suggested that, in the last sentence of the paragraph, the phrase “there were different approaches” should be altered to “there appeared to be different approaches”.

*Paragraph 22, as amended, was adopted.*

*Paragraphs 23 and 24*

*Paragraphs 23 and 24 were adopted.*

(d) *“A general practice”*

*Paragraph 25*

*Paragraph 25 was adopted.*

*Paragraph 26*

**Mr. Nolte** proposed that the final sentence should be made more emphatic by replacing the word “could” with “would”.

*Paragraph 26, as amended, was adopted.*

*Paragraph 27*

**Mr. Nolte** suggested that the words “for the purposes of customary international law” should be added at the end of the third sentence, as acts carried out *ultra vires* could in fact serve as State practice in certain contexts. He further suggested that the last sentence be altered to read: “The question whether conduct of non-State actors acting on behalf of the State constituted relevant practice was also raised in this regard.”

*Paragraph 27, as amended, was adopted.*

*Paragraph 28*

**Mr. Nolte** suggested that, in the third sentence, the words “solely verbal acts” should be changed to “verbal acts by themselves”.

*Paragraph 28, as amended, was adopted.*

*Paragraphs 29 and 30*

*Paragraphs 29 and 30 were adopted.*

*Paragraph 31*

**Mr. Nolte** proposed that the words “of a State’s practice as a whole” should be added at the end of the first sentence.

*Paragraph 31, as amended, was adopted.*

*Paragraphs 32 and 33*

*Paragraphs 32 and 33 were adopted.*

*Paragraph 34*

**Mr. Vázquez-Bermúdez** said that, at the beginning of the fourth sentence, the words “those members” should be altered to “other members”, to avoid confusion. He proposed the addition of a new third sentence, to read: “It was pointed out that all States had an interest in the content, scope, creation and development of general international law in all fields, and that the practice of all States, whether through action or inaction, therefore carried the same weight.” [*Se afirmó que todos los Estados tienen interés en el contenido y alcance, en la generación y evolución del derecho internacional general en todos los ámbitos, por lo cual la práctica de todos ellos, ya sea por acción o inacción, tiene el mismo valor.*]

**Sir Michael Wood** (Special Rapporteur) said that the proposed wording was too strong. Although the view described was held by some States, the weight to be accorded to State practice might depend on the particular circumstances involved.

**Mr. Petrič** expressed the view that the proposed addition was intended to reflect one of the positions taken during the debate, rather than that of the Commission.

**Sir Michael Wood** (Special Rapporteur) said that some form of caveat to that effect should be included.

**Mr. Tladi** suggested that Sir Michael Wood’s concern might be allayed by changing the phrase “carried the same weight” in the proposed new sentence to “was equally relevant”.

*Paragraph 34, as amended by Mr. Vázquez-Bermúdez and Mr. Tladi, was adopted.*

(e) “Accepted as law”

**Mr. Vázquez-Bermúdez** suggested that the term *opinio juris* should be included in parentheses at the end of the title.

*It was so decided.*

*Paragraph 35*

**Mr. Nolte** proposed the deletion of the word “perhaps” in the final sentence.

*Paragraph 35, as amended, was adopted.*

*Paragraph 36*

**Mr. Kittichaisaree** suggested that, in the third sentence, the words “saw no issue” should be altered to “had no difficulty” or “had no problem”, for ease of understanding.

**Sir Michael Wood** (Special Rapporteur) said that the word “issue” could simply be changed to “problem”.

*Paragraph 36, as amended by the Special Rapporteur, was adopted.*

*Paragraph 37*

**Mr. Kittichaisaree** proposed a new sentence for inclusion after the second sentence, to read: “Other members considered that such acceptance need not be nearly universal to establish such a rule.”

**Mr. Murphy** suggested that inserting “but not other members” after “some members” in the original second sentence might be sufficient on its own to capture Mr. Kittichaisaree’s point, without adding an additional sentence.

**Mr. Kittichaisaree** agreed to that suggestion.

*Paragraph 37, as amended by Mr. Murphy, was adopted.*

### 3. *Concluding remarks of the Special Rapporteur*

*Paragraphs 38 to 51*

*Paragraphs 38 to 51 were adopted.*

*Chapter X as a whole, as amended, was adopted.*

*Chapter XII. Provisional application of treaties (A/CN.4/L.846)*

**The Chairman** invited the Commission to begin its consideration of chapter XII of the draft report, as contained in document A/CN.4/L.846.

#### A. *Introduction*

*Paragraphs 1 and 2*

*Paragraphs 1 and 2 were adopted.*

#### B. *Consideration of the topic at the present session*

*Paragraphs 3 and 4*

*Paragraphs 3 and 4 were adopted.*

*Paragraph 4 bis*

**The Chairman** drew attention to a proposal for an additional paragraph 4 *bis*, and to read:

“At the 3243rd meeting, held on 8 August 2014, the Commission decided to request from the Secretariat a memorandum on the previous work undertaken by the Commission on this subject in the *travaux préparatoires* of the relevant provisions of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986.”

*Paragraph 4 bis was adopted.*

1. *Introduction by the Special Rapporteur of the first report*

**Mr. Kittichaisaree** pointed out that, in the English version of the heading, the word “first” should be replaced with “second”.

*Paragraphs 5 to 7*

*Paragraphs 5 to 7 were adopted.*

*Paragraph 8*

**Mr. Murphy** said that, in the third sentence, the phrase “had been manifested” should be reworded more tentatively, to read “might be manifested”, since as yet there was no example of one of the possible scenarios contemplated by the Special Rapporteur.

*Paragraph 8, as amended, was adopted.*

*Paragraph 9*

*Paragraph 9 was adopted.*

*Paragraph 10*

**Mr. Murphy** proposed that the first sentence should be deleted, since it essentially repeated the context of the second sentence of paragraph 9.

*Paragraph 10 was adopted with that amendment.*

*Paragraphs 11 and 12*

*Paragraphs 11 and 12 were adopted.*

2. *Summary of the debate*

*Paragraph 13*

**Mr. Nolte** proposed that, in the first sentence, the word “general” should be replaced with “broad”, because a number of members had questioned the rather strong statement that the legal effects of the provisional application of a treaty were the same as if the treaty were in force.

*The proposal was adopted.*

**Mr. Kittichaisaree** said that the phrase “In terms of a further view” in the final sentence seemed rather strange and should be revised. He proposed that, in the first sentence, a footnote should be inserted after the phrase “in force for that State”, to read: “However, it was not clarified whether the provisional application of treaties has legal effects that go beyond the provisions of article 18 of the Vienna Convention on the Law of Treaties.”

**The Chairman** suggested that the phrase “In terms of a further view” should be replaced with “According to another view”. With regard to the proposed footnote, he said that it would be more appropriate if the text read out by Mr. Kittichaisaree were inserted in the paragraph itself.

*Paragraph 13, thus amended, was adopted.*

*Paragraph 14*

*Paragraph 14 was adopted.*

*Paragraph 15*

**Mr. Nolte** proposed that the first sentence should be reworded to begin “Some members expressed support ...”, since that formulation would reflect the relative positions of members in the debate better than the current wording. With regard to the third sentence, he said that the intended meaning was not clear and that the word “validity” seemed out of place. He therefore suggested that either the sentence should be deleted or “validity” should be replaced with a more suitable alternative.

**Mr. Vázquez-Bermúdez**, responding to Mr. Nolte’s concern with regard to the appropriateness of “validity”, said that it was his understanding that the sentence was intended to capture the idea that recourse to a clause permitting the provisional application of a treaty was not only a question of international law but also of domestic legislation. He therefore proposed that the sentence should begin “It was agreed that recourse to a clause ...”.

**Mr. Saboia** said he thought the sentence sought to express the idea that some consideration should be given to domestic law because some countries had provisions in their constitutions or legislation that did not permit the provisional application of treaties. As to its deletion, he had no strong views either way.

**Ms. Escobar Hernández** and **Mr. Tladi** said that the proposal by Mr. Vázquez-Bermúdez was acceptable.

**Mr. Murphy** said that he was in favour of the approach taken by Mr. Vázquez-Bermúdez but would prefer the sentence to begin “It was observed that a State’s resort to a clause ...”.

*The proposal was adopted.*

**Mr. Kittichaisaree**, referring to the fourth sentence, said that the word “legislative” should be replaced with “constitutional” because the debate had been on the constitutionality of a clause permitting provisional application.

**Mr. Nolte** said that, while any study would be mostly concerned with the constitutional practice of States, consideration might also need to be given to relevant legislative practice. Furthermore, in most legal systems the adoption of, or amendment to, a constitution was considered to be a form of legislative practice. He was therefore in favour of maintaining the phrase “legislative practice”.

**Mr. Petrič** said that constitutional practice and legislative practice were two different matters: the first related mainly to the decisions of constitutional courts. He therefore proposed the insertion of “constitutional and” before “legislative”.

**Mr. Šturma** supported that proposal.

**Sir Michael Wood** said that in some countries the practice concerned might be neither constitutional nor legislative but, for example, customary.

**Mr. Saboia** said that he agreed with the proposal by Mr. Petrič. However, in order to cover Sir Michael’s point, he proposed the following wording: “constitutional, legislative and any other relevant practice of States.”

*The proposal was adopted.*

*Paragraph 15, as amended, was adopted.*

*Paragraphs 16 to 20*

*Paragraphs 16 to 20 were adopted.*

3. *Concluding remarks of the Special Rapporteur*

*Paragraphs 21 to 25*

*Paragraphs 21 to 25 were adopted.*

*Chapter XII, as a whole, as amended, was adopted.*

*Chapter I. Introduction (A/CN.4/L.834)*

*Paragraph 1*

*Paragraph 1 was adopted.*

A. *Membership*

*Paragraph 2*

*Paragraph 2 was adopted.*

B. *Officers and the Enlarged Bureau*

*Paragraph 3*

*Paragraph 3 was adopted with a minor editorial amendment to the English text.*

*Paragraphs 4 and 5*

*Paragraphs 4 and 5 were adopted.*

C. *Drafting Committee*

*Paragraphs 6 and 7*

*Paragraphs 6 and 7 were adopted.*

D. *Working Groups and Study Group*

*Paragraphs 8 and 9*

*Paragraphs 8 and 9 were adopted.*

E. *Secretariat*

*Paragraph 10*

*Paragraph 10 was adopted.*

F. *Agenda*

*Paragraph 11*

*Paragraph 11 was adopted.*

*Chapter I as a whole, as amended, was adopted.*

*Chapter II. Summary of the work of the Commission at its sixty-sixth session  
(A/CN.4/L.835)*

*Paragraph 1*

**Mr. Murphy** suggested that it might be appropriate to note that the Commission had had before it the ninth report of the Special Rapporteur, which dealt with the comments and observations of States.

**Mr. Korontzis** (Secretary of the Commission) said that it was not customary to mention such reports in the context of a text's adoption on second reading. However, the Secretariat would verify the point and amend the paragraph if appropriate.

*Paragraph 1 was adopted on that understanding.*

*Paragraph 2*

*Paragraph 2 was adopted.*

*Paragraph 3*

**Mr. Valencia-Ospina**, referring to the final sentence, proposed that the words "including the" should be inserted before "Office for the Coordination of Humanitarian Affairs". That would allow the Secretariat to request comments and observations from other United Nations offices than those specifically indicated, if it considered it appropriate to do so.

*Paragraph 3 was adopted with that amendment and an editorial correction to the final sentence.*

*Paragraphs 4 to 7*

*Paragraphs 4 to 7 were adopted.*

*Paragraph 8*

**Sir Michael Wood** said that the final sentence was not entirely accurate, since the Commission had not taken note of the report of the Drafting Committee. He suggested that it should be reformulated along the following lines: "The report of the Chairman of the Drafting Committee, including the eight draft conclusions provisionally adopted by the Committee, was submitted to the Commission for information (chap. X)."

**Mr. Vázquez-Bermúdez** proposed that, for the sake of consistency with what had been previously agreed upon, the words "*opinio juris*" should be inserted after the phrase "accepted as law" at the end of the first sentence.

*Paragraph 8 was adopted with those two amendments.*

*Paragraph 9*

*Paragraph 9 was adopted.*

*Paragraph 10*

**Mr. Tladi** (Rapporteur) drew attention to a new version of paragraph 10, which read:

"10. As regards the topic "**Provisional application of treaties**", the Commission had before it the second report of the Special Rapporteur (A/CN.4/675), which sought to provide a substantive analysis of the legal effects of

the provisional application of treaties. The debate revealed general agreement that the basic premise underlying the topic was that, subject to the specificities of the treaty in question, the rights and obligations of a State which had decided to provisionally apply the treaty, or parts thereof, were the same as if the treaty were in force for that State (chap. XII).”

**Mr. Nolte** asked whether the paragraph described a decision that had been taken by the Commission.

**Mr. Tladi** (Rapporteur) said that it was a description of the debate that had taken place and a summary of what the Commission had adopted in chapter X. He proposed that, in order to track the language of that summary more closely, the word “general” in the second sentence should be replaced with “broad”.

*Paragraph 10 was adopted with that amendment.*

*Paragraphs 11 to 13*

*Paragraphs 11 to 13 were adopted.*

*Paragraph 14*

*Paragraph 14 was adopted, subject to its completion by the Secretariat.*

*Chapter II as a whole, as amended, was adopted.*

*Chapter III. Specific issues on which comments would be of particular interest to the Commission (A/CN.4/L.836)*

A. *Subsequent agreements and subsequent practice in relation to treaty interpretation*

*Paragraph 1*

**Mr. Murphy** said that, in order to align the paragraph with those that followed, the beginning of the first sentence should be deleted and the first part amended to read: “The Commission requests, by 31 January 2015, States and international organizations ...”.

*Paragraph 1 was adopted with that amendment.*

B. *Protection of the atmosphere*

*Paragraph 2*

*Paragraph 2 was adopted.*

C. *Immunity of State officials from foreign criminal jurisdiction.*

*Paragraph 3*

**Mr. Murphy** said that in subparagraph (ii) of the English text, the word “the” should be replaced with “any”.

*Paragraph 3 was adopted with that amendment to the English version*

D. *Identification of customary international law*

*Paragraph 4*

**Ms. Escobar Hernández** proposed to replace the word “suitable” [*adecuados*] with “used” [*empleados*], as the word “suitable” implied a value judgement, something that the Commission was not in the habit of requesting States to provide.

**Sir Michael Wood** (Special Rapporteur) proposed simply to delete the word “suitable”.

*Paragraph 4, as amended by Sir Michael Wood, was adopted.*

*Paragraph 5*

*Paragraph 5 was adopted.*

E. *Protection of the environment in relation to armed conflicts*

*Paragraph 6*

**Mr. Murphy** said that, having obtained the approval of the Special Rapporteur, he proposed to replace the words “would like to have”, in the first sentence, with “requests”, and to insert the words “by 31 January 2015” between the words “States” and “on”.

*Paragraph 6 was adopted with those amendments.*

*Paragraph 7*

**Mr. Murphy** proposed that, in the first sentence, the words “implemented” should be deleted. In the second sentence, the word “all” was superfluous and should be deleted and a hyphen should be inserted between the words “defence” and “related”. He had obtained the Special Rapporteur’s approval of those amendments.

*Paragraph 7 was adopted with those amendments.*

F. *Provisional application of treaties*

*Paragraph 8*

*Paragraph 8 was adopted.*

G. *Crimes against humanity*

*Paragraph 9*

**Mr. Murphy** (Special Rapporteur) proposed that the words “by 31 January 2015,” should be inserted between the words “information” and “on”.

**Ms. Escobar Hernández** proposed, in subparagraph (c), to delete the portion of the text in parentheses, since the circumstances in which jurisdiction could be exercised over crimes against humanity varied widely from one State to the next. In the same subparagraph, she pointed out that the use of the word “offender” [*infractor*] could be interpreted as infringing the principle of the presumption of innocence.

**Mr. Murphy** (Special Rapporteur) proposed that the examples in parentheses should be retained because their purpose was simply to give States an idea of the type of information in which the Commission was interested.

*That proposal was adopted.*

**Mr. Candiotti** proposed that, in order to address the concerns expressed by Ms. Escobar Hernández, the words “an offender for” should be replaced with “a person accused of” or “a person charged with”. The deadline for the provision of information to the Commission, which had been set for 31 January 2015 in respect of all topics, was unrealistically short, especially as States might not be informed of it until after the conclusion of the sixty-ninth session of the General Assembly.

After a procedural discussion in which **Mr. Murphy** (Special Rapporteur), **Ms. Escobar Hernández**, **Mr. Nolte** and **Sir Michael Wood** participated, **Mr. Murphy** proposed to refer to “an alleged offender”, the term most often used in the relevant treaties, in order to allay the concerns raised by Ms. Escobar Hernández.

*That proposal was adopted.*

**The Chairman** suggested that the Commission should maintain the 31 January 2015 deadline in respect of all topics.

*It was so decided.*

*Paragraph 9, as amended, was adopted.*

*Chapter III as a whole, as amended, was adopted.*

*Chapter XIV. Other decisions and conclusions of the Commission (A/CN.4/L.848)*

**The Chairman** invited the Commission to consider the section of chapter XIV of the draft report contained in document A/CN.4/L.848.

*A. Programme, procedures and working methods of the Commission and its documentation*

*Paragraphs 1 to 3*

*Paragraphs 1 to 3 were adopted.*

*1. Inclusion of new topics on the programme of work of the Commission*

**Mr. Candiotti** proposed that, in the title of section 1, the word “topics” should be replaced with the singular word “topic”, since there was only one new topic.

*Paragraph 3, as amended, was adopted.*

*Paragraph 4*

*Paragraph 4 was adopted.*

*2. Working Group on the Long-term Programme of Work*

*Paragraphs 5 to 10*

*Paragraphs 5 to 10 were adopted.*

*3. Consideration of General Assembly resolution 68/116 of 16 December 2013 on the rule of law at the national and international levels*

*Paragraphs 11 to 18*

*Paragraphs 11 to 18 were adopted.*

4. *Honoraria**Paragraph 19*

*Paragraph 19 was adopted.*

5. *Documentation and publications**Paragraphs 20 to 23*

*Paragraphs 20 to 23 were adopted.*

6. *Trust fund on the backlog relating to the Yearbook of the International Law Commission**Paragraph 24*

*Paragraph 24 was adopted.*

7. *Assistance of the Codification Division**Paragraph 25*

*Paragraph 25 was adopted.*

8. *Yearbook of the International Law Commission**Paragraph 26*

**Mr. Murphy** proposed that the word “advancing” should be replaced with “producing”.

In response to a query from **Sir Michael Wood, Mr. Korontzis** (Secretary of the Commission) proposed to insert the words “production of the” between the words “the” and “*Yearbook*”.

*Paragraph 26, as amended, was adopted.*

9. *Websites**Paragraph 27*

**Ms. Escobar Hernández**, supported by **Mr. Vázquez-Bermudez**, said that she wished to emphasize her own gratitude, as well as that of other Spanish-speaking members of the Commission and of the international community, for the enormous efforts carried out by the Secretariat over the past several years to digitize and publish the entire collection of the Commission’s documents in Spanish on the Commission’s website.

*Paragraph 27 was adopted.*

10. *United Nations Audiovisual Library of International Law**Paragraph 28*

**Mr. Candiotti** proposed that the website address of the United Nations Audiovisual Library of International Law should be included in a footnote to paragraph 28.

**The Chairman** said that the Secretariat would ensure that such a reference was included.

*On that understanding, paragraph 28 was adopted.*

*B. Date and place of the sixty-seventh session of the Commission*

*Paragraph 29*

*Paragraph 29 was adopted.*

*Paragraph 30*

In response to a comment by **Mr. Valencia-Ospina**, **Mr. Korontzis** (Secretary of the Commission) said that there were a few items that appeared in chapter XIV that did not necessarily appear in the summary of the Commission's work in chapter II. The Secretariat considered that the information contained in paragraph 30 was part of a broader debate and should not be reflected in the summary.

**Mr. Murphy** said that he hoped that the Secretariat would nevertheless attempt to determine the feasibility of holding a part of future sessions in New York and inform the Commission of its findings before the sixty-seventh session, so that an informed discussion could be held on the advisability of such a course of action.

Following a comment by **Mr. Kittichaisaree**, **Mr. Candiotti** proposed that the word "recalled" should be replaced with "considered".

*Paragraph 30, as amended by Mr. Candiotti, was adopted.*

*C. Cooperation with other bodies*

*Paragraph 31*

*Paragraph 31 was adopted.*

*Paragraph 32*

**Mr. Murphy** said that, in the second sentence, the words "Formation and evidence" should be replaced with "Identification".

*Paragraph 32, as amended, was adopted.*

*Paragraph 33*

*Paragraph 33 was adopted.*

*Paragraph 34*

**Ms. Escobar Hernández** proposed that, at the beginning of the first sentence, the words "European Committee on Legal Cooperation and" should be deleted, as that body had not been represented at the present session of the Commission.

*Paragraph 34, as amended, was adopted.*

*Paragraph 35*

*With an editorial amendment proposed by Mr. Peter, paragraph 35 was adopted.*

*D. Representation at the sixty-ninth session of the General Assembly*

*Paragraph 36*

**The Chairman** said that, after consultation with several members of the Commission, he suggested that the Commission should request Mr. Valencia-Ospina, Special Rapporteur on the topic of protection of persons in the event of disasters, to attend the sixty-ninth session of the United Nations General Assembly, provided that adequate financial resources were available. He further suggested that a paragraph to that effect should be added in section D.

*On that understanding, paragraph 36 was adopted.*

**Mr. Valencia-Ospina** expressed his appreciation to the Commission for the confidence expressed in him.

*E. International Law Seminar*

*Paragraphs 37 to 39*

*Paragraphs 37 to 39 were adopted.*

*Paragraph 40*

*Paragraph 40 was adopted, with a minor editorial amendment proposed by Mr. Kittichaisaree to the English text.*

*Paragraphs 41 to 48*

*Paragraphs 41 to 48 were adopted.*

*F. Commemoration of the 50th Anniversary of the International Law Seminar*

*Paragraph 49*

*Paragraph 49 was adopted.*

*Chapter XIV of the report, as a whole, as amended, was adopted.*

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

**Chairman's concluding remarks**

**The Chairman** said that the sixty-sixth session had been a productive one. He was grateful to all the members of the Commission for their cooperation, and to his colleagues on the Bureau and the former chairmen of the Commission for their advice and guidance in managing the Commission's work. He was also grateful for the competent assistance and continuous support provided by the Secretariat, the Codification Division and the Legal Liaison Office in Geneva. He wished to thank all the précis-writers, interpreters, conference officers, translators and other members of conference services who performed services for the Commission daily.

**Closure of the session**

After the customary exchange of courtesies, **the Chairman** declared the sixty-sixth session of the International Law Commission closed.

*The meeting rose at 12.30 p.m.*