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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/C.6/L.361)

Twenty-first report of the Advisory Committee on Administrative and Budgetary Questions to the tenth session of the General Assembly

1. The Secretary-General has submitted in document A/C.5/640 a statement of the financial implications of the draft resolutions which the Sixth Committee approved at its 443rd, 446th, 452nd and 454th meetings (A/C.6/L.361). If adopted by the General Assembly, the four draft resolutions would give rise during 1956 to the following additional expenditure, as estimated by the Secretary-General:

	Dollars (US)
Draft resolution I	21,950
" " II	-
" " III	37,900
" " IV	-
	<u>59,850</u>

In the case of draft resolution I, additional expenditure would continue to arise during 1957 and subsequent years at an annual rate of \$21,950. Under draft resolution III the amount of \$37,900 would again be incurred in 1957, falling thereafter to an annual sum of \$16,900.

Draft resolution I

2. The Sixth Committee proposes to the General Assembly the following amendment of the Statute of the International Law Commission:

55-28581

Article 12

Proposed text

The Commission shall sit at the European Office of the United Nations at Geneva. The Commission shall, however, have the right to hold meetings at other places after consultation with the Secretary-General.

Existing text

The Commission shall sit at the Headquarters of the United Nations. The Commission shall, however, have the right to hold meetings at other places after consultation with the Secretary-General.

3. It is within the exclusive competence of the Fifth Committee of the General Assembly to consider proposals related to administrative and financial **arrangements** for United Nations conferences. From that standpoint, the Advisory Committee on Administrative and Budgetary Questions has in each year made budgetary recommendations intended to ensure that, with due regard to the economy which the General Assembly requires of every organ, the International Law Commission shall be furnished with the services and facilities necessary for its important work. These are available at Headquarters in fuller measure than at the European Office, as is demonstrated by the fact that a session of the Commission, if held at Geneva, necessitates the assignment from Headquarters of three substantive officers and two interpreters, together with the engagement of temporary staff at the European Office, at a cost ranging from \$12,000 for an eight-week to \$15,000 for a ten-week session.

4. It was argued in the Sixth Committee that, even under the amended text, the seat of the Commission would remain at Headquarters, New York. With that legal aspect the Advisory Committee is not concerned, confining itself to the financially relevant fact that, if the Commission sits at Geneva, expenditure will be increased by almost \$22,000 annually, on the basis of a ten-week session, as follows:

	<u>Headquarters session</u> <u>Dollars (US)</u>	<u>Geneva session</u> <u>Dollars (US)</u>
Travel and subsistence of members	57,850	57,850
Travel and subsistence of staff	-	6,950
Temporary assistance	-	15,000
	<u>57,850</u>	<u>79,800</u>
Saving on a Headquarters session	<u>21,950</u>	

5. The second paragraph of the preamble to the draft resolution cites "the view of the Commission that conditions at the European Office of the United Nations are more conducive to efficiency in the kind of work the members of the Commission have to perform". The Advisory Committee refrains from comment on this view except to note that it is a fact that the excellence of the Law Library at Geneva is not matched by the collection in the Headquarters Library. However, the supplementary arrangements made with the New York Public Library and with the Law Libraries at Columbia and New York Universities would appear largely to offset this disadvantage. In all other respects the Headquarters building, in which the Commission has not so far held a single session, - although under its own rules of procedure the normal meeting place should be the Headquarters of the United Nations - is fully equipped for the servicing of its meetings, having been constructed and furnished, at heavy cost, on a scale commensurate with the needs of all Headquarters-based bodies. Furthermore, the services and facilities available at Headquarters have been found adequate for sessions of the most important bodies of the United Nations. In the specific case of the International Law Commission, a session at Headquarters offers the further advantage of enabling the substantive division at Headquarters to be directly associated with the work of the Commission whereas the practice followed during the past six years of transferring the session to Geneva has the consequence that, even under a system of rotation of assignment, most of the substantive officers of the division can attend the annual sessions only at long intervals. There is the additional but fundamental consideration that it is principally at Headquarters - in the Assembly, the Councils and the Commissions - that the United Nations is building up a jurisprudence and contributing through that process to the development of international law.

6. In previous reports to the current session of the General Assembly (A/3023, paragraph 18, and A/3024, paragraph 8) the Advisory Committee has discussed the question of the economic use of conference facilities at Headquarters and the European Office, with special reference to the requirements of Geneva-based specialized agencies and to the adverse effect on revenue which the transference to Geneva of Headquarters conferences may produce. These considerations are relevant to the present issue.

7. For the reasons indicated above, the Advisory Committee is not able to recommend the adoption of the proposed resolution I which, in its opinion, represents an avoidable expenditure of United Nations funds. In the event, however, that the General Assembly takes a contrary position, the Committee would recommend, for a Geneva session of the Commission in 1956, an appropriation of \$79,000,^{1/} comprising the following items:

	<u>Dollars (US)</u>
(a) Travel and subsistence of members (section 1, chapter IV)	57,850
(b) Travel and subsistence of staff (section 1, chapter IV)	6,150
(c) Temporary assistance (section 18, chapter I)	15,000

8. This conditional recommendation represents, by comparison with the estimates submitted in paragraph 11 of the Secretary-General's note (A/C.5/640), a reduction of \$800 which might be achieved if the three substantive officers to be assigned to the Commission were to include the Legal Officer who will attend the summer session of the Economic and Social Council, and whose travel costs are customarily charged to the item of travel on home leave. A ten-week session of the International Law Commission is to be held from 23 April 1956; the Council session will be opened on 3 July.

Draft resolution III

9. Resolution III, as proposed by the Sixth Committee (A/C.6/L.361), provides for the printing of the summary records and other selected documents of the International Law Commission. It is in two main parts, of which the first covers the seven sessions held by the Commission from 1949 to 1955, the second part, the 1956 and subsequent annual sessions.

^{1/} In its report on the 1956 budget estimates (A/2921, paragraph 36) the Advisory Committee recommended, in respect of the 1956 session of the Commission, a total appropriation of \$50,500 (based on an eight-week session), under section 1, chapter IV.

10. First seven sessions. The draft resolution (paragraph 1 (a) and (b)) involves an expenditure, estimated by the Secretary-General at approximately \$42,000, for the printing of the following material:

<u>Draft resolution</u> <u>III</u>	<u>Material</u>	<u>Language</u>	<u>Number of mimeographed pages</u> <u>(tentative estimate)</u>	<u>Estimated cost</u> <u>Dollars (US)</u>
Paragraph				
1 (a)	Selected documentation (studies, special reports, draft resolutions, etc.)	Original languages	4,900	17,900
Paragraph				
1 (b)	Summary records	English	6,600	24,100
		Total	11,500	\$42,000

11. 1956 and subsequent sessions. The draft resolution (paragraph 2) calls for the printing each year, in English, French and Spanish, of the categories of documents listed in paragraph 10 above, at a cost estimated, in respect of some 1,500 mimeographed pages per session, at \$16,900 annually.

12. The Secretary-General indicates (A/C.5/640, paragraph 6) that, in the event of the adoption of the draft resolution, it would be necessary to distribute over the two years 1956-1957 the printing work arising out of the first seven sessions of the Commission; the work connected with the 1956 session would, however, be completed within that year. The resulting financial implications are the following:

			<u>Dollars (US)</u>	<u>Dollars (US)</u>
Year 1956:	work connected with first seven sessions (50%)		21,000	
	" " " eighth (1956) session		16,900	37,900
Year 1957:	" " " first seven sessions (50%)		21,000	
	" " " ninth (1957) session		16,900	37,900
Year 1958:	" " " tenth (1958) session			16,900

13. The Advisory Committee suggests that, in considering the financial implications of draft resolution III, the following points should be borne in mind:

(a) That, as regards the first seven sessions of the Commission, the documents in question already exist in mimeographed form; their printing is not therefore a matter of urgency from the point of view of the Commission's work; and

(b) That the General Assembly, at its current session, is again studying ways and means of reducing both the cost of contractual printing and the volume of documentation generally. With these objects in view, the Secretary-General has made a tentative suggestion for dispensing with the published summary record of one of the Main Committees of the Assembly.

14. In view of this situation, the Advisory Committee considers that only reasons of a compelling nature can warrant an addition to the printing charges of the Organization. The Committee would accordingly be prepared, in the event of the adoption of the draft resolution, to recommend that supplementary provision to an amount of \$16,900 should be made under section 25 of the 1956 budget in respect of the documentation of the eighth (1956) session of the International Law Commission but that, as regards the material from the earlier sessions, its printing should be undertaken only to the extent that savings arise in section 25 or deferment is possible of other items included therein.
