



# General Assembly

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## International Law Commission

### Sixty-third session

Geneva, 26 April–3 June and 4 July–12 August 2011

## Report of the Planning Group

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

1. At its 3089th meeting, on 17 May 2011, the Commission established a Planning Group for the current session.<sup>1</sup>

2. The Planning Group held two meetings. It had before it Section J. of the Topical Summary of the discussion held in the Sixth Committee of the General Assembly during its sixty-fifth session entitled “Other decisions and conclusions of the Commission”; the proposed Strategic Framework for the period 2012–2013 (A/65/6), covering “Programme 6: Legal Affairs”; General Assembly resolution 65/26 on the Report of the International Law Commission on the work of its sixty-second session, in particular paragraphs 7, 8, and 13 to 21; General Assembly resolution 65/32 of 6 December 2010 on the rule of law at the national and international levels, as well as chapter XIII, section A.3, of the report of the Commission at its sixty-first session concerning the consideration of General Assembly resolution 63/128 of 11 December 2008 on the rule of law at the national and international levels.

#### 1. Working Group on the Long-term Programme of Work

3. At its 1st meeting, on 4 May 2011, the Planning Group decided to reconstitute the Working Group on the Long-term Programme of Work, under the chairmanship of Mr. Enrique Candioti. The Chairman of the Working Group submitted an oral report to the Planning Group on 3 August 2011 which the Planning Group took note. The Planning Group decided to recommend the inclusion of the following topics in the long-term programme of work of the Commission:

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<sup>1</sup> The Planning Group was composed of Ms. M.G. Jacobsson (Chairperson); Members: Mr. L. Caflisch, Mr. E. Candioti, Mr. P. Comissario Afonso, Mr. C.J.R. Dugard, Ms. C. Escobar Hernández, Mr. G. Gaja, Mr. Z. Galicki, Mr. H.A. Hassouna, Mr. M. Hmoud, Mr. M. Kamto, Mr. F. Kemicha, Mr. R.A. Kolodkin, Mr. T.V. Melescanu, Mr. D.M. McRae, Mr. S. Murase, Mr. B. Niehaus, Mr. G. Nolte, Mr. A. Pellet, Mr. E. Petrič, Mr. G.V. Saboia, Mr. N. Singh, Mr. E. Valencia-Ospina, Mr. E. Vargas Carreño, Mr. S. Vasciannie, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Mr. M. Wood, and Mr. A.R. Perera (*ex officio*).

1. Formation and Evidence of Customary International Law.
2. Environmental Protection of the Atmosphere.
3. Provisional Application of Treaties.
4. The Fair and Equitable Treatment Standard in International Investment Law.
5. Protection of the Environment in Relation to Armed Conflicts.

4. During the quinquennium, the Working Group on Long-term Programme of Work considered a number of topics and requested Members of the Working Group to prepare drafts on these topics. The Group was guided by the recommendation of the Commission at its forty-ninth session (1997) regarding the criteria for the selection of the topics:

- (a) The topic should reflect the needs of the States in respect of the progressive development and codification of international law;
- (b) The topic should be sufficiently advanced in stage in terms of State practice to permit progressive development and codification;
- (c) The topic is concrete and feasible for progressive development;

[and]

... the Commission should not restrict itself to traditional topics, but could also consider those that reflect new developments in international law and pressing concerns of international community.

5. The syllabuses of the recommended topics are annexed to the present report. The Group felt that all those topics constitute useful contributions to the codification and progressive development of international law. Moreover, some of them venture into fields which the Commission had not sufficiently considered so far (environment, investment, humanitarian law).

6. It should also be recalled that the Commission, in the course of the expiring quinquennium, decided to inscribe in its Programme of Work the following topics recommended by the Working Group:

- (a) Treaties over time;
- (b) The Most-favoured-nation clause.

7. Finally, there are four more topics that remain inscribed in the long-term programme of work from previous quinquennia:

- (a) Jurisdictional immunity of international organizations;
- (b) Protection of personal data in trans-border flow of information;
- (c) Extraterritorial jurisdiction;
- (d) Ownership and protection of wrecks beyond the limits of national maritime jurisdiction.

## **2. Methods of work of the Commission**

8. At its first meeting on 27 May 2011, the Planning Group decided to establish a Working Group on Methods of Work.<sup>2</sup> The Working Group, chaired by Mr. Hussein

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<sup>2</sup> The Working Group on Methods of Work was composed of Mr. Hussein A. Hassouna (Chairman); Members: Mr. L. Caflisch, Mr. E. Candioti, Mr. S. Fomba, Mr. Z. Galicki, Ms. M. Jacobsson, Mr. T.

Hassouna held four meetings on 30 and 31 May, and 20 and 25 July 2011. Its report was adopted by the Planning Group.

9. The Working Group took into consideration paragraphs 8 and 9 of General Assembly resolution 65/26 of 2010. It also had as a point of reference the 1996 Report of the Group on Working Methods of the Commission<sup>3</sup> and the Commission's decisions in that effect. The Working Group recommended the following conclusions to improve the working methods of the Commission.

**(a) Role of the Special Rapporteurs**

10. In view of the key role that the Special Rapporteurs have in the work of the Commission, the Working Group expressed the expectation that Special Rapporteurs will:

- (i) prepare each year a substantive report on their respective topic;
- (ii) make every effort to limit the length of each report to no more than 50 pages;
- (iii) submit their full report to the Secretariat at least six weeks before the start of each session;
- (iv) be available to attend a substantial part of each session so that special adjustments do not have to be made to the programme of work of the Commission;
- (v) will be ready to summarize the debate the day following the completion of the debate or as soon as possible thereafter;
- (vi) prepare concise draft commentaries that will be designed to explain the texts adopted at each session on their topic.

**(b) Study Groups**

11. A Study Group should aim at achieving a concrete outcome in accordance with the mandate of the Commission and within a reasonable time. The possibility of replacing a Study Group by appointing a Special Rapporteur as the topic progresses should be considered, as appropriate.

**(c) Drafting Committee**

12. Given the hard work that the Chairman of the Drafting Committee has to face during the whole session, in practice chairmen have sometimes resorted to an experienced colleague in order to delegate the work when they need to be absent. This informal arrangement seems to work well and there is no need to further formalize it.

13. The Drafting Committee has progressively become a body entrusted also with substantive issues of negotiation. It is difficult to separate form from substance, but, as soon as a hardcore issue proves difficult to be overcome in the Drafting Committee, it may be transferred to a more informal setting such as a Working Group, a practice which has been resorted to in the past.

14. Regarding the form of presentation of the report of the Drafting Committee to the Plenary, it would be possible to recommend to the drafters of the statement to try to make them shorter without making the substance suffer. However, the length of the statement is

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Melescanu, Mr. S. Murase, Mr. E. Petric, Mr. G. Saboia, Mr. N. Singh, Mr. E. Valencia-Ospina, Mr. S. Vasciannie, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Mr. M. Wood, and Mr. A.R. Perera (*ex officio*).

<sup>3</sup> *Yearbook ... I.L.C. 1995*, Vol. II, Part Two, pp. 84–97.

also determined by the quantity and complexity of draft articles presented. The Commission welcomes the placement at the website of the statement of the Chairman and suggests that it could be completed by placement of an annex of the Draft Articles adopted by the Plenary.

15. Paragraphs 212–216 of the 1996 Report are still relevant and could be considered.

**(d) Planning Group**

16. The work of the Planning Group could be adjusted as follows:

(a) The Planning Group should closely monitor and advise the Commission on the optimum organization of forthcoming sessions, taking into account the topics incorporated to its agenda. This requires that the Planning Group be allocated appropriate time at an early stage of the session;

(b) Priorities for completion of topics could be proposed by the Group to the Plenary, bearing in mind recommendations, if any, from the General Assembly;

(c) The Group should cooperate with Special Rapporteurs and coordinators of Study Groups to define at the beginning of any new topic a tentative schedule for the development of the topic along a number of years as may be required, and periodically review the attainment of annual targets in such schedule, updating it when appropriate;

(d) The Group should, in particular, at the end of each annual session, discuss a preliminary plan for the next annual session, its duration, and advise the Commission accordingly.

**(e) Preparation of commentaries to draft articles<sup>4</sup>**

17. The Commission should reconsider the present practice of leaving the formulation of commentaries to draft articles to the respective Special Rapporteurs alone and discussing those commentaries only at the time of approval of the Commission's Annual Report, under pressure to finish the latter and without sufficient time for members to study the commentaries carefully.

18. Special Rapporteurs should be asked to submit draft commentaries as soon as possible after the adoption of the draft articles they propose. Time permitting, the draft commentaries should then be dealt with and provisionally approved in the Drafting Committee.

19. The Drafting Committee does not currently examine the content of the commentaries, which are directly presented to the Plenary. Elements of commentaries could, where appropriate and possible, be considered by the Drafting Committee before being incorporated into the final commentaries. This was experienced in the past (see paragraphs 196 to 199 of the 1996 Report).

20. Commentaries should, in general, be as concise as possible, consistent with providing adequate explanations of the draft articles.

**(f) Final form**

21. A preliminary indication as to the final form of the work undertaken on a specific topic (draft articles which might be embodied in a convention, declaration of principles, guidelines, expository study with conclusions and recommendations, etc.) should, as far as

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<sup>4</sup> See the recommendations contained in paras. 196–199 in Chapter VII of the ILC 1996 Report.

possible, be made at an early stage by Special Rapporteurs or study groups, subject to review and later adjustment as the work develops.

**(g) The ILC Report**

22. The Commission should make Chapter II of the report (Summary) more informative, covering succinctly the main issues on which there had been important debates and a description of the achievements of the session.

23. The Commission should take particular care to make Chapter III of the report (“Specific issue on which comments would be of particular interest to the Commission”) as clear and specific as possible.

**(h) Relationship with the Sixth Committee**

*(1) Chairman’s introduction of the ILC Report in the Sixth Committee*

24. The ILC Chairman’s introduction of the ILC Report in the Sixth Committee should continue to be divided into parts. Each part should be as concise as possible (in general, not longer than 30 minutes):

(a) The introduction should concentrate on the main points, and not go into details of drafting etc.;

(b) These main points should include:

(i) Proposals for new topics (if any);

(ii) Issues on which the Commission particularly wishes to hear from Member States;

(iii) Main achievements of the Commission during the last year (e.g. completion of first or second readings); and

(c) If the Special Rapporteur is present when “his” or “her” chapter of the report is introduced, the Special Rapporteur should be invited to add his comments after the ILC Chairman’s introduction.

*(2) Dialogue with the Sixth Committee*

25. The Special Rapporteurs (and indeed any member of the Commission present in the Sixth Committee) should be ready to take part in the inter-active segment of the Sixth Committee’s “international law week”. Members of the Commission are also encouraged to be in touch with the organizers of the interactive segment and of the Legal Advisers meeting to discuss the arrangements for those meetings.

26. Consideration should be given to the possibility of having one half session each quinquennium in New York so as to facilitate direct contact between the Commission and delegates of the Sixth Committee.

**3. Consideration of General Assembly resolution 65/32 of 6 December 2010 on the rule of law at the national and international levels**

27. The General Assembly, in resolution 65/32 of 6 December 2010 on the rule of law at the national and international levels, *inter alia*, reiterated its invitation to the Commission to comment, in its report to the General Assembly, on its current role in promoting the rule of law. The Commission has commented annually on its role in promoting the rule of law since 2008. The Commission notes that the substance of the comprehensive comments contained in paragraphs 341 to 346 of its 2008 report (A/63/10) remains relevant and

reiterates the comments in paragraph 231 of its 2009 report (A/64/10) as well as the comments in paragraphs 390 to 393 of its 2010 report (A/65/10).<sup>5</sup>

28. The Commission recalls that the rule of law constitutes the essence of the Commission, for its basic mission is to guide the development and formulation of the law. The Commission notes that the role of the General Assembly in encouraging the progressive development of international law and its codification is reaffirmed in General Assembly resolution 65/32 on the rule of law at the national and international levels. As an organ established by the General Assembly and in keeping with the mandate set out in Article 13 (1) (a) of the Charter of the United Nations, the Commission continues to promote the progressive development and codification of international law.<sup>6</sup>

29. The Legal Counsel of the United Nations recognized the existence of two interdependent dimensions to the concept of the rule of law. Whilst one dimension is national and the other dimension is international, their interdependence was explicitly acknowledged in the Millennium Declaration, whereby the Heads of State and Government affirmed their resolve to “strengthen respect for the rule of law in international as in national affairs”.<sup>7</sup>

30. President Owada of the ICJ emphasized both substantive legal content as well as the more traditional procedural focus of the rule of law. According to President Owada “the rule of law, when applied at the international level, requires a reconceptualization of the principle that incorporates both its process and its substance, taking account of the systemic differences between the domestic and international legal order”.<sup>8</sup> He concludes that “*the rule of law at the international level increasingly permeates the rule of law at the national level ...*”.<sup>9</sup>

31. Bearing in mind the close interrelation of the rule of law at the international level and that at the national level, the Commission, in fulfilling its mandate of codification and progressive development, considers that its work should be informed where appropriate by the principles of human rights that are fundamental to the international rule of law as reflected in the Preamble and in Article 13 of the UN Charter. Accordingly the Commission has brought awareness of the rule of law at an international level to their work on topics like Protection of Persons in the Event of Disasters; Expulsion of Aliens; Obligation to Extradite and Prosecute, Immunity of State Officials and Effects of armed conflict on treaties.

32. The General Assembly could recall in this context the Commission’s contribution to the rule of law.

33. The Commission reiterates its commitment to the rule of law in all of its activities.<sup>10</sup>

<sup>5</sup> *Official records of the General Assembly, Sixty-second session, Supplement No. 10 (A/65/10)*, para. 389.

<sup>6</sup> *Ibid.*, ..., para. 390.

<sup>7</sup> <http://www.brandeis.edu/ethics/pdfs/internationaljustice/bij/BIIJ2010.pdf>. The Legal Counsel’s address begins at page 51.

<sup>8</sup> Background – ICJ President Hisashi Owada, in his article “The Rule of Law in a Globalizing World – An Asian Perspective” (*Washington University Global Studies Law Review*, v. 8(2) 2009, p. 193, [http://law.wustl.edu/WUGSLR/Issues/Volume8\\_2/owada.pdf](http://law.wustl.edu/WUGSLR/Issues/Volume8_2/owada.pdf).

<sup>9</sup> *Ibid.*, p. 203.

<sup>10</sup> *Official records of the General Assembly, Sixty-second session, Supplement No. 10 (A/65/10)*, para. 393.

#### 4. Honoraria

34. The Planning Group reiterates once more its views concerning the question of honoraria, resulting from the adoption by the General Assembly of its resolution 56/272 of 27 March 2002, which has been expressed in the previous reports of the Commission.<sup>11</sup> The Planning Group emphasizes that the above resolution especially affects Special Rapporteurs, as it compromises support for their research work.

#### 5. Assistance to Special Rapporteurs

35. The Planning Group wishes to reaffirm that Special Rapporteurs of the Commission have a special role to play in its working methods. The Planning Group reiterates that the independent character of the Commission accords to its Special Rapporteurs a responsibility to work cooperatively with the Secretariat but also independently of it. While recognizing the invaluable assistance of the Codification Division, the Planning Group notes that the exigencies and the very nature of the work of Special Rapporteurs as independent experts, which continues year round, imply that some forms of assistance that they need go beyond that which could be provided the Secretariat. In particular, the writing of the report by the Special Rapporteurs requires various forms of immediate research work associated therewith, the provision of which by the Secretariat located in Headquarters is entirely impracticable. Such work, which constitutes an essential element of the Commission's deliberations, has to be accomplished within the parameters of already existing responsibilities of the Special Rapporteurs in various professional fields, thereby adding an extra burden that may not be easily quantifiable in monetary terms and affecting the conditions of their work. The Planning Group expresses the hope that the General Assembly will view it appropriate to consider this matter anew in light of the real impact that it has on the proper functioning of the Commission as a whole.

#### 6. Attendance of the General Assembly by Special Rapporteurs during the consideration of the Commission's report

36. The Planning Group notes that, with a view to strengthening its relationship with the General Assembly, the Commission has, on previous occasions, drawn attention to the possibility of enabling Special Rapporteurs to attend the Sixth Committee's debate on the report of the Commission.<sup>12, 13, 14</sup> The Planning Group wishes to reiterate the usefulness of Special Rapporteurs being afforded the opportunity to interact with representatives of Governments during the consideration of their topics in the Sixth Committee.

#### 7. Documentation and publications

##### (a) *Processing and issuance of reports of Special Rapporteurs*

37. The Planning Group reiterates the importance of providing and making available all evidence of State practice and other sources of international law relevant to the

<sup>11</sup> See *Official Records of the General Assembly, Fifty-seventh Session, Supplement 10 (A/57/10)*, paras. 525–531; *ibid.*, *Fifty-eighth Session, Supplement 10 (A/58/10)*, para. 447; *ibid.*, *Fifty-ninth Session, Supplement 10 (A/59/10)*, para. 369; *ibid.*, *Sixtieth Session, Supplement 10 (A/60/10)*, para. 501; *ibid.*, *Sixty-first Session, Supplement 10 (A/61/10)*, para. 269; *ibid.*, *Sixty-second Session, Supplement 10 (A/62/10)*, para. 379; *ibid.*, *Sixty-third Session, Supplement 10 (A/63/10)*, para. 358; *ibid.*, *Sixty-fourth Session, Supplement 10 (A/64/10)*, para. 240.

<sup>12</sup> *Yearbook ... 1988*, vol. II, Part 2, para. 582.

<sup>13</sup> *Ibid.*, ... 1989, vol. II, Part 2, para. 742.

<sup>14</sup> *Official records of the General Assembly, Sixty-second session, Supplement No. 10 (A/65/10)*, para. 398.

performance of the Commission's function in the progressive development of international law and its codification. The Planning Group also wishes to stress that the Commission and its Special Rapporteurs are fully conscious of the need to achieve economies whenever possible in the overall volume of documentation and will continue to bear such considerations in mind. While the Planning Group is aware of the advantages of being as concise as possible, it strongly believes that an *a priori* limitation cannot be placed on the length of the documentation and research projects relating to the Commission's work.<sup>15</sup> The Planning Group stressed also the importance of the timely preparation of reports by Special Rapporteurs for submission to the Commission and delivery to the Secretariat.

(b) *Summary records of the work of the Commission and the posting on the website*

38. The Commission has on several occasions confirmed that the Summary Records are "an inescapable requirement for the procedures and methods of its work. They constitute the equivalent of *travaux préparatoires* and are an indispensable part of the process of progressive development of international law and its codification. They are vital for the Commission's work".<sup>16</sup> Moreover, the Commission continues to stress the importance of summary records as an essential part of its *Yearbook*. The production of the Summary Records makes the work of ILC known to the general public and to States, thus assuring also transparency about the ILC activity. They also satisfy the needs of members and, in particular, Special Rapporteurs to take into account what was done in the past at various stages of the ILC work, as useful background for further study and preparation of new documents. Finally, they constitute important reference material for governments, practitioners and international and domestic courts and tribunals, as well as academics and research students.

39. The Commission welcomes the efforts of the Secretariat to include the Commission's Provisional Summary Records on the website. It took note of the Secretariat's decision to do so on a trial basis and on the understanding that they would be posted on the site as soon as the electronic versions are received by the Secretariat of the Commission where possible, or shortly thereafter, and subject to the availability of resources to do so.

40. The Commission indicated that the inclusion of the Provisional Summary Records on the Commission's website is not intended as a replacement for the established procedures for the production of the *Yearbook of the International Law Commission*, as mandated by the General Assembly, but rather as a way of mitigating the impact of the delay in the preparation and publication of the final corrected version of the Summary Records.

(c) *Yearbook of the International Law Commission*

41. In its resolution 176 (II) of 21 November 1947, the General Assembly stated that "one of the most effective means of furthering the development of international law consists in promoting public interest in this subject and using the media of education and publicity to familiarize the peoples with the principles and rules that govern international relations". In resolution 987 (X) of 3 December 1955, the Assembly requested the

<sup>15</sup> For considerations relating to page limits on the reports of Special Rapporteurs, see for example, *Yearbook ... 1977*, vol. II, Part Two, p. 132 and *Yearbook ... 1982*, vol. II, Part Two, pp. 123-4. See also resolution 32/151, para. 10 and resolution 37/111, para. 5, as well as subsequent resolutions on the annual reports of the Commission to the General Assembly.

<sup>16</sup> *Official Records of the General Assembly, Fifty-ninth session, Supplement No. 10 (A/59/10)*, para. 367.



Secretary-General to arrange for the printing each year of the documents and records of the Commission. At its eighth session, in 1956, the Commission recommended that such records and documents be published in the form of a Yearbook.<sup>17</sup>

42. Since its inception, the *Yearbook of the International Law Commission* has become an authoritative international legal publication critical to the understanding of the Commission's work in the progressive development of international law and its codification, as well as in the strengthening of the rule of law in international relations. The *Yearbook* has been extensively cited in legal proceedings before international courts and tribunals, and by Governments in their official communications. It has further proved an invaluable resource for practitioners and academics alike seeking evidence of customary international law. The *Yearbook* constitutes an indispensable tool for the preservation of the legislative history of the documents emanating from the Commission, as well as for the teaching, study, dissemination and wider appreciation of the efforts undertaken by the Commission in the progressive development of international law and its codification.

43. Volume I of the *Yearbook* consists of the final edited version of the summary records of the Commission's meetings. In its volume II, the *Yearbook* presents, in a systematic way, the final edited version of the various documents pertaining to the work of the Commission. Such documents include, in particular, the annual reports of the Commission, the reports presented by the Special Rapporteurs on the various topics on the Commission's programme of work, as well as studies or memoranda prepared by the Secretariat of the Commission on given topics.

44. It should be noted that these various documents undergo an elaborate process of referencing and editing before their inclusion in the *Yearbook*. This is particularly true with respect to the citations and quotes which, for various reasons, are far from being complete and finalized in the parliamentary form of such documents. Thus, the Commission emphasizes the scientific value of the *Yearbook* and its long term interest for governments, practitioners and academics, domestic courts and tribunals, as the publication that crystallizes the work of the Commission in the most accurate and final form. While noting the considerable progress made in the reduction of the backlog, the Commission expressed the wish to further reduce and finally eliminate the backlog in the publication of the *Yearbook*.

(d) *Trust fund on the backlog relating to the Yearbook of the International Law Commission*

45. The Planning Group reiterated that the *Yearbooks* were critical to the understanding of the Commission's work in the progressive development of international law and its codification, as well as in the strengthening of the rule of law in international relations. The Planning Group noted with appreciation that the General Assembly in its resolution 65/26, acknowledged the establishment by the Secretary-General of a trust fund to accept voluntary contributions so as to address the backlog relating to the *Yearbook* of the International Law Commission and invited voluntary contributions to that end.

(e) *Assistance of the Codification Division*

46. The Planning Group expressed its appreciation for the valuable assistance of the Codification Division of the Secretariat in its substantive servicing of the Commission and its involvement in research projects on the work of the Commission. The Planning Group reiterated the particular relevance and significant value of the legal publications prepared

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<sup>17</sup> *Yearbook ... 1956, Vol. II*, para. 42. The *Yearbook of the International Law Commission* has been published annually, and currently covers the product of the International Law Commission for the period 1949 until approximately 2004.

by the Codification Division to its work, and reiterated its request that the Codification Division continue to provide the Commission with these publications.

(f) *Websites*

47. The Planning Group once again expressed its appreciation for the results of the activity of the Secretariat in its continuous updating and management of its website on the International Law Commission.<sup>18</sup> The Planning Group reiterated that this website and other websites maintained by the Codification Division<sup>19</sup> constitute an invaluable resource for the Commission in undertaking its work and for researchers of work of the Commission in the wider community, thereby contributing to the overall strengthening of the teaching, study, dissemination and wider appreciation of international law. The Planning Group notes that the website on the work of the Commission includes information on the current status of the topics on the agenda of the Commission, as well as advance edited versions of summary records of the Commission.

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

48. The Planning Group recommended that the sixty-fourth session of the Commission be held in Geneva from 7 May to 1 June and 2 July to 3 August 2012.

49. The Planning Group emphasizes the exceptional character of the proposed duration (nine weeks) due to the fact that three important topics on the Commission's agenda have just been completed. The Commission recalls its decision of 2000 concerning the length, nature and place of future sessions of the Commission and reiterates its relevance.<sup>20</sup> By making this recommendation, the Planning Group takes also into consideration the current financial constraints of the United Nations while bearing in mind paragraph 9 of General Assembly resolution A/RES/65/26 and its invitation to the International Law Commission to continue to take cost-saving measures without prejudice to the efficiency and effectiveness of its work. Finally, the Planning Group stresses the fact that the split-session for 2012 is an indispensable condition for the good planning and efficiency of a nine-week session.

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<sup>18</sup> Located at <http://www.un.org/law/ilc>.

<sup>19</sup> Generally accessible through: <http://www.un.org/law/lindex.htm>.

<sup>20</sup> ... the Commission reiterates its views expressed in paragraph 227 of its 1996 report to the effect that, "in the longer term, the length of sessions is related to the question of [its work] organization" and that "if a split session is adopted ... its work can usually be effectively done in a period of less than 12 weeks a year. It sees good reason for reverting to the older practice of a total annual provision of 10 weeks, with the possibility of extension to 12 weeks in particular years, as required". Consequently, and unless significant reasons related to the organization of its work otherwise require, the length of the sessions during the initial years of the Commission's future mandate should be of 10 weeks and, during its final years, of 12 weeks.