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Report of the International Law Commission on the work of its sixty-second session

Assistance to special rapporteurs of the International Law Commission

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 64/114, in which the Assembly requested the Secretary-General to submit options regarding additional support for the work of special rapporteurs of the International Law Commission to the Assembly at its sixty-fifth session.

* A/65/150.



I. Introduction

1. The present report has been prepared pursuant to paragraph 6 of General Assembly resolution 64/114, by which the Assembly took note of the report of the Secretary-General on assistance to special rapporteurs of the International Law Commission (A/64/283) and of the report of the International Law Commission (A/64/10, paras. 240-242) and requested the Secretary-General to submit to the Assembly at its sixty-fifth session options regarding additional support for the work of special rapporteurs.

II. Consideration of options

2. The report of the Secretary-General on assistance to special rapporteurs of the International Law Commission contained a description of the role of special rapporteurs in the work of the Commission (A/64/283, paras. 2-4) and gave an overview of the assistance provided by the Secretariat to the Commission and its special rapporteurs (*ibid.*, paras. 5-14). During the period under review, the role played by special rapporteurs has remained central to the work of the Commission, while the Secretariat has continued to render its assistance to the Commission and its special rapporteurs in a manner consistent with the description in that report.

3. The report also covered the challenges to the work of the special rapporteurs (A/64/283, paras. 15-18) and the early recognition by the General Assembly of the unique role played by special rapporteurs in the work of the Commission, in particular through the payment, on an exceptional basis, of research grants and special allowances. The report also described subsequent developments in that regard, which essentially culminated in the combination of the two elements, that is, the awarding by the General Assembly of research grants to special rapporteurs and special allowances to members of the Commission (*ibid.*, paras. 19-21). As will be recalled, pursuant to Assembly resolution 56/272, the honorarium was pegged at US\$ 1 per year for each member of the Commission, and the prior distinction between research grants for special rapporteurs and special allowances for members of the Commission was set aside.¹

4. While one possible option would be to maintain the status quo, since 2002, the International Law Commission has repeatedly drawn the attention of the General Assembly to the impact of resolution 56/272, emphasizing that it compromises support for the research work of the special rapporteurs. The Commission has urged

¹ In its resolution 56/272, the General Assembly decided, with effect from 6 April 2002, to set at a level of US\$ 1 per year all honorariums payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. Related transfers were effected in the provision of Internet services, as set out in paragraph 5 of resolution 56/254 D, by which the Secretary-General was requested to immediately restore Internet services, including web hosting, e-mail and support services, to the Permanent Missions, utilizing the resources released as a result of resolution 56/272.

the Assembly to reconsider the matter, with a view to restoring the honorariums for special rapporteurs.²

5. In addition, in the report of the International Law Commission on its sixty-first session (A/64/10, para. 241), the Commission noted that it:

“... welcomes the impetus provided by General Assembly resolution 63/123 and the opportunity that the report of the Secretary-General envisaged in that resolution presents, and wishes to reaffirm that Special Rapporteurs of the Commission have a special role to play in its working methods. The Commission would like to recall that its independent character 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 Commission 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 by the Secretariat. It should be noted that in particular, the writing of the report by the Special Rapporteurs requires various forms of research work associated therewith, the provision of which by the Secretariat located at Headquarters is entirely impracticable. Such work 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, which constitutes an essential element of the Commission’s deliberations. The Commission 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. In requesting the Secretary-General to submit options regarding additional support for the work of special rapporteurs, the General Assembly, in paragraph 6 of its resolution 64/114, took note of the above paragraph. At the present stage, bearing in mind resolution 56/272, any other option that goes beyond the scope of its provisions falls within the competence of the legislative organs to consider.

² See A/57/10, paras. 525-531; A/58/10, para. 447; A/59/10, para. 369; and A/60/10, para. 501; A/61/10, para. 269; A/62/10, para. 379; A/63/10, para. 358; and A/64/10, para. 240.