



General Assembly

Distr.
LIMITED

A/CN.4/L.664/Rev.1
23 July 2004

Original: ENGLISH

INTERNATIONAL LAW COMMISSION
Fifty-sixth session
Geneva, 3 May-4 June and 5 July-6 August 2004

REPORT OF THE PLANNING GROUP

Programme, procedures and working methods of the Commission and its documentation

1. At its 2818th meeting on 16 July 2004, the Commission established a Planning Group for the current session.¹
2. The Planning Group held three meetings. It had before it Section H of the Topical Summary of the discussion held in the Sixth Committee of the General Assembly during its fifty-eighth session entitled "Other decisions and conclusions of the Commission" and the General Assembly resolution 58/77 (paras. 6, 9, 13 and 16) on the Report of the International Law Commission on the work of its fifty-fifth session.

¹ The Planning Group was composed of Ms. H. Xue (Chairperson), Mr. I. Brownlie, Mr. E. Candioti, Mr. C.I. Chee, Mr. J. Dugard, Mr. S. Fomba, Mr. G. Gaja, Mr. Z. Galicki, Mr. P. Kabatsi, Mr. J.L. Kateka, Mr. F. Kemicha, Mr. R.A. Kolodkin, Mr. M. Koskenniemi, Mr. W. Mansfield, Mr. M. Matheson, Mr. T.V. Melescanu, Mr. B. Niehaus, Mr. G. Pambou-Tchivounda, Mr. A. Pellet, Mr. P.S. Rao, Mr. V. Rodríguez-Cedeño, Mr. B. Sepulveda, Mr. C. Yamada and Mr. P. Commissário Afonso (ex officio).

I. WORKING GROUP ON LONG-TERM PROGRAMME OF WORK

3. The Working Group on the Long-term programme of work was reconstituted with Mr. Pellet as Chairman of this Working Group.² The Working Group held five meetings and its Chairman reported orally to the Planning Group on 20 July 2004. The Working Group had considered various topics and will continue to consider them in the future. The Working Group at this stage had decided that some of the topics were not suitable for codification. The Working Group intends to submit a fuller report together with the topics that it proposes for inclusion on the long-term programme of work at the end of the quinquennium. However, the Working Group recommended that the topic “Obligation to extradite or prosecute” (*aut dedere aut judicare*) be included in the Commission’s long-term programme of work. The Planning Group thought that the topic met the relevant criteria which were mentioned in the Commission’s 2000 report. Also this topic is precise and presents a theoretical and practical utility in terms of codification and progressive development of international law.

4. The Planning Group consequently recommends to the Commission that this topic be included in the long-term programme of work. It also recommends that the preliminary outline presenting the topic be included in the Commission’s report.

II. RECOMMENDATION OF A NEW TOPIC FOR INCLUSION IN THE CURRENT PROGRAMME OF THE WORK OF THE COMMISSION

5. The Planning Group in light of the possible completion of the first reading of two topics at the current session considered the selection of a new topic for inclusion in the Commission’s current programme of work. After a thorough debate and having reconsidered the list of topics on the long-term programme established in 2000 it recommends that both the topics “Effects of armed conflicts on treaties” and “Expulsion of aliens” be included in the Commission’s current programme of work.

² The Working Group on Long-term programme of work was composed of Mr. A. Pellet (Chairman), Mr. J.C. Baena Soares, Mr. Z. Galicki, Mr. M. Kamto, Mr. M. Koskenniemi, Ms. H. Xue and Mr. P. Comissário Afonso (ex officio).

III. STRATEGIC FRAMEWORK

6. The Planning Group having considered part of the Strategic Framework (2006-2007) for Programme 5: Subprogramme 3 (Progressive development and codification of international law), prepared pursuant to General Assembly resolution 58/269, recommends to the Commission that it take note with approval of this part of the strategic framework.

IV. DOCUMENTATION OF THE COMMISSION

7. The Planning Group noted with satisfaction that the General Assembly in paragraph 16 of its resolution 58/77 approved the Commission's conclusion on its documentation.

8. With regard to section II.B, paragraph 9 of General Assembly resolution 58/250 "Pattern of Conferences" concerning summary records of bodies entitled to them, the Planning Group, having considered several possibilities proposed by the Secretariat, concluded that none of them would meet the needs of the Commission. The Planning Group recalled that on several occasions the Commission considered the summary records as 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. Moreover, the Planning Group stressed the importance of summary records as an essential part of the ILC Yearbook.

9. The Planning Group noted with appreciation the updated Survey of Liability Regimes prepared by the Codification Division and the Comments and observations received from Governments and International Organizations on the topic Responsibility of International Organizations and recommends that they be issued as official documents of the Commission.

V. DATE AND PLACE OF THE FIFTY-SEVENTH SESSION OF THE COMMISSION

10. The Planning Group proposes that the fifty-seventh 10-week split session of the Commission be held in Geneva from 2 May to 3 June and 4 July to 5 August 2005.
