

United Nations Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

REFERENCE:

30 May 2020

Excellency,

We write to you further to our letter of 16 March 2020 concerning the seventy-second session of the International Law Commission (“the Commission”).

Pursuant to General Assembly resolution 74/186 of 18 December 2019, the seventy-second session of the ILC was scheduled to be held from 27 April to 5 June and from 6 July to 7 August 2020 at the United Nations Office at Geneva. Following the recommendation of the Bureau of the Commission as contained in our letter of 16 March 2020, and in light of the situation concerning the Coronavirus disease 2019 (COVID-19), the General Assembly in its decision 74/545 of 2 April 2020 decided to postpone the first part of the International Law Commission’s session, and to extend by one week the second part of the session so that it would run from 29 June to 7 August 2020.

Given the continuing COVID-19 situation, not only at the seat of the Commission in Geneva but in the countries and regions of origin of the members of the Commission and the consequent travel restrictions, we, the current Chair of the seventy-first session of the Commission and the Chair designate for the seventy-second session of the Commission, held consultations with the incoming Bureau of the Commission, and through it, the other members of the Commission. On the basis of those consultations, we recommend that the seventy-second session of the Commission should be postponed and should be convened at the United Nations Office at Geneva in 2021. The seventy-third session of the ILC would then take place in 2022. As a consequence, given that the Commission has on its programme of work eight topics, five of which are at advanced stages (four second readings and one first reading) which should be completed by the Commission with its current membership, the Bureau further recommends that the terms of office of the members of the Commission be extended by one year such that they would expire at the end of 2022. This recommendation is agreed by all of the members of the Commission.

In making such a recommendation, the Bureau considered the possibility of holding the scheduled session by virtual means. However, after thorough consideration and consultation with the Secretariat, it concluded that it would not be feasible for official meetings of the Commission to take place by such means. The time zone differences among the members spanning some sixteen hours, the duration of the meetings (six hours per day for six weeks consecutively), the detailed and complex nature of the deliberations on substantive text that take place in the Drafting Committee of the Commission, and the absence of a software platform authorized by the United Nations for providing simultaneous interpretation into the six official languages, render such mode of holding official meetings of the Commission impractical.

H.E. Prof. Tijjani Muhammad-Bande
President of the United Nations General Assembly

Please find attached a proposed draft decision for adoption by the General Assembly. We kindly request that a meeting of the General Assembly be convened as soon as possible, and no later than 8 June 2020, to adopt the draft decision.

Please accept, Excellency, the assurances of our highest consideration.



Pavel Šturma
Chair
Seventy-first session of the
International Law Commission



Mahmoud D. Hmoud
Chair designate
Seventy-second session of the
International Law Commission

Enc.

Seventy-fourth session
Agenda item 79
Report of the International Law Commission
on the work of its seventy-first session

The General Assembly,

Recalling its resolution 74/186 of 18 December 2019, in which it decided that the International Law Commission would hold its seventy-second session at the United Nations Office at Geneva from 27 April to 5 June and from 6 July to 7 August 2020,

Recalling its decision 74/545 of 2 April 2020, in which it decided to postpone the first part of the International Law Commission's session, and to extend by one week the second part of the session so that it would run from 29 June to 7 August 2020,

Taking into account the continuing situation concerning the coronavirus disease 2019 (COVID-19),

Decides that the seventy-second session of the International Law Commission shall be postponed and shall meet at the United Nations Office at Geneva in 2021, that the seventy-third session of the International Law Commission shall meet at the United Nations Office at Geneva in 2022, and that the terms of office of the current members of the International Law Commission shall be extended by one year such that they will expire on 31 December 2022, in order to permit the current membership to complete consideration of the topics on the programme of work for the seventy-second and seventy-third sessions that are at advanced stages.