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### INTERNATIONAL LAW COMMISSION

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### DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FIFTY-THIRD SESSION

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### CHAPTER IX

### OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

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## CHAPTER IX

### OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

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

1. At its 2676th meeting on 15 May 2001, the Commission established a planning group for the entire session.<sup>1</sup>
2. The Planning Group held three meetings. It discussed section F, “Other decisions and conclusions of the Commission”, of the topical summary of the discussion held in the Sixth Committee of the General Assembly during its fifty-fifth session.<sup>2</sup>
3. At its 2695th meeting on 25 July 2001, the Commission took note of the oral report of the Planning Group.
4. The Planning Group considered a proposal on elections to the International Law Commission. The Planning Group was unable to take a decision on the proposal this year because it was of the opinion that the matter warranted more in-depth consideration.
5. Having taken note of paragraph 8 of General Assembly resolution 55/152 and in order to use the available time more efficiently, the Commission decided, on the Planning Group’s recommendation, to give priority during the first week of the first part of its fifty-fourth session to the appointment of two Special Rapporteurs on two of the five topics included in its long-term programme of work.<sup>3</sup>
6. In response to the request made by the General Assembly in paragraph 13 of its resolution 55/152, the Commission made an effort to implement cost-saving measures by organizing its programme of work in such a way as to set aside the first week of the second part of its session for the Working Group on the commentaries to the draft articles on State responsibility. The Working Group was composed of only 12 members of the Commission.

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<sup>1</sup> For the composition of the Planning Group, see paragraph ... above.

<sup>2</sup> Document A/CN.4/513.

<sup>3</sup> Report of the International Law Commission on the work of its fifty-second session, 1 May-9 June and 10 July-18 August 2000, *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 10 (A/55/10)*, para. 729.

**B. Date and place of the fifty-fourth session**

7. The Commission decided to hold a 10-week split session, which will take place at the United Nations Office in Geneva from 6 May to 7 June and from 8 July to 9 August 2002.

**C. Cooperation with other bodies**

8. At its 2698th meeting on 30 July 2001, Judge Guillaume, President of the International Court of Justice, addressed the Commission and informed it of the Court's recent activities and of the cases currently before it. An exchange of views followed. The Commission finds this ongoing exchange of views with the Court very useful and rewarding.

9. The Inter-American Juridical Committee was represented at the present session of the Commission by Dr. Gerardo Trejos Salas. Dr. Trejos Salas addressed the Commission at its 2673rd meeting on 4 May 2001 and his statement is recorded in the summary record of that meeting.

10. The European Committee on Legal Cooperation and the Committee of Legal Advisers on Public International Law were represented at the present session of the Commission by Mr. Rafael Benítez. Mr. Benítez addressed the Commission at its 26...th meeting on 2 August 2001 and his statement is recorded in the summary record of that meeting.

11. The Asian-African Legal Consultative Committee was represented at the present session of the Commission by its Secretary-General, Mr. Wafik Kamil. Mr. Kamil addressed the Commission at its 26...th meeting on 6 August 2001 and his statement is recorded in the summary record of that meeting.

12. On 2 August 2001, an informal exchange of views was held between members of the Commission and members of the legal services of the International Committee of the Red Cross on topics of mutual interest for the two institutions.

**D. Representation at the fifty-sixth session of the General Assembly**

13. The Commission decided that it should be represented at the fifty-sixth session of the General Assembly by its Chairman, Mr. Peter C. Kabatsi.

14. Moreover, at its ... meeting on ..., the Commission requested Mr. ..., Special Rapporteur on "...", to attend the fifty-sixth session under the terms of paragraph 5 of General Assembly resolution 44/35.

### **E. International Law Seminar**

15. Pursuant to General Assembly resolution 55/152, the thirty-seventh session of the International Law Seminar was held at the Palais des Nations from 2 to 20 July 2001, during the present session of the Commission. The Seminar is intended for advanced students specializing in international law and for young professors or government officials pursuing a diplomatic or academic career or posts in the civil service in their country.

16. Twenty-four participants of different nationalities, mostly from developing countries, were able to take part in the session.<sup>4</sup> The participants in the Seminar observed plenary meetings of the Commission, attended specially arranged lectures and participated in working groups on specific topics.

17. The Seminar was opened by the Commission's Second Vice-President, Mr. Enrique Candioti. Mr. Ulrich von Blumenthal, Senior Legal Officer of the United Nations Office at Geneva, was responsible for the administration, organization, and conduct of the Seminar.

18. The following lectures were given by members of the Commission: Mr. Victor Rodriguez-Cedeño: "Unilateral acts of States"; Mr. Ian Brownlie: "The work of the International Court of Justice"; Mr. Gerhard Hafner: "the International Criminal Court"; Mr. Bruno Simma: "Human rights and the International Law Commission"; Mr. Pemmaraju S. Rao: "International liability for injurious consequences arising out of acts not prohibited by international law"; and Mr. James Crawford: "State responsibility".

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<sup>4</sup> The following persons participated in the thirty-seventh session of the International Law Seminar: Mrs. Minerva Acosta (Dominican Republic); Mrs. Simona Alexova (Bulgaria); Mrs. Uma Sekkar Balasighamani (India); Mr. Alvaro Henry Campos Solorzano (El Salvador); Mrs. Sandra Charris Rebellon (Colombia); Mr. José Luis Fernandez Valoni (Argentina); Mrs. Tatyana Friedrich (Brazil); Mrs. Elana Geddis (New Zealand); Mrs. Tira Greene (Trinidad and Tobago); Mrs. Idil Isil Gul (Turkey); Mrs. Xiaomei Guo (China); Mr. Guy Martial Hangui (Cameroon); Mr. Lauri Mälksoo (Estonia); Mr. Zéphyrin Maniratanga (Burundi); Mr. Yuri Marchenko (Belarus); Mr. Ivon Mingashang (Congo); Mr. Duc Pham Huu (Viet Nam); Mr. Rajesh Poudyal (Nepal); Mr. Phenyio Rakate (South Africa); Mrs. Marie-Gisèle Ranampy (Madagascar); Mr. Ilia Ratchkov (Russia); Mr. Nouhoum Sangare (Mali); Mr. Barita Saragih (Indonesia); Mr. Stephan Wittich (Austria). A Selection Committee, under the Chairmanship of Professor Georges Abi-Saab (Honorary Professor, Graduate Institute of International Relations, Geneva), met on 9 May 2001 and selected 24 candidates out of 108 applications for participation in the Seminar.

19. Lectures were also given by Mr. Georges Abi-Saab: “WTO dispute settlement mechanism compared with other jurisdictions”; and Mr. Arnold Pronto, Associate Legal Officer, Office of Legal Affairs: “The work of the International Law Commission”. A whole day was devoted to a visit to the European Organization for Nuclear Research (CERN), at the invitation of its Legal Counsel, Mr. Jean-Marie Dufour. The discussion focused on legal matters related to CERN. The participants in the Seminar had the opportunity to attend the opening of the High-Level Segment of the Economic and Social Council and to listen to the statement by the Secretary-General of the United Nations.
20. The participants in the Seminar were assigned to one of three working groups for the study of particular topics under the guidance of members of the Commission, as follows: “Shared natural resources” (Mr. Hafner); “Diplomatic protection of corporations” (Mr. Dugard); and “Responsibility of international organizations and member States” (Mr. Gaja). Each group presented its findings to the Seminar. The participants were also assigned to other working groups, whose main task was to prepare the discussions following each lecture and submit written summary reports on those lectures. A collection of the reports was compiled and distributed to the participants.
21. The participants were also given the opportunity to make use of the facilities of the United Nations Library.
22. The Republic and Canton of Geneva offered its traditional hospitality to the participants, with a guided visit of the Alabama and Grand Council rooms, followed by a reception.
23. Mr. Peter C. Kabatsi, Chairman of the Commission, Mr. Ulrich von Blumenthal, on behalf of the United Nations Office at Geneva, and ..., on behalf of the participants, addressed the Commission and the participants at the close of the Seminar. Each participant was presented with a certificate attesting to his or her participation in the thirty-seventh session of the Seminar.
24. The Commission noted with particular appreciation that the Governments of Austria, Finland, Germany, Switzerland and the United Kingdom had made voluntary contributions to the United Nations Trust Fund for the International Law Seminar. This year, full fellowships (travel and subsistence allowance) were awarded to 16 participants and partial fellowships (covering either the subsistence allowance or travel) to 6 participants.
25. Of the 831 participants, representing 150 nationalities, who have taken part in the Seminar since 1965, the year of its inception, 483 have received a fellowship.

26. The Commission stresses the importance it attaches to the sessions of the Seminar, which enable young lawyers, especially from developing countries, to familiarize themselves with the work of the Commission and the activities of the many international organizations which have their headquarters in Geneva. The Commission recommends that the General Assembly should again appeal to States to make voluntary contributions in order to secure the holding of the Seminar in 2002 with as broad a participation as possible. It should be emphasized that, as there are fewer and fewer contributions, the organizers of the Seminar have had to draw on the reserve of the Fund this year. Should this trend continue, it is to be feared that the resources of the Fund will no longer allow as many fellowships to be awarded.

27. The Commission noted with satisfaction that, in 2001, comprehensive interpretation services were made available to the Seminar. It expressed the hope that the same services would be provided for the Seminar at the next session, despite financial constraints.

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