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**International Law Commission****Sixty-second session**

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**Draft report of the International Law Commission on the work of its sixty-second session**

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### **C. Cooperation with other bodies**

1. At its 3062nd meeting, on 9 July 2010, Judge Hisashi Owada, 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<sup>1</sup> drawing special attention to aspects that have a particular relevance to the work of the Commission. An exchange of views followed.

2. The Inter-American Juridical Committee was represented at the present session of the Commission by Mr. Freddy Castillo, who addressed the Commission at its 3047th meeting, on 19 May 2010.<sup>2</sup> He focused on the current activities of the Committee on global issues as well as issues affecting the region. An exchange of views followed.

3. The Secretary-General of the Asian-African Legal Consultative Organization (AALCO), Mr. Rahmat Bin Mohamad, addressed the Commission at its 3064th meeting, on 14 July 2010.<sup>3</sup> He briefed the Commission on the recent and forthcoming activities of AALCO. An exchange of views followed. At its 3071st meeting, on 30 July 2010, the Commission decided that it will be represented at the forty-ninth annual session of the AALCO to be held in Dar es Salaam from 5 to 8 August 2010 by Mr. Shinya Murase.

4. The European Committee on Legal Cooperation and the Committee of Legal Advisers on Public International Law (CAHDI) were represented at the present session of the Commission by the Director of Legal Advice and Public International Law, Mr. Manuel Lezertua, and the Chairperson of the Committee of Legal Advisers on Public International Law (CAHDI), Mr. Rolf Einar Fife, who addressed the Commission at its 3067th meeting, on 20 July 2010.<sup>4</sup> They focused on the current activities of CAHDI on a variety of legal matters, as well of the Council of Europe. An exchange of views followed.

5. On 15 July 2010 an informal exchange of views was held between members of the Commission and the International Committee of the Red Cross on topics of mutual interest, including an outline on current ICRC projects and a presentation on the notion of direct participation in hostilities under international humanitarian law,<sup>5</sup> as well as issues concerning the topic "Expulsion of aliens". An exchange of views followed.

### **D. Representation at the sixty-fifth session of the General Assembly**

6. The Commission decided that it should be represented at the sixty-fifth session of the General Assembly by its Chairman, Mr. Nugroho Wisnumurti.

7. At its ... meeting on ... August 2010, the Commission requested Mr. ..., Special Rapporteur on the topic "... " to attend the sixty-fifth session of the General Assembly, under the terms of paragraph 5 of General Assembly resolution 44/35.

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<sup>1</sup> This statement is recorded in the summary record of that meeting.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> This statement is recorded in the summary record of that meeting.

<sup>5</sup> The Legal Adviser of the ICRC, Mr. Knut Doerman, gave an outline on current ICRC projects, and Mr. Nils Melzer gave a presentation on the notion of direct participation in hostilities under international humanitarian law. Mr. M. Kamto, the Special Rapporteur on the topic "Expulsion of aliens" gave an overview on the topic.

## E. International Law Seminar

8. Pursuant to General Assembly resolution 64/114, the forty-sixth session of the International Law Seminar was held at the Palais des Nations from 5 to 23 July 2010, 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 an academic or diplomatic career or in posts in the civil service in their country.

9. Twenty six participants of different nationalities, from all the regions of the world, took part in the session.<sup>6</sup> The participants attended plenary meetings of the Commission, attended specially arranged lectures, and participated in working groups on specific topics.

10. The Seminar was opened by Mr. John Dugard, First Vice-Chairman of the Commission. Mr. Markus Schmidt, Senior Legal Adviser of the United Nations Office at Geneva (UNOG), was responsible for the administration, organization and conduct of the Seminar, assisted by Mr. Vittorio Mainetti, Legal Consultant at UNOG, and Mr. Sébastien Rosselet of the Legal Liaison Office.

11. The following lectures were given by members of the Commission: Mr. Stephen C. Vasciannie: *“The International Law Commission: Patterns of Influence”*; Mr. Zdzislaw Galicki: *“Aut Dedere Aut Judicare Against International Terrorism”*; Mr. Georg Nolte: *“Treaties over Time”*; Mr. Edmundo Vargas Carreño: *“Responsibility of States for Internationally Wrongful Acts”*; Mr. Giorgio Gaja: *“Responsibility of International Organizations”*; Mr. A. Rohan Perera: *“A Comprehensive Convention against Terrorism: Current status of Negotiations”*; Ms. Marie Jacobsson: *“Piracy: Past, Present and Future”*.

12. Lectures were also given by Mr. Vittorio Mainetti, Assistant to the Director of the International Law Seminar: *“Introduction to the Work of the International Law Commission”*, Mr. Daniel Müller, Assistant to the Special Rapporteur Mr. Alain Pellet: *“Reservations to Treaties”*, Ms. Jelena Pejić, Legal Adviser of International Committee of the Red Cross: *“Current Challenges to International Humanitarian Law”*, Mr. Vaclav Mikulka, Director of the Codification Division: *“Legal Issues arising from State Succession”*, Mr. Markus Schmidt: *“Interdependence of International, Regional and National Human Rights Jurisprudence: Some Reflections”*.

13. Two special external sessions were organized in the premises of the University of Geneva and of the Graduate Institute of International and Development Studies of Geneva (HEID). At the University of Geneva, seminar participants attended lectures given by Professor Marco Sassòli: *“Advantages and Disadvantages of International Criminal Justice for the Implementation of International Humanitarian Law”*, Professor Robert Kolb:

<sup>6</sup> The following persons participated in the forty-sixth session of the International Law Seminar: Mr. Ilya Adamov (Belarus), Ms. Mónica Addario Dávalos (Paraguay), Ms. Silvina Aguirre (Argentina), Mr. Ricardo Alarcón (Colombia), Ms. Petra Benesová (Czech Republic), Ms. Kalliopi Chainoglou (Greece), Ms. Marlene Da Vargem (Venezuela), Mr. Sridhar Patnaik Dabiru (India), Mr. Michal Drozniewski (Poland), Mr. Ibrahim El-Diwany (Egypt), Mr. George Galindo (Brazil), Mr. Djong-Ra Hankone (Chad), Ms. Mahyad Hassanzadeh-Tavakoli (Sweden), Mr. Heng Liu (China), Ms. Natalie Morris (Singapore), Ms. Inonge Mweene (Zambia), Ms. Regine Ngongue (Cameroon), Mr. Jude Osei (Ghana), Ms. Sana Ouechtati (Tunisia), Mr. Sotaro Ozaki (Japan), Mr. Rodrigo Polanco Lazo (Chile), Mr. Tahirimiakadaza Ratsimandao (Madagascar), Ms. Rampyari Sunuwar (Nepal), Mr. Le Phuong Tran (Vietnam), Mr. Ingo Venzke (Germany), Mr. Felix Zaharia (Romania). The Selection Committee, chaired by Ms. Laurence Boisson de Chazournes (Professor of International Law at the University of Geneva), met on 26 April 2010 at the Palais des Nations and selected 28 candidates out of 100 applications for participation in the Seminar. Two selected candidates could not attend the seminar.

*“Reflections on the Contemporary Role of International Court of Justice (ICJ)”*, and Professor Laurence Boisson de Chazournes: *“The International Court of Justice (ICJ) and Experts: The Pulp Mills Case”*. At the HEID, seminar participants attended lectures given by Professor Marcelo Kohen: *“Is the Creation of States a Pure Matter of Fact?”*; Professor Vera Gowlland-Debbas: *“The Status of Palestine in International Law”*.

14. Seminar participants attended also a session of the Human Rights Committee that was preceded by a briefing on the work of the Committee given by Mr. Markus Schmidt.

15. Two Seminar working groups on *“Aut Dedere Aut Judicare Against International Terrorism”*, and *“The Future Role of the International Law Commission”* were organised. Each Seminar participant was assigned to one of the two groups. Four members of the Commission, Mr. Enrique Candioti, Mr. Zdzislaw Galicki, Mr. A. Rohan Perera, and Mr. Stephen C. Vasciannie provided expert guidance to the working groups. Each group prepared a report and presented its findings to the Seminar in a special session. The reports were compiled and distributed to all participants as well as to the members of the Commission.

16. The Republic and Canton of Geneva offered its traditional hospitality to the participants with a guided visit of the Alabama Room at the City Hall, followed by a reception.

17. Mr. Nugroho Wisnumurti, Chairman of the Commission, Mr. Markus Schmidt, Director of the Seminar, and Mr. Rodrigo Polanco Lazo (Chile), on behalf of the participants of the seminar, addressed the Commission and the participants at the closing ceremony of the Seminar. Each participant was presented with a certificate attesting to his or her participation in the forty-sixth session of the Seminar.

18. The Commission noted with particular appreciation that during the last three years the Governments of Austria, China, Croatia, the Czech Republic, Finland, Hungary, Ireland, Lebanon, Mexico, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland had made voluntary contributions to the United Nations Trust Fund for the International Law Seminar. The financial situation of the Fund allowed awarding a sufficient number of fellowships to deserving candidates especially from developing countries in order to achieve adequate geographical distribution of participants. This year, full fellowships (travel and subsistence allowance) were awarded to 14 candidates and partial fellowships (travel or subsistence only) were awarded to 4 candidates.

19. Since 1965, year of the Seminar inception, 1059 participants, representing 163 nationalities, have taken part in the Seminar. Of them, 636 have received a fellowship.

20. The Commission stresses the importance it attaches to the Seminar, which enables 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 2011 with as broad participation as possible.

21. The Commission noted with satisfaction that in 2010 comprehensive interpretation services were made available to the Seminar. It expresses the hope that the same services would be provided at the next session, within existing resources.