Provisional

For participants only

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International Law Commission

Seventy-fourth session (second part)

Provisional summary record of the 3639th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 18 July 2023, at 10 a.m.

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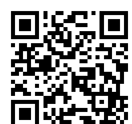

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***Present*:**

Chair:	Ms. Galvão Teles
Members:	Mr. Argüello Gómez
	Mr. Asada
	Mr. Cissé
	Mr. Fathalla
	Mr. Fife
	Mr. Forteau
	Mr. Galindo
	Mr. Grossman Guiloff
	Mr. Huang
	Mr. Jalloh
	Mr. Laraba
	Mr. Lee
	Mr. Mavroyiannis
	Mr. Mingashang
	Mr. Nesi
	Mr. Nguyen
	Ms. Okowa
	Mr. Ouazzani Chahdi
	Mr. Oyarzábal
	Mr. Paparinskis
	Mr. Patel
	Mr. Reinisch
	Ms. Ridings
	Mr. Ruda Santolaria
	Mr. Sall
	Mr. Savadogo
	Mr. Tsend
	Mr. Vázquez-Bermúdez
	Mr. Zagaynov

***Secretariat*:**

Mr. Llewellyn	Secretary to the Commission

The meeting was called to order at 10.05 a.m.

Cooperation with other bodies (agenda item 10) (*continued*)

International Court of Justice

Judge Donoghue (President of the International Court of Justice) said that she was honoured to address the International Law Commission at its seventy-fourth session and wished to update members on aspects of the Court's work that might be of particular interest to them. Over the period since she had last addressed the Commission, in June 2022 (A/CN.4/SR.3585), the Court had held hearings in five cases, including *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, which was currently under deliberation. During that same period, five judgments had been rendered and 25 orders had been issued.

On 22 July 2022, the Court had issued a judgment on preliminary objections in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, a case instituted by the Gambia alleging that the Myanmar Government had taken and condoned actions against members of the Rohingya community in violation of its obligations under the Convention. Myanmar had raised four preliminary objections to jurisdiction and admissibility, one of which was that the Gambia lacked standing to bring the case because it was not, in the words used by Myanmar, an "injured State" and had failed to demonstrate an individual legal interest. In its ruling, the Court had found that the Gambia, as a State party to the Convention, had standing to invoke the responsibility of Myanmar for alleged breaches of its obligations *erga omnes partes* under the Convention. Recalling its prior jurisprudence, the Court had reasoned that all States parties to the Convention had a common interest in compliance with the relevant obligations under that treaty and, thus, that any State party was entitled to invoke the responsibility of another State party for an alleged breach of obligations *erga omnes partes*, including by instituting proceedings before the Court. The Court had rejected the four objections raised by Myanmar, and the proceedings on the merits of the case had been resumed.

On 1 December 2022, the Court had issued its judgment in *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, which involved certain claims and counterclaims relating to the Silala, a river that originated in the territory of the Plurinational State of Bolivia and then flowed into Chile. As neither State was a party to any relevant treaties – including the Convention on the Law of the Non-navigational Uses of International Watercourses, which had been negotiated on the basis of the Commission's draft articles on the law of the non-navigational uses of international watercourses – their rights and obligations were governed by customary international law. During the proceedings, the parties had made extensive reference to the draft articles and the commentaries thereto. In its judgment, the Court noted that the positions of the parties had largely converged over the course of the proceedings and that a decision was no longer required on many of the claims and counterclaims. However, with respect to a submission made by Chile concerning the obligation to notify and consult under the customary international law governing the non-navigational uses of international watercourses, the Court had concluded, on the law, that each riparian State was required to notify and consult the other with regard to any planned activity that posed a risk of significant harm to the latter and had found, on the facts, that the Plurinational State of Bolivia had not breached that obligation.

On 30 March 2023, the Court had issued its judgment on the merits in *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*. In that case, the Islamic Republic of Iran had argued that, owing to the judgments entered against it by United States courts following legislative and executive measures taken by the United States, which had affected its assets and the assets of Iranian entities, including the Central Bank of Iran, the United States had violated its obligations under the Treaty of Amity, Economic Relations, and Consular Rights of 15 August 1955. The Court had upheld one objection raised by the United States, finding that it had no jurisdiction to consider claims predicated on the treatment of the Central Bank because the bank did not qualify as a "company" entitled to protection under the Treaty. The Court had not upheld an objection to admissibility based on failure to exhaust local remedies, concluding that it was not required to rule on whether local

remedies must be exhausted, since, in the circumstances of the case, the companies in question had no reasonable possibility of successfully asserting their rights in United States courts. The Court had found that the United States had violated certain of its obligations under the Treaty and that it was obligated to compensate the Islamic Republic of Iran for the injurious consequences of those violations. The Court had decided that, if the parties could not agree on the question of compensation within 24 months from the date of the judgment, it would settle the matter at the request of either party.

On 6 April 2023, the Court had issued its judgment on the preliminary objection in *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*. In 2018, when the proceedings had been instituted, the Bolivarian Republic of Venezuela had stated that it would not participate because it considered the Court to lack jurisdiction. Following written and oral proceedings on the question, the Court had entered a judgment in December 2020 finding that it had jurisdiction to entertain the application filed by Guyana insofar as it concerned the validity of the Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela of 3 October 1899 and the definitive settlement of the land boundary dispute between the two States. In its judgment of 6 April 2023, the Court rejected the preliminary objection raised by the Bolivarian Republic of Venezuela that the Court could not adjudicate the dispute without the consent of the United Kingdom. The Court had considered that, by virtue of being a party to the Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana, signed at Geneva on 17 February 1966, the United Kingdom had accepted that the dispute could be settled by one of the means set out in Article 33 of the Charter of the United Nations and that it would have no role in that procedure.

Finally, on 13 July 2023, the Court had issued a judgment in *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*. In a judgment delivered in 2012 in an earlier case involving the same two States, the Court had established a single maritime boundary delimiting the continental shelf and exclusive economic zones of Nicaragua and Colombia up to the 200-nautical-mile limit from the baselines from which the territorial sea of Nicaragua was measured. On 16 September 2013, Nicaragua had instituted the latest proceedings, requesting a declaration of the precise course of the maritime boundary between it and Colombia in the areas of the continental shelf beyond the boundaries established in the 2012 judgment. By an order of 4 October 2022, the Court had indicated that it must decide on certain questions of law before proceeding to any consideration of technical and scientific questions in relation to such a delimitation and decided that the parties should present their arguments exclusively with regard to two specific questions during the oral proceedings.

In its judgment of the previous week, the Court concluded that the first question – whether, under customary international law, a State's entitlement to an extended continental shelf could extend within 200 nautical miles from the baselines of another State – must be answered in the negative. In reaching that conclusion, it had considered the legal regimes of the exclusive economic zone and the continental shelf, as well as the practice of States and international decisions relied on by the parties. There had consequently been no need for the Court to address the second question, regarding the criteria under customary international law for determining the outer limit of the extended continental shelf. Recalling that Nicaragua had maintained throughout the proceedings that the object of its request consisted in the delimitation of the maritime boundary between the parties in the areas of the continental shelf beyond the boundaries determined in the 2012 judgment, the Court had rejected all the requests contained in the submissions by Nicaragua.

The Court had issued a number of orders in pending cases, including orders concerning provisional measures in two related cases, one instituted by Armenia against Azerbaijan and the other instituted by Azerbaijan against Armenia. Both proceedings related to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination. In December 2021, the Court had indicated provisional measures in each of the cases. The applicant in each case had, over the previous year, filed an additional request for provisional measures. On 22 February 2023, the Court had ordered Azerbaijan, pending the final decision in the case instituted by Armenia and in accordance with the

obligations of Azerbaijan under the Convention, to take all measures at its disposal to ensure the unimpeded movement of persons, vehicles and cargo along the Lachin corridor in both directions, but had declined to indicate other provisional measures sought by Armenia. By an order issued on the same date in the other case, the Court had declined to indicate provisional measures requested by Azerbaijan. The Court had issued two additional orders rejecting requests by Armenia to modify provisional measures indicated previously by the Court.

In *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, the Russian Federation had filed preliminary objections to the jurisdiction of the Court and the admissibility of the application on 3 October 2022; they were currently pending before the Court. On 21 July 2022, the Court had begun to receive declarations of intervention under Article 63 of the Statute of the Court, which provided that every State party to a multilateral convention had the right to intervene in proceedings in which the construction of that convention was in question. Thirty-two declarations of intervention had been filed by 33 States. After the Russian Federation had objected to the admissibility of all the declarations, the Court had been required, pursuant to the Rules of Court, to hear the parties and the States seeking to intervene on the admissibility of the declarations of intervention. It had decided to do so by a written procedure, which had culminated in an order issued on 5 June 2023.

In that order, the Court had considered and rejected certain objections to admissibility raised by the Russian Federation, including those based on the alleged intention of the declarant States to pursue a joint case with Ukraine, an alleged infringement of the equality of the parties and the good administration of justice, an alleged abuse of process and the alleged inadmissibility of declarations of intervention at the preliminary objections stage. The Court had, however, upheld an objection raised by the Russian Federation with respect to the declaration filed by the United States. The United States had entered a reservation to article IX of the Convention, which was the compromissory clause of the Convention and thus would be interpreted by the Court in the preliminary objections phase of the case. The Court had held that the United States could not intervene in relation to the construction of article IX of the Convention while it was not bound by that provision. The Court had accordingly found the declaration of intervention of the United States to be inadmissible insofar as it concerned the preliminary objections stage of the proceedings.

All the declarations of intervention except the one submitted by the United States had thus been found to be admissible at the preliminary objections stage. The Court had set 5 July 2023 as the time limit for the filing of written observations by the intervening States. Under the Rules of Court, States that had filed written observations by that date were also entitled to submit observations with respect to the subject matter of the intervention in the course of the oral proceedings. The text of the order indicated the Court’s awareness that oral proceedings in the case, in which 32 States had intervened at the preliminary objections phase, would need to be managed with care.

Since June 2022, five new contentious cases had been filed with the Court and two requests for advisory opinions had been submitted, bringing the total number of proceedings on the Court’s docket to 20. In September 2022, Equatorial Guinea had instituted proceedings against France, alleging that France had violated its obligations under the United Nations Convention against Corruption and invoking as its jurisdictional basis the compromissory clause of the Convention. Equatorial Guinea contended, among other things, that France was obligated to return to it certain property that constituted the proceeds of a crime of misappropriation of public funds. On 16 November 2022, Belize had instituted proceedings against Honduras with regard to a dispute concerning sovereignty over the Sapodilla Cayes. Belize sought to found the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement, to which both it and Honduras were parties.

On 8 June 2023, Canada and the Kingdom of the Netherlands had filed a joint application instituting proceedings against the Syrian Arab Republic for alleged violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. They sought to found the Court’s jurisdiction on article 30 (1) of the Convention and had filed a request for the indication of provisional measures, which was pending before the Court. Oral proceedings would begin in October 2023. On 27 June 2023, the Islamic

Republic of Iran had instituted proceedings against Canada, contending that certain legislative, executive and judicial measures adopted and implemented by Canada against the Islamic Republic of Iran and its property had abrogated the immunities to which it was entitled under international law. It sought to found the jurisdiction of the Court on Article 36 (2) of the Statute, stating that both it and Canada had accepted the compulsory jurisdiction of the Court. On 4 July 2023, Canada, Sweden, Ukraine and the United Kingdom had filed a joint application instituting proceedings against the Islamic Republic of Iran, contending that the events surrounding the downing of a Ukraine International Airlines flight on 8 January 2020 amounted to violations of obligations under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and invoking the compromissory clause contained in article 14 (1) of that convention as a basis of the Court’s jurisdiction.

The Court had received two requests from the General Assembly for advisory opinions: one, under resolution 77/247 of 30 December 2022, on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and the other, under resolution 77/276 of 29 March 2023, on the obligations of States in respect of climate change. In the proceedings related to each of those requests, the Court had identified States and international organizations that could furnish information relevant to the questions before it and had set time limits for the submission of written statements and for the submission of comments on the written statements of other States and organizations, in accordance with Article 66 of its Statute. The Secretariat was collecting all documents likely to throw light upon the relevant questions before the Court, pursuant to Article 65 (2) of the Statute. The Court would be in a position to hold oral proceedings on the first request in early 2024.

The Court’s large and varied docket demonstrated the strong interest of States in placing matters in its hands, and it was clear that the Court would remain very busy in the coming years. She welcomed any questions that the Commission members might have, other than those relating to matters pending before the Court.

Mr. Zagaynov said that he was grateful to the President of the Court for providing a substantial overview of the Court’s work. The Court and the international system of justice as a whole faced serious challenges, and the future attitude of States towards instruments for the peaceful settlement of disputes would largely depend on how they were dealt with. One such challenge was related to the unprecedented, massive intervention by a number of States in *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. Although Article 63 of the Statute could be triggered when there was an issue relating to the interpretation of a convention, the States in question had repeatedly stated that the purpose of their intervention was to support Ukraine, in what was clearly a coordinated strategy among those countries, which was putting the respondent at a disadvantage. He wished to recall that, in *Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)*, Judge Owada had issued a declaration expressing concern that a State’s intervention could affect the equality of the parties to the dispute and thus the fair administration of justice. He hoped that the judges would be able to disengage themselves from all information that was irrelevant to the construction of the Convention. The situation he had described raised questions as to how the Court’s efficiency and impartiality could be ensured. The possibility that the number of States seeking to intervene in the Court’s cases would grow could not be excluded. He would be interested in hearing the President’s views on how the equality of the parties and the fair administration of justice could best be ensured in such cases.

It would also be interesting to find out her views on the steps that could be taken to ensure that the teachings used as subsidiary means for the determination of rules of international law represented a variety of legal systems. The issue of representativeness had been raised in the first report of the Special Rapporteur for the topic “Subsidiary means for the determination of rules of international law” (A/CN.4/760) and had generated considerable interest within the Commission.

Mr. Fife said that, in his view, the frequency with which cases were submitted to the Court was a testament to its credibility and the trust that was placed in it. As a new member of the Commission, he had been struck by the number of references made to decisions of the Court in the Commission’s internal discussions. He wondered how the Court viewed the role

and work of the Commission in helping to reduce fragmentation and promote a universal language and grammar of international law.

Mr. Fathalla said it was his understanding that, since its establishment, the Court had decided an average of 2.6 cases per year. The increase in the number of cases that it was receiving was a positive sign, as it indicated a greater degree of trust in the Court. He wished to know how States could be encouraged to recognize the compulsory jurisdiction of the Court and to implement the Court's decisions.

Judge Donoghue (President of the International Court of Justice) said that she was unable to comment on the specific case mentioned by Mr. Zagaynov, as it remained pending. However, the Court's most recent order in that case, which concerned the many declarations of intervention that had been received, gave some indication of how it intended to organize its procedure, in particular the oral proceedings. The Statute of the Court enshrined the right of States to intervene in the proceedings whenever the construction of a convention to which they were parties was in question. However, the Court was aware that the organization of the proceedings in that particular case presented difficult challenges.

With regard to subsidiary means, the Court sought to obtain as complete a picture as possible of teachings, treaties and practice from around the world. Some years previously, she had urged the African Union Commission on International Law to find ways to improve the availability of African sources that could be cited as State practice and *opinio juris* for the formation of customary international law. In addition to the material received from States, the Court was sometimes able to identify other sources that, while publicly available, were in a language that made them unavailable to the Court.

The Court made extensive use of the Commission's outputs, including its commentaries, although it did not accept them uncritically. In the *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, the Court had been required to determine whether the Convention on the Law of the Non-navigational Uses of International Watercourses reflected customary international law. While it was tempting to base such a determination solely on the text of the Convention and on the Commission's draft articles on the law of the non-navigational uses of international watercourses, which were not identical to the Convention, and the commentaries thereto, the fact remained that few States were parties to the instrument. It had therefore been necessary to exercise a high degree of caution.

There were various ways in which to promote wider acceptance of the compulsory jurisdiction of the Court, and States had launched various initiatives in that regard. Moreover, there was more than one path to accepting the Court's jurisdiction. For example, the American Treaty on Pacific Settlement, to which many States in Latin America were parties, was an important basis for jurisdiction, as were compromissory clauses and special agreements. The number of States that had made the optional declaration provided for in Article 36 of the Statute gave the impression of a lack of interest, but a wide variety of cases had in fact been brought before the Court by diverse States.

While advisory opinions were, formally speaking, responses to requests by a specific organ, the Court was nevertheless aware that, to the extent that they reflected pronouncements of law, they would be used in various other ways. With regard to contentious cases, high-profile examples of non-compliance with the Court's decisions masked the fact that compliance was mostly good. In addition, it was important to distinguish between cases in which States had difficulties in complying with the Court's decisions and cases in which they simply defied those decisions.

As the Court was not an advisory body, the fact that it had limited capacity to address cases of non-compliance tended to be overlooked. Cases were removed from the Court's docket once a final judgment had been rendered. States occasionally wrote to inform the Court that they had complied with its decisions, although they had no obligation to do so. Following the Court's judgment of 2 February 2018 in *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, for example, Nicaragua had taken the initiative to inform the Court that it had paid the compensation due to Costa Rica. All the Court could do was attempt to structure its decisions so as to facilitate compliance. In that connection, the use of expressions such as "by means of its own choosing" was intended to grant States some degree of flexibility with regard to implementation. In *Armed Activities on*

the Territory of the Congo (Democratic Republic of the Congo v. Uganda), the Court had taken account of the capacities of the respondent State when fixing the amount of compensation due and, unusually, had decided that payment should be made in five annual instalments. When working on the reasoning and dispositive paragraphs of a judgment, she asked herself what could be included to strengthen the case that compliance was not only an obligation under the Charter but was also necessary, important and appropriate.

Mr. Jalloh said that he would be grateful if the President could comment on the apparent tension between Articles 38 (1) (*d*) and 59 of the Statute of the Court. In the former provision, judicial decisions and the teachings of the most highly qualified publicists of the various nations were mentioned as subsidiary means for the determination of rules of law. In the latter, however, it was stated that the decision of the Court had no binding force except between the parties and in respect of that particular case. Moreover, the Court routinely referred to its own decisions and had made clear that it would not depart from its own jurisprudence without good reason. On a separate point, he would appreciate any reflections on the representativeness of the teachings cited by the Court. Empirical studies had shown that authors from one region tended to predominate among those cited.

Mr. Grossman Guiloff said that he wished to know whether any of the measures introduced by the Court during the coronavirus disease (COVID-19) pandemic, such as the option of remote participation in proceedings, had been maintained. More generally, he wondered how technological developments influenced the workings of the Court.

Mr. Galindo said that, in the context of efforts to determine the existence of rules of customary international law, he wondered how the Court dealt with cases in which there was disagreement among the national authorities of a State as to the existence of a specific rule.

Judge Donoghue (President of the International Court of Justice) said that, with regard to Article 38 of the Statute, there was something of a mismatch between what might be expected, in view of the differences between the common-law and civil law traditions, and the reality. While the Court consulted academic articles, it never cited them as sources in its judgments. The bibliographies prepared for members of the Court typically consisted primarily of works in English and French. Although the Supreme Court of the United States, a common-law court, cited academic articles, no one would ever consider them to be a source of law. By contrast, the International Court of Justice could theoretically treat such articles as subsidiary means in accordance with its Statute. The effects of Article 59 were ultimately determined by what the Court said about the content of the law in the dispositive paragraphs of its judgments.

The Court actively sought to use judicial decisions and teachings from a broad and representative range of States. There were certain contexts in which such an approach was particularly important. In that regard, the staff of the Library of the Court helped to find suitable materials for members, who also had access to the Peace Palace Library.

Thanks to her predecessor, Judge Yusuf, and the Registrar, the Court had efficiently transitioned to a hybrid working model during the COVID-19 pandemic. Some pandemic measures, such as capacity restrictions and the obligation to wear a face mask, had been maintained for longer than at other institutions, partly on account of the age of members. Technology did not offer the same opportunities for the Court as it did for those involved in arbitration. The option of remote participation by judges or parties had not been maintained and was unlikely to be reintroduced. The strong view of members was that they needed to sit together and interact with one another in person, including informally, in order to exercise their functions as effectively as possible. During the pandemic, many members had participated from their offices for safety reasons. Remote participation had been maintained only for smaller, less formal meetings. One reason was that the Court had found it cumbersome to work with interpretation on a hybrid basis. However, the possibility of working remotely had been maintained for many members of the Court's staff, in particular translators, which afforded them greater flexibility.

Assessing State practice and *opinio juris* was always a difficult exercise. In some cases, national judicial decisions contradicted the position of the executive. Such cases had to be considered with care, but the Court took great interest in them.

Mr. Reinisch said that, in the context of its work on the topic "Settlement of international disputes to which international organizations are parties", the Commission would be considering the so-called "binding" advisory opinions of the Court, which were an ingenious way of bringing disputes in a different form. However, according to some former presidents of the Court, such as Sir Robert Jennings, the fact that international organizations could not be parties to contentious cases before the Court was an extraordinary anomaly. He wondered whether, in the President's view, there were any obstacles in principle to allowing international organizations, or at least those in the United Nations family, to be parties to such proceedings.

Mr. Oyarzábal said that he wondered whether the participants in the Court's Judicial Fellowship Programme were representative of a wide range of States, regions and legal systems.

Ms. Okowa, supported by **the Chair** speaking as a member of the Commission, said that she was grateful to the President for her ongoing advocacy of greater diversity in international law institutions, in particular increased representation of women and persons from the global South. It would be useful to know what more could be done to accelerate progress in that regard.

Judge Donoghue (President of the International Court of Justice) said that the Statute of the Court precluded the participation of international organizations in contentious proceedings. By contrast, the statute of the International Tribunal for the Law of the Sea, which was very similar to the Statute of the Court in other respects, contained a different provision in that regard, as certain States had already transferred competence to the European Commission, a supranational body, at the time of its drafting. It would not be possible to reopen the Statute of the Court without reopening the Charter of the United Nations. In any event, in such a scenario, it was likely that other issues would be higher on the agenda. With regard to advisory opinions, however, there was space for international organizations to participate. The Court had allowed several international organizations to participate in the written phase of the two advisory proceedings that were currently pending; if they so wished, they would also have the option of participating in the oral phase.

The Judicial Fellowship Programme had been created over 20 years previously at the initiative of the New York University School of Law, which had provided funding to enable five recent graduates to travel to The Hague to assist the members of the Court. At that time, the Court had not had any law clerks. Currently, under the Programme, one judicial fellow was assigned to assist each member of the Court. One requirement was that candidates must receive funding from the law school that they had recently attended, which provided a stipend and covered certain other expenses. The Court emphasized the importance of a diverse candidate pool, and many nationals of States other than the United States had consequently been nominated.

To improve the diversity of each cohort, the Secretary-General administered a trust fund for the Programme. The Court was very grateful for the contributions that had been received from States and at least one private organization. The trust fund enabled the Court to select candidates from developing countries who would otherwise be unable to secure funding. The outgoing cohort had included three judicial fellows who had been sponsored by the trust fund, and the incoming cohort would include a similar number. Not all judicial fellows from the global South were sponsored; some were studying abroad at institutions that were able to provide funding.

Judicial fellows had a limited impact on how the members of the Court understood the law, as they were relatively junior, and each assisted one member. However, they had the opportunity to speak informally with other members. The hope was that, in subsequent years, the participants in the Programme would rise to prominent positions in the field of international law. The Court was not a training institution, but the members of the Court were enthusiastic about the Programme.

While it was of course useful for States to be represented before the Court by persons who had a deep understanding of how it functioned, she, like her predecessor, Judge Yusuf, encouraged States to also send their own nationals. It did not matter if they were not confident speakers of English or French. The Court wanted to understand each State’s views.

The meeting rose at 11.25 a.m.