

Chapter XI

OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

A. Succession of States in respect of State responsibility

263. At its 3354th meeting, on 9 May 2017, the Commission decided to include the topic “Succession of States in respect of State responsibility” in its programme of work and to appoint Mr. Pavel Šturma as Special Rapporteur.

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

264. At its 3350th meeting, on 3 May 2017, the Commission established a Planning Group for the present session.⁸¹²

265. The Planning Group held five meetings. It had before it section G, entitled “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 seventy-first session, prepared by the Secretariat (A/CN.4/703); General Assembly resolution 71/140 of 13 December 2016 on the report of the International Law Commission on the work of its sixty-eighth session; and General Assembly resolution 71/148 of 13 December 2016 on the rule of law at the national and international levels.

1. WORKING GROUP ON THE LONG-TERM PROGRAMME OF WORK

266. At its 2nd meeting, on 9 May 2017, the Planning Group decided to establish the Working Group on the long-term programme of work, under the chairpersonship of Mr. Mahmoud D. Hmoud. The Chairperson of the Working Group presented an oral report on the work of the Working Group at the current session to the Planning Group, at its 5th meeting, on 28 July 2017. The Planning Group took note of the oral report.

267. At the present session, the Commission, on the recommendation of the Working Group, decided to recommend the inclusion of the following topics in the long-term programme of work of the Commission: (a) general principles of law; and (b) evidence before international courts and tribunals. In the selection of the topics, the Commission was guided by its recommendation at its fiftieth session (1998) regarding the criteria for the selection of topics, namely: (a) the topic should reflect the needs of States in respect of the progressive development and codification of international law; (b) the topic should be at a sufficiently advanced stage in terms of State practice to permit progressive development and

codification; and (c) the topic should be concrete and feasible for progressive development and codification. The Commission further agreed that it should not restrict itself to traditional topics, but could also consider those that reflect new developments in international law and pressing concerns of the international community as a whole.⁸¹³ The Commission considered that the two topics constituted useful contributions to the progressive development of international law and its codification. The syllabuses of the two topics selected appear as annexes I and II to the present report.

2. WORK PROGRAMME OF THE COMMISSION FOR THE REMAINDER OF THE QUINQUENNium

268. The Commission recalled its decision in 2011 that the Planning Group should cooperate with Special Rapporteurs to define, at the beginning of any new topic, a tentative schedule for the development of the topic over a number of years as may be required, and periodically review the attainment of annual targets in such schedule, updating it when appropriate.⁸¹⁴ The Commission further recalled that it was customary at the beginning of each quinquennium to prepare the Commission’s work programme for the remainder of the quinquennium, setting out in general terms the anticipated goals in respect of each topic on the basis of indications by the Special Rapporteurs. It is the understanding of the Commission that the work programme has a tentative character, since the nature and the complexities of the work preclude certainty in making predictions in advance.

Work programme (2018–2021)

(a) *Immunity of State officials from foreign criminal jurisdiction*

2018

Sixth report: discussing procedural provisions and safeguards applicable.

Completion of the draft articles on first reading.

2020

Seventh (and final) report: discussing *inter alia* the comments received from Governments and possible amendments to the draft articles adopted on first reading in 2018.

Completion of the draft articles on second reading.

⁸¹² For the composition of the Planning Group, see paragraph 5 above.

⁸¹³ *Yearbook ... 1998*, vol. II (Part Two), para. 553.

⁸¹⁴ *Yearbook ... 2011*, vol. II (Part Two), para. 378 (c).

(b) *Subsequent agreements and subsequent practice in relation to the interpretation of treaties*

2018

Fifth (and final) report: discussing *inter alia* the comments received from Governments and possible amendments to the draft conclusions adopted on first reading in 2016.

Completion of the draft conclusions on second reading.

(c) *Provisional application of treaties*

2018

Fifth report: proposing additional draft guidelines and model clauses.

Completion of the draft guidelines on first reading.

2020

Sixth (and final) report: discussing *inter alia* the comments received from Governments and possible amendments to the draft guidelines adopted on first reading in 2018.

Completion of the draft guidelines on second reading.

(d) *Identification of customary international law*

2018

Fifth (and final) report: discussing *inter alia* the comments received from Governments and possible amendments to the draft conclusions adopted on first reading in 2016.

Completion of the draft conclusions on second reading.

Consideration of the memorandum by the Secretariat on ways and means for making the evidence of customary international law more readily available: surveying the present state of the evidence of customary international law and making suggestions for its improvement. Any recommendations in that regard would be made by the Commission during its 2018 session or possibly in 2019.

(e) *Protection of the environment in relation to armed conflicts*

2018

First report: issues covered to be determined by the new Special Rapporteur.

Completion of commentaries for draft principles adopted by the Drafting Committee and taken note of by the Commission in 2016.

2019

Second report and completion of the draft principles on first reading.

2021

Third (and final) report: discussing *inter alia* the comments received from Governments and possible

amendments to the draft principles adopted on first reading in 2019.

Completion of the draft principles on second reading.

(f) *Protection of the atmosphere*

2018

Fifth report: addressing implementation, compliance, and dispute settlement.

Completion of the draft guidelines on first reading.

2020

Sixth (and final) report: discussing *inter alia* the comments received from Governments and possible amendments to the draft guidelines adopted on first reading.

Completion of the draft guidelines on second reading.

(g) *Crimes against humanity*

2019

Fourth (and final) report: discussing *inter alia* the comments received from Governments, international organizations and others, and possible amendments to the draft articles adopted on first reading in 2017.

Completion of the draft articles on second reading.

(h) *Peremptory norms of general international law (jus cogens)*

2018

Third report: addressing consequences.

2019

Fourth report: addressing miscellaneous issues.

Completion of the draft conclusions on first reading.

2021

Fifth (and final) report: discussing *inter alia* the comments received from Governments and possible amendments to the draft conclusions adopted on first reading.

Completion of the draft conclusions on second reading.

(i) *Succession of States in respect of State responsibility*

2018

Second report: addressing the issues of transfer of the obligations arising from the internationally wrongful act of the predecessor State, distinguishing between cases where the predecessor State has disappeared (dissolution, unification) and cases where the predecessor State remains (territorial transfer, secession, newly independent States).

2019

Third report: focusing on the transfer of the rights or claims of an injured predecessor State to the successor State.

2020

Fourth report: addressing procedural and miscellaneous issues, including the plurality of successor States and the issue of shared responsibility, and the possible application of rules on succession of States in respect of State responsibility to injured international organizations or to injured individuals.

Completion of the draft articles on first reading, or at the latest in 2021.

3. CONSIDERATION OF GENERAL ASSEMBLY RESOLUTION 71/148 OF 13 DECEMBER 2016 ON THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

269. The General Assembly, in resolution 71/148 of 13 December 2016 on the rule of law at the national and international levels, *inter alia*, reiterated its invitation to the Commission to comment, in its report to the General Assembly, on its current role in promoting the rule of law. Since its sixtieth session (2008), the Commission has commented annually on its role in promoting the rule of law. The Commission notes that the comments contained in paragraphs 341 to 346 of its 2008 report⁸¹⁵ remain relevant and reiterates the comments made at its previous sessions.⁸¹⁶

270. The Commission recalls that the rule of law is the essence of its work. The Commission's purpose, as set out in article 1 of its statute, is to promote the progressive development of international law and its codification.

271. Having in mind the principle of the rule of law in all its work, the Commission is fully conscious of the importance of the implementation of international law at the national level, and aims at promoting respect for the rule of law at the international level.

272. In fulfilling its mandate concerning the progressive development of international law and its codification, the Commission will continue to take into account, where appropriate, the rule of law as a principle of governance and the human rights that are fundamental to the rule of law, as reflected in the Preamble and in Article 13 of the Charter of the United Nations and in the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels.⁸¹⁷

273. In its current work, the Commission is aware of "the interrelationship between the rule of law and the three pillars of the United Nations (peace and security,

development, and human rights)"⁸¹⁸ without emphasizing one at the expense of the other. In this context the Commission is cognizant that the 2030 Agenda for Sustainable Development recognizes the need for effective rule of law and good governance at all levels.⁸¹⁹ In fulfilling its mandate concerning the progressive development and codification of international law, the Commission is conscious of current challenges for the rule of law.

274. Noting that the General Assembly has stressed the importance of promoting the sharing of national best practices on the rule of law,⁸²⁰ the Commission wishes to recall that much of its work consists in collecting and analysing national practices related to the rule of law with a view to assessing their possible contribution to the progressive development and codification of international law. The Commission underlines the value of State responses to its requests in this regard.

275. Bearing in mind the role of multilateral treaty processes in advancing the rule of law,⁸²¹ the Commission recalls that the work of the Commission on different topics has led to several multilateral treaty processes and to the adoption of a number of multilateral treaties.⁸²²

276. The Commission welcomes the decision of the General Assembly to select "Ways and means to further disseminate international law to strengthen the rule of law" as the thematic subject for the debate in the Sixth Committee in 2017.⁸²³ In this connection, the Commission recalls that it has requested the Secretariat to prepare a memorandum on ways and means for making the evidence of customary international law more readily available, which would survey the present state of the evidence of customary international law and make suggestions for its improvement.

277. In the course of the present session, the Commission has continued to make its contribution to the rule of law, including by working on the topics "Crimes against humanity" (draft articles adopted on first reading at the current session), "Provisional application of treaties", "Protection of the atmosphere", "Immunity of State officials from foreign criminal jurisdiction", "Peremptory norms of general international law (*jus cogens*)", and "Protection of the environment in relation to armed conflicts". The Commission has begun consideration of a new topic, "Succession of States in respect of State responsibility". The other topics on the current work programme of the Commission are "Identification of customary international law" and "Subsequent agreements and subsequent practice in relation to the interpretation of treaties" (draft conclusions on both topics adopted on first reading at the previous session of the Commission).

⁸¹⁸ Report of the Secretary-General on measuring the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations (S/2013/341), para. 70.

⁸¹⁹ General Assembly resolution 70/1 of 25 September 2015, para. 35.

⁸²⁰ General Assembly resolution 71/148 of 13 December 2016, para. 21.

⁸²¹ *Ibid.*, para. 8.

⁸²² See more specifically *Yearbook ... 2015*, vol. II (Part Two), para. 294.

⁸²³ General Assembly resolution 71/148, para. 26.

⁸¹⁵ *Yearbook ... 2008*, vol. II (Part Two), pp. 146–147.

⁸¹⁶ *Yearbook ... 2009*, vol. II (Part Two), para. 231; *Yearbook ... 2010*, vol. II (Part Two), paras. 390–393; *Yearbook ... 2011*, vol. II (Part Two), paras. 392–398; *Yearbook ... 2012*, vol. II (Part Two), paras. 274–279; *Yearbook ... 2013*, vol. II (Part Two), paras. 171–180; *Yearbook ... 2014*, vol. II (Part Two), paras. 273–280; *Yearbook ... 2015*, vol. II (Part Two), paras. 288–295; and *Yearbook ... 2016*, vol. II (Part Two), paras. 314–322.

⁸¹⁷ General Assembly resolution 67/1 of 24 September 2012, para. 41.

278. The Commission reiterates its commitment to the rule of law in all of its activities.

4. SEVENTIETH ANNIVERSARY SESSION OF THE INTERNATIONAL LAW COMMISSION

279. At its 2nd meeting, on 9 May 2017, the Planning Group established an advisory group⁸²⁴ on the commemoration of the seventieth anniversary of the Commission. The advisory group will continue to work intersessionally, together with the Secretariat, towards the convening of the commemorative events.

280. The Commission recommends that during the first part of its seventieth session that is to be held in New York:

(a) a solemn half-day meeting of the Commission be held on 21 May 2018 to which would be invited high-level dignitaries, including the President of the General Assembly, the Secretary-General of the United Nations, and the President of the International Court of Justice;

(b) an informal half-day meeting be held with delegates to the Sixth Committee of the General Assembly, also on 21 May 2018, to exchange views on the work of the Commission, the relationship between the Commission and the Sixth Committee, and the role of both bodies in the promotion of the progressive development and codification of international law;

(c) during the second part of its seventieth session, in Geneva, a one-and-a-half-day conference be held on 5 and 6 July with legal advisers of States and international organizations, academics and other distinguished international lawyers, dedicated to the work of the Commission. The conference would be preceded by a high-level opening session, to which would be invited high-level dignitaries.

281. The commemorative events will be organized under the following theme: “70 years of the International Law Commission—Drawing a balance for the future”.

5. HONORARIA

282. The Commission reiterates its views concerning the question of honoraria, resulting from the adoption by the General Assembly of its resolution 56/272 of 27 March 2002, which has been expressed in the previous reports of the Commission.⁸²⁵ The Commission emphasizes that resolution 56/272 especially affects Special Rapporteurs, as it compromises support for their research work.

⁸²⁴ The advisory group was composed of the Chairperson of the Commission, the Chairperson of the Planning Group, Mr. Yacouba Cissé, Mr. Shinya Murase and Mr. Pavel Šturma.

⁸²⁵ See *Yearbook ... 2002*, vol. II (Part Two), paras. 525–531; *Yearbook ... 2003*, vol. II (Part Two), para. 447; *Yearbook ... 2004*, vol. II (Part Two), para. 369; *Yearbook ... 2005*, vol. II (Part Two), para. 501; *Yearbook ... 2006*, vol. II (Part Two), para. 269; *Yearbook ... 2007*, vol. II (Part Two), para. 379; *Yearbook ... 2008*, vol. II (Part Two), para. 358; *Yearbook ... 2009*, vol. II (Part Two), para. 240; *Yearbook ... 2010*, vol. II (Part Two), para. 396; *Yearbook ... 2011*, vol. II (Part Two), para. 399; *Yearbook ... 2012*, vol. II (Part Two), para. 280; *Yearbook ... 2013*, vol. II (Part Two), para. 181; *Yearbook ... 2014*, vol. II (Part Two), para. 281; *Yearbook ... 2015*, vol. II (Part Two), para. 299; and *Yearbook ... 2016*, vol. II (Part Two), para. 333.

6. WORKING GROUP ON METHODS OF WORK OF THE COMMISSION

283. At its 1st meeting, on 3 May 2017, the Planning Group decided to establish a Working Group on methods of work of the Commission, under the chairpersonship of Mr. Hussein Hassouna.⁸²⁶ The Chairperson of the Working Group presented an oral report on the work of the Working Group at the current session to the Planning Group, at its 5th meeting, on 28 July 2017. The Planning Group took note of the oral report.

7. DOCUMENTATION AND PUBLICATIONS

284. The Commission underscores the unique nature of its functioning in the progressive development of international law and its codification, in that it attaches particular relevance to State practice and the decisions of national and international courts in its treatment of questions of international law. The Commission reiterates the importance of providing and making available all evidence of State practice and other sources of international law relevant to the performance of the function of the Commission. The reports of its Special Rapporteurs require an adequate presentation of precedents and other relevant data, including treaties, judicial decisions and doctrine, and a thorough analysis of the questions under consideration. The Commission wishes to stress that it and its Special Rapporteurs are fully conscious of the need to achieve economies whenever possible in the overall volume of documentation and will continue to bear such considerations in mind. While the Commission is aware of the advantages of being as concise as possible, it reiterates its strong belief that an *a priori* limitation cannot be placed on the length of the documentation and research projects relating to the work of the Commission. It follows that Special Rapporteurs cannot be asked to reduce the length of their reports following submission to the Secretariat, irrespective of any estimates of their length made in advance of submission by the Secretariat. Word limits are not applicable to Commission documentation, as has been consistently reiterated by the General Assembly.⁸²⁷ The Commission stressed also the importance of the timely preparation of reports by Special Rapporteurs and their submission to the Secretariat for processing and submission to the Commission sufficiently in advance so that the reports are issued in all official languages, ideally four weeks before the start of the relevant part of the session of the Commission. In this respect, the Commission reiterated its request that: (a) Special Rapporteurs submit their

⁸²⁶ The Working Group was composed of Mr. Hussein A. Hassouna (Chairperson), Mr. Yacouba Cissé, Ms. Concepción Escobar Hernández, Ms. Patrícia Galvão Teles, Mr. Claudio Grossman Guiloff, Mr. Charles Chernor Jalloh, Ms. Marja Lehto, Mr. Shinya Murase, Mr. Sean D. Murphy, Mr. Hong Thao Nguyen, Mr. Georg Nolte, Ms. Nilüfer Oral, Mr. Hassan Ouazzani Chahdi, Mr. Ki Gab Park, Mr. Aniruddha Rajput, Mr. August Reinisch, Mr. Juan José Ruda Santolaria, Mr. Pavel Šturma, Mr. Dire D. Tladi, Mr. Eduardo Valencia-Ospina, Mr. Marcelo Vázquez-Bermúdez and Sir Michael Wood.

⁸²⁷ For considerations relating to page limits on the reports of Special Rapporteurs, see, for example, *Yearbook ... 1977*, vol. II (Part Two), paras. 123–126, and *Yearbook ... 1982*, vol. II (Part Two), paras. 267–269 and 271. See also General Assembly resolution 32/151 of 19 December 1977, para. 10, and General Assembly resolution 37/111 of 16 December 1982, para. 5, as well as subsequent resolutions on the annual reports of the Commission to the General Assembly.

reports within the time limits specified by the Secretariat; and (b) the Secretariat continue to ensure that official documents of the Commission are published in due time in the six official languages of the United Nations.

285. The Commission reiterated its recognition of the particular relevance and significant value to the work of the Commission of the legal publications prepared by the Secretariat.⁸²⁸ The Commission noted with appreciation the efforts of the Secretariat aimed at resuming desktop publishing, which in the past had greatly enhanced the timely issuance of such publications for the Commission, despite constraints due to lack of resources. The Commission expressed its appreciation for the issuance, at the beginning of the present quinquennium, of the ninth edition of *The Work of the International Law Commission*, a vital tool in the Commission's work, and urged that its early availability in the various official languages be ensured.

286. The Commission reiterated its firm view that the summary records of the Commission, constituting crucial *travaux préparatoires* in the progressive development and codification of international law, cannot be subject to arbitrary length restrictions. The Commission once more noted with satisfaction that the measures introduced at its sixty-fifth session (2013) to streamline the processing of its summary records had resulted in the more expeditious transmission to members of the Commission of the English and French versions for timely correction and prompt release. The Commission called on the Secretariat to resume the practice of preparing summary records in English and French, and to continue its efforts to sustain the measures in question, in order to ensure the expeditious transmission of the provisional records to members of the Commission. The Commission also welcomed the fact that these working methods had led to the more rational use of resources and called on the Secretariat to continue its efforts to facilitate the preparation of the definitive records in all official languages, without compromising their integrity.

287. The Commission expressed its gratitude to all services involved in the processing of documents, both in Geneva and in New York, for their efforts in seeking to ensure timely and efficient processing of the Commission's documents, often under narrow time constraints. It emphasized that timely and efficient processing of documentation was essential for the smooth conduct of the Commission's work.

288. The Commission reaffirmed its commitment to multilingualism and recalls the paramount importance to be given in its work to the equality of the six official languages of the United Nations, which has been emphasized in General Assembly resolution 69/324 of 11 September 2015.

289. The Commission expressed its warm appreciation to the United Nations Office at Geneva Library, which continues to assist members of the Commission very efficiently and competently.

8. YEARBOOK OF THE INTERNATIONAL LAW COMMISSION

290. The Commission reiterated that the *Yearbook of the International Law Commission* was critical to the understanding of the Commission's work in the progressive development of international law and its codification, as well as in the strengthening of the rule of law in international relations. The Commission took note that the General Assembly, in its resolution 71/140, expressed its appreciation to Governments that had made voluntary contributions to the trust fund on the backlog relating to the *Yearbook*, and encouraged further contributions to the trust fund.

291. The Commission recommends that the General Assembly, as in its resolution 71/140, express its satisfaction with the remarkable progress achieved in the past few years in reducing the backlog of the *Yearbook* in all six languages, and welcome the efforts made by the Division of Conference Management, especially the Editing Section, of the United Nations Office at Geneva in effectively implementing relevant resolutions of the General Assembly calling for the reduction of the backlog; and encourage the Division of Conference Management to continue providing all necessary support to the Editing Section in advancing work on the *Yearbook*.

9. ASSISTANCE OF THE CODIFICATION DIVISION

292. The Commission expressed its appreciation for the invaluable assistance of the Codification Division of the Secretariat in its substantive servicing of the Commission and the ongoing assistance provided to Special Rapporteurs and the preparation of in-depth research studies pertaining to aspects of topics presently under consideration, as requested by the Commission. In particular, the Commission expressed its appreciation to the Secretariat for its preparation of a memorandum on provisional application of treaties (A/CN.4/707).

10. WEBSITES

293. The Commission expressed its deep appreciation to the Secretariat for the website on the work of the Commission, and welcomed its continuous updating.⁸²⁹ The Commission reiterated that the website and other websites maintained by the Codification Division⁸³⁰ constitute an invaluable resource for the Commission and for researchers of the work of the Commission in the wider community, thereby contributing to the overall strengthening of the teaching, study, dissemination and wider appreciation of international law. The Commission welcomed the fact that the website on the work of the Commission included information on the current status of the topics on the agenda of the Commission, as well as links to the advance edited versions of the summary records of the Commission and the audio recording of the plenary meetings of the Commission.

11. UNITED NATIONS AUDIOVISUAL LIBRARY OF INTERNATIONAL LAW

294. The Commission once more noted with appreciation the extraordinary value of the United Nations

⁸²⁸ See *Yearbook ... 2007*, vol. II (Part Two), paras. 387–395. See also *Yearbook ... 2013*, vol. II (Part Two), para. 185.

⁸²⁹ <http://legal.un.org/ilc>.

⁸³⁰ In general, available from <http://legal.un.org/cod/>.

Audiovisual Library of International Law⁸³¹ in promoting a better knowledge of international law and the work of the United Nations in the field, including the work of the International Law Commission.

C. Date and place of the seventieth session of the Commission

295. The Commission decided that the seventieth session of the Commission would be held in New York from 30 April to 1 June and in Geneva from 2 July to 10 August 2018.

D. Cooperation with other bodies

296. At the 3380th meeting, on 25 July 2017, Judge Abraham, President of the International Court of Justice, addressed the Commission and briefed it on the recent judicial activities of the Court.⁸³² An exchange of views followed.

297. The Committee of Legal Advisers on Public International Law of the Council of Europe was represented at the present session of the Commission by the Chair of the Committee, Ms. Päivi Kaukoranta, and the Head of the Public International Law Division and Treaty Office of the Directorate of Legal Advice and Public International Law and Secretary of the Committee, Ms. Marta Requena, both of whom addressed the Commission at its 3371st meeting, on 6 July 2017.⁸³³ They focused on the current activities of the Committee in the field of public international law, as well as of the Council of Europe. An exchange of views followed.

298. The African Union Commission on International Law was represented at the present session of the Commission by Ms. Juliet Kalema, member of the African Union Commission, and Ms. Hajer Gueldich, its General Rapporteur, accompanied by Mr. Adewale Iyanda, Acting Head of its secretariat and Senior Legal Officer. Ms. Kalema and Ms. Gueldich addressed the Commission at its 3376th meeting, on 18 July 2017.⁸³⁴ They gave an overview of the activities of the African Union Commission on the various legal issues that the Commission had been engaged in since its establishment. An exchange of views followed.

299. AALCO was represented at the present session of the Commission by its Secretary-General, Mr. Kennedy Gastorn, who addressed the Commission at its 3377th meeting, on 19 July 2017.⁸³⁵ He briefed the Commission on AALCO and provided an overview of its deliberations at its fifty-sixth annual session, held in Nairobi from 1 to 5 May 2017, which focused, *inter alia*, on three topics on the programme of work of the Commission, namely “Protection of the atmosphere”, “*Jus cogens*” and “Immunity of State officials from foreign criminal jurisdiction”. An exchange of views followed.

⁸³¹ www.un.org/law/avl.

⁸³² The statement is recorded in the summary record of that meeting.

⁸³³ The statements are recorded in the summary record of that meeting.

⁸³⁴ *Idem*.

⁸³⁵ The statement is recorded in the summary record of that meeting.

300. The Inter-American Juridical Committee was represented at the present session of the Commission by its President, Mr. Hernán Salinas, who addressed the Commission at the 3379th meeting, on 21 July 2017.⁸³⁶ He gave an overview of the activities of the Committee on various legal issues, focusing in particular on the period between 2016 and 2017. An exchange of views followed.

301. On 11 July 2017, an informal exchange of views was held between members of the Commission and ICRC on topics of mutual interest. Following statements made by Ms. Christine Beerli, Vice-President of ICRC, Mr. Knut Dörmann, Chief Legal Officer and Head of the Legal Division at ICRC, and Mr. Eduardo Valencia-Ospina, Vice-Chairperson of the Commission, presentations were made on the topics “Crimes against humanity” by Mr. Sean D. Murphy and “Immunity of State officials from foreign criminal jurisdiction” by Ms. Concepción Escobar Hernández. Further presentations were made on “Legal considerations for States supporting parties to armed conflict” by Mr. David Turk, Legal Adviser in the Operations Unit at ICRC; and “The ICRC commentaries on the Geneva Conventions and additional protocols: update on the project with particular focus on international criminal law, universal jurisdiction and immunities” by Ms. Eve La Haye, Legal Adviser in the Commentaries Update Unit in the Legal Division of ICRC. Those presentations were followed by a discussion. Concluding remarks were made by Ms. Helen Durham, Director of International Law and Policy at ICRC.

E. Representation at the seventy-second session of the General Assembly

302. The Commission decided that it should be represented at the seventy-second session of the General Assembly by its Chairperson, Mr. Georg Nolte.

F. International Law Seminar

303. Pursuant to General Assembly resolution 71/140 of 13 December 2016, the fifty-third session of the International Law Seminar was held at the Palais des Nations from 3 to 21 July 2017, during the present session of the Commission. The Seminar is intended for young jurists specializing in international law, and young professors or government officials pursuing an academic or diplomatic career or in posts in the civil service of their countries.

304. Twenty-three participants of different nationalities, from all regional groups, took part in the session.⁸³⁷ The

⁸³⁶ *Idem*.

⁸³⁷ The following persons participated in the Seminar: Ms. Nour Al Saud (Saudi Arabia), Ms. Onesis Bolaño Prada (Cuba), Ms. Xinling Mary-Elisabeth Chong (Singapore), Ms. Paula Cortés (Chile), Ms. Duangpon Darongsuwan (Thailand), Ms. Alero Itohan Fenemigho (Nigeria), Ms. Coumba Gaye (Senegal), Mr. Artur Gulasarian (Russian Federation), Mr. Yuki Hirotani (Japan), Ms. Nany Hur (Republic of Korea), Mr. Moïse Jean (Haiti), Mr. Samuel Matsiko (Uganda), Mr. Georgi Minkov (Bulgaria), Mr. Antonio Morelli (Italy), Ms. Carine Pilo Selangai (Cameroon), Ms. Valeria Reyes Menéndez (Peru), Mr. Ahmed Medhat Riad (Egypt), Ms. Verity Robson (United Kingdom of Great Britain and Northern Ireland), Mr. Moritz Rudolf (Germany), Ms. Dildora Umarchanova (Uzbekistan), Mr. José Villarreal Alarcón (Plurinational State of Bolivia), Mr. Blaise Pascal Zirimwabagabo Migabo (Democratic Republic of the Congo) and Ms. Enyovi Adjo Zohou (Togo). The Selection Committee, chaired by Mr. Makane Moïse Mbengue, Professor of International Law at the University of Geneva, met on 24 April 2017 and selected 23 candidates from the 129 applicants.

participants attended plenary meetings of the Commission and specially arranged lectures, and participated in working groups on specific topics.

305. Mr. Georg Nolte, Chairperson of the Commission, opened the Seminar. Mr. Markus Schmidt, Senior Legal Adviser to the United Nations Office at Geneva, was responsible for the administration, organization and conduct of the Seminar and served as its Director. The University of Geneva ensured the scientific coordination of the Seminar. Mr. Vittorio Mainetti, international law expert from the University of Geneva, acted as coordinator, assisted by Mr. Alessandro Mario Amoroso and Ms. Yusra Suedi, legal assistants.

306. The following lectures were given by members of the Commission: “The International Law Commission viewed from inside”, by Mr. Eduardo Valencia-Ospina; “Freedom of expression in the western hemisphere”, by Mr. Claudio Grossman Guiloff; “Delimitation of maritime boundaries”, by Mr. Yacouba Cissé; “The principle of universal jurisdiction”, by Mr. Charles Chernor Jalloh; “The International Law Commission viewed from outside”, by Ms. Patrícia Galvão Teles; “Identification of customary international law”, by Sir Michael Wood; “Protection of the atmosphere”, by Mr. Shinya Murase; “Immunity of State officials from foreign criminal jurisdiction”, by Ms. Concepción Escobar Hernández; “Crimes against humanity”, by Mr. Sean D. Murphy; “*Jus cogens*”, by Mr. Dire D. Tladi; “State succession in relation to State responsibility”, by Mr. Pavel Šturma; and “Provisional application of treaties”, by Mr. Juan Manuel Gómez Robledo.

307. A lecture was given by Ms. Jelena Pejic, Senior Legal Adviser in the Legal Division of ICRC, on “Current challenges to international humanitarian law”.

308. Participants also attended a workshop organized by the University of Geneva on “Experts in international law”. The following speakers made presentations: Ms. Laurence Boisson de Chazournes, Professor at the University of Geneva; Mr. Makane M. Mbengue, Professor of International Law at the University of Geneva; Mr. Guillaume Gros, Researcher at the University of Geneva; Ms. Rukmini Das, Researcher at the University of Geneva; Ms. Mara Tignino, Senior Lecturer at the University of Geneva; Ms. Danae Azaria, Lecturer at University College London; and Mr. Sean D. Murphy, Professor at George Washington University and member of the Commission.

309. Participants visited the International Labour Organization (ILO), guided by Mr. Remo Becci, Director of the ILO Archives, and attended two presentations given by Mr. Dražen Petrović, Registrar of the ILO Administrative Tribunal, and Mr. Georges Politakis, ILO Legal Adviser. They also visited WTO, guided by Mr. Gerard Penalosa, and attended a presentation on “The dispute settlement process at WTO and WTO jurisprudence on treaty interpretation”, by Mr. Graham Cook from the WTO Legal Affairs Division. Participants also had an

informal talk with three members of the WTO Appellate Body: Mr. Peter Van Den Bossche, Mr. Thomas Graham and Mr. Shree Servansing. Finally, they visited the Office of the United Nations High Commissioner for Refugees (UNHCR) and attended a presentation on “UNHCR mandate and activities”, by Mr. Semih Bulbul, Senior Programme Analyst at UNHCR.

310. Two working groups, on identifying new topics for the Commission and clarification of the scope and application of the principle of universal jurisdiction, were organized and participants were assigned to one of them. Two members of the Commission, Ms. Patrícia Galvão Teles and Mr. Charles Chernor Jalloh, supervised and provided guidance to the working groups. Each group prepared a report and presented its findings during the last working session of the Seminar. The reports were compiled and distributed to all participants, as well as to the members of the Commission.

311. The Republic and Canton of Geneva offered its traditional hospitality at the Geneva Town Hall, where the participants visited the premises of the cantonal authorities and the Alabama room, guided by Mr. Jean-Luc Chopard, Chief of Protocol.

312. The Chairperson of the Commission, the Director of the International Law Seminar and Ms. Paula Cortés, on behalf of participants attending the Seminar, addressed the Commission during the closing ceremony of the Seminar. Each participant was presented with a diploma.

313. The Commission noted with particular appreciation that since 2015 the Governments of Argentina, Austria, China, Finland, India, Ireland, Mexico, Switzerland and the United Kingdom had made voluntary contributions to the United Nations trust fund for the International Law Seminar. The Circolo di diritto internazionale, a private association for the promotion of international law based in Rome, also contributed to the Seminar. Though the financial crisis of recent years had seriously affected the finances of the Seminar, the Fund was still able to grant a sufficient number of fellowships to deserving candidates, especially those from developing countries, in order to achieve an adequate geographical distribution among participants. In 2017, 12 fellowships were granted.

314. Since its inception in 1965, 1,208 participants, representing 173 nationalities, have taken part in the Seminar. Some 736 participants have received a fellowship.

315. The Commission stresses the importance it attaches to the Seminar, which enables young lawyers, especially those from developing countries, to familiarize themselves with the work of the Commission and the activities of the many international organizations based in Geneva. The Commission recommends that the General Assembly should again appeal to States to make voluntary contributions in order to secure the organization of the Seminar in 2018 with as broad participation as possible.