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Summary record of the 2352nd meeting

Topic:
Other topics

Extract from the Yearbook of the International Law Commission:-
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*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

of the interpretation services available for the Seminar. She recalled that the Seminar was organized by the United Nations, but was not funded from the Organization's budget. In other words, it could have interpretation services only when they were not being used by other bodies. So far, the efforts made by the Secretary to the Commission to have the Seminar included in the calendar of conferences had unfortunately been fruitless. The French-speaking and Spanish-speaking participants suffered most from that situation. All participants were fully aware that a lawyer intending to specialize in international law should understand English, French and, if possible, Spanish and should be able to express himself fluently in one of those three languages, but they were at the start of their careers and that was the stage at which they required the interpretation services. She therefore appealed to the members of the Commission who represented their countries in the Sixth Committee of the General Assembly to persuade the Committee to consider the problem and solve it in the interests of participants in future sessions of the Seminar.

22. Mr. TOMUSCHAT said that the quality of the work done by the participants in the Seminar had been impressive and he welcomed the fact that their reports, which would certainly provide the members of the Commission with valuable insights for their own work, were to be distributed. Many young lawyers, particularly from third-world countries, had been able to deepen their knowledge of international law and of United Nations practice by attending the Seminar. Its continuity should therefore be a common concern of the international community, the wealthier States naturally being called on to shoulder the immediate financial burden of an undertaking whose benefits would eventually accrue to the international community as a whole. In that connection, he said that his Government regularly provided funds for the Seminar and that four fellowships had been financed out of those funds in the current year. All Governments should be encouraged to do the same.

23. Mr. VILLAGRÁN KRAMER also stressed the high quality of the work done by the participants in the Seminar and which foreshadowed far-reaching developments in legal thinking in the years to come.

24. Mr. ARANGIO-RUIZ welcomed the research work submitted to him and expressed pleasure at the exchanges of views he had had with participants in the Seminar who expressed an interest in his topic.

25. He was convinced that the duration of the Seminar—three weeks—was quite inadequate as a means of becoming familiar with the Commission's work and deriving a real benefit from it. The Commission should explore means of persuading Member States to contribute more substantially to the financing of the Seminar; and, if funds were not sufficient, consider the possibility of reducing the number of participants, but making the Seminar twice as long.

26. Mr. GHERAIRI, speaking on behalf of the participants in the International Law Seminar, expressed appreciation to the organizers of the Seminar and the members of the Commission, thanks to whom the participants had been able to work in the best possible conditions. They were honoured to have had the opportunity to attend the

meetings of the Commission, as well as those of its Drafting Committee and its Working Group, thus being present at the conception of international rules. They came from different countries and horizons and would return home enriched by the experience of diversity which had taught them to cultivate a sense of compromise, nuance and consensus.

The Chairman presented participants with certificates attesting to their participation in the thirtieth session of the International Law Seminar.

The meeting rose at 11.30 a.m.

2352nd MEETING

Tuesday, 14 June 1994, at 12.40 p.m.

Chairman: Mr. Vladlen VERESHCHETIN

Present: Mr. Al-Khasawneh, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Bennouna, Mr. Bowett, Mr. Calero Rodrigues, Mr. Crawford, Mr. de Saram, Mr. Eiriksson, Mr. Elaraby, Mr. Fomba, Mr. Güney, Mr. Kabatsi, Mr. Mahiou, Mr. Mikulka, Mr. Pambou-Tchivounda, Mr. Sreenivasa Rao, Mr. Razafindralambo, Mr. Robinson, Mr. Rosenstock, Mr. Szekely, Mr. Thiam, Mr. Tomuschat, Mr. Villagrán Kramer, Mr. Yamada, Mr. Yankov.

Organization of work of the session (concluded)*

[Agenda item 2]

1. Mr. CRAWFORD (Chairman of the Working Group on a draft statute for an international criminal court) said that the Working Group hoped to conclude its work in the course of the afternoon. By the end of the following week, the Commission could expect to have before it, in as many of its working languages as possible, an extensively revised draft statute containing no passages in square brackets and no alternative texts. The Working Group had also prepared a commentary on the revised articles. However, since it could not be translated in time, the commentary would not be issued as part of the Working Group's report and would be circulated among members of the Commission as a "non-paper".

2. He wished to make certain observations. The first was that the Working Group had been, and still was, engaged in an exercise of extraordinary difficulty, both because of the time constraints imposed on the Commission by the General Assembly and because of the trail-blazing nature of the task. The second point, which arose from the first, was that every member of the Working

* Resumed from the 2350th meeting.

Group had made concessions in agreeing on the text. The revised draft statute, which had been considered very carefully, did not reflect the experience or methods of any one legal system but was an amalgam of various systems. Every member of the Working Group was undoubtedly dissatisfied with one or another of the draft's provisions, having regard to the particularities of his own legal system. However, very broad consensus had been reached on the basic structure and approach, and the consensus had grown greater with time. He wished to thank the Working Group's members for the work done so far and to salute their willingness to produce a text worthy of serious consideration by the General Assembly, where it would certainly receive the closest attention. Lastly, he thanked the secretariat for its very substantial assistance to the Working Group in its efforts.

3. The CHAIRMAN, noting that the Working Group hoped to conclude its work that afternoon, as originally envisaged, congratulated the members on their endeavours thus far.

4. Mr. ARANGIO-RUIZ drew attention to the new addendum to his sixth report on the topic of State responsibility (A/CN.4/461/Add.2), which had been distributed in English and French that morning, and expressed the hope that, as Special Rapporteur, he would be afforded an opportunity to introduce that document briefly at a forthcoming plenary meeting.

5. The CHAIRMAN, noting that the Commission had already held six meetings on the topic of State responsibility as originally planned, suggested that the Special Rapporteur's request should be accommodated at the next scheduled plenary meeting.

6. After a procedural discussion in which Mr. BENNOUNA, Mr. ARANGIO-RUIZ, Mr. EIRIKSSON, Mr. GÜNEY and Mr. ROSENSTOCK took part, the CHAIRMAN said that, if he heard no objection, he would take it that the Commission agreed to the arrangement he had suggested.

It was so agreed.

The meeting rose at 1 p.m.

2353rd MEETING

Tuesday, 21 June 1994, at 10.10 a.m.

Chairman: Mr. Vladlen VERESHCHETIN

Present: Mr. Al-Khasawneh, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Bennouna, Mr. Bowett, Mr. Calero Rodrigues, Mr. Crawford, Mr. de Saram, Mr. Fomba, Mr. Güney, Mr. He, Mr. Kabatsi, Mr. Kusuma-Atmadja, Mr. Mikulka, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Sreenivasa Rao, Mr. Razafindralambo, Mr. Robinson, Mr. Rosenstock, Mr. Szekeley, Mr. Thiam,

Mr. Tomuschat, Mr. Villagrán Kramer, Mr. Yamada, Mr. Yankov.

Tribute to the memory of Mr. César Sepúlveda Gutiérrez

1. The CHAIRMAN said that it was his sad duty to inform the members of the Commission of the death, on 11 June 1994, of Mr. Sepúlveda Gutiérrez, who had been a member of the Commission from 1987 to 1991. For many years, he had also been a professor of international law in his native land, Mexico. In that capacity and as author of a work entitled *Derecho Internacional*,¹ he had had a great formative influence on many students of international law from Mexico and other Latin-American countries.

At the invitation of the Chairman, and in the presence of Mr. Miguel Marín-Bosch, Ambassador, Permanent Representative of Mexico to the United Nations Office at Geneva, the members of the Commission observed a minute of silence in tribute to the memory of Mr. César Sepúlveda Gutiérrez.

2. Mr. SZEKELY said that, in view of the immense esteem in which Mr. Sepúlveda Gutiérrez had held the Commission, it was the most appropriate body in which to pay tribute to him and to express their gratitude and respect for him, that had been universally felt. In so doing, the Commission expressed the feelings of generations of students who, like himself, had attended the university courses given by Mr. Sepúlveda Gutiérrez or had read his writings. In the years to come, many more would continue to benefit from the contribution of that eminent jurist and great international lawyer.

3. Mr. BARBOZA expressed his condolences to the representative of Mexico, who was present at the meeting. With the death of Mr. Sepúlveda Gutiérrez, the Latin American countries had lost an extremely eminent figure in the world of international law.

4. The CHAIRMAN said that he would send a letter of condolences to Mrs. Sepúlveda Gutiérrez on behalf of the Commission and would also enclose a copy of the summary record of the meeting.

State responsibility (continued)* (A/CN.4/453 and Add.1-3,² A/CN.4/457, sect. D, A/CN.4/461 and Add.1-3,³ A/CN.4/L.501)

[Agenda item 3]

FIFTH AND SIXTH REPORTS OF THE SPECIAL RAPPORTEUR
(concluded)*

5. The CHAIRMAN recalled that the draft articles adopted by the Drafting Committee at the forty-fifth ses-

* Resumed from the 2348th meeting.

¹ Mexico, Editorial Porrúa, 1981.

² *Yearbook* . . . 1993, vol. II (Part One).

³ Reproduced in *Yearbook* . . . 1994, vol. II (Part One).