

Document:-  
**A/CN.4/SR.2612**

**Summary record of the 2612th meeting**

Topic:  
**Other topics**

Extract from the Yearbook of the International Law Commission:-  
**2000, vol. I**

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

# INTERNATIONAL LAW COMMISSION

## SUMMARY RECORDS OF THE FIRST PART OF THE FIFTY-SECOND SESSION

*Held at Geneva from 1 May to 9 June 2000*

---

### 2612th MEETING

*Monday, 1 May 2000, at 3.10 p.m.*

*Outgoing Chairman:* Mr. Zdzislaw GALICKI

*Chairman:* Mr. Chusei YAMADA

*Present:* Mr. Addo, Mr. Baena Soares, Mr. Brownlie, Mr. Crawford, Mr. Dugard, Mr. Economides, Mr. Elaraby, Mr. Gaja, Mr. Goco, Mr. Hafner, Mr. He, Mr. Illueca, Mr. Kabatsi, Mr. Kamto, Mr. Kateka, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Pellet, Mr. Sreenivasa Rao, Mr. Rodríguez Cedeño, Mr. Rosenstock, Mr. Simma, Mr. Tomka.

### Opening of the session

1. The OUTGOING CHAIRMAN declared open the fifty-second session of the International Law Commission and recalled that, in accordance with the Commission's wish, the session would be divided into two parts. He welcomed the members of the Commission and thanked them for the cooperation and support they had given him during the previous session.

2. In accordance with his mandate, he had attended the meetings of the Sixth Committee of the General Assembly, whose interesting discussions on the report of the Commission on the work of its fifty-first session were reflected in the topical summary (A/CN.4/504 and

Add.1). His professional obligations had unfortunately prevented him from taking part in the meetings of the regional bodies with which the Commission maintained relations. At his request, however, Mr. Hafner had represented the Commission at the thirty-ninth session of the Asian-African Legal Consultative Committee, held at Cairo, from 19 to 23 February 2000, where his statement on the Commission's work had been welcomed with great interest.

### Election of officers

*Mr. Yamada was elected Chairman by acclamation.*

*Mr. Yamada took the Chair.*

3. The CHAIRMAN thanked the members of the Commission for the confidence they had shown in him by electing him to the post of Chairman. He would do his best to prove himself worthy of that confidence, but he knew that he would be able to count on the cooperation of the members of the Commission and the assistance of the secretariat in carrying out his task.

*Mr. Kamto was elected first Vice-Chairman by acclamation.*

*Mr. Tomka was elected second Vice-Chairman by acclamation.*

*Mr. Gaja was elected Chairman of the Drafting Committee by acclamation.*

*Mr. Rodríguez Cedeño was elected Rapporteur by acclamation.*

**Adoption of the agenda (A/CN.4/503)**

4. The CHAIRMAN invited the Commission to adopt the provisional agenda (A/CN.4/503).

*The agenda was adopted.*

**Organization of work of the session**

[Agenda item 2]

5. The CHAIRMAN proposed that the meeting should be suspended to enable the Enlarged Bureau to meet to consider the organization of work of the session.

*The meeting was suspended at 3.40 p.m. and resumed at 4.35 p.m.*

**Filling of casual vacancies (article 11 of the statute) (A/CN.4/502 and Add.1 and 2)**

[Agenda item 1]

6. The CHAIRMAN announced that, on the recommendation of the Enlarged Bureau, the Commission was required to fill two casual vacancies. In accordance with established practice, he suspended the meeting so that the elections could be held in a closed meeting.

*The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.*

7. The CHAIRMAN announced that the Commission had elected Mr. Kamil Idris to fill the vacancy created by the death of Doudou Thiam and Mr. Djamchid Momtaz to fill the vacancy created by the election of Mr. Awn Al-Khasawneh to ICJ. On behalf of the Commission, he would inform the newly elected members and invite them to take their places in the Commission.

**Organization of work of the session (continued)**

[Agenda item 2]

8. Mr. PELLET said he disapproved of the fact that the Commission was starting its work on 1 May, the day of the celebration of a secular international holiday recognized everywhere but in Switzerland and the United Nations. That was not at all normal, especially as the United Nations was required to observe holidays that had nothing to do with it. He also objected to the fact that the badge he had been given had the English abbreviation "ILC". That was inadmissible in an international organization located in a French-speaking country, Switzerland.

*The meeting rose at 5.10 p.m.*

**2613th MEETING**

*Tuesday, 2 May 2000, at 10.10 a.m.*

*Chairman: Mr. Chusei YAMADA*

*Present: Mr. Addo, Mr. Baena Soares, Mr. Brownlie, Mr. Crawford, Mr. Dugard, Mr. Economides, Mr. Elaraby, Mr. Gaja, Mr. Galicki, Mr. Goco, Mr. Hafner, Mr. He, Mr. Illueca, Mr. Kabatsi, Mr. Kamto, Mr. Kateka, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Melescanu, Mr. Pellet, Mr. Sreenivasa Rao, Mr. Rosenstock, Mr. Simma, Mr. Tomka.*

**Organization of work of the session (continued)**

[Agenda item 2]

1. The CHAIRMAN recalled that, at its previous meeting the Commission had adopted its programme of work for the next two weeks. He invited members to inform Mr. Gaja, Chairman of the Drafting Committee, and Mr. Kamto, Chairman of the Planning Group of their interest in participating in either of those bodies. The Drafting Committee would be concerned initially with the articles on State responsibility.

**State responsibility<sup>1</sup> (A/CN.4/504, sect. A, A/CN.4/507 and Add.1-4,<sup>2</sup> A/CN.4/L.600)**

[Agenda item 3]

**THIRD REPORT OF THE SPECIAL RAPPOREUR**

2. Mr. CRAWFORD (Special Rapporteur), introducing his third report on State responsibility (A/CN.4/507 and Add.1-4), said that an informal meeting held earlier in the year in Cambridge, United Kingdom, had advanced his consideration of a number of issues, and he was grateful to the participants. ILA had established a study group on State responsibility whose first report was now available. The group consisted of a number of eminent jurists, including the previous Special Rapporteur on the topic, Mr. Gaetano Arangio-Ruiz.

3. The third report launched the Commission's reconsideration of Part Two of the draft articles and would consist of two further components. One would deal with the precise content of reparation, restitution and compensation, with particular emphasis on whether the articles on compensation should be made more detailed in response

<sup>1</sup> For the text of the draft articles provisionally adopted by the Commission on first reading, see *Yearbook . . . 1996*, vol. II (Part Two), p. 58, chap. III, sect. D.

<sup>2</sup> Reproduced in *Yearbook . . . 2000*, vol. II (Part One).