

Provisional

For participants only

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International Law Commission
Seventy-second session (first part)

Provisional summary record of the 3515th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 4 May 2021, at 3 p.m.

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Present:

Chair: Mr. Hmoud

Members: Mr. Aurescu
Mr. Cissé
Ms. Escobar Hernández
Ms. Galvão Teles
Mr. Gómez-Robledo
Mr. Grossman Guiloff
Mr. Hassouna
Mr. Jalloh
Ms. Lehto
Mr. Murase
Mr. Murphy
Mr. Nguyen
Ms. Oral
Mr. Ouazzani Chahdi
Mr. Park
Mr. Petrič
Mr. Rajput
Mr. Ruda Santolaria
Mr. Saboia
Mr. Šturma
Mr. Tladi
Mr. Vázquez-Bermúdez
Sir Michael Wood
Mr. Zagaynov

Secretariat:

Mr. Llewellyn Secretary to the Commission

The meeting was called to order at 3 p.m.

Protection of the atmosphere (agenda item 5) (*continued*) (A/CN.4/735 and A/CN.4/736)

Sir Michael Wood said that, before the Commission took a decision on the referral of the Special Rapporteur's proposals to the Drafting Committee, he wished to put on record two points arising out of the Special Rapporteur's summing-up, at the Commission's 3514th meeting, of the debate on the sixth report on the topic "Protection of the atmosphere" (A/CN.4/736). He wished to make it clear that he did not oppose the referral of the proposals to the Drafting Committee and was not responding generally to the summing-up, although it contained some points with which he did not agree; rather, he would confine his comments to two issues that related to the work of the Drafting Committee.

First, the Special Rapporteur had responded to the remarks he had made at the 3508th meeting by stating that the Commission was not dealing with the commentaries to the draft guidelines at the current stage and that doing so would represent a departure from its normal practice. However, in fact, the content of commentaries was often discussed in the Drafting Committee and often played a part in the acceptance of wording under discussion in the Committee. Second, the Special Rapporteur continued to rail against the 2013 understanding despite having agreed to that understanding, after informal negotiations stretching over a number of days, in 2013, before the Commission had decided to take up the topic of protection of the atmosphere and before it had appointed a Special Rapporteur for the topic.

The Chair said he took it that the Commission wished to refer to the Drafting Committee the text of the draft guidelines and draft preamble on "Protection of the atmosphere", as contained in the Special Rapporteur's sixth report, taking into account the comments and observations made during the debate.

It was so decided.

Organization of the work of the session (agenda item 1) (*continued*)

Ms. Galvão Teles (Chair of the Drafting Committee) said that, for the topic "Protection of the atmosphere", the Drafting Committee was composed of Mr. Cissé, Mr. Forteau, Mr. Grossman Guiloff, Mr. Hmoud, Mr. Jalloh, Ms. Lehto, Mr. Murphy, Mr. Nguyen, Ms. Oral, Mr. Park, Mr. Petrič, Mr. Rajput, Mr. Reinisch, Mr. Saboia, Mr. Tladi, Mr. Valencia-Ospina, Mr. Vázquez-Bermúdez, Sir Michael Wood and Mr. Zagaynov, together with Mr. Murase (Special Rapporteur) and Mr. Ruda Santolaria (Rapporteur), *ex officio*.

The meeting rose at 3.10 p.m.