

Chapter X

OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

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

369. At its 2918th meeting, on 11 May 2007, the Commission established a Planning Group for the current session.

370. The Planning Group held six meetings. It had before it Section G of the topical summary of the discussion held in the Sixth Committee of the General Assembly during its sixty-first session, prepared by the Secretariat and entitled “Other decisions and conclusions of the Commission” (A/CN.4/577), and General Assembly resolution 61/34 of 4 December 2006 on the report of the International Law Commission on the work of its fifty-eighth session, in particular paragraphs 7, 8, 9, 14, 15 and 19.

1. RELATIONS BETWEEN THE COMMISSION AND THE SIXTH COMMITTEE

371. The Commission considered it useful to discuss, on a regular basis, ways in which the dialogue between the Commission and the Sixth Committee could be further enhanced in the light of calls contained in annual resolutions of the General Assembly, and, in this regard, its Planning Group held discussions on the relationship between the Commission and the Sixth Committee of the General Assembly. These discussions will be continued at the Commission’s session next year. Meanwhile, the Commission wishes to recall that the plenary meetings of the Commission are open to interested delegations and that its draft reports, issued in the A/CN.4/... series as documents for limited distribution (L-documents) and usually adopted during the last week of the Commission’s session, are available for advance perusal, subject to changes that may be made during the adoption stage. The draft reports are available on the Official Documents System of the United Nations (ODS).⁴⁹² The Commission also welcomes the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending sessions of the General Assembly as a useful means to enhance dialogue on the various topics on the Commission’s agenda and would appreciate that, as far as possible, the number of such meetings be increased and some topics selected to guide the debate.

372. The Planning Group is considering ways of improving Chapters II and III of the Commission’s report to make them more user-friendly.

2. COST-SAVING MEASURES

373. The Commission, having considered paragraph 8 of General Assembly resolution 61/34 and the requirements of the programme of work of the Commission for the current session resulting from unforeseeable circumstances, decided that it should conclude the first part of the fifty-ninth session on 5 June 2007, thereby reducing the duration of the session by three days.

3. WORKING GROUP ON LONG-TERM PROGRAMME OF WORK

374. At its first meeting, held on 14 May 2007, the Planning Group decided to establish a Working Group on the Long-term programme of work for the present quinquennium, chaired by Mr. Enrique Candioti. The Working Group will submit its final report at the end of the quinquennium. The Chairperson of the Working Group submitted an oral progress report to the Planning Group on 25 July 2007, noting, *inter alia*, that the Working Group had held four meetings during which it considered some possible topics, including a topic concerning “Subsequent agreement and practice with respect to treaties”, on the basis of a working paper prepared by Mr. Georg Nolte.

4. INCLUSION OF NEW TOPICS ON THE PROGRAMME OF WORK OF THE COMMISSION AND ESTABLISHMENT OF WORKING GROUPS TO CONSIDER FEASIBILITY OF CERTAIN TOPICS

375. At its 2929th meeting, on 1 June 2007, the Commission decided to include on its programme of work the topic “Protection of persons in the event of disasters” and appointed Mr. Eduardo Valencia-Ospina as Special Rapporteur.

376. At its 2940th meeting, on 20 July 2007, the Commission decided to include on its programme of work the topic “Immunity of State officials from foreign criminal jurisdiction” and appointed Mr. Roman Kolodkin as Special Rapporteur.

377. At its 2929th meeting, on 1 June 2007, the Commission also established an open-ended Working Group on the most-favoured-Nation clause under the chairpersonship of Mr. Donald McRae to examine the possibility of including the topic “Most-favoured-nation clause” in its long-term programme of work. The Working Group held two meetings on 16 and 17 July 2007 and it had before it a working paper prepared by Mr. Donald McRae and Mr. A. Rohan Perera. It concluded that the Commission could play a useful role in providing clarification on the meaning and effect of the most-favoured-nation clause in the field of investment agreements and was favourable to the inclusion of the topic. Such work was seen as building on the past work

⁴⁹² <http://documents.un.org>.

of the Commission on the most-favoured-nation clause.⁴⁹³ At its 2944th meeting, on 27 July 2007, the Commission considered the report of the Working Group and decided to refer it to the Planning Group.

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

378. The Commission 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 (2008–2011)

(a) Reservations to treaties

2008

The Special Rapporteur will submit his thirteenth report on validity of reservations.

2009

The Special Rapporteur should submit his fourteenth report on effects of reservations and of objections to reservations, and probably on succession of States and international organizations with regard to reservations, which would permit the conclusion of the first reading of the draft guidelines.

2010–2011

The Special Rapporteur should submit his fifteenth and sixteenth reports in the light of observations from States, with a view to achieving the second reading of the draft guidelines in 2011.

(b) Expulsion of aliens

2008

The Special Rapporteur will submit an addendum to his third report on expulsion of aliens, dealing with the

question of expulsion in case of dual or multiple nationalities, and the question of expulsion following deprivation of nationality. He will also submit his fourth report on expulsion of aliens, dealing with the limits to the right of expulsion which relate to the fundamental rights of the human person.

2009

The Special Rapporteur will submit his fifth report on expulsion of aliens, dealing with the limits relating to the procedure to be followed in case of expulsion.

2010

The Special Rapporteur will submit his sixth report on expulsion of aliens, dealing with the grounds for expulsion.

2011

The Special Rapporteur will submit his seventh report on expulsion of aliens, dealing with the duration of stay as well as the property rights of the expelled person.

(c) Effects of armed conflicts on treaties

2008

The Drafting Committee would begin the consideration of the draft articles submitted by the Special Rapporteur, followed by the adoption of the draft articles.

2009

Work on the topic to be deferred so as to allow time for Governments to submit comments on draft articles adopted on first reading.

2010–2011

Further reports will be submitted by the Special Rapporteur containing proposals for the second reading of the draft articles, taking into account the comments and observations of Governments.

(d) Shared natural resources

2008

The Special Rapporteur will submit his fifth report containing the whole set of revised draft articles on transboundary aquifers. It is hoped that the Commission would complete the second reading of the draft articles in 2008.

2009

The Special Rapporteur does not plan to submit any report on transboundary aquifers. If the Commission cannot complete the second reading of the draft articles in 2008, it is hoped that it will complete such a reading in the first part of the session in 2009.

2010–2011

The Special Rapporteur would prepare studies in the light of any decision by the Commission on how to proceed with natural resources other than transboundary aquifers.

⁴⁹³ The Commission included the topic "The most-favoured-nation clause" in its programme of work at its twentieth session, in 1967 (*Yearbook ... 1967*, vol. II, document A/6709/Rev.1, p. 369, para. 48) and appointed Mr. Endre Ustor (*ibid.*) and Mr. Nikolai Ushakov (*Yearbook ... 1977*, vol. II (Part Two), p. 124, para. 77) as the successive Special Rapporteurs. The Commission completed the second reading of the topic at its thirtieth session, in 1978 (*Yearbook ... 1978*, vol. II (Part Two), pp. 16–73, para. 74). At its thirty-fifth, thirty-sixth, thirty-eighth, fortieth and forty-third sessions (1980, 1981, 1983, 1985 and 1988), the General Assembly invited comments from Governments and intergovernmental organizations on the draft articles proposed by the Commission. At its forty-sixth session (1991) the General Assembly, in its decision 46/416 of 9 December 1991, took note with appreciation of the work of the Commission as well as views and comments by Governments and intergovernmental organizations and decided to bring the draft articles to the attention of Member States and intergovernmental organizations for their consideration in such cases and to the extent as they deemed appropriate. At its fifty-eighth session (2006), the Commission requested views of Governments on the topic (*Yearbook ... 2006*, vol. II (Part Two), p. 186, para. 259).

(e) Responsibility of international organizations**2009****2008**

The Special Rapporteur will submit his sixth report on the implementation of the responsibility of an international organization.

2009

The Commission would complete the first reading of the draft articles on responsibility of international organizations.

2010–2011

The Commission would proceed to the second reading of the draft articles following receipt of comments by Governments and international organizations.

(f) The obligation to extradite or prosecute (*aut dedere aut judicare*)**2008**

The Special Rapporteur will submit his third report on the obligation to extradite or prosecute (*aut dedere aut judicare*).

2009

The Special Rapporteur will submit his fourth report on the obligation to extradite or prosecute (*aut dedere aut judicare*).

2010–2011

The Special Rapporteur will submit his fifth report, if necessary, and the Commission would complete the first reading of the draft articles on the obligation to extradite or prosecute (*aut dedere aut judicare*).

(g) Immunity of State officials from foreign criminal jurisdiction**2008**

The Special Rapporteur will submit his preliminary report.

2009

The Special Rapporteur would submit his second report.

2010–2011

The Special Rapporteur would submit his subsequent reports in the light of developments in the Commission.

(h) Protection of persons in the event of disasters**2008**

The Special Rapporteur will submit a preliminary report.

The Special Rapporteur would submit the second report.

2010–2011

The Special Rapporteur would submit his subsequent reports in the light of developments in the Commission.

6. HONORARIA

379. The Commission reiterated once more 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 were expressed in its previous reports.⁴⁹⁴ The Commission emphasized again that the above resolution especially affects the Special Rapporteurs, in particular those from developing countries, as it compromises support for their research work. The Commission urges the General Assembly to reconsider this matter, with a view to restoring, at this stage, the honoraria for Special Rapporteurs.

7. DOCUMENTATION AND PUBLICATIONS**(a) External publication of International Law Commission documents**

380. The Planning Group established a Working Group on the question of external publication of International Law Commission documents, under the chairpersonship of Mr. Giorgio Gaja. The Chairperson of the Working Group submitted an oral report to the Planning Group on 25 July 2007.

381. The Commission endorsed the following Guidelines on the Publication of Commission Documents prepared by the Working Group:

“Guidelines on the Publication of Commission Documents

“In order to ensure the proper attribution of the work of the International Law Commission, the following policy guidelines apply when present or former members of the Commission seek to publish documents relating to the work of the Commission:

“1. Documents of the Commission should be appropriately attributed, with a clear indication whether the author is the Commission as a whole, a body established by the Commission, a Special Rapporteur or any other member of the Commission;

“2. When the publication reproduces in whole or in part a document of the Commission this should be appropriately acknowledged;

⁴⁹⁴ *Yearbook ... 2002*, vol. II (Part Two), pp. 102–103, paras. 525–531; *Yearbook ... 2003*, vol. II (Part Two), p. 101, para. 447; *Yearbook ... 2004*, vol. II (Part Two), pp. 120–121, para. 369; *Yearbook ... 2005*, vol. II (Part Two), p. 92, para. 501; and *Yearbook ... 2006*, vol. II (Part Two), p. 187, para. 269.

“3. If the document to be published relates to a subject on which the Commission has come to some collective conclusion, even if provisional, reference should be made in the publication to that conclusion;

“4. Documents of the Commission which are intended for publication by the United Nations should not be published, on the initiative of individual members, before the documents have been officially released, including through the website on the work of the Commission;

“5. A copy of the publication should be provided to the Commission.”

(b) *Processing and issuance of reports of Special Rapporteurs*

382. The Commission considered the question of the timely submission of reports by Special Rapporteurs. Bearing in mind the rules and regulations relating to the submission of documents in the United Nations as well as the heavy workload of the relevant services of the Organization, the Commission emphasizes once more the importance that it attaches to the timely submission of reports by Special Rapporteurs in view of both their processing and distribution sufficiently in advance to allow members to study the reports. In this connection, the Commission was reminded that the processing of documentation by the Secretariat was subject to very strict timetables on the basis of a slotting system within the Secretariat for the processing of documentation, established at the request of Member States.

383. The Commission recalls operative paragraph 8 of General Assembly resolution 47/202 B of 22 December 1992, in which the General Assembly urged the substantive departments of the Secretariat to comply with the rule which requires them to submit pre-session documents to the relevant Secretariat Unit responsible for document processing at least 10 weeks before the beginning of sessions, in order to permit processing in time in all official languages. The Commission is aware of the special circumstances surrounding the timely submission of reports of Special Rapporteurs and took into consideration the recommendation made by the Department for General Assembly and Conference Management, and it formally endorses a time frame shorter than 10 weeks for the submission of such documents. Bearing in mind the principles governing the submission and issuance of documents in order to permit timely processing, the Commission requested that its documentation be exempted from the 10-week rule for submission of pre-session documents, on the understanding that the time for processing documents within the established word-limit is four weeks.

384. 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 Commission's function of progressive development and codification of international law. While the Commission is aware of the advantages of being as concise as possible, it strongly believes that an *a priori* limitation cannot be placed on the length of its documentation and research projects and reports of Special Rapporteurs.

(c) *Backlog relating to the Yearbook of the International Law Commission*

385. The Commission expressed concern about the backlog relating to the *Yearbook of the International Law Commission*,⁴⁹⁵ noting that the late publication of the *Yearbook* in the official languages of the United Nations had a negative impact on the work of the Commission, as well as in the teaching, training, research, dissemination and wider appreciation of the codification efforts of international law undertaken by the Commission. The Commission was cognizant of the need for concerted efforts to reduce the backlog. It stresses the importance of ensuring that the necessary budgetary resources are allocated for addressing the backlog under the relevant programme in the regular budget. It also proposed the establishment of a trust fund to address the backlog. In accordance with the relevant financial regulations and rules, voluntary contributions would be made by members, non-governmental organizations and private entities to such a worthy cause which was critical to the understanding of the Commission's work in the progressive development and codification of international law, as well as in the strengthening of the rule of law in international relations.

(d) *Other publications and the assistance of the Codification Division*

386. The Commission expressed its appreciation for the valuable assistance of the Codification Division of the Secretariat in its substantive servicing of the Commission and in preparation of research projects, by providing legal materials and their analysis. At its 2954th meeting, on 9 August 2007, the Commission requested the Secretariat to prepare a background study, initially limited to natural disasters, on the topic “Protection of persons in the event of disasters”, as well as a background study on the topic “Immunity of State officials from foreign criminal jurisdiction”.

387. The Commission recognized the particular relevance and significant value to its work of the legal publications prepared by the Secretariat, namely: *The Work of the International Law Commission*; *The United Nations Juridical Yearbook*; the *Reports of International Arbitral Awards*; the *Analytical Guide to the Work of the International Law Commission*; the *United Nations Legislative Series*; and the *Repertory of Practice of United Nations Organs*; and reiterated its request that the Secretariat continue to provide the Commission with these publications.

⁴⁹⁵ As at 30 June 2007, the backlog for the period 1994–2001 was as follows: *Yearbook ... 1994*, vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 1995*, vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 1996*, vol. II (Part One): Arabic, English, French, Russian and Spanish; and vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 1997*, vol. II (Part One): Arabic, English, French, Russian and Spanish; and vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 1998*, vol. II (Part One): Arabic, English, French, Russian and Spanish; and vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 1999*, vol. II (Part One): Arabic, English, French, Russian and Spanish; and vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 2000*, vol. II (Part 1): Arabic, English, French, Russian and Spanish; and vol. I and vol. II (Parts One and Two): Chinese; *Yearbook ... 2001*, vol. II (Parts One and Two): Arabic, English, French and Spanish; and vol. I and vol. II (Parts One and Two): Russian and Chinese. From 2002 to the present, no volume has been issued in all the six official languages.

388. Taking into account the importance of disseminating information about the Commission, the Commission welcomed the publication by the Codification Division of the seventh edition of *The Work of the International Law Commission*, a publication which provides a comprehensive, authoritative and up-to-date review of the Commission's contribution to the progressive development and codification of international law. It noted with appreciation that, as a result of its expanding desktop publishing initiative, the Codification Division issued this publication (in English only) for the first time at the beginning of the quinquennium and included the work of the Commission through the end of its previous quinquennium, a practice which the Codification Division should be encouraged to continue at future quinquennia. In addition, the Secretariat was requested to make every effort to issue this publication in the other five official languages prior to the beginning of the sixtieth session of the Commission.

389. Noting the relevance to the Commission's consideration of present and future topics concerning international organizations, the Commission recognized the significant value of *The United Nations Juridical Yearbook* prepared by the Secretariat, which provides the most comprehensive and authoritative information on major legal developments and activities within the United Nations system as well as State practice with regard to international organizations. It noted that, as a result of its expanding desktop publishing initiative, the Codification Division was able to publish the *Juridical Yearbook* for 2003 and 2004 in less than a year as compared to five years for the most recently issued volume. The Secretariat was encouraged to continue this initiative with a view to expediting the preparation of future editions of this publication.

390. In view of the importance of State practice in the work of the Commission, the Commission noted the usefulness of the publication entitled *Reports of International Arbitral Awards* prepared by the Codification Division, which contains international decisions involving substantive issues of public international law which have an enduring legal or historical significance. The Commission requested the Secretariat to continue its preparation of this publication.

391. Bearing in mind the value of the publication the *Analytical Guide to the Work of the International Law Commission* as an indispensable research guide and the fact that the first edition was published in 2004, the Commission requested the Codification Division to begin the preparation of the second edition of the publication in commemoration of the sixtieth anniversary of the Commission in 2008.

392. Mindful of the significance and utility of the Codification Division's publication the *United Nations Legislative Series* for the Commission's work on several topics, by means of studying relevant national legislation, decisions of national tribunals, diplomatic and other official correspondence as well as treaty provisions, which has enabled the Commission to meaningfully carry out its responsibility of codification and progressive development of international law in several areas, the Commission requested the Secretariat to continue the publication of the *Legislative Series*.

393. Recognizing the importance and usefulness of the Secretariat publication *Repertory of Practice of United Nations Organs* as the principal source of records for the analytical studies of the application and interpretation of the provisions of the Charter, the Commission took note of the progress made in the preparation of studies of the *Repertory* and their posting on the Internet in three languages.

394. Recalling that the ICJ as the principal judicial organ of the United Nations has played an important role in adjudicating disputes among States in accordance with international law, the Commission requested the Secretariat to make every effort to continue the publication *Summaries of Judgements, Advisory Opinions and Orders of the International Court of Justice*, in all the official languages of the United Nations.

395. The Commission also expressed its appreciation for the results of activity of the Secretariat in its continuous updating and management of its website on the International Law Commission.⁴⁹⁶ It acknowledged in particular the establishment of a new website on the United Nations, *Reports of International Arbitral Awards*, including a full-text research option on all published volumes of the collection (25 volumes to date), which will then be updated to include any new volume. The Commission reiterated that the websites constitute an invaluable resource for the Commission in undertaking its work and for researchers of 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 would welcome the further development of the website on the work of the Commission with the inclusion of information on the current status of the topics on the agenda of the Commission.

8. COMMEMORATION OF THE SIXTIETH ANNIVERSARY OF THE COMMISSION

396. The Commission discussed various possibilities of commemorating the Commission's sixtieth anniversary session in 2008, and agreed upon the following recommendations:

(a) that there should be a solemn meeting of the Commission to which dignitaries, including the Secretary-General, the President of the General Assembly, the President of the International Court of Justice, the United Nations High Commissioner for Human Rights, and representatives of the host Government, should be invited;

(b) that there should be a one and a half day meeting with legal advisers dedicated to the work of the Commission;

(c) that Member States, in association with existing regional organizations, professional associations, academic institutions and members of the Commission concerned, should be encouraged to convene national or regional meetings, which would be dedicated to the work of the Commission.

⁴⁹⁶ Located at www.un.org/law/ilc/.

397. The Commission recommended that the Secretariat, in consultation with a group of members of the Commission,⁴⁹⁷ assist in making arrangements for the implementation of (a) and (b).

9. MEETING WITH UNITED NATIONS AND OTHER HUMAN RIGHTS EXPERTS

398. In accordance with article 25 (1) of its Statute,⁴⁹⁸ the Commission held a meeting on 15 and 16 May 2007, with United Nations and other experts in the field of human rights, including representatives from human rights treaty bodies. Experts from regional human rights bodies were also invited. During the meeting, members of the Commission and the human rights experts⁴⁹⁹ held a useful exchange of views on issues relating to reservations to human rights treaties, in particular on the causes of invalidity of reservations to human rights treaties and the appreciation of validity of reservations to human rights treaties.⁵⁰⁰

B. Date and place of the sixtieth session of the Commission

399. The Commission decided that the sixtieth session of the Commission be held in Geneva from 5 May to 6 June and 7 July to 8 August 2008.

C. Cooperation with other bodies

400. The Commission was represented at the forty-sixth session of the Asian–African Legal Consultative Organization, held in Cape Town, South Africa, from 2 to 6 July 2007, by Mr. Narinder Singh. The Commission also decided that it will be represented at the thirty-fourth meeting of the Committee of Legal Advisers on Public International Law to be held in Strasbourg on 10 and 11 September 2007, by Mr. Alain Pellet.

401. At its 2933rd meeting, on 10 July 2007, Judge Rosalyn Higgins, President of the International Court of Justice, addressed the Commission and informed it of the

⁴⁹⁷ The members of the Group are as follows: Mr. Enrique Candioti, Mr. Pedro Comissário Afonso, Mr. Zdzilaw Galicki, Mr. Alain Pellet and Mr. Chusei Yamada. The Chairperson of the Commission and the Chairperson of the Planning Group would serve as *ex officio*.

⁴⁹⁸ Article 25 (1) of the Statute of the International Law Commission provides: “The Commission may consult, if it considers it necessary, with any of the organs of the United Nations on any subject which is within the competence of that organ.” See also General Assembly resolution 61/34.

⁴⁹⁹ The participants were: Mr. Philippe Texier, Committee on Economic, Social and Cultural Rights; Mr. Nigel Rodley, Human Rights Committee; Mr. Guibril Camara, Committee against Torture; Mr. Jean Zermatten, Committee on the Rights of the Child; Mr. Alexandre Sicilianos, Committee on the Elimination of Racial Discrimination; Mr. Cees Flintermann, Committee on the Elimination of Discrimination against Women; Mr. Ahmed El Borai, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; Ms. Liesbeth Lijnzaad, Council of Europe; Mr. Vincent Berger, European Court of Human Rights; Ms. Françoise Hampson, member of former Sub-Commission on the Promotion and Protection of Human Rights.

⁵⁰⁰ The Special Rapporteur of the topic “Reservations to treaties” prepared a brief summary of his understanding (not attributable to the Commission) of what transpired in the discussion, which is on the website on the work of the Commission, located at www.un.org/law/ilc/.

Court’s recent activities and of the cases currently before it.⁵⁰¹ An exchange of views followed.

402. The Inter-American Juridical Committee was represented at the present session of the Commission by Mr. Mauricio Herdocia Sacasa, who addressed the Commission at its 2943rd meeting, on 26 July 2007.⁵⁰² An exchange of views followed.

403. The Asian–African Legal Consultative Organization was represented at the present session of the Commission by its Secretary-General, Mr. Wafik Z. Kamil, who addressed the Commission at its 2944th meeting, on 27 July 2007.⁵⁰³ An exchange of views followed.

404. The European Committee on Legal Cooperation and the Committee of Legal Advisers on Public International Law of the Council of Europe were represented at the present session of the Commission by the Director of Legal Advice and Public International Law, Mr. Manuel Lezertua, who addressed the Commission at its 2952nd meeting, on 8 August 2007.⁵⁰⁴ An exchange of views followed.

405. On 11 July 2006 an informal exchange of views was held between members of the Commission and the International Committee of the Red Cross on topics of mutual interest.

D. Representation at the sixty-second session of the General Assembly

406. The Commission decided that it should be represented at the sixty-second session of the General Assembly by its Chairperson, Mr. Ian Brownlie.

407. At its 2954th meeting, on 9 August 2007, the Commission requested Mr. Maurice Kamto, Special Rapporteur on the topic of “Expulsion of aliens”, to attend the sixty-second session of the General Assembly under the terms of paragraph 5 of General Assembly resolution 44/35 of 4 December 1989.⁵⁰⁵

E. International Law Seminar

408. Pursuant to General Assembly resolution 61/34, the forty-third session of the International Law Seminar was held at the Palais des Nations from 9 to 27 July 2007, during the present session of the Commission. The Seminar is intended for advanced students specializing in international law and for young professors or government officials pursuing an academic or diplomatic career or in posts in the civil service in their country.

⁵⁰¹ This statement is recorded in the summary record of that meeting and is also on the website on the work of the Commission.

⁵⁰² This statement is recorded in the summary record of that meeting.

⁵⁰³ *Ibid.*

⁵⁰⁴ *Ibid.*

⁵⁰⁵ “The General Assembly, ... Invites the International Law Commission, when circumstances so warrant, to request a special rapporteur to attend the session of the General Assembly during the discussion of the topic for which that special rapporteur is responsible and requests the Secretary-General to make the necessary arrangements within existing resources.”

409. Twenty-five participants of different nationalities, mostly from developing countries, were able to take part in the session.⁵⁰⁶ The participants in the Seminar observed plenary meetings of the Commission, attended specially arranged lectures, and participated in working groups on specific topics.

410. The Seminar was opened by Mr. Ian Brownlie, Chairperson of the Commission. Mr. Ulrich von Blumenthal, Senior Legal Adviser of the United Nations Office at Geneva, was responsible for the administration, organization and conduct of the Seminar, assisted by Mr. Vittorio Mainetti, Legal Consultant at the United Nations Office at Geneva.

411. Lectures were given by members of the Commission as follows: Mr. Giorgio Gaja: "Responsibility of International Organizations"; Ms. Paula Escarameia: "The ICC Statute: a Step Forward in International Law"; Mr. Alain Pellet: "The ILC—a View from Inside"; Mr. Chusei Yamada: "Codification of the Law of Shared Natural Resources"; Mr. Georg Nolte: "Assistance by States for Internationally Wrongful Acts by Other States—Issues of Responsibility and Development of the Law"; Mr. A. Rohan Perera: "Towards a Comprehensive Convention on Terrorism"; Mr. Zdzisław Galicki: "The Obligation to Extradite and Prosecute (*aut dedere aut judicare*)"; and Mr. Maurice Kamto: "Expulsion of Aliens".

412. Lectures were also given by Mr. Vittorio Mainetti: "Introduction to the Work of the International Law Commission"; Mr. Daniel Müller, Assistant to Special Rapporteur Mr. Alain Pellet: "Reservations to Treaties", Ms. Jelena Pejic, Legal Adviser International Committee of the Red Cross: "Current Challenges to International Humanitarian Law"; and Mr. Markus Schmidt (OHCHR): "The Human Rights Council after its First Year: Trojan Horse or Real Progress?".

413. A round table was also organized on the regional systems of protection of human rights. Two members of the Commission, Mr. Lucius Caflisch (former Judge at the European Court of Human Rights) and Mr. Edmundo Vargas-Carreño (former Executive Secretary of the Inter-American Commission of Human Rights) spoke respectively on the European and Inter-American systems, while Mr. Mutoy Mubiala, an official of the OHCHR, spoke on the African system. The discussion focused on

the comparative analysis and the reciprocal influence of the three regional systems.

414. The seminar participants were invited to visit the WTO, where they attended briefing sessions by Ms. Gabrielle Marceau, Counsellor of the Director General, and Mr. Werner Zdouc, Director of the WTO Appellate Body Secretariat. The discussion focused on the current legal issues at the WTO and on the WTO Dispute Settlement System.

415. Each Seminar participant was assigned to one of three working groups on "The ICC Statute: new and unsolved questions", "The obligation to extradite or prosecute", and "Reservations to treaties". Two members of the Commission, Ms. Paula Escarameia and Mr. Zdzisław Galicki, as well as Mr. Daniel Müller, provided guidance for the working groups. Each group wrote a report and presented their findings to the Seminar in a special session organized for this purpose. A collection of the reports was compiled and distributed to all participants.

416. The Republic and Canton of Geneva offered its traditional hospitality to the participants with a guided visit of the Alabama Room at the City Hall, followed by a reception.

417. Mr. Brownlie, Mr. von Blumenthal, and Ms. Yassin Alieu M'Boge, on behalf of the participants, addressed the Commission and the participants at the close of the Seminar. Each participant was presented with a certificate attesting to his or her participation in the forty-third session of the Seminar.

418. The Commission noted with particular appreciation that the Governments of Cyprus, Finland, Germany, New Zealand, Switzerland and United Kingdom had made or pledged voluntary contributions to the United Nations Trust Fund for the International Law Seminar. The financial situation of the Fund enabled the awarding of a sufficient number of fellowships to deserving candidates from developing countries so that adequate geographical distribution of participants was achieved. This year, full fellowships (travel and subsistence allowance) were awarded to 14 candidates and partial fellowships (subsistence only) were awarded to two candidates.

419. Since 1965, 979 participants, representing 160 nationalities, have taken part in the Seminar. Of them, 598 have received a fellowship.

420. The Commission stresses the importance it attaches to the Seminar, which enables young lawyers, especially from developing countries, to familiarize themselves with the work of the Commission and the activities of the many international organizations which have their headquarters in Geneva. The Commission recommends that the General Assembly should again appeal to States to make voluntary contributions in order to secure the holding of the Seminar in 2008 with as broad participation as possible.

421. The Commission noted with satisfaction that in 2007 comprehensive interpretation services were made available to the Seminar. It expresses the hope that the same services would be provided at the next session, within existing resources.

⁵⁰⁶ The following persons participated in the forty-third session of the International Law Seminar: Ms. Tânia da Fonseca Alexandre (Portugal), Ms. Maria Eugenia Brunini (Uruguay), Mr. Victor Cairo Palomo (Cuba), Mr. Alonso Chaverri Suárez (Costa Rica), Mr. Issaka Garba Abdou (Niger), Mr. Gabriel Herrera (Argentina), Ms. Bibian Isoto (Uganda), Mr. Ammar Jaber (Iraq), Ms. Melanie Khanna (United States of America), Ms. Man Anting (China), Ms. Yassin Alieu M'Boge (Gambia), Ms. Nuala Ní Mhuirheartaigh (Ireland), Mr. Yasuyuki Okazaki (Japan), Mr. Ahmed Haroune Ould (Mauritania), Ms. Priya Pillai (India), Mr. Sergio Puig de la Parra (Mexico), Mr. Aistis Radavicius (Lithuania), Ms. Velotiana Raobelina Rakotoasony (Madagascar), Ms. Ana Cristina Rodríguez Pineda (Guatemala), Ms. Vasilka Sancin (Slovenia), Ms. Marieme Sidibe (Mali), Ms. Simona Spinaru (Romania), Mr. Ton Van den Brandt (Netherlands), Ms. Anusha Wickramasinghe (Sri Lanka) and Ms. Aishath Zahir (Maldives). The Selection Committee, chaired by Mr. Jean-Marie Dufour (President of the Geneva International Academic Network), met on 25 April 2007, and selected 26 candidates out of 130 applications for participation in the Seminar. At the last minute, the 26th candidate selected failed to attend.