



United Nations

Report of the International Law Commission

**Sixty-fifth session
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F. International Law Seminar

202. Pursuant to General Assembly resolution 67/92, the forty-ninth session of the International Law Seminar was held at the Palais des Nations from 8 to 26 July 2013, 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 of their country.

203. Twenty-one participants of different nationalities, from all regional groups took part in the session.⁴⁰⁰ The participants attended plenary meetings of the Commission, specially arranged lectures, and participated in working groups on specific topics.

204. The Seminar was opened by Mr. Bernd Niehaus, Chairman of the Commission. Mr. Markus Schmidt, Senior Legal Adviser of the United Nations Office at Geneva (UNOG), was responsible for the administration, organization and conduct of the Seminar. The substantive coordination of the Seminar was ensured by the University of Geneva. Mr. Vittorio Mainetti, international law expert from the University of Geneva, acted as coordinator, assisted by Mr. Martin Denis, legal assistant.

205. The following lectures were given by members of the Commission: Mr. Ernest Petrič: “*The Work of the International Law Commission*”; Mr. Georg Nolte: “*Subsequent Agreements and Subsequent Practice in Relation to Treaty Interpretation*”; Ms. Concepción Escobar Hernández: “*Immunity of State Officials from Foreign Criminal Jurisdiction*”; Mr. Dire Tladi: “*The United Nations Convention on the Law of the Sea and Treaty Interpretation: Use of Subsequent Practice and Subsequent Agreements to Resolve Controversies on the Sustainable Use of Marine Biodiversity*”; Mr. Michael Wood: “*Formation and Evidence of Customary International Law*”; Mr. Sean D. Murphy: “*Selecting New Topics for the International Law Commission: Process and Substance*”; Mr. Mathias Forteau: “*Fair and Equitable Treatment in International Investment Law*”; and Mr. Shinya Murase: “*International Law-Making for the Protection of Global Environment*”.

206. A lecture was also given by Ms. Iris Müller, Legal Adviser to the International Committee of the Red Cross, on “*Customary International Humanitarian Law*”.

207. Seminar participants attended a special external “Brainstorming session” organized by the University of Geneva on the topic: “*The Protection of the Environment in Relation to Armed Conflict*”. During this session, Ms. Marie Jacobsson, member of the Commission and Special Rapporteur on this topic, introduced the topic. Her introduction was followed by presentations and comments by Prof. Marco Sassoli, University of Geneva; Prof. Robert Kolb, University of Geneva; Prof. Makane Mbengue, University of Geneva; Dr. Mara Tignino, Senior Researcher, University of Geneva; Ms. Marie-Louise Tougas, International Committee of the Red Cross; Ms. Karen Hulme, Senior Lecturer, University of Essex; Ms. Britta Sjostedt, Researcher, University of Lund; and Mr. David Jensen, Head of Environment Cooperation for Peacebuilding, UNEP.

208. Seminar participants also attended the Gilberto Amado Memorial Lecture, delivered on 17 July 2013, followed by a reception offered by Brazil.

209. Seminar participants had the opportunity to familiarize themselves with the work of other international organisations based in Geneva. A visit to the International Telecommunication Union (ITU) was organized, and a presentation was given by Mr. Alexander Beck, Senior Legal Adviser at the Office of the United Nations High Commissioner for Refugees (UNHCR).

⁴⁰⁰ The following persons participated in the Seminar: Mr. Hatem Alabd (Egypt), Ms. Makiko Asami (Japan), Mr. Jonas Attenhofer (Switzerland), Ms. Danai Azaria (Greece), Mr. Eduardo Cagnoni (Argentina), Mr. Jorge Luis Cepero Aguilar (Cuba), Mr. Rasmané Congo (Burkina Faso), Ms. Fiona Devlin (Ireland), Ms. Athikarn Dilogwathana (Thailand), Ms. Alicia Gauto Vázquez (Paraguay), Ms. Hyun Jung Kim (South Korea), Ms. Pamela López-Ruiz Montes (Peru), Mr. Brian McGarry (United State of America), Ms. Ha Thi Ngoc Nguyen (Viet Nam), Ms. Siham Sebbar (Morocco), Mr. Edgardo Sobenes Obregon (Nicaragua), Ms. Sarala Subramaniam (Singapore), Mr. Alexey Nikolayevich Trofimenkov (Russian Federation), Mr. Zoilo Velasco (Philippines), Mr. Mawuse Vormawor (Ghana), and Ms. Olga Voronovich (Belarus). The Selection Committee, chaired by Mr. Marco Sassoli, Professor and Director of the Department of public international Law of the University of Geneva, met on 22 April 2013 at the Palais des Nations and selected 24 candidates out of 86 applications for participation in the Seminar. At the last minute, three selected candidates could not attend the seminar.

210. Three Seminar working groups on “*Subsequent Agreements and Subsequent Practice in Relation to Treaty Interpretation*”, “*Protection of Persons in the Event of Disasters*” and “*Immunity of State Officials from Foreign Criminal Jurisdiction*” were organized. Each Seminar participant was assigned to one of them. Three members of the Commission, Ms. Concepción Escobar Hernández, Mr. Georg Nolte and Mr. Eduardo Valencia-Ospina supervised and provided expert guidance to the working groups. Each group prepared a report and presented its findings to the Seminar in a special session. The reports were compiled and distributed to all participants as well as to the members of the Commission.

211. The Republic and Canton of Geneva offered the participants a guided tour of the Geneva Town Hall and the Alabama Room.

212. Mr. Bernd Niehaus, Chairman of the Commission, Mr. Markus Schmidt, Director of the Seminar, and Ms. Pamela López-Ruiz Montes (Peru), on behalf of the participants of the seminar, addressed the Commission and the participants during the closing ceremony of the Seminar. Each participant was presented with a certificate attesting to his or her participation in the forty-ninth session of the Seminar.

213. The Commission noted with particular appreciation that since 2010 the Governments of Argentina, Austria, China, Finland, India, Ireland, Mexico, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland had made voluntary contributions to the United Nations Trust Fund for the International Law Seminar. The financial situation of the Fund allowed awarding a sufficient number of fellowships to deserving candidates especially from developing countries in order to achieve adequate geographical distribution of participants. This year, 15 fellowships for travel and subsistence allowance were awarded.

214. Since 1965, 1,115 participants, representing 170 nationalities, have taken part in the Seminar. Of them, 684 have received a fellowship.

215. 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 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 2014 with as broad participation as possible, especially in the light of the forthcoming 50th anniversary of the Seminar.

G. Commemoration of the 50th Anniversary of the International Law Seminar

216. The Commission expressed its satisfaction that in 2014 the International Law Seminar will hold its 50th session and recognized the valuable contribution that the Seminar has made in allowing successive generations of young international lawyers to follow the debates and better understand the functioning of the Commission.

217. It was decided that the Commission, in cooperation with the Legal Liaison Office of the United Nations in Geneva, would organize an appropriate commemoration of the 50th anniversary, if possible inviting former participants of the Seminar, including those who later became members of the Commission and the International Court of Justice.

218. This commemoration could coincide with the visit to the Commission of the President of the International Court of Justice.