



United Nations

Report of the International Law Commission

Fifty-fourth session

(29 April-7 June and 22 July-16 August 2002)

General Assembly

Official Records

Fifty-seventh session

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E. International Law Seminar

1. Pursuant to General Assembly resolution 55/152, the thirty-eighth session of the International Law Seminar was held at the Palais des Nations from 21 May to 7 June 2002, 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 posts in the civil service in their country.
2. Twenty-four participants of different nationalities, mostly from developing countries, were able to take part in the session.¹ The participants in the Seminar observed plenary meetings of the Commission, attended specially arranged lectures and participated in working groups on specific topics.
3. The Seminar was opened by the Chairman of the Commission, Mr. Robert Rosenstock. Mr. Ulrich von Blumenthal, Senior Legal Officer of the United Nations Office at Geneva, was responsible for the administration, organization, and conduct of the Seminar.
4. The following lectures were given by members of the Commission:
Mr. Peter Tomka: “State responsibility”; Mr. Giorgio Gaja: “Reservations to Treaties”;
Mr. Pemmaraju S. Rao: “International liability for injurious consequences arising out of acts not

¹ The following persons participated in the thirty-eighth session of the International Law Seminar: Mr. Babafemi Akinrinade (Nigeria); Mrs. Marlene Aldred (Jamaica); Mr. Marc Araba (Benin); Mrs. Mama Aissata Bangoura (Guinea); Mr. Hee-Deok Choi (Republic of Korea); Mr. Luis Cieza Palo (Peru); Mr. Nebiyu Dagne (Ethiopia); Mrs. Anita Demeter (Hungary); Mr. Aasmund Eriksen (Norway); Mr. Sodnom Ganhuyag (Mongolia); Mr. Abdelmoneim Hassan (Sudan); Mrs. Ulrike Hiebler (Austria); Mrs. Franziska Isliker (Switzerland); Mr. Alireza Kazemi Abadi (Islamic Republic of Iran); Mr. Atip Latipulhayat (Indonesia); Mr. Ernest Makawa (Malawi); Mrs. Fernanda Millicay (Argentina); Mr. Alexander Orakhelashvili (Georgia); Mrs. Mateja Platise (Slovenia); Mrs. Maria Angela Ponce (Philippines); Mr. Ali Qazilbash (Pakistan); Mrs. Maria Sanglade Rodriguez (Venezuela); Mr. Drahoslav Stefanek (Slovakia); Mrs. Wenjuan Yin (China). A Selection Committee, under the Chairmanship of Professor Georges Abi-Saab (Honorary Professor, Graduate Institute of International Relations, Geneva), met on 4 April 2002 and selected 24 candidates out of 79 applications for participation in the Seminar.

prohibited by international law”; Mr. Victor Rodriguez Cedeño: “Unilateral acts of States”; Mr. Ian Brownlie: “The work of the International Court of Justice”; Mr. Bruno Simma: “Human Rights and the International Law Commission”; and Mr. John Dugard: “Diplomatic protection”.

5. Lectures were also given by Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations: “The International Criminal Court and other United Nations ad hoc Tribunals”; Professor Gudmundur Eiriksson, Judge, International Tribunal for the Law of the Sea and former member of the International Law Commission: “The International Tribunal for the Law of the Sea”; Mr. Stéphane Jaquemot, Senior Legal Officer, Promotion of Refugee Law Section, UNHCR: “The Protection Mandate of UNHCR”; and Mr. Arnold Pronto, Associate Legal Officer, Office of Legal Affairs: “The work of the International Law Commission”. A morning was devoted to a visit to the European Organization for Nuclear Research (CERN), at the invitation of its Legal Counsel, Ms. Eva Gröniger-Voss. The discussion focused on legal matters related to CERN.

6. The participants in the Seminar were assigned to one of three working groups for the study of the following particular topic under the guidance of Mrs. Paula Escarameia, member of the Commission and coordinator: “The Case of East Timor: Some Legal Aspects of the Road to Independence”. Each group presented its findings to the Seminar. Participants were also assigned to other working groups, whose main task was to prepare the discussions following each lecture and submit written summary reports on those lectures. A collection of the reports was compiled and distributed to the participants.

7. Participants were also given the opportunity to make use of the facilities of the United Nations Library.

8. The Republic and Canton of Geneva offered its traditional hospitality to the participants with a guided visit of the Alabama and Grand Council Rooms followed by a reception.

9. Mr. Robert Rosenstock, Chairman of the Commission, Mr. Ulrich von Blumenthal, on behalf of the United Nations Office at Geneva, and Mr. Marc Araba, 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 thirty-eighth session of the Seminar.

10. The Commission noted with particular appreciation that the Governments of Austria, Finland, the Federal Republic of Germany, Norway, Switzerland and the United Kingdom had made voluntary contributions to the United Nations Trust Fund for the International Law Seminar. The financial situation of the Fund allowed to award a sufficient number of fellowships to achieve adequate geographical distribution of participants and to bring from developing countries deserving candidates who would otherwise have been prevented from taking part in the session. This year, full fellowships (travel and subsistence allowance) were awarded to 11 candidates and partial fellowship (covering subsistence only) to 7 candidates.

11. Of the 855 participants, representing 152 nationalities, who have taken part in the Seminar since 1965, the year of its inception, 505 have received a fellowship.

12. The Commission stresses the importance it attaches to the sessions of the Seminar, which enable 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 2003 with as broad participation as possible. It should be emphasized that, as there are fewer and fewer contributions, the organizers of the Seminar have had to draw on the reserve of the Fund this year. Should this trend continue, it is to be feared that the financial situation of the Fund will no longer allow as many fellowships to be awarded.

13. The Commission noted with satisfaction that in 2002 comprehensive interpretation services were made available to the Seminar. It expresses the hope that the same services would be provided for the Seminar at the next session, despite existing financial constraints.