



## General Assembly

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INTERNATIONAL LAW COMMISSION  
Fifty-first session  
Geneva, 3 May-23 July 1999

DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION  
ON THE WORK OF ITS FIFTY-FIRST SESSION

Rapporteur: Mr. Robert Rosenstock

CHAPTER I

INTRODUCTION

1. The International Law Commission held its fifty-first session at its seat at the United Nations Office at Geneva, from 3 May to 23 July 1999.

A. Membership

2. The Commission consists of the following members:

Mr. Emmanuel Akwei Addo (Ghana)

Mr. Husain Al-Baharna (Bahrain)

Mr. Awn Al-Khasawneh (Jordan)

Mr. Joao Clemente Baena Soares (Brazil)

Mr. Ian Brownlie (United Kingdom)

Mr. Enrique J.A. Candioti (Argentina)

Mr. James Richard Crawford (Australia)

Mr. Christopher John Robert Dugard (South Africa)

Mr. Constantin P. Economides (Greece)

Mr. Nabil Elaraby (Egypt)

Mr. Mauricio Gaja (Italy)

Mr. Zdzislaw Galicki (Poland)  
Mr. Raul Ilustre Goco (Philippines)  
Mr. Gerhard Hafner (Austria)  
Mr. Qizhi He (China)  
Mr. Mauricio Herdocia Sacasa (Nicaragua)  
Mr. Jorge E. Illueca (Panama)  
Mr. Peter C.R. Kabatsi (Uganda)  
Mr. Maurice Kamto (Cameroon)  
Mr. James Lutabanzibwa Kateka (United Republic of Tanzania)  
Mr. Mochtar Kusuma-Atmadja (Indonesia)  
Mr. Igor Ivanovich Lukashuk (Russian Federation)  
Mr. Teodor Viorel Melescanu (Romania)  
Mr. Didier Opertti-Badan (Uruguay)  
Mr. Guillaume Pambou-Tchivounda (Gabon)  
Mr. Alain Pellet (France)  
Mr. Pemmaraju Sreenivasa Rao (India)  
Mr. Victor Rodríguez-Cedeño (Venezuela)  
Mr. Robert Rosenstock (United States)  
Mr. Bernardo Sepúlveda (Mexico)  
Mr. Bruno Simma (Germany)  
Mr. Doudou Thiam (Senegal)  
Mr. Peter Tomka (Slovakia)  
Mr. Chusei Yamada (Japan)

B. Officers and the Enlarged Bureau

3. At its 2565th meeting, on 3 May 1999, the Commission elected the following officers:

Chairman: Mr. Zdzislaw Galicki

First Vice-Chairman: Mr. Raul Ilustre Goco

Second Vice-Chairman: Mr. Emmanuel Akwei Addo

Chairman of the Drafting Committee: Mr. Enrique J.A. Candiotti

Rapporteur: Mr. Robert Rosenstock.

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairmen of the Commission 1/ and the Special Rapporteurs. 2/

5. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. R.I. Goco (Chairman), Mr. E.A. Addo, Mr. J.C. Baena Soares, Mr. C.P. Economides, Mr. N. Elaraby, Mr. G. Gaja, Mr. M. Herdocia Sacasa, Mr. J.E. Illueca, Mr. P.C.R. Kabatsi, Mr. M. Kamto, Mr. J.L. Kateka, Mr. M. Kusuma-Atmadja, Mr. T.V. Melescanu, Mr. G. Pambou-Tchivounda, Mr. P.S. Rao, Mr. B. Simma and Mr. R. Rosenstock (ex officio).

C. Drafting Committee

6. The Commission established a Drafting Committee, composed of the following members for the topics indicated:

Nationality in relation to the succession of States: Mr. E. Candioti (Chairman), Mr. Z. Galicki (Chairman of the Working Group), Mr. E.A. Addo, Mr. I. Brownlie, Mr. G. Hafner, Mr. M. Herdocia Sacasa, Mr. T.V. Melescanu, Mr. G. Pambou-Tchivounda and Mr. R. Rosenstock (ex officio).

State responsibility: Mr. E. Candioti (Chairman), Mr. J. Crawford (Special Rapporteur), Mr. A. Al-Khasawneh, Mr. I. Brownlie, Mr. C.J.R. Dugard, Mr. C.P. Economides, Mr. G. Gaja, Mr. G. Hafner, Mr. Q. He, Mr. M. Herdocia Sacasa, Mr. I.I. Lukashuk, Mr. G. Pambou-Tchivounda, Mr. P.S. Rao, Mr. B. Simma, Mr. C. Yamada and Mr. R. Rosenstock (ex officio).

Reservations to treaties: Mr. E. Candioti (Chairman), Mr. A. Pellet (Special Rapporteur), Mr. A. Al-Khasawneh, Mr. C.P. Economides, Mr. N. Elaraby, Mr. G. Gaja, Mr. M. Herdocia Sacasa, Mr. M. Kamto, Mr. T.V. Melescanu, Mr. B. Simma, Mr. P. Tomka and Mr. R. Rosenstock (ex officio).

7. The Drafting Committee held a total of ... meetings on the ... topics indicated above.

D. Working Groups

8. The Commission also established the following Working Groups composed of the members indicated:

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1/ Mr. A. Pellet, Mr. P.S. Rao and Mr. D. Thiam.

2/ Mr. J.R. Crawford, Mr. A. Pellet, Mr. P.S. Rao and Mr. V. Rodríguez-Cedeño.

(a) Nationality in relation to succession of States: Mr. Z. Galicki (Chairman), Mr. I. Brownlie, Mr. E. Candioti, Mr. C.P. Economides, Mr. G. Hafner, Mr. M. Herdocia Sacasa, Mr. P. Tomka and Mr. R. Rosenstock (ex officio).

(b) Jurisdictional immunities of States and their property: Mr. G. Hafner (Chairman), Mr. C. Yamada (Rapporteur), Mr. H. Al-Baharna, Mr. I. Brownlie, Mr. E. Candioti, Mr. J. Crawford, Mr. C.J.R. Dugard, Mr. N. Elaraby, Mr. G. Gaja, Mr. Q. He, Mr. M. Kamto, Mr. I.I. Lukashuk, Mr. T.V. Melescanu, Mr. P.S. Rao, Mr. B. Sepúlveda, Mr. P. Tomka and Mr. R. Rosenstock (ex officio).

(c) Unilateral acts of States: Mr. V. Rodríguez-Cedeño (Chairman, Special Rapporteur), Mr. J.C. Baena Soares, Mr. C.P. Economides, Mr. N. Elaraby, Mr. G. Hafner, Mr. Q. He, Mr. P.C. Kabatsi, Mr. I.I. Lukashuk and Mr. R. Rosenstock (ex officio).

(d) Long-Term Programme of Work: Mr. I. Brownlie (Chairman), Mr. R.I. Goco, Mr. Q. He, Mr. M. Herdocia Sacasa, Mr. A. Pellet, Mr. B. Sepúlveda, Mr. B. Simma, Mr. C. Yamada and Mr. R. Rosenstock (ex officio).

#### E. Secretariat

9. Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, opened the session and represented the Secretary-General. Mr. Václav Mikulka, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Commission and, in the absence of the Legal Counsel, represented the Secretary-General. Mr. Manuel Rama-Montaldo, Deputy Director of the Codification Division, acted as Deputy Secretary to the Commission. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, served as Senior Assistant Secretary to the Commission; Mr. George Korontzis, Legal Officer, and Mr. Renan Villacis and Mr. Arnold Pronto, Associate Legal Officers, served as Assistant Secretaries to the Commission.

#### F. Agenda

10. At its 2565th meeting, on 3 May 1999, the Commission adopted an agenda for its fifty-first session consisting of the following items:

1. Filling of casual vacancies
2. Organization of work of the session.
3. State responsibility.

4. International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities).
5. Reservations to treaties.
6. Nationality in relation to the succession of States.
7. Diplomatic protection.
8. Unilateral acts of States.
9. Jurisdictional immunities of States and their property.
10. Programme, procedures and working methods of the Commission and its documentation.
11. Cooperation with other bodies.
12. Date and place of the fifty-second session.
13. Other business.

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