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INTERIM REPORT OF THE WORKING GROUP ON THE LONG-TERM PROGRAMME OF WORK

WORKING GROUP ON THE LONG-TERM PROGRAMME OF WORK

Interim Report

1. The Working Group on the Long-Term Programme of Work was established by the Commission in 1997 in order to propose topics which may be taken up by the Commission beyond the present quinquennium. 1/ The Commission renewed the mandate of the Working Group in 1998 and 1999.

2. The Working Group was chaired by Mr. Ian Brownlie and reported to the Planning Group.

1/ The Working Group is composed of the following: Chair: Mr. I. Brownlie, and members: G. Goco, Q. He, M. Herdocia Sacasa, D. Opertti-Badan, B. Sepulveda and B. Simma. In addition the following members made contributions to the Working Group: Mr. E. Addo, C. Economides, G. Hafner, A. Pellet and C. Yamada.

3. In addition to the topics that were identified by the Working Group at the previous sessions, 2/ one more topic was introduced by a member of the Commission for the consideration of the Working Group. The topic was entitled “The right to collective security”. The Working Group, after having examined the paper that was prepared to facilitate the consideration of that topic, concluded that the proposed topic did not meet the criteria that the Commission had set forth to guide it in the selection of new topics. 3/

4. The Working Group examined the feasibility study on the topic of “The risk of fragmentation of international law”. The Working Group concluded that while the feasibility study was informative, it required further work in order to enable it to make a decision on the topic. The Working Group will reconsider the topic, at the next session, in the light of a revised feasibility study.

5. The Working Group also examined the feasibility study prepared for the topic of “Non-discrimination in international law” and concluded that the topic did not meet the criteria that the Commission had set forth to guide it in the selection of new topics.

6. With respect to the topic “The legal aspects of corruption and related practices”, the Working Group decided to review the topic in the light of a new and revised feasibility study focusing on more well defined parameters of the topic.

7. The Working Group decided to defer consideration of a feasibility study on the topic of the “Law of environment” until next year. It, however, recommended that the Commission request written comments by Governments and

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2/ The following were the topics identified by the Working Group on the Long Term Programme of Work: Legal aspects of corruption and related practices; Right of asylum; Shared natural resources; The position of the individual in international law; The law relating to the expulsion of aliens; General principles of law relating to environmental protection; Responsibility of international organizations; the International legal consequences of violations of human rights; Jurisdictional aspects of transnational organized crime; Non-discrimination in international law; the risk of the fragmentation of international law; The effect of armed conflict on treaties and Responsibility of international organizations.

3/ See Official Records of the General Assembly, Fifty-second Session, Supplement No. 10 (A/52/10), para. 238.

relevant international organizations with respect to the areas of international environmental law on which the work of the Commission might be useful.

8. The Commission also considered a feasibility study on the topic of “Expulsion of Aliens” which it had already decided to include in its long-term programme of work. The Working Group decided to revise that feasibility study for the inclusion in its final report to the Planning Group.

9. A further topic related to the status of legal persons with respect to succession of States was also brought to the attention of the Working Group. The Working Group decided that it needed a feasibility study on that subject in order to enable it to make a decision. It decided to consider the subject in the light of a feasibility study at the next session.

10. Due to the lack of time, the Working Group could not complete its work. Therefore, the Working Group recommends to the Planning Group that it should continue its work at the fifty-second session of the Commission when the Working Group will submit its final report to the Planning Group.
