



**General Assembly**

Distr.  
LIMITED

A/CN.4/L.579  
16 July 1999

Original: ENGLISH

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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 II

SUMMARY OF THE WORK OF THE COMMISSION  
AT ITS FIFTY-FIRST SESSION

1. Concerning the topic "Nationality in relation to the succession of States", the Commission had before it the Memorandum by the Secretariat. 1/ It decided to establish a Working Group to review the text adopted on first reading taking into account comments by Governments. On the basis of the report of the Chairman of the Working Group, 2/ the Commission decided to refer the draft preamble and a set of 26 draft articles on nationality of natural persons in relation to the succession of States to the Drafting Committee. Having considered the report of the Drafting Committee, the Commission adopted the draft preamble and the set of draft articles on second reading and decided to recommend to the General Assembly their adoption in the

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1/ A/CN.4/497.

2/ A/CN.4/L.572.

form of a declaration. It also decided to recommend to the General Assembly that the work of the Commission on the topic "Nationality in relation to the succession of States" be now considered concluded (chap. IV).

2. Regarding the topic "State responsibility", the Commission considered the second report of the Special Rapporteur which dealt with chapters III, IV and V of Part One of the draft articles. The Commission decided to refer the articles in chapters III, IV and V to the Drafting Committee, and subsequently took note of the report of the Drafting Committee (chap. V).

3. With respect to the topic "Reservations to treaties", the Commission continued its consideration of the third report of the Special Rapporteur concerning the definition of reservations and interpretative declarations which it had not completed at the previous session due to lack of time. The Commission adopted 20 draft guidelines pertaining to the first chapter of the Guide to practice. The Commission decided to restructure this first chapter which is divided in six sections concerning: (a) Definition of reservations (sect. 1); (b) Definition of interpretative declarations (sect. 2); (c) Distinction between reservations and interpretative declarations (sect. 3); (d) Unilateral statements other than reservations and interpretative declarations (sect. 4); (e) Unilateral statements in respect of bilateral treaties (sect. 5); and (f) Scope of definitions (sect. 6).

4. With regard to the topic "Jurisdictional immunities of States and their property", the Commission established a Working Group on the topic and entrusted it with the task of preparing preliminary comments as requested by operative paragraph 2 of General Assembly resolution 53/98. The Commission took note of the report of the Working Group and decided to annex it to the present report. It also adopted the suggestions of the Working Group contained in its report and dealing with the following five areas: (1) Concept of State for purpose of immunity; (2) Criteria for determining the commercial character of a contract or transaction; (3) Concept of a State enterprise or other entity in relation to commercial transactions; (4) Contracts of employment; and (5) Measures of constraint against State property.

5. As regards the topic "Unilateral Acts of States", the Commission examined the second report of the Special Rapporteur. The discussion centered mostly on the seven articles submitted by the Special Rapporteur dealing with the scope of the draft articles (art. 1), definition of unilateral acts

(art. 2), capacity of the State for formulating unilateral acts (art. 3), representatives of a State for formulating unilateral acts (art. 4), subsequent confirmation of a unilateral act formulated without authorization (art. 5), expression of consent (art. 6) and invalidity of unilateral acts (art. 7). The Commission agreed to take as the basic focus for its study on the topic and, as a starting point for the gathering of State practice thereon, the following concept: "A unilateral statement by a State by which such State intends to produce legal effects in its relations to one or more States or international organizations and which is notified or otherwise made known to the State or organization concerned." The Secretariat was requested to send a questionnaire to Governments inquiring about their practice and position concerning certain aspects of unilateral acts.

6. With regard to the topic "International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities)", the Commission considered the second report of the Special Rapporteur with respect to its future work on the topic. The Commission decided to defer consideration of the question of international liability, pending completion of the second reading of the draft articles on the prevention of transboundary damage from hazardous activities (chap. IX).

7. With respect to the topic of "Diplomatic protection", the Commission appointed Mr. Christopher J.R. Dugard Special Rapporteur for the topic.

8. Concerning the work programme of the Commission for the remainder of the quinquennium, the Commission took note of the report of the Planning Group in this regard and decided to update the programme set out at its forty-ninth session (chap. X, sect. A).

9. The Commission also took note of the interim report of the Working Group on the long-term programme of work and decided that the Working Group should continue its work at the next session (chap. X, sect. A).

10. In response to the request contained in paragraph 9 of General Assembly resolution 53/102, the Commission examined again the advantages and disadvantages of split sessions and endorsed the conclusions in this regard contained in the report of the Planning Group which considered this issue through a working group (chap. X, sect. A).

11. The Commission also decided, in response to the requests contained in paragraphs 10 and 12 of General Assembly resolution 53/102, to provide the

General Assembly with updated information concerning procedures aimed at improving relations of the Commission with the Sixth Committee and cooperation of the Commission with scientific institutions, individual experts, international and national organizations concerned with questions of international law (chap. X, sect. A).

12. The Commission continued traditional exchanges of information with the International Court of Justice, the Asian-African Legal Consultative Committee, the Inter-American Juridical Committee and the ad hoc Committee of Legal Advisers on Public International Law of the Council of Europe (chap. X, sect. B).

13. A training seminar was held with 24 participants, of different nationalities (chap. X, sect. E).

14. The Commission confirmed its decision that its next session be held at the United Nations Office at Geneva, in two parts, from 24 April to 2 June and from 3 July to 11 August 2000 (chap. X, sect. C).

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