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

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CHAPTER X

OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION

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3. Work programme of the Commission for the remainder of the quinquennium

1. Recalling its work programme for the quinquennium,¹ the Commission reviewed the progress achieved, with respect to each topic, during the three first years of this quinquennium. It noted that substantial progress has been made in particular on the topics of "International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities)" (completion of first reading of draft articles in 1998), "Nationality in relation to the succession of States" (completion of second reading of draft articles in 1999) and "State responsibility".

2. The Commission took note of the recommendations on updating the work plan adopted in 1997 regarding respective topics for the remainder of the quinquennium as follows:

Work programme (2000-2001)

2000:

State responsibility

Third report of the Special Rapporteur (Part II of the draft articles and remaining issues).

International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities)

Comments by Governments on the draft articles on "prevention".

Third report of the Special Rapporteur (second reading of the draft articles on "prevention").

Diplomatic protection

First report of the new Special Rapporteur.

Reservations to treaties

Fourth report (second part) of the Special Rapporteur (on formulation and withdrawal of reservations and interpretative declarations).

Fifth report (second part) (permissibility of reservations).

Unilateral acts of States

Third report of the Special Rapporteur.

¹See Official Records of the General Assembly, Fifty-second Session, Supplement No. 10 (A/52/10), paras. 220-221.

2001:

State responsibility

Fourth report of the Special Rapporteur (other outstanding issues).

Adoption of the draft articles on second reading and commentaries thereto, and of the Commission's recommendation on the draft articles.

International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities)

Fourth report of the Special Rapporteur. Conclusion of second reading of the draft articles on "prevention" and recommendation on the future of the topic "International liability".

Diplomatic protection

Second report of the Special Rapporteur.

Reservations to treaties

Sixth report (Effects of reservations and interpretative declarations).

Unilateral Acts of States

Fourth report of the Special Rapporteur.

3. The completion of the first reading of the topics "Diplomatic protection", "Unilateral Acts of States" as well as of the draft guidelines on "Reservations to treaties" will take place during the next quinquennium.

B. Cooperation with other bodies

4. The Commission was represented at the 1999 session of the Inter-American Juridical Committee by Mr. Joao Clemente Baena Soares who attended the session and addressed the Committee on behalf of the Commission. The Inter-American Committee was represented at the present session of the Commission by Ambassador Luis Marchand Stens. Mr. Stens addressed the Commission at its 2573rd meeting on 18 May 1999 and his statement is recorded in the summary record of that meeting.

5. The Commission was represented at the 1999 session of the Asian-African Legal Consultative Committee, in Accra, by Mr. Chusei Yamada who attended the session and addressed the Committee on behalf of the Commission. The Asian-African Legal Consultative Committee was represented at the present session of the Commission by the Secretary-General of the Committee, Mr. Tang Chengyuan. Mr. Tang addressed the Commission at its 2576th meeting on 25 May 1999 and his statement is recorded in the summary record of that meeting.

6. The Commission was represented at the March session of the Committee of Legal Advisers on Public International Law (CAHDI) of the Council of Europe by Mr. Pellet who attended the session and addressed the Committee. The European Committee on Legal Cooperation and the Committee on Legal Advisers on Public International Law were represented at the present session of the Commission by Mr. Rafael Benitez. Mr. Benitez addressed the Commission at its 2604th meeting on 16 July 1999 and his statement is recorded in the summary record of that meeting.

7. At its 2585th meeting on 10 June 1999, Judge Stephen Schwebel, President of the International Court of Justice addressed the Commission and informed it of the Court's recent activities and of the cases currently before it. An exchange of views followed. The Commission finds it very useful and rewarding to continue this ongoing exchange with the Court.

8. On 7 July 1999, an informal exchange of views on various aspects of international humanitarian law was held between members of the Commission and members of the legal services of the International Committee of the Red Cross.

C. Date and place of the fifty-second session

9. The Commission agreed that its next session be split in accordance with its decision taken at the fiftieth session. The split session would be held in the United Nations Office at Geneva from 24 April to 2 June and from 3 July to 11 August 2000.

D. Representation at the fifty-fourth session of the General Assembly

10. The Commission decided that it should be represented at the fifty-fourth session of the General Assembly by its Chairman, Mr. Zdzislaw Galicki.

11. Moreover, at its ... meeting on .. July 1999, the Commission requested Mr. on to attend the fifty-fourth session under the terms of paragraph 5 of General Assembly resolution 44/35.

E. International Law Seminar

12. Pursuant to General Assembly resolution 53/102, the thirty-fifth session of the International Law Seminar was held at the Palais des Nations from 14 June to 2 July 1999, 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.

13. Twenty-three participants of different nationalities, mostly from developing countries, were able to take part in the session.² The participants in the Seminar observed plenary meetings of the Commission, attended specially arranged lectures, and participated in working groups on specific topics.

14. The Seminar was opened by the Commission's Chairman, Mr. Zdzislaw Galicki. Mr. Ulrich von Blumenthal, Senior Legal Officer of the United Nations Office at Geneva, was responsible for the administration and organization of the Seminar.

15. The following lectures were given by members of the Commission:

Mr. Victor Rodriguez-Cedeño: "Unilateral Acts of States";

Mr. Christopher Dugard: "Humanitarian Intervention"; Mr. Pemmaraju S. Rao: "International liability for injurious consequences arising out of acts not prohibited by international law"; Mr. Constantin Economides: "The obligation of peaceful settlement of international disputes under the UN Charter";

Mr. Emmanuel Addo: "Compatibility of reservations with the object and purpose of Multilateral Treaties"; Mr. Guillaume Pambou-Tchivounda: "Diplomatic Protection"; Mr. James Crawford: "State responsibility"; and

Mr. Gerhard Hafner: "The International Criminal Court".

16. Lectures were also given by Mr. Vaclav Mikulka, Director, Codification Division, Office of Legal Affairs and Secretary to the International Law Commission: "The Work of the ILC"; Mr. Stéphane Jeannet, Legal Officer,

²The following persons participated in the thirty-fifth session of the International Law Seminar: Mrs. Claudia Adeoussi (Benin); Mrs. Ieva Bilmane (Latvia); Mrs. Gabriela Carrillo Fraga (Ecuador); Mrs. Polo Chabane (Lesotho); Mr. Warren Chik (Singapore); Mr. Alfredo Garcia Rosas (Mexico); Mr. Kokou Kpayedo (Togo); Mrs. Tarja Langström (Finland); Mr. Yonesheng Li (China); Mr. Baraka Luvanda (Tanzania); Mrs. Ikram Mohammed (Ethiopia); Mr. François-Xavier Ndougou Ndjoum (Cameroon); Mr. Mani Ram Ojha (Nepal); Mrs. Tatiana Pirvu (Moldova); Mr. Razvan Rotundu (Romania); Mr. Przemyslaw Saganek (Poland); Mrs. Lola Saidova (Uzbekistan); Mrs. Elizabeth Salmon (Peru); Mr. Tigran Samvelian (Armenia); Mr. Almami Taal (Gambia); Mr. N. Johnson Udombana (Nigeria); Mr. Santiago Urios Moliner (Spain); Mrs. Gudrun Zagel (Austria). One additional selected candidate (from Democratic People's Republic of Korea) did not attend. A Selection Committee, under the Chairmanship of Professor Nguyen-Huu Tru (Honorary Professor, Graduate Institute of International Relations, Geneva), met on 14 April 1999 and selected 24 candidates out of 74 applications for participation in the Seminar.

International Committee of the Red Cross: "International Humanitarian Law and the Work of the ICRC"; Mr. Zdzislaw Kedzia, Office of the United Nations High Commissioner for Human Rights: "UNHCHR, Mandate, Activities, Tendencies"; and Judge Mayer Gabay, First Vice-President, United Nations Administrative Tribunal: "Internal justice at the UN".

17. Seminar participants were assigned to working groups whose main task consisted of preparing the discussions following each conference and of submitting written summary reports on each lecture. A collection of the reports was compiled and distributed to the participants.

18. Participants were also given the opportunity to make use of the facilities of the United Nations Library and of the UNHCR Visitors' Centre, and to visit the Museum of the ICRC.

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

20. Mr. Zdzislaw Galicki, Chairman of the Commission, Mr. Ulrich von Blumenthal, on behalf of the United Nations Office at Geneva, and Mr. Almami Taal, on behalf of the participants, addressed the Commission and the participants at the closing of the Seminar. Each participant was presented with a certificate attesting to his or her participation in the thirty-fifth session of the Seminar.

21. The Commission noted with particular appreciation that the Governments of Austria, Finland, Hungary, and Switzerland 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 12 candidates and partial fellowship (subsistence or travel only) to 8 candidates.

22. Of the 783 participants, representing 146 nationalities, who have taken part in the Seminar since 1965, the year of its inception, 443 have received a fellowship.

23. The Commission stresses the importance it attaches to the sessions of the Seminar, which enables young lawyers, especially those 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 2000 with as broad a participation as possible. It has to be emphasized that, due to the increasingly limited number of contributors, the organizers of the Seminar had to draw on the reserve of the Fund this year. Should this situation continue, it is to be feared that the financial situation of the Fund will not allow the same amount of fellowships to be awarded in the future.

24. The Commission noted with satisfaction that in 1999 comprehensive interpretation services were made available to the Seminar. It expresses the hope that the same services will be provided for the Seminar at the next session, despite existing financial constraints.

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