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

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CHAPTER II

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

1. As regards the topic “Shared Natural Resources”, the Commission considered the Third Report of the Special Rapporteur (A/CN.4/551 and Corr.1 and Add.1), which contained a complete set of 25 draft articles on the law of transboundary aquifers. The Commission also established a Working Group on Transboundary Groundwaters chaired by Mr. Enrique Candioti to review the draft articles presented by the Special Rapporteur taking into account the debate in the Commission on the topic. The Working Group had the benefit of advice and briefings from experts on groundwaters from UNESCO and the International Association of Hydrogeologists (IAH). It also held an informal briefing by the Franco-Swiss Geneva Aquifer Authority (Chap. IV).
2. Concerning the topic “Effects of armed conflicts on treaties”, the Commission considered the first report of the Special Rapporteur on the topic (A/CN.4/552), presenting an overview of

the issues involved in the topic together with a set of 14 draft articles in order to assist the Commission and Governments with commenting, including providing State practice. The Commission endorsed the Special Rapporteur's suggestion that a written request for information be circulated to member Governments (Chap. V).

3. As regards the topic "Responsibility of international organizations", the Commission considered the Special Rapporteur's third report (A/CN.4/553), proposing nine draft articles dealing with the existence of a breach of an international obligation by an international organization and the responsibility of an international organization in connection with the act of a State or another international organization. The Commission considered the third report and adopted nine draft articles as recommended by the Drafting Committee (Chap. VI, sect. C).

4. As regards the topic "Diplomatic protection", the Commission considered the Special Rapporteur's sixth report (A/CN.4/547) dealing with clean hand doctrine (Chap. VII).

5. As regards the topic "Expulsion of aliens", the Commission considered the Special Rapporteur's preliminary report on the topic (A/CN.4/554), presenting an overview of some of the issues involved and a possible outline for further consideration of the topic (Chap. VIII).

6. With regard to the topic "Unilateral acts of States" the Commission considered the eighth report of the Special Rapporteur (A/CN.4/557) which contained the analysis of 11 cases of State practice and the conclusions thereof. A Working Group on Unilateral Acts was reconstituted and its work focused on the study of State practice and on the elaboration of preliminary conclusions on the topic which the Commission should consider at its next session (Chap. IX).

7. Concerning the topic "Reservations to Treaties", the Commission considered the Special Rapporteur's tenth report (A/CN.4/558 and Add.1) and referred seven draft guidelines dealing with validity of reservations and the definition of object and purpose of the treaty to the Drafting Committee. The Commission also adopted two draft guidelines dealing with the definition of objections to reservations and the definition of objection to the late formulation or widening of the scope of a reservation (Chap. X, sect. C).

8. In relation to the topic “Fragmentation of international law: difficulties arising from the diversification and expansion of international law”, the Commission held an exchange of views on the topic on the basis of a briefing by the Chairman of the Study Group on the status of work of the Study Group. The Study Group considered the memorandum on regionalism in the context of the Study on the “Function and Scope of the *lex specialis* rule and the question of ‘self-contained regimes’”; the Study on the Interpretation of Treaties in the light of “any relevant rules of international law applicable in relations between parties” (article 31 (3) (c) of the Vienna Convention on the Law of Treaties); as well as preliminary reports on the Study on Hierarchy in International Law: *jus cogens*, obligations *erga omnes*, Article 103 of the Charter of the United Nations, as conflict rules and on the Study concerning the modification of multilateral treaties between certain of the parties only (article 41 of the Vienna Convention on the Law of Treaties) (Chap. XI).

9. The Commission set up a Planning Group to consider its programme, procedures and working methods (Chap. XII, sect. A). The Commission decided to include in its current programme of work one new topic, namely “obligation to extradite or prosecute (*aut dedere aut judicare*)” ...

10. The Commission continued traditional exchanges of information with the International Court of Justice, the Inter-American Juridical Committee, the Asian-African Legal Consultative Organization and the European Committee on Legal Cooperation and the Committee of Legal Advisers on Public International Law (Chap. XII, sect. C).

11. A training seminar was held with 24 participants of different nationalities (Chap. XII, sect. E).

12. The Commission decided that its next session be held at the United Nations Office in Geneva in two parts, from 1 May to 9 June and 3 July to 11 August 2006 (Chap. XII, sect. B).
