

DOCUMENT A/55/10*

**Report of the International Law Commission on the work of its fifty-second session
(1 May–9 June and 10 July–18 August 2000)**

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ABBREVIATIONS

ASEAN	Association of South-East Asian Nations
GATT	General Agreement on Tariffs and Trade
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICSID	International Centre for Settlement of Investment Disputes
ILA	International Law Association
ILO	International Labour Organization
IMO	International Maritime Organization
ITU	International Telecommunication Union
OECD	Organisation for Economic Co-operation and Development
PCIJ	Permanent Court of International Justice
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
WTO	World Trade Organization

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AJIL	<i>American Journal of International Law</i>
<i>I.C.J. Reports</i>	ICJ, <i>Reports of Judgments, Advisory Opinions and Orders</i>
ILM	<i>International Legal Materials</i> (Washington, D.C.)
<i>P.C.I.J., Series A</i>	PCIJ, <i>Collection of Judgments</i> (Nos. 1-24: up to and including 1930)
<i>P.C.I.J., Series A/B</i>	PCIJ, <i>Judgments, Orders and Advisory Opinions</i> (Nos. 40-80: beginning in 1931)
RGDIP	<i>Revue générale de droit international public</i>
UNRIAA	United Nations, <i>Reports of International Arbitral Awards</i>

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In the present volume, the “International Tribunal for the Former Yugoslavia” refers to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

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NOTE CONCERNING QUOTATIONS

In quotations, words or passages in italics followed by an asterisk were not italicized in the original text.

Unless otherwise indicated, quotations from works in languages other than English have been translated by the Secretariat.

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The Internet address of the International Law Commission is: www.un.org/law/ilc/index.htm.

MULTILATERAL INSTRUMENTS CITED IN THE PRESENT VOLUME

Source

PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

- Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts (Porter Convention) (The Hague, 18 October 1907) J. B. Scott, ed., *The Hague Conventions and Declarations of 1899 and 1907*, 3rd edition (New York, Oxford University Press, 1918), p. 89.
- General Act of Arbitration (Pacific Settlement of International Disputes) (Geneva, 26 September 1928) League of Nations, *Treaty Series*, vol. XCIII, No. 2123, p. 343.
- Revised General Act for the Pacific Settlement of International Disputes (Lake Success, New York, 28 April 1949) United Nations, *Treaty Series*, vol. 71, No. 912, p. 101.
- European Convention for the Peaceful Settlement of Disputes (Strasbourg, 29 April 1957) *Ibid.*, vol. 320, No. 4646, p. 243.

PRIVILEGES AND IMMUNITIES, DIPLOMATIC AND CONSULAR RELATIONS

- Vienna Convention on Diplomatic Relations (Vienna, 18 April 1961) *Ibid.*, vol. 500, No. 7310, p. 95.
- Vienna Convention on Consular Relations (Vienna, 24 April 1963) *Ibid.*, vol. 596, No. 8638, p. 261.
- Convention on Special Missions (New York, 8 December 1969) *Ibid.*, vol. 1400, No. 23431, p. 231.
- European Convention on State Immunity (Basel, 16 May 1972) *Ibid.*, vol. 1495, No. 25699, p. 181.

HUMAN RIGHTS

- Convention on the Prevention and Punishment of the Crime of Genocide (New York, 9 December 1948) *Ibid.*, vol. 78, No. 1021, p. 277.
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (Rome, 4 November 1950) *Ibid.*, vol. 213, No. 2889, p. 221.
- Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (Strasbourg, 16 September 1963), as amended by Protocol No. 11 Council of Europe, *European Treaty Series*, No. 46.
- Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby (Strasbourg, 11 May 1994) *Ibid.*, No. 155.
- European Social Charter (Turin, 18 October 1961) *Ibid.*, No. 35.
- European Social Charter (revised) (Strasbourg, 3 May 1996) *Ibid.*, No. 163.
- International Covenant on Economic, Social and Cultural Rights (New York, 16 December 1966) United Nations, *Treaty Series*, vol. 993, No. 14531, p. 3.
- International Covenant on Civil and Political Rights (New York, 16 December 1966) *Ibid.*, vol. 999, No. 14668, p. 171.
- European Convention on the Adoption of Children (Strasbourg, 24 April 1967) *Ibid.*, vol. 634, No. 9067, p. 255.
- American Convention on Human Rights: "Pact of San José, Costa Rica" (San José, 22 November 1969) *Ibid.*, vol. 1144, No. 17955, p. 123.

Source

European Convention on the Legal Status of Children Born out of Wedlock (Strasbourg, 15 October 1975)	Ibid., vol. 1138, No. 17868, p. 303.
African Charter on Human and Peoples' Rights (Nairobi, 27 June 1981)	Ibid., vol. 1520, No. 26363, p. 217.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (New York, 18 December 1990)	<i>Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49 A (A/45/49)</i> , resolution 45/158, annex.
European Charter for Regional or Minority Languages (Strasbourg, 5 November 1992)	Council of Europe, <i>European Treaty Series</i> , No. 148.
REFUGEES AND STATELESS PERSONS	
Convention regarding the Status of Aliens in the respective Territories of the Contracting Parties (Havana, 20 February 1928)	League of Nations, <i>Treaty Series</i> , vol. CXXXII, No. 3045, p. 301.
Convention on Certain Questions relating to the Conflict of Nationality Laws (The Hague, 12 April 1930)	Ibid., vol. CLXXIX, No. 4137, p. 89.
Convention relating to the Status of Refugees (Geneva, 28 July 1951)	United Nations, <i>Treaty Series</i> , vol. 189, No. 2545, p. 137.
Convention on the Reduction of Statelessness (New York, 30 August 1961)	Ibid., vol. 989, No. 14458, p. 175.
Convention on Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (Strasbourg, 6 May 1963)	Ibid., vol. 634, No. 9065, p. 221.
European Convention on Nationality (Strasbourg, 6 November 1997)	Council of Europe, <i>European Treaty Series</i> , No. 166.
PRIVATE INTERNATIONAL LAW	
Convention relating to the settlement of conflicts between the law of nationality and the law of domicile (The Hague, 15 June 1955)	Hague Conference on Private International Law, <i>Collection of Conventions (1951-1996)</i> , p. 24.
Convention concerning the recognition of the legal personality of foreign companies, associations and institutions (The Hague, 1 June 1956)	Ibid., p. 28.
Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (The Hague, 5 October 1961)	United Nations, <i>Treaty Series</i> , vol. 527, No. 7625, p. 189.
Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (The Hague, 15 November 1965)	Ibid., vol. 658, No. 9432, p. 163.
Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (The Hague, 18 March 1970)	Ibid., vol. 847, No. 12140, p. 231.
Convention on the Recognition of Divorces and Legal Separations (The Hague, 1 June 1970)	Ibid., vol. 978, No. 14236, p. 393.
Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters (The Hague, 1 February 1971)	Ibid., vol. 1144, No. 17957, p. 249.
Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations (The Hague, 2 October 1973)	Ibid., vol. 1021, No. 15001, p. 209.
Convention concerning the International Administration of the Estates of Deceased Persons (The Hague, 2 October 1973)	Hague Conference on Private International Law, <i>Collection of Conventions (1951-1996)</i> , p. 170.

Source

Convention on Celebration and Recognition of the Validity of Marriages (The Hague, 14 March 1978)	Ibid., p. 242.
Convention on the Law Applicable to Succession to the Estates of Deceased Persons (The Hague, 1 August 1989)	Ibid., p. 340.
Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (The Hague, 29 May 1993)	Ibid., p. 356.
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (The Hague, 19 October 1996)	Ibid., p. 378.
Convention on the International Protection of Adults (The Hague, 13 January 2000)	<i>International Legal Material</i> (Washington, D.C.), vol. 39, No. 1 (January 2000), p. 7.
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES	
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988)	<i>Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November–20 December 1988</i> , vol. I (United Nations publication, Sales No. E.94.XI.5), E/CONF.82/15, p. 181.
INTERNATIONAL TRADE AND DEVELOPMENT	
General Agreement on Tariffs and Trade (Geneva, 30 October 1947)	United Nations, <i>Treaty Series</i> , vol. 55, No. 814, p. 187.
Convention on the Limitation Period in the International Sale of Goods (New York, 14 June 1974)	Ibid., vol. 1511, No. 26119, p. 3.
ASEAN Framework Agreement on Services (Bangkok, 15 December 1995)	<i>International Legal Materials</i> , (Washington, D.C.), vol. 35, No. 4 (July 1996), p. 1072.
INTERNATIONAL LABOUR ORGANIZATION	
Convention (No. 63) concerning Statistics of Wages and Hours of Work in the Principal Mining and Manufacturing Industries, including Building and Construction, and in Agriculture (Geneva, 20 June 1938)	United Nations, <i>Treaty Series</i> , vol. 40, No. 638, p. 255.
Convention (No. 96) concerning Fee-Charging Employment Agencies (revised 1949) (Geneva, 1 July 1949)	Ibid., vol. 96, No. 1340, p. 237.
Convention (No. 102) concerning Minimum Standards of Social Security (Geneva, 28 June 1952)	Ibid., vol. 210, No. 2838, p. 131.
Convention (No. 118) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (Geneva, 28 June 1962)	Ibid., vol. 494, No. 7238, p. 271.
MISCELLANEOUS PENAL MATTERS	
Convention on Extradition (Montevideo, 26 December 1933)	League of Nations, <i>Treaty Series</i> , vol. CLXV, No. 3803, p. 45.
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973)	United Nations, <i>Treaty Series</i> , vol. 1035, No. 15410, p. 167.

Source

Inter-American Convention against Corruption (Caracas, 29 March 1996)	E/1996/99.
Rome Statute of the International Criminal Court (Rome, 17 July 1998)	A/CONF.183/9.
LAW OF THE SEA	
United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982)	<i>The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea</i> (United Nations publication, Sales No. E.97.V.10).
Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (New York, 4 August 1995)	<i>International Fisheries Instruments with Index</i> (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.
LAW APPLICABLE IN ARMED CONFLICT	
Treaty of Peace between the Allied and Associated Powers and Germany (Treaty of Versailles) (Versailles, 28 June 1919)	<i>British and Foreign State Papers, 1919</i> , vol. CXII (London, H. M. Stationery Office, 1922), p. 1.
Geneva Conventions for the protection of war victims (Geneva, 12 August 1949)	United Nations, <i>Treaty Series</i> , vol. 75, No. 970–973, pp. 31 et seq.
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	<i>Ibid.</i> , No. 970, p. 31.
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	<i>Ibid.</i> , No. 971, p. 85.
Geneva Convention relative to the Treatment of Prisoners of War	<i>Ibid.</i> , No. 972, p. 135.
Geneva Convention relative to the Protection of Civilian Persons in Time of War	<i>Ibid.</i> , No. 973, p. 287.
Treaty of Peace with Japan (San Francisco Peace Treaty) (San Francisco, 8 September 1951)	<i>Ibid.</i> , vol. 136, No. 1832, p. 45.
State Treaty for the Re-establishment of an Independent and Democratic Austria (Vienna, 15 May 1955)	<i>Ibid.</i> , vol. 217, No. 2949, p. 223.
LAW OF TREATIES	
Vienna Convention on the Law of Treaties (Vienna, 23 May 1969)	<i>Ibid.</i> , vol. 1155, No. 18232, p. 331.
Vienna Convention on Succession of States in Respect of Treaties (Vienna, 23 August 1978)	<i>Official Records of the United Nations Conference on Succession of States in Respect of Treaties, Vienna, 4 April–6 May 1977 and 31 July–23 August 1978</i> , vol. III (United Nations publication, Sales No. E.79.V.10), p. 185.

Source

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 21 March 1986)	A/CONF.129/15.
LIABILITY	
Convention on International Liability for Damage Caused by Space Objects (London, Moscow, Washington, 29 March 1972)	United Nations, <i>Treaty Series</i> , vol. 961, No. 13810, p. 187.
Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano, 21 June 1993)	Council of Europe, <i>European Treaty Series</i> , No. 150.
ENVIRONMENT AND NATURAL RESOURCES	
Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, D.C., 3 March 1973)	United Nations <i>Treaty Series</i> , vol. 993, No. 14537, p. 243.
International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Convention) (London, 2 November 1973) as modified by its Protocol of 1978	<i>Ibid.</i> , vol. 1340, No. 22484, p. 61.
Vienna Convention for the Protection of the Ozone Layer (Vienna, 22 March 1985)	<i>Ibid.</i> , vol. 1513, No. 26164, p. 293.
Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal, 16 September 1987)	<i>Ibid.</i> , vol. 1522, No. 26369, p. 3.
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel, 22 March 1989)	<i>Ibid.</i> , vol. 1673, No. 28911, p. 57.
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 17 March 1992)	<i>International Legal Materials</i> (Washington, D.C.), vol. 31, No. 6 (November 1992), p. 1313; see also E/ECE/1267.
Convention on the Transboundary Effects of Industrial Accidents (Helsinki, 17 March 1992)	<i>Ibid.</i> , p. 1333; see also E/ECE/1268.
United Nations Framework Convention on Climate Change (New York, 9 May 1992)	United Nations, <i>Treaty Series</i> , vol. 1771, No. 30822, p. 165.
Convention on Biological Diversity (Rio de Janeiro, 5 June 1992)	<i>Ibid.</i> , <i>Juridical Yearbook 1992</i> (Sales No. E.97.V.8), p. 359.
Convention for the Conservation of Southern Bluefin Tuna (Canberra, 10 May 1993)	United Nations, <i>Treaty Series</i> , vol. 1819, No. 31155, p. 359.
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (Paris, 14 October 1994)	<i>Ibid.</i> , vol. 1954, No. 33480, p. 3.
Convention on the Law of the Non-navigational Uses of International Watercourses (New York, 21 May 1997)	<i>Official Records of the General Assembly, Fifty-first session, Supplement No. 49, (A/51/49 (Vol.III)), resolution 51/229, annex.</i>
MISCELLANEOUS	
Articles of Agreement of the International Monetary Fund (Washington, 27 December 1945)	United Nations, <i>Treaty Series</i> , vol. 2, No. 20, p. 39.
Articles of Agreement of the International Monetary Fund (Washington, 27 December 1945), as amended in 1969 and 1978	International Monetary Fund publication (1988), Washington, D.C.

Source

Treaty establishing the European Community (Rome, 25 March 1957) as amended by the Treaty on European Union	European Union, <i>Selected instruments taken from the Treaties</i> , book I, vol. I (Luxembourg, Office for Official Publications of the European Communities, 1995), p. 101.
European Code of Social Security (Strasbourg, 16 April 1964)	Council of Europe, <i>European Treaty Series</i> , No. 48.
European Convention on Social Security (Paris, 14 December 1972)	United Nations, <i>Treaty Series</i> , vol. 1710, No. 29575, p. 2.
Treaty on European Union (Maastricht Treaty) (Maastricht, 7 February 1992)	<i>Ibid.</i> , vol. 1757, No. 30615, p. 3.
Marrakesh Agreement Establishing the World Trade Organization (Marrakesh, 15 April 1994)	<i>Ibid.</i> , vol. 1867, No. 31874, p. 3.
Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (Amsterdam, 2 October 1997)	<i>Official Journal of the European Communities</i> , No. C 340, vol. 40 (10 November 1997), p. 1.
Consolidated version of the Treaty on European Union (Amsterdam, 2 October 1997)	<i>Ibid.</i> , p. 145.
Consolidated version of the Treaty establishing the European Community (Amsterdam, 2 October 1997)	<i>Ibid.</i> , p. 173.

