
Summary of contents

<i>Chapter</i>	<i>Page</i>
I. Introduction	1
II. Summary of the work of the Commission at its sixty-ninth session	5
III. Specific issues on which comments would be of particular interest to the Commission	7
IV. Crimes against humanity	9
V. Provisional application of treaties	128
VI. Protection of the atmosphere	147
VII. Immunity of State officials from foreign criminal jurisdiction	163
VIII. Peremptory norms of general international law (<i>jus cogens</i>)	192
IX. Succession of States in respect of State responsibility	203
X. Protection of the environment in relation to armed conflicts	211
XI. Other decisions and conclusions of the Commission	213

Contents

<i>Chapter</i>	<i>Page</i>
I. Introduction	1
A. Membership	1
B. Officers and the Enlarged Bureau	2
C. Drafting Committee	2
D. Working Groups	3
E. Secretariat	4
F. Agenda	4
II. Summary of the work of the Commission at its sixty-ninth session	5
III. Specific issues on which comments would be of particular interest to the Commission	7
A. Immunity of State officials from foreign criminal jurisdiction	7
B. Succession of States in respect of State responsibility	7
C. New topics	7
IV. Crimes against humanity	9
A. Introduction	9
B. Consideration of the topic at the present session	9
C. Text of the draft articles on crimes against humanity adopted by the Commission on first reading	10
1. Text of the draft articles	10
2. Text of the draft articles and commentaries thereto	21
General commentary	21
Preamble	22
Commentary	23
Article 1 Scope	24
Commentary	24
Article 2 General obligation	25
Commentary	25
Article 3 Definition of crimes against humanity	28
Commentary	29
Article 4 Obligation of prevention	45
Commentary	45
Article 5 <i>Non-refoulement</i>	55
Commentary	55
Article 6 Criminalization under national law	59
Commentary	60
Article 7 Establishment of national jurisdiction	76
Commentary	77
Article 8 Investigation	79
Commentary	80

Article 9	Preliminary measures when an alleged offender is present	81
	Commentary	82
Article 10	<i>Aut dedere aut judicare</i>	83
	Commentary	83
Article 11	Fair treatment of the alleged offender.....	88
	Commentary	89
Article 12	Victims, witnesses and others.....	92
	Commentary	92
Article 13	Extradition	98
	Commentary	99
Article 14	Mutual legal assistance	109
	Commentary	110
Article 15	Settlement of disputes.....	116
	Commentary	116
Annex	118
	Commentary	121
V.	Provisional application of treaties	128
A.	Introduction	128
B.	Consideration of the topic at the present session	128
C.	Text of the draft guidelines on provisional application of treaties provisionally adopted so far by the Commission.....	129
1.	Text of the draft guidelines	129
2.	Text of the draft guidelines and commentaries thereto provisionally adopted by the Commission at its sixty-ninth session.....	130
	General commentary	130
Guideline 1	Scope	132
	Commentary	132
Guideline 2	Purpose	133
	Commentary	133
Guideline 3	General rule	133
	Commentary	133
Guideline 4	Form of agreement.....	136
	Commentary	136
Guideline 5	Commencement of provisional application	138
	Commentary	138
Guideline 6	Legal effects of provisional application.....	139
	Commentary	139
Guideline 7	Responsibility for breach.....	140
	Commentary	140

	Guideline 8 Termination upon notification of intention not to become a party.....	141
	Commentary	141
	Guideline 9 Internal law of States or rules of international organizations and observance of provisionally applied treaties	143
	Commentary	143
	Guideline 10 Provisions of internal law of States or rules of international organizations regarding competence to agree on the provisional application of treaties	144
	Commentary	145
	Guideline 11 Agreement to provisional application with limitations deriving from internal law of States or rules of international organizations	145
	Commentary	146
VI.	Protection of the atmosphere.....	147
	A. Introduction	147
	B. Consideration of the topic at the present session	147
	C. Text of the draft guidelines on the protection of the atmosphere, together with preambular paragraphs, provisionally adopted so far by the Commission	148
	1. Text of the draft guidelines, together with preambular paragraphs	148
	2. Text of the draft guideline, together with preambular paragraphs, and commentaries thereto provisionally adopted by the Commission at its sixty-ninth session.....	151
	Preamble.....	151
	Commentary	151
	Guideline 9 Interrelationship among relevant rules.....	155
	Commentary	155
VII.	Immunity of State officials from foreign criminal jurisdiction	163
	A. Introduction	163
	B. Consideration of the topic at the present session	163
	1. Introduction by the Special Rapporteur of the fifth report	165
	2. Summary of the debate.....	167
	(a) General comments.....	167
	(b) Specific comments on draft article 7.....	171
	(c) Future work.....	173
	3. Concluding remarks of the Special Rapporteur.....	173
	C. Text of the draft articles on immunity of State officials from foreign criminal jurisdiction provisionally adopted so far by the Commission.....	175
	1. Text of the draft articles	175
	2. Text of the draft article, with commentary thereto, provisionally adopted by the Commission at its sixty-ninth session.....	177
VIII.	Peremptory norms of general international law (<i>jus cogens</i>)	192
	A. Introduction	192
	B. Consideration of the topic at the present session	192
	1. Introduction by the Special Rapporteur of the second report	194

2.	Summary of the debate.....	195
(a)	General comments.....	195
(b)	Specific comments on the draft conclusions	198
3.	Concluding remarks of the Special Rapporteur.....	200
IX.	Succession of States in respect of State responsibility	203
A.	Introduction	203
B.	Consideration of the topic at the present session	203
1.	Introduction by the Special Rapporteur of the first report.....	203
2.	Summary of the debate.....	206
(a)	General comments.....	206
(b)	Specific comments	208
(c)	Final form.....	209
(d)	Future programme of work	209
3.	Concluding remarks of the Special Rapporteur.....	210
X.	Protection of the environment in relation to armed conflicts	211
A.	Introduction	211
B.	Consideration of the topic at the present session	211
XI.	Other decisions and conclusions of the Commission	213
A.	Succession of States in respect of State responsibility.....	213
B.	Programme, procedures and working methods of the Commission and its documentation	213
1.	Working Group on the Long-term Programme of Work.....	213
2.	Work programme of the Commission for the remainder of the quinquennium.....	213
(a)	Immunity of State officials from foreign criminal jurisdiction	214
(b)	Subsequent agreements and subsequent practice in relation to the interpretation of treaties	214
(c)	Provisional application of treaties	214
(d)	Identification of customary international law	214
(e)	Protection of the environment in relation to armed conflicts	214
(f)	Protection of the atmosphere.....	215
(g)	Crimes against humanity.....	215
(h)	Peremptory norms of general international law (<i>jus cogens</i>).....	215
(i)	Succession of States in respect of State responsibility	215
3.	Consideration of General Assembly resolution 71/148 of 13 December 2016 on the rule of law at the national and international levels	216
4.	Seventieth anniversary session of the International Law Commission	217
5.	Honoraria.....	218
6.	Working Group on methods of work of the Commission	218
7.	Documentation and publications	218
8.	<i>Yearbook of the International Law Commission</i>	219
9.	Assistance of the Codification Division	220

10. Websites	220
11. United Nations Audiovisual Library of International Law.....	220
C. Date and place of the seventieth session of the Commission.....	220
D. Cooperation with other bodies	220
E. Representation at the seventy-second session of the General Assembly	221
F. International Law Seminar.....	221
Annexes	
A. General principles of law	224
B. Evidence before international courts and tribunals	242