

Chapter II

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

14. With regard to the topic “Responsibility of international organizations”, the Commission considered the first report of the Special Rapporteur (A/CN.4/532) dealing with the scope of the work and general principles concerning responsibility of international organizations. The report proposed three draft articles which were considered by the Commission and were referred to the Drafting Committee. The Commission adopted articles 1 to 3 as recommended by the Drafting Committee together with its commentaries (see chapter IV).

15. As regards the topic “Diplomatic protection”, the Commission considered the fourth report of the Special Rapporteur (A/CN.4/530 and Add.1), covering draft articles 17 to 22 on the diplomatic protection of corporations and shareholders and of other legal persons. The Commission considered and referred draft articles 17 to 22 to the Drafting Committee. It further adopted draft articles 8 [10], 9 [11] and 10 [14], with commentaries, on the recommendation of the Drafting Committee (see chapter V).

16. Concerning the topic “International liability for injurious consequences arising out of acts not prohibited by international law” (international liability in case of loss from transboundary harm arising out of hazardous activities), the Commission considered the first report of the Special Rapporteur (A/CN.4/531), concerning the legal regime for the allocation of loss in case of transboundary harm arising out of hazardous activities. The report reviewed the work of the Commission in the previous years, analysed the liability regimes of various instruments and offered conclusions for the consideration of the Commission. The Commission established a working group to assist the Special Rapporteur in considering the future orientation of the topic in the light of his report and the debate in the Commission (see chapter VI).

17. As regards the topic “Unilateral acts of States”, the Commission considered the sixth report of the Special Rapporteur (A/CN.4/534), which focused on the unilateral act of recognition. The Commission also adopted the recommendations of the Working Group dealing with the definition of the scope of the topic and the method of work (see chapter VII).

18. Concerning the topic “Reservations to treaties”, the Commission adopted 11 draft guidelines (with three model clauses) dealing with withdrawal and modification of reservations. The Commission also considered the eighth report of the Special Rapporteur (A/CN.4/535 and Add.1) and referred five draft guidelines dealing with

withdrawal and modification of reservations and interpretative declarations to the Drafting Committee (see chapter VIII).

19. With regard to the topic “Shared natural resources”, the Commission considered the first report of the Special Rapporteur (A/CN.4/533 and Add.1). The report, which was of a preliminary nature, set out the background to the subject and proposed to limit the scope of the topic to the study of confined transboundary groundwaters, oil and gas, with work to proceed initially on the study of confined transboundary groundwaters (see chapter IX).

20. In relation to the topic “Fragmentation of international law: difficulties arising from the diversification and expansion of international law”, the Study Group of the Commission established a schedule of work for the remaining part of the present quinquennium (2003–2006); agreed upon the distribution among its members of the preparation of the studies endorsed by the Commission in 2002;⁵ decided upon the methodology to be adopted for the studies; and held a preliminary discussion of an outline by the Chairman of the question of “The function and scope of the *lex specialis* rule and the question of ‘self-contained regimes’” (see chapter X).

21. The Commission set up the Planning Group to consider its programme, procedures and working methods (see chapter XI, section A).

22. The Commission continued traditional exchanges of information with ICJ, the Asian-African Legal Consultative Organization, the Inter-American Juridical Committee, the European Committee on Legal Cooperation (CDCJ) and the Ad Hoc Committee of Legal Advisers on Public International Law (CAHDI) of the Council of Europe. Members of the Commission also held informal meetings with other bodies and associations on matters of mutual interest (see chapter XI, section C).

23. A training seminar was held with 24 participants of different nationalities (see chapter XI, section E).

24. The Commission decided that its next session be held at the United Nations Office at Geneva in two parts, from 3 May to 4 June and from 5 July to 6 August 2004 (see chapter XI, section B).

⁵ *Yearbook ... 2002*, vol. II (Part Two), para. 512.