

Chapter II

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

13. Concerning the topic “Diplomatic protection”, the Commission considered the seventh report of the Special Rapporteur (A/CN.4/567). The Commission subsequently completed the second reading of the topic. The Commission decided, in accordance with article 23 of its Statute, to recommend to the General Assembly the elaboration of a convention on the basis of the draft articles on diplomatic protection (see chapter IV).

14. With regard to 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 third report of the Special Rapporteur (A/CN.4/566). The Commission subsequently completed the second reading of the topic. The Commission decided, in accordance with article 23 of its Statute, to recommend that the General Assembly endorse the draft principles by a resolution and urge States to take national and international action to implement them (see chapter V).

15. Concerning the topic “Shared natural resources”, the Commission established a Working Group on transboundary groundwaters to complete the consideration of the draft articles submitted by the Special Rapporteur in his third report;³ referred 19 revised draft articles to the Drafting Committee; and subsequently adopted on first reading a set of draft articles on the law of transboundary aquifers, together with commentaries (see chapter VI).

16. As regards the topic “Responsibility of international organizations”, the Commission considered the fourth report of the Special Rapporteur (A/CN.4/564 and Add.1–2) and adopted 14 draft articles together with commentaries dealing with circumstances precluding wrongfulness and with the responsibility of a State in connection with the act of an international organization (see chapter VII).

17. Concerning the topic “Reservations to treaties”, the Commission considered the second part of the Special Rapporteur’s tenth report⁴ and referred to the Drafting Committee 16 draft guidelines dealing with the definition of the object and purpose of the treaty and the determination of the validity of reservations. The Commission also adopted five draft guidelines dealing with validity of reservations, together with commentaries. In addition, the Commission reconsidered two draft guidelines dealing with the scope of definitions and the procedure in case of manifestly invalid reservations which were previously adopted, in the light of new terminology (see chapter VIII).

³ *Yearbook ... 2005*, vol. II (Part One), document A/CN.4/551 and Add.1.

⁴ *Ibid.*, document A/CN.4/558 and Add 1–2.

18. With regard to the topic “Unilateral acts of States”, the Commission considered the ninth report of the Special Rapporteur (A/CN.4/569 and Add.1) which contained 11 draft principles and reconstituted the Working Group on unilateral acts with the mandate to elaborate conclusions and principles on the topic. The Commission adopted a set of 10 guiding principles together with commentaries relating to unilateral declarations of States capable of creating legal obligations, and commended the guiding principles to the attention of the General Assembly (see chapter IX).

19. As regards the topic “Effects of armed conflicts on treaties”, the Commission considered the second report of the Special Rapporteur (A/CN.4/570) (see chapter X).

20. Concerning the topic “The obligation to extradite or prosecute (*aut dedere aut judicare*)”, the Commission considered the preliminary report of the Special Rapporteur (A/CN.4/571) (see chapter XI).

21. As regards the topic “Fragmentation of international law: difficulties arising from the diversification and expansion of international law”, the Commission considered the report of the Study Group (A/CN.4/L.682 and Corr.1 and Add.1) and took note of its 42 conclusions (see chapter XII), which it commended to the attention of the General Assembly. The report and its conclusions were prepared on the basis of an analytical study finalized by the Chairperson of the Study Group, which summarized and analysed the phenomenon of fragmentation taking account of studies prepared by various members of the Study Group, as well as discussion within the Study Group itself. The Commission requested that the analytical study be made available on its website and be published in its *Yearbook*.

22. The Commission established a Planning Group to consider its programme, procedures and working methods (see chapter XIII, section B.2). The Commission reiterated its view that an *a priori* limitation cannot be placed on the length of its documentation; it recommended that the Codification Division prepare the seventh edition of “Work of the International Law Commission”, and also decided to include in its long-term programme of work the following topics: “Immunity of State officials from foreign criminal jurisdiction”, “Jurisdictional immunity of international organizations”, “Protection of persons in the event of disasters”, “Protection of personal data in the transborder flow of information” and “Extraterritorial jurisdiction” (see chapter XIII, section B.1).

23. The Commission continued traditional exchanges of information with the International Court of Justice,

the Asian–African Legal Consultative Organization, the European Committee on Legal Cooperation and the Committee of Legal Advisers on Public International Law of the Council of Europe, and the Inter-American Juridical Committee. Members of the Commission also held informal meetings with other bodies and associations on matters of mutual interest (see chapter XIII, section D).

24. A training seminar was held with 25 participants of different nationalities (see chapter XIII, section F).

25. The Commission decided that its next session be held at the United Nations Office in Geneva in two parts, from 7 May to 8 June 2007 and 9 July to 10 August 2007 (see chapter XIII, section C).