

Chapter II

Summary of the work of the Commission at its seventy-fourth session

14. With regard to the topic “**General principles of law**”, the Commission received and considered the report of the Drafting Committee (A/CN.4/L.982), following the completion by the Drafting Committee of the first reading of the draft conclusions on the topic. The Commission adopted, on first reading, 11 draft conclusions on general principles of law, together with commentaries thereto. The Commission decided, in accordance with articles 16 to 21 of its statute, to transmit the draft conclusions, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 December 2024 (chap. IV).

15. With respect to the topic “**Settlement of disputes to which international organizations are parties**”, the Commission had before it the first report of the Special Rapporteur on the topic (A/CN.4/756), which addressed the scope of the topic and provided an analysis of the subject matter of the topic in light of previous relevant work of the Commission and of other international bodies. The report also addressed certain definitional issues. Following the debate in plenary, the Commission decided to refer draft guidelines 1 and 2, as proposed in the first report, to the Drafting Committee, taking into account the comments and observations made in plenary. Upon consideration of the report of the Drafting Committee (A/CN.4/L.983), the Commission provisionally adopted draft guidelines 1 and 2 and decided to change the title of the topic from “Settlement of international disputes to which international organizations are parties” to “Settlement of disputes to which international organizations are parties” (chap. V).

16. With regard to the topic “**Prevention and repression of piracy and armed robbery at sea**”, the Commission had before it the first report of the Special Rapporteur (A/CN.4/758), which discussed the historical, socioeconomical and legal aspects of the topic; reviewed the national legislation and judicial practice of States concerning the definition of piracy and the implementation of conventional and customary international law; and discussed the future programme of work on the topic. The Commission also had before it a memorandum prepared by the Secretariat providing elements in the previous work of the Commission that could be particularly relevant for its future work on the topic and the views expressed by States; as well as information on resolutions adopted by the Security Council and by the General Assembly relevant to the topic (A/CN.4/757). Following the debate in plenary, the Commission decided to refer draft articles 1, 2 and 3, as contained in the first report of the Special Rapporteur, to the Drafting Committee, taking into account the views expressed in the plenary debate. The Commission considered the report of the Drafting Committee (A/CN.4/L.984) on the topic and provisionally adopted draft articles 1 to 3, which had been provisionally adopted by the Drafting Committee at the present session. An open-ended Working Group under the chairpersonship of Ms. Nilüfer Oral was established to assist the Special Rapporteur in the preparation of the draft commentaries to draft articles 1 to 3. The Working Group held one meeting, on 18 July 2023 (chap. VI).

17. With respect to the topic “**Subsidiary means for the determination of rules of international law**”, the Commission had before it the first report of the Special Rapporteur (A/CN.4/760), as well as a memorandum by the Secretariat providing information on previous work of the Commission that could be of relevance to the future work of the Commission (A/CN.4/759). The first report addressed, *inter alia*, the scope of the topic and the main issues to be addressed in the course of the work of the Commission, the drafting history of Article 38, paragraph 1 (d) of the Statute of the International Court of Justice and the previous work of the Commission related to subsidiary means. Following the debate in plenary, the Commission decided to refer draft conclusions 1, 2, 3, 4 and 5, as presented in the first report, to the Drafting Committee, taking into account the comments made in plenary. The Commission received the report of the Drafting Committee on the consolidated text of draft conclusions 1 to 3, provisionally adopted by the Drafting Committee (A/CN.4/L.985), and provisionally adopted draft conclusions 1, 2 and 3, together with commentaries. Furthermore, the Commission took note of draft conclusions 4 and 5,

provisionally adopted by the Drafting Committee at the present session, which was contained in an additional report of the Committee (A/CN.4/L.985/Add.1) (chap. VII).

18. With respect to the topic “**Sea-level rise in relation to international law**”, the Commission reconstituted the Study Group on sea-level rise in relation to international law. The Study Group had before it the additional paper to the first issues paper (A/CN.4/761 and Add.1), prepared by two of the Co-Chairs of the Study Group, Mr. Bogdan Aurescu and Ms. Nilüfer Oral, which addressed the following issues and principles: meaning of “legal stability” in relation to sea-level rise, with a focus on baselines and maritime zones; immutability and intangibility of boundaries; fundamental change of circumstances (*rebus sic stantibus*); effects of the potential situation whereby overlapping areas of the exclusive economic zones of opposite coastal States, delimited by bilateral agreement, no longer overlap; effects of the situation whereby an agreed land boundary terminus ends up being located out at sea; principle that “the land dominates the sea”; historic waters, title and rights; equity; permanent sovereignty over natural resources; possible loss or gain of benefits by third States; nautical charts and their relationship to baselines, maritime boundaries and the safety of navigation; and relevance of other sources of law. The Study Group had an exchange of views on the additional paper, with a focus on the preliminary observations prepared by the Co-Chairs. It also held a discussion on the future programme of work on the topic (chap. VIII).

19. With respect to the topic “**Succession of States in respect of State responsibility**”, the Commission established a Working Group on the topic, chaired by Mr. August Reinish, in order to consider the way forward in relation to the topic. Upon receiving the oral report of the Working Group, the Commission took note of the Working Group’s recommendations, *inter alia*, that the Commission should not proceed with the appointment of a new Special Rapporteur, and that the Working Group should be re-established at the seventy-fifth session with a view to undertaking further reflection, and making a recommendation, on the way forward for the topic (chap. IX).

20. Concerning “**Other decisions and conclusions of the Commission**”, the Commission decided to include the topic “Non-legally binding international agreements” in its programme of work and to appoint Mr. Mathias Forteau as Special Rapporteur (chap. X, sect. B). The Commission re-established a Planning Group to consider its programme, procedures and working methods, which in turn decided to re-establish the Working Group on the long-term programme of work, chaired by Mr. Marcelo Vázquez-Bermúdez, and the Working Group on methods of work, chaired by Mr. Charles Chernor Jalloh (chap. X, sect. D).

21. The Commission decided to hold a seventy-fifth anniversary commemorative event during its seventy-fifth session in Geneva in 2024. The Commission also agreed that during the first part of the seventy-fifth session there should be a solemn meeting of the Commission to which dignitaries, and representatives of the host Government should be invited, and one and a half days of meetings with legal advisers of Ministries of Foreign Affairs dedicated to the work of the Commission. Moreover, Member States, in association with regional organizations, professional associations, academic institutions and members of the Commission concerned, were to be encouraged to convene national or regional meetings, which would be dedicated to the work of the Commission (chap. X, sect. D).

22. The Commission recommended the possible convening of the first part of its annual session in New York in 2026, subject to availability of conference servicing and other resources, and in that regard, it requested the Secretariat to proceed with the necessary administrative and organizational arrangements to facilitate such convening (chap. X, sect. D).

23. Judge Joan E. Donoghue, President of the International Court of Justice, addressed the Commission on 18 July 2023. The Commission continued its traditional exchanges of information with the African Union Commission on International Law; the Asian-African Legal Consultative Organization; 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 an informal exchange of views with the International Committee of the Red Cross on 4 July 2023 (chap. X, sect. F).

24. The Commission decided that its seventy-fifth session would be held in Geneva from 15 April to 31 May and from 1 July to 2 August 2024 (chap. X, sect. E).