

[8 August 2024]

## Summary of contents

<i>Chapter</i>	<i>Page</i>
I. Introduction .....	1
II. Summary of the work of the Commission at its seventy-fifth session .....	6
III. Specific issues on which comments would be of particular interest to the Commission .....	15
IV. Settlement of disputes to which international organizations are parties.....	17
V. Subsidiary means for the determination of rules of international law .....	29
VI. Prevention and repression of piracy and armed robbery at sea .....	54
VII. Immunity of State officials from foreign criminal jurisdiction .....	64
VIII. Non-legally binding international agreements .....	78
IX. Succession of States in respect of State responsibility .....	90
X. Sea-level rise in relation to international law .....	94
XI. Other decisions and conclusions of the Commission .....	113
 <i>Annexes</i>	
I. Compensation for the damage caused by internationally wrongful acts .....	125
II. Due diligence in international law.....	146

## Contents

<i>Chapter</i>	<i>Page</i>
I. Introduction .....	1
A. Membership .....	1
B. Casual vacancies .....	2
C. Officers and the Enlarged Bureau .....	2
D. Drafting Committee .....	3
E. Working Groups and Study Group .....	3
F. Secretariat .....	4
G. Agenda.....	4
II. Summary of the work of the Commission at its seventy-fifth session .....	6
III. Specific issues on which comments would be of particular interest to the Commission .....	15
A. Immunity of State officials from foreign criminal jurisdiction .....	15
B. General principles of law .....	15
C. Sea-level rise in relation to international law.....	15
D. Non-legally binding international agreements.....	15
IV. Settlement of disputes to which international organizations are parties.....	17
A. Introduction .....	17
B. Consideration of the topic at the present session .....	17
C. Text of the draft guidelines on settlement of disputes to which international organizations are parties provisionally adopted thus far by the Commission .....	18
1. Text of the draft guidelines .....	18
2. Text of the draft guidelines and commentaries thereto provisionally adopted by the Commission at its seventy-fifth session .....	19
Guideline 3    Scope of the present Part.....	19
Commentary.....	19
Guideline 4    Resort to means of dispute settlement .....	22
Commentary.....	22
Guideline 5    Accessibility of means of dispute settlement .....	24
Commentary.....	24
Guideline 6    Requirements for arbitration and judicial settlement .....	25
Commentary.....	25
V. Subsidiary means for the determination of rules of international law .....	29
A. Introduction .....	29
B. Consideration of the topic at the present session .....	29
C. Text of the draft conclusions on subsidiary means for the determination of rules of international law provisionally adopted thus far by the Commission .....	30
1. Text of the draft conclusions .....	30
2. Text of the draft conclusions and commentaries thereto provisionally adopted by the Commission at its seventy-fifth session .....	31
Conclusion 4    Decisions of courts and tribunals .....	32

	Commentary .....	32
Conclusion 5	Teachings .....	38
	Commentary .....	38
Conclusion 6	Nature and function of subsidiary means .....	41
	Commentary .....	41
Conclusion 7	Absence of legally binding precedent in international law .....	43
	Commentary .....	43
Conclusion 8	Weight of decisions of courts and tribunals .....	47
	Commentary .....	48
VI.	Prevention and repression of piracy and armed robbery at sea .....	54
A.	Introduction .....	54
B.	Consideration of the topic at the present session .....	54
1.	Introduction by the Special Rapporteur of the second report .....	55
2.	Summary of the debate .....	58
3.	Concluding remarks by the Special Rapporteur .....	62
VII.	Immunity of State officials from foreign criminal jurisdiction .....	64
A.	Introduction .....	64
B.	Consideration of the topic at the present session .....	64
1.	Introduction by the Special Rapporteur of the first report .....	65
2.	Summary of the debate .....	67
3.	Concluding remarks by the Special Rapporteur .....	75
VIII.	Non-legally binding international agreements .....	78
A.	Introduction .....	78
B.	Consideration of the topic at the present session .....	78
1.	Introduction by the Special Rapporteur of the first report .....	78
2.	Summary of the debate .....	80
3.	Concluding remarks of the Special Rapporteur .....	86
IX.	Succession of States in respect of State responsibility .....	90
A.	Introduction .....	90
B.	Consideration of the topic at the present session .....	90
C.	Report of the Working Group .....	91
1.	Introduction .....	91
2.	Work undertaken at the present session .....	92
X.	Sea-level rise in relation to international law .....	94
A.	Introduction .....	94
B.	Consideration of the topic at the present session .....	94
1.	Introduction of the additional paper (A/CN.4/774 and Add.1) to the second issues paper by the Co-Chairs .....	95
2.	Summary of the exchange of views .....	96
XI.	Other decisions and conclusions of the Commission .....	113

A.	Special memorial meeting .....	113
B.	Prevention and repression of piracy and armed robbery at sea .....	113
C.	Programme, procedures and working methods of the Commission and its documentation..	113
1.	Working Group on the long-term programme of work .....	113
2.	Working Group on methods of work and procedures of the Commission .....	114
3.	Consideration of General Assembly resolution 78/112 of 7 December 2023 on the rule of law at the national and international levels .....	115
4.	Commemoration of the seventy-fifth anniversary of the International Law Commission .....	117
5.	Honoraria.....	117
6.	Documentation and publications .....	118
7.	<i>Yearbook of the International Law Commission</i> .....	119
8.	Trust fund on assistance to Special Rapporteurs of the International Law Commission, established by General Assembly resolution 77/103, and matters ancillary thereto .....	120
9.	Assistance of the Codification Division .....	120
10.	Websites .....	120
11.	Webcast .....	121
12.	United Nations Audiovisual Library of International Law.....	121
13.	Consideration of the convening in the present quinquennium of the first part of the seventy-seventh session of the Commission in New York .....	121
14.	Date and place of the seventy-sixth session of the Commission .....	121
D.	Cooperation with other bodies .....	122
E.	Representation at the seventy-ninth session of the General Assembly .....	122
F.	International Law Seminar.....	122
Annexes		
I.	Compensation for the damage caused by internationally wrongful acts .....	125
II.	Due diligence in international law .....	146