

TABLE OF CONTENTS

Volume I

	<i>Page</i>
Foreword.....	xiii

PART I

Origin and background of the progressive development and codification of international law

1. Historical antecedents	1
2. League of Nations Codification Conference.....	3
3. Drafting and implementation of Article 13, paragraph 1, of the Charter of the United Nations.....	4

PART II

Organization, programme and methods of work of the International Law Commission

1. Object of the Commission.....	7
2. Members of the Commission	8
(a) Qualifications and nationality	8
(b) Election.....	10
(c) Size of the Commission.....	18
(d) Terms of office and service on a part-time basis ..	18
(e) Privileges and immunities	21
(f) Basic duties of Commission members.....	21
3. Structure of the Commission	22
(a) Officers.....	22
(b) Bureau, Enlarged Bureau and Planning Group...	23
(c) Plenary	23
(d) Special Rapporteurs.....	25

	<i>Page</i>
(e) Working groups	29
(f) Drafting Committee	34
4. Programme of work	35
(a) Selection of topics	35
(b) Topics on the Commission's programme of work	38
(c) Procedure and criteria for the selection of topics	47
5. Methods of work	49
(a) Progressive development and codification	49
(b) Process of consideration	50
(c) Special assignments	56
(d) Review of methods of work	57
6. Meetings of the Commission	63
(a) Rules of procedure	63
(b) Agenda	63
(c) Languages	64
(d) Decision making	64
(e) Report of the Commission	65
(f) Summary records	66
(g) Yearbook of the Commission	68
(h) Documentation	69
(i) Website of the Commission	72
(j) Duration of the session	73
(k) Split sessions	74
(l) Location	76
(m) The International Law Seminar	77
7. Relationship with Governments	77
(a) Direct relationship with Governments	78
(b) Relationship with the General Assembly	80
8. Relationship with other bodies	86
9. The Secretariat	90

PART III

Topics and sub-topics considered by the International Law Commission

		<i>Page</i>
A.	TOPICS AND SUB-TOPICS ON WHICH THE COMMISSION HAS SUBMITTED FINAL REPORTS ...	93
1.	Draft Declaration on Rights and Duties of States	93
2.	Ways and means for making the evidence of customary international law more readily available ...	94
3.	Formulation of the Nürnberg principles	96
4.	Question of international criminal jurisdiction	97
5.	Reservations to multilateral conventions	100
6.	Question of defining aggression	102
7.	Draft Code of Crimes against the Peace and Security of Mankind	105
	(a) Draft Code of Offences (1954)	105
	(b) Draft Code of Crimes (1996)	108
	(c) Draft Statute for an International Criminal Court	115
	(d) Crime of aggression	125
8.	Nationality, including statelessness	129
	(a) Nationality of married persons	130
	(b) Future statelessness	131
	(c) Present statelessness	132
	(d) Multiple nationality	134
9.	Law of the sea	134
	(a) Regime of the high seas	134
	(b) Regime of the territorial sea	136
	(c) Consolidated draft on the law of the sea	138
10.	Arbitral procedure	142
11.	Diplomatic intercourse and immunities	145
12.	Consular intercourse and immunities	148
13.	Extended participation in general multilateral treaties concluded under the auspices of the League of Nations	150
14.	Law of treaties	152
15.	Special missions	157

	<i>Page</i>
16. Relations between States and international organizations	162
(a) Status, privileges and immunities of representatives of States to international organizations	163
(b) Status, privileges and immunities of international organizations	166
17. Succession of States and Governments	168
(a) Succession of States in respect of treaties	170
(b) Succession of States in respect of matters other than treaties	173
18. Question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law	176
19. The most-favoured-nation clause	178
20. Question of treaties concluded between States and international organizations or between two or more international organizations	184
21. Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier	189
22. Jurisdictional immunities of States and their property	193
23. The law of the non-navigational uses of international watercourses	202
24. Nationality in relation to the succession of States	207
(a) Nationality of natural persons in relation to the succession of States	209
(b) Nationality of legal persons in relation to the succession of States	211
25. State responsibility	212
26. International liability for injurious consequences arising out of acts not prohibited by international law	223
(a) Prevention of transboundary damage from hazardous activities	227
(b) International liability in case of loss from transboundary harm arising out of hazardous activities	230
27. Diplomatic protection	233
28. Unilateral acts of States	237

	<i>Page</i>
29. Fragmentation of international law: difficulties arising from the diversification and expansion of international law	240
30. Shared natural resources	243
31. Reservations to treaties	248
32. Responsibility of international organizations	253
33. Effects of armed conflicts on treaties	256
34. Expulsion of aliens	259
35. The obligation to extradite or prosecute (<i>aut dedere aut judicare</i>)	263
36. Protection of persons in the event of disasters	267
37. Subsequent agreements and subsequent practice in relation to interpretation of treaties	269
38. Identification of customary international law	274
39. Crimes against humanity	278
40. Provisional application of treaties	281
41. Protection of the atmosphere	286
42. Peremptory norms of general international law (<i>jus cogens</i>)	289
43. Protection of the environment in relation to armed conflicts	292
B. TOPICS AND SUB-TOPICS CURRENTLY UNDER CONSIDERATION BY THE COMMISSION	296
1. Immunity of State officials from foreign criminal jurisdiction	296
2. Succession of States in respect of State Responsibility .	301
3. General principles of law	304
4. Sea-level rise in relation to international law	306
5. Settlement of international disputes to which international organizations are parties	308
6. Prevention and repression of piracy and armed robbery at sea	309
7. Subsidiary means for the determination of rules of international law	310

ANNEXES

I.	STATUTE OF THE INTERNATIONAL LAW COMMISSION	311
II.	PRESENT AND FORMER MEMBERS OF THE INTERNATIONAL LAW COMMISSION	319
III.	JURIDICAL STATUS OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION AT THE PLACE OF ITS PERMANENT SEAT.....	333
IV.	PERIODS OF CONSIDERATION OF TOPICS ON THE WORK PROGRAMME OF THE INTERNATIONAL LAW COMMISSION.....	335
	SELECTED BIBLIOGRAPHY	339

Volume II

Instruments and final texts

ANNEXES

		<i>Page</i>
V.	MULTILATERAL CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS BASED ON DRAFTS PREPARED BY THE INTERNATIONAL LAW COMMISSION	1
1.	Conventions on the Law of the Sea and Optional Protocol	1
(a)	Convention on the Territorial Sea and the Contiguous Zone	1
(b)	Convention on the High Seas	10
(c)	Convention on Fishing and Conservation of the Living Resources of the High Seas.....	20
(d)	Convention on the Continental Shelf	27
(e)	Optional Protocol of Signature concerning the Compulsory Settlement of Disputes	32
2.	Convention on the Reduction of Statelessness.....	34

	<i>Page</i>
3. Vienna Convention on Diplomatic Relations and Optional Protocols	42
(a) Vienna Convention on Diplomatic Relations	42
(b) Optional Protocol concerning Acquisition of Nationality.....	58
(c) Optional Protocol concerning the Compulsory Settlement of Disputes.....	60
4. Vienna Convention on Consular Relations and Optional Protocols	62
(a) Vienna Convention on Consular Relations	62
(b) Optional Protocol concerning Acquisition of Nationality.....	91
(c) Optional Protocol concerning the Compulsory Settlement of Disputes.....	92
5. Convention on Special Missions and Optional Protocol	95
(a) Convention on Special Missions.....	95
(b) Optional Protocol concerning the Compulsory Settlement of Disputes.....	113
6. Vienna Convention on the Law of Treaties.....	115
7. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents	144
(a) General Assembly resolution 3166 (XXVIII) of 14 December 1973	144
(b) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Annexed to General Assembly resolution 3166 (XVIII) of 14 December 1973.....	145
8. Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character	152
9. Vienna Convention on Succession of States in respect of Treaties.....	185
10. Vienna Convention on Succession of States in respect of State Property, Archives and Debts.....	209

	<i>Page</i>
11. Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations	225
12. Convention on the Law of the Non-Navigational Uses of International Watercourses.	263
13. United Nations Convention on Jurisdictional Immunities of States and Their Property	280
VI. TEXTS FINALIZED BY THE INTERNATIONAL LAW COMMISSION	297
1. Draft Declaration on Rights and Duties of States	297
2. Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal.	299
3. Draft Code of Crimes (1954 and 1996)	301
(a) Draft Code of Offences against the Peace and Security of Mankind (1954)	301
(b) Draft Code of Crimes against the Peace and Security of Mankind (1996)	303
4. Draft Convention on the Elimination of Future Statelessness.	311
5. Model Rules on Arbitral Procedure.	315
6. Draft Articles on Most-Favoured-Nation Clauses.	327
7. Draft Articles on the Status of the Diplomatic Courier and the Diplomatic Bag Not Accompanied by Diplomatic Courier and Draft Optional Protocols	335
(a) Draft Articles on the Status of the Diplomatic Courier and the Diplomatic Bag Not Accompanied by Diplomatic Courier.	335
(b) Draft Optional Protocol One on the Status of the Courier and the Bag of Special Missions	345
(c) Draft Optional Protocol Two on the Status of the Courier and the Bag of International Organizations of a Universal Character	347
8. Draft Statute for an International Criminal Court, Annex and Appendices I to III.	348
(a) Draft Statute for an International Criminal Court	348
(b) Annex. Crimes pursuant to treaties (see art. 20, subpara. (e))	372

	<i>Page</i>
(c) Appendix I. Possible Clauses of a Treaty to Accompany the Draft Statute	373
(d) Appendix II. Relevant Treaty Provisions Mentioned in the Annex (see art. 20, subpara. (e))	375
(e) Appendix III. Outline of Possible Ways whereby a Permanent International Criminal Court may Enter into Relationship with the United Nations .	385
9. Articles on Nationality of Natural Persons in relation to the Succession of States	391
10. Articles on the Responsibility of States for Internationally Wrongful Acts	399
11. Articles on the Prevention of Transboundary Harm from Hazardous Activities	412
12. Principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities	418
13. Articles on Diplomatic Protection	422
14. Guiding Principles applicable to Unilateral Declarations of States capable of Creating Legal Obligations	427
15. Conclusions of the work of the Study Group on the Fragmentation of International Law: Difficulties arising from the diversification and expansion of international law	428
16. Articles on the Law of Transboundary Aquifers	443
17. Guidelines and annex constituting the Guide to Practice on Reservations to Treaties	451
18. Articles on the Responsibility of International Organizations	492
19. Articles on the Effects of Armed Conflicts on Treaties	510
20. Draft Articles on the Expulsion of Aliens	515
21. Summary Conclusions on the Most-Favoured-Nation Clause	522
22. Draft Articles on the Protection of Persons in the Event of Disasters	523
23. Conclusions on Subsequent Agreements and Subsequent Practice in relation to the Interpretation of Treaties	527

24. Conclusions on Identification of Customary International Law	532
25. Draft articles on Prevention and Punishment of Crimes Against Humanity	536
26. Guide to Provisional Application of Treaties	550
27. Guidelines on the Protection of the Atmosphere	571
28. Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (<i>jus cogens</i>)	575
29. Principles on Protection of the Environment in relation to Armed Conflicts	582