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International Law Commission

Seventy-sixth session

Geneva, 28 April–30 May 2025

Draft report of the International Law Commission on the work of its seventy-sixth session

Rapporteur: Mr. Ahmed Amin **Fathalla**

Chapter I Introduction

1. The International Law Commission held its seventy-sixth session from 28 April to 30 May 2025 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Marcelo Vázquez-Bermúdez, Chair of the seventy-fifth session of the Commission.

A. Membership

2. The Commission consists of the following members:

Mr. Dapo Akande (United Kingdom of Great Britain and Northern Ireland)

Mr. Carlos J. Argüello Gómez (Nicaragua)

Mr. Masahiko Asada (Japan)

Mr. Yacouba Cissé (Côte d'Ivoire)

Mr. Ahmed Amin Fathalla (Egypt)

Mr. Rolf Einar Fife (Norway)

Mr. Mathias Forteau (France)

Mr. George Rodrigo Bandeira Galindo (Brazil)

Ms. Patrícia Galvão Teles (Portugal)

Mr. Claudio Grossman Guiloff (Chile)

Mr. Charles Chernor Jalloh (Sierra Leone)

Mr. Ahmed Laraba (Algeria)

Mr. Keun-Gwan Lee (Republic of Korea)

Mr. Xinmin Ma (China)

Ms. Vilawan Mangklatanakul (Thailand)

Mr. Andreas D. Mavroyiannis (Cyprus)

Mr. Ivon Mingashang (Democratic Republic of the Congo)



Mr. Giuseppe Nesi (Italy)
Mr. Hong Thao Nguyen (Viet Nam)
Ms. Phoebe Okowa (Kenya)
Ms. Nilüfer Oral (Türkiye)
Ms. Alina Orosan (Romania)
Mr. Hassan Ouazzani Chahdi (Morocco)
Mr. Mario Oyarzábal (Argentina)
Mr. Mārtiņš Paparinskis (Latvia)
Mr. Bimal N. Patel (India)
Mr. August Reinisch (Austria)
Ms. Penelope Ridings (New Zealand)
Mr. Juan José Ruda Santolaria (Peru)
Mr. Alioune Sall (Senegal)
Mr. Louis Savadogo (Burkina Faso)
Mr. Munkh-Orgil Tsend (Mongolia)
Mr. Marcelo Vázquez-Bermúdez (Ecuador)
Mr. Evgeny Zagaynov (Russian Federation)

B. Officers and the Enlarged Bureau

3. At its 3702nd meeting, on 28 April 2025, the Commission elected the following officers:

Chair:	Mr. Mārtiņš Paparinskis (Latvia)
First Vice-Chair:	Mr. Masahiko Asada (Japan)
Second Vice-Chair:	Mr. Giuseppe Nesi (Italy)
Chair of the Drafting Committee:	Mr. Mario Oyarzábal (Argentina)
Rapporteur:	Mr. Ahmed Amin Fathalla (Egypt)

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, the Special Rapporteurs¹ and the Co-Chairs of the Study Group on sea-level rise in relation to international law.²

5. On 28 April 2025, the Planning Group was constituted, composed of the following members: Mr. Masahiko Asada (Chair); Mr. Rolf Einar Fife, Mr. Mathias Forteau, Mr. George Rodrigo Bandeira Galindo, Mr. Claudio Grossman Guiloff, Mr. Charles Chernor Jalloh, Mr. Keun-Gwan Lee, Mr. Xinmin Ma, Ms. Vilawan Mangklatanakul, Mr. Andreas D. Mavroyiannis, Mr. Giuseppe Nesi, Mr. Hong Thao Nguyen, Mr. Hassan Ouazzani Chahdi, Mr. Mario Oyarzábal, Mr. Mārtiņš Paparinskis, Mr. Bimal N. Patel, Mr. August Reinisch, Ms. Penelope Ridings, Mr. Juan José Ruda Santolaria, Mr. Alioune Sall, Mr. Marcelo Vázquez-Bermúdez, Mr. Evgeny Zagaynov and Mr. Ahmed Amin Fathalla (*ex officio*).

¹ Mr. Mathias Forteau, Mr. Claudio Grossman Guiloff, Mr. Charles Chernor Jalloh, Mr. August Reinisch, Mr. Louis Savadogo and Mr. Marcelo Vázquez-Bermúdez.

² Mr. Yacouba Cissé, Ms. Patrícia Galvão Teles, Ms. Nilüfer Oral and Mr. Juan José Ruda Santolaria.

C. Drafting Committee

6. At its 3707th, 3712th and 3717th meetings, on 5, 12 and 19 May 2025, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) *Immunity of State officials from foreign criminal jurisdiction*: Mr. Mario Oyarzábal (Chair), Mr. Claudio Grossman Guiloff (Special Rapporteur), Mr. Dapo Akande, Mr. Carlos J. Argüello Gómez, Mr. Masahiko Asada, Mr. Rolf Einar Fife, Mr. Mathias Forteau, Mr. George Rodrigo Bandeira Galindo, Mr. Charles Chernor Jalloh, Mr. Keun-Gwan Lee, Mr. Xinmin Ma, Ms. Vilawan Mangklatanakul, Mr. Andreas D. Mavroyiannis, Mr. Giuseppe Nesi, Ms. Phoebe Okowa, Ms. Nilüfer Oral, Ms. Alina Orosan, Mr. Hassan Ouazzani Chahdi, Mr. Mārtiņš Paparinskis, Mr. Bimal N. Patel, Ms. Penelope Ridings, Mr. Juan José Ruda Santolaria, Mr. Alioune Sall, Mr. Marcelo Vázquez-Bermúdez, Mr. Evgeny Zagaynov and Mr. Ahmed Amin Fathalla (*ex officio*);

(b) *General principles of law*: Mr. Mario Oyarzábal (Chair), Mr. Marcelo Vázquez-Bermúdez (Special Rapporteur), Mr. Dapo Akande, Mr. Carlos J. Argüello Gómez, Mr. Masahiko Asada, Mr. Rolf Einar Fife, Mr. George Rodrigo Bandeira Galindo, Mr. Claudio Grossman Guiloff, Mr. Charles Chernor Jalloh, Mr. Keun-Gwan Lee, Mr. Xinmin Ma, Ms. Vilawan Mangklatanakul, Mr. Andreas D. Mavroyiannis, Mr. Giuseppe Nesi, Mr. Mārtiņš Paparinskis, Mr. Bimal N. Patel, Mr. August Reinisch, Mr. Juan José Ruda Santolaria, Mr. Louis Savadogo, Mr. Evgeny Zagaynov and Mr. Ahmed Amin Fathalla (*ex officio*);

(c) *Subsidiary means for the determination of rules of international law*: Mr. Mario Oyarzábal (Chair), Mr. Charles Chernor Jalloh (Special Rapporteur), Mr. Dapo Akande, Mr. Carlos J. Argüello Gómez, Mr. Masahiko Asada, Mr. Rolf Einar Fife, Mr. Claudio Grossman Guiloff, Mr. Xinmin Ma, Ms. Vilawan Mangklatanakul, Mr. Andreas D. Mavroyiannis, Mr. Ivon Mingashang, Ms. Phoebe Okowa, Ms. Alina Orosan, Mr. Mārtiņš Paparinskis, Mr. Bimal N. Patel, Ms. Penelope Ridings, Mr. Alioune Sall, Mr. Louis Savadogo, Mr. Evgeny Zagaynov and Mr. Ahmed Amin Fathalla (*ex officio*).

7. The Drafting Committee held a total of [...] meetings on the three topics indicated above.

D. Working Groups and Study Group

8. At its 3702nd meeting, on 28 April 2025, the Commission established the following Working Groups of the Whole:

(a) Working Group on “Settlement of disputes to which international organizations are parties”, chaired by Mr. August Reinisch;

(b) Working Group on “Non-legally binding international agreements”, chaired by Mr. Mathias Forteau;

(c) Working Group on “Prevention and repression of piracy and armed robbery at sea”, chaired by Mr. Louis Savadogo.

At the same meeting, the Commission re-established an open-ended Working Group on “Succession of States in respect of State responsibility”, chaired by Mr. Bimal N. Patel.

9. On 1 May 2025, the Planning Group established the following Working Groups:

(a) *Working Group on the long-term programme of work*: Mr. Marcelo Vázquez-Bermúdez (Chair), Mr. Carlos J. Argüello Gómez, Mr. Masahiko Asada, Mr. Rolf Einar Fife, Mr. Mathias Forteau, Mr. George Rodrigo Bandeira Galindo, Mr. Claudio Grossman Guiloff, Mr. Charles Chernor Jalloh, Mr. Keun-Gwan Lee, Mr. Xinmin Ma, Ms. Vilawan Mangklatanakul, Mr. Andreas D. Mavroyiannis, Mr. Ivon Mingashang, Mr. Giuseppe Nesi, Mr. Hong Thao Nguyen, Ms. Phoebe Okowa, Ms. Alina Orosan, Mr. Hassan Ouazzani Chahdi, Mr. Mario Oyarzábal, Mr. Mārtiņš Paparinskis, Mr. Bimal N. Patel, Mr. August Reinisch, Ms. Penelope Ridings, Mr. Juan José Ruda Santolaria,

Mr. Alioune Sall, Mr. Louis Savadogo, Mr. Munkh-Orgil Tsend, Mr. Evgeny Zagaynov and Mr. Ahmed Amin Fathalla (*ex officio*);

(b) *Working Group on methods of work and procedures of the Commission*: Mr. Charles Chernor Jalloh (Chair).³

10. At its 3702nd meeting, on 28 April 2025, the Commission established a Study Group on sea-level rise in relation to international law, composed of the following members: Mr. Yacouba Cissé (Co-Chair), Ms. Patrícia Galvão Teles (Co-Chair), Ms. Nilüfer Oral (Co-Chair), Mr. Juan José Ruda Santolaria (Co-Chair), Mr. Dapo Akande, Mr. Carlos J. Argüello Gómez, Mr. Masahiko Asada, Mr. Rolf Einar Fife, Mr. Mathias Forteau, Mr. George Rodrigo Bandeira Galindo, Mr. Claudio Grossman Guiloff, Mr. Charles Chernor Jalloh, Mr. Keun-Gwan Lee, Ms. Vilawan Mangklatanakul, Mr. Andreas D. Mavroyiannis, Mr. Giuseppe Nesi, Mr. Hong Thao Nguyen, Ms. Phoebe Okowa, Ms. Alina Orosan, Mr. Hassan Ouazzani Chahdi, Mr. Mario Oyarzábal, Mr. Mārtiņš Pāparinskis, Mr. Bimal N. Patel, Ms. Penelope Ridings, Mr. Louis Savadogo, Mr. Munkh-Orgil Tsend, Mr. Marcelo Vázquez-Bermúdez and Mr. Ahmed Amin Fathalla (*ex officio*).

E. Secretariat

11. Ms. Elinor Hammar skjöld, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, represented the Secretary-General. Mr. Arnold Pronto, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Commission and, in the absence of the Legal Counsel, represented the Secretary-General. Ms. Carla Hoe, Senior Legal Officer, served as Senior Assistant Secretary to the Commission. Ms. Paola Patarroyo, Mr. Jorge Paoletti and Mr. Douglas Pivnichny, Legal Officers, Mr. Gergö Balazs and Ms. Xiao Mao, Associate Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

12. The Commission adopted an agenda for its seventy-sixth session consisting of the following items:

1. Organization of the work of the session.
2. Immunity of State officials from foreign criminal jurisdiction.
3. Succession of States in respect of State responsibility.
4. General principles of law.
5. Sea-level rise in relation to international law.
6. Settlement of disputes to which international organizations are parties.
7. Prevention and repression of piracy and armed robbery at sea.
8. Subsidiary means for the determination of rules of international law.
9. Non-legally binding international agreements.
10. Programme, procedures and working methods of the Commission and its documentation.
11. Date and place of the seventy-seventh session.
12. Cooperation with other bodies.
13. Other business.

³ Owing to time constraints, the Working Group on methods of work and procedures of the Commission did not meet during this session.