

Chapter I

ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its fifty-fourth session from 29 April to 7 June 2002 and the second part from 22 July to 16 August 2002 at its seat at the United Nations Office at Geneva. The session was opened by the Outgoing Second Vice-Chair, Mr. Enrique Candioti.

A. Membership

2. The Commission consists of the following members:

Mr. Emmanuel Akwei ADDO (Ghana)
Mr. Husain AL-BAHARNA (Bahrain)
Mr. Ali Mohsen Fetais AL-MARRI (Qatar)
Mr. João Clemente BAENA SOARES (Brazil)
Mr. Ian BROWNLIE (United Kingdom of Great Britain and Northern Ireland)
Mr. Enrique CANDIOTI (Argentina)
Mr. Choung Il CHEE (Republic of Korea)
Mr. Pedro COMISSÁRIO AFONSO (Mozambique)
Mr. Riad DAOUDI (Syrian Arab Republic)
Mr. Christopher John Robert DUGARD (South Africa)
Ms. Paula ESCARAMEIA (Portugal)
Mr. Salifou FOMBA (Mali)
Mr. Giorgio GAJA (Italy)
Mr. Zdzislaw GALICKI (Poland)
Mr. Peter KABATSI (Uganda)
Mr. Maurice KAMTO (Cameroon)
Mr. James Lutabanzibwa KATEKA (United Republic of Tanzania)
Mr. Fathi KEMICHA (Tunisia)
Mr. Martti KOSKENNIEMI (Finland)
Mr. Valery KUZNETSOV (Russian Federation)
Mr. William MANSFIELD (New Zealand)
Mr. Djamchid MOMTAZ (Islamic Republic of Iran)
Mr. Bernd NIEHAUS (Costa Rica)
Mr. Didier OPERTTI BADAN (Uruguay)
Mr. Guillaume PAMBOU-TCHIVOUNDA (Gabon)
Mr. Alain PELLET (France)

Mr. Pemmaraju Sreenivasa RAO (India)
Mr. Víctor RODRÍGUEZ CEDEÑO (Venezuela)
Mr. Robert ROSENSTOCK (United States of America)
Mr. Bernardo SEPÚLVEDA (Mexico)
Mr. Bruno SIMMA (Germany)
Mr. Peter TOMKA (Slovakia)
Ms. Hanqin XUE (China)
Mr. Chusei YAMADA (Japan)

3. At its 2711th meeting, on 29 April 2002, the Commission elected Mr. Peter Kabatsi (Uganda) to fill the casual vacancy caused by the demise of Adegoke Ajibola Ige.

4. The Commission expressed satisfaction that the list of members elected for the current quinquennium included women. Noting the number of women of recognized competence in international law, the Commission anticipated that this fact was likely to be reflected in the nomination and election process for the next and subsequent quinquennia.

B. Officers and the Enlarged Bureau

5. Also at its 2711th meeting, the Commission elected the following officers:

Chair: Mr. Robert Rosenstock

First Vice-Chair: Mr. Enrique Candioti

Second Vice-Chair: Mr. James Lutabanzibwa Kateka

Chair of the Drafting Committee: Mr. Chusei Yamada

Rapporteur: Mr. Valery Kuznetsov

6. The Enlarged Bureau of the Commission was composed of the officers of the present session, previous Chairs of the Commission¹ and the Special Rapporteurs.²

7. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. Enrique Candioti (Chair), Mr. Emmanuel Akwei Addo, Mr. Ali Mohsen Fetais Al-Marri, Mr. João Clemente Baena Soares, Mr. Ian Brownlie, Mr.

¹ Mr. João Clemente Baena Soares, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao and Mr. Chusei Yamada.

² Mr. Christopher John Robert Dugard, Mr. Giorgio Gaja, Mr. Alain Pellet, Mr. Víctor Rodríguez Cedeño and Mr. Chusei Yamada.

Choung Il Chee, Mr. Pedro Comissário Afonso, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Mr. James Lutabanzibwa Kateka, Mr. Fathi Kemicha, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Djamchid Momtaz, Mr. Bernd Niehaus, Mr. Didier Operti Badan, Mr. Guillaume Pambou-Tchivounda, Mr. Alain Pellet, Mr. Peter Tomka and Mr. Valery Kuznetsov (*ex officio*).

C. Drafting Committee

8. At its 2712th and 2721st meetings, on 30 April and 17 May 2002 respectively, the Commission established a Drafting Committee composed of the following members for the topics indicated:

(a) *Diplomatic protection*: Mr. Chusei Yamada (Chair), Mr. Christopher John Robert Dugard (Special Rapporteur), Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Choung Il Chee, Mr. Pedro Comissário Afonso, Mr. Riad Daoudi, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Djamchid Momtaz, Mr. Victor Rodríguez Cedeño, Mr. Robert Rosenstock, Mr. Bruno Simma, Ms. Hanqin Xue and Mr. Valery Kuznetsov (*ex officio*).

(b) *Reservations to treaties*: Mr. Chusei Yamada (Chair), Mr. Alain Pellet (Special Rapporteur), Mr. Pedro Comissário Afonso, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Maurice Kamto, Mr. Fathi Kemicha, Mr. Martti Koskenniemi, Mr. Victor Rodríguez Cedeño, Mr. Bruno Simma, Mr. Peter Tomka, Ms. Hanqin Xue and Mr. Valery Kuznetsov (*ex officio*).

9. The Drafting Committee held a total of 15 meetings on the two topics indicated above.

D. Working Groups

10. At its 2717th meeting, on 8 May 2002, the Commission established the following Working Groups and Study Group composed of the members indicated:

(a) *Working Group on International Liability for Injurious Consequences Arising out of Acts Not Prohibited by International Law*: Mr. Pemmaraju Sreenivasa Rao (Chair), Mr. João Clemente Baena Soares, Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Choung Il Chee, Mr. Pedro Comissário Afonso, Ms. Paula Escarameia, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. James Lutabanzibwa Kateka, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Didier Operti Badan, Mr. Robert Rosenstock, Ms. Hanqin Xue, Mr. Chusei Yamada and Mr. Valery Kuznetsov (*ex officio*).

(b) *Working Group on the Responsibility of International Organizations*: Mr. Giorgio Gaja (Chair), Mr. João Clemente Baena Soares, Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Riad Daoudi, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Maurice Kamto, Mr. James Lutabanzibwa Kateka, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Bruno Simma, Mr. Peter Tomka, Mr. Chusei Yamada and Mr. Valery Kuznetsov (*ex officio*).

(c) *Study Group on the Fragmentation of International Law*: Mr. Bruno Simma (Chair), Mr. Emmanuel Akwei

Addo, Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Christopher John Robert Dugard, Ms. Paula Escarameia, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. James Lutabanzibwa Kateka, Mr. Fathi Kemicha, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Djamchid Momtaz, Mr. Bernd Niehaus, Mr. Guillaume Pambou-Tchivounda, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Robert Rosenstock, Mr. Bernardo Sepúlveda, Mr. Peter Tomka, Ms. Hanqin Xue, Mr. Chusei Yamada and Mr. Valery Kuznetsov (*ex officio*).

11. On 1 May 2002 the Planning Group established the Working Group on the Long-term Programme of Work, which was composed of the following members: Mr. Alain Pellet (Chair), Mr. João Clemente Baena Soares, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Martti Koskenniemi, Ms. Hanqin Xue and Mr. Valery Kuznetsov (*ex officio*).

E. Secretariat

12. Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, represented the Secretary-General. Mr. Václav Mikulka, 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. Mahnoush H. Arsanjani, Deputy Director of the Codification Division, acted as Deputy Secretary to the Commission. Mr. George Korontzis, Senior Legal Officer, served as Senior Assistant Secretary to the Commission. Mr. Renan Villacis, Legal Officer, and Mr. Arnold Pronto, Associate Legal Officer, served as Assistant Secretaries to the Commission.

F. Agenda

13. At its 2711th meeting, the Commission adopted the agenda for its fifty-fourth session, which, together with items which were added subsequently (see chap. X, paras. 517–519), consisted of the following items:

1. Filling of casual vacancies in the Commission (article 11 of the statute).
2. Organization of work of the session.
3. Reservations to treaties.
4. Diplomatic protection.
5. Unilateral acts of States.
6. 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).
7. The responsibility of international organizations.
8. The fragmentation of international law: difficulties arising from the diversification and expansion of international law.
9. Shared natural resources.
10. Programme, procedures and working methods of the Commission, and its documentation.
11. Cooperation with other bodies.
12. Date and place of the fifty-fifth session.
13. Other business.