

## Chapter I

### ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its fifty-fifth session from 5 May to 6 June 2003 and the second part from 7 July to 8 August 2003 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Robert Rosenstock, Chairman of the Commission at its fifty-fourth session.

#### 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)  
Mr. Constantin ECONOMIDES (Greece)  
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. Roman Anatolyevitch KOLODKIN (Russian Federation)  
Mr. Martti KOSKENNIEMI (Finland)  
Mr. William MANSFIELD (New Zealand)  
Mr. Michael MATHESON (United States of America)<sup>1</sup>  
Mr. Teodor Viorel MELESCANU (Romania)  
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)<sup>2</sup>  
Mr. Bernardo SEPÚLVEDA (Mexico)  
Ms. Hanqin XUE (China)  
Mr. Chusei YAMADA (Japan)

<sup>1</sup> See paragraph 4 below.

<sup>2</sup> *Ibid.*

3. At its 2751st meeting, on 5 May 2003, the Commission elected Mr. Constantin Economides (Greece), Mr. Roman Anatolyevitch Kolodkin (Russian Federation) and Mr. Teodor Viorel Melescanu (Romania) to fill the casual vacancies caused by the demise of Mr. Valery Kuznetsov and the election of Mr. Bruno Simma and Mr. Peter Tomka to ICJ.

4. At its 2770th meeting, on 7 July 2003, the Commission elected Mr. Michael Matheson (United States of America) to fill the casual vacancy caused by the resignation of Mr. Robert Rosenstock.

#### B. Officers and the Enlarged Bureau

5. At its 2751st and 2756th meetings, the Commission elected the following officers:

*Chairman:* Mr. Enrique Candiotti

*First Vice-Chairman:* Mr. Teodor Viorel Melescanu

*Second Vice-Chairman:* Mr. Choung Il Chee

*Chairman of the Drafting Committee:*

Mr. James Lutabanzibwa Kateka

*Rapporteur:* Mr. William Mansfield

6. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous chairmen of the Commission<sup>3</sup> and the special rapporteurs.<sup>4</sup>

7. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. Teodor Viorel Melescanu (Chairman), Mr. Emmanuel Akwei Addo, Mr. João Clemente Baena Soares, Mr. Ian Brownlie, Mr. Choung Il Chee, Mr. Christopher John Robert Dugard, Mr. Constantin Economides, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. Martti Koskenniemi, Mr. Michael Matheson, Mr. Didier Opertti Badan, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Víctor Rodríguez Cedeño, Mr. Robert Rosenstock, Mr. Bernardo Sepúlveda, Mr. Chusei Yamada and Mr. William Mansfield (*ex officio*).

<sup>3</sup> Mr. João Clemente Baena Soares, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Robert Rosenstock and Mr. Chusei Yamada.

<sup>4</sup> Mr. Christopher John Robert Dugard, Mr. Giorgio Gaja, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Víctor Rodríguez Cedeño and Mr. Chusei Yamada.

### C. Drafting Committee

8. At its 2751st, 2753rd and 2764th meetings, on 5, 7 and 28 May 2003 respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) Reservations to treaties: Mr. James Lutabanzibwa Kateka (Chairman), Mr. Alain Pellet (Special Rapporteur), Mr. Pedro Comissário Afonso, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Maurice Kamto, Mr. Víctor Rodríguez Cedeño, Mr. Robert Rosenstock, Ms. Hanqin Xue, Mr. Chusei Yamada and Mr. William Mansfield (*ex officio*);

(b) Diplomatic protection: Mr. James Lutabanzibwa Kateka (Chairman), Mr. Christopher John Robert Dugard (Special Rapporteur), Mr. Emmanuel Akwei Addo, Mr. Ian Brownlie, Ms. Paula Escarameia, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. Roman Anatolyevitch Kolodkin, Mr. Martti Koskenniemi, Mr. Djamchid Momtaz, Mr. Víctor Rodríguez Cedeño, Mr. Robert Rosenstock, Mr. Bernardo Sepúlveda, Mr. Chusei Yamada and Mr. William Mansfield (*ex officio*);

(c) Responsibility of international organizations: Mr. James Lutabanzibwa Kateka (Chairman), Mr. Giorgio Gaja (Special Rapporteur), Mr. Ian Brownlie, Mr. Choung Il Chee, Mr. Riad Daoudi, Mr. Constantin Economides, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Roman Anatolyevitch Kolodkin, Mr. Martti Koskenniemi, Mr. Pemmaraju Sreenivasa Rao, Mr. Bernardo Sepúlveda, Mr. Chusei Yamada and Mr. William Mansfield (*ex officio*).

9. The Drafting Committee held a total of 11 meetings on the three topics indicated above.

### D. Working groups

10. At its 2756th, 2758th, 2762nd, 2769th and 2771st meetings, on 13, 16 and 23 May, 6 June and 8 July 2003 respectively, the Commission also established the following open-ended working groups and open-ended study group:

(a) Working Group on responsibility of international organizations. *Chairman*: Mr. Giorgio Gaja;

(b) Working Group on diplomatic protection. *Chairman*: Mr. Christopher John Robert Dugard;

(c) Working Group on 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). *Chairman*: Mr. Pemmaraju Sreenivasa Rao;

(d) Working Group on unilateral acts of States. *Chairman*: Mr. Alain Pellet;

(e) Study Group on fragmentation of international law: difficulties arising from the diversification and expansion of international law. *Chairman*: Mr. Martti Koskenniemi.

11. On 16 May 2003, the Planning Group re-established the Working Group on long-term programme of work composed of the following members: Mr. Alain Pellet (Chairman), Mr. João Clemente Baena Soares, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Martti Koskenniemi, Ms. Hanqin Xue and Mr. William Mansfield (*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, Mr. Trevor Chimimba, Mr. Renan Villacis and Mr. Arnold Pronto, Legal Officers, served as Assistant Secretaries to the Commission.

### F. Agenda

13. At its 2751st meeting, the Commission adopted an agenda for its fifty-fifth session consisting 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. Diplomatic protection.
4. Reservations to treaties.
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. Responsibility of international organizations.
8. 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-sixth session.
13. Other business.