

Chapter I

ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its fifty-sixth session from 3 May to 4 June 2004 and the second part from 5 July to 6 August 2004 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Enrique Candioti, Chairperson of the Commission at its fifty-fifth 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)
Mr. Teodor Viorel MELESCANU (Romania)
Mr. Djamchid MONTAZ (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 (Bolivarian Republic of Venezuela)

Mr. Bernardo SEPÚLVEDA (Mexico)

Ms. Hanqin XUE (China)

Mr. Chusei YAMADA (Japan)

B. Officers and Enlarged Bureau

3. At its 2791st and 2792nd meetings, held on 3 and 4 May 2004, the Commission elected the following officers:

Chairperson: Mr. Teodor Viorel Melescanu

First Vice-Chairperson: Ms. Hanqin Xue

Second Vice-Chairperson: Mr. Constantin Economides

Chairperson of the Drafting Committee: Mr. Victor Rodríguez Cedeño

Rapporteur: Mr. Pedro Comissário Afonso

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

5. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Ms. Hanqin Xue (Chairperson), Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Choung Il Chee, Mr. Christopher John Robert Dugard, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. James Lutabanzibwa Kateka, Mr. Fathi Kemicha, Mr. Roman Anatolyevitch Kolodkin, Mr. Martti Koskeniemi, Mr. William Mansfield, Mr. Michael Matheson, Mr. Teodor Viorel Melescanu, Mr. Bernd Niehaus, Mr. Guillaume Pambou-Tchivounda, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Víctor Rodríguez Cedeño, Mr. Bernardo Sepúlveda, Mr. Chusei Yamada and Mr. Pedro Comissário Afonso (*ex officio*).

¹ Mr. João Clemente Baena Soares, Mr. Enrique Candioti, 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. Pemmaraju Sreenivasa Rao, Mr. Víctor Rodríguez Cedeño and Mr. Chusei Yamada.

C. Drafting Committee

6. At its 2792nd, 2803rd, 2808th and 2815th meetings, held on 4 and 25 May, 2 June and 9 July 2004, respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) Diplomatic protection: Mr. Víctor Rodríguez Cedeño (Chairperson), Mr. Christopher John Robert Dugard (Special Rapporteur), Mr. Emmanuel Akwei Addo, Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Choung Il Chee, Ms. Paula Escameia, Mr. Giorgio Gaja, Mr. Peter Kabatsi, Mr. Roman Anatolyevitch Kolodkin, Mr. William Mansfield, Mr. Michael Matheson, Mr. Bernd Niehaus, Mr. Bernardo Sepúlveda, Ms. Hanqin Xue and Mr. Pedro Comissário Afonso (*ex officio*);

(b) Responsibility of international organizations: Mr. Víctor Rodríguez Cedeño (Chairperson), Mr. Giorgio Gaja (Special Rapporteur), Mr. Enrique Candioti, Mr. Choung Il Chee, Mr. Constantin Economides, Ms. Paula Escameia, Mr. Peter Kabatsi, Mr. Roman Anatolyevitch Kolodkin, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Djamchid Momtaz, Mr. Bernd Niehaus, Mr. Chusei Yamada and Mr. Pedro Comissário Afonso (*ex officio*);

(c) Reservations to treaties: Mr. Víctor Rodríguez Cedeño (Chairperson), Mr. Alain Pellet (Special Rapporteur), Mr. Husain Al-Baharna, Mr. Enrique Candioti, Mr. Constantin Economides, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Roman Anatolyevitch Kolodkin, Mr. Michael Matheson, Mr. Guillaume Pambou-Tchivounda and Mr. Pedro Comissário Afonso (*ex officio*);

(d) International liability: Mr. Víctor Rodríguez Cedeño (Chairperson), Mr. Pemmaraju Sreenivasa Rao (Special Rapporteur), Mr. Ian Brownlie, Mr. Choung Il Chee, Mr. Riad Daoudi, Mr. Constantin Economides, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. James Latabanzibwa Kateka, Mr. Roman Anatolyevitch Kolodkin, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Michael Matheson, Mr. Djamchid Momtaz, Ms. Hanqin Xue, Mr. Chusei Yamada and Mr. Pedro Comissário Afonso (*ex officio*).

7. The Drafting Committee held a total of 17 meetings on the four topics indicated above.

D. Working Groups

8. At its 2796th, 2797th, 2809th and 2818th meetings, held on 11 and 12 May, 3 June and 16 July 2004, respectively, the Commission also established the following Working Group and Study Group which were open to all members:

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

(b) Working Group on shared natural resources. *Chairperson*: Mr. Chusei Yamada;

(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). *Chairperson*: Mr. Pemmaraju Sreenivasa Rao;

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

9. The Working Group on the long-term programme of work reconvened and was composed of the following members: Mr. Alain Pellet (Chairperson), Mr. João Clemente Baena Soares, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Martti Koskenniemi, Ms. Hanqin Xue and Mr. Pedro Comissário Afonso (*ex officio*).

E. Secretariat

10. Mr. Ralph Zacklin, Under-Secretary-General for Legal Affairs, the Acting 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 Acting 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. Trevor Chimimba, Mr. Renan Villacis and Mr. Arnold Pronto, Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

11. At its 2791st meeting, the Commission adopted an agenda for its fifty-sixth session consisting of the following items:

1. Organization of work of the session.
2. Responsibility of international organizations.
3. Diplomatic protection.
4. 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).
5. Unilateral acts of States.
6. Reservations to treaties.
7. Shared natural resources.
8. Fragmentation of international law: difficulties arising from the diversification and expansion of international law.
9. Programme, procedures and working methods of the Commission and its documentation.
10. Cooperation with other bodies.
11. Date and place of the fifty-seventh session.
12. Other business.