

Chapter I

ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its sixtieth session from 5 May to 6 June 2008 and the second part from 7 July to 8 August 2008 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Ian Brownlie, Chairperson of the fifty-ninth session of the Commission.

A. Membership

2. The Commission consists of the following members:

Mr. Ali Mohsen Fetais AL-MARRI (Qatar)
Mr. Ian BROWNIE (United Kingdom of Great Britain and Northern Ireland)*
Mr. Lucius CAFLISCH (Switzerland)
Mr. Enrique CANDIOTI (Argentina)
Mr. Pedro COMISSÁRIO AFONSO (Mozambique)
Mr. Christopher John Robert DUGARD (South Africa)
Ms. Paula ESCARAMEIA (Portugal)
Mr. Salifou FOMBA (Mali)
Mr. Giorgio GAJA (Italy)
Mr. Zdzislaw GALICKI (Poland)
Mr. Hussein A. HASSOUNA (Egypt)
Mr. Mahmoud D. HMOUD (Jordan)
Ms. Marie G. JACOBSSON (Sweden)
Mr. Maurice KAMTO (Cameroon)
Mr. Fathi KEMICHA (Tunisia)
Mr. Roman KOLODKIN (Russian Federation)
Mr. Donald M. MCRAE (Canada)
Mr. Teodor Viorel MELESCANU (Romania)
Mr. Bernd H. NIEHAUS (Costa Rica)
Mr. Georg NOLTE (Germany)
Mr. Bayo OJO (Nigeria)
Mr. Alain PELLET (France)
Mr. A. Rohan PERERA (Sri Lanka)
Mr. Ernest PETRIČ (Slovenia)
Mr. Gilberto VERGNE SABOIA (Brazil)
Mr. Narinder SINGH (India)
Mr. Eduardo VALENCIA-OSPIÑA (Colombia)
Mr. Edmundo VARGAS CARREÑO (Chile)
Mr. Stephen C. VASCIANNIE (Jamaica)
Mr. Marcelo VÁZQUEZ-BERMÚDEZ (Ecuador)

* See paragraph 372 below.

Mr. Amos S. WAKO (Kenya)
Mr. Nugroho WISNUMURTI (Indonesia)
Ms. Hanqin XUE (China)
Mr. Chusei YAMADA (Japan)

B. Officers and the Enlarged Bureau

3. At its 2956th meeting, on 5 May 2008, the Commission elected the following officers:

Chairperson: Mr. Edmundo Vargas Carreño

First Vice Chairperson: Mr. Roman Kolodkin

Second Vice Chairperson: Mr. Mahmoud D. Hmoud

Chairperson of the Drafting Committee: Mr. Pedro Comissário Afonso

Rapporteur: Ms. Paula Escarameia

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairmen 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: Mr. Roman Kolodkin (Chairperson), Mr. Ian Brownlie, Mr. Lucius Caflisch, Mr. Enrique Candiotti, Mr. Pedro Comissário Afonso, Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. Alain Pellet, Mr. Rohan Perera, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue, Mr. Chusei Yamada and Ms. Paula Escarameia (*ex officio*).

C. Drafting Committee

6. At its 2957th, 2965th, 2968th and 2977th meetings, on 6, 21, 29 May and 16 July 2008, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

¹ Mr. Enrique Candiotti, Mr. Ian Brownlie, Mr. Zdzislaw Galicki, Mr. Teodor Viorel Melescanu, Mr. Alain Pellet and Mr. Chusei Yamada.

² Mr. Ian Brownlie, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Roman Kolodkin, Mr. Maurice Kamto, Mr. Alain Pellet, Mr. Eduardo Valencia-Ospina and Mr. Chusei Yamada.

(a) *Reservations to treaties*: Mr. Pedro Comissário Afonso (Chairperson), Mr. Alain Pellet (Special Rapporteur), Mr. Enrique Candiotti, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Georg Nolte, Mr. Bayo Ojo, Mr. Rohan Perera, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue and Ms. Paula Escarameia (*ex officio*).

(b) *Shared natural resources*: Mr. Pedro Comissário Afonso (Chairperson), Mr. Chusei Yamada (Special Rapporteur), Mr. Ian Brownlie, Mr. Lucius Caflisch, Mr. Enrique Candiotti, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Bayo Ojo, Mr. Gilberto Vergne Saboia, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue and Ms. Paula Escarameia (*ex officio*).

(c) *Responsibility of international organizations*: Mr. Pedro Comissário Afonso (Chairperson), Mr. Giorgio Gaja (Special Rapporteur), Mr. Ian Brownlie, Mr. Enrique Candiotti, Mr. Christopher John Robert Dugard, Mr. Salifou Fomba, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue, Mr. Chusei Yamada and Ms. Paula Escarameia (*ex officio*).

(d) *Effects of armed conflicts on treaties*: Mr. Pedro Comissário Afonso (Chairperson), Mr. Ian Brownlie (Special Rapporteur), Mr. Lucius Caflisch, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Mr. Maurice Kamto, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Rohan Perera, Mr. Ernest Petrić, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue and Ms. Paula Escarameia (*ex officio*).

(e) *Expulsion of aliens*: Mr. Pedro Comissário Afonso (Chairperson), Mr. Maurice Kamto (Special Rapporteur), Mr. Ian Brownlie, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Mahmoud Hmoud, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Rohan Perera, Mr. Ernest Petrić, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue, Mr. Chusei Yamada and Ms. Paula Escarameia (*ex officio*).

7. The Drafting Committee held a total of 41 meetings on the five topics indicated above.

D. Working Groups

8. At its 2964th, 2965th, 2973rd and 2988th meetings, on 16 and 21 May, 6 June and 31 July, respectively, the Commission also established the following Working Groups:

(a) *Working Group on the responsibility of international organizations*:³ Mr. Enrique Candiotti (Chairperson), Mr. Giorgio Gaja (Special Rapporteur), Mr. Pedro Comissário Afonso, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Donald McRae, Mr. Georg Nolte, Mr. Alain Pellet, Mr. Rohan Perera, Mr. Ernest Petrić, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue, Mr. Chusei Yamada and Ms. Paula Escarameia (*ex officio*).

(b) *Working Group on effects of armed conflicts on treaties*: Mr. Lucius Caflisch (Chairperson), Mr. Ian Brownlie (Special Rapporteur), Mr. Pedro Comissário Afonso, Mr. Christopher John Robert Dugard, Mr. Salifou Fomba, Ms. Marie Jacobsson, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Bayo Ojo, Mr. Rohan Perera, Mr. Ernest Petrić, Mr. Gilberto Vergne Saboia, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Ms. Hanqin Xue and Ms. Paula Escarameia (*ex officio*).

(c) *Working Group on expulsion of aliens*:⁴ Mr. Donald McRae (Chairperson), Mr. M. Kamto (Special Rapporteur), Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Mr. Mahmoud Hmoud, Mr. Bernd Niehaus, Mr. Rohan Perera, Mr. Ernest Petrić, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Ms. Hanqin Xue and Ms. Paula Escarameia (*ex officio*).

(d) *Working Group on the obligation to extradite or prosecute* (*aut dedere aut judicare*): Mr. Alain Pellet (Chairperson), Mr. Zdzislaw Galicki (Special Rapporteur).

9. The Working Group on the long-term programme of work for the quinquennium was reconstituted at the current session and was composed of the following members: Mr. Enrique Candiotti (Chairperson), Mr. Ian Brownlie, Mr. Pedro Comissário Afonso, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. Alain Pellet, Mr. Rohan Perera, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Ms. Hanqin Xue and Ms. Paula Escarameia (*ex officio*).

E. Secretariat

10. Mr. Nicolas Michel, Under-Secretary-General, United Nations Legal Counsel, represented the Secretary-General. Ms. Mahnoush H. Arsanjani, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Commission and, in the absence of the United Nations Legal Counsel, represented the Secretary-General. Mr. George Korontzis, Deputy Director

³ Membership was announced at the 2967th meeting, on 27 May 2008.

⁴ Membership was announced at the 2979th meeting, on 16 July 2008.

of the Codification Division, served as Deputy Secretary to the Commission. Mr. Trevor Chimimba, Senior Legal Officer, served as Senior Assistant Secretary. Mr. Arnold Pronto, Legal Officer, Mr. Pierre Bodeau-Livinec, Legal Officer, Mr. Santiago Villalpando, Legal Officer, and Mr. Gionata Buzzini, Legal Officer, served as Assistant Secretaries to the Commission.

F. Agenda

11. At its 2956th meeting, on 5 May 2008, the Commission adopted an agenda for its sixtieth session consisting of the following items:

1. Organization of the work of the session.
2. Reservations to treaties.
3. Responsibility of international organizations.
4. Shared natural resources.
5. Effects of armed conflicts on treaties.
6. Expulsion of aliens.
7. The obligation to extradite or prosecute (*aut dedere aut judicare*).
8. Protection of persons in the event of disasters.
9. Immunity of State officials from foreign criminal jurisdiction.
10. Programme, procedures and working methods of the Commission and its documentation.
11. Date and place of the sixty-first session.
12. Cooperation with other bodies.
13. Other business.