

Chapter I

ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its sixty-fourth session from 7 May to 1 June 2012 and the second part from 2 July to 3 August 2012 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Maurice Kamto, Chairperson of the sixty-third session of the Commission.

A. Membership

2. The Commission consists of the following members:

Mr. Mohammed Bello ADOKE (Nigeria)
Mr. Ali Mohsen Fetais AL-MARRI (Qatar)
Mr. Lucius CAFLISCH (Switzerland)
Mr. Enrique J. A. CANDIOTI (Argentina)
Mr. Pedro COMISSÁRIO AFONSO (Mozambique)
Mr. Abdelrazeg EL-MURTADI SULEIMAN GOUIDER (Libya)
Ms. Concepción ESCOBAR HERNÁNDEZ (Spain)
Mr. Mathias FORTEAU (France)
Mr. Kirill GEVORGIAN (Russian Federation)
Mr. Juan Manuel GÓMEZ ROBLEDO (Mexico)
Mr. Hussein A. HASSOUNA (Egypt)
Mr. Mahmoud D. HMOUD (Jordan)
Mr. Huikang HUANG (China)
Ms. Marie G. JACOBSSON (Sweden)
Mr. Maurice KAMTO (Cameroon)
Mr. Kriangsak KITTICHAISAREE (Thailand)
Mr. Ahmed LARABA (Algeria)
Mr. Donald M. McRAE (Canada)
Mr. Shinya MURASE (Japan)
Mr. Sean D. MURPHY (United States of America)
Mr. Bernd H. NIEHAUS (Costa Rica)
Mr. Georg NOLTE (Germany)
Mr. Ki Gab PARK (Republic of Korea)

Mr. Chris Maina PETER (United Republic of Tanzania)
Mr. Ernest PETRIČ (Slovenia)
Mr. Gilberto Vergne SABOIA (Brazil)
Mr. Narinder SINGH (India)
Mr. Pavel ŠTURMA (Czech Republic)
Mr. Dire D. TLADI (South Africa)
Mr. Eduardo VALENCIA-OSPINA (Colombia)
Mr. Stephen C. VASCIANNIE¹ (Jamaica)
Mr. Amos S. WAKO (Kenya)
Mr. Nugroho WISNUMURTI (Indonesia)
Sir Michael WOOD (United Kingdom of Great Britain and Northern Ireland)

B. Officers and the Enlarged Bureau

3. At its 3128th meeting, on 7 May 2012, the Commission elected the following officers:

Chairperson: Mr. Lucius Cafilisch (Switzerland)

First Vice-Chairperson: Mr. Bernd Niehaus (Costa Rica)

Second Vice-Chairperson: Mr. Hussein Hassouna (Egypt)

Chairperson of the Drafting Committee: Mr. Mahmoud Hmoud (Jordan)

Rapporteur: Mr. Pavel Šturma (Czech Republic)

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairpersons of the Commission² and the Special Rapporteurs.³

5. The Commission set up a Planning Group composed of the following members: Mr. Bernd Niehaus

¹ By a letter dated 22 July 2012, addressed to the Chairperson of the Commission, Mr. Stephen Vasciannie resigned from the Commission with immediate effect.

² Mr. Enrique Candiotti, Mr. Maurice Kamto, Mr. Ernest Petrič and Mr. Nugroho Wisnumurti.

³ Ms. Concepción Escobar Hernández, Mr. Juan Manuel Gómez Robledo, Mr. Maurice Kamto, Mr. Eduardo Valencia-Ospina and Sir Michael Wood.

(Chairperson), Mr. Enrique Candioti, Mr. Pedro Comissário Afonso, Mr. Abdelrazeg El-Murtadi Suleiman Gouider, Ms. Concepción Escobar Hernández, Mr. Mathias Forteau, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Kriangsak Kittichaisaree, Mr. Ahmed Laraba, Mr. Donald McRae, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Georg Nolte, Mr. Ki Gab Park, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Dire Tladi, Mr. Eduardo Valencia-Ospina, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Pavel Šturma (*ex officio*).

C. Drafting Committee

6. At its 3128th and 3141st meetings, on 7 May and 5 July 2012, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) *Expulsion of aliens*: Mr. Mahmoud Hmoud (Chairperson), Mr. Maurice Kamto (Special Rapporteur), Mr. Enrique Candioti, Mr. Pedro Comissário Afonso, Ms. Concepción Escobar Hernández, Mr. Mathias Forteau, Mr. Juan Manuel Gómez Robledo, Mr. Huikang Huang, Mr. Kriangsak Kittichaisaree, Mr. Sean Murphy, Mr. Georg Nolte, Mr. Ki Gab Park, Mr. Chris Maina Peter, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Dire Tladi, Mr. Eduardo Valencia-Ospina, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Pavel Šturma (*ex officio*);

(b) *Protection of persons in the event of disasters*: Mr. Mahmoud Hmoud (Chairperson), Mr. Eduardo Valencia-Ospina (Special Rapporteur), Ms. Concepción Escobar Hernández, Mr. Mathias Forteau, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Kriangsak Kittichaisaree, Mr. Donald McRae, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Georg Nolte, Mr. Ki Gab Park, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Dire Tladi, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Pavel Šturma (*ex officio*).

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

D. Working groups and study groups

8. At its 3131st meeting, on 18 May 2012, the Commission reconstituted the following study groups, which were open-ended:

(a) *Study Group on treaties over time*: Mr. Georg Nolte (Chairperson);

(b) *Study Group on the most-favoured-nation clause*: Mr. Donald McRae (Chairperson).

9. At its 3132nd meeting, on 22 May 2012, the Commission established the following open-ended working group:

Working Group on the obligation to extradite or prosecute (aut dedere aut judicare): Mr. Kriangsak Kittichaisaree (Chairperson).

10. The Planning Group reconstituted the following working group:

Working Group on the long-term programme of work for the quinquennium: Mr. Donald McRae (Chairperson), Mr. Lucius Cafilisch, Ms. Concepción Escobar Hernández, Mr. Mathias Forteau, Mr. Kirill Gevorgian, Mr. Mahmoud Hmoud, Mr. Maurice Kamto, Mr. Kriangsak Kittichaisaree, Ms. Marie Jacobsson, Mr. Ahmed Laraba, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. Ki Gab Park, Mr. Chris Maina Peter, Mr. Ernest Petrič, Mr. Narinder Singh, Mr. Dire Tladi, Mr. Eduardo Valencia-Ospina, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Pavel Šturma (*ex officio*).

E. Secretariat

11. Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and United Nations 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. Mr. George Korontzis, Deputy Director of the Codification Division, served as Deputy Secretary to the Commission. Mr. Trevor Chimimba, Senior Legal Officer, and Mr. Arnold Pronto, Senior Legal Officer, served as Senior Assistant Secretaries to the Commission. Mr. Gionata Buzzini, Legal Officer, served as Assistant Secretary to the Commission.

F. Agenda

12. At its 3128th meeting, on 7 May 2012, the Commission adopted a provisional agenda for its sixty-fourth session. The agenda, as modified in the light of the decisions taken by the Commission at its 3132nd meeting on 22 May 2012,⁴ consisted of the following items:

1. Organization of the work of the session.
2. Expulsion of aliens.
3. The obligation to extradite or prosecute (*aut dedere aut judicare*).
4. Protection of persons in the event of disasters.
5. Immunity of State officials from foreign criminal jurisdiction.
6. Provisional application of treaties.
7. Formation and evidence of customary international law.
8. Treaties over time.
9. The most-favoured-nation clause.
10. Programme, procedures and working methods of the Commission and its documentation.
11. Date and place of the sixty-fifth session.
12. Cooperation with other bodies.
13. Other business.

⁴ See chapter XII, sections B and C below.