

Chapter I

ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its fifty-eighth session from 1 May to 9 June 2006 and the second part from 3 July to 11 August 2006 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Djamchid Momtaz, Chairperson of the Commission at its fifty-seventh 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 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 (Bolivarian Republic of Venezuela)

Mr. Eduardo VALENCIA-OSPINA (Colombia) (see para. 3 below)

Ms. Hanqin XUE (China)

Mr. Chusei YAMADA (Japan)

3. At its 2867th meeting on 1 May 2006, the Commission elected Mr. Eduardo Valencia-Ospina (Colombia) to fill the casual vacancy caused by the election of Mr. Bernardo Sepúlveda to the ICJ.

B. Officers and Enlarged Bureau

4. At its 2867th meeting on 1 May 2006, the Commission elected the following officers:

Chairperson: Mr. Guillaume Pambou-Tchivounda

First Vice-Chairperson: Mr. Giorgio Gaja

Second Vice-Chairperson: Mr. Víctor Rodríguez Cedeño

Chairperson of the Drafting Committee: Mr. Roman A. Kolodkin

Rapporteur: Ms. Hanqin Xue

5. 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

6. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. Giorgio Gaja (Chairperson), Mr. Emmanuel Akwei Addo, Mr. Enrique Candiotti, Mr. Pedro Comissário Afonso, Mr. Riad Daoudi, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. Maurice Kamto, Mr. James Lutabanzibwa Kateka, Mr. Fathi Kemicha, Mr. Roman Anatolyevitch Kolodkin, Mr. Teodor Viorel Melescanu, Mr. Djamchid Momtaz, Mr. Bernd Niehaus, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Eduardo Valencia-Ospina, Mr. Chusei Yamada and Ms. Hanqin Xue (*ex officio*).

C. Drafting Committee

7. At its 2871st, 2874th, 2880th and 2881st meetings on 5, 11, 23 and 30 May 2006 respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

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

² Mr. Ian Brownlie, Mr. Christopher John Robert Dugard, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Alain Pellet, Mr. Pemmaraju Sreenivasa Rao, Mr. Víctor Rodríguez Cedeño and Mr. Chusei Yamada.

(a) Diplomatic protection: Mr. Roman Anatolyevitch Kolodkin (Chairperson), Mr. Christopher John Robert Dugard (Special Rapporteur), Mr. Ian Brownlie, Mr. Enrique Candioti, Mr. Choung Il Chee, Mr. Constantin Economides, Ms. Paula Escarameia, Mr. Giorgio Gaja, Mr. Fathi Kemicha, Mr. William Mansfield, Mr. Michael Matheson, Mr. Djamchid Momtaz, Mr. Chusei Yamada and Ms. Hanqin Xue (*ex officio*).

(b) International liability for injurious consequences arising out of acts not prohibited by international law (international liability in the case of loss from transboundary harm arising out of hazardous activities): Mr. Roman Anatolyevitch Kolodkin (Chairperson), Mr. Pemmaraju Sreenivasa Rao (Special Rapporteur), Mr. João Clemente Baena Soares, Mr. Enrique Candioti, Mr. Choung Il Chee, Mr. Riad Daoudi, Ms. Paula Escarameia, Mr. Giorgio Gaja, Mr. Martti Koskenniemi, Mr. William Mansfield, Mr. Michael Matheson, Mr. Chusei Yamada and Ms. Hanqin Xue (*ex officio*).

(c) Reservations to treaties: Mr. Roman Anatolyevitch Kolodkin (Chairperson), Mr. Alain Pellet (Special Rapporteur), Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Michael Matheson, Mr. Chusei Yamada and Ms. Hanqin Xue (*ex officio*).

(d) Responsibility of international organizations: Mr. Roman Anatolyevitch Kolodkin (Chairperson), Mr. Giorgio Gaja (Special Rapporteur), Mr. Constantin Economides, Ms. Paula Escarameia, Mr. William Mansfield, Mr. Michael Matheson, Mr. Djamchid Momtaz, Mr. Eduardo Valencia-Ospina, Mr. Chusei Yamada and Ms. Hanqin Xue (*ex officio*).

(e) Shared natural resources: Mr. Roman Anatolyevitch Kolodkin (Chairperson), Mr. Chusei Yamada (Special Rapporteur), Mr. Enrique Candioti, Mr. Pedro Comissário Afonso, Mr. Riad Daoudi, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. William Mansfield, Mr. Michael Matheson, Mr. Guillaume Pambou-Tchivounda and Ms. Hanqin Xue (*ex officio*).

8. The Drafting Committee held a total of 28 meetings on the five topics indicated above.

D. Working Groups

9. At its 2868th, 2877th and 2888th meetings on 2 and 17 May and 5 July 2006 respectively, the Commission also re-established the following Working Groups and Study Group:

(a) Working Group on shared natural resources: Mr. Enrique Candioti (Chairperson), Mr. Chusei Yamada (Special Rapporteur), Mr. João Clemente Baena Soares, Mr. Pedro Comissário Afonso, Mr. Riad Daoudi, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Peter Kabatsi, Mr. William Mansfield, Mr. Michael Matheson, Mr. Didier Opertti Badan, Mr. Pemmaraju Sreenivasa Rao and Ms. Hanqin Xue (*ex officio*).

(b) Study Group on fragmentation of international law: difficulties arising from the diversification and expansion of international law (open-ended)

Chairperson: Mr. Martti Koskenniemi

(c) Working Group on unilateral acts of States (open-ended)

Chairperson: Mr. Alain Pellet

10. The Working Group on the long-term programme of work was re-established 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 and Ms. Hanqin Xue (*ex officio*).

E. Secretariat

11. Mr. Nicolas Michel, Under-Secretary-General, 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 United Nations 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, Principal Legal Officer, served as Principal Assistant Secretary. Mr. Trevor Chimimba, Senior Legal Officer, served as Senior Assistant Secretary. Mr. Arnold Pronto, Legal Officer, and Mr. Michele Ameri and Mr. Gionata Buzzini, Associate Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

12. At its 2867th meeting, the Commission adopted an agenda for its fifty-eighth session consisting of the following items:

1. Organization of work of the session.
2. Diplomatic protection.
3. 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).
4. Responsibility of international organizations.
5. Shared natural resources.
6. Unilateral acts of States.
7. Reservations to treaties.
8. Expulsion of aliens.
9. Effects of armed conflicts on treaties.
10. The obligation to extradite or prosecute (*aut dedere aut judicare*).
11. Fragmentation of international law: difficulties arising from the diversification and expansion of international law.
12. Programme, procedures and working methods of the Commission and its documentation.
13. Cooperation with other bodies.
14. Date and place of the fifty-ninth session.
15. Other business.