

Chapter I

ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its sixty-second session from 3 May to 4 June 2010 and the second part from 5 July to 6 August 2010 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Ernest Petrič, Chairperson of the sixty-first session of the Commission.

A. Membership

2. The Commission consists of the following members:

Mr. Ali Mohsen Fetais AL-MARRI (Qatar)
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)
Mr. Huikang HUANG (China)*
Ms. Marie G. JACOBSSON (Sweden)
Mr. Maurice KAMTO (Cameroon)
Mr. Fathi KEMICHA (Tunisia)
Mr. Roman A. KOLODKIN (Russian Federation)
Mr. Donald M. McRAE (Canada)
Mr. Teodor Viorel MELESCANU (Romania)
Mr. Shinya MURASE (Japan)
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-OSPINA (Colombia)

* See paragraph 3 below.

Mr. Edmundo VARGAS CARREÑO (Chile)

Mr. Stephen C. VASCIANNIE (Jamaica)

Mr. Marcelo VÁZQUEZ-BERMÚDEZ (Ecuador)

Mr. Amos S. WAKO (Kenya)

Mr. Nugroho WISNUMURTI (Indonesia)

Sir Michael WOOD (United Kingdom of Great Britain and Northern Ireland)

Ms. Hanqin XUE (China)*

B. Casual vacancy

3. On 14 July 2010, the Commission elected Mr. Huikang Huang (China) to fill the casual vacancy occasioned by the resignation of Ms. Hanqin Xue,¹ who was elected to the International Court of Justice.

C. Officers and Enlarged Bureau

4. At its 3036th and 3058th² meetings, on 3 May and 5 July 2010, the Commission elected the following officers:

Chairperson: Ms. Hanqin Xue (China), then Mr. Nugroho Wisnumurti (Indonesia)³

First Vice-Chairperson: Mr. Christopher John Robert Dugard (South Africa)

Second Vice-Chairperson: Mr. Zdzislaw W. Galicki (Poland)

Chairperson of the Drafting Committee: Mr. Donald M. McRae (Canada)

Rapporteur: Mr. Stephen C. Vasciannie (Jamaica)

5. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairpersons of the Commission⁴ and the Special Rapporteurs.⁵

* See paragraph 3 below.

¹ See document A/CN.4/632 and Add.1.

² See footnote 3 below.

³ At its 3058th meeting on 5 July 2010, the Commission elected Mr. Nugroho Wisnumurti as the new Chairperson for the remainder of the session to replace Ms. Hanqin Xue.

⁴ Mr. Enrique Candiotti, Mr. Zdzislaw Galicki, Mr. Teodor Melescanu, Mr. Alain Pellet, Mr. Ernest Petrič and Mr. Edmundo Vargas Carreño.

⁵ Mr. Lucius Cafilisch, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Roman Kolodkin, Mr. Alain Pellet and Mr. Eduardo Valencia-Ospina.

6. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. Christopher John Robert Dugard (Chairperson), Mr. Lucius Cafilisch, Mr. Enrique Candioti, Mr. Pedro Comissário Afonso, Ms. Paula Escarameia, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Shinya Murase, Mr. Georg Nolte, Mr. Alain Pellet, Mr. A. Rohan Perera, Mr. Ernest Petrič, Mr. Gilberto Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue, and Mr. Stephen Vasciannie (*ex officio*).

D. Drafting Committee

7. At its 3038th, 3040th, 3058th and 3059th meetings, on 5 and 7 May, and on 5 and 9 July 2010, respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) *Reservations to treaties*: Mr. Donald McRae (Chairperson), Mr. Alain Pellet (Special Rapporteur), Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Mr. Huikang Huang, Mr. Teodor Melescanu, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue and Mr. Stephen Vasciannie (*ex officio*).

(b) *Expulsion of aliens*: Mr. Donald McRae (Chairperson), Mr. Maurice Kamto (Special Rapporteur), Mr. Lucius Cafilisch, Mr. Pedro Comissário Afonso, Mr. Christopher John Robert Dugard, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. A. Rohan Perera, Mr. Ernest Petrič, Mr. Gilberto Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue and Mr. Stephen Vasciannie (*ex officio*).

(c) *Protection of persons in the event of disasters*: Mr. Donald McRae (Chairperson), Mr. Eduardo Valencia-Ospina (Special Rapporteur), Mr. Christopher John Robert Dugard, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Hussein Hassouna, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Teodor Melescanu, Mr. Shinya Murase, Mr. Georg Nolte, Mr. A. Rohan Perera, Mr. Ernest Petrič, Mr. Gilberto Saboia, Mr. Narinder Singh, Mr. Edmundo Vargas Carreño, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Stephen Vasciannie (*ex officio*).

(d) *Effects of armed conflicts on treaties*: Mr. Donald McRae (Chairperson), Mr. Lucius Cafilisch (Special Rapporteur), Mr. Enrique Candioti, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Mr. Huikang Huang, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Teodor Melescanu, Mr. Shinya Murase, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. A. Rohan Perera, Mr. Gilberto Saboia, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Stephen Vasciannie (*ex officio*).

8. The Drafting Committee held a total of 37 meetings on the four topics indicated above.

E. Working Groups and Study Groups

9. At its 3037th, 3038th, 3039th, 3053rd and 3069th meetings, on 4, 5, 6 and 28 May and on 27 July 2010, respectively, the Commission reconstituted the following Working Groups and Study Groups:

(a) *Working Group on shared natural resources*: Mr. Enrique Candioti (Chairperson), Mr. Lucius Cafilisch, Ms. Paula Escarameia, 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. Shinya Murase, Mr. A. Rohan Perera, Mr. Ernest Petrič, Mr. Gilberto Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue and Mr. Stephen Vasciannie (*ex officio*).

(b) *Working Group on the obligation to extradite or prosecute* (aut dedere aut judicare), open-ended: Mr. Alain Pellet (Chairperson),⁶ Mr. Zdzislaw Galicki (Special Rapporteur) and Mr. Stephen Vasciannie (*ex officio*).

(c) *Working Group on the long-term programme of work for the quinquennium* was established by the Planning Group and was composed of the following members: Mr. Enrique Candioti (Chairperson), Mr. Lucius Cafilisch, Mr. Pedro Comissário Afonso, Ms. Paula Escarameia, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Donald McRae, Mr. Teodor Melescanu, Mr. Shinya Murase, Mr. Georg Nolte, Mr. Alain Pellet, Mr. A. Rohan Perera, Mr. Ernest Petrič, Mr. Gilberto Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue and Mr. Stephen Vasciannie (*ex officio*).

(d) *Study Group on treaties over time*: Mr. Georg Nolte (Chairperson), Mr. E. Candioti, Mr. Christopher John Robert Dugard, Ms. Paula Escarameia, 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. Teodor Melescanu, Mr. Shinya Murase, Mr. Bernd Niehaus, Mr. Bayo Ojo, Mr. Alain Pellet, Mr. A. Rohan Perera, Mr. Ernest Petrič, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue and Mr. Stephen Vasciannie (*ex officio*).

(e) *Study Group on the most-favoured-nation clause*: Mr. Donald McRae and Mr. A. Rohan Perera (Co-Chairs), Mr. Lucius Cafilisch, Mr. Enrique Candioti, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson,

⁶ In the absence of its Chairperson, the Working Group was chaired by Mr. Enrique Candioti at the present session.

Mr. Roman Kolodkin, Mr. Shinya Murase, Mr. Georg Nolte, Mr. Alain Pellet, Mr. Gilberto Saboia, Mr. Narinder Singh, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood, Ms. Hanqin Xue and Mr. Stephen Vasciannie (*ex officio*).

F. Secretariat

10. Ms. Patricia O'Brien, Under-Secretary-General, the 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. 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. Mr. Pierre Bodeau-Livinec, Legal Officer, and Mr. Gionata Buzzini, Legal Officer, served as Assistant Secretaries to the Commission.

G. Agenda

11. At its 3036th meeting, on 3 May 2010, the Commission adopted an agenda for its sixty-second session consisting of the following items:

1. Organization of the work of the session.
2. Filling of a casual vacancy in the Commission (Article 11 of the statute)
3. Reservations to treaties.
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. Treaties over time.
11. The most-favoured-nation clause.
12. Programme, procedures and working methods of the Commission and its documentation.
13. Date and place of the sixty-third session.
14. Cooperation with other bodies.
15. Other business.