

## Chapter I

### ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its sixty-third session from 26 April to 3 June 2011 and the second part from 4 July to 12 August 2011 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Nugroho Wisnumurti, Chairperson of the sixty-second 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 CANDIOTI (Argentina)  
Mr. Pedro COMISSÁRIO AFONSO (Mozambique)  
Mr. Christopher John Robert DUGARD (South Africa)  
Ms. Concepción ESCOBAR HERNÁNDEZ (Spain)  
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. 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)

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)

#### B. Casual vacancy

3. On 28 April 2011, the Commission elected Ms. Concepción Escobar Hernández (Spain) to fill the casual vacancy occasioned by the death of Ms. Paula Escarameia. On 17 May 2011, the Commission elected Mr. Mohammed Bello Adoke (Nigeria) to fill the casual vacancy occasioned by the resignation of Mr. Bayo Ojo.

#### C. Officers and the Enlarged Bureau

4. At its 3080th meeting, on 26 April 2011, the Commission elected the following officers:

*Chairperson:* Mr. Maurice Kamto (Cameroon)

*First Vice-Chairperson:* Ms. Marie Jacobsson (Sweden)

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

*Chairperson of the Drafting Committee:* Mr. Teodor Viorel Melescanu (Romania)

*Rapporteur:* Mr. A. Rohan Perera (Sri Lanka)

5. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairpersons of the Commission<sup>1</sup> and the Special Rapporteurs.<sup>2</sup>

6. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Ms. Marie Jacobsson (Chairperson), Mr. Lucius Cafilisch, Mr. Enrique Candiotti, Mr. Pedro Comissário Afonso, Mr. Christopher John

<sup>1</sup> Mr. Enrique Candiotti, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Teodor Viorel Melescanu, Mr. Alain Pellet, Mr. Ernest Petrič, Mr. Edmundo Vargas Carreño and Mr. Nugroho Wisnumurti.

<sup>2</sup> Mr. Lucius Cafilisch, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Maurice Kamto, Mr. Roman Kolodkin, Mr. Alain Pellet and Mr. Eduardo Valencia-Ospina.

Robert Dugard, Ms. Concepción Escobar Hernández, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Mr. Maurice Kamto, Mr. Fathi Kemicha, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Teodor Viorel Melescanu, Mr. Shinya Murase, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. Alain Pellet, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*).

#### D. Drafting Committee

7. At its 3080th meeting, on 26 April 2011, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) *Effects of armed conflicts on treaties*: Mr. Teodor Viorel Melescanu (Chairperson), Mr. Lucius Cafilisch (Special Rapporteur), Mr. Enrique Candioti, Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Mr. Huikang Huang, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Shinya Murase, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*);

(b) *Responsibility of international organizations*: Mr. Teodor Viorel Melescanu (Chairperson), Mr. Giorgio Gaja (Special Rapporteur), Mr. Enrique Candioti, Mr. Salifou Fomba, Mr. Huikang Huang, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Donald McRae, Mr. Shinya Murase, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Eduardo Valencia-Ospina, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*);

(c) *Expulsion of aliens*: Mr. Teodor Viorel Melescanu (Chairperson), Mr. Maurice Kamto (Special Rapporteur), Mr. Pedro Comissário Afonso, Ms. Concepción Escobar Hernández, Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Mr. Mahmoud Hmoud, Mr. Donald McRae, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*);

(d) *Protection of persons in the event of disasters*: Mr. Teodor Viorel Melescanu (Chairperson), Mr. Eduardo Valencia-Ospina (Special Rapporteur), Mr. Enrique Candioti, Mr. Christopher John Robert Dugard, Ms. Concepción Escobar Hernández, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Donald McRae, Mr. Shinya Murase, Mr. Georg Nolte, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*).

8. The Drafting Committee held a total of 27 meetings on the four topics indicated above.

#### E. Working groups and study groups

9. At its 3080th meeting, on 26 April 2011, the Commission reconstituted the following working groups and study groups:

(a) *Working Group on reservations to treaties*: Mr. Marcelo Vázquez-Bermúdez (Chairperson), Mr. Alain Pellet (Special Rapporteur), Mr. Enrique Candioti, Ms. Concepción Escobar Hernández, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Mr. Huikang Huang, Mr. Maurice Kamto, Mr. Donald McRae, Mr. Georg Nolte, Mr. Ernest Petrič, Mr. Narinder Singh, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*);

(b) *Study Group on treaties over time*: Mr. Georg Nolte (Chairperson), Mr. Enrique Candioti, Mr. Pedro Comissário Afonso, Mr. Christopher John Robert Dugard, Ms. Concepción Escobar Hernández, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Donald McRae, Mr. Teodor Viorel Melescanu, Mr. Shinya Murase, Mr. Bernd Niehaus, Mr. Ernest Petrič, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*);

(c) *Study Group on the most-favoured-nation clause*: Mr. Donald McRae and Mr. A. Rohan Perera (Co-Chairpersons), Mr. Lucius Cafilisch, Mr. Enrique Candioti, Ms. Concepción Escobar Hernández, Mr. Giorgio Gaja, Mr. Mahmoud Hmoud, Mr. Shinya Murase, Mr. Bernd Niehaus, Mr. Georg Nolte, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti and Sir Michael Wood.

10. The Planning Group established or reconstituted the following working groups:

(a) *Working Group on methods of work*: Mr. Hussein Hassouna (Chairperson), Mr. Lucius Cafilisch, Mr. Enrique Candioti, Mr. Salifou Fomba, Mr. Zdzislaw Galicki, Ms. Marie Jacobsson, Mr. Teodor Viorel Melescanu, Mr. Shinya Murase, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*);

(b) *Working Group on the long-term programme of work*: Mr. Enrique Candioti (Chairperson), Mr. Lucius Cafilisch, Mr. Pedro Comissário Afonso, Ms. Concepción Escobar Hernández, Mr. Salifou Fomba, Mr. Giorgio Gaja, Mr. Zdzislaw Galicki, Mr. Hussein Hassouna, Mr. Mahmoud Hmoud, Mr. Huikang Huang, Ms. Marie Jacobsson, Mr. Roman Kolodkin, Mr. Donald McRae, Mr. Teodor Viorel Melescanu, Mr. Shinya Murase, Mr. Georg Nolte, Mr. Alain Pellet, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Eduardo Valencia-Ospina, Mr. Edmundo Vargas Carreño, Mr. Stephen Vasciannie, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. A. Rohan Perera (*ex officio*).

## F. 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 and Mr. Arnold Pronto, Senior Legal Officers, served as Senior Assistant Secretaries to the Commission. Mr. Gionata Buzzini and Ms. Hanna Dreifeldt Lainé, Legal Officers, served as Assistant Secretaries to the Commission.

## G. Agenda

12. At its 3080th meeting, on 26 April 2011, the Commission adopted an agenda for its sixty-third session consisting of the following items:

1. Organization of the work of the session.
2. Reservations to treaties.
3. Responsibility of international organizations.
4. Effects of armed conflicts on treaties.
5. Expulsion of aliens.
6. The obligation to extradite or prosecute (*aut dedere aut judicare*).
7. Protection of persons in the event of disasters.
8. Immunity of State officials from foreign criminal jurisdiction.
9. Treaties over time.
10. The most-favoured-nation clause.
11. Programme, procedures and working methods of the Commission and its documentation.
12. Date and place of the sixty-fourth session.
13. Cooperation with other bodies.
14. Filling of a casual vacancy in the Commission (article 11 of the statute).
15. Other business.