

## Chapter I

### ORGANIZATION OF THE SESSION

1. The International Law Commission held the first part of its sixty-fifth session from 6 May to 7 June 2013 and the second part from 8 July to 9 August 2013 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Lucius Cafilisch, Chairperson of the sixty-fourth 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. Marcelo VÁZQUEZ-BERMÚDEZ (Ecuador)<sup>1</sup>  
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 6 May 2013, the Commission elected Mr. Marcelo Vázquez-Bermúdez to fill the casual vacancy occasioned by the resignation of Mr. Stephen C. Vasciannie.

#### C. Officers and the Enlarged Bureau

4. At its 3159th meeting, on 6 May 2013, the Commission elected the following officers:

*Chairperson:* Mr. Bernd Niehaus (Costa Rica)

*First Vice-Chairperson:* Mr. Pavel Šturma (Czech Republic)

*Second Vice-Chairperson:* Mr. Narinder Singh (India)

*Chairperson of the Drafting Committee:* Mr. Dire Tladi (South Africa)

*Rapporteur:* Mr. Mathias Forteau (France)

5. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairpersons of the Commission<sup>2</sup> and the Special Rapporteurs.<sup>3</sup>

6. The Commission set up a Planning Group composed of the following members: Mr. Pavel Šturma (Chairperson), Mr. Lucius Cafilisch, Mr. Pedro Comissário Afonso, Mr. Abdelrazeg El-Murtadi Suleiman Gouider, Ms. Concepción Escobar Hernández, 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. Marcelo

<sup>1</sup> See paragraph 3.

<sup>2</sup> Mr. Lucius Cafilisch, Mr. Enrique Candiotti, Mr. Maurice Kamto, Mr. Ernest Petrič and Mr. Nugroho Wisnumurti.

<sup>3</sup> Ms. Concepción Escobar Hernández, Mr. Juan Manuel Gómez Robledo, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Georg Nolte, Mr. Eduardo Valencia-Ospina and Sir Michael Wood.

Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Mathias Forteau (*ex officio*).

#### D. Drafting Committee

7. At its 3163rd, 3170th and 3180th meetings, on 14 and 24 May and 16 July 2013, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) *Subsequent agreements and subsequent practice in relation to the interpretation of treaties*: Mr. Dire Tladi (Chairperson), Mr. Georg Nolte (Special Rapporteur), Ms. Concepción Escobar Hernández, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Kriangsak Kittichaisaree, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Ki Gab Park, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Pavel Šturma, Mr. Eduardo Valencia-Ospina, Mr. Marcelo Vázquez-Bermúdez, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Mathias Forteau (*ex officio*);

(b) *Immunity of State officials from foreign criminal jurisdiction*: Mr. Dire Tladi (Chairperson), Ms. Concepción Escobar Hernández (Special Rapporteur), Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Kriangsak Kittichaisaree, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Georg Nolte, Mr. Ki Gab Park, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Pavel Šturma, Mr. Eduardo Valencia-Ospina, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Mathias Forteau (*ex officio*);

(c) *Protection of persons in the event of disasters*: Mr. Dire Tladi (Chairperson), Mr. Eduardo Valencia-Ospina (Special Rapporteur), Mr. Juan Manuel Gómez Robledo, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Kriangsak Kittichaisaree, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Ki Gab Park, Mr. Ernest Petrič, Mr. Gilberto Vergne Saboia, Mr. Narinder Singh, Mr. Marcelo Vázquez-Bermúdez, Sir Michael Wood and Mr. Mathias Forteau (*ex officio*).

8. The Drafting Committee held a total of 20 meetings on the three topics indicated above.

#### E. Working groups and study groups

9. At its 3161st and 3169th meetings, on 8 and 23 May 2013, the Commission reconstituted the following working groups and study groups:

(a) *Open-ended Working Group on the obligation to extradite or prosecute* (*aut dedere aut judicare*): Mr. Kriangsak Kittichaisaree (Chairperson);

(b) *Study Group on the most-favoured-nation clause*: Mr. Donald McRae (Chairperson), Mr. Lucius Caflisch, Ms. Concepción Escobar Hernández, Mr. Mahmoud Hmoud, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Ki Gab Park, Mr. Narinder Singh, Mr. Pavel Šturma, Mr. Marcelo Vázquez-Bermúdez, Sir Michael Wood and Mr. Mathias Forteau (*ex officio*).

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 Caflisch, Ms. Concepción Escobar Hernández, Mr. Kirill Gevorgian, Mr. Juan Manuel Gómez Robledo, Mr. Mahmoud Hmoud, Ms. Marie Jacobsson, Mr. Maurice Kamto, Mr. Kriangsak Kittichaisaree, Mr. Ahmed Laraba, Mr. Shinya Murase, Mr. Sean Murphy, Mr. Georg Nolte, Mr. Ki Gab Park, Mr. Ernest Petrič, Mr. Narinder Singh, Mr. Pavel Šturma, Mr. Dire Tladi, Mr. Marcelo Vázquez-Bermúdez, Mr. Amos Wako, Mr. Nugroho Wisnumurti, Sir Michael Wood and Mr. Mathias Forteau (*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. George Korontzis, 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. Trevor Chimimba and Mr. Arnold Pronto, Senior Legal Officers, served as Senior Assistant Secretaries to the Commission. Mr. Gionata Buzzini, Ms. Hanna Dreifeldt-Lainé, Legal Officers, and Mr. Noah Bialostozky, Associate Legal Officer, served as Assistant Secretaries to the Commission.

#### G. Agenda

12. At its 3159th meeting, on 6 May 2013, the Commission adopted a provisional agenda for its sixty-fifth session. The agenda, as modified in the light of the decision taken by the Commission at its 3171st meeting,<sup>4</sup> on 28 May 2013, consisted of the following items:

1. Organization of the work of the session.
2. Filling of a casual vacancy.
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. Subsequent agreements and subsequent practice in relation to the interpretation of treaties.
7. Provisional application of treaties.
8. Formation and evidence of customary international law.<sup>5</sup>
9. Protection of the environment in relation to armed conflicts.
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-sixth session.
13. Cooperation with other bodies.
14. Other business.

<sup>4</sup> See below, chap. XII, sect. A.1.

<sup>5</sup> The Commission decided at its 3186th meeting, on 25 July 2013, to change the title of the topic to "Identification of customary international law". See below, chap. VII, sect. B.