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Fifty-ninth session
Geneva, 7 May-9 June and 9 July-10 August 2007

**DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS FIFTY-NINTH SESSION**

Rapporteur: Mr. Ernest PETRIČ

CHAPTER I

Introduction

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Introduction

1. The International Law Commission held the first part of its fifty-ninth session from 7 May to 5 June 2007¹ and the second part from 9 July to 10 August 2007 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Giorgio Gaja, First Vice-Chairman of the Commission.

A. Membership

2. The Commission consists of the following members:

Mr. Ali Mohsen Fetais Al-Marri (Qatar)

Mr. Ian Brownlie (United Kingdom)

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. Zdzisław Galicki (Poland)

Mr. Hussein A. Hassouna (Egypt)

Mr. Mahmoud D. Hmoud (Jordan)

Ms. Marie G. Jacobsson (Sweden)

Mr. Maurice Kamto (Cameroon)

Mr. Fathi Kemicha (Tunisia)

Mr. Roman Anatolyevitch Kolodkin (Russian Federation)

¹ See paragraph ...

Mr. Donald M. McRae (Canada)
Mr. Teodor Viorel Melescanu (Romania)
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)
Mr. Edmundo Vargas Carreño (Chile)
Mr. Stephen C. Vasciannie (Jamaica)
Mr. Marcelo Vázquez-Bermúdez (Ecuador)
Mr. Amos S. Wako (Kenya)
Mr. Nugroho Wisnumurti (Indonesia)
Ms. Hanqin Xue (China)
Mr. Chusei Yamada (Japan)

B. Officers and the Enlarged Bureau

3. At its 2914th meeting, on 7 May 2007, the Commission elected the following officers:

Chairman:	Mr. Ian Brownlie
First Vice-Chairman:	Mr. Edmundo Vargas Carreño
Second Vice-Chairman:	Mr. Pedro Comissário Afonso
Chairman of the Drafting Committee:	Mr. Chusei Yamada
Rapporteur:	Mr. Ernest Petrič

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

5. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. E. Vargas Carreño (Chairman), Mr. A.M. Al-Marri, Mr. L. Caflisch, Mr. P. Comissário Afonso, Ms. P. Escameia, Mr. S. Fomba, Mr. Z. Galicki, Mr. H.A. Hassouna, Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. B. Niehaus, Mr. G. Nolte, Mr. A. Pellet, Mr. A.R. Perera, Mr. G.V. Saboia, Mr. N. Singh, Mr. E. Valencia-Ospina, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Ms. H. Xue, Mr. C. Yamada and Mr. E. Petrič (*ex officio*).

C. Drafting Committee

6. At its 2915th, 2938th ... meetings, on 8 May, on 18 ... and July 2007, respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) Reservations to treaties: Mr. C. Yamada (Chairman), Mr. A. Pellet (Special Rapporteur), Mr. E. Candioti, Ms. P. Escameia, Mr. S. Fomba, Mr. G. Gaja, Mr. M.D. Hmoud, Mr. R. Kolodkin, Mr. D.M. McRae, Mr. B.H. Niehaus, Mr. G. Nolte, Mr. A.R. Perera, Mr. N. Singh, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Ms. H. Xue and Mr. E. Petrič (*ex officio*).

(b) Responsibility of international organizations: Mr. C. Yamada (Chairman), Mr. G. Gaja (Special Rapporteur), Ms. P. Escameia, Mr. S. Fomba, Mr. Z. Galicki, Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. A. Pellet, Mr. A.R. Perera, Mr. G.V. Saboia, Mr. N. Singh, Mr. E. Valencia-Ospina, Mr. S.C. Vascianne, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Ms. H. Xue and Mr. E. Petrič (*ex officio*).

² Mr. E. Candioti, Mr. Z. Galicki, Mr. A. Pellet, and Mr. C. Yamada.

³ Mr. I. Brownlie, Mr. G. Gaja, Mr. Z. Galicki, Mr. M. Kamto, Mr. A. Pellet, and Mr. C. Yamada.

(c) Expulsion of aliens: Mr. C. Yamada (Chairman), Mr. M. Kamto (Special Rapporteur), ...

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

D. Working Groups

8. At its 2920th, 2928th and 2929th meetings, on 16 and 31 May and on 1 June 2007, respectively, the Commission also established the following Working Groups:

(a) Working Group on Shared natural resources:⁴ Mr. E. Candioti (Chairman), Mr. C. Yamada (Special Rapporteur), Mr. I. Brownlie, Mr. P. Comissário Afonso, Ms. P. Escameia, Mr. G. Gaja, Mr. Z. Galicki, Mr. H.A. Hassouna, Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. D.M. McRae, Mr. G. Nolte, Mr. A.R. Perera, Mr. G.V. Saboia, Mr. N. Singh, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Ms. H. Xue and Mr. E. Petrič (*ex officio*).

(b) Working Group on Effects of armed conflict on treaties:⁵ Mr. L. Caflisch (Chairman), Mr. I. Brownlie (Special Rapporteur), Mr. P. Comissário Afonso, Ms. P. Escameia, Mr. S. Fomba, Mr. G. Gaja, Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. B.H. Niehaus, Mr. G. Nolte, Mr. B. Ojo, Mr. A. Pellet, Mr. A.R. Perera, Mr. E. Vargas Carreño, Mr. M. Vázquez-Bermúdez, Mr. N. Wisnumurti, Ms. H. Xue, Mr. C. Yamada and Mr. E. Petrič (*ex officio*).

(c) Open-ended Working Group on the Most-favoured Nation clause: Mr. D. McRae (Chairman).

9. The Working Group on Long-term programme of work for the quinquennium was established by the Planning Group and was composed of the following members: Mr. E. Candioti (Chairman), Mr. I. Brownlie, Mr. P. Comissário Afonso, Ms. P. Escameia, Mr. S. Fomba, Mr. G. Gaja, Mr. Z. Galicki, Mr. H.A. Hassouna, Mr. M.D. Hmoud,

⁴ Membership was announced at the 2921st meeting, on 18 May 2007.

⁵ Membership was announced at the 2933rd meeting, on 10 July 2007.

Ms. M.G. Jacobsson, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. B.H. Niehaus, Mr. G. Nolte, Mr. A. Pellet, Mr. A.R. Perera, Mr. G.V. Saboia, Mr. N. Singh, Mr. E. Valencia-Ospina, Mr. E. Vargas Carreño, Mr. M. Vázquez-Bermúdez, Mr. A.S. Wako, Ms. H. Xue and Mr. E. Petrič (*ex officio*).

10. The Working Group on External publication of Commission documents was established by the Planning Group and was composed of the following members: Mr. G. Gaja (Chairman), Mr. E. Candioti, Ms. P. Escameia, Mr. H.A. Hassouna, Mr. M.D. Hmoud, Mr. M. Kamto, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. G. Nolte, Ms. H. Xue, Mr. C. Yamada and Mr. E. Petrič (*ex officio*).

E. Secretariat

11. Mr. Nicolas Michel, Under-Secretary-General, the Legal Counsel, represented the Secretary-General. Ms. Mahnoush H. Arsanjani, 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, Principal Legal Officer, served as Principal Assistant Secretary, Mr. Trevor Chimimba, Senior Legal Officer, served as Senior Assistant Secretary. Mr. Arnold Pronto, Legal Officer; Mr. Pierre Bodeau-Livinec, Legal Officer; Mr. Santiago Villalpando, Legal Officer; and Mr. Gionata Buzzini, Associate Legal Officer, served as Assistant Secretaries to the Commission.

F. Agenda

12. At its 2914th meeting, on 7 May 2007, the Commission adopted an agenda for its fifty-ninth session consisting of the following items:

1. Organization of the work of the session.
2. Shared natural resources.
3. Responsibility of international organizations.
4. Reservations to treaties.
5. Effects of armed conflicts on treaties.

6. The obligation to extradite or prosecute (*aut dedere aut judicare*).
7. Expulsion of aliens.
8. Programme, procedures and working methods of the Commission and its documentation.
9. Date and place of the sixtieth session.
10. Cooperation with other bodies.
11. Other business.
