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Fifty-third session
Geneva, 23 April-1 June and 2 July-10 August 2001

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

Rapporteur: Mr. Qizhi He

CHAPTER I

Introduction

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
A. Membership		
B. Officers and the Enlarged Bureau		
C. Drafting Committee		
D. Working Groups		
E. Secretariat		
F. Agenda.....		

CHAPTER I

Introduction

1. The International Law Commission held the first part of its fifty-third session from 23 April to 1 June 2001 and the second part from 2 July to 10 August 2001 at its seat at the United Nations Office at Geneva.

A. Membership

2. The Commission consists of the following members:

Mr. Emmanuel Akwei Addo (Ghana)

Mr. Husain Al-Baharna (Bahrain)

Mr. Joao Clemente Baena Soares (Brazil)

Mr. Ian Brownlie (United Kingdom)

Mr. Enrique J.A. Candioti (Argentina)

Mr. James Richard Crawford (Australia)

Mr. Christopher John Robert Dugard (South Africa)

Mr. Constantin Economides (Greece)

Mr. Nabil Elaraby (Egypt)

Mr. Giorgio Gaja (Italy)

Mr. Zdzislaw Galicki (Poland)

Mr. Raul Ilustre Goco (Philippines)

Mr. Gerhard Hafner (Austria)

Mr. Qizhi He (China)

Mr. Mauricio Herdocia Sacasa (Nicaragua)

Mr. Kamil E. Idris (Sudan)

Mr. Jorge E. Illueca (Panama)

Mr. Peter C.R. Kabatsi (Uganda)

Mr. Maurice Kamto (Cameroon)

Mr. James Lutabanzibwa Kateka (United Republic of Tanzania)

Mr. Mochtar Kusuma-Atmadja (Indonesia)

Mr. Igor Ivanovich Lukashuk (Russian Federation)

Mr. Teodor Viorel Melescanu (Romania)

Mr. Djamchid Momtaz (Islamic Republic of Iran)

Mr. Didier Operti-Badan (Uruguay)
Mr. Guillaume Pambou-Tchivounda (Gabon)
Mr. Alain Pellet (France)
Mr. Pemmaraju Sreenivasa Rao (India)
Mr. Victor Rodriguez Cedeño (Venezuela)
Mr. Robert Rosenstock (United States)
Mr. Bernardo Sepúlveda (Mexico)
Mr. Bruno Simma (Germany)
Mr. Peter Tomka (Slovakia)
Mr. Chusei Yamada (Japan)

B. Officers and Enlarged Bureau

3. At its 2665th meeting on 23 April 2001, the Commission elected the following officers:

Chairman:	Mr. Peter C.R. Kabatsi
First Vice-Chairman:	Mr. Gerhard Hafner
Second Vice-Chairman:	Mr. Enrique J.A. Candiotti
Chairman of The Drafting Committee:	Mr. Peter Tomka
Rapporteur:	Mr. Qizhi He

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairmen of the Commission¹ and the Special Rapporteurs.²

5. On the recommendation of the Enlarged Bureau the Commission set up a Planning group composed of the following members: Mr. Gerhard Hafner (Chairman), Mr. E.A. Addo, Mr. J.C. Baena Soares, Mr. I. Brownlie, Mr. K. Idris, Mr. Z. Galicki, Mr. M. Kamto, Mr. M. Kusuma-Atmadja, Mr. A. Pellet, Mr. R. Rosenstock, Mr. C. Yamada, Mr. Q. He (ex-officio).

¹ Mr. J.C. Baena Soares, Mr. Z. Galicki, Mr. A. Pellet, Mr. P.S. Rao and Mr. C. Yamada.

² Mr. J.R. Crawford, Mr. Ch.J.R. Dugard, Mr. A. Pellet, Mr. P.S. Rao and Mr. V. Rodriguez Cedeño.

C. Drafting Committee

6. At its 2666th, 2669th and 2679th meetings on 24 April, 27 April and 23 May 2001 respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) International liability for injurious consequences arising out of acts not prohibited by international law (Prevention of transboundary damage from hazardous activities):

Mr. Peter Tomka (Chairman), Mr. Pemmaraju Sreenivasa Rao (Special Rapporteur), Mr. J.C. Baena Soares, Mr. I. Brownlie, Mr. Z. Galicki, Mr. G. Gaja, Mr. G. Hafner, Mr. M. Herdocia Sacasa, Mr. J. L. Kateka, Mr. T.V. Melescanu, Mr. D. Opertti-Badan, Mr. V. Rodriguez Cedeño, Mr. R. Rosenstock, Mr. C. Yamada and Mr. Q. He (ex-officio).

(b) State responsibility: Mr. P. Tomka (Chairman), Mr. J. Crawford (Special Rapporteur), Mr. I. Brownlie, Mr. E.J.A. Candioti, Mr. Ch.J.R. Dugard, Mr. C. Economides, Mr. G. Gaja, Mr. Z. Galicki, Mr. I. Lukashuk, Mr. D. Momtaz, Mr. G. Pambou-Tchivounda, Mr. A. Pellet, Mr. R. Rosenstock, Mr. B. Simma, Mr. C. Yamada and Mr. Q. He (ex-officio).

(c) Reservations to treaties: Mr. P. Tomka (Chairman), Mr. A. Pellet (Special Rapporteur), Mr. H. Al-Baharna, Mr. E. Candioti, Mr. C. Economides, Mr. G. Gaja, Mr. G. Hafner, Mr. M. Kamto, Mr. T.V. Melescanu, Mr. V. Rodriguez Cedeño, Mr. R. Rosenstock, Mr. B. Simma and Mr. Q. He (ex-officio).

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

D. Working Groups

8. At its 2673rd, 2688th and ... meetings on 4 May, 12 July and ... July 2001 respectively, the Commission also established the following Working Groups composed of the members indicated:

(a) Commentaries on State responsibility: Mr. T.V. Melescanu (Chairman), Mr. I. Brownlie, Mr. E.J.A. Candioti, Mr. J. Crawford, Mr. Ch.J.R. Dugard, Mr. C. Economides, Mr. G. Gaja, Mr. D. Momtaz, Mr. G. Pambou-Tchivounda, Mr. B. Sepulveda, Mr. P. Tomka and Mr. Q. He (ex-officio).

(b) Diplomatic protection: Open-ended informal consultations chaired by the Special Rapporteur, Mr. Ch.J.R. Dugard.

(c) Unilateral acts of States: Open-ended Working Group chaired by the Special Rapporteur, Mr. Rodriguez Cedeño.

E. Secretariat

9. Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, opened the session and 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. Ms. Mahnoush H. Arsanjani, Deputy Director of the Codification Division, acted as Deputy Secretary to the Commission. Mr. George Korontzis, Mr. Renan Villacis, Legal Officers, Mr. Arnold Pronto and Ms. Ruth Khalastchi, Associate Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

10. At its 2665th meeting, on 23 April 2001, the Commission adopted an agenda for its fifty-third session consisting of the following items:

1. Organization of work of the session.
2. State responsibility.
3. Diplomatic protection.
4. Unilateral acts of States.
5. Reservations to treaties.
6. International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities).
7. Programme, procedures and working methods of the Commission and its documentation.
8. Cooperation with other bodies.
9. Date and place of the fifty-fourth session.
10. Other business.
