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

Rapporteur: Ms. Hanqin XUE

CHAPTER I

INTRODUCTION

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
A. Membership	2 - 3	
B. Officers and the Enlarged Bureau	4 - 6	
C. Drafting Committee	7 - 8	
D. Working Groups	9 - 10	
E. Secretariat	11	
F. Agenda	12	

1. The International Law Commission held the first part of its fifty-eighth session from 1 May to 9 June 2006 and the second part from 3 July to 11 August 2006 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Djamchid Momtaz, Chairman of the Commission at its fifty-seventh session.

A. Membership

2. The Commission consists of the following members:

Mr. Emmanuel Akwei Addo (Ghana)

Mr. Husain M. Al-Baharna (Bahrain)

Mr. Ali Mohsen Fetais Al-Marri (Qatar)

Mr. João Clemente Baena Soares (Brazil)

Mr. Ian Brownlie (United Kingdom)

Mr. Enrique Candioti (Argentina)

Mr. Choung Il Chee (Republic of Korea)

Mr. Pedro Comissário Afonso (Mozambique)

Mr. Riad Daoudi (Syrian Arab Republic)

Mr. Christopher John Robert Dugard (South Africa)

Mr. Constantin P. Economides (Greece)

Ms. Paula Escarameia (Portugal)

Mr. Salifou Fomba (Mali)

Mr. Giorgio Gaja (Italy)

Mr. Zdzisław Galicki (Poland)

Mr. Peter C.R. Kabatsi (Uganda)

Mr. Maurice Kamto (Cameroon)

Mr. James Lutabanzibwa Kateka (United Republic of Tanzania)

Mr. Fathi Kemicha (Tunisia)

Mr. Roman Anatolyevitch Kolodkin (Russian Federation)

Mr. Martti Koskenniemi (Finland)

Mr. William R. Mansfield (New Zealand)

Mr. Michael J. Matheson (United States)

Mr. Theodor Viorel Melescanu (Romania)

Mr. Djamchid Momtaz (Islamic Republic of Iran)

Mr. Bernd H. Niehaus (Costa Rica)

Mr. Didier Operti Badan (Uruguay)

Mr. Guillaume Pambou-Tchivounda (Gabon)

Mr. Alain Pellet (France)

Mr. Pemmaraju Sreenivasa Rao (India)

Mr. Victor Rodríguez Cedeño (Venezuela)

Mr. Eduardo Valencia-Ospina (Colombia)¹

Ms. Hanqin Xue (China)

Mr. Chusei Yamada (Japan).

3. At its 2867th meeting on 1 May 2006, the Commission elected Mr. Eduardo Valencia-Ospina (Colombia) to fill the casual vacancy caused by the election of Mr. Bernardo Sepúlveda to the International Court of Justice.

B. Officers and the Enlarged Bureau

4. At its 2867th meeting on 1 May 2006, the Commission elected the following officers:

Chairman: Mr. Guillaume Pambou-Tchivounda

First Vice-Chairman: Mr. Giorgio Gaja

Second Vice-Chairman: Mr. Victor Rodríguez Cedeño

Chairman of the Drafting Committee: Mr. Roman A. Kolodkin

Rapporteur: Ms. Hanqin Xue

5. 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

6. On the recommendation of the Enlarged Bureau, the Commission set up a Planning Group composed of the following members: Mr. G. Gaja (Chairman), Mr. E.A. Addo, Mr. E. Candioti, Mr. P. Comissário Afonso, Mr. R. Daoudi, Ms. P. Escarameia, Mr. S. Fomba,

¹ See paragraph 3.

² Mr. J.C. Baena Soares, Mr. E. Candioti, Mr. Z. Galicki, Mr. P.C.R. Kabatsi, Mr. D. Momtaz, Mr. A. Pellet, Mr. P.S. Rao and Mr. C. Yamada.

³ Mr. I. Brownlie, Mr. C.J.R. Dugard, Mr. G. Gaja, Mr. Z. Galicki, Mr. M. Kamto, Mr. A. Pellet, Mr. P.S. Rao, Mr. V. Rodríguez Cedeño and Mr. C. Yamada.

Mr. Z. Galicki, Mr. P. Kabatsi, Mr. M. Kamto, Mr. J.L. Kateka, Mr. F. Kemicha, Mr. R.A. Kolodkin, Mr. T.V. Melescanu, Mr. D. Momtaz, Mr. B. Niehaus, Mr. A. Pellet, Mr. P.S. Rao, Mr. E. Valencia-Ospina, Mr. C. Yamada and Ms. H. Xue (ex officio).

C. Drafting Committee

7. At its 2871st, 2874th, 2880th and 2881st meetings on 5, 11, 23 and 30 May 2006 respectively, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

(a) Diplomatic protection: Mr. R.A. Kolodkin (Chairman), Mr. J. Dugard (Special Rapporteur), Mr. I. Brownlie, Mr. E. Candioti, Mr. C.I. Chee, Mr. C. Economides, Ms. Paula Escarameia, Mr. G. Gaja, Mr. F. Kemicha, Mr. W. Mansfield, Mr. M.J. Matheson, Mr. D. Momtaz, Mr. C. Yamada and Ms. H. Xue (ex officio).

(b) International liability for injurious consequences arising out of acts not prohibited by international law (international liability in the case of loss from transboundary harm arising out of hazardous activities): Mr. R.A. Kolodkin (Chairman), Mr. P.S. Rao (Special Rapporteur), Mr. J.C. Baena Soares, Mr. E. Candioti, Mr. C.I. Chee, Mr. R. Daoudi, Ms. P. Escarameia, Mr. G. Gaja, Mr. M. Koskenniemi, Mr. W. Mansfield, Mr. M.J. Matheson, Mr. C. Yamada and Ms. H. Xue (ex officio).

(c) Reservations to treaties: Mr. R.A. Kolodkin (Chairman), Mr. A. Pellet (Special Rapporteur), Ms. P. Escarameia, Mr. S. Fomba, Mr. G. Gaja, Mr. Z. Galicki, Mr. M.J. Matheson, Mr. C. Yamada and Ms. H. Xue (ex officio).

(d) Responsibility of international organizations: Mr. R.A. Kolodkin (Chairman), Mr. G. Gaja (Special Rapporteur), Mr. C.P. Economides, Ms. P. Escarameia, Mr. W. Mansfield, Mr. M.J. Matheson, Mr. D. Momtaz, Mr. E. Valencia-Ospina, Mr. C. Yamada and Ms. H. Xue (ex officio).

(e) Shared natural resources: Mr. R.A. Kolodkin (Chairman), Mr. C. Yamada (Special Rapporteur), Mr. E. Candioti, Mr. P. Comissário Afonso, Mr. R. Daoudi, Ms. P. Escarameia, Mr. S. Fomba, Mr. G. Gaja, Mr. Z. Galicki, Mr. W. Mansfield, Mr. M.J. Matheson, Mr. G. Pambou-Tchivounda and Ms. H. Xue (ex officio).

8. The Drafting Committee held a total of 28 meetings on the five topics indicated above.

D. Working Groups

9. At its 2868th, 2877th and 2888th meetings on 2 and 17 May and 5 July 2006 respectively, the Commission also re-established the following Working Groups and Study Group:

(a) Working Group on Shared natural resources: Mr. E. Candioti (Chairman), Mr. C. Yamada (Special Rapporteur), Mr. J.C. Baena Soares, Mr. P. Comissário Afonso, Mr. R. Daoudi, Ms. P. Escarameia, Mr. S. Fomba, Mr. G. Gaja, Mr. Z. Galicki, Mr. P. Kabatsi, Mr. W. Mansfield, Mr. M.J. Matheson, Mr. D. Operti Badan, Mr. P.S. Rao and Ms. H. Xue (ex officio).

- (b) Study Group on Fragmentation of international law: difficulties arising from the diversification and expansion of international law (open-ended)

Chairman: Mr. M. Koskenniemi

- (c) Working Group on Unilateral acts of States (open-ended)

Chairman: Mr. A. Pellet

10. The Working Group on Long-term programme of work was re-established and was composed of the following members: Mr. A. Pellet (Chairman), Mr. J.C. Baena Soares, Mr. Z. Galicki, Mr. M. Kamto, Mr. M. Koskenniemi and Ms. H. Xue (ex officio).

E. Secretariat

11. Mr. Nicolas Michel, Under-Secretary-General, the 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. Ms. Mahnoush H. Arsanjani, Deputy Director of the

Codification Division, acted as Deputy Secretary to the Commission. 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. Michele Ameri and Mr. Gionata Buzzini, Associate Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

12. At its 2867th meeting, on 1 May 2006, the Commission adopted an agenda for its fifty-eighth session consisting of the following items:

1. Organization of work of the session.
2. Diplomatic protection.
3. International liability for injurious consequences arising out of acts not prohibited by international law (International liability in case of loss from transboundary harm arising out of hazardous activities).
4. Responsibility of international organizations.
5. Shared natural resources.
6. Unilateral acts of States.
7. Reservations to treaties.
8. Expulsion of aliens.
9. Effects of armed conflicts on treaties.
10. The obligation to extradite or prosecute (*aut dedere aut judicare*).

11. Fragmentation of international law: difficulties arising from the diversification and expansion of international law.
12. Programme, procedures and working methods of the Commission and its documentation.
13. Cooperation with other bodies.
14. Date and place of the fifty-ninth session.
15. Other business.
