

Document:-  
**A/CN.4/2920**

**Summary record of the 2920th meeting**

Topic:  
**<multiple topics>**

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such a withdrawal produced effects, and the issues raised by partial withdrawal and the widening of the scope of an objection to a reservation.

36. The 1969 and 1986 Vienna Conventions provided clear answers to some of those issues. Draft guidelines 2.7.1 and 2.7.2 reproduced the wording of the Vienna Conventions and therefore required no amendment or in-depth discussion. Similarly, draft guideline 2.7.3 was both logical and acceptable in that it proposed that guidelines 2.5.4, 2.5.5 and 2.5.6 should be applicable *mutatis mutandis* to the withdrawal of objections to reservations.

37. He endorsed the Special Rapporteur's view that the withdrawal of an objection produced more effects than the withdrawal of a reservation. For that reason, the complicated questions discussed in paragraphs 158 to 160 of the report regarding draft guideline 2.7.4 would clearly have to be revisited in due course. As for draft guideline 2.7.5 (Effective date of withdrawal of an objection), the Special Rapporteur's proposal to reproduce the wording of article 22, paragraph 3 (b), of the 1969 Vienna Convention in the draft guideline was sensible. Any attempt to reflect all the problems and considerations set out in paragraphs 161 to 167 of the report would probably only render the draft guideline less clear.

38. Draft guideline 2.7.6 (Cases in which an objecting State or international organization may unilaterally set the effective date of withdrawal of an objection to a reservation) and the reasoning behind it should not give rise to any major difficulties at the present stage. However, the question of the partial withdrawal of objections (draft guideline 2.7.7) was extremely complex, especially if one accepted the premise that a distinction must be drawn between different categories of objections according to their effects, ranging from super-maximum, to maximum, to normal. Although, in the Special Rapporteur's opinion, the need for a rule was hypothetical, since there were no real cases of a partial withdrawal of an objection, draft guideline 2.7.7 did not provide any answers to the main queries raised in paragraph 172 as to the legal effects of such a partial withdrawal, and further consideration of that topic would therefore be required. The superfluous word "that" in the last line of the first paragraph of draft guideline 2.7.7 was probably indicative of drafting difficulties, and should be deleted.

39. The structure of draft guidelines 2.7.7 (Partial withdrawal of an objection) and 2.7.8 (Effect of a partial withdrawal of an objection) should be more logical. Draft guideline 2.7.7 should be confined to the right to make a partial withdrawal and to the procedure for doing so, while draft guideline 2.7.8 should be concerned with the legal effects of a partial withdrawal. As a result, the second sentence in draft guideline 2.7.7 should be transposed to draft guideline 2.7.8.

40. Draft guideline 2.7.9 (Prohibition against the widening of the scope of an objection to a reservation) was interesting, because no mention had been made of the possibility of such a practice, either in the Commission's previous work, or in the Vienna Conventions (including the *travaux préparatoires* thereto). The Special Rapporteur had been right to conclude in paragraphs 176 to 180

of his report that such action was simply not possible. Draft guideline 2.7.9 reflected that fact and was therefore acceptable. It was, however, necessary to consider whether there was any need for such a guideline, since it would be inadvisable to give States the impression that widening the scope of an objection to a reservation might become admissible at some time in the future.

41. With that proviso, he was in favour of referring draft guidelines 2.7.1 to 2.7.9 to the Drafting Committee.

*The meeting rose at 11.10 a.m.*

## 2920th MEETING

*Wednesday, 16 May 2007, at 10.05 a.m.*

*Chairperson:* Mr. Ian BROWNLIE

*Present:* Mr. Al-Marri, Mr. Cafilisch, Mr. Candiotti, Mr. Comissário Afonso, Ms. Escarameia, Mr. Fomba, Mr. Gaja, Mr. Galicki, Mr. Hassouna, Mr. Hmoud, Ms. Jacobsson, Mr. Kolodkin, Mr. McRae, Mr. Niehaus, Mr. Nolte, Mr. Pellet, Mr. Perera, Mr. Petrič, Mr. Saboia, Mr. Singh, Mr. Valencia-Ospina, Mr. Vargas Carreño, Mr. Vázquez-Bermúdez, Mr. Wisnumurti, Ms. Xue, Mr. Yamada.

### Organization of the work of the session (*continued*)\*

[Agenda item 1]

1. The CHAIRPERSON announced that the Bureau, which had agreed on the work plan for the following three weeks, had concluded that the Commission could complete its consideration of the reports of Special Rapporteurs currently before it by 5 June and therefore recommended that the first part of the session should be shortened by three days. That recommendation was consistent with the repeated request made by the General Assembly in its resolutions encouraging the Commission to take "cost-saving measures". If he heard no objection, he would take it that the Commission agreed with the Bureau's recommendation.

*It was so decided.*

### Reservations to treaties (*continued*) (A/CN.4/577 and Add.-21, sect. C, A/CN.4/584, A/CN.4/586, A/CN.4/L.705)

[Agenda item 4]

ELEVENTH REPORT OF THE SPECIAL RAPPORTEUR (*concluded*)

2. The CHAIRPERSON invited the members of the Commission to continue their consideration of the topic of reservations to treaties and in particular draft guide-

\* Resumed from the 2918th meeting.

lines 2.7.1 to 2.7.9 proposed by the Special Rapporteur in his eleventh report.<sup>104</sup>

3. Mr. GALICKI asked whether the draft guidelines concerning withdrawal and modification of objections to reservations also covered pre-emptive and late objections and, if so, to what extent. He endorsed the comment made by a number of members that it would be preferable to speak of pre-emptive or late “communications”. Given that the draft guidelines were based on both the 1969 and the 1986 Vienna Conventions, they should all include a reference to international organizations; that was not currently the case in draft guidelines 2.7.4 and 2.7.6, and they ought to be changed accordingly.

4. Mr. CAFLISCH said that he had a number of comments on draft guidelines 2.7.6 and 2.7.7 considered together with draft guideline 2.7.8 and also on draft guideline 2.7.9. Draft guideline 2.7.6 (Cases in which an objecting State or international organization may unilaterally set the effective date of withdrawal of an objection to a reservation) was an exception to the principle set out in draft guideline 2.7.5 which held that the withdrawal of an objection to a reservation became operative when notification of the withdrawal had been received by the author of the reservation. That allowed the author of the objection to set the time at which withdrawal took effect. That time, unilaterally decided by the author of the objection, must nevertheless be later than the time of notification of withdrawal. If that was not the case, *i.e.* if withdrawal of the objection could become operative prior to notification, an objection could be withdrawn without the author of the reservation being notified. That would be contrary to the fundamental principle of mutuality inherent in the law of treaties. At a practical level, since withdrawal of the objection could, pursuant to draft guidelines 2.7.7 and 2.7.8, be complete or partial and might also have very diverse effects, a situation of great legal uncertainty would occur, at least between the time at which the withdrawal, unilaterally determined by the State or international organization, took effect and the time withdrawal was notified. That being said, the author of the objection was also its master and, by limiting the scope of the objection, rendered a service to the author of the reservation. The author of the objection could set the time at which the withdrawal of the objection took effect provided that the author of the reservation was notified—in other words, provided that the withdrawal did not become operative before notification. Thus, draft guideline 2.7.6 went in the right direction.

5. With regard to draft guidelines 2.7.7 (Partial withdrawal of an objection) and 2.7.8 (Effect of a partial withdrawal of an objection), he noted that in his commentary the Special Rapporteur had clearly illustrated the difficulties posed by the possibility of partial withdrawal of objections as well as the lack of State practice in that area (para. 170 of the report), and thus the need to elaborate simple guidelines, which the two draft guidelines seemed to be. Draft guideline 2.7.7 was meant to cover the actual possibility of partial withdrawals of objections, whereas draft guideline 2.7.8 was supposed to specify the effects

of such partial withdrawals in a very general way, as Mr. Petrič had pointed out. The difference was not clear-cut, however, and that was somewhat awkward. The second sentence of the first paragraph of draft guideline 2.7.7 specified that “[t]he partial withdrawal limits the legal effects of the objection on the treaty relations between the author of the objection and ... the author of the reservation or on the treaty as a whole”. That statement was correct, but it had to do with the effects of partial withdrawal and might—in fact, ought to—appear in draft guideline 2.7.8 rather than in draft guideline 2.7.7.

6. Draft guideline 2.7.9 (Prohibition against the widening of the scope of an objection to a reservation), the last one in the eleventh report, prohibited the widening of the scope of objections to reservations “under way”. He believed that a parallel did and should exist with the problem of widening of the scope of reservations. If the widening of the scope of reservations or of objections were permitted, this would be prejudicial to article 19 and article 20, paragraph 5, of the 1969 and 1986 Vienna Conventions. The possibility of widening the scope of an objection “under way” might, depending on its terms and the terms of the initial objection, allow the author of the objection to evade, entirely or partly, treaty obligations towards the author of the reservation. In other words, the text of draft guideline 2.7.9 was indispensable. It would stifle, *a fortiori*, any temptation on the part of a State or international organization to formulate an objection, withdraw it and then formulate an objection with a wider scope, although it seemed that if a widening of scope were permitted, it would at least presuppose that the initial objection was valid when the scope was widened.

7. He was in favour of referring draft guidelines 2.7.1 to 2.7.9 to the Drafting Committee.

8. Mr. FOMBA said, with regard to the question of withdrawal and modification of objections to reservations, that the Special Rapporteur, having noted that the Vienna provisions contained not only a number of certainties but also, and most importantly, several uncertainties, that the Commission’s work on the withdrawal of objections was very modest, that State practice was virtually non-existent and that the Vienna provisions needed to be explained and made more specific, had rightly and logically concluded in paragraph 151 of his eleventh report that it was necessary to follow the example of the draft guidelines on withdrawal and modification of reservations. Given that, as indicated in footnote 294, the central question of the effects of reservations, acceptances and objections would be the subject of a later report, the Special Rapporteur had been correct in saying that it would be premature to assert that the consequence of withdrawing an objection was that “the reservation had full effect” and had rightly underscored the manifold and complex nature of the effects of withdrawal of an objection, which he illustrated eloquently with examples (paras. 159 and 160 of the report). He himself therefore endorsed draft guidelines 2.7.4, 2.7.5 and 2.7.6, which did not pose any particular problem.

9. As to the partial withdrawal of objections and the effects thereof, he said that the terminology used in

<sup>104</sup> Reproduced in *Yearbook ... 2006*, vol. II (Part One), document A/CN.4/574.

paragraph 169 of the report might well be confusing to the inexperienced reader because it covered “maximum”, “super-maximum”, “intermediary” and “minimum” effects, as well as “normal” or “simple” objections. However, a closer look revealed that there was a certain, not to say definite, logic in that terminology because it at least made an understanding possible. He also agreed with the Special Rapporteur when he said in paragraph 170 that the fact that no case of a partial withdrawal of an objection had occurred in State practice did not appear to be sufficient grounds for ruling out that hypothesis. Personally, he thought that it would be more appropriate in paragraph 171 to say “to give greater effect” rather than “to give full effect” so as to keep the same logic and consistency throughout the line of reasoning. He also agreed with the Special Rapporteur that, in view of the complexity of the effects of objections, it was wise and sufficient to adopt a draft guideline 2.7.7 worded in general terms, as the Special Rapporteur proposed in paragraph 173. With respect to draft guideline 2.7.8, he considered it logical and relevant to adopt a text sufficiently broad and flexible to cover all possible cases. On draft guideline 2.7.9, he shared the Special Rapporteur’s conclusion that it seemed necessary to specify firmly that it was not possible to widen the scope of an objection to a reservation. To allow such a possibility would open a Pandora’s box with regard to legal certainty and treaty relations. On that point, the argument which the Special Rapporteur developed in paragraph 176 of the report was sound, relevant and consistent.

10. He, too, was in favour of referring draft guidelines 2.7.1 to 2.7.9 to the Drafting Committee.

11. Mr. McRAE said that as he was in broad agreement with the tenor of draft guidelines 2.7.1 to 2.7.9, he would confine himself to commenting on draft guideline 2.7.9, relating to the widening of the scope of an objection. At the previous meeting, Ms. Escarameia had pointed out the inconsistency between allowing the widening of a reservation but not the widening of the scope of an objection to a reservation. If, as was contemplated in draft guideline 2.3.5, a widened reservation was treated in the same category as a late reservation, it took effect as a reservation only if no other contracting party objected. He was thus not certain whether there was an exact parallel between widening the scope of a reservation and widening the scope of an objection, if only because there was no such thing as an objection to an objection. The broader argument put forward by the Special Rapporteur in paragraph 178 of the report was that if the scope of objections could be widened, the treaty relations with the reserving State could constantly be changed by the objecting State if it continually engaged in such widening. Ms. Escarameia had rightly noted that there was a built-in restraint, namely the 12-month time period for making objections. An objecting State should be allowed to widen the scope of its objection during that period. For example, it might have been convinced by objections by other States that its own objection was too narrow. There was therefore no reason why a State should not be able to modify its position, provided that it did so within the 12-month period. Perhaps that point should be made explicit in draft guideline 2.7.9.

12. He suggested the inclusion of a recommendation that reasons should be given for withdrawal of an objection. Some members might find it odd that he should formulate such a recommendation on withdrawal of an objection when he had been reluctant to call for an explanation of reasons for reservations, but he had been impressed by the arguments put forward at the meeting with human rights treaty body experts, at which it had been explained that encouraging States to give reasons for their reservations would promote the “reservations dialogue”. He could understand why it might not be necessary to provide reasons for the withdrawal of a reservation, because the specific intent there was to end the reservations dialogue, but withdrawal of an objection was different because the treaty relations, including the reservation, continued to exist, and the reservation still had to be dealt with in the context of the treaty as a whole. Giving reasons for the withdrawal of an objection might help the treaty body understand why the reservation was now viewed in a different light, and that might facilitate the dialogue between the treaty body and the reserving State. Moreover, if the treaty body had to make a determination of the validity of a reservation, knowing the reasons for the withdrawal of the objection could only be helpful. He therefore suggested that the Special Rapporteur should add a draft guideline recommending that reasons should be given for the withdrawal of an objection. With that addition, he agreed with those who had suggested that the draft guidelines should be referred to the Drafting Committee.

13. Mr. YAMADA said that he did not have any problems with draft guidelines 2.7.1 (Withdrawal of objections to reservations), 2.7.2 (Form of withdrawal of objections to reservations) or 2.7.3 (Formulation and communication of the withdrawal of objections to reservations). With regard to draft guideline 2.7.4 (Effect of withdrawal of an objection), he had difficulty grasping the manifold and complex nature of the withdrawal of an objection but agreed with the Special Rapporteur’s conclusion, which was reflected in the text of the draft guideline. Draft guidelines 2.7.5 (Effective date of withdrawal of an objection) and 2.7.6 (Cases in which an objecting State or international organization may unilaterally set the effective date of withdrawal of an objection to a reservation) did not present any problems.

14. As to draft guidelines 2.7.7 and 2.7.8, which related to the legal effects of the partial withdrawal of an objection, he said that it was premature to discuss the legal effects of reservations and objections to those reservations before the Special Rapporteur had presented his report on the question. The Commission had not dealt with the legal effects of an objection except in the case of draft guideline 2.6.4 (Freedom to oppose the entry into force of the treaty *vis-à-vis* the author of the reservation). Draft guideline 2.6.1 (Definition of objections to reservations) only defined the intention of the author of an objection, while draft guideline 2.6.4 specified the legal effects of an objection when the author of an objection opposed the entry into force of the treaty—the sole case, in his view, where an objection had legal effects. It was, of course, dangerous to simplify that complex matter. However, if a reservation sought to exclude the legal effect of certain provisions of a treaty, regardless of what the objecting

State did (remain silent, accept the reservation or object to the reservation), the reservation formulated by a reserving State remained valid *vis-à-vis* an objecting State as long as the objecting State did not oppose the entry into force of the treaty between itself and the reserving State. In other words, an objection in such a case was tantamount to a policy statement; accordingly, the only case in which a partial withdrawal of a reservation had legal effect was when the objecting State sought to restore treaty relations with the reserving State. However, he was not opposed to draft guidelines 2.7.7 and 2.7.8 as drafted by the Special Rapporteur, even though there was some duplication between the second sentence of draft guideline 2.7.7 and draft guideline 2.7.8; the matter could be dealt with in the Drafting Committee.

15. With regard to draft guideline 2.7.9, he had understood that, according to the Special Rapporteur, the widening of the scope of an objection was prohibited even within the 12-month period during which an objection could be formulated. That was a rather sweeping statement, and he shared Ms. Escarameia's point of view in that regard. In paragraph 177 of the eleventh report, the Special Rapporteur cited the case in which a State had formulated an initial objection that had not precluded the entry into force of the treaty as between itself and the reserving State and had later widened the scope of its objection, thereby precluding treaty relations. If the application of draft guideline 2.7.9 was limited to that case, it would not pose any problem, but if a State wished to widen the scope of an objection without altering the treaty relations, why was it necessary to be so strict as to prohibit such a step? As he had said earlier, such an objection was a policy statement, and the Commission should be more flexible. There was also another case, that in which a signatory State formulated an objection to a reservation before formally becoming a party to the treaty and then wished to formulate an additional objection upon becoming a party to the treaty within the prescribed 12-month period.

16. He supported the referral of all the draft guidelines to the Drafting Committee, which should be asked to take into account the views expressed in plenary.

17. Mr. AL-MARRI commended the Special Rapporteur and said that his report, which dealt with the past five years of the Commission's work on the topic, covered the main problems raised by reservations to treaties. The question was a very technical one, on which the Special Rapporteur had conducted thorough research, leading him to formulate excellent proposals based on the many existing norms and customs. The eleventh report addressed several issues relating to the law of treaties, notably the question of who could decide on the validity of reservations and the question of reservations to human rights treaties. The draft guidelines that had been presented were a good starting point for legal experts, academics and students of international law. Several of the guidelines had to do with the formulation and withdrawal of reservations and had a clear basis. However, the Commission needed to consider one very important question, namely the freedom to formulate objections, because objections sometimes had no legal effect when the treaty entered into force. They could also have no effect on relations between the objecting

State and the reserving State, and there was thus no need to elaborate a draft guideline on that aspect.

18. The CHAIRPERSON invited the Special Rapporteur to summarize the debate on his eleventh report on reservations to treaties.

19. Mr. PELLET (Special Rapporteur) said that reservations were not an absolute or even a necessary evil; although they had certain disadvantages, including that of having an effect on the integrity of a treaty (and there the dialectic between integrity and universality came up again), they also had advantages, a fact which some members of the Commission seemed to overlook, in particular the advantage of allowing States which otherwise would not do so to become parties, since reservations were based on the State's consent and sometimes conditioned it. He had had the impression that Ms. Escarameia had proceeded from the fundamentally flawed principle that reservations were inherently bad, whereas he had started from the much more historical and formal premise that the procedure for objections had always been treated in the same way as the procedure for reservations.

20. Notwithstanding the firm "philosophical" stance he had taken on reservations, he was not insensitive to the criticism of draft guideline 2.7.9 voiced by Ms. Escarameia and supported by Mr. McRae and Mr. Yamada. He did in fact believe that widening the scope of an objection to a reservation could be accepted if it really took place within the 12-month period, as Mr. Caffisch had stressed, and provided that such widening did not have the effect of modifying treaty relations, Mr. Gaja and Mr. Yamada having suggested the proper course to take in that regard. That tied in with Mr. Gaja's comment that a distinction should be drawn between the case in which the reserving State formulated a reservation and the much more complex one in which it formulated several reservations. It was certainly not necessary for draft guideline 2.7.9 to enter into all those details, since the situation had never presented itself and perhaps never would. However, it would be a good idea to refer it to the Drafting Committee, which, bearing the notion of the plurality of reservations in mind, might perhaps clarify the problem of the *ratione temporis* and add at the end a phrase such as "if the effect of the objection is to modify treaty relations" or "if withdrawal does not have the effect of modifying treaty relations". On Mr. Galicki's question as to whether the draft guideline covered later or pre-emptive objections, he maintained that preemptive objections were potential objections that were subordinated to an act conditioning the entry into force of the reservation, and thus his reply was in the affirmative in the current case, whereas late objections, which did not have legal effects, were not concerned.

21. Ms. Escarameia was right to say that draft guideline 2.7.1 (Withdrawal of objections to reservations) should specify the time of withdrawal. Draft guidelines 2.7.2, 2.7.3 and 2.7.5 had not been the subject of comments or endorsed by speakers. As to draft guideline 2.7.4 (Effect of withdrawal of an objection), the title of which Ms. Escarameia considered too broad and proposed to reword to read "Acceptance of reservation by the withdrawal of an objection", it would probably be preferable to leave the matter to the Drafting Committee, which should also reintroduce the

words “international organizations”, wrongly omitted in draft guidelines 2.7.4 and 2.7.6, as Mr. Galicki had pointed out. Mr. Yamada had asked why draft guideline 2.7.4, whose wording he had not criticized, was so complex, and he had answered his own question by commenting on draft guideline 2.7.7: those draft guidelines were complex because they dealt with complex questions. That said, he had been imprudent to say that a simple objection was merely a policy statement. Although Mr. Al-Marri seemed to be in agreement, he himself was hesitant and could not subscribe to that idea at present. He had tried to elaborate the draft guidelines, and draft guidelines 2.7.7 and 2.7.8 in particular, which Mr. Yamada had commented on at length, so as not to prejudice the question. On the other hand, Mr. Petrič and Mr. Yamada, supported by Mr. Caflisch, had probably been right to say that the second sentence of draft guideline 2.7.7 should be moved to draft guideline 2.7.8, in connection with which Ms. Escarameia had argued that objections should be encouraged and reservations discouraged.

22. He noted, however, that all members of the Commission were in favour of referring the draft guidelines to the Drafting Committee, on the understanding that draft guideline 2.7.9 was most in need of recasting, bearing in mind the issue of the 12-month period. He welcomed the dialogue that had taken place and stressed that the topic was indeed complex because it had given rise to a protracted debate on purely procedural problems. Once it had completed its considerations of problems of formulation and procedure, the Commission would be able to resume its elaboration of the third part of the Guide to Practice, in particular questions of validity, the effects of possible invalidity and the effects of reservations and objections.

23. Mr. PETRIČ said that he firmly supported Mr. McRae’s proposal and thought that something should be added about explaining the reasons for objections. The discussion which the Commission had had with human rights experts had highlighted the full significance of the question, and he had been persuaded by the experts’ approach to reservations.

24. The CHAIRPERSON, noting that the Special Rapporteur and several other members had recommended that draft guidelines 2.7.1 to 2.7.9 should be referred to the Drafting Committee, said that if he heard no objection, he would take it that the Commission agreed to that proposal.

*It was so decided.*

#### **Organization of the work of the session (continued)**

[Agenda item 1]

25. In conformity with the wish expressed by Mr. Yamada, Special Rapporteur on shared natural resources, the CHAIRPERSON proposed that a working group on the topic should be reconvened, to be chaired by Mr. Candiotti. He took it that the Commission approved that proposal.

*It was so decided.*

*The meeting rose at 11.10 a.m.*

## **2921st MEETING**

*Friday, 18 May 2007, at 10.05 a.m.*

*Chairperson:* Mr. Ian BROWNLIE

*Present:* Mr. Caflisch, Mr. Candiotti, Mr. Comisário Afonso, Ms. Escarameia, Mr. Fomba, Mr. Gaja, Mr. Galicki, Mr. Hassouna, Mr. Hmoud, Ms. Jacobson, Mr. Kolodkin, Mr. McRae, Mr. Niehaus, Mr. Nolte, Mr. Perera, Mr. Saboia, Mr. Singh, Mr. Valencia-Ospina, Mr. Vargas Carreño, Mr. Vázquez-Bermúdez, Mr. Wako, Mr. Wisnumurti, Ms. Xue, Mr. Yamada.

### **Shared natural resources<sup>105</sup> (A/CN.4/577 and Add.1–2, sect. A, A/CN.4/580,<sup>106</sup> A/CN.4/L.717<sup>107</sup>)**

[Agenda item 2]

#### **FOURTH REPORT OF THE SPECIAL RAPPORTEUR**

1. The CHAIRPERSON invited Mr. Yamada, Special Rapporteur on shared natural resources, to introduce his fourth report on the topic (A/CN.4/580).

2. Mr. YAMADA (Special Rapporteur) said that the topic of shared natural resources, which had been included in the programme of work of the Commission since 2002,<sup>108</sup> was generally perceived to cover three kinds of natural resources: groundwaters, oil and natural gas. The Commission had decided to take a step-by-step approach and to focus first on groundwaters.<sup>109</sup> At the previous session, it had adopted on first reading a set of 19 draft articles on the law of transboundary aquifers, which it had transmitted to the United Nations General Assembly together with the commentaries thereto. The text of the draft articles and the commentaries were reproduced in Chapter VI of the report of the Commission on the work of its fifty-eighth session.<sup>110</sup>

3. In the discussions held in the Sixth Committee of the General Assembly at its sixty-first session in 2006, the delegations had welcomed the timely adoption of the draft articles on first reading and had expressed generally favourable responses to them. Those responses were reflected in section A of the topical summary of the discussion in the Sixth Committee of the General Assembly during its sixty-first session, prepared by the Secretariat (A/CN.4/577 and Add.1–2). He was expecting to receive Governments’ written comments and observations on the draft articles by 1 January 2008, as requested by the

<sup>105</sup> For the text of the draft articles on the law of transboundary aquifers adopted on first reading by the Commission and the commentaries thereto, see *Yearbook ... 2006*, vol. II (Part Two), chap. VI, sect. C, pp. 91 *et seq.*, paras. 75–76.

<sup>106</sup> Reproduced in *Yearbook ... 2007*, vol. II (Part One).

<sup>107</sup> Mimeographed, available on the Commission’s website. See also below the summary record of the 2947th meeting, paras. 114–117.

<sup>108</sup> *Yearbook ... 2002*, vol. II (Part Two), p. 100, paras. 518–519.

<sup>109</sup> *Ibid.*, p. 101, para. 520.

<sup>110</sup> *Yearbook ... 2006*, vol. II (Part Two), chap. VI, sect. C, pp. 91 *et seq.*, paras. 75–76.