

Document:-  
**A/CN.4/2948**

**Summary record of the 2948th meeting**

Topic:  
**<multiple topics>**

Extract from the Yearbook of the International Law Commission:-  
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113. The CHAIRPERSON said that if he heard no objection, he would take it that the Commission wished to take note of the progress report by the Chairperson of the Drafting Committee.

*It was so decided.*

**Shared natural resources (concluded)\* (A/CN.4/577 and Add.1–2, sect. A, A/CN.4/580, A/CN.4/L.717)**

[Agenda item 2]

REPORT OF THE WORKING GROUP

114. Mr. CANDIOTI (Chairperson of the Working Group), introducing the report of the Working Group (A/CN.4/L.717), said that at its 2920th meeting, on 16 May 2007, the Commission had decided to establish a Working Group on shared natural resources to assist the Special Rapporteur in formulating a future work programme, taking into account the views expressed in the Commission on the Special Rapporteur's fourth report. The Working Group had held four meetings and had dealt with three issues, namely, the substance of the draft articles on the law of transboundary aquifers adopted on first reading;<sup>375</sup> the final form that the draft articles should take; and issues involved in the consideration of oil and gas. Paragraphs 4 to 7 of the report of the Working Group reflected its deliberation on those matters.

115. It had been recognized that the draft articles adopted on first reading had already been submitted to States for comments. The comments made in the Working Group on the substance and form of the draft articles had been understood to be of an informal character, intended to assist the Special Rapporteur in considering future work on the topic. The Working Group had also exchanged views regarding the future consideration of shared oil and gas resources. It had been agreed, as a first step, that a questionnaire on State practice would be prepared for circulation to Governments. That measure would be accompanied by an effort by the Secretariat to identify expertise within the United Nations system to provide the necessary scientific and technical background information for further consideration of the subject. So far, preliminary contacts had been established with the United Nations Environment Programme (UNEP), whose Division of Technology, Industry and Economics was based in Paris, and with the United Nations Economic Commission for Europe.

116. It was his hope that the Commission would wish to take note of the report of the Working Group. He expressed appreciation to all the members of the Working Group for their useful contributions, to the Special Rapporteur for his diligence and helpful guidance, and to the Secretariat for its very efficient assistance to the Working Group.

\* Resumed from the 2931st meeting.

<sup>375</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.

117. The CHAIRPERSON said that, if he heard no objection, he would take it that the Commission wished to take note of the report of the Working Group on shared natural resources.

*It was so decided.*

*The meeting rose at 12.50 p.m.*

**2948th MEETING**

*Monday, 6 August 2007, at 10.10 a.m.*

*Chairperson:* Mr. Edmundo VARGAS CARREÑO  
*(Vice-Chairperson)*

*Present:* Mr. Candiotti, Mr. Comissário Afonso, Mr. Dugard, Ms. Escarameia, Mr. Fomba, Mr. Gaja, Mr. Galicki, Mr. Hassouna, Mr. Hmoud, Ms. Jacobsson, Mr. Kolodkin, Mr. McRae, Mr. Nolte, Mr. Perera, Mr. Saboia, Mr. Singh, Mr. Valencia-Ospina, Mr. Vasciannie, Mr. Vázquez-Bermúdez, Mr. Wisnumurti, Mr. Yamada.

**Draft report of the Commission on the work of its fifty-ninth session**

CHAPTER V. *Shared natural resources* (A/CN.4/L.709 and Add.1)

1. The CHAIRPERSON invited the members of the Commission to consider chapter V of the draft report on shared natural resources.

**A. Introduction (A/CN.4/L.709)**

Paragraphs 1 to 3

*Paragraphs 1 to 3 were adopted.*

*Section A was adopted.*

**B. Consideration of the topic at the present session**

Paragraphs 4 to 11

*Paragraphs 4 to 11 were adopted.*

Paragraph 12

2. Ms. ESCARAMEIA proposed that the wording of the first sentence should be amended to read: "Pollution in relation to oil and natural gas stored in reservoir rock itself seemed to be minimal."

*Paragraph 12, as amended, was adopted.*

Paragraphs 13 and 14

*Paragraphs 13 and 14 were adopted.*

Paragraph 15

*Paragraph 15 was adopted, subject to a minor drafting change.*

Paragraph 16

3. Following a discussion in which Mr. McRAE, Mr. SABOIA and Mr. VASCIANNIE took part, it was proposed that, in the second sentence, the words “prevaricate on” should be replaced by the word “ask”.

*It was so decided.*

4. Following a discussion in which Ms. ESCARAMEIA, Mr. NOLTE, Mr. YAMADA and the CHAIRPERSON took part, it was decided that the Secretariat would amend the wording of paragraph 16 to reflect the fact that, during the debate in plenary, some members of the Commission had also stated that, in accordance with the relevant General Assembly resolutions, the Commission had been entrusted with the task of discussing the question of oil and natural gas, which was part of the topic.

*Paragraph 16, as amended, was adopted.*

Paragraphs 17 to 19

*Paragraphs 17 to 19 were adopted.*

Paragraph 20

5. Mr. PERERA proposed that, in the first sentence, the words “Some members” should be replaced by the words “The members”.

*Paragraph 20, as amended, was adopted.*

Paragraphs 21 to 23

*Paragraphs 21 to 23 were adopted.*

*Section B, as amended, was adopted.*

*Document A/CN.4/L.709, as amended, was adopted, subject to the insertion of section C, entitled “Shared natural resources: report of the Working Group”(A/CN.4/L.709/Add.1).*

**CHAPTER VIII. Responsibility of international organizations (A/CN.4/L.713 and Add.1–3)**

6. The CHAIRPERSON invited the Commission to begin its consideration of chapter VIII of the draft report on responsibility of international organizations.

**A. Introduction (A/CN.4/L.713)**

Paragraphs 1 to 3

*Paragraphs 1 to 3 were adopted.*

*Section A was adopted.*

**B. Consideration of the topic at the present session**

Paragraphs 4 to 15

*Paragraphs 4 to 15 were adopted.*

Paragraph 16

7. Mr. HMOUD recalled that it was the Special Rapporteur who had prepared the supplementary draft article submitted to the Drafting Committee and paragraph 16 should therefore be amended by adding the following sentence before the last sentence: “The Special Rapporteur then submitted a different supplementary draft article on the same question.” The last sentence of paragraph 16 should therefore be amended to read: “... the Commission referred the supplementary draft article submitted by the Special Rapporteur to the Drafting Committee.”

*Paragraph 16, as amended, was adopted.*

Paragraphs 17 and 18

*Paragraphs 17 and 18 were adopted, on the understanding that the numbers would be filled in by the Secretariat.*

*Section B, as amended, was adopted.*

8. The CHAIRPERSON said that the Commission would continue its consideration of chapter VIII when documents A/CN.4/L.713/Add.2–3 had become available.

**CHAPTER I. Organization of the session (A/CN.4/L.710)**

9. The CHAIRPERSON invited the members of the Commission to consider chapter I of the draft report.

Paragraphs 1 to 4

*Paragraphs 1 to 4 were adopted.*

Paragraph 5

10. Ms. ESCARAMEIA said that the names of Mr. Candioti and Mr. Gaja should be added to the list of members of the Planning Group.

*Paragraph 5, as amended, was adopted.*

Paragraphs 6 and 7

*Paragraphs 6 and 7 were adopted.*

Paragraph 8

11. Mr. NOLTE said that the names of the members of the Working Group on the most-favoured-nation clause should be indicated. He therefore proposed that they should be added.

*Paragraph 8, as amended, was adopted.*

Paragraphs 9 to 12

*Paragraphs 9 to 12 were adopted.*

*Chapter I of the draft report, as amended, was adopted.*

*The meeting rose at 11.10 a.m.*