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Provisional summary record of the 3550th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 27 July 2021, at 11.40 a.m.

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Present:

Chair: Mr. Hmoud

Members: Mr. Argüello Gómez
Mr. Cissé
Ms. Escobar Hernández
Mr. Forteau
Ms. Galvão Teles
Mr. Gómez-Robledo
Mr. Grossman Guiloff
Mr. Hassouna
Mr. Jalloh
Mr. Laraba
Ms. Lehto
Mr. Murase
Mr. Murphy
Mr. Nguyen
Ms. Oral
Mr. Ouazzani Chahdi
Mr. Park
Mr. Petrič
Mr. Ruda Santolaria
Mr. Saboia
Mr. Šturma
Mr. Tladi
Mr. Vázquez-Bermúdez
Sir Michael Wood
Mr. Zagaynov

Secretariat:

Mr. Llewellyn Secretary to the Commission

The meeting was called to order at 11.40 a.m.

Sea-level rise in relation to international law (agenda item 8)

Oral report of the Study Group on sea-level rise in relation to international law

Ms. Oral (Co-Chair of the Study Group on sea-level rise in relation to international law) said that she and Mr. Aureescu, two of the Co-Chairs of the Study Group on sea-level rise in relation to international law, were providing an oral report on the Study Group's work at the current session because the Study Group had not been able to adopt its more detailed, substantive interim report in the meeting time available. The content of the interim report would nevertheless be reflected in the relevant chapter of the Commission's report to the General Assembly.

At the current session, in accordance with its programme of work agreed in 2019, the Study Group had focused on issues related to the law of the sea. That component of the topic had been considered on the basis of the first issues paper (A/CN.4/740 and A/CN.4/740/Corr.1) and the bibliography (A/CN.4/740/Add.1) that she and Mr. Aureescu had prepared. The Study Group had also had before it a number of written comments and contribution papers submitted by members in relation to the first issues paper.

The work of the Study Group had proceeded in two phases. In the first phase, which had spanned five meetings during the last week of the first part of the session, the Study Group had held a debate, in the manner of a plenary, on the first issues paper. With the assistance of the secretariat, a summary of that debate had been prepared in the form of a draft interim report. The second phase had taken place at the beginning of the second part of the session. Over the course of three further meetings, the Study Group had held a more interactive discussion on the content of the draft interim report, followed by an exchange of views based on a series of questions prepared by the Co-Chairs. Those activities had left little time for the completion of the necessary intersessional work.

The content of the discussion held during the second part had subsequently been incorporated into a revised version of the draft interim report, together with some of the views received in writing in advance of the session. Regrettably, owing to the Commission's busy programme of work, the Study Group had been allocated only half a meeting to consider and adopt its draft interim report, which had proved to be insufficient. Nevertheless, the Study Group recommended that members should submit written comments on the revised draft interim report, the content of which, also reflecting the written comments received, would be incorporated into the relevant chapter of the Commission's report to the General Assembly.

The Study Group had only just begun its work on the law of the sea component. The debate at the current session had revealed a number of issues that would require further investigation, analysis and consideration, as would be explained in greater detail in the relevant chapter of the Commission's report to the General Assembly. The debate had also revealed that the members of the Study Group held a range of views on the issues at stake. The Study Group would need to be allocated sufficient meeting time at future sessions in order to properly debate those issues.

At the Commission's seventy-third session, the Study Group would focus on issues related to statehood and the protection of persons affected by sea-level rise, under the co-chairpersonship of Ms. Galvão Teles and Mr. Ruda Santolaria. The Study Group was not expected to return to the law of the sea component until the Commission's seventy-fourth session, in the first year of the next quinquennium.

The Co-Chairs would welcome the opportunity to interact informally with members during the intersessional period. In addition, members were welcome to submit any further contribution papers on the specific issues identified by the Study Group as meriting further enquiry or on relevant State practice in their respective regions. That was a well-established working method of the Commission's study groups and would ensure that the research burden was shared. The Co-Chairs were grateful to those members who had already indicated their willingness to take on specific research tasks and would welcome further volunteers.

It was hoped that the working practices adopted by the Study Group at the current session, perhaps with some refinements, would serve as the basis for its meetings at future

sessions. In particular, given the strong interest in the topic among States in the Sixth Committee, the Co-Chairs recommended that the Commission should continue the practice of including, in its annual report to the General Assembly, a full substantive summary of the work undertaken by the Study Group.

The Chair said he took it that the Commission wished to take note of the oral report of the Study Group on sea-level rise in relation to international law.

It was so decided.

Draft report of the Commission on the work of its seventy-second session (*continued*)

Chapter IV. Protection of the atmosphere (*continued*) (A/CN.4/L.944 and A/CN.4/L.944/Add.1)

The Chair invited the Commission to resume its consideration of chapter IV (E) (2) of the draft report, as contained in document A/CN.4/L.944/Add.1, beginning with paragraph (3) of the commentary to the preamble of the draft guidelines on the protection of the atmosphere, which had been left in abeyance at the previous meeting.

Mr. Murase (Special Rapporteur) said that, during his presentation of the draft, he would focus on the body of the text. It would, in addition, be necessary to make a number of minor technical changes to the footnotes.

Paragraph (3) (continued)

Mr. Murase (Special Rapporteur) said that, at the previous meeting, it had been agreed that the footnote marker for footnote 12 should be moved to the end of the original seventh sentence, after “scope, content and consequences”, and that the words “international cooperation” in the new text that he was proposing for insertion in the original eighth sentence should be replaced with “cooperation from the entire international community”.

With reference to the original eighth sentence, Mr. Forteau had proposed the insertion of the words “as such” after “create”, and Mr. Jalloh had proposed the deletion of the words “in particular, that it does not entail *erga omnes* obligations in the context of the draft guidelines”. He supported the first of those proposals but not the second. A statement of the fact that the phrase “common concern of humankind” did not entail *erga omnes* obligations had been included in the paragraph to reflect the outcome of the heated debate that had taken place in 2014, when he had desperately tried, and ultimately failed, to convince the Commission that protection of the atmosphere was an *erga omnes* obligation. In her statement on the topic at the current session, the Chair of the Drafting Committee had confirmed that the phrase in question did not entail *erga omnes* obligations in the context of the draft guidelines.

The original eighth sentence, as amended, now read: “It is understood that the expression identifies a problem that requires cooperation from the entire international community, while at the same time that its inclusion does not create as such rights and obligations, and in particular that it does not entail *erga omnes* obligations in the context of the draft guidelines.”

Mr. Grossman Guiloff asked whether the fact that there had been differences of opinion in the Commission regarding the implications of the phrase “common concern of humankind” and the reasons for those differences would be indicated in the commentary.

The Chair said that differences of opinion among members were not indicated in commentaries adopted on second reading.

Mr. Grossman Guiloff asked whether there was an absolute rule against the inclusion, in commentaries adopted on second reading, of information regarding disagreements in the Commission. Had there been any cases over the previous three years in which such information had been included in commentaries adopted on second reading?

Mr. Llewellyn (Secretary to the Commission) said that the Commission worked under the rules of procedure of the General Assembly, as modified for its particular purposes. There was no rule as such against the inclusion, in commentaries adopted on second reading,

of information regarding disagreements in the Commission. However, the Commission's practice, which, to his knowledge, had been followed without exception throughout his time as Secretary, was not to include such information.

The Chair said that, during the years in which he had been a member of the Commission, he had never seen such information included in commentaries adopted on second reading.

Mr. Grossman Guiloff said that he accepted the explanations provided by the Chair and the Secretary. Nevertheless, he would have preferred language indicating that the use of the phrase "common concern of humankind" was without prejudice to the possibility that it might entail *erga omnes* obligations, which would have left scope for interpretation.

Paragraph (3), as amended, was adopted with minor drafting changes.

Mr. Murase (Special Rapporteur) said that, since the previous meeting, he had held informal consultations with a group of other members to discuss paragraphs (5) to (7) and had prepared revised proposals on the basis of those discussions.

Paragraph (5) (continued)

Mr. Murase (Special Rapporteur) said that, at the previous meeting, some members had expressed opposition to his proposal to delete the last three sentences of the paragraph. He was now proposing that those three sentences should be retained. He was also proposing that the words "According to scientists" should be inserted at the beginning of the second sentence and that the words "conditions of flood and drought" in the third sentence should be replaced with "conditions that can lead to flood and drought". He was further proposing that the fifth sentence should be amended to read: "Although not mentioned in the preambular paragraph, there are also close interactions between the atmosphere and other biospheres, as well as forests, lakes and rivers."

Paragraph (5), as amended, was adopted with minor drafting changes.

Paragraphs (6) and (7)

Mr. Murase (Special Rapporteur) said he was proposing that the words "emissions from ships, which contribute" should be replaced with "emissions from ships that contribute" in the first sentence of paragraph (7) and that the second sentence of paragraph (7) and the associated footnote, which contained references to academic literature, should be deleted. The references to international organizations and the reports of the Intergovernmental Panel on Climate Change elsewhere in the footnotes would be retained. He was also proposing that paragraphs (6) and (7), as amended, should be merged into a single paragraph.

Mr. Grossman Guiloff said that he would be interested to know why the Special Rapporteur was proposing to delete the references to academic literature.

Mr. Murphy said that he had participated in the informal consultations on the paragraphs under consideration. The intention was not to reject academic literature in general but simply to tighten up the commentary. References to academic literature could still be found in footnote 19, for example. It had been considered that the references to General Assembly resolutions and the reports of the Intergovernmental Panel on Climate Change were sufficient to support the proposition in the relevant preambular paragraph, namely, that there existed a "close interaction between the atmosphere and the oceans".

Mr. Murase (Special Rapporteur) said that some of the references to academic literature in the original draft were redundant. He was not proposing that all such references should be deleted; some had been retained, such as the reference in footnote 20 to the presentations made at the Commission's 2017 informal dialogue with atmospheric scientists. Each reference had been considered on its own merits.

Mr. Grossman Guiloff said he was pleased to hear that the Special Rapporteur's proposal to delete the second sentence of paragraph (7) was not a reflection of the value attached to academic literature in general.

Paragraphs (6) and (7), as amended, were adopted with minor drafting changes.

Paragraph (8)

Mr. Forteau said that it would be useful to add a cross reference, at the end of footnote 29, to the chapter of the report on sea-level rise in relation to international law.

Paragraph (8) was adopted with that amendment to footnote 29.

Paragraph (9)

Mr. Murase (Special Rapporteur) said that he was proposing the deletion of the second sentence, which repeated information that could already be found elsewhere in the commentaries, and the associated footnote.

Paragraph (9), as amended, was adopted.

Paragraph (10)

Mr. Murase (Special Rapporteur) said that he was proposing the deletion of the words “including with a view to human rights protection” in the first sentence because the reference was redundant. “The interests of future generations” obviously included human rights protection.

Mr. Grossman Guiloff, supported by **Mr. Saboia**, said that he disagreed with the Special Rapporteur’s proposal. Human rights protection was distinct from the protection of the interests of future generations. The reference to human rights protection should therefore be retained.

Sir Michael Wood said that the Special Rapporteur’s proposal served to more accurately reflect the content of the seventh preambular paragraph, which read: “*Recognizing that the interests of future generations of humankind in the long-term conservation of the quality of the atmosphere should be fully taken into account*”. There was no need for an emphasis on human rights in the sentence in question. The rest of paragraph (10) was very detailed and referred to many provisions that related to human rights matters, and human rights were dealt with in other parts of the draft guidelines. Such an emphasis might even be misleading. He therefore supported the Special Rapporteur’s proposal. Whether or not the words in question were omitted was ultimately of no great importance, but it would be odd to include a reference to human rights in almost every sentence.

The Chair asked whether members wished to propose any alternative wording in the light of the explanations provided for the deletion.

Mr. Jalloh said that Mr. Grossman Guiloff and Mr. Saboia had raised an important point. To his mind, there was no basis for deleting the reference to human rights protection from paragraph (10), as the commentary had already been adopted by the Commission on first reading. While he had taken note of Sir Michael Wood’s comments, they hardly responded to the concerns that had been raised. In fact, Sir Michael Wood’s remark that the issue of human rights was referred to elsewhere in the text only reinforced the need to keep the reference. It was his understanding that the Commission normally refrained from modifying a text that had already been adopted on first reading unless there was a compelling reason for doing so. As he had not heard any such reason to justify the removal of the reference, he would be in favour of retaining the original text.

Mr. Murphy said his understanding was that the purpose of the first sentence of paragraph (10) was to put the relevant preambular paragraph in context for the reader and not to elaborate on the meaning of the preambular paragraph itself. The remainder of paragraph (10) touched upon the issues that were of concern to future generations, which included human rights. That specific concern was reflected in “obligations on human rights” in the fourth sentence. However, at the end of the paragraph, a different concept was introduced, namely the “interests of future generations in the context of ‘equitable and reasonable utilization of the atmosphere’”, which was addressed in draft guideline 6. The phrase “including with a view to human rights protection” should be deleted from the first sentence because the emphasis that it added was unhelpful at that juncture. The sentence should include more text from the relevant preambular paragraph itself, to read: “The seventh preambular paragraph emphasizes the interests of future generations of humankind in the

long-term conservation of the quality of the atmosphere.” That wording would bring out the full sense of the relevant preambular paragraph, after which the commentary would address the different elements it comprised.

Ms. Oral said that she shared the view of Mr. Saboia and Mr. Grossman Guiloff. It was not enough to simply refer to “future generations”. Recent developments had made quite clear the link between protection of the environment and human rights. There was therefore good reason to highlight that aspect, in particular the right to a clean environment. The text did not make excessive reference to human rights; the suggestion that it did seemed to downplay the value of human rights. While she appreciated the rationale behind Mr. Murphy’s proposal, “humankind” was not analogous to “human rights”. The phrase “including with a view to human rights protection” was important and should be retained.

Ms. Lehto said that the simplest solution would be to retain the original wording of the sentence. The reference to human rights protection did not strike her as being out of place, as human rights were taken up later in the same paragraph. In terms of substance, the reference was in the right place because the interests of future generations were clearly related to human rights. Furthermore, since the phrase had appeared in the text adopted by the Commission on first reading, deleting it at the current stage could send the wrong message. The reference to human rights protection in that particular sentence was in no way excessive.

Mr. Petrič said that the process of adopting the commentary was proving to be quite time-consuming because members were not following a basic methodology. At the second-reading stage, members should first focus on the amendments to the commentaries that had been proposed by States in the Sixth Committee. The Special Rapporteur, who had the final say on the commentaries, should explain whether the changes that he was proposing were based on amendments proposed by States or on other reasons. Members needed to understand the rationale behind the proposed changes before they could react. He agreed with Ms. Lehto that States might well question why a phrase that had been adopted on first reading had been deleted on second reading. The Special Rapporteur had not explained in detail why he was proposing to delete the reference to human rights protection, which, to judge by the members’ reactions, would amount to a substantial amendment.

The Chair proposed that “including with a view to human rights protection” should be replaced with “including with a view to the protection of their human rights”.

Ms. Escobar Hernández said that she too was in favour of retaining the reference to human rights protection in paragraph (10), either with or without the word “their”. First, there was an extremely close relationship between the protection of the interests of future generations with regard to the environment, especially in view of the impact of climate change, and the protection of human rights. To her mind, that reference was not redundant and there was no reason to remove it. Second, no objections had been raised to the inclusion of that reference at the first-reading stage and, as Ms. Lehto and Mr. Petrič had rightly pointed out, the Commission would be sending an extremely problematic message if it deleted the phrase on second reading. In her view, the Commission should not take such a liberty.

Mr. Murase (Special Rapporteur) said that his understanding was that the purpose of the second reading was to improve the text that had been adopted on first reading. He had believed that, by deleting the reference to human rights protection from the first sentence of paragraph (10), the Commission would be doing just that. However, since many members appeared to be in favour of retaining the original text, he was prepared to do so.

Mr. Saboia said that he did not find the Special Rapporteur’s explanation to be acceptable. He agreed with Mr. Petrič that, at the second-reading stage, priority should be given to comments and requests from States. That had been the methodology employed by Mr. Murphy in respect of the topic “Crimes against humanity”, which had proceeded very efficiently. While he still preferred the original language of paragraph (10), he wished to propose, by way of a compromise solution, that “including with a view to human rights protection” should be replaced with “including from a perspective of human rights”, as some members seemed to find the concept of human rights protection problematic.

Sir Michael Wood said that he agreed with the Special Rapporteur that the aim of any changes proposed on second reading was to improve the text where necessary. Since

many changes had already been made to the draft guidelines adopted on first reading, it was inevitable that changes would also be made to the commentary. The problem was not human rights protection *per se*; the reference was problematic because it gave the impression that the preambular paragraph in question was concerned exclusively with human rights, which it was not. He proposed, by way of a compromise solution, that “including with a view to human rights protection” should be retained and “as well as intergenerational equity” should be added to the end of the sentence so as to portray the seventh preambular paragraph in a more balanced manner.

Mr. Grossman Guiloff said he had not meant to imply that some members took issue with human rights protection. He agreed that human rights should be referred to only where appropriate and that exaggeration, which could be counterproductive, should be avoided. The current discussion had raised interesting questions about the Commission’s methodology for adopting texts on second reading. As Mr. Petrič had rightly pointed out, any improvements made to the commentary on second reading should be based on input from States. However, since the Special Rapporteur’s proposal to delete the reference to human rights protection in paragraph (10) appeared not to be based on any request from States, it could well raise questions about how the Commission conducted its work. He would appreciate clarification of the methodology that members were to follow at the second-reading stage. Although some members had argued that improvements could be made to the language even if they had not been specifically requested by States, he did not consider the proposed deletion to be a linguistic improvement. It would be useful to hear which States, if any, had raised objections to the current wording of paragraph (10), after which the Commission could decide whether those objections justified the change proposed by the Special Rapporteur. To his mind, the purpose of the second reading was not to arrive at a consensus, which should already exist, or to introduce linguistic improvements, unless the Commission’s second-reading methodology allowed for it.

The Chair asked whether Mr. Grossman Guiloff could accept the proposal put forward by Sir Michael Wood.

Mr. Grossman Guiloff said that he wished to know whether, at that juncture, the Chair intended to open a discussion on amendments that were not based on input from States. If that was the case, members could consider the proposals put forward and how the text could be improved. The matter under discussion was procedural in nature: was the Commission, at the second-reading stage, to act as a sort of plenary drafting committee concerned with negotiating changes or improvements that were not based on comments received in response to the texts adopted on first reading? Or were there limits on the types of improvements that could be made to a text on second reading? If there were no such limits, the Commission could discuss the amendments put forward by Sir Michael Wood and others. He, for one, had been pleased to learn that no criticism had been levelled at the phrase “including with a view to human rights protection” as adopted on first reading. If the Commission decided that the phrase was unsuitable and should be deleted, it would effectively be substituting its own judgment for that of States. In his view, the phrase did not add undue emphasis to the paragraph.

Mr. Zagaynov said it was his impression that the Commission’s usual practice at the second-reading stage was to focus mainly on proposals from States, without prejudice to the possibility of introducing other changes that it deemed appropriate. To him, that seemed to be the correct approach to take, since, generally, there was not enough time for the Commission to work closely on texts at the first-reading stage. The second reading provided an opportunity for members to review the text and determine how it could be further improved. He supported the proposal just made by Sir Michael Wood.

Ms. Oral said that the issues raised by the Special Rapporteur and Sir Michael Wood had not been discussed in the Drafting Committee when the commentaries were being prepared. She was therefore of the view that the reference to human rights protection should be retained. While, in principle, she had no objection to the proposal made by Sir Michael Wood, in the interests of procedural consistency she would prefer to retain the original wording of the sentence.

The Chair said that, while he understood that there were multiple views on the matter, in practice, the Commission had always improved the language of its commentaries, even if States had not requested it to do so. If members could not agree on whether to delete the phrase in question, he would suspend the consideration of paragraph (10) to allow the Special Rapporteur to conduct the necessary consultations.

Mr. Petrič said that, as he had stated previously, at the second-reading stage, members should first focus on changes proposed by States. That did not, however, preclude the Commission from making other improvements to the commentary, if appropriate. If the Special Rapporteur wished to introduce further changes to the text on second reading, he should set out his reasons for doing so, as that would enable the Commission to take a decision. As a general rule, the Commission should not modify the commentaries adopted on first reading unless it had good reason to do so, since it might otherwise attract questions or criticism from States. The Commission needed to clarify the methodology that was to be followed at the second-reading stage. He could support either the original wording of paragraph (10) or the proposal put forward by Sir Michael Wood.

The Chair said that the options were either to suspend the consideration of paragraph (10) to enable the Special Rapporteur to conduct further consultations or to vote on whether to revert to the original text or to adopt the text as amended by Sir Michael Wood. He would prefer to avoid holding a vote.

Mr. Ruda Santolaria, speaking via video link, said that he too was in favour of retaining the sentence as originally drafted on account of the close relationship between the interests of future generations and human rights. To delete the reference to human rights when States had raised no objections to it at the first-reading stage could send the wrong message.

Mr. Hassouna said that he would not be in favour of holding a vote, as voting only served to divide the Commission. The consideration of paragraph (10) should be suspended so that members could find a compromise by means of informal consultations, as they had often done in the past.

Mr. Jalloh said it appeared that the majority of members had not been convinced by the rationale behind the deletion proposed by the Special Rapporteur. Both Mr. Petrič and Ms. Lehto had raised important points about the potential implications of changing language that had already been approved by States. He wished to recall that Antigua and Barbuda had, in its submission, expressed support for the reference to the interests of future generations of humankind and had even proposed that the commentary should be expanded. Since the Special Rapporteur had not fully explained his reasons for wishing to delete the reference to human rights protection in paragraph (10), and most members seemed to be in favour of retaining the text that had been adopted on first reading and notified to States, he wondered whether, in the interests of moving forward, Sir Michael Wood might be willing to withdraw his proposal. He saw little point in holding informal consultations on a proposed change that appeared to have no justification. Alternatively, he could support the proposal made by Mr. Saboia.

Mr. Ouazzani Chahdi said he wished to recall that, in the past, whenever the Commission had been unable to reach agreement on a specific paragraph, it had put it aside so that consultations could take place, continued its consideration of the text at hand and returned to the paragraph at a later point. In the interests of saving time, the Commission should follow that approach going forward.

Mr. Cissé said that he no longer understood the aim of the exercise. As he saw it, the Special Rapporteur had agreed to retain the sentence as originally drafted and Sir Michael Wood had proposed an improvement to the text, which, in his view, amounted to a compromise solution. He saw little point in delaying the adoption of paragraph (10) any longer.

Sir Michael Wood said that, if members objected to the addition of “as well as intergenerational equity” to the end of the first sentence, he could agree to retain the original text, “including with a view to human rights protection”, even though he did not agree with the arguments advanced for its retention. The comments made by Antigua and Barbuda

seemed only to emphasize the importance of intergenerational equity. In any event, the matter under discussion did not strike him as being of fundamental importance. He would support whichever proposal the Commission decided to take forward.

Mr. Vázquez-Bermúdez said that he too agreed that it was important to retain the original language adopted on first reading. By way of a compromise solution, he proposed that the reference to intergenerational equity should be made in a separate sentence to be inserted after the first sentence of paragraph (10). The text would read: “The seventh preambular paragraph emphasizes the interests of future generations, including with a view to human rights protection. It also takes into account intergenerational equity.”

Mr. Nguyen, speaking via video link, said that he was not in favour of holding a vote on whether to accept or reject the deletion proposed by the Special Rapporteur. He wished to recall that the provisional adoption of article 7 of the draft articles on immunity of State officials from foreign criminal jurisdiction had been put to a vote in 2017 and that many States had been dissatisfied with the way in which the Commission had proceeded in that case. Although he supported the proposal put forward by Sir Michael Wood, given the lateness of the hour, the Chair might wish to suspend the consideration of the paragraph to allow members to work on finding a solution ahead of the next plenary meeting.

The Chair said that, in view of the flexibility shown by Sir Michael Wood, he took it that the Commission wished to adopt the amendment proposed by Mr. Vázquez-Bermúdez.

Mr. Murphy said that the seventh preambular paragraph did not, in fact, address either human rights protection or intergenerational equity. Moreover, he did not understand why it was necessary to separate the two elements and was surprised that members who were in favour of retaining the reference to human rights protection had taken issue with the reference to intergenerational equity, which was mentioned in the middle of paragraph (10) and, to an extent, in draft guideline 6. If the Commission decided simply to revert to the original text and to omit the reference to intergenerational equity from the first sentence altogether, there was perhaps an argument for also deleting the phrase “as well as intergenerational equity” from the end of the fourth sentence. However, he did not believe that it was members’ intention to remove all references to intergenerational equity from the commentary. He would welcome clarification on that point.

The Chair said that, in the light of the discussion that had taken place and the divergent views expressed by members, he had decided to suspend the consideration of paragraph (10) of the commentary to the preamble, to enable the Special Rapporteur to conduct the necessary consultations.

The meeting rose at 1.05 p.m.