

## Chapter II

### SUMMARY OF THE WORK OF THE COMMISSION AT ITS FIFTY-NINTH SESSION

13. Concerning the topic “Reservations to treaties”, the Commission considered the eleventh<sup>6</sup> and twelfth (A/CN.4/584) reports of the Special Rapporteur and on the formulation and withdrawal of acceptances and objections and on the procedure for acceptances of reservations, respectively, and referred to the Drafting Committee 35 draft guidelines on the above issues. The Commission also adopted nine draft guidelines dealing with the determination of the object and purpose of the treaty as well as the question of incompatibility of a reservation with the object and purpose of the treaty, together with commentaries (see chapter IV).

14. Concerning the topic “Shared natural resources”, the Commission considered the fourth report by the Special Rapporteur (A/CN.4/580), which focused on the relationship between the work on transboundary aquifers and any future work on oil and gas, and recommended that the Commission proceed with the second reading of the draft articles on the law of transboundary aquifers independently of any future consideration of oil and gas. The Commission also established a Working Group on shared natural resources which addressed (a) the substance of the draft articles on the law of transboundary aquifers adopted on first reading; (b) the final form that the draft articles should take; and (c) issues involved in the consideration of oil and gas, and in particular prepared a questionnaire on State practice concerning oil and gas for circulation to Governments (see chapter V).

15. In connection with the topic “Expulsion of aliens”, the Commission considered the second<sup>7</sup> and third (A/CN.4/581) reports of the Special Rapporteur, dealing, respectively, with the scope of the topic and definitions (two draft articles), and with certain general provisions limiting the right of a State to expel an alien (five draft articles). Following its debate on the two reports, the Commission decided to refer the seven draft articles to the Drafting Committee (see chapter VI).

16. As regards the topic “Effects of armed conflicts on treaties”, the Commission considered the third report of the Special Rapporteur (A/CN.4/578) and decided to establish a Working Group under the chairpersonship of Mr. Lucius Cafilisch. The Commission subsequently adopted the report of the Working Group and decided to refer draft articles 1 to 3, 5, 5 *bis*, 7, 10 and 11, as proposed by the Special Rapporteur, and draft article 4, as proposed by the Working Group, to the Drafting Committee, together with the recommendations and suggestions of the Working Group (see chapter VII).

17. Concerning the topic “Responsibility of international organizations”, the Commission considered the fifth report of the Special Rapporteur (A/CN.4/583), which focused on content of the international responsibility of an international organization. Following its debate on the report, the Commission referred 15 draft articles to the Drafting Committee and it subsequently adopted 15 draft articles, together with commentaries, dealing with the content of the international responsibility of an international organization (see chapter VIII).

18. Concerning the topic “The obligation to extradite or prosecute (*aut dedere aut judicare*)”, the Commission considered the second report of the Special Rapporteur (A/CN.4/585), containing one draft article on the scope of application, as well as a proposed plan for further development. The Commission also had before it comments and information received from Governments (A/CN.4/579 and Add.1–4) (see chapter IX).

19. The Commission set up the Planning Group to consider its programme, procedures and working methods (see chapter X, section A). A Working Group on the long-term programme of work was established, under the chairpersonship of Mr. Enrique Candioti, which will submit its final report to the Commission at the end of the current quinquennium topic (see chapter X, section A.3). The Commission decided to include in its current programme of work two new topics, namely “Protection of persons in the event of disasters” and “Immunity of State officials from foreign criminal jurisdiction”. In this regard, it decided to appoint Mr. Eduardo Valencia-Ospina as Special Rapporteur for the former topic, and Mr. Roman Kolodkin as Special Rapporteur for the latter topic (see chapter X, section A.4). The Commission also established a Working Group on the most-favoured-nation clause under the chairpersonship of Mr. Donald McRae to examine the possibility of considering the topic “Most-favoured-nation clause” (*ibid.*).

20. The Commission continued its traditional exchanges of information with the International Court of Justice, the Inter-American Juridical Committee, the Asian–African Legal Consultative Organization and the European Committee on Legal Cooperation and the Committee of Legal Advisers on Public International Law of the Council of Europe (see chapter X, section C). The Commission organized a meeting with United Nations and other experts in the field of human rights, which was devoted to discussions on reservations to human rights treaties (see chapter X, section A.9). The Commission also held an informal meeting with the International Committee of the Red Cross on matters of mutual interest (see chapter X, section C).

<sup>6</sup> *Yearbook ... 2006*, vol. II (Part One), document A/CN.4/574.

<sup>7</sup> *Ibid.*, document A/CN.4/573.

21. An international law seminar was held with 25 participants of different nationalities. Members of the Commission gave lectures and were involved in other activities concerning the seminar (see chapter X, section E).

22. The Commission decided that its next session be held at the United Nations Office at Geneva in two parts, from 5 May to 6 June and from 7 July to 8 August 2008 (see chapter X, section B).