Chapter III

SPECIFIC ISSUES ON WHICH COMMENTS WOULD BE
OF PARTICULAR INTEREST TO THE COMMISSION

A. Reservations to treaties

25. The Commission would particularly welcome com-
ments from States and international organizations on the
draft guidelines adopted this year and draws their attention
in particular to the draft guidelines in sections 4.2 (Effects
of an established reservation) and 4.5 (Consequences of
an invalid reservation) of the Guide to Practice.18

B. Treaties over time

26. The Commission, in its consideration of the topic
“Treaties over time”, attempts to clarify the practical and
legal significance of “subsequent agreements” and the
“subsequent practice” of the parties as a means of the
interpretation and application of treaties (article 31 (3) (a)
and (b) of the Vienna Convention on the Law of Treat-
ties (hereinafter “1969 Vienna Convention”)). A detailed
description of the topic “Treaties over time” is contained
in Annex I to the report of the Commission on its sixtieth
session (2008).19

27. For this purpose, the Commission requests States
to provide it with one or more examples of “subsequent
agreements” or “subsequent practice” which are or have
been particularly relevant in the interpretation and appli-
cation of their treaties.

28. In this context, the Commission would also be inter-
ested in instances of interpretation which involved taking
into account other factors arising after the entry into force
of the treaty (factual or legal developments).

18 See chapter IV, section C.2, below.