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INTERNATIONAL LAW COMMISSION  
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### **DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FIFTY-EIGHTH SESSION**

**Rapporteur: Ms. Hanqin XUE**

#### **CHAPTER VI**

#### **SHARED NATURAL RESOURCES**

**Addendum**

**Corrigendum**

Page 10, General commentary, paragraph (2)

The fifth sentence should be replaced by the following text

While he is also aware of dissimilarities among these resources, he recognizes that the work on transboundary groundwaters could affect any future codification work by the Commission on oil and natural gas, if such work were to be undertaken. The Commission might also wish to take into account some relevant elements of the existing regulations and State practice on oil and natural gas before finalizing its work on transboundary groundwaters.

Page 10, General commentary, paragraph (2)

The following sentence should be added at the end of the paragraph

When that second reading is completed, the decision would be taken whether to proceed further with respect to oil and natural gas.

Page 11, General commentary, paragraph (3)

The following sentence should be added at the end of the paragraph

If a decision is taken to proceed with a convention, other changes would likely be necessary on second reading, including specifying the relationship of the convention to other agreements and arrangements, and relations with non-parties.

Page 11, General commentary, paragraph (4)

The last sentence should be replaced by the following text

In reaching these conclusions, the Commission stressed the need to protect the transboundary aquifer or aquifer system.

Page 20, Commentary to draft article 2, paragraph (9)

The last two sentences should be replaced by the following text

The discharge zone is the area through which water from the aquifer flows to its outlet, which may be a river, lake, ocean, oasis or wetland. Such outlets are not part of the discharge zone itself.

Page 47, Commentary to draft article 13, paragraph (1)

For In view of the claims for sovereignty over the aquifer read In view of sovereignty over the aquifer

Page 52, Commentary to draft article 14, paragraph (8)

The last three sentences should be replaced by the following text

This criterion differs from the obligation under draft article 6 to take all appropriate measures to prevent significant harm, in that it covers activities that “may” have such effects, so as to avoid in advance possible conflicts among States concerned.

Page 62, Commentary to draft article 17, paragraph (3)

The following text should be added at the end of the third sentence

, including various provisions of conventions on international humanitarian law to the extent that the States in question are bound by them.

Page 64, Commentary to draft article 18, paragraph (2)

The third sentence should be replaced by the following text

They were of the view that such an article should not be included. It was also stressed that article 31 of the 1997 Watercourses Convention limited the discretion of the State for exemption to a much higher extent since it required the data and information to be vital (and not essential) to its national defence and security.

Page 64, Commentary to draft article 18, paragraph (3)

The following sentence should be added at the end of the paragraph

In any event, the existence of intellectual property rights could be one of the factors to be considered in determining what data is readily available under draft article 8.

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