



General Assembly

Distr.

LIMITED

A/CN.4/L.760

17 May 2010

Original: ENGLISH AND
FRENCH

INTERNATIONAL LAW COMMISSION
Sixty-second session
Geneva, 3 May-4 June and 5 July-6 August 2010

RESERVATIONS TO TREATIES

**Text and title of the draft guidelines provisionally adopted
by the Drafting Committee on 23, 28 and 30 July 2009**

2.6.3 Freedom to formulate objections

A State or international organization may formulate an objection to a reservation irrespective of the permissibility of the reservation.

2.6.4 Freedom to oppose the entry into force of the treaty *vis-à-vis* the author of the reservation

A State or international organization that formulates an objection to a reservation may oppose the entry into force of the treaty as between itself and the author of the reservation.

3.4 Permissibility of reactions to reservations

3.4.1 Permissibility of the acceptance of a reservation

The express acceptance of an impermissible reservation is itself impermissible.

3.4.2 Permissibility of an objection to a reservation

An objection to a reservation by which a State or an international organization purports to exclude in its relations with the author of the reservation the application of provisions of the treaty to which the reservation does not relate is only permissible if:

- (1) The additional provisions thus excluded have a sufficient link with the provisions to which the reservation relates; and
- (2) The objection would not defeat the object and purpose of the treaty in the relations between the author of the reservation and the author of the objection.

3.5 Permissibility of an interpretative declaration

A State or an international organization may formulate an interpretative declaration unless the interpretative declaration is prohibited by the treaty or is incompatible with a peremptory norm of general international law.

3.5.1 Permissibility of an interpretative declaration which is in fact a reservation

If a unilateral statement which purports to be an interpretative declaration is in fact a reservation, its permissibility must be assessed in accordance with the provisions of guidelines 3.1 to 3.1.13.

3.5.2. Conditions for the permissibility of a conditional interpretative declaration

The permissibility of a conditional interpretative declaration must be assessed in accordance with the provisions of guidelines 3.1 to 3.1.13.

3.5.3 Competence to assess the permissibility of a conditional interpretative declaration

The provisions of guidelines 3.2 to 3.2.4 apply, *mutatis mutandis*, to conditional interpretative declarations.

3.6. Permissibility of reactions to interpretative declarations

Subject to the provisions of guidelines 3.6.1 and 3.6.2, an approval of, opposition to, or recharacterization of, an interpretative declaration shall not be subject to any conditions for permissibility.

3.6.1. Permissibility of approvals of interpretative declarations

An approval of an impermissible interpretative declaration is itself impermissible.

3.6.2. Permissibility of oppositions to interpretative declarations

An opposition to an interpretative declaration is impermissible to the extent that it does not comply with the conditions for permissibility of an interpretative declaration set forth in guideline 3.5.

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