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Summary record of the 1294th meeting

Topic:
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1294th MEETING

Monday, 15 July 1974, at 3.10 p.m.

Chairman: Mr. Endre USTOR

Present: Mr. Ago, Mr. Bilge, Mr. Calle y Calle, Mr. El-Erian, Mr. Hambro, Mr. Kearney, Mr. Quentin-Baxter, Mr. Ramangasoavina, Mr. Reuter, Mr. Šahović, Mr. Sette Câmara, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Yasseen.

Succession of States in respect of treaties

(A/CN.4/275 and Add.1 and 2; A/CN.4/278 and Add.1-6; A/CN.4/L.209/Add.2; A/CN.4/L.215; A/8710/Rev.1)

[Item 4 of the agenda]

(continued)

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE

ARTICLE 18 (Effects of a notification of succession) and new

ARTICLE 12 *bis* (Multilateral treaties of universal character) *(continued)*

1. The CHAIRMAN invited the Commission to continue consideration of article 18 as proposed by the Drafting Committee (A/CN.4/L.209/Add.2), together with the new article 12*bis* proposed by Mr. Ushakov (A/CN.4/L.215).

2. Speaking as a member of the Commission, he pointed out that, whatever decision the Commission took on article 12 *bis*, it would still have to deal with article 18, because article 12 *bis* covered only a certain kind of multilateral treaty, whereas article 18 dealt with all multilateral treaties.

3. As he saw it, article 18 laid down that once the notification of succession had been made, the newly independent State became a full party to the treaty, which came into operation from that date as between the newly independent State and all the parties to the treaty. With regard to the past, however, the problem arose of the interim period between the date of the succession of States—or of entry into force of the treaty as the case might be—and the date of notification of succession. Article 18 provided that during that interim period the newly independent State became a party, but the operation of the treaty was considered as suspended between that State and the other parties to the treaty.

4. That rule was a rather bold one, in that it purported to suspend the operation of a treaty retroactively, and suspension was normally a process which related to the future. The rule was, however, subject to an obvious exception, which was stated in the concluding words of paragraph 1(*b*): "except so far as that treaty may be applied provisionally in accordance with article 22". The meaning of that exception was that if, prior to the notification of succession, a notification of provisional application had been made by the newly independent State and accepted by the other States parties, the operation of the treaty would commence accordingly.

5. In his view, however, there was another obvious exception to the rule: the case in which the newly independent State had not made any notification of provisional application, but had expressed its wish that the treaty should be considered as fully applicable on a retroactive basis between itself and the other parties. Should the other parties consent, the case would clearly be one of retroactive application of the treaty.

6. In the text now proposed by the Drafting Committee, article 18 protected the other States parties, but did not provide enough guidance to the newly independent State. He therefore proposed that the possibility to which he had referred should be specified in article 18. That possibility would, of course, exist in any event, but it was better to make express provision for it, as had been done in the case of the exception relating to provisional application under article 22.

7. Mr. KEARNEY asked whether, under that proposal relating to agreement on retroactive application, the matter would be one for bilateral determination, as in the case of provisional application under paragraph 1(*a*) of article 22, or whether the consent of all the parties to the treaty would be required to produce the effect the Chairman had in mind.

8. The CHAIRMAN, speaking as a member of the Commission, said that the system he proposed would be similar to that which operated in the case of provisional application.

9. Mr. USHAKOV said that the new system suggested by Mr. Ustor would be even more artificial than the one provided for in the Drafting Committee's text, since the date of entry into force of the multilateral treaty would vary according to the party concerned. The reason why he had proposed article 12 *bis* was to overcome the drawbacks of the system adopted in 1972, but he feared that the Commission did not have sufficient time to consider his proposal. He therefore suggested that consideration of article 12 *bis* should be deferred and that the attention of the General Assembly should be drawn to it by a statement in the report to the effect that the Commission had not had time to examine his proposal in detail.

10. The CHAIRMAN thanked Mr. Ushakov for his co-operative attitude. The Commission, however, still had to deal with article 18 and meet the valid criticisms made of the 1972 text of the article (A/8710/Rev.1, chapter II, section C), with particular reference to retroactivity. In that connexion he drew attention to the comments of the Government of Tonga on article 11 and those of the Government of Poland on article 12 (A/CN.4/278/Add.2, paras. 215 and 219).

11. Speaking as a member of the Commission, he said he fully agreed with Mr. Ushakov that the treaty should come into force as between the newly independent State and the other parties from the date of notification of succession only. Problems arose, however, such as the one to which the Government of Tonga had drawn attention, namely, the case of an aircraft crash which occurred after the date of independence, but before the notification of succession. A problem of that type would be readily solved if an "opting out" system had been adopted in the draft articles, because the Warsaw Con-

vention on International Carriage by Air would then have applied until the option was exercised. But the "opting out" system had not found much favour in the Sixth Committee, particularly among the newly independent States.

12. In the circumstances, the Commission had been led to adopt an "opting in" system, which would not solve problems of the type mentioned by the Government of Tonga. The proposal which he himself had now made would draw attention to the possibility open to the newly independent State of declaring its willingness to apply treaty provisions on a retroactive basis.

13. Mr. USHAKOV said that a treaty could be regarded as being in force from the date of the succession if all the parties to it so agreed, but if one of the parties rejected the offer of the newly independent State, there could be no retroactive application of the treaty provisions.

14. Mr. AGO said that the new system proposed in article 8 was far less ambitious than the one adopted in 1972, since the treaty would really enter into force at the time of the notification of succession. It was only in respect of certain minor matters that there could be retroactivity. Otherwise, article 18 neither conferred rights nor imposed obligations on the parties.

15. In his opinion, the system proposed by Mr. Ustor raised no problem with regard to the date of entry into force of the treaty. It was perfectly natural that a treaty should enter into force on different dates as between different parties. The real problem raised by Mr. Ustor's proposal was that of determining the will of the other parties to the treaty. If the will of the parties was expressly manifested, there was clearly no problem; but, as Mr. Ustor himself had said, States should be able to manifest their will tacitly by their conduct. How was such conduct to be interpreted in practice, and how much time must elapse before a conclusion could be drawn from it? Should there be some kind of presumption—for example, that the other parties consented if they did not expressly manifest their objection?

16. A further question was whether it was really necessary to defer the consideration of article 12*bis*, as Mr. Ushakov himself had suggested, and to state in the report that the had not had time to examine it. In his opinion, it would be preferable to incorporate Mr. Ushakov's proposal in the draft articles, by saying that treaties of a humanitarian character should be considered as being in force from the date of the succession—a proposition to which he fully subscribed. That suggestion obviously raised a difficulty, since it would be necessary to determine which treaties were humanitarian; but he thought the Commission might be able to solve that problem by specifying in a definition what it understood by that particular class of treaty.

17. If the Commission followed that course, it would also have to adopt a system for the settlement of disputes based on the Vienna Convention on the Law of Treaties,[1] to deal with all the practical problems that were bound to arise. It might even adopt the system provided for in the Vienna Convention, namely, recourse to the conciliation procedure laid down in the annex to that Convention. As that system would be in existence, there was no reason for not applying it to the settlement of disputes arising in a domain so closely connected with that of the Vienna Convention as succession of States in respect of treaties.

18. He thought the Commission should make an effort to settle those questions rather than merely say in its report that it had not had time to examine them.

19. Sir Francis VALLAT (Special Rapporteur) said it would be extremely difficult to introduce into article 18 an explicit provision setting out the possibility mentioned by Mr. Ustor. The same effect could be achieved in practice, however, by amending the opening clause of paragraph 1 of article 18, so that it would also be applicable to sub-paragraph (*b*). The new text would read:

> 1. Unless the treaty otherwise provides or it is otherwise agreed:
>
> (*a*) a newly independent State which makes a notification of succession under article 12 or paragraph 2 of article 13 shall be considered a party to the treaty from the date of the succession of States or from the date of entry into force of the treaty, whichever is the later date;
>
> (*b*) however, the operation of the treaty shall be considered as suspended...

20. The commentary would explain the effect of the proviso "Unless ... it is otherwise agreed" on the provisions of paragraph 1(*b*). It would thus be made clear that the treaty could have a retroactive effect as a result of the agreement of the other parties to accept the offer of the newly independent State.

21. He had some misgivings about Mr. Ago's suggestion concerning humanitarian conventions. That question had been dealt with at length in paragraph (10) of the Commission's 1972 commentary to article 11 (A/8710/Rev. 1, chapter II, section C). After referring to the practice of the depositary of waiting for a specific manifestation of the successor State's will with respect to each convention, that paragraph of the commentary went on: "As to the practice of individual States, quite a number have notified their acceptance of the Geneva Conventions in terms of a declaration of continuity, and some have used language indicating recognition of an obligation to accept the Conventions as successors to their predecessor's ratifications. On the other hand, almost as large a number of new States have not acknowledged any obligation derived from their predecessors, and have become parties by depositing instruments of accession". That paragraph was one of the key paragraphs in a long and careful consideration of the question whether there was any customary rule of international law which would require a newly independent State to accept its predecessor's obligations under the humanitarian conventions. The commentary rightly concluded that State practice did not seem to indicate the existence of any such rule.

22. In view of the care with which that question had been dealt with under article 11, he was concerned at what appeared to be an attempt to reopen it.

[1] See *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), p. 298, article 66.

23. The CHAIRMAN, speaking as a member of the Commission, said that although he would have preferred the introduction of an explicit provision on the lines he had suggested earlier, he would be prepared to accept the rewording proposed by the Special Rapporteur, provided that the commentary made it clear that the change had been made in order to meet his point.

24. Mr. KEARNEY said that, as he understood the position, Mr. Ago had not advocated that the obligations of the humanitarian conventions should be imposed on newly independent States, but had merely suggested that the presumption of non-continuity should be reversed in the case of those conventions.

25. The CHAIRMAN said that he had also understood Mr. Ago to favour the inclusion of a clause based on the proposed article 12 *bis* to deal with the humanitarian conventions, together with a clause on the settlement of disputes based on article 66 of the Vienna Convention on the Law of Treaties and the Annex mentioned in that article.

26. Mr. USHAKOV said that no treaty could provide for retroactive suspension of its operation, yet the proposed application of the words "Unless the treaty otherwise provides" to sub-paragraph (*b*) would be tantamount to saying that it could. In his opinion, therefore, it would be better to leave article 18 as it was.

27. The CHAIRMAN, speaking as a member of the Commission, said that, like Mr. Ushakov, he found the idea of retroactive suspension of the operation of a treaty extremely artificial. But as that idea had been introduced into article 18, he had proposed that a specific reference should be made to the possibility of express agreement by the parties to retroactive application. The adoption of his proposal would obviate the disadvantages of the "opting in" system embodied in the draft articles. As pointed out by the Polish Government, that system created uncertainty for the other parties to the treaty, which could last a considerable time.

28. Sir Francis VALLAT (Special Rapporteur) said that the small change in drafting which he had suggested for paragraph 1 would achieve the result desired by the Chairman.

29. With regard to Mr. Ushakov's point concerning the application of the words "Unless the treaty otherwise provides" to sub-paragraph (*b*), the opening clause of paragraph 1 would read: "Unless the treaty otherwise provides or it is otherwise agreed". Since one of the two elements in that clause, namely, the one reflected in the words "otherwise agreed", unquestionably applied to sub-paragraph (*b*), the construction of the whole paragraph was perfectly correct.

30. Mr. USHAKOV said he wished to place on record that he abstained from participating in the decision on article 18.

31. The CHAIRMAN said that, if there were no further comments, he would take it that, subject to that abstention, the Commission approved article 18 as reworded by the Special Rapporteur, on the understanding that the commentary would explain the reason for that rewording, as well as the uneasiness of some members, including himself, about the notion of retroactive suspension of the operation of a treaty.

It was so agreed.

ARTICLE 12 (Participation in treaties in force at the date of the succession of States) and

ARTICLE 13 (Participation in treaties not in force at the date of the succession of States) *(resumed from the 1290th meeting)*

32. The CHAIRMAN reminded the Commission that when it had approved articles 12 and 13 at its 1290th meeting, it had left in square brackets certain words in paragraph 1 of article 12 and paragraph 2 of article 13, pending a decision on article 18. Following the decision just taken to approve article 18, he suggested that the Commission should now decide to delete the words in square brackets. The two paragraphs in question, with consequential amendments, as proposed by the Drafting Committee (A/CN.4/L.209/Add. 2, footnote 2), would then read:

Article 12, paragraph 1

1. Subject to paragraphs 2 and 3, a newly independent State may, by a notification of succession, establish its status as a party to any multilateral treaty which at the date of the succession of States was in force in respect of the territory to which the succession of States relates.

Article 13, paragraph 2

2. Subject to paragraphs 3 and 4, a newly independent State may, by a notification of succession, establish its status as a party to a multilateral treaty which enters into force after the date of the succession of States if at that date the predecessor State was a contracting State in respect of the territory to which that succession of States relates.

33. If there were no comments, he would take it that the Commission agreed to approve those changes.

It was so agreed.

34. The CHAIRMAN suggested that the Commission should postpone taking a decision on the new article 12 *bis* proposed by Mr. Ushakov.

It was so agreed.[2]

ARTICLE 19[3]

35. Mr. HAMBRO (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following titles and text for section 3 and article 19:

SECTION 3. BILATERAL TREATIES

Article 19

Conditions under which a treaty is considered as being in force in the case of a succession of States

1. A bilateral treaty which at the date of a succession of States was in force in respect of the territory to which the succession of States relates is considered as being in force between a newly independent State and the other State party in conformity with the provisions of the treaty when:

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[2] See 1296th meeting, para. 77.

[3] For previous discussion see 1279th meeting, para. 1.

(*a*) they expressly so agree; or

(*b*) by reason of their conduct they are to be considered as having so agreed.

2. A treaty considered as being in force under paragraph 1 applies in the relations between the newly independent State and the other State party from the date of the succession of States, unless a different intention appears from their agreement or is otherwise established.

36. The only changes made in the 1972 text[4] were the addition of the words "in the case of succession of States" to the title and the replacement of the words "successor State" by "newly independent State" in paragraph 2.

The title of section 3 and the title and text of article 19 were approved.

ARTICLE 20[5]

37. Mr. HAMBRO (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following title and text for article 20:

Article 20

The position as between the predecessor and the newly independent State

A treaty which under article 19 is considered as being in force between a newly independent State and the other State party is not by reason only of that fact to be considered as in force also in the relations between the predecessor and the newly independent State.

38. Some members of the Commission had been in favour of inserting the word "bilateral" before the word "treaty", but the Drafting Committee had considered that unnecessary. It should, however, be pointed out in the commentary that the article related exclusively to bilateral treaties.

39. Sir Francis VALLAT (Special Rapporteur) proposed that the word "State " should be inserted after the word "predecessor" in the last line; that would be in conformity with the practice followed in the previous articles.

40. Mr. RAMANGASOAVINA suggested that in the French version the words "*comme étant en vigueur aussi*" should be replaced by the words "*comme étant également en vigueur*".

41. The CHAIRMAN suggested that the Commission should approve article 20 with the changes suggested by the Special Rapporteur and Mr. Ramangasoavina.

It was so agreed.

ARTICLE 21[6]

42. Mr. HAMBRO (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following title and text for article 21:

Article 21

Termination, suspension of operation or amendment of the treaty as between the predecessor State and the other State party

1. When under article 19 a treaty is considered as being in force between a newly independent State and the other State party, the treaty:

(*a*) does not cease to be in force in the relations between them by reason only of the fact that it has subsequently been terminated in the relations between the predecessor State and the other State party;

(*b*) is not suspended in operation in the relations between them by reason only of the fact that it has subsequently been suspended in operation in the relations between the predecessor State and the other State party;

(*c*) is not amended in the relations between them by reason only of the fact that it has subsequently been amended in the relations between the predecessor State and the other State party.

2. The fact that a treaty has been terminated or, as the case may be, suspended in operation in the relations between the predecessor State and the other State party after the date of the succession of States does not prevent the treaty from being considered as in force, or as the case may be, in operation between the newly independent State and the other State party if it is established in accordance with article 19 that they so agreed.

3. The fact that a treaty has been amended in the relations between the predecessor State and the other State party after the date of the succession of States does not prevent the unamended treaty from being considered as in force under article 19 in the relations between the newly independent State and the other State party, unless it is established that they intended the treaty as amended to apply between them.

43. The only change the Drafting Committee had made in the 1972 text[7] was to replace the words "successor State" in paragraphs 2 and 3 by the words "newly independent State".

44. The CHAIRMAN suggested that the Commission should approve article 21 as proposed by the Drafting Committee.

It was so agreed.

Draft report of the Commission on the work of its twenty-sixth session

(A/CN.4/L.211)

Chapter IV

QUESTION OF TREATIES CONCLUDED BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN TWO OR MORE INTERNATIONAL ORGANIZATIONS

45. The CHAIRMAN invited the Commission to examine chapter IV of its draft report (A/CN.4/L.211).

A. INTRODUCTION

1. *Historical review of the work of the commission* (paragraphs 1-12)

Paragraphs 1-12 were approved without comment.

2. *General remarks concerning the draft articles* (paragraphs 1-10)

Paragraphs 1-5

Paragraphs 1-5 were approved without comment.

Paragraph 6

46. Mr. REUTER (Special Rapporteur) suggested that in the third sentence of the French version of paragraph 6, the words "*ce qui pourra éventuellement être le cas*" should be replaced by the words "*ce qui pourrait*

[4] *Ibid.*

[5] For previous discussion see 1279th meeting, para. 30.

[6] For previous discussion see 1280th meeting, para. 1.

[7] *Ibid.*

éventuellement être le cas". No change was needed in the English version.

Paragraphs 6 was approved with that amendment to the French text.

Paragraphs 7 and 8

Paragraphs 7 and 8 were approved without comment.

Paragraph 9

47. Mr. KEARNEY proposed that in the second sentence the words "or, in this particular case" should be amended to read "and, in this particular case". That change applied to the English text only.

Paragraph 9 was approved with that amendment to the English text.

Paragraph 10

48. The CHAIRMAN, speaking as a member of the Commission, said that the word "vital" in the last sentence of the English text was not a satisfactory translation of the French word "*essentiels*"; he suggested that it should be replaced by the word "fundamental".

It was so agreed.

Paragraph 10 was approved with that amendment to the English text.

B. Draft articles on treaties concluded between States and international organizations or between international organizations

Part I. Introduction

Text of article 1

(Scope of the present articles)

The texts of article 1 and of foot-note 3 were approved.

Commentary to article 1

Paragraph (1)

49. After an exchange of views between Mr. KEARNEY and Mr. REUTER concerning the English version of the third sentence of paragraph (1), the CHAIRMAN suggested that the English translation of that sentence should be revised by the Secretariat.

Paragraph (1) was approved, subject to revision of the English text.

Paragraph (2)

50. Mr. USHAKOV said he was not sure that paragraph (2) made it clear why the term "agreement" should be kept to denote conventional acts of an otherwise unspecified kind.

51. Mr. REUTER (Special Rapporteur) said that the term "agreement" was the most general of all the possible terms; it covered both written, oral and tacit acts and the acts of any international entity whatsoever. Several members of the Commission had said that they were in favour of using the term "treaty" rather than "agreement". He had meant to make it clear in the commentary that the word "agreement" should be kept for acts the nature of which was not identified by the parties to them or by any formal characteristic. The term "conventional acts" was completely general. To meet Mr. Ushakov's point, however, he suggested that the last phrase of the paragraph might be redrafted to read: "conventional acts, whatever the parties to them and whatever their form".

It was so agreed.

Paragraph (2), as amended, was approved.

Text of article 2

(Use of terms)

The text of article 2 was approved, subject to a slight rearrangement of the French text of paragraph 1(a).

Commentary to article 2

Paragraph (1)

Paragraph (1) was approved without comment.

Paragraph (2) and foot-note 6

52. Mr. KEARNEY asked the Special Rapporteur whether it might not be desirable to give an example of the type of organization to which paragraph 2 referred.

53. Mr. REUTER (Special Rapporteur) suggested that the words "such as the European Communities" should be inserted after the words "certain integrated organizations" in the second sentence.

It was so agreed.

Paragraph (2), as amended, and foot-note 6 were approved.

Paragraphs (3) and (4)

Paragraphs (3) and (4) were approved without comment.

Paragraph (5)

54. Mr. KEARNEY asked the Special Rapporteur whether the words "by participating through their organs in the preparation, and in some cases even the adoption, of the text of certain treaties", in the last sentence, did not refer to a rather unusual case.

55. Mr. REUTER (Special Rapporteur) said that in so far as the question related to adoption, there were quite a number of international instruments which had been adopted by such organs as the Assembly of the League of Nations and the General Assembly of the United Nations, so he did not think the case could be regarded as very exceptional. He was, however, quite prepared to delete the phrase if the Commission thought it unnecessary.

56. The CHAIRMAN, speaking as a member of the Commission, said that, in his opinion, when a convention was adopted in the General Assembly of the United Nations, the Organization was not participating as such in its adoption, but merely providing the necessary framework in the form of a conference; the convention was, in fact, adopted by the representatives of Governments. As he understood the phrase mentioned by Mr. Kearney, it would cover such instruments as international commodity agreements, in which the European Economic Community might perhaps be regarded as participating as a contracting party.

57. Mr. REUTER (Special Rapporteur) explained that the term "adoption" should be understood to mean deliberation by an organ as such, which established the substance of a text *ne varietur*. History provided many examples. From the doctrinal standpoint, however, it could be maintained that an assembly acting in that way was not really an assembly, but a meeting of the delegations of member States. The problem could perhaps be solved by a change in wording.

58. Mr. USHAKOV observed that the term "negotiating State" could apply only to a State which had taken part in both the drawing up and the adoption of a treaty and had adopted it on its own behalf. When the General Assembly of the United Nations took part in the drawing up and adoption of a treaty, it did not adopt the text on its own behalf and the definition in paragraph 1(*e*) of article 2 was therefore not applicable to it. It would, on the other hand, be applicable to the Council for Mutual Economic Assistance when it participated in the drawing up and adoption of a treaty concluded with an individual State.

59. Mr. YASSEEN said that practice existed in that matter and was far from being exceptional. Both the General Assembly of the United Nations and other organs of international organizations took part in drawing up and adopting international treaties. The question remained whether they were then acting as organs of the organization or as assemblies in which States could be represented. The second alternative seemed to be corroborated by the fact that States not members of the United Nations had participated to some extent in the work of the Sixth Committee of the General Assembly for the purpose of adopting certain conventions.

60. Mr. REUTER (Special Rapporteur) suggested that the term "adoption", which was defined in the Vienna Convention on the Law of Treaties, should be replaced by the less technical term "establishment".

It was so agreed.

Paragraph (5), as amended, was approved.

Paragraphs (6)-(9)

Paragraphs (6)-(9) were approved without comment.

Paragraph (10)

61. Mr. USHAKOV suggested that the wording of the last phrase of paragraph 10 should be toned down by adding the words "subject to the provisions of article 6" or "which have relevant rules".

62. After a brief exchange of views between Mr. KEARNEY and Mr. REUTER (Special Rapporteur), the CHAIRMAN, speaking as a member of the Commission, suggested that the best solution would be to delete the underlining from the word "all" in that phrase.

It was so agreed.

Paragraph (10), as amended, was approved.

Paragraphs (11) and (12)

Paragraphs (11) and (12) were approved without comment.

Paragraph (13)

63. Mr. REUTER (Special Rapporteur) observed that the first sentence of paragraph (13) should be amended in the same way as the last phrase of paragraph (10).

Paragraph (13) was approved with that amendment.

Paragraphs (14)-(16) and footnote 11

Paragraphs (14)-(16) and footnote 11 were approved without comment.

Commentary to article 3
(International agreements not within the scope of the present articles)

Paragraph (1)

Paragraph (1) was approved without comment.

Paragraph (2)

64. Mr. KEARNEY said he would hesitate to accept the statement that an agreement made by telex was not an agreement in writing. He therefore proposed that the words "particularly telex", in the third sentence, should be deleted.

It was so agreed.

Paragraph (2), as amended, was approved.

Paragraphs (3)-(6)

Paragraphs (3)-(6) were approved without comment

Commentary to article 4
(Non-retroactivity of the present articles)

The commentary to article 4 was approved without comment.

PART II. CONCLUSION AND ENTRY INTO FORCE OF TREATIES

Section 1. Conclusion of treaties

Commentary to article 6
(Capacity of international organizations to conclude treaties)

Paragraphs (1) and (2)

Paragraphs (1) and (2) were approved without comment.

Paragraph (3)

65. In reply to a question by Mr. KEARNEY, the CHAIRMAN said that the translation of the French word "*physionomie*" in the second sentence would be revised by the Secretariat.

Paragraph (3) was approved, subject to that revision of the English text.

Paragraphs (4)-(6)

Paragraphs (4)-(6) were approved without comment.

Chapter IV as a whole was approved.

The meeting rose at 6.20 p.m.