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CONTENTS

Chairman: Mr. V. OUTRATA (Czechoslovakia).

Reservations to multilateral conventionas (A/1372) (*continued*)

[Item 56*]

1. Mr. TATE (United States of America) said that although he had already explained his delegation's views at a previous meeting (A/C.6/SR.217) he wished now to give the Sixth Committee some further explanation of the revised draft resolution submitted by his delegation (A/C.6/L.114/Rev.1).

2. It was not for the Committee to draw up basic rules on so complex a matter as that of reservations. The Committee should simply indicate to the Secretary-General the procedure he should follow as depositary of multilateral conventions.

3. He explained the three proposals in his delegation's revised draft resolution. The first was to give the Secretary-General a directive stating the circumstances in which he could receive a ratification embodying reservations, pending the decision of the International Law Commission. The second was to leave to each State, during that intervening period, the right to decide the legal consequences of any reservations that were made. The third was to entrust the study of the legal consequences of reservations to the International Law Commission.

4. In order to stress the need for a speedy decision by the Sixth Committee with regard to the Secretary-General's duties as depositary, he cited the example of the Convention on Genocide. That Convention was to come into force on the ninetieth day following the depositing of the twentieth instrument of ratification. Some instruments of ratification embodied reservations. The Secretary-General must know which were the States whose consent to those reservations was needed in order to decide whether those ratifications could or could not be regarded as valid.

5. The United States draft resolution was restricted to the very limited question of the procedure to be followed by the Secretary-General when acting as depositary. That was apparent if the example of the Convention on Genocide was once again considered. Assume a situation when nineteen States had ratified it without reservations and the twentieth State had made a reservation at the time of ratification. It might further be assumed that eighteen States had accepted that reservation, and the nineteenth had refused. A twenty-first State then ratified the Convention without reservations. The Convention was to come into force ninety days after the depositing of the instrument of ratification of the twentieth State. Yet, according to the Secretary-General's report, the twentieth State did not become a Party to the Convention. That was a question of substance. In accordance with the United States proposal on the other hand, the twentieth State became a Party to the Convention in relation to those States which accepted its reservation. The United States draft resolution had the advantage that it would enable members of the Organization of American States to follow the procedure of the Pan-American Union.

6. He particularly wished to emphasize the considerable difference between the arguments of the Secretary-General and those of the United States delegation. That difference was brought out in the revised draft resolution submitted to the Sixth Committee by his delegation.

7. He thought the question of substance should be referred to the International Law Commission rather than to the International Court of Justice. The International Court of Justice decided a matter on the basis of existing law only, whereas the International Law Commission, while taking existing law into consideration, could also influence the development of law and fill in the gaps between different legal principles.

8. On that point he could not agree with the United Kingdom representative who thought the matter should be referred to the International Court of Justice because the function of the International Law Commission was to codify, and not to settle, questions in doubt. The question under discussion was a complex one which required full, not partial, examination and therefore came within the competence of the International Law Commission. The United Kingdom representative had stated that it would be easier for the various countries to present their arguments before the International Court of Justice. Yet under the Statute of the International Law Commission, governments could submit their views before it, as had, in fact, occurred in the past.

* Indicates the item number on the General Assembly agenda.

9. The French and United Kingdom delegations had pointed out that the International Court of Justice would take less time to hand down its decision than would the International Law Commission. That was not a decisive argument, since the factor of urgency did not affect the substance of the matter, but only the specific question of the functions of the Secretary-General as depositary of multilateral conventions, and that specific question was solved by the United States draft resolution.

10. The Uruguayan draft resolution (A/C.6/L.116) and the Iranian amendment (A/C.6/L.119) to the United States draft resolution likewise concerned the substance of the matter. He would therefore request the Sixth Committee to confine itself to the revised draft resolution submitted by his delegation.

11. Mr. LESAGE (Canada) said that the majority of treaties concluded under United Nations auspices were legislative in character. Their scope was general and their effect more or less permanent. They were drafted jointly by the great majority of States and were an important source of international law. Therein they were essentially different from contractual agreements. Their special legislative character should be borne in mind when the question of reservations to such treaties was considered. It was a consideration which went to the root of the whole matter.

12. The tendency in the League of Nations had been to define in the treaty itself the reservations which the Parties to it were prepared to accept, or else expressly to prohibit the making of reservations. Mr. Lesage quoted a few examples.

13. In treaties concluded under the auspices of the United Nations, all Members of that Organization and sometimes States which were not Members (in certain conferences organized by the specialized agencies) were enabled to state their views during the debates preceding signature and in some cases to bring about a change in some of the provisions. If the States did not obtain such changes, they could request the insertion of a clause authorizing a State to make reservations at the time of ratification. Such a clause would generally be accepted except when the other States regarded it as directly contrary to the purpose of the agreement.

14. He thought that the only desirable procedure was for States to explain their position when the agreement was being drawn up. He fully agreed on that point with the statement made earlier by the representative of Brazil (A/C.6/SR.217).

15. For these reasons, the Canadian delegation supported the Iranian amendment though with some slight drafting changes. The Canadian representative would not, however, present any formal drafting amendments to the Iranian amendment, since a drafting sub-committee would no doubt have to be appointed to co-ordinate the different proposals after the Committee had come to a decision.

16. Mr. Lesage thought that the Sixth Committee should invite the Secretary-General to adhere to the practice he had hitherto followed, and he supported in that connexion the first United States draft resolution (A/C.6/L.114) and the United Kingdom amendment to it (A/C.6/L.115).

17. In the main he agreed with the views of the French representative except as regards his proposal that the Secretary-General should take no action pending the decision of the International Court of Justice. That would mean breaking with past practice, and would prevent the entry into force of the Convention on Genocide. If, on the other hand, the present practice was continued, the Convention would come into force after further instruments of ratifications containing no reservations had been deposited.

18. The Canadian delegation could not accept the Uruguayan amendment which would in fact lead to the partial application of conventions, and which was inadmissible in the case of conventions of a legislative kind.

19. He warmly supported the proposal of the representatives of the United Kingdom and France to refer the question for study to the International Court of Justice; that was the normal procedure recommended in Article 96 of the Charter. In addition, this proposal had the advantage of enabling all Member States of the United Nations to voice their opinions before the Court. It was the more desirable, too, in view of the importance of the time factor.

20. He thought that the question could be put before the Court in two ways: it could be put in very general terms, as the French representative had suggested; or a specific question could be asked on the validity of the practice currently followed by the Secretary-General.

21. He favoured the second course, and supported the United Kingdom amendment which formulated in a satisfactory manner the question to be placed before the Court. He reserved, however, his delegation's position on paragraph 4 of that amendment in which the United Kingdom stated the action it would propose, should the reference to the International Court of Justice be rejected.

22. Mr. ROLING (Netherlands) stated that the problem of guidance to be given the Secretary-General acting as a depositary of multilateral agreements needed an instant solution. The International Law Commission would deal with the problem in general for the future, and would be able to draw up standard types of solutions which would answer any needs, so that future drafters of multilateral conventions would have at their disposal precisely formulated standard provisions to be chosen from, according to the needs of the moment.

23. The most outstanding difference which had emerged so far was that between the Pan-American solution and the thesis that the objection of one of the Parties excluded the reserving Party from the treaty.

24. The Pan-American system was said to be a suitable one for regional arrangements between States bound together by close ties of neighbourship, tradition and culture, but unsuitable for the need of such world-wide organizations as the United Nations. However, the contrary could easily be maintained, i.e., that in small closely united groups, there was more reason to follow a system uniting all the parties in a common bond rather than a system which provided for individual exceptions. On the other hand, it could be held that the relatively loose ties of world-wide organizations would demand possibilities of exceptions according to

the special position of particular States. It was not in the first place the *scope* of the convention, but the *kind* of convention that decided which system was appropriate. The Pan-American system corresponded to multilateral agreements which were primarily the junction point of bilateral relations.

25. But there were the law-creating treaties which aimed at the establishment of relations between a group of States on the one hand and a set of rules on the other. From the nature of the latter, it followed easily that a Party was only prepared to bind itself on the condition that other Parties bound themselves similarly. That was the crucial point: some multilateral treaties would need the Pan-American solution, some would need another. The fact that a multilateral treaty was concluded under the auspices of the United Nations was not sufficient reason to conclude that it belonged to a special category, viz., to the law-creating treaties.

26. The draft resolution proposed by the United Kingdom and France was therefore insufficiently precise. In the case of an advisory opinion being requested from the Court, it would be necessary to indicate the treaties involved so as to enable the Court to give its opinion according to the specific nature of every treaty. Even so, it was doubtful whether an unambiguous opinion would be given. There was the possibility that the Court's decision might leave a doubt as to its implementation, and the Secretary-General would again be confronted with a problem concerning his duty as depositary.

27. As far as he was aware, an urgent need for guidance existed only in connexion with the Convention on Genocide. There was no necessity to approach the Court for an opinion concerning that law-creating treaty. The General Assembly could easily give the necessary guidance to the Secretary-General. The Convention on Genocide was a multilateral convention by which the Parties wished to establish clear-cut rules of law. Therefore, every Party might easily lose interest in the whole Convention if other States could establish different rules between them by way of reservation. If guidance was asked for regarding the Convention on Genocide, the Pan-American solution was not the appropriate one. Reservations as to that Convention should be sustained by all Parties.

28. Who were those Parties? Were they only those which had ratified the Convention, or all the signatories? In looking back upon the many multilateral conventions entered into under the auspices of the League of Nations and the United Nations, it could not be denied that there existed the almost frivolous practice of signing draft conventions and then failing to ratify them. Since it was not the signature, but the expected ratification, which provided the legal basis for the right to approve or to reject reservations proposed by others, the logical conclusion was that the State which did not intend to ratify, forfeited the right to oppose a reservation and thereby to exclude the ratification of the other State. Consequently, a reasonable solution would be that in case a ratification with reservations was offered, only those signatories might effectively object which had ratified or declared their intention to ratify in due time.

29. The rule to be applied by the Secretary-General should be a rule which was the logical consequence of the nature of the pertinent multilateral treaty. As to existing treaties such as the Convention on Genocide, only those signatories should be entitled to oppose reservations: (*a*) which had ratified; (*b*) which expressed their intention to ratify within a reasonable period.

30. Mr. HSU (China) noted that the majority of members of the Committee apparently wished the question to be referred to some competent body for advice. It only remained to select that body and to agree upon an interim arrangement. As an interim arrangement, the practice followed by the Secretary-General might be continued or the system in use in the Latin-American countries might be adopted. He favoured the first solution, since most of the treaties deposited with the Secretary-General were of a law-making character for which a single solution should be adopted. That had been the practice of the League of Nations and as an old established practice, it should be respected. Confusion might result if the new system was not better than the old.

31. With regard to the question of selecting the body which should be requested to give an opinion, he preferred the International Law Commission to the International Court of Justice. The question at issue was not whether the practice of the Secretary-General conformed to international law, but whether this practice was better than the system of the Organization of American States. There was disagreement as to who should be considered the Parties directly concerned in reservations, when a departure could be made from the principle that reservations should be approved by all the Parties concerned, and the extent of such a departure.

32. To solve those questions, the different types of multilateral conventions and the kind of international community which had concluded them, must be studied. The International Law Commission was better qualified than the Court to undertake such a study. The Commission was already engaged in codifying the law on treaties and the question of reservations to multilateral conventions was merely a small part of that undertaking. The Assembly might request the Commission to give priority to the question under discussion. There was no justification for fearing that this would overburden the Commission. The Commission should be maintained in its present form so that it could complete the work it had begun two years previously.

33. He thought, therefore, that the Assembly should refer the question to the International Law Commission.

34. Mr. BALLARD (Australia) congratulated the Secretariat on its report which, like the speeches made so far, had shown the wide scope of the question.

35. The Secretary-General's request was for guidance of a procedural nature and did not involve a determination of the law. Nevertheless, though the action concerned was administrative, legal questions were concerned. A Party desirous of adhering to a convention might be excluded if deposit of an instrument of ratification containing a reservation made by that Party was not accepted. On the assumption that all Parties concerned (included potential Parties) must assent to

reservations, there were differences of opinion as to which Parties were concerned. The Australian delegation considered it desirable to obtain an authoritative opinion on the question. It was not the function of the General Assembly to determine a point of law on which the Secretary-General would be requested to base his procedure.

36. For the reasons indicated by the United Kingdom representative, his delegation would prefer that the International Court of Justice rather than the International Law Commission should be consulted. The multilateral conventions in respect of which the Secretary-General would be called upon to exercise the function of depositary would be of a legislative kind and it might be desirable to request the Court's opinion on that type of convention alone.

37. In the case of conventions such as the Convention on Genocide which set standards of international conduct, the Parties scrutinized reservations more closely than they did in the case of a codification of technical arrangements. Where reservations were proposed which defeated the purpose of legislative conventions, those States which had the right to object would do so with less disposition to compromise than in the case of a trade agreement, for example. He thought the same relevant as to the question whether Parties which made reservations that were not accepted could choose only between withdrawing their reservation or not acceding to the Convention.

38. The Secretary-General's report indicated that there had not been unanimity as regards the procedure to be followed by a depositary in order to have a reservation accepted, and also as regards the legal effect of objections made to a reservation. In Mr. Ballard's opinion, the second problem constituted a legal point which it was not the function of the Assembly to decide, but the first was a procedural point which it could settle. In deciding it, however, the Assembly must act on what it conceived the law to be. The consent of signatories at least was required. That had been the practice in the League of Nations, and it was one which an impressive number of States had followed. It had been suggested that that should be narrowed on grounds of convenience, but grounds of convenience were not sufficient warrant for foreclosing the rights of signatories to ratify the convention in the form it had assumed as a result of negotiations. As had occurred in the case of the Convention on Genocide, it was to be feared that reservations might be made in an attempt to re-open points already settled. Therefore, if the opinion of the Court were not requested, his delegation would support the United Kingdom amendment proposing the adoption of a rule preserving the rights of signatories. At first sight, the solution advocated by the United States representative (A/C.6/L.114/Rev.1) gave the impression that it could not be permanently adopted because it made ambiguous the question of ratifications with reservations. The same ratification could not be valid for one purpose (bringing the convention into force) and of ambiguous validity for other purposes (admitting Parties to the convention and defining their obligations).

39. If a Party which had already ratified, objected to a ratification subject to reservation, the latter ratification would not count for the purpose of bringing the convention into force, but the Australian representative wondered if, even when such a reservation did not give rise to any objection, the ratification of the State which had made it should be counted among the number of ratifications necessary for the entry into force of the convention; it was possible that it might provoke an objection by a Party which would later ratify without reservation, and whose ratification would bring the convention into force. According to paragraph 22 of the Secretary-General's report (A/1372), the French Government acting as depositary, had adopted an attitude of great caution in that respect. Adoption of the United States proposal (A/C.6/L.114/Rev.1) might enable a limited number of ratifications with reservations to bring a convention into force in a seriously truncated form.

40. Referring to the Uruguayan proposal (A/C.6/L.116), which dealt with the question of the legal effect of a State's objecting to a reservation (paragraph 2 of the Secretary-General's report), Mr. Ballard thought that proposal was not of a procedural nature and he would therefore not support it. He would refrain from discussing its possible application to conventions of which the Secretary-General was the depositary, as well as the desirability of generalizing the Pan-American system.

41. In conclusion, he indicated that he took a favourable view of the proposal that conventions concluded within the framework of the United Nations should contain a clause on reservations.

42. Mr. ABDOH (Iran) associated himself with the congratulations to the Secretary-General on his report, which presented a complete picture of the various practices and tendencies in the question of reservations. That question was very complex and very difficult. For a reservation to be valid, the classical view was that the consent of all concerned was needed. But there were differences of opinion with regard to the scope of the expression "States concerned". Some said the phrase only related to those who had ratified a convention, others extended it to include signatories.

43. The Sixth Committee was to decide on a question of procedure: to find the best method to be followed in order to answer the Secretary-General's question, and not on a question of substance. It was therefore necessary, as experience had shown, to refer the question to a competent body. It would be desirable to choose the International Court of Justice since, as the United Kingdom representative had indicated, the law on the subject had to be stated. Since the question had been raised in connexion with the Convention on Genocide, an attempt should be made to comply with the spirit of the Convention. In the absence of any explicit text capable of providing a solution, article IX of the Convention on Genocide, which provided that any difficulties regarding the application and fulfilment of the Convention might be referred to the International Court of Justice, might be borne in mind.

44. He wondered whether the rejection of a reservation rendered it invalid and excluded the Party making it, and asked that the Sixth Committee, before taking a decision, should refer the question to the International Court of Justice.

45. He thought that the question, as stated by the representative of the United Kingdom, was sufficiently clear for the International Court of Justice to be able to render an opinion. In fact, paragraph 2 of the amendment proposed by the representative of the United Kingdom (A/C.6/L.115) specified the kind of conventions involved, namely multilateral conventions; moreover, it would always be possible, in order to satisfy the Netherlands representative, to add at the end of paragraph 2 a phrase running: ". . . and more particularly the Convention on Genocide". Thus, should the Court be unable to make a decision on multilateral conventions in general, it would be able to give an opinion regarding the Convention on Genocide alone.

46. It was in fact therefore the International Court of Justice and not the International Law Commission which ought to be consulted. As the representative of the United Kingdom had pointed out, the International Law Commission had a very heavy programme of work and the settlement of the matter now under discussion could not wait. Moreover, the International Law Commission, whose work was to codify existing law, could not examine forthwith a matter which was still very controversial. Only the International Court of Justice could decide that question.

47. His opinion, on which the amendment proposed by his delegation to the United States draft resolution (A/C.6/L.119) was based, was that in order to give a directive to the Secretary-General, a formula must be found which would make it possible to avoid any future repetition of such difficulties. His formula could be adapted to all the draft resolutions already submitted. It would be advisable to recommend to Member States that, in drawing up conventions, they make express provisions regarding the procedure to be adopted by the Secretary-General in connexion with reservations, and the legal effects of reservations. Naturally, as far as possible, and without prejudice to the self-determination of States, it would be advisable to refrain from making reservations which weakened the scope of one convention and prevented it from constituting the primary factors of the international law of the future. Moreover, the best way in which a State could prove that it wished to implement a convention, was not only to ratify that convention, but to ratify it without reservations.

48. In that connexion, there should be some clear definition of what was understood by "reservation". Apparently, a reservation generally tended to restrict the scope of application of a convention in respect of the State making the reservation. A reservation designed to widen the scope of a convention was hardly conceivable; nevertheless, it was important to define the meaning of the word "reservations" clearly, in view of the fact that in the case of the Convention on Genocide, one of the reservations formulated did not come under the generally accepted definition.

49. In conclusion, he wished to repeat that the Committee ought to request an opinion from the International Court of Justice. No doubt, the Secretary-General's conclusions could be accepted provisionally, but it must then be made quite clear that such a recommendation in no way prejudiced any decision the International Court of Justice might make.

50. Mr. SPIROPOULOS (Greece) paid tribute to the Secretary-General for his report (A/1372) which, he said, was an excellent document.

51. The matter under consideration was of great importance, not from the political, but from the technical and legal point of view. The Sixth Committee was not required to examine it in substance, but simply as a matter of procedure: it must decide how it was going to deal with it.

52. One important point emerged, namely what should be the attitude of the Secretary-General when he had received a number of ratifications which he considered sufficient for him to declare that the international instrument in question was henceforth in force.

53. He did not think that the International Law Commission ought to be consulted on the matter. In fact the Commission had been studying the problem of reservations for a year already and, if the Sixth Committee so requested, it would no doubt be able to provide a text by the following year. However, the General Assembly would then have to decide whether it regarded that text as a final reply or as a simple proposition in conformity with existing law. The question would no doubt return to the Sixth Committee and the latter, in its turn, would not be obliged to accept the text presented by the International Law Commission. Even if it did accept it, it would not for that reason consitute a text of international law and would not be binding on any party, and in particular not on the International Court of Justice.

54. It was therefore perfectly clear that the International Law Commission was in no position to give a conclusive reply. The question under study was not a general problem of law but the result of a conflict caused by the reservations made by States to the Convention on Genocide. In any case, it would have to be referred to the International Court of Justice in the final instance, and Mr. Spiropoulos shared the view of the United Kingdom representative that it would be better to refer it to the Court immediately.

55. Some delegations had suggested that, pending an opinion from the Court, the Secretary-General should be asked to follow certain specific rules. The representative of Greece did not agree. The Committee had no instructions to give the Secretary-General in the matter. Since the Secretary-General was responsible for ensuring the implementation of the Convention, he was also responsible for its interpretation and for applying whatever rules he considered appropriate respecting the question of reservations. Moreover, Mr. Spiropoulos saw no reason for the Committee to decide to adopt the procedure suggested by one delegation rather than by any other. There was, for example, no cause to believe that the solution put forward by the United States representative was better than that proposed by the representative of the United Kingdom or the procedure observed by the Latin-American States. Furthermore, if the Committee were to give preference to any one of those methods and the Court were subsequently to reach a contrary decision, the General Assembly might be left with the impression that the Committee had given an erroneous interpretation of law. That danger must be avoided.

56. With regard to the form in which the question should be put to the International Court of Justice, Mr.

Spiropoulos thought that the French proposal was unsatisfactory because it framed the question in terms which were too general. The representative of Greece suggested that the question should be put clearly, and worded in the terms used by the Secretary-General himself in his report.

57. Mr. ROBINSON (Israel) added his congratulations to those tendered to the Secretary-General by the previous speakers.

58. The members of the Committee semed to be agreed on five definite points: (*a*) the Secretary-General had asked for instructions not regarding the general matter of multilateral conventions, but simply regarding conventions signed under United Nations auspices for which he was acting as depositary; (*b*) the conventional rules concerning reservations should have precedence over rules decreed by the General Assembly; (*c*) the Secretary-General had no precise instructions regarding the position he should take on reservations to multilateral conventions; (*d*) the General Assembly should therefore give him appropriate instructions; (*e*) the final terms of those instructions would depend on the opinion given by some competent legal body.

59. The members of the Committee had, however, expressed varying views regarding other aspects of the problem. There had also been differences of opinion on whether the Secretary-General had the right to adopt a definite position with regard to the acceptance or rejection of a reservation before and after the coming into force of a convention. The United States draft resolution (A/C.6/L.114/Rev.1) would deprive the Secretary-General of the right not only to determine the legal effect for the parties of the acceptance or rejection of a reservation, but also to determine whether a communication from a State was in fact a reservation or merely an "understanding" or an "explanatory statement".

60. Two distinct conceptions of the functions of the depositary had to be considered: the broader one rested on the tradition and procedure of the League of Nations, the more narrow one was that put forward by the United States representative. In that connexion, it would be interesting to know what had been the position of the Latin-American countries during the period of the League. While seeking to eliminate the uncertainty of the Secretary-General's position in the matter, the United States draft resolution involved some danger because by making too sharp a distinction between the purely technical functions of the Secretary-General and his functions in determining the effects of a reservation and in reaching a decision on its acceptance or rejection, the future of the multilateral Treaty itself was at stake. Moreover, such functions could not be delegated to States Parties to a convention because it would result in the fragmentation of a multilateral treaty and its conversion into a great number of bilateral agreements.

61. At present the question of reservations could be considered under the following seven headings: (*a*) admissibility of reservations; (*b*) the time at which reservations should be presented; (*c*) States which could object to a reservation; (*d*) methods of acceptance or rejection; (*e*) the legal effect of reservations; (*f*) the body which should be charged with those operations; (*g*) the question whether general rules should be established or whether specific rules to meet the needs of certain types of conventions should be considered.

62. It did not appear that the International Court of Justice could give an opinion in the matter, primarily because Article 96 (1) of the Charter did not require it to do so. The Court applied general principles of universally accepted international law, but on the question of reservations there was no "general practice accepted as law", the best proof of that fact being that for a long time the States of the Inter-American system had applied their own rules in the matter. Nor could the Court apply "international conventions establishing rules expressly recognized by the contesting States", since no such conventions existed. Moreover, judicial decisions (another source of international law) were of no help, in view of the fact that the Court considered as precedents only its own decisions. Finally, scholarly publications on the subject of reservations, while providing a secondary source in law, would be of little value since they approached the question *de lege ferenda* and not *de lege lata*; moreover, the Court never consulted such "teachings of the most highly qualified publicists".

63. Even if it were admitted that, despite those considerations, the Court might be prepared to give an opinion, there was no doubt that divergencies of view would not fail to appear within the Court itself since the principal legal systems of the world were represented on it. Those difficulties would later be reflected in the General Assembly. Under the circumstances, the French proposal that the Secretary-General should immediately apply the rules adopted by the majority of the Court would certainly not be agreeable to many delegations. The possibility of deferring the question until the sixth session of the General Assembly would then have to be considered. Yet the need for giving the Secretary-General provisional instructions would not thereby be eliminated. In that connexion, it remained to be seen whether those instructions should be general, or whether they should apply to specific conventions. The Assistant Secretary-General in charge of the Legal Department might perhaps provide some information as to the number and nature of the conventions which the Secretary-General anticipated would enter into force during the coming year.

64. The problem was much simpler in the case of the International Law Commission which was not restricted to existing and generally accepted principles. The views of the International Law Commission must be ascertained in any case, whether the International Court of Justice was consulted or not. Should the Court be consulted, the International Law Commission could study the advisory opinions of the Court and apply them in the elaboration of rules on reservations. It might be necessary to urge the International Law Commission to speed up its work on the Law of Treaties, including the section dealing with reservations.

The meeting rose at 5.50 p.m.

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