

VIENNA CONVENTION ON THE LAW OF TREATIES

At its first session, in 1949, the International Law Commission selected the law of treaties as a topic for codification to which it gave priority. The Commission appointed J. L. Brierly, Sir Hersch Lauterpacht, Sir Gerald Fitzmaurice and Sir Humphrey Waldock as the successive Special Rapporteurs for the topic at its first, fourth, seventh and thirteenth sessions, in 1949, 1952, 1955 and 1961, respectively. It considered the topic at its second, third, eighth, eleventh and thirteenth to eighteenth sessions, in 1950, 1951, 1956, 1959 and from 1961 to 1966, respectively. In connection with its work on the topic, the Commission had before it the reports of the Special Rapporteurs, information provided by Governments as well as documents prepared by the United Nations Secretariat (references are provided in the "Documents" section).

The Commission had originally envisaged its work on the law of treaties as taking the form of "a code of a general character", rather than of one or more international conventions (see report of the Commission on the work of its eleventh session, A/4169). At its thirteenth session, in 1961, the Commission changed the scheme of its work to the preparation of draft articles capable of serving as a basis for an international convention. This decision was further explained by the Commission in its report on its fourteenth session, in 1962 (A/5209).

The General Assembly, in resolution 1765 (XVII) of 20 November 1962, recommended that the Commission continue the work on the law of treaties, taking into account the views expressed in the Assembly and the written comments submitted by Governments. At its fourteenth to sixteenth sessions, from 1962 to 1964, the Commission proceeded with the first reading of the draft articles and submitted the provisionally adopted draft articles to Governments for comment. The Commission completed the first reading of the draft articles at its sixteenth session, in 1964.

At its seventeenth session, in 1965, the Commission began the second reading of the draft articles in the light of the comments of Governments. It re-examined the question of the form ultimately to be given to the draft articles, and adhered to the views it had expressed in 1961 and 1962 in favour of a convention. The Commission noted that, at the General Assembly's seventeenth session, in 1962, the Sixth Committee had stated in its report that the great majority of representatives had approved the Commission's decision to give the codification of the law of treaties the form of a convention.

At its eighteenth session, in 1966, the Commission completed the second reading of the draft articles and adopted its final report on the law of treaties, setting forth seventy-five draft articles together with their commentaries (A/6309/Rev.1). In submitting the final report to the General Assembly, the Commission recommended that the Assembly should convene an international conference of plenipotentiaries to study the Commission's draft articles on the law of treaties and to conclude a convention on the subject.

Following the discussion in the Sixth Committee on the report of the Commission on the work of its eighteenth session, the General Assembly, by resolution 2166 (XXI) of 5 December 1966, decided to convene an international conference of plenipotentiaries to consider the law of treaties and to embody the results of its work in an international convention and such other instruments as it may deem appropriate. It requested the Secretary-General to convoke the first session of the conference early in 1968 and the second session early in 1969. By the same resolution, the Assembly invited Member States, the Secretary-General and the Directors-General

of those specialized agencies which act as depositaries of treaties to submit their written comments and observations on the draft articles. The International Atomic Energy Agency also submitted written comments and observations.

The following year, on the recommendation of the Sixth Committee, the General Assembly, by resolution 2287 (XXII) of 6 December 1967, decided to convene the first session of the United Nations Conference on the Law of Treaties at Vienna in March 1968.

The first session of the United Nations Conference on the Law of Treaties was accordingly held at Vienna from 26 March to 24 May 1968 and was attended by representatives of 103 countries and observers from thirteen specialized and intergovernmental agencies. The second session was held from 9 April to 22 May 1969, also at Vienna, and was attended by representatives of 110 countries and observers from fourteen specialized and intergovernmental agencies. The first session of the Conference was devoted primarily to consideration by a Committee of the Whole and by a Drafting Committee of the set of draft articles adopted by the International Law Commission. The first part of the second session was devoted to meetings of the Committee of the Whole and of the Drafting Committee, completing their consideration of articles reserved from the previous session. The remainder of the second session was devoted to thirty plenary meetings which considered the articles adopted by the Committee of the Whole and reviewed by the Drafting Committee.

The Conference adopted the Vienna Convention on the Law of Treaties on 22 May 1969. The Convention was opened for signature on 23 May 1969. It remained open for signature until 30 November 1969 at the Federal Ministry for Foreign Affairs of Austria and, subsequently, until 30 April 1970, at United Nations Headquarters. It entered into force on 27 January 1980. In addition to the Vienna Convention on the Law of Treaties, the Conference adopted two declarations (the Declaration on the Prohibition of Military, Political or Economic Coercion in the Conclusion of Treaties and the Declaration on Universal Participation in the Vienna Convention on the Law of Treaties) and five resolutions which were annexed to the Final Act of the Conference (A/CONF.39/26).