

**VIENNA CONVENTION ON THE LAW OF TREATIES BETWEEN
STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN
INTERNATIONAL ORGANIZATIONS**

The United Nations Conference on the Law of Treaties, held in 1969 at Vienna, adopted a resolution entitled “Resolution relating to article 1 of the Vienna Convention on the Law of Treaties”, annexed to the Final Act, recommending that the General Assembly should refer to the Commission the study of the question of treaties concluded between States and international organizations or between two or more international organizations. Acting on this recommendation, the General Assembly, in resolution 2501 (XXIV) of 12 November 1969, recommended that the International Law Commission should study the question, in consultation with the principal international organizations.

At its twenty-second session, in 1970, the Commission included this question in its programme of work and set up a subcommittee to consider the preliminary problems involved in the study of the topic. The subcommittee’s report (A/CN.4/L.155), as adopted by the Commission, requested the Secretariat to undertake certain preparatory work, in particular as regards United Nations practice, and asked the Chairman of the subcommittee to submit to members of the subcommittee a questionnaire concerning the method of treating the topic and its scope. At the Commission’s twenty-third session, in 1971, the subcommittee submitted to the Commission a report (A/CN.4/250) containing a summary of the views expressed by members of the subcommittee in reply to the questionnaire prepared by its Chairman, and recommendations to the Commission, in particular to appoint a Special Rapporteur for the topic and confirm the request addressed to the Secretary-General concerning certain preparatory work. The Commission considered the report and adopted it without change. At the same session, the Commission appointed Paul Reuter as Special Rapporteur for the topic.

The Commission considered the topic from its twenty-fifth to twenty-seventh and from its twenty-ninth to thirty-fourth sessions, from 1973 to 1975 and from 1977 to 1982, respectively. In connection with its consideration of the topic, the Commission had before it the reports of the Special Rapporteur (referred to in the “Documents” section), information provided by Governments and international organizations (A/CN.4/339 and Add.1–8; A/CN.4/350 and Add.1–6, Add.6/Corr.1 and Add.7–11) as well as documents prepared by the Secretariat (A/CN.4/L.161 and Add.1 and 2; A/CN.4/277 and A/CN.4/281).

At its twenty-fifth session, in 1973, the Commission requested the Special Rapporteur to begin the preparation of a set of draft articles on the basis of his first two reports and the comments made during that session. At its twenty-sixth session, in 1974, the Commission began the first reading of the draft articles, which was completed at its thirty-second session, in 1980. In accordance with the decision taken by the Commission at its thirtieth session, in 1978, the Commission, upon provisional adoption of certain sets of draft articles, transmitted them to Governments and principal international organizations for comments and observations, before the draft as a whole was adopted on the first reading. That procedure was seen as making it possible for the Commission to undertake the second reading without much delay.

The General Assembly, in resolution 35/163 of 15 December 1980, invited the Commission to commence the second reading of the draft articles.

The Commission proceeded with the second reading of the draft articles at its thirty-third and thirty-fourth sessions, in 1981 and 1982, respectively, in accordance with the General Assembly recommendation contained in resolution 36/114 of 10 December 1981. At the latter session, the Commission adopted the final text of the draft articles, with commentaries, on the law of treaties between States and international organizations or between international organizations, and submitted it to the General Assembly with the recommendation that the Assembly convoke a conference to conclude a convention on the subject under article 23, subparagraph 1 (d) of its Statute.

By resolution 37/112 of 16 December 1982, the General Assembly decided that an international convention should be concluded on the basis of the draft articles adopted by the Commission. In addition, the Assembly invited States and the principal international organizations to submit comments on the final draft as well as on other questions, such as the participation of international organizations in the conference and the solution of the problem of how international organizations would be associated with the convention.

At its thirty-eighth session, the General Assembly, by resolution 38/139 of 19 December 1983, decided that the appropriate forum for the final consideration of the draft articles was a conference of plenipotentiaries, to be convened not earlier than 1985. It also appealed to potential participants in the Conference to undertake consultations on the draft articles and related questions prior to the thirty-ninth session of the Assembly, in order to facilitate the successful conclusion of the work of the Conference. The following year the General Assembly, by resolution 39/86 of 13 December 1984, decided that the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations would be held at Vienna from 18 February to 21 March 1986 and referred to the Conference as the basic proposal for its consideration the final set of draft articles adopted by the Commission at its thirty-fourth session, in 1982. It also appealed to participants in the Conference to organize consultations, primarily on the organization and methods of work of the Conference, including rules of procedure, and on major issues of substance, including final clauses and settlement of disputes, prior to the convening of the Conference in order to facilitate a successful conclusion of its work through the promotion of general agreement.

Informal consultations were held between 18 March and 1 May and between 8 and 12 July 1985 (A/C.6/40/10). By resolution 40/76 of 11 December 1985, the General Assembly considered that those informal consultations proved useful in enabling thorough preparation for successful conduct of the Conference. The Assembly decided to transmit to the Conference, and to recommend that it adopt, the draft rules of procedure for the Conference, worked out during the informal consultations (annex I of the resolution). Also, the Assembly decided to transmit to the Conference for its consideration and action, as appropriate, a list of draft articles of the basic proposal, for which substantive consideration was deemed necessary (annex II of the resolution). Finally, the Assembly referred to the Conference for its consideration the draft final clauses presented by the co-Chairmen of the informal consultations on which an exchange of views had been held (annex III of the resolution).

The Conference was held at Vienna from 18 February to 21 March 1986. Ninety-seven States participated in the Conference, as did also Namibia, represented by the United Nations Council for Namibia. The Palestine Liberation Organization, the African National Congress of South Africa and the Pan Africanist Congress of Azania were represented by observers. Nineteen international intergovernmental organizations, including the United Nations, were represented at the Conference.

The Conference assigned to the Committee of the Whole those draft articles of the basic proposal which required substantive consideration as well as the preparation of the preamble and the final provisions of the Convention. It referred all other draft articles of the basic proposal directly to the Drafting Committee, which was furthermore responsible for considering the draft articles referred to it by the Committee of the Whole and for coordinating and reviewing the drafting of all texts adopted, as well as for the preparation of the Final Act of the Conference.

On 20 March 1986, the Conference adopted the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (A/CONF.129/15). In addition, the Conference adopted five resolutions which were annexed to the Final Act of the Conference (A/CONF.129/14).

On 21 March 1986, the Convention was opened for signature, by all States, Namibia, represented by the United Nations Council for Namibia, and international organizations invited to participate in the Conference. It remained open for signature until 31 December 1986 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 30 June 1987 at United Nations Headquarters. The Convention is subject to ratification by States and to acts of formal confirmation by international organizations. The Convention remains open for accession by any State and by any international organization which has the capacity to conclude treaties. The Convention is not in force: it shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession by a State.