

United Nations Conference on the Law of Treaties

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1st meeting of the Committee of the Whole

Extract from the *Official Records of the United Nations Conference on the Law of Treaties, First Session (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

SUMMARY RECORDS OF MEETINGS OF THE COMMITTEE OF THE WHOLE

FIRST MEETING

Wednesday, 27 March 1968, at 3.30 p.m.

Chairman: Mr. ELIAS (Nigeria)

Election of the Vice-Chairman of the Committee of the Whole

1. The CHAIRMAN called for nominations for the office of Vice-Chairman of the Committee of the Whole.
2. Mr. BLIX (Sweden) proposed Mr. Smejkal (Czechoslovakia).
3. Mr. SECARIN (Romania), Mr. KRISHNA RAO (India), Mr. SUAREZ (Mexico) and Mr. KELLOU (Algeria) seconded the proposal.

Mr. Smejkal (Czechoslovakia) was elected Vice-Chairman by acclamation.

Election of the Rapporteur of the Committee of the Whole

4. The CHAIRMAN called for nominations for the office of Rapporteur. In accordance with rule 48 of the rules of procedure, the Rapporteur would also be a member of the Drafting Committee.
5. Mr. RODRIGUEZ (Chile) proposed Mr. Jiménez de Aréchaga (Uruguay).
6. Mr. WERSHOF (Canada), Mr. YASSEEN (Iraq), Mr. SMEJKAL (Czechoslovakia) and Mr. de CASTRO (Spain) seconded the proposal.

Mr. Jiménez de Aréchaga (Uruguay) was elected Rapporteur by acclamation.

The meeting rose at 4.25 p.m.

SECOND MEETING

Thursday, 28 March 1968, at 10.50 a.m.

Chairman: Mr. ELIAS (Nigeria)

Consideration of the question of the law of treaties in accordance with resolution 2166 (XXI) adopted by the General Assembly on 5 December 1966

1. The CHAIRMAN invited the Committee to consider the draft articles on the law of treaties adopted by the International Law Commission at its eighteenth session (A/6309/Rev.1, part II).¹

Article 1 (The scope of the present articles)²

¹ Reprinted in *Yearbook of the International Law Commission, 1966*, vol. II, pp. 177 et seq.

² The following amendments had been submitted: Sweden, A/CONF.39/C.1/L.10; United States of America, A/CONF.39/C.1/L.15; Hungary, A/CONF.39/C.1/L.18; Republic of Vietnam, A/CONF.39/C.1/L.27; Congo (Brazzaville), A/CONF.39/C.1/L.32.

2. Mr. BLIX (Sweden) said he had submitted his amendment to article 1 (A/CONF.39/C.1/L.10) because he did not think it was correct to state that the convention related to treaties concluded between States, when in fact it also applied to the conclusion of such treaties.

3. Mr. KEARNEY (United States of America), introducing his amendment to article 1 (A/CONF.39/C.1/L.15), explained that the article raised a very important problem, as it limited the scope of the convention to treaties concluded between States, thus excluding treaties concluded by international organizations. That approach to the problem of codifying the law of treaties took into account neither the development of international law during the twentieth century nor the growth of the activities of international organizations, which generally had treaty-making capacity. At the present time, international organizations were important elements of the world community, there were already a great many agreements to which they were parties and the number would certainly increase. In the draft provisionally adopted in 1962, article 1 had defined the term treaty as applying to treaties "concluded between two or more States or other subjects of international law".

4. The exclusion of international organizations from the scope of the convention would create serious difficulties in the future. Many representatives of international organizations were participating in the work of the Conference and might well express their views on that question. It would be desirable to set up a working group, which would include representatives of selected international organizations, to consider the requisite changes. The United States had wished to take into account the comments made in the Sixth Committee of the General Assembly by various developing countries, in particular Liberia, Ceylon, Dahomey and Kuwait, which had wished the scope of article 1 to be extended to treaties concluded by international organizations.

5. If his amendment were adopted, it would be necessary to make a number of changes in the draft, in particular in article 3, which did not state what the effects of the convention on international organizations would be.

6. Mr. USTOR (Hungary), introducing his amendment (A/CONF.39/C.1/L.18), said that article 1 had been useful in the context of the work of the International Law Commission, but he saw no need to retain it, since the scope of the proposed convention on the law of treaties was already stated in the title of the draft and was perfectly clear from the definition of the term "treaty" in article 2.

7. Mr. KRISHNA RAO (India) said that the wording of article 1 was simple and neat. At its fourteenth session the International Law Commission had decided to exclude treaties other than those concluded between