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14th 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)*

71. The CHAIRMAN said he would put the Swedish and Venezuelan amendment (A/CONF.39/C.1/L.68/Rev.1) to the vote.

The Swedish and Venezuelan amendment was rejected by 51 votes to 13, with 23 abstentions.

72. The CHAIRMAN suggested that the amendments submitted by Spain (A/CONF.39/C.1/L.36), Hungary and Poland (A/CONF.39/C.1/L.78 and Add.1), Italy (A/CONF.39/C.1/L.83) and the United States of America (A/CONF.39/C.1/L.90) be referred to the Drafting Committee.

It was so agreed.[5]

The meeting rose at 6.10 p.m.

[5] For resumption of the discussion on article 6, see 34th meeting.

FOURTEENTH MEETING

Friday, 5 April 1968, at 10.50 a.m.

Chairman: Mr. ELIAS (Nigeria)

Tribute to the memory of the Reverend Martin Luther King

On the proposal of the Chairman, the members of the Committee observed a minute's silence in tribute to the memory of the Reverend Martin Luther King.

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

Article 7 (Subsequent confirmation of an act performed without authority)[1]

1. Mr. DE CASTRO (Spain) said that the purpose of the Spanish delegation's amendment (A/CONF.39/C.1/L.37) was not only to improve the drafting of the Spanish version in which the word "*efecto*" was repeated with different meanings, but also to supplement the wording of the article by referring to the case in which the powers of the person acting as the representative of a State were defective. For the powers might not only not exist, they might also have a defect. What was involved was not a defect in the State's consent resulting from a limitation imposed by its internal law, which was the case dealt with in article 43, but a defect in the powers themselves, that was to say in the instrument by which a State designated a person to represent it in the conclusion of a treaty.

2. Full powers implied the existence of a relationship between a State and a person for the purpose of performing an act relating to the conclusion of a treaty. That person could not be regarded as properly authorized by the State if he had not received the necessary powers to conclude a treaty—the case dealt with by the International Law Commission—or if those powers were vitiated by fraud. Those two cases certainly concerned the conclusion of treaties, and he thought they should be dealt with together in article 7 without prejudice to consideration of that question in the context of Part V of the draft.

3. He was in favour of the Venezuelan amendment (A/CONF.39/C.1/L.69), which required express confirmation by the State of an act relating to the conclusion of a treaty performed without authority, for tacit confirmation of that act was not covered in article 42, and it was necessary to state the conditions in which such confirmation should be given.

4. Mr. BEVANS (United States of America), introducing his delegation's amendment (A/CONF.39/C.1/L.56), said he wished to add to the rationale following its text that the State concerned must make its position clear with regard to the validity of the acts of the person claiming to represent it within a reasonable time; otherwise, it could not continue to enjoy the benefits of the treaty.

5. Mr. CARMONA (Venezuela), introducing his delegation's amendment (A/CONF.39/C.1/L.69), said that, in his opinion, an act which was invalid could only be confirmed expressly. The idea of a tacit confirmation or a confirmation inferred from subsequent facts had no legal basis. The interpretation of an act as constituting confirmation was debatable. To leave that interpretation to third parties in case of a dispute would endanger the existing legal system and impair the very principles of international law.

6. He supported the Spanish amendment. He could not, however, support the United States amendment, which prejudged the results of the discussion on article 42, to which the Venezuelan and a number of other delegations intended to submit amendments.

7. Mr. CHAO (Singapore) explained that the amendment submitted by the Singaporean delegation (A/CONF.39/C.1/L.96) dealt with drafting only. The ideas expressed in articles 6 and 7 were closely connected, and article 7 was the logical consequence of article 6.

8. Mr. TSURUOKA (Japan) reminded the Committee that the Japanese Government had stated in its comments (A/CONF.39/5) that the text of article 7 involved danger of abuse; it was for that reason that his delegation had submitted an amendment (A/CONF.39/C.1/L.98).

9. The fact that the article was placed in Part II, which contained the provisions relating to conclusion and entry into force, might give the impression that the question of "subsequent confirmation of an act performed without authority" belonged to the procedure for concluding treaties—which might lead to misunderstandings.

10. The Japanese delegation would submit whatever drafting amendments it considered necessary when Part V came to be discussed.

11. Mr. STREZOV (Bulgaria) said he agreed with the International Law Commission's argument that any act performed by a person who had not received from his State authority to represent it in the conclusion of a treaty was without legal effect. In those circumstances, the State was entitled to disavow that person's act. But as paragraph (3) of the commentary on the article rightly observed, it seemed equally clear that, notwithstanding the representative's original lack of authority,

[1] The following amendments had been submitted: Spain, A/CONF.39/C.1/L.37; United States of America, A/CONF.39/C.1/L.56; Venezuela, A/CONF.39/C.1/L.69; Singapore, A/CONF.39/C.1/L.96; Japan, A/CONF.39/C.1/L.98; Malaysia, A/CONF.39/C.1/L.99.

the State might afterwards endorse his act, and thereby establish its consent to be bound by the treaty. The Bulgarian delegation considered that position fully justified.

12. While recognizing the merits of the Venezuelan amendment (A/CONF.39/C.1/L.69), which was calculated to remove any misunderstanding as to the will of the State concerned subsequently to confirm an act which had originally been invalid, the Bulgarian delegation preferred the International Law Commission's argument that subsequent confirmation might be given explicitly or by implication. Moreover, the confirmation should take effect from the time when the act had been performed without the requisite authority.

13. The Bulgarian delegation was opposed to the Spanish amendment, which it did not consider justified, and to the United States and Japanese amendments.

14. Sir Lalita RAJAPAKSE (Ceylon) said he thought that the idea underlying article 7 was that the act of a person lacking authority but purporting to represent a State was void and would remain void until the competent authority of the State in question confirmed it. The confirmation could be express or implied. Since the Venezuelan amendment would exclude the possibility of implied confirmation, the delegation of Ceylon could not support it.

15. With regard to the English version of the Spanish amendment (A/CONF.39/C.1/L.37), his delegation considered the word " vice " was inappropriate. Furthermore, the expression " shall be remedied " suggested that confirmation by the State for which a person lacking authority had acted was obligatory.

16. With regard to the United States amendment (A/CONF.39/C.1/L.56), the reference to article 42 was not justified, because that article referred to different circumstances, namely, those contemplated in articles 43-47 and 57-59. Moreover, article 42 might itself be amended when the Committee came to discuss it. He thought that in view of the importance of the principle it stated, article 7 should be self-contained. Hence he would support neither the United States amendment nor those of Japan and Singapore.

17. Mr. MUTUALE (Democratic Republic of the Congo) said he found it difficult to support the United States amendment (A/CONF.39/C.1/L.56), which did not seem to him to deal with the same question as article 7. The situation contemplated in that article was lack of authority of the person purporting to represent a State, which had consequently not expressed its consent. The United States amendment referred to a situation in which the consent of the State had been expressed, so it could not apply to article 7. The amendment might be of value in the context of the circumstances to which it referred, but it seemed to contain a contradiction, in that it referred to " an act expressing the consent of a State " performed by a person without authority.

18. The Venezuelan amendment (A/CONF.39/C.1/L.69) introduced a restriction as to the form of confirmation. Its author's aim was apparently to achieve greater legal safety. That result could be obtained by substituting the word " manifestly " for the proposed word " expressly ".

19. The Spanish amendment (A/CONF.39/C.1/L.37) concerned drafting, but the proposed wording was not an improvement on the International Law Commission's text, since it did not bring out as fully either the legal situation contemplated in the article or the legal solution and its moderation. The amendment nevertheless had the merit of extending the circumstances contemplated in article 7 to include the concept of defective powers.

20. Mr. KRISPIS (Greece) thought that the use in the Spanish amendment (A/CONF.39/C.1/L.37) of precise terms such as " defect " or " vice " was a less satisfactory solution than the descriptive method adopted by the International Law Commission. Moreover, the word " defect " had a sufficiently wide meaning to cover the notion of vice.

21. The United States amendment (A/CONF.39/C.1/L.56) was right in referring to " an act expressing the consent of a State," for that was indeed what was involved, and not " an act relating to the conclusion of a treaty," as stated in article 7. As to the reference to article 42 proposed in the United States amendment, he did not think the objection by the representative of Ceylon, that article 42 had not yet been discussed, was justified. If article 42 was amended during the discussion, article 7 could be reviewed in the light of the amendments made, in accordance with the rules of procedure. With regard to the Venezuelan amendment (A/CONF.39/C.1/L.69), since the Committee had not deleted paragraph 1 (*b*) of article 6, as requested by a number of delegations, including his own, logic precluded the addition of the word " expressly " to article 7.

22. The Greek delegation did not support the amendment submitted by Singapore (A/CONF.39/C.1/L.96). In view of the importance of the principle stated in article 7, it would prefer a separate article to be devoted to it. Nor did his delegation support the Japanese amendment (A/CONF.39/C.1/L.98).

23. Lastly, he wished to propose a purely drafting amendment. The expression " representing his State " seemed to him to be open to criticism, because it referred only to the case in which the person lacking authority was a national of the State he purported to represent, whereas he might perfectly well be a foreigner. He therefore suggested the words " the State in question " or simply " a State " instead of " his State ". The point should be referred to the Drafting Committee.

24. Mr. RUDA (Argentina) said that article 7 dealt with an act performed without authority and not with a defect or vice in consent, which would be examined later. It was not a question of nullity, but of the absence of legal effect. An act performed by a person who did not represent a State could not be attributed to that State. Article 7 was in its proper place in the draft. Hence he could not support either the Spanish or the Japanese amendments, though the Drafting Committee might take account of the comment by the Spanish representative concerning the inconsistent repetition of the word " *efecto* " in the Spanish version of the draft article.

25. The United States amendment was wrong in referring to article 42, which dealt with invalidity. Moreover, article 7, as drafted, did not rule out the forms of confirmation described in article 42, sub-paragraphs (*a*) and

(*b*). He was therefore opposed to the United States amendment. He was also opposed to the Venezuelan amendment, for there was no objection to providing for tacit confirmation inferred from the behaviour of the State concerned.

26. As the representative of Singapore had asked that his delegation's amendment be referred to the Drafting Committee, it would be for that Committee to decide on the best wording.

27. In short, he favoured the wording adopted by the International Law Commission.

28. Mr. MANOUAN (Dahomey) said that the case covered by article 7 was that of the non-existence of an act, which should be carefully distinguished from the case covered by article 42. He was therefore opposed to the amendments submitted by the United States, Spain, Japan and Singapore. Moreover, the International Law Commission had said in paragraph (3) of its commentary that a State could " endorse " the act of its representative, or in other words, subscribe to something done independently of it.

29. However, the Commission did not seem to have carried to its logical conclusion the idea expressed in article 2 that, in principle, treaties must be in written form. Since article 7 dealt with a State which was expressing its consent for the first time, it would be logical to require it to do so expressly. His delegation therefore supported the Venezuelan amendment (A/CONF.39/C.1/L.69).

30. Lastly, the comment by the Greek representative on the words " representing his State " was justified, and the delegation of Dahomey therefore supported the oral amendment he had introduced.

31. Miss POMETTA (Switzerland) said that the Swiss delegation approved of the International Law Commission's proposed text for article 7, which had the merit of being simple and clear. Actual instances of acts performed without authority were not very frequent. Although it was right to provide that an act performed without authority was without legal effect, it was equally important in practice to allow the State to confirm that act. The Commission had been well advised to confine itself to saying that the act must be confirmed by the competent authority, without specifying how that was to be done. That was consistent with the procedural simplification aimed at in the draft convention. The Venezuelan amendment appeared to be too restrictive and there was in any case no justification for it where the treaty was already being carried out. Nor could her delegation approve the United States amendment, which would wrongly restrict confirmation to certain acts. The amendments submitted by Singapore, Japan and Spain could be referred to the Drafting Committee.

32. Mr. BLIX (Sweden) thought that the Venezuelan amendment (A/CONF.39/C.1/L.69) made article 7 unnecessarily inflexible. Confirmation implied by the silence of the State in question was recognized in practice.

33. Though he did not wish to press the point, he thought the change of position proposed by Japan was well-advised. It was true that article 7 was closely linked with article 6, but all the cases of invalidity were dealt with in Part V. Although, from the theoretical standpoint, it might be questionable to associate the situation dealt with in article 7 with defects in consent, that solution would be preferable in practice. In any case, article 48 also dealt with acts producing no legal effect. Lastly, the situation referred to in article 7 was not unrelated to that dealt with in article 44.

34. Mr. TARAZI (Syria) said he considered that the International Law Commission had worded article 7 satisfactorily: it had sought to provide for all the situations which could arise in practice, including even the rather rare case of a treaty signed by a person without authority to do so.

35. Some of the amendments submitted related to substance, others to drafting. The United States of America and Japan (A/CONF.39/C.1/L.56 and L.98) had proposed substantive amendments which the Syrian delegation did not support; the situations contemplated in Part V differed from that in article 7, which dealt, not with invalidity, but with acts having no legal effect at the time when they were performed. It was not a question of an act that was vitiated, but of the impossibility of imputing an act to a State.

36. The Spanish amendment (A/CONF.39/C.1/L.37) also related to substance. He was opposed to it because it did not go as far as the formula " without legal effect " adopted by the Commission.

37. The amendments submitted by Venezuela and Singapore (A/CONF.39/C.1/L.69 and L.96) were drafting amendments. The Syrian delegation was opposed to them, because it considered that the principle stated in article 7 was self-contained and should be the subject of a separate article.

38. Mr. HU (China) said that the United States and Venezuelan amendments were an improvement on the original wording. In his opinion, all the amendments submitted to article 7 were drafting amendments and could be referred to the Drafting Committee.

39. Mr. MAKAREWICZ (Poland) said that the Polish delegation was in favour of retaining article 7 as it stood. The Spanish amendment in no way clarified the position. The first part of the United States amendment had the advantage of referring specifically to acts expressing consent to be bound by a treaty, but it must not be forgotten that prior acts relating to the conclusion of a treaty could also create certain obligations for States, as was clear, for example, from article 15. The present wording therefore seemed preferable, since the provision in question should apply to any act relating to the conclusion of a treaty. The reference to article 42 was not appropriate, because that article related solely to the final consent of a State to be bound by a treaty, and not to acts prior to its conclusion. The Venezuelan amendment was acceptable as it improved the wording of the article. It seemed premature to take a decision on the Japanese amendment at that stage; the Drafting Committee ought to be in a position to submit suggestions on the subject when the Committee of the Whole had completed its examination of the draft articles. That also applied to the amendment submitted by Singapore.

40. Mr. MARESCA (Italy) said that article 7 dealt with the approval by a State of an act relating to the conclusion of a treaty. If the person who had performed

the act was authorized to represent the State, then the State was bound. If he lacked the necessary powers, the act in question produced no legal effect unless it was confirmed by the State. That had nothing to do with the question of the essential validity of the act, and the rules applicable to the parties to a treaty could not be stated in article 7. Hence the article was correctly placed in the draft. The wording could be improved, however, in particular by inserting the word " expressly " as proposed in the Venezuelan amendment. The United States amendment, which introduced the phrase " an act expressing the consent of a State to be bound by a treaty," deserved consideration because it showed that the question of the fundamental validity of the act did not arise. The Drafting Committee could take advantage of all the amendments proposed.

41. Mr. ARIFF (Malaysia) thought that article 7 was a natural corollary to article 6. It was essential for a State to be able to confirm subsequently an act relating to the conclusion of a treaty performed by a person who could not be considered as representing the State for that purpose. The examples given by the International Law Commission in its commentary on article 7 clearly showed the need to include an article on that point in the convention. The wording of the article could, however, be improved so as to state the rule with greater force and authority. The Malaysian delegation had accordingly submitted the amendment in document A/CONF.39/C.1/L.99. The fact that an act relating to the conclusion of a treaty was subsequently confirmed expressly or by necessary implication by the competent authority of the State would prevent disputes arising later if another State claimed that the State in question had not confirmed the act.

42. Mr. JAGOTA (India) said that his delegation's views were, on the whole, similar to those expressed by the representatives of Ceylon and Malaysia. Articles 6 and 7 did not appear to relate to the same subjects as were dealt with in Part V (articles 42 and 43). Part V dealt with the validity of a treaty and articles 6 and 7 with the validity of acts performed by the representatives of States. Article 6 required that a person who performed an act relating to the conclusion of a treaty (negotiation, adoption, authentication or signature of a text) should have full powers, and article 7 referred to the consequences of the fact that such a person did not have full powers. In order to bring out those consequences clearly, the article should be so drafted that it also related to what was said in article 42, which was probably the purpose of the United States amendment (A/CONF.39/C.1/L.56). Article 7 should cover all the acts preliminary to the conclusion of a treaty. The objections regarding the validity of the act might come from the other State party to the treaty, so that confirmation should be forthcoming within a reasonable time. The Venezuelan amendment (A/CONF.39/C.1/L.69) might therefore be taken into consideration, with the addition of the words "within a reasonable time". In order to provide for cases in which the objection came from the State which had been represented by a person without proper authority, the wording of article 42, sub-paragraph (*b*) should be taken as a basis, perhaps adding to the text of the Venezuelan amendment the words: "unless by reason of its conduct the State is considered as having acquiesced in the validity of the act performed".

43. The Indian delegation supported the United States amendment in principle, but could not accept the substitution of the words " An act expressing the consent of a State to be bound by a treaty " for the words " An act relating to the conclusion of a treaty ". That amendment would restrict the scope of the article. The problem that arose with regard to article 7 was one of drafting, and the article should be referred to the Drafting Committee for examination in the light of the various amendments submitted. It should not be transferred to Part V, section 2, which dealt with other matters.

44. Mr. ALVAREZ TABIO (Cuba) said he agreed with the Spanish representative that the wording of the Spanish version of the text needed to be improved. He did not, however, approve of the use of the word " vice " in the Spanish amendment (A/CONF.39/C.1/L.37) which might well be replaced by the word " deficiency ". There would then be no confusion with the vices dealt with in article 42.

45. Mr. MWENDWA (Kenya) said that the Japanese proposal (A/CONF.39/C.1/L.98) could only be considered after the Committee had examined all the draft articles. Article 7 seemed necessary in order to overcome any practical difficulties that might arise. It should, however, be very clearly drafted and his delegation would accordingly support the Venezuelan amendment (A/CONF. 39/C.1/L.69).

46. Mr. VIRALLY (France) said he preferred the text drafted by the International Law Commission. The argument advanced by the Japanese representative for tranferring article 7 to Part V, section 2 had some merit, but it seemed that the article was too closely connected with article 6 to be placed elsewhere.

47. The United States amendment (A/CONF.39/C.1/ L.56) seemed too restrictive, since acts expressing the consent of a State to be bound by a treaty were not the only acts which would have no legal effects, in the situation contemplated, unless they were confirmed. The obligations laid down in article 15 must also be taken into account. It would therefore be better not to amend the original text in that way. On the other hand, the reference to article 42 seemed justified. It would be contrary to the principle of good faith for a State to be able to challenge the validity of a treaty long after it had been concluded. That was also the idea behind the Malaysian amendment (A/CONF.39/C.1/L.99). The difference between the two proposals was a matter of drafting. The United States proposal was clearer and more comprehensive. The Drafting Committee should study the matter.

48. The French delegation could not support the Venezuelan amendment, which would make the confirmation of an act performed without authority more difficult, even if the treaty had in fact been applied by the State concerned for some time.

49. Mr. HARRY (Australia) said he appreciated the reasons for which the Japanese delegation had submitted its amendment, but thought that article 7 should not be placed elsewhere. The Australian delegation supported the first part of the United States amendment. There

remained, however, two points to be cleared up in the International Law Commission's draft. First, the question of the time when the confirmed act was operative. He agreed with the Bulgarian representative that it would normally operate *ex tunc*, whether confirmation was express or implied. If a State, when expressly confirming the act performed, stipulated that the effective date should be the date of confirmation, that would amount to a new act. Presumably, the other party to a bilateral treaty or any party to a multilateral treaty could withdraw its consent if it was established that the person claiming authority did not in fact have authority to perform the act in question. Secondly, the Australian delegation considered that confirmation should be possible by clear implication as well as by an express act, and that the article should make it clearer that confirmation could be implied. The Malaysian amendment covered that point, though the word " necessary " was not needed.

50. Mr. BEVANS (United States of America) said that he would not ask for a vote on the second part of his delegation's amendment (A/CONF.39/C.1/L.56) which proposed the addition of the words " subject to the provisions of article 42."

51. The CHAIRMAN put the first part of the United States amendment to the vote.

The amendment was rejected by 54 votes to 18, with 16 abstentions.

52. The CHAIRMAN put the Venezuelan amendment (A/CONF.39/C.1/L.69) to the vote.

The amendment was rejected by 51 votes to 22, with 13 abstentions.

53. The CHAIRMAN put to the vote the amendment submitted by Malaysia (A/CONF.39/C.1/L.99).

The amendment was rejected by 38 votes to 16, with 34 abstentions.

54. The CHAIRMAN suggested that all the amendments relating to drafting should be referred to the Drafting Committee.

It was so decided.[2]

The meeting rose at 1.10 p.m.

[2] For resumption of the discussion on article 7, see 34th meeting.

FIFTEENTH MEETING

Friday, 5 April 1968, at 3.20 p.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 *(continued)*

Article 8 (Adoption of the text)

1. The CHAIRMAN invited the Committee to consider article 8 of the International Law Commission's draft.[1]

2. Mr. VIRALLY (France), introducing his delegation's amendment to article 8 (A/CONF.39/C.1/L.30), said that it seemed to him to be necessary to refer specifically to restricted multilateral treaties because of the very special nature of that type of agreement. Restricted multilateral treaties represented a special category of regional treaties, in that they established between the participating States obligations and advantages which were so balanced that any change in the contribution of a party, or a party's failure to ratify the treaty, would upset the whole structure of the instrument. The International Law Commission had taken the case of such treaties into account in its drafting of article 17, paragraph 2, on the acceptance of reservations. The two-thirds majority rule applicable to treaties adopted at an international conference could not apply to restricted treaties, where the unanimity rule must prevail.

3. It might be argued that the amendment was unnecessary because article 8, paragraph 2 left a conference free to apply a different rule, but such an argument overlooked the fact that article 8 did not apply only to the drawing up of a new treaty; under article 35 it also applied in principle to the amendment of an existing treaty. Accordingly, if for some reason a restricted treaty contained no amendment procedure, and a two-thirds majority rule applied to restricted multilateral treaties under article 8, paragraph 2, a majority of the parties could impose on a minority conditions that were contrary to their interests. The French amendment was designed to cover such an eventuality.

4. Mr. PINTO (Ceylon) said that his delegation had originally proposed its amendment to article 8 (A/CONF.39/C.1/L.43) in consequence of the deletion from article 4 of the reference to treaties adopted within international organizations. When Ceylon's amendment to article 4 (A/CONF.39/C.1/L.53) had been rejected, his delegation had considered withdrawing its amendment to article 8, but had decided to maintain it in order to make the enumeration of methods of adoption of a treaty more nearly complete. Since the amendment merely clarified an idea which was already implicit in article 4, it could be regarded essentially as a drafting point.

5. Mr. KORCHAK (Ukrainian Soviet Socialist Republic) said that his delegation had no comments to make on paragraph 1, and in general approved of the International Law Commission's text. It had submitted its amendment to paragraph 2 (A/CONF.39/C.1/L.51), however, to indicate what type of treaty was adopted at international conferences. Since the French amendment (A/CONF.39/C.1/L.30) was very close to the Ukrainian amendment in meaning, he suggested that his delegation's text might be altered to read: " The adoption of the text of a general or other multilateral treaty, with the exception of limited multilateral treaties, at an international conference takes place by the vote of two-thirds of the States... ".[2] That text might be referred to the Drafting Committee.

[1] The following amendments had been submitted: France, A/CONF.39/C.1/L.30; Ceylon, A/CONF.39/C.1/L.43; Ukrainian Soviet Socialist Republic, A/CONF.39/C.1/L.51; Peru, A/CONF.39/C.1/L.101 and Corr.1; United Republic of Tanzania, A/CONF.39/C.1/L.103. A sub-amendment to the French amendment was submitted by Czechoslovakia (A/CONF.39/C.1/L.102), and the Ukrainian Soviet Socialist Republic submitted a revised version of its proposal (A/CONF.39/C.1/L.51/Rev.1).

[2] This amendment was circulated as document A/CONF.39/C.1/L.51/Rev.1.