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be referred to the Drafting Committee. Although the intentions of the Swiss amendment (A/CONF.39/C.1/L.112) were praiseworthy, it might be preferable to omit an express reference to the principle of good faith, which should be presumed in international relations, subject to proof to the contrary. The Tanzanian amendment (A/CONF.39/C.1/L.130) had the disadvantage of introducing an element of uncertainty concerning the concept of undue delay, whereas the Argentine, Ecuadorian and Uruguayan amendment (A/CONF.39/C.1/L.131 and Add.1) had the shortcoming of undue rigidity. The best course would be to refer all the amendments to sub-paragraphs (*b*) and (*c*) to the Drafting Committee.

63. Mr. YAPOBI (Ivory Coast) said he could not agree with those speakers who had advocated the deletion of sub-paragraph (*a*). Although the principle of good faith in treaty relations had not been formulated before, it was implicit in all treaty-making, for no international agreement had any value without underlying good faith. The International Law Commission was therefore to be commended for proposing a bold new rule in the progressive development of international law.

64. Nor could he agree with the argument that the object of the treaty was not known at the stage of negotiation, for the parties always undertook to negotiate with a specific purpose in mind. Furthermore, he could not understand how it could be argued that a State's sovereignty would be in any way infringed by a statement of the principle of good faith; on the contrary, if that concept prevailed, none of the abuses to which speakers had referred would arise. His delegation considered that the amendments designed to clarify the text should be referred to the Drafting Committee, but that proposals to delete sub-paragraph (*a*) or the article as a whole should be rejected.

65. Mr. USTOR (Hungary) said his delegation was in favour of retaining all the provisions of article 15, which stated the basic requirement of good faith in treaty relations. That was a fundamental principle of positive international law, which was violated by a State acting in bad faith. The International Law Commission's wording of the article merely drew the necessary conclusions from the basic principle. The freedom of the negotiating State had been invoked in connexion with sub-paragraph (*a*), and it had been argued that States were not bound by a treaty before it had entered into force; but while it was true that a State was free to discontinue negotiations, it had no right fraudulently to undermine the success of negotiations. His delegation could support the Byelorussian amendment (A/CONF.39/C.1/L.114) and had sympathy with the amendments submitted by Switzerland (A/CONF.39/C.1/L.112) and the United States (A/CONF.39/C.1/L.134), which might be referred to the Drafting Committee, together with other amendments designed to improve the Commission's text; it could not, however, support any of the amendments which proposed the deletion either of the article or of sub-paragraph (*a*), and did not consider that the Argentine, Ecuadorian and Uruguayan amendment (A/CONF.39/C.1/L.131 and Add.1) provided a solution of the difficult problem of the time element in sub-paragraph (*c*).

The meeting rose at 6.5 p.m.

TWENTIETH MEETING

Wednesday, 10 April 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 *(continued)*

Article 15 (Obligation of a State not to frustrate the object of a treaty prior to its entry into force) *(continued)* [1]

1. Mr. ALVAREZ (Uruguay) said that he well understood the intention of the International Law Commission, which had wished to establish in article 15 the principle of good faith in international relations—a principle stated in Article 2 (2) of the United Nations Charter.

2. The task of the Conference on the Law of Treaties was to prepare a draft convention acceptable to the great majority of States, so it must eliminate controversial points as far as possible. The participants were not only jurists, but also political representatives of States, whose task was to formulate acceptable solutions of a general nature. In that connexion, political considerations were no less important than legal solutions.

3. Article 15 of the draft gave rise to numerous objections and created many more problems than it could solve. That had been the opinion of some members of the International Law Commission as early as 1965. From a general standpoint, the article entered a field in which there was no general norm of international law, and it placed multilateral and bilateral treaties on an equal footing. To assimilate them in that way could not be regarded as correct, if only because of the nature and scope of such treaties, which could call for different treatment according to which category they were in.

4. Moreover, the text of the article contained a number of controversial expressions which were susceptible of various subjective interpretations and could lead to many disputes. What, for instance, was the scope of the expression " acts tending to frustrate the object of a proposed treaty " ? Would it apply both to legislative acts adopted in accordance with a State's constitution and to acts executing judicial decisions based on positive legal rules? Article 15 might also mean that when the executive power was negotiating, the other powers of the State would be restricted in their action, contrary to constitutional provisions for, in order not to involve the international responsibility of the State, those organs would have to refrain from legislating or passing judgement on questions under negotiation by the executive. Again, the words " until it shall have made its intention clear not to become a party to the treaty " in sub-paragraph (*b*) might lead to misunderstanding, for they did not state whether the intention could be manifested tacitly or by implication. In addition, the expression " provided that such entry into force is not unduly delayed " could be interpreted according to the situation and the interests of the parties; a delay could be regarded as undue not only in view of the

[1] For a list of the amendments submitted, see 19th meeting, footnote 1.

circumstances, but also because of the viewpoint of the parties.

5. Sub-paragraphs (*a*) and (*b*) created for States which had agreed to negotiate and sign a treaty *ad referendum* a marginal legal obligation which indirectly infringed their exclusive competence and brought it into conflict with the international rules and obligations envisaged.

6. In Uruguay, treaties had to be approved by Parliament before entering into force, and that would raise an extremely difficult constitutional problem.

7. The United Kingdom proposal (A/CONF.39/C.1/L.135) was very valuable, and the fact that it called for the deletion of article 15 in no way implied rejection of the principle of good faith.

8. The joint amendment submitted by Argentina, Ecuador and Uruguay (A/CONF.39/C.1/L.131 and Add.1), which aimed to replace a subjective and relative concept by an objective and absolute norm, was merely a suggestion for the Drafting Committee, which could of course alter the specified period of twelve months.

9. Mr. MAIGA (Mali) said he was opposed to the amendments deleting article 15, sub-paragraph (*a*). In his delegation's view, that paragraph stated a new norm which was a decisive factor in the progressive development of contemporary international law.

10. He did not think that article 15 would constitute a dangerous derogation from the principle *pacta sunt servanda* or that it might be interpreted in bad faith because the object of a treaty might not be clearly apparent during the negotiations. On the contrary, he thought the object was known even before the negotiations began.

11. Article 15 did not limit sovereignty; it was merely an application of the principle of good faith. Its originality lay in the fact that good faith was required at the beginning of the negotiations, not after the conclusion of the treaty, as was usually the case. The purpose of the article was to establish as international law a new concept of the economic, social and moral order in conformity with the provisions of the United Nations Charter. He was therefore in favour of retaining article 15, subject to some drafting changes.

12. Mr. YASSEEN (Iraq) said he was in favour of retaining article 15, subject to a few drafting changes.

13. The rule in sub-paragraph (*a*) constituted progressive development of international law and was an application of the principle of good faith. It did not limit the sovereignty of States and did not impose any heavy obligation on them, since they remained free to continue or not to continue the negotiations. It merely stated what the conduct of States should be during the negotiations.

14. Sub-paragraph (*b*) raised the problem of abuses. A State could decline to ratify a treaty but, in so doing, it should not act in such a way as to cause international difficulties or tension between the signatory States of the treaty. In any case, a State would recover its freedom of action in the matter upon expressing its intention not to become a party to the treaty.

15. Sub-paragraph (*c*) stated a rule of positive law; in his view, the proviso which it contained was very useful, but he considered it unnecessary to specify a definite period in that sub-paragraph, as proposed in the amendment submitted by Argentina, Ecuador and Uruguay (A/CONF.39/C.1/L.131 and Add.1).

16. Mr. CUENCA (Spain) stressed the importance of the principle of good faith, without which no society could exist. The International Law Commission's commentary on article 23, which stated the rule *pacta sunt servanda*, devoted much attention to good faith. To ensure good faith during negotiations was to promote the elements of order and co-operation which should govern international relations. International co-operation required that a negotiating State should be protected against acts performed by other States which might frustrate the object of the proposed treaty. The security of a negotiating State also required that the other party should adopt a positive attitude. The principle of good faith reflected a moral necessity, and it must be safeguarded if the aim was to pass from an international law dominated by the will of the strongest to one based on co-operation and friendship among States.

17. Sub-paragraph (*a*) of article 15 had been criticized on the ground that it was hard to state the principle of good faith precisely. The text submitted by the International Law Commission seemed to be satisfactory in that respect, however, subject perhaps to certain changes, in particular those proposed in the Swiss amendment (A/CONF.39/C.1/L.112) and the Byelorussian amendment (A/CONF.39/C.1/L.114).

18. The Conference should not only codify international law, but also contribute to its progressive development. It should therefore assume its responsibilities and take a decision on the problem before the Committee. The need for international co-operation and friendship among peoples should take precedence over the unlimited freedom of the State. Hence there should be no hesitation in affirming the principle of good faith as an element of order and security.

19. Consequently, the Spanish delegation could not support the amendments deleting either article 15 as a whole or sub-paragraph (*a*) of that article.

20. Mr. BIKOUTHA (Congo, Brazzaville) said he agreed in principle with the arguments for deleting sub-paragraph (*a*) put forward by a number of delegations and with the amendments to that effect. The text of that sub-paragraph was a somewhat dangerous innovation in international law. It seemed to mean that the obligation of a State arose at the time when it notified other States of its intention to negotiate. The consequence of literal application of that text would be that many States would hesitate to take the first steps to settle their disputes. It was true that the words " while these negotiations are in progress " seemed to correct that impression, but they only appeared to do so. It would be better to bring out the International Law Commission's real intention, namely, that the obligation stated in sub-paragraph (*a*) took effect while negotiations were in progress, not when it had been agreed to start them. That difference in meaning might be of great importance. His delegation had therefore submitted an amendment (A/CONF.39/C.1/L.145) which might provide an acceptable compromise if the Committee decided to retain sub-paragraph (*a*).

21. Sir Humphrey WALDOCK (Expert Consultant) said he wished to reply to the representative of Ghana, who had asked him to clarify the intention of the International Law Commission with respect to sub-paragraph (*a*), to say what authority or precedent there was, if any, for the principle stated in it and to explain what the Commission had meant by the expression " acts tending to frustrate the object of a proposed treaty ".

22. He traced the course of the Commission's work on article 15, which showed that it had studied the matter very thoroughly and had been fully aware of the difficulties involved. His first report in 1962 had not contained any provision regarding good faith during negotiations. An article dealing with the legal effects of signature, on the other hand, had contained a paragraph placing a signatory State under an obligation of good faith during a certain period.[2] He had drawn at that time on authorities and precedents confined to the case of a signatory State which had not yet ratified. But he had considered that he could, *a fortiori*, include a similar obligation in the articles relating to ratification, accession, acceptance and approval.

23. The International Law Commission had then decided to amalgamate the several good faith provisions in a single article and to extend the obligation of good faith to States taking part in the negotiation of a treaty.

24. Only nine Governments had sent in comments, and he had concluded that he could interpret the reaction or silence of Governments to mean that the paragraph relating to good faith during negotiations should be deleted. But as some of its members had come out strongly in favour of the provision, the International Law Commission had decided to retain it in the form in which it appeared in the text now under discussion.

25. The Commission's report did not bring out very fully the reasons why it had extended the obligation of good faith to the negotiating stage. As he understood it, the Commission had not based itself on any specific authority or precedent, and would not wish to maintain that the principle stated in article 15, sub-paragraph (*a*) was a rule of customary international law. Whether its proposal should be regarded as progressive development or as codification of the law was a matter of opinion. The Commission's choice had probably been dictated mainly by consideration of the precise scope of the obligation of good faith in the conclusion of treaties. It had not wished to deprive States of their freedom of action. During negotiations each of the parties expected a certain minimum of fair dealing on the part of the other. A State remained free to break off negotiations; only acts of bad faith were excluded.

26. He explained to the representative of Ghana that the expression " acts tending to frustrate the object of a proposed treaty ", used in the English text, was based on a well-established notion in English law. It meant that the treaty was rendered meaningless by such acts and lost its object. It had been suggested that the phrase " acts rendering impossible the conclusion of a proposed treaty " should be used, but that expression, which was stronger than the words used by the International Law Commission, seemed to go too far. He gave the example of a State which, during negotiations concerning the limit of territorial waters, undertaken in connexion with the exploitation of mineral resources, exhausted the reserves whose existence had been the original reason for the negotiations. Such conduct would come within the scope of article 15, sub-paragraph (*a*).

27. Replying to a question by the representative of the Republic of Korea on the legal nature of the responsibility arising under sub-paragraph (*a*), he explained that it was hard to conceive of the existence of responsibility when a State which performed the acts referred to in sub-paragraph (*a*) broke off negotiations. But if, on the other hand, that State continued the negotiations and concluded the treaty, there arose a real problem of responsibility, which could not be solved by the treaty itself, since it had effect only with respect to acts subsequent to its entry into force. Furthermore, the acts in question might fall short of real fraud. There was, therefore, a deficiency which sub-paragraph (*a*) might perhaps be able to make good. All the provisions of the convention had not, however, been conceived as necessarily giving rise to responsibility, and article 15 was valuable quite apart from that problem.

28. Lastly, the drafting of the article gave rise to a number of difficulties, especially sub-paragraph (*a*), which it might perhaps be better to make into an express general provision on good faith. The Commission had deleted the express reference to good faith, as it had believed the matter to be self-evident.

29. The CHAIRMAN said he would give the floor to four speakers who had asked to explain their votes before the voting. He reminded the Committee that, under rule 39 of the rules of procedure, the Chairman could " permit representatives to explain their votes, either before or after the voting ". In future, he would prefer explanations of votes to be given after the voting. Once the list of speakers had been closed, he thought it desirable that only speakers on the list should speak before the voting.

30. Mr. KUDRYAVTSEV (Byelorussian Soviet Socialist Republic) said he was speaking in order to inform the Committee that his delegation had decided to withdraw the part of its amendment (A/CONF.39/C.1/L.114) relating to sub-paragraph (*a*) of article 15.

31. Many representatives seemed to wish the sub-paragraph to be deleted. In a spirit of co-operation the Byelorussian delegation would support that solution.

32. On the other hand, it maintained its amendment to the title and to the introductory sentence of article 15; but it thought that that part of the amendment could be referred to the Drafting Committee.

33. Mr. SAMAD (Pakistan), explaining his delegation's vote, said that the statement of the principle of good faith was a sound provision; the article should not be deleted. His delegation would vote for the retention of sub-paragraph (*a*) and for the retention, subject to small drafting changes, of sub-paragraphs (*b*) and (*c*). It was against setting a definite period, as proposed by Argentina, Ecuador and Uruguay (A/CONF.39/C.1/L.131 and Add.1).

34. Mr. JACOVIDES (Cyprus), explaining his delegation's vote, said that the principle of good faith was

[2] *Yearbook of the International Law Commission, 1962*, vol. II, p. 46, article 9, para. 2(*c*).

the foundation of international law, as confirmed by the United Nations Charter itself. The International Law Commission had done well to place the emphasis on good faith, subject, of course, to the terms of Article 103 of the Charter, under which, in the event of a conflict with obligations under any other international agreement, obligations under the Charter would prevail. The delegation of Cyprus shared the doubts expressed as to the legal content of sub-paragraph (*a*), in particular with regard to its application in time and to its scope. Sub-paragraphs (*b*) and (*c*), on the other hand, did not raise similar difficulties. Those considerations would determine the vote of the delegation of Cyprus.

35. Mr. AMADO (Brazil) said he had already spoken against article 15 during the International Law Commission's debates. In his opinion, the Conference could not go so far as to adopt an article which did not contain a rule of international law, but only expressed what several speakers had been unable to call anything but a " principle ". The Conference had not been convened to compile principles, but to codify rules of international law.

36. Of course, he would wish the principles stated in article 15 to be respected, just as he wished that there would be no more war, no more cancer, and that perfection could be achieved on earth.

37. Many of those now urging the retention of article 15 might perhaps regret the consequences later.

38. The Brazilian delegation would accordingly vote for the deletion of article 15 if a vote was taken on that proposal. But it would prefer the article to be referred to the Drafting Committee, which might perhaps be able to simplify its text and thus make it acceptable.

39. Mr. FRANCIS (Jamaica) said that good faith was as important during the negotiating stage as after the adoption of a treaty. But good faith during negotiations was much more a matter of international relations in general than of treaty law proper. Consequently, where the obligations of States were concerned, a very clear distinction should be made between the roles of good faith at the two stages. Sub-paragraph (*a*) was not sufficiently precise on that point, however, and the Jamaican delegation would therefore vote for its deletion. It hoped that the Drafting Committee could work out satisfactory wording for sub-paragraphs (*b*) and (*c*).

40. The CHAIRMAN reminded the Committee that the United Kingdom representative was not pressing for a vote on his amendment to delete article 15 (A/CONF. 39/C.1/L.135); it could therefore be referred to the Drafting Committee.

41. Mr. KHLESTOV (Union of Soviet Socialist Republics) thought that that procedure would create serious difficulties for the Drafting Committee, which, without any guidance from the Committee of the Whole, would not know how to deal with such an amendment.

42. Sir Francis VALLAT (United Kingdom) explained that the purpose of his delegation's amendment was to draw attention to the many practical difficulties which might follow from the present wording of article 15. The intention was not to seek an immediate vote on the question of good faith, a principle which his delegation whole-heartedly supported, as he had already emphasized during the debate; but everything depended on the wording the Drafting Committee arrived at. A vote should not be taken on the article until the Committee of the Whole had the new wording before it.

43. Mr. SEATON (United Republic of Tanzania) thought that the task of the Drafting Committee was to present in an acceptable form the principles approved by the Committee of the Whole. It was not for the Drafting Committee to take a decision on the retention or deletion of an article. He objected to the practice whereby the authors of amendments could ask for them to be referred to the Drafting Committee when they feared rejection. The proposal in question should either be put to the vote or withdrawn by its sponsor.

44. Sir Francis VALLAT (United Kingdom) asked the Chairman to put his delegation's amendment to the vote. Article 15 was unacceptable in its existing form and the United Kingdom delegation would vote for its deletion.

45. The CHAIRMAN put the United Kingdom amendment (A/CONF.39/C.1/L.135) to the vote.

At the request of the United Kingdom representative, the vote was taken by roll-call.

Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Japan, New Zealand, Norway, Philippines, Republic of Korea, Republic of Viet-Nam, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Australia, Brazil, Canada, China, Indonesia.

Against: Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Liberia, Liechtenstein, Madagascar, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, Nigeria, Pakistan, Peru, Poland, Portugal, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Spain, Sweden, Switzerland, Syria, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Yugoslavia, Zambia, Algeria, Argentina, Austria, Belgium, Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Ceylon, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guinea, Holy See, Hungary, India, Iraq, Ireland, Israel.

Abstaining: Afghanistan, Chile, Federal Republic of Germany, France, Greece, Iran.

The United Kingdom amendment was rejected by 74 votes to 14, with 6 abstentions.

46. Mr. BARROS (Chile), explaining his vote, said that the Chilean delegation certainly did not reject the principle of good faith, or the idea expressed in article 15. Nevertheless, the drafting of the article was not satisfactory; that was particularly true of the Spanish version, the scope of which, for example, differed from that of the French text. The Chilean delegation had therefore abstained, since a vote against the amendment might have been interpreted to indicate acceptance of the existing text.

47. The CHAIRMAN called for a vote on the deletion of article 15, sub-paragraph (*a*).[3]

At the request of the Austrian representative, the vote was taken by roll-call.

France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: France, Ghana, Greece, Guinea, India, Indonesia, Iran, Ireland, Jamaica, Japan, Kenya, Liberia, Malaysia, Mauritius, Monaco, Mongolia, New Zealand, Norway, Philippines, Portugal, Republic of Korea, Republic of Viet-Nam, Sierra Leone, Singapore, Somalia, Sweden, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Afghanistan, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Chile, China, Colombia, Czechoslovakia, Federal Republic of Germany, Finland.

Against: Gabon, Guatemala, Holy See, Hungary, Iraq, Italy, Ivory Coast, Kuwait, Liechtenstein, Madagascar, Mali, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, San Marino, Saudi Arabia, Senegal, South Africa, Spain, Switzerland, Yugoslavia, Zambia, Algeria, Bolivia, Ceylon, Congo (Democratic Republic of), Cuba, Dahomey, Ecuador, Ethiopia.

Abstaining: Israel, Morocco, Romania, Thailand, Tunisia, United Republic of Tanzania, Argentina, Central African Republic, Congo (Brazzaville), Cyprus, Denmark.

The proposal to delete article 15, sub-paragraph (a), *was adopted by 50 votes to 33, with 11 abstentions.*[4]

48. Mr. ALVAREZ (Uruguay) said that in voting for the deletion of sub-paragraph (*a*), his delegation had not been voting against the principle of good faith; it had only wished to intimate that it could not accept the terms in which that sub-paragraph was drafted.

49. Mr. GON (Central African Republic) said that the principle of good faith should apply both during the negotiating stage and at a later stage in the conclusion of a treaty. But in view of the ambiguous wording of sub-paragraph (*a*) his delegation had preferred to abstain from voting.

50. Mr. KRISPIS (Greece) said that his delegation's vote in favour of deleting sub-paragraph (*a*) should not be interpreted to mean that the Greek delegation was against the principle of good faith.

51. Mr. EL-ERIAN (United Arab Republic), explaining his vote, said that his delegation supported the principle stated in sub-paragraph (*a*), but had been unable to vote for the retention of that sub-paragraph because, as it stood, it raised too many problems.

52. The CHAIRMAN invited the Committee to vote on sub-paragraph (*b*) and (*c*).

53. Mr. GÖR (Turkey) suggested that the simplest procedure would be for the Committee to vote on the retention or deletion of those sub-paragraphs. If they were retained, they could be referred to the Drafting Committee.

54. The CHAIRMAN suggested that the Committee should approve sub-paragraphs (*b*) and (*c*) in principle and refer them to the Drafting Committee with the various amendments.

It was so decided.[5]

55. Mr. DE BRESSON (France) explained why his delegation had felt bound to vote against article 15, sub-paragraph (*a*). That sub-paragraph might have legal consequences which it was difficult to foresee and which might be dangerous for the future of international relations. Many delegations wished to retain and to affirm the principle of good faith in the conduct of States during international negotiations. The French delegation was not opposed to that idea, which could be taken into consideration by the Drafting Committee, as the Expert Consultant had suggested. With regard to sub-paragraphs (*b*) and (*c*), the French delegation had already said that it was not opposed to the principles on which those sub-paragraphs were based, but much work was still needed to improve their wording.

Title of Part II, Section 2

56. The CHAIRMAN proposed that the Committee refer to the Drafting Committee the Hungarian amendment (A/CONF.39/C.1/L.137) deleting the words " to multilateral treaties " in the title of Part II, Section 2.

It was so decided.[6]

The meeting rose at 1 p.m.

[3] The deletion of article 15, sub-paragraph (*a*) had been proposed in the amendments contained in documents A/CONF.39/C.1/L.61 and Add.1-4, L.72 and Add.1, L.122 and L.129.

[4] As a result, the amendments proposing a revision of the wording of sub-paragraph (*a*) (A/CONF.39/C.1/L.112, L.130 and L.145) were not put to the vote.

[5] For resumption of the discussion on article 15, see 61st meeting.

[6] At the 28th meeting, the Chairman of the Drafting Committee announced that his Committee had decided to defer consideration of the titles of the parts, sections and articles.

TWENTY-FIRST MEETING

Wednesday, 10 April 1968, at 3.25 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 16 (Formulation of reservations) and *Article 17* (Acceptance of and objection to reservations)

1. The CHAIRMAN invited the Committee to consider articles 16 and 17 together, and said that he would call first on delegations which had proposed amendments to both articles, then on those which had submitted amendments to article 16 and finally on those which had proposed amendments to article 17.[1]

[1] The following amendments had been submitted:

To article 16: Republic of Viet-Nam, A/CONF.39/C.1/L.125; Colombia and United States of America, A/CONF.39/C.1/L.126 and Add.1; Federal Republic of Germany, A/CONF.39/C.1/L.128; Peru, A/CONF.39/C.1/L.132; Japan, Philippines and Republic of Korea, A/CONF.39/C.1/L.133 and Add.1 and 2; Poland, A/CONF.39/C.1/L.136; Ceylon, A/CONF.39/C.1/L.139; Spain, A/CONF.39/C.1/L.147. Amendments were subsequently submitted by China