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23rd meeting of the Committee of the Whole

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TWENTY-THIRD MEETING

Thursday, 11 April 1968, at 3 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) *(continued)*

1. The CHAIRMAN invited the Committee to continue its consideration of articles 16 and 17 of the International Law Commission's draft.[1]

2. Mr. HU (China) said that his amendment to article 16 (A/CONF.39/C.1/L.161) was to replace the words " formulate a reservation ", in the introductory clause, by the words " make reservations ". The verb " to formulate " was not appropriate in the context and should be replaced by a more suitable term. He did not insist on the use of the verb " to make " but would leave the choice of term to the Drafting Committee. His amendment would involve a consequential change in the title of the article.

3. With respect to the same article, he supported the proposal to introduce into the compatibility test the concept of the character (A/CONF.39/C.1/L.126 and Add.1) or the nature (A/CONF.39/C.1/L.147) of the treaty. He also supported the proposals to delete sub-paragraph (*b*), the amendment by the Republic of Viet-Nam to drop the opening words of sub-paragraph (*c*) (A/CONF.39/C.1/L.125), and the redraft of the article by Japan, the Philippines and the Republic of Korea (A/CONF.39/C.1/L.133 and Add.1 and 2), especially its proposed new paragraph 2.

4. His delegation's amendment to article 17 (A/CONF. 39/C.1/L.162) was for the addition at the end of paragraph 3 of a sentence similar to that proposed by Austria (A/CONF.39/C.1/L.3). That new sentence would fill a gap in paragraph 3 of the article which, as it stood, presupposed that when a reservation was made the competent organ was already in existence; that, however, would not always be the case. Of course, if paragraph 3 were deleted, a course which he would not oppose, his amendment would no longer be necessary.

5. With regard to the various amendments which had been proposed to article 17, he supported only those to delete the words " or impliedly " from paragraph 1, and the United States amendment (A/CONF.39/C.1/ L.127) to replace the words " and the object and purpose " by the words " or the character or purpose " and to insert in the opening phrase of paragraph 4 the words " and unless the reservation is prohibited by virtue of article 16 ".

6. Mr. SARIN CHHAK (Cambodia) said it was important to uphold the principle of the integrity of treaties and reservations, even if they did not run counter to the object and purpose of a treaty, could still distort its meaning or alter its scope. But that did not mean that an unduly rigid attitude need be adopted, since that would disregard practical needs. Some countries, particularly developing countries, were not willing to accept certain treaties in their entirety. A more flexible approach, particularly now that the practice of reservations had become extremely common, would enable them to participate in more treaties and play a proper part in international co-operation. Reservations could also have the advantage of enabling a treaty to be adapted to changing circumstances. A reservation was based on the desire of reserving State to adapt the treaty to its own needs, but it could also be based on developments resulting from changing circumstances in general.

7. The making of reservations must be subjected to certain limitations and, in that respect, the provisions of article 16 afforded sufficient safeguards. The balanced text prepared by the International Law Commission was satisfactory and he also supported the Syrian amendment (A/CONF.39/C.1/L.94) which would usefully supplement it.

8. Mrs. ADAMSEN (Denmark) said that she would confine her remarks to the question of reservations to treaties between a limited number of States. Her country was a party to numerous treaties of that type and was certain to sign many more in the future. It was therefore a matter of great importance to her delegation that the future convention on the law of treaties should include a rule to the effect that a reservation to that type of treaty required acceptance by all the parties. She would consequently oppose the proposals for the deletion of paragraph 2 of article 17 made by Ceylon (A/CONF. 39/C.1/L.140) and Spain (A/CONF.39/C.1/L.148). She would, on the other hand, support the United States amendment which was designed to improve the text of that paragraph (A/CONF.39/C.1/L.127). The Drafting Committee might consider rewording article 17 to make it clear that, for treaties with a limited number of parties, the acceptance of reservations must always be express; it should not be implied from the mere absence of any objection, as was provided by the present text of paragraph 5. Subject to that remark, her delegation supported generally the International Law Commission's text of articles 16 and 17 and considered that it would not be advisable to disturb the general pattern. She would, however, welcome any proposals to clarify the meaning of the two articles, especially the relationship between sub-paragraph (*c*) of article 16 and paragraph 4 of article 17; such clarification might perhaps be achieved by providing some machinery to assist in the determination of the compatibility of a reservation with the object and purpose of the treaty.

9. Mr. HARASZTI (Hungary) said that the liberal practices of a certain number of States with regard to reservations had become more widespread since 1951, when the International Court of Justice had delivered its Advisory Opinion on reservations to the Genocide Convention. The International Law Commission's text took into account recent developments in international practice and constituted a useful basis for the future convention.

10. The wording could, however, be improved and his delegation would be prepared to support any amendments which, without affecting the compatibility test, afforded

[1] For a list of the amendments submitted to articles 16 and 17, see 21st meeting, footnote 1.

States a broader measure of freedom to make reservations, such as the USSR amendment (A/CONF.39/C.1/L.115) and the proposal by several delegations to delete sub-paragraph (*b*) of article 16, which was a mere survival of the outmoded doctrine of the integrity of treaties.

11. Since the negotiating States were always free to include in the treaty a clause prohibiting reservations, sub-paragraph (*a*) of article 16 was superfluous. None of the rules set forth in articles 16 to 20 were of an imperative character, so that the provisions of the treaty itself on the subject of reservations would prevail in any case. But although he thus supported the proposal to delete sub-paragraph (*a*), he would not oppose its retention if the majority wished to keep its provisions *ex abundanti cautela*.

12. He opposed the United States proposal to replace, with respect to the compatibility test, the concept of the " object and purpose " of the treaty by a reference to the " character or purpose " of the treaty. It was easy to see how the object of a treaty could be frustrated, but the notion of the character of a treaty was infinitely more vague, as was conclusively demonstrated by the fact that a similar amendment by Spain (A/CONF.39/C.1/L.147) actually proposed not that the concept of the " nature " of the treaty should replace that of the " object " of the treaty, but that the two should be combined. The expression " object and purpose " had, moreover, been taken by the International Law Commission from the language used by the International Court of Justice itself. He also opposed the amendment by Ceylon (A/CONF.39/C.1/L.139), which would limit the right of States to make reservations by permitting reservations only " to the extent that the treaty so provides ". A provision of that type would have the effect of precluding reservations altogether where the treaty was silent on the subject.

13. He supported those proposals (A/CONF.39/C.1/L.84, L.94 and L.115) which, while retaining the rule in paragraph 4(*b*) of article 17, would reverse the presumption embodied in the concluding proviso; it was more appropriate to consider that the objecting State would clearly express its views if it did not wish to enter into treaty relations with the reserving State. That reversal of the presumption would not affect in any way the right of the objecting State to refuse to enter into treaty relations with the reserving State if it considered the reservation incompatible with the object and purpose of the treaty. Treaty relations would thus be promoted without detracting in any way from the sovereignty of States.

14. Mr. CHAO (Singapore) said that, although his delegation considered that the right of reservation was essential in modern treaty relations, it believed that that right should be properly circumscribed. It was not entirely satisfied with the criterion of compatibility with the object and purpose of the treaty, which the International Law Commission had used in its draft. That criterion had been the subject of a great deal of criticism since it had first been formulated by the International Court of Justice in the Advisory Opinion on the Genocide case.

15. His delegation therefore supported the amendments by Ceylon to article 16 (A/CONF.39/C.1/L.139) and article 17 (A/CONF.39/C.1/L.140), which took into account the principle of consent, the sovereign rights of States and the need to safeguard the integrity of the treaty. Those amendments would make it possible to avoid the difficulties arising out of the application of article 17, paragraph 2, would dispense with the need to set up the controlling machinery suggested by the United Kingdom representative, and would overcome the problems raised by the Swedish delegation. The Ceylonese amendment to article 17 might be further improved if the new sentence proposed by the Austrian delegation for addition to paragraph 3 (A/CONF.39/C.1/L.3) were added at the end of paragraph 1 of the redraft proposed by Ceylon.

16. If the Ceylonese amendments were not adopted, the delegation of Singapore would support the Commission's text, with some amendments. It agreed that the words " or impliedly " should be deleted from article 17, paragraph 1, especially since that deletion would eliminate the contradiction between that paragraph and sub-paragraph (*b*) of article 16, to which the USSR representative had drawn attention. The United States amendments to paragraphs 2 and 5 of article 17 (A/CONF.39/C.1/L.127) and the Polish amendment to sub-paragraph (*b*) of article 16 (A/CONF.39/C.1/L.136) were useful improvements. Finally, the amendment by Japan, the Philippines and the Republic of Korea (A/CONF.39/C.1/L.133 and Add.1 and 2) deserved consideration, since the adoption of some mechanism along the lines proposed would solve many of the problems raised by the compatibility test.

17. Mr. HAYES (Ireland) said his delegation accepted the fact that recent developments and practice had by and large led to the replacement of the traditional unanimity rule by a system enabling States to become parties to treaties subject to reservations which were not accepted by all the other parties. The draft articles quite properly took account of that practice.

18. Ireland would not object to the combination of articles 16 and 17 proposed by the USSR (A/CONF.39/C.1/L.115), provided the distinction between the rules set out in the two articles was not thereby blurred. His delegation considered that article 16 contained absolute rules and that consequently, if a State purported to become a party to a treaty subject to a reservation which conflicted with those rules, its attempt to become a party would have no legal effect unless the reservation was withdrawn. Moreover, although in most such cases the other parties would make formal objection to such a reservation, their failure to do so would not constitute the reserving State a party to the treaty; in fact, to state the position even more emphatically, tacit or even express acceptance of a reservation conflicting with the rules in article 16 would not make the reserving State a party to the treaty in relation to any other State, even an accepting State. Although it appeared from the last sentence of paragraph (17) of the commentary that the International Law Commission had not intended the rules in question to have that effect, the Irish delegation considered that the Committee should strive towards that end, perhaps by adopting the United States amendment to article 17, paragraph 4 (A/CONF.39/C.1/L.127).

19. That of course raised the question of how compatibility was to be determined in practice: the Commission had recognized that difficulty in the fourth sentence of paragraph (10) of its commentary. Although his delegation would not oppose any practicable and generally acceptable solution, it would prefer some form of independent adjudication to the introduction into the convention of a principle which would permit a reservation to be disallowed on the basis of collegiate disapproval.

20. As he had already said, his delegation considered that the rules in article 16 should be absolute and should not be capable of being overridden by the use of the procedures set out in article 17, paragraph 4; it took the view, however, that sub-paragraph (*b*) of article 16 should be deleted, as a number of delegations had proposed. For similar reasons, his delegation could not support the amendments which proposed that, under article 17, paragraph 4(*b*), an objection to a reservation should not prevent a treaty from applying between the reserving State and an objecting State unless the latter expressed the opposite intention; the Commission's formulation of the provision was preferable, for the reasons stated by the Swedish representative.

21. Mr. KOUTIKOV (Bulgaria) said that his delegation would support the USSR proposal (A/CONF.39/C.1/L.115) to amalgamate articles 16 and 17, since that would make the text simpler, more flexible and easier to interpret and apply. Moreover, most of the shortcomings of the Commission's article 17 would be eliminated if the USSR amendment were adopted. If it were decided to retain two separate articles, however, the Bulgarian delegation hoped that the Commission's text would be amended on the lines proposed by Czechoslovakia (A/CONF.39/C.1/L.84) and Syria (A/CONF.39/C.1/L.94); the Drafting Committee should be asked to study all the amendments with a view to eliciting their positive elements, paying particular attention to the French and Tunisian proposals (A/CONF.39/C.1/L.113). Finally, the Bulgarian delegation could not support paragraphs 3 and 4(*b*) and (*c*) of article 17, since those provisions ran counter to the modern liberal trend in reservation matters.

22. Mr. ARIFF (Malaysia), introducing his delegation's amendments to article 16 (A/CONF.39/C.1/L.163), said that his delegation had no objection to the substance of the Commission's draft, but wished to see a clearer and more concise text, and had accordingly submitted new texts for sub-paragraphs (*b*) and (*c*), which could be referred to the Drafting Committee.

23. His delegation considered that the introduction, in the amendment by Japan, the Philippines and the Republic of Korea (A/CONF.39/C.1/L.133 and Add.1 and 2), of a time-limit for objections was a useful addition to the Commission's sub-paragraph (*c*).

24. Mr. KRISPIS (Greece) said that his delegation could support the International Law Commission's clear, simple and flexible draft, subject to a few amendments. If sub-paragraph (*b*) of article 16 were retained, his delegation would support the Polish amendment (A/CONF.39/C.1/L.136), but if the provision were deleted, sub-paragraph (*a*) should be altered to read: " Reservations are prohibited by the treaty ", otherwise sub-paragraph (*a*), as at present worded, would contain what was now sub-paragraph (*b*).

25. The Greek delegation supported the proposal by Switzerland (A/CONF.39/C.1/L.97), France and Tunisia (A/CONF.39/C.1/L.113) and Thailand (A/CONF.39/C.1/L.150) to delete the words " or impliedly " from article 17, paragraph 1, and considered that the word "and" between "object" and "purpose" in article 17, paragraph 2 and in sub-paragraph (*c*) of article 16 should be replaced by " or ". If article 17, paragraph 3, were retained, his delegation would support the amendments to that paragraph by Austria (A/CONF.39/C.1/L.3) and China (A/CONF.39/C.1/L.162). Finally, it would support the Syrian amendment (A/CONF.39/C.1/L.94) to article 17, paragraph 4(*b*).

26. Mr. BOULBINA (Algeria) said that the abandonment of the unanimity rule, the multiplicity of international relations and the substitution of the two-thirds majority for the unanimity rule led directly to the admissibility of reservations, as a means of preventing situations from arising where the minority could not safeguard their legitimate interests in accordance with the principle of the sovereign rights of States. Reservations could not lead to a distortion of the basic provisions of a treaty, since they most often related to matters of detail which had a particular importance for a given State, but did not have the same importance within the general framework of the treaty. The development of international co-operation made it essential that the largest possible number of States should become parties to multilateral treaties. It was better to have a treaty with a large number of reserving parties than to have a treaty with only a few parties or no treaty at all.

27. The Algerian delegation could support the amendments submitted by Syria (A/CONF.39/C.1/L.94), Czechoslovakia (A/CONF.39/C.1/L.85), and the USSR (A/CONF.39/C.1/L.115) to paragraph 4(*b*) of article 17. On the other hand, it could not support the presumption in the Ceylonese amendment (A/CONF.39/C.1/L.139) that reservations were not permissible if the treaty was silent on the question. Nor could it support the proposals submitted by France and Tunisia (A/CONF.39/C.1/L.113), Switzerland (A/CONF.39/C.1/L.97) and Thailand (A/CONF.39/C.1/L.150) to delete the words " or impliedly " from paragraph 1 of article 17. It could, however, support the proposals to delete sub-paragraph (*b*) of article 16, submitted by the Federal Republic of Germany (A/CONF.39/C.1/L.128) and the United States and Colombia (A/CONF.39/C.1/L.126 and Add.1). Lastly, it could support the proposal in the French and Tunisian amendment and the Swiss amendment to delete paragraph 3 of article 17. The Austrian amendment (A/CONF.39/C.1/L.3) did not solve the problem, but merely stated it in a different way, and in any case, the question seemed to be adequately covered by article 4.

28. The CHAIRMAN suggested that the debate on articles 16 and 17 be adjourned in order to allow the authors of amendments an opportunity for consultation with a view to the amalgamation of their proposals. Meanwhile, the Committee would pass on to consider article 18.

It was so agreed.[2]

[2] For resumption of the discussion on articles 16 and 17, see 24th meeting.

Article 18 (Procedure regarding reservations) [3]

29. Mr. GRISHIN (Union of Soviet Socialist Republics) said that his delegation's amendment (A/CONF.39/C.1/L.116), proposing the deletion of the words " an express acceptance of a reservation ", was directly connected with its proposals for a new text for articles 16 and 17 (A/CONF.39/C.1/L.115), which deliberately omitted any reference to express written acceptance of reservations, but only provided that an objection, like the reservation itself, should be submitted in written form. Both amendments were based on the presumption that expression of acceptance was tacit, although that did not preclude oral or written expression.

30. The non-compulsory nature of acceptance was confirmed by the practice of many States; thus, in one of its memoranda to the Secretary-General of the United Nations, the United Kingdom had stated that an acceptance might be regarded as received if the parties to a multilateral treaty, having been informed of a reservation made on signature, ratification or accession, did not directly express either acceptance or non-acceptance. Moreover, practice showed what absurd situations compulsory written acceptance might lead to: the reservations of Panama, the United States and Spain to the International Sanitary Convention of 1912 had only been received eight years later, and acceptance of the United States reservation on ratifying the 1919 Convention of Saint Germain amending the General Act of the 1890 Brussels Conference on the Slave Trade had not been received until 1934. The Soviet Union was in favour of codifying existing rules of international law, but did not believe in codifying practices which were not useful or progressive. His delegation would not press its amendment to a vote, but hoped that it would be referred to the Drafting Committee.

31. Mr. TALLOS (Hungary), introducing his delegation's amendments to paragraphs 2 and 3 of article 18 (A/CONF.39/C.1/L.138), said that although paragraph 2 of the International Law Commission's text implied that, if a reservation was not confirmed on the date of ratification it was considered invalid, his delegation had thought it advisable to clarify the text by stating the rule expressly. Similarly, although the Hungarian delegation agreed in principle with the Commission's text of paragraph 3, it believed that that wording might be erroneously interpreted to mean that objection after confirmation of the reservation did itself require confirmation; it had therefore tried to clarify the text. It had also included a reference to express acceptance of a reservation, to show that such express acceptance did not require confirmation: if, however, the USSR amendment were accepted, that part of the Hungarian amendment would lose its point. Both his delegation's amendments might be referred to the Drafting Committee.

32. Mr. CUENCA (Spain), introducing his amendment to article 18 (A/CONF.39/C.1/L.149), said that it was designed to improve the formulation of the procedural rules set forth in the article.

33. In paragraph 1, it was proposed to delete the adjective " express " before the word " acceptance "; the qualification was unnecessary in the context and was, moreover, not consistent with the provisions of article 17 on the tacit acceptance of a reservation resulting from the absence of objection. In the same paragraph a reference had been introduced to " other States which are parties " to supplement the concept of " other States entitled to become parties "; that change would cover the case in which the treaty was in force, so that there were already States parties to it.

34. His amendment contained a new paragraph 2 which, in the case where there was a depositary, applied to the matter of reservations the rules laid down in article 72, especially paragraph 1(*e*), and article 73. The new paragraph 2 accordingly set forth the duty of the depositary to make all communications with regard to reservations. Of course, the depositary was not entitled to express a view on the validity or admissibility of a reservation, or even called upon to draw the attention of the States concerned to any anomaly in the reservation. Those were matters within the exclusive competence of the States which were parties, or entitled to become parties, to the treaty.

35. His amendment also contained a new paragraph 3 which would require the communication of a reservation to specify the effects that would flow under paragraph 4 of article 17 from the failure to express an objection to the reservation. As a matter of good faith, the State making the communication must warn the States to which it was made that the failure to object would, after the expiry of a period of twelve months, be deemed to constitute acceptance of the reservation. The purpose of his amendment was not to encourage objections, but simply to try to avoid the twelve-month period being allowed to elapse through an oversight by the Ministry of Foreign Affairs of the State that was notified of the reservation.

36. Lastly, as a matter of mere drafting, his delegation proposed to merge the closely interconnected paragraphs 2 and 3 into a single paragraph renumbered 4.

37. Mr. PINTO (Ceylon) said that article 18 in the form submitted by the International Law Commission was acceptable generally, but he did not think that an objection to or acceptance of a reservation required confirmation and for that reason his delegation had submitted an amendment to paragraph 3 (A/CONF.39/C.1/L.151).

38. Mr. McKINNON (Canada) said that the phrase " entitled to become parties to the treaty " might create difficulties for a depositary, as there was no criterion for deciding which were those States. It would therefore be preferable to substitute the phrase " negotiating States and contracting States " as proposed in his delegation's amendment (A/CONF.39/C.1/L.158).

39. The same rule should apply to the communication of reservations as applied to the withdrawal of reservations, under article 20.

40. Mr. KEARNEY (United States of America) said he supported the amendments proposed by Canada and Ceylon but could not endorse the Spanish amendment to delete the word " express ", which served a useful purpose and made the text more precise. Paragraphs 2

[3] The following amendments had been submitted to article 18: Union of Soviet Socialist Republics, A/CONF.39/C.1/L.116; Hungary, A/CONF.39/C.1/L.138; Spain, A/CONF.39/C.1/L.149; Ceylon, A/CONF.39/C.1/L.151; Canada, A/CONF.39/C.1/L.158.

and 3 of the Spanish amendment related to depositary functions and should be considered together with the provisions on that subject. He supported the Hungarian amendment.

41. Mr. VEROSTA (Austria) said that the opening words of paragraph 2, " If formulated on the occasion of the adoption of the text or upon signing the treaty ", conflicted with the provisions of article 16 and should therefore be deleted.

42. The CHAIRMAN suggested that, subject to the decision on articles 16 and 17, article 18 might be referred to the Drafting Committee.

It was so agreed.[4]

Organization of the work of the Conference

43. Mr. TABIBI (Afghanistan) said that, despite the Chairman's efforts to induce the Committee to work faster, the bulk of the draft still remained to be discussed and at the present rate of progress there was little chance of getting through it by 24 May. Something drastic would therefore have to be done, and consideration might be given to the possibility either of establishing another committee of the whole to consider certain parts of the draft, or of setting up a working group to sound delegations on their views and try to reconcile differences of opinion. It would be remembered that, at the first Conference on the Law of the Sea, held at Geneva, no fewer than five committees had been set up.

44. Mr. KHLESTOV (Union of Soviet Socialist Republics) said he agreed that the Conference must work faster and he fully supported the idea of establishing a second committee of the whole; when the General Assembly, at its twenty-first session, had discussed the Conference's method of work, his delegation had advocated two committees of the whole. As an alternative, a working group might perhaps be set up to consider part V of the draft. In the meantime all delegations should do their best to submit amendments as early as possible.

45. Mr. DADZIE (Ghana) said he agreed with what had been said by the representative of Afghanistan and favoured the creation of a small group to consult delegations informally and prepare recommendations for consideration by the Committee of the Whole.

46. Mr. SINCLAIR (United Kingdom) said that his delegation had also favoured two committees of the whole but had been overruled in the General Assembly. Delegations which had made their arrangements on the basis of there being only one committee might now find it difficult to service two committees. The idea of a working group on part V might well be acceptable, but, before it could be established, it must have the benefit of a preliminary general discussion in the Committee of the Whole.

47. Mr. KEARNEY (United States of America) said that, while he was prepared to support the suggestion for establishing a second committee of the whole, he was not certain that the physical facilities were available.

48. He did not favour the Soviet Union representative's suggestion for establishing a special group on part V, as it could not do useful work without first hearing the views of the Committee of the Whole on a very complex set of articles. Moreover such a procedure would hardly be democratic.

49. Mr. DE BRESSON (France) said he did not think it would be possible to establish a second committee of the whole, as that would be contrary to rule 47 of the rules of procedure. In any case it would create difficulties for some delegations, and perhaps there would not even be a room available in which a second committee could meet. Working groups could only function usefully if a prior discussion had been held in the Committee of the Whole at which each delegation had had the opportunity of expressing its views.

50. Mr. WATTLES (Secretary of the Committee) said that the possibilities of holding extra meetings were set out in the Secretary-General's memorandum on methods of work and procedures of the first session of the Conference (A/CONF.39/3), which had been approved at the third plenary meeting on the recommendation of the General Committee. The Austrian authorities and the Secretariat had taken into account the General Assembly's decision to establish one Committee of the Whole, and there was not a large enough room available for a second, since the other would be occupied as from next week by the United Nations Industrial Development Organization. After 22 April it might be possible to hold extra meetings of the Committee of the Whole and working groups as an additional team of interpreters would then be available, but no summary records could be kept of meetings of working groups, whose discussions would consequently have to be informal. He presumed that delegations would wish the discussion on each article to be held in the Committee of the Whole first, before the article was referred to a working group.

51. Mr. TABIBI (Afghanistan) said that there was nothing to prevent the Conference from amending its rules of procedure. Clearly the Secretariat must consider what would happen if the Conference failed to deal with all the draft articles by the end of its session.

52. Mr. SUPHAMONGKHON (Thailand) said that perhaps the whole question of the organization of work might be referred to the General Committee.

The meeting rose at 5.35 p.m.

TWENTY-FOURTH MEETING

Tuesday, 16 April 1968, at 10.55 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 16 (Formulation of reservations) and *Article 17* (Acceptance of and objection to reservations) *(resumed from the 23rd meeting)* [1]

1. Sir Humphrey WALDOCK (Expert Consultant) said that the scheme of articles 16 and 17 was based on the

[4] For resumption of the discussion on article 18, see 70th meeting.

[1] For a list of the amendments submitted to articles 16 and 17, see 21st meeting, footnote 1.