

United Nations Conference on the Law of Treaties

Vienna, Austria
First session
26 March – 24 May 1968

Document:-
A/CONF.39/C.1/SR.75

75th 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)*

the four amendments to which he had referred, the French seemed the clearest, because it expressly specified article 62, as had been done with other articles. It might perhaps be useful if the Committee were to vote on the proposed changes to paragraph 1.

81. Mr. BISHOTA (United Republic of Tanzania), referring to the Australian amendment (A/CONF.39/C.1/L.297), said that a legal distinction must be made between the word "void", which applied to the cases dealt with in articles 48, 49 and 50, and the word "invalid". By article 41, paragraph 5, the separability of treaty provisions was not permitted in the cases falling under articles 48, 49 and 50, whereas it was permitted in the other cases.

82. Sir Humphrey WALDOCK (Expert Consultant) said that the words "void treaty" had been used to cover all cases of invalidity. The Commission had considered that article 39, paragraph 1, should remove all doubt as to the meaning of those words. The drafting proposals before the Committee deserved consideration.

83. The changes proposed in the other paragraphs of article 65 related to substance. The International Law Commission had included those provisions at the request of Governments, which, in their written comments, had expressed the wish that the Commission should define the conditions for liquidating the situation resulting from invalidity. The representatives of Switzerland and the United States had objected, not without some justification, that the provisions adopted might prove too strict. It was for the Conference to decide whether or not the usefulness of those provisions made up for the shortcomings that had been pointed out.

84. The CHAIRMAN said that all the amendments to paragraph 1 and the amendment by Bulgaria and Poland to paragraph 3 only affected the drafting. He therefore suggested that the Committee refer to the Drafting Committee the Australian amendment (A/CONF.39/C.1/L.297), the Swiss amendment to paragraph 1 (A/CONF.39/C.1/L.358), the United States amendment to paragraph 1 (A/CONF.39/C.1/L.360), the French amendment (A/CONF.39/C.1/L.363) and the amendment by Bulgaria and Poland (A/CONF.39/C.1/L.278).

It was so agreed.

85. The CHAIRMAN put to the vote the United States amendment (A/CONF.39/C.1/L.360) to paragraph 2.

The United States amendment to paragraph 2 was rejected by 39 votes to 28, with 20 abstentions.

86. The CHAIRMAN put to the vote the amendments by Switzerland (A/CONF.39/C.1/L.358) and the United States (A/CONF.39/C.1/L.360) to delete paragraph 3.

The Swiss and United States amendments to delete paragraph 3 were rejected by 46 votes to 24, with 17 abstentions.

Article 65, with the drafting amendments, was referred to the Drafting Committee.¹¹

The meeting rose at 6 p.m.

SEVENTY-FIFTH MEETING

Friday, 17 May 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 66 (Consequences of the termination of a treaty)

1. The CHAIRMAN invited the Committee to consider article 66 of the International Law Commission's draft.¹

2. Mr. DE BRESSON (France) said that his delegation's amendment (A/CONF.39/C.1/L.49) was based on the general proposition that some of the provisions of the draft relating to multilateral treaties sometimes did not apply to a category of instrument which his delegation described as "restricted multilateral treaties". France believed that, in view of the character of those treaties, they must enter into operation immediately, and that the principle of separability did not apply to them. The amendment could be referred to the Drafting Committee, which already had a number of similar amendments before it.

3. Mr. EVRIGENIS (Greece) said that, in his delegation's opinion, some of the draft articles had been approved with undue haste, and insufficient attention had perhaps been paid to the wording of the texts that had been referred to the Drafting Committee. The Greek delegation could support the substance of article 66, though the rule might be difficult to apply. In particular, it seemed to be rather bold to draw a distinction between the release of the parties from any obligation further to perform the treaty and the statement that the termination of a treaty did not affect the right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination. There seemed to be an element of contradiction between sub-paragraphs 1 (a) and 1 (b), but his delegation could accept the International Law Commission's formulation on the understanding that the words "legal situation of the parties created through the execution of the treaty" applied to any legal situation all the conditions of which had been fulfilled by the execution of the treaty prior to its termination, and that subsequent non-execution of the treaty, under article 66, did not have the automatic effect of reversing that situation.

4. His delegation also wished to comment on the form of article 66, in a general way which might apply to other provisions of the draft. Where the concordance of the various authentic texts was concerned, his delegation believed that the English text might be regarded as the original, and the other texts as translations. Nevertheless, those translations were sometimes not entirely adequate. Unless the Conference wished to give additional importance to article 29, on the interpretation of treaties in two or more languages, every effort should be made to bring the versions of the text even closer from the point of view of both grammar and logic. The Greek delegation was considering submitting a number of pertinent comments at a later stage of the Conference.

¹ An amendment had been submitted by France (A/CONF.39/C.1/L.49).

¹¹ For resumption of the discussion of article 65, see 83rd meeting.

For the time being, it merely wished to draw attention to a point on which the English and French texts of article 66 seemed to differ slightly. In sub-paragraph 1 (a), the temporal terms "further" and "*dès lors*" did not relate to the same verb in the English and French texts; the English text referred to "any obligation further to perform the treaty", whereas the French read "*libère dès lors les parties de l'obligation d'exécuter le traité*". Although such discrepancies might be regarded as minor points, it was not impossible that they might give rise to differences of interpretation.

5. Finally, the title of the article mentioned only the consequence of the termination of a treaty, although paragraph 2 was also concerned with denunciation and withdrawal. A title must be brief, but comprehensive enough to cover all the contents of the article, and his delegation wished to draw that point to the attention of the Drafting Committee, which might reconsider the titles of other articles in the light of those remarks.

6. Mr. BRIGGS (United States of America) said that the relationship between article 66 and article 41, on the separability of treaties, might be clarified by inserting the words "or a part thereof" after "termination of a treaty" in the introductory part of paragraph 1, and consequentially changing sub-paragraph 1 (a) to read: "... further to perform the provisions of the treaty that have terminated". The Drafting Committee might consider that suggestion.

7. Mr. DE CASTRO (Spain) said that he too had a criticism to make of the wording of article 66. The wording "does not affect any right, obligation or legal situation" was too broad, since the obligations of a party created through the execution of a treaty, as well as some rights depending on its execution, must be affected by termination. The Drafting Committee should try to clarify the text, in order to avoid misinterpretations.

8. The CHAIRMAN suggested that article 66 be referred to the Drafting Committee together with the French amendment (A/CONF.39/C.1/L.49) and the oral proposals made during the meeting.

*It was so agreed.*²

*Article 67 (Consequences of the nullity or termination of a treaty conflicting with a peremptory norm of general international law)*³

9. The CHAIRMAN invited the Committee to consider article 67 of the International Law Commission's draft.

10. Mr. CASTRÉN (Finland) said that his delegation had submitted an amendment to article 67 (A/CONF.39/C.1/L.295) for the same reasons as it had given for its proposals in connexion with articles 41, 50 and 61.

11. Since article 67 also referred to treaties conflicting with *jus cogens* rules, the Finnish delegation considered that that provision should also be subject to the principle of separability set out in article 41.

12. Mr. SEPULVEDA AMOR (Mexico), introducing his delegation's amendment to sub-paragraph 1 (b) (A/CONF.39/C.1/L.356), said that the invalidity or

termination of some treaties conflicting with peremptory norms of general international law might affect not only the mutual relations of the parties, but also their future conduct. Examples of such treaties were those conflicting with the *jus cogens* rules relating to genocide or slavery. The amendment was designed to strengthen and broaden the obligation in sub-paragraph 1 (b), and conformed with the statement in paragraph (1) of the commentary that the question which arose in consequence of the invalidity was not so much one of the adjustment of the position of the parties in relation to each other as of the obligation of each of them to bring its position into conformity with the rule of *jus cogens*.

13. Mr. ALVAREZ TABIO (Cuba) said he had his doubts regarding article 67, particularly paragraph 2 (b), which appeared to contradict the clear and forthright terms of article 61. Article 61 specified that, if a new rule of *jus cogens* was established, any existing treaty which was in conflict with that rule became void and terminated. Clearly then, the nullity did not operate retroactively; the treaty ceased to be legally valid as from the date of the emergence of the new rule of *jus cogens*. Since the case was one of nullity his delegation could not accept the statement in paragraph (2) of the commentary to article 61, that the new rule of *jus cogens* "does not annul the treaty, it forbids its further existence and performance". That statement was in flat contradiction with the rule stated in the article, that the treaty "becomes void and terminates".

14. As in other cases of nullity, the consequences of invalidity under article 61 should be governed by the principles embodied in article 65. Since the emergence of a new rule of *jus cogens* had the effect of releasing the parties from any obligation to perform the treaty, it was paradoxical to say in article 67 that the nullity of the treaty would not affect rights, obligations or legal situations created through the execution of the treaty prior to its termination. It was true that the new *jus cogens* rule would not operate *ex tunc* and would therefore not affect a right, obligation or legal situation created before the treaty became void. But it was a very different matter to state that such rights, obligations and situations could be maintained after the treaty had become void, without the express consent of the parties. If that proposition were accepted, the treaty would not be void, it would be terminated.

15. His delegation had no objection to the proposition that acts performed in good faith in reliance on a treaty, at a time when both parties considered it valid, did not become illegal solely by reason of the subsequent invalidation of the treaty. That proposition, however, applied only to acts the performance of which had actually been completed. The situation was different in the case of an act which had been performed while the treaty was valid but which continued in existence after the treaty had become void. There could be no question of invoking the doctrine of acquired rights in the case of acts with a continuing legal effect. Moreover, the concept of acquired rights was not appropriate in public international law, which did not always involve rights of a material character.

16. He therefore suggested that paragraph 2 (b) should not refer to rights, obligations and legal situations created prior to the termination of the treaty, but rather

² For resumption of the discussion of article 66, see 80th meeting.

³ The following amendments had been submitted: India, A/CONF.39/C.1/L.256; Finland, A/CONF.39/C.1/L.295; Mexico, A/CONF.39/C.1/L.356

to a situation resulting from the execution of the treaty prior to its invalidation.

17. The amendments submitted to article 67 could tend to weaken the substantive rule embodied in article 50, which clearly provided for voidness *ab initio*, and in any case for a declaration of nullity which operated *ex tunc*.

18. Mr. MIRAS (Turkey) said that his delegation was opposed to article 67 for the same reasons as it had invoked in objecting to articles 50, 61 and 62. It would vote against the article if and when the occasion arose for it to do so.

19. Mr. SINCLAIR (United Kingdom) said that the Commission's text of article 67 was not satisfactory to his delegation. To begin with, sub-paragraph 1 (a), since it involved reparations, was concerned with a question of State responsibility which did not fall within the purview of a convention on the law of treaties. Indeed, article 69 specifically excluded cases of State responsibility from the convention. In the hypothetical case of a treaty which should be considered void in its entirety because its essential object and purpose was the illegal use of force, the treaty would be void under article 50, but if the parties were obliged to eliminate the consequences of an act performed in reliance on a provision of that treaty, responsibility would undoubtedly arise; the matter would come before the Security Council, which might order the necessary measures to be taken, and paragraph 1 of article 67 would hardly be adequate for dealing with the situation. Moreover, in cases where one provision of the treaty conflicted with a peremptory norm of *jus cogens*, an endless chain of remote consequences might come into play, in the case of boundary treaties for example, and negotiations would be required in order to see which consequences could be eliminated.

20. With regard to the question of the relationship between article 67 and article 41, on the separability of treaties, his delegation considered that the use of the term "any provision" in sub-paragraph 1 (a) had the effect of admitting the separability of treaties void under article 50; under paragraph 2, however, the parties were released from any obligation further to perform "the treaty". The Drafting Committee should consider that wording carefully in the light of the relationship between articles 67 and 41, perhaps along the lines proposed by the Finnish delegation in its amendment (A/CONF.39/C.1/L.295).

21. Paragraph 2 was concerned with the consequences of the termination of the treaty even when it contained provisions for its own termination, and prevailed over those provisions. Article 66, paragraph 1, contained similar provisions, which, however, were worded in residual form, for the reasons given in the last sentence of paragraph (2) of the commentary to that article; perhaps paragraph 2 of article 67 could also be worded in residual terms.

22. Mr. DE BRESSON (France) said that the French amendment to paragraph 1 of article 65 (A/CONF.39/C.1/L.363), which had been referred to the Drafting Committee, had been designed to emphasize the dependence of that article on article 62. His delegation believed that the situation with regard to article 67 was similar, and hoped that the Drafting Committee would consider the relationship between articles 67 and 62.

23. The ultimate wording of sub-paragraph 2 (a) depended, of course, on the final text of article 61. In the debate on article 61, the French delegation had expressed the opinion that, in view of the Committee's decision on article 50, the reference to nullity in article 61 should be deleted. The Drafting Committee might also take that situation into account in connexion with article 67.

24. The French delegation could support the Finnish amendment (A/CONF.39/C.1/L.295) and had no objection in principle to the Mexican amendment (A/CONF.39/C.1/L.356), although the proposed addition was already implicit in the Commission's text of sub-paragraph 1 (b).

25. Mr. ALCIVAR-CASTILLO (Ecuador) said that his delegation fully endorsed the views expressed by the Cuban representative on the shortcomings of sub-paragraph 2 (b). Indeed, in its comments on the draft articles (A/CONF.39/6, page 8), his Government had recommended that the following sentence be added to sub-paragraph 2 (b): "If it is desired that specific provisions of the treaty which are not in conflict with the new norm of *jus cogens* should remain in force, it will be necessary for a new treaty to be concluded". That proposal should be considered by the Drafting Committee.

26. His delegation regarded the amendments to article 67 as attempts to weaken the article; the procedure of referring substantive amendments to the Drafting Committee was a subtle means of reversing the decisions of the Committee of the Whole. That course had been followed in connexion with article 65. The Ecuadorian delegation considered that the Finnish amendment, which was an attempt to resurrect a principle rejected by the Committee, was a substantive proposal and should be voted on as such.

27. Mr. BINDSCHEDLER (Switzerland) said that his delegation could not accept article 67, for the reasons which it had advanced in objecting to article 50. Like the Turkish delegation, his delegation would vote against the article if the occasion arose.

28. Mr. TALALAEV (Union of Soviet Socialist Republics) said that article 67 was closely linked with articles 41, 50 and 61 and that fact must be taken into account when reaching a decision about its wording. It dealt with invalid treaties conflicting with a peremptory norm of international law, such as unequal treaties, colonial treaties and enforced treaties which were incompatible with the basic principles of modern international law. Governments were required to eliminate the consequences of any act done in reliance on any provision which conflicted with a peremptory norm of general international law, and to bring their mutual relations into conformity with such norms.

29. The Finnish amendment (A/CONF.39/C.1/L.295) sought to reintroduce the idea of separability which had already been rejected when discussing article 41; it also conflicted with the idea behind article 50. It could not be accepted that treaties violating fundamental principles of the international legal order could be valid in part; they were null *ab initio* and as a whole. Consequently he could not support either the Finnish or the Mexican amendment (A/CONF.39/C.1/L.356).

30. He agreed with the Cuban and Ecuadorian representatives that the wording of paragraph 2 (b) should be improved.
31. Mr. CASTRÉN (Finland) said he must point out to the representatives of Ecuador and the Soviet Union that the Finnish amendment to article 50 had not been rejected but had been referred to the Drafting Committee without a vote. His delegation was not seeking to reintroduce that amendment.
32. Mr. HARRY (Australia) said that during the discussion on article 50, he had stated that his delegation could not take any final position until agreement had been reached on the definition of a peremptory norm; the same applied in the case of article 67.
33. He agreed with paragraph 2 (b). It would be inequitable if the rights and obligations created by a treaty which at the time of its conclusion was entirely legal, could be affected by the emergence of a subsequent peremptory norm.
34. The Finnish amendment should be discussed by the Drafting Committee in connexion with article 41.
35. Mr. WERSHOF (Canada) said that the Ecuadorian representative was unnecessarily apprehensive about the Finnish amendment; the Committee of the Whole had not yet taken any decision on it, as would be seen from the summary record of the 66th meeting. The Finnish amendment to article 41 had been one of substance and his delegation had been strongly in favour of it. If it were accepted, then some change would become necessary in article 67.
36. Paragraph 2 of article 67 must be retained and would be greatly improved by the adoption of paragraph 2 of the Finnish amendment.
37. Mr. MARESCA (Italy) said that the notion of nullity in article 67 was not a purely theoretical one, but was linked with the procedural guarantee in article 62. Paragraph 1 (a) seemed to trespass beyond the present convention into the realm of State responsibility, which was explicitly excluded by article 69; it should therefore be removed.
38. His delegation had consistently supported the principle of separability, which would make for the stability of treaty relations, and therefore considered that the Finnish amendment should be taken into account. He supported the French amendment (A/CONF.39/C.1/L.363).
39. Mr. DE CASTRO (Spain) said that article 50 was being attacked during the discussion on article 67, but the Committee could not now go back on its decision on article 50 or attempt to vary its meaning.
40. If a treaty had no legal force under article 65, paragraph 1, then it could also have no legal effects. Out of a desire for caution, the Commission had introduced limitations on the drastic effects of article 65 in paragraph 1 (a) of article 67.
41. The question was, should they give legal validity to treaties which had been condemned under provisions concerning essential validity, and maintain the *status quo* by strengthening treaties imposed by force or procured by fraud. He could not agree with the Italian representative's view that the question of State responsibility was not pertinent to the question of validity.
42. The Committee would have to vote on article 67, conscious of its great responsibilities in that regard.
43. Mr. SMALL (New Zealand) said that he had reserved his delegation's position on article 50 and would have to do the same on article 67, until such time as he knew the content of articles 50 and 62, particularly whether adequate safeguards would be built into the latter article. He agreed with the observations made by the United Kingdom representative, and also supported the Finnish amendment. The Mexican amendment was unobjectionable, though it would seem that its underlying idea was already implicitly covered in article 67. The wording of the amendment would certainly need to be carefully considered by the Drafting Committee.
44. Mr. ARIFF (Malaysia) said that he had no firm views on the question of separability, but would think it not unreasonable to allow separability so that a treaty of which only one provision conflicted with a peremptory norm need not fall as a whole.
45. In his opinion the content of article 50 could not be reconciled with article 67, paragraph 1 (a), and the Committee would have to devise a different text for the latter.
46. The CHAIRMAN said that the Finnish amendment to article 41 had been referred to the Drafting Committee at the sixty-sixth meeting. It could be voted on when the Drafting Committee submitted its report on that article.
47. Mr. ALCIVAR-CASTILLO (Ecuador) said that the only thing which his delegation would be prepared to accept was that the amendment by Finland to article 67 (A/CONF.39/C.1/L.295) should remain in abeyance until the Committee had taken a final decision on the amendment by Finland to article 41 (A/CONF.39/C.1/L.144). If the Drafting Committee were to incorporate that amendment in article 41, the Ecuadorian delegation would request a vote on it and would vote against it.
48. Mr. MYSLIL (Czechoslovakia) said he shared the views of the previous speaker. He did not consider it advisable to refer to the Drafting Committee amendments which involved points of substance.
49. Mr. TALALAEV (Union of Soviet Socialist Republics) said he also supported the procedural suggestion by the representative of Ecuador.
50. The CHAIRMAN said that, if there were no objection, he would consider that the Committee agreed to refer article 67 to the Drafting Committee; the amendments by Finland (A/CONF.39/C.1/L.295) and Mexico (A/CONF.39/C.1/L.356) would remain in abeyance until a decision had been taken on article 41.
- It was so agreed.*⁴
- Article 68 (Consequences of the suspension of the operation of a treaty)*⁵
51. The CHAIRMAN invited the Committee to consider article 68 of the International Law Commission's draft.

⁴ For resumption of discussion of article 67, see 82nd meeting.

⁵ An amendment had been submitted by Mexico (A/CONF.39/C.1/L.357).

52. Mr. SEPULVEDA AMOR (Mexico), introducing his delegation's amendment (A/CONF.39/C.1/L.357), said that it purported to add, at the end of paragraph 2, the words "or to frustrate the object of the treaty". The concept of non-frustration was the subject of article 15 and the situation envisaged in article 68 was somewhat similar to that contemplated in article 15.

53. Mr. HARRY (Australia) pointed out that article 15, in the form in which it had emerged from the Drafting Committee, used the wording "defeat the object and purpose of a treaty". It had been approved in that form by the Committee of the Whole at its sixty-first meeting.

54. Mr. SEPULVEDA AMOR (Mexico) said he could accept that wording. The additional words to be introduced under the Mexican amendment would therefore be "or to defeat the object and purpose of the treaty". As far as the Spanish text of article 15 was concerned, it had been agreed at the sixty-first meeting that the term "*malograr*" was inadequate and that it would be preferable to use the word "*privar*" or "*frustrar*". If the change was made there, it should also be made in the proposed addition to article 68.

55. Mr. YASSEEN (Iraq) said that the additional words proposed by the Mexican delegation were unnecessary. The text as it stood was broad enough to cover the obligation not to defeat the object and purpose of the treaty. Without the Mexican amendment, the text would prohibit all "acts tending to render the operation of the treaty impossible". That language would necessarily cover the acts envisaged in the Mexican amendment.

56. The CHAIRMAN said that, if there were no objection, he would consider that the Committee agreed to refer article 68 to the Drafting Committee, together with the Mexican amendment.

*It was so agreed.*⁶

The meeting rose at 12.35 p.m.

⁶ For resumption of discussion of article 68, see 82nd meeting.

SEVENTY-SIXTH MEETING

Friday, 17 May 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 39 (Validity and continuance in force of treaties) (resumed from the 40th meeting)

1. The CHAIRMAN invited the Committee to resume its consideration of article 39 of the International Law Commission's draft.¹

¹ For earlier discussion of article 39, see 39th and 40th meetings.

2. Mr. CHAO (Singapore), introducing his delegation's amendment (A/CONF.39/C.1/L.270), said that the word "Every" should be substituted for the words "Subject to paragraphs 2 and 3, a" at the beginning of the new paragraph 1 which the amendment proposed.

3. The amendment did not make any substantive change in the International Law Commission's wording; it merely sought to express in precise and positive terms what that wording implied. During the earlier discussion of article 39, some delegations had been uncertain whether the article stated a presumption of the validity or of the invalidity of treaties. The addition of the new paragraph proposed by Singapore would dispel all doubt as to the meaning of the article and would make for a better sense of continuity between article 39 and the preceding articles.

4. Mr. DE BRESSON (France) said that the French delegation, in its three interventions on articles 39, 62 and 65, had maintained that the second sentence of article 39, paragraph 1, was liable to create a regrettable ambiguity with respect to the operation of the rules of invalidity laid down in Part V. It had therefore proposed that the sentence in question, which dealt with the effects of invalidity, be transferred from article 39 to the beginning of article 65. If that proposal were adopted, article 39, paragraph 1, would deal merely with cases of invalidity and make no reference to its effects.

5. He supported the Swiss amendment (A/CONF.39/C.1/L.121) to the extent that it entailed the deletion of the second sentence of article 39, paragraph 1, but its wording was not satisfactory. In his view, the first sentence of paragraph 1 should be left as it stood in the draft.

6. Mr. BINDSCHEDLER (Switzerland) said that the problem raised by the wording of article 39 and the amendments thereto was closely connected with whatever solution was finally adopted for article 62, because it was difficult to separate the procedure from the rules of substance. He therefore moved that further discussion of article 39 and the amendments thereto be adjourned to 21 May.

7. Mr. DE BRESSON (France) seconded the Swiss representative's motion. It was difficult to vote on article 39 at the present stage because the problem it raised was connected not only with article 62 but also with the precise formulation of paragraph 1 of article 65. If the Drafting Committee accepted the French proposal to transfer the second sentence of article 39, paragraph 1, to article 65, that would solve that particular problem.

8. The CHAIRMAN put the motion for adjournment to the vote.

*The Swiss motion for adjournment was adopted.*²

*Article 69 (Cases of State succession and State responsibility)*³

9. Mr. HARASZTI (Hungary), introducing his delegation's amendment (A/CONF.39/C.1/L.279), said that the effect on treaties of an outbreak of hostilities was one of the most controversial problems of international law.

² For resumption of the discussion of article 39, see 81st meeting.

³ The following amendments had been submitted: Hungary and Poland, A/CONF.39/C.1/L.279; Switzerland, A/CONF.39/C.1/L.359; Japan, A/CONF.39/C.1/L.365.