

# **United Nations Conference on the Law of Treaties**

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**A/CONF.39/C.1/SR.83**

## **83rd 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)*

Committee of the Whole had added to it the expressions "one or more States" and "chief administrative officer", and in any case was superfluous, because it already appeared clearly in article 71.

59. Mr. KHLESTOV (Union of Soviet Socialist Republics) said there was an error in the Russian version of article 75. In paragraph 1, the words "registration, filing and recording" should read "registration or filing and recording". He had also noted a number of translation errors in other articles, which should be corrected by the secretariat.

60. Mr. BISHOTA (United Republic of Tanzania) asked the Chairman of the Drafting Committee whether his Committee had studied the question raised at the seventy-ninth meeting by the representative of Jamaica, namely, whether there was any contradiction between article 75, paragraph 2, and article 72, paragraph 1. Article 72, paragraph 1, allowed for the possibility of an exception concerning the functions of the depositary, in the clause "unless otherwise provided in the treaty or agreed by the contracting States". It was therefore possible that the functions listed would not necessarily be attributed to the depositary.

61. Mr. YASSEEN, Chairman of the Drafting Committee, said that, under the United Nations Charter, States were required to register their treaties with the United Nations Secretariat. The intention in article 75 had simply been to stress that the depositary, by the very fact of being designated as depositary, was authorized to register treaties with the United Nations. There was therefore no incompatibility between article 75 and article 72.

*Article 75 was approved.*

The meeting rose at 5 p.m.

### EIGHTY-THIRD MEETING

*Friday, 24 May 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)**

#### TEXTS PROPOSED BY THE DRAFTING COMMITTEE (continued)

1. The CHAIRMAN invited the Committee to resume its consideration of article 71, which at the previous meeting had been referred back to the Drafting Committee. After that, there remained only to consider the texts proposed by the Drafting Committee for article 39 and articles 61 to 65.

*Article 71 (Depositaries of treaties)<sup>1</sup>*

2. Mr. YASSEEN, Chairman of the Drafting Committee, said that the text now proposed for article 71 by the Drafting Committee read as follows:

<sup>1</sup> For earlier discussion of article 71, see 77th, 78th and 82nd meetings.

#### *"Article 71*

" 1. The designation of the depositary of a treaty may be made by the negotiating States, either in the treaty itself or in some other manner. The depositary may be one or more States, an international organization or the chief administrative officer of the organization.

" 2. The functions of the depositary of a treaty are international in character and the depositary is under an obligation to act impartially in their performance. In particular, the fact that a treaty has not entered into force between certain of the parties or that a difference has appeared between a State and a depositary with regard to the performance of the latter's functions shall not affect that obligation."

3. The Drafting Committee had considered the suggestions by Canada regarding paragraph 1 and by Chile regarding the whole article, together with the comments of a number of delegations, and had now submitted a new text for the article which it believed to be clearer and better drafted than the earlier text. It had been unable to accept the Australian suggestion that the words "In particular" at the beginning of the second sentence of paragraph 2 be deleted, because that might give the impression that the two applications of the principle stated in the sentence were the only ones; by retaining those words, the Drafting Committee was emphasizing that they were only two among many.

4. Mr. JAGOTA (India) said he appreciated the reasons for replacing the expression "contracting States" in the second sentence of paragraph 2 by the expression "certain of the parties". Unfortunately, that replacement was not satisfactory either, because under paragraph 1 (g) of article 2, the use of the term "party" implied that the treaty must be in force with respect to some parties. The difficulty might be avoided by replacing the expression "certain of the parties" by the expression "certain States".

5. The CHAIRMAN said that the Indian representative's comment would be noted. If there were no objection, he would take it that the Committee approved article 71.

*Article 71 was approved.*

*Article 39 (Validity and continuance in force of treaties)<sup>2</sup>*

6. Mr. YASSEEN, Chairman of the Drafting Committee, said that the text proposed for article 39 by the Drafting Committee read as follows:

#### *"Article 39*

" 1. The validity of a treaty or the consent of a State to be bound by a treaty may be impeached only through the application of the present Convention.

" 2. A treaty may be terminated or denounced or withdrawn from by a party only as a result of the application of the terms of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty."

7. At its eighty-first meeting, the Committee of the Whole had adopted a French oral amendment to transfer the second sentence of paragraph 1 of article 39 to article 65. In the remaining sentence of the paragraph

<sup>2</sup> For earlier discussion of article 39, see 39th, 40th, 76th and 81st meetings.

the Drafting Committee had inserted, after the words "the validity of a treaty", the words "or the consent of a State to be bound by a treaty", in order to cover the case in which the treaty itself was not tainted but the consent of a party was alone vitiated. In the case of a multilateral treaty, it was possible for the consent given by a State to be alone vitiated; that State could not then consider itself a party to the treaty, but the treaty nevertheless subsisted.

8. Mr. BRIGGS (United States of America) asked that the language services be requested to bring the French and English versions of paragraph 2 into line. The English version contained the words "by a party" which did not appear in the French version. In article 51, there was no such discrepancy between the English and French versions; the words "a party" were used there only with reference to withdrawal, not to termination.

9. Mr. EVRIGENIS (Greece) said that the wording of paragraph 1 should be amended so as to make it clear that it was the validity of the consent that could be impeached, not the consent itself.

10. The CHAIRMAN said that, if there were no objection, he would consider that the Committee approved article 39, subject to those comments.

*Article 39 was approved.*

*Article 61* (Emergence of a new peremptory norm of general international law)<sup>3</sup>

11. Mr. YASSEEN, Chairman of the Drafting Committee, said that the text proposed for article 61 by the Drafting Committee read as follows:

*"Article 61*

"If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates."

12. The Drafting Committee had added a footnote in its report explaining that it had taken no decision on the Finnish amendment (A/CONF.39/C.1/L.294) because it considered that it raised a question of substance which it was for the Committee of the Whole to settle. The Drafting Committee had deleted from the International Law Commission's draft the words "of the kind referred to in article 50" because article 50 defined a peremptory norm of general international law "for the purposes of the present convention". It had also replaced the verb "is established" by the verb "emerges", which seemed a better reflection of the process whereby a peremptory norm of general international law was created.

13. Mr. CASTRÉN (Finland) said that he could not agree with the statement by the Drafting Committee in its footnote 1. The Finnish amendment did not raise any question of substance. It merely sought to clarify the text and bring it into line with the statement in paragraph (3) of the International Law Commission's commentary to the article. However, since the Drafting Committee had proposed a shorter text, his delegation was prepared to withdraw its amendment.

*Article 61 was approved.*

<sup>3</sup> For earlier discussion of article 61, see 66th meeting.

*Article 62* (Procedure to be followed in cases of invalidity, termination, withdrawal from or suspension of the operation of a treaty)<sup>4</sup>

14. Mr. YASSEEN, Chairman of the Drafting Committee, said that the text proposed for article 62 by the Drafting Committee read as follows:

*"Article 62*

"1. A party which, under the provisions of the present Convention, invokes either a defect in its consent to be bound by a treaty or a ground for impeaching the validity of a treaty, terminating it, withdrawing from it or suspending its operation, must notify the other parties of its claim. The notification shall indicate the measure proposed to be taken with respect to the treaty and the reasons therefor.

"2. If, after the expiry of a period which, except in cases of special urgency, shall not be less than three months after the receipt of the notification, no party has raised any objection, the party making the notification may carry out in the manner provided in article 63 the measure which it has proposed.

"3. If, however, objection has been raised by any other party, the parties shall seek a solution through the means indicated in Article 33 of the Charter of the United Nations.

"4. Nothing in the foregoing paragraphs shall affect the rights or obligations of the parties under any provisions in force binding the parties with regard to the settlement of disputes.

"5. Without prejudice to article 42, the fact that a State has not previously made the notification prescribed in paragraph 1 shall not prevent it from making such notification in answer to another party claiming performance of the treaty or alleging its violation."

15. The Drafting Committee had simply incorporated the amendment by France to the first sentence of paragraph 1 (A/CONF.39/C.1/L.342) which had been adopted by the Committee of the Whole at its eightieth meeting.

16. The CHAIRMAN said that, if there were no objection, he would take it that the Committee approved article 62.

*Article 62 was approved.*

17. Mr. SINCLAIR (United Kingdom) said he wished to make it clear that the fact that article 62 had been adopted without a vote did not minimize in any way the strength of the opposition to the text of the article as it stood. The attitude of the United Kingdom delegation to article 62 would depend on the clarification of the important point of principle that, pending the solution of any dispute, a treaty must be presumed to be fully valid and effective. His delegation's position on article 62 would also depend on the solution adopted in respect of the proposal for a new article 62 *bis*.

*Article 63* (Instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty)<sup>5</sup>

<sup>4</sup> For earlier discussion of article 62, see 68th to 74th and 80th meetings.

<sup>5</sup> For earlier discussion of article 63, see 74th and 81st meetings.

18. Mr. YASSEEN, Chairman of the Drafting Committee, said that the Drafting Committee had not made any change in the text of article 63.

*Article 63 was approved.*

*Article 64 (Revocation of notifications and instruments provided for in articles 62 and 63)<sup>6</sup>*

19. Mr. YASSEEN, Chairman of the Drafting Committee, said that the Drafting Committee had not made any change in the text of article 64.

*Article 64 was approved.*

*Article 65 (Consequences of the invalidity of a treaty)<sup>7</sup>*

20. Mr. YASSEEN, Chairman of the Drafting Committee, said that the text for article 65 proposed by the Drafting Committee read as follows:

*“Article 65*

*“1. A treaty the invalidity of which is established under articles 43 to 50 and 61, and in accordance with the procedures laid down in article 62, is void. The provisions of a void treaty have no legal force.*

*“2. If acts have nevertheless been performed in reliance on such a treaty:*

*“(a) each party may require any other party to establish as far as possible in their mutual relations the position that would have existed if the acts had not been performed;*

*“(b) acts performed in good faith before the nullity was invoked are not rendered unlawful by reason only of the nullity of the treaty.*

*“3. In cases falling under articles 46, 47, 48 or 49, paragraph 2 does not apply with respect to the party to which the fraud, coercion or act of corruption is imputable.*

*“4. In the case of the invalidity of a particular State's consent to be bound by a multilateral treaty, the foregoing rules apply in the relations between that State and the parties to the treaty.”*

21. As he had mentioned earlier in the meeting, at its eighty-first meeting the Committee of the Whole had adopted a French oral amendment to transfer the second sentence of paragraph 1 of article 39 to paragraph 1 of article 65. By a majority vote, however, the Drafting Committee had decided to reword the sentence on the lines of the French amendment (A/CONF./39/C.1/L.363) to read: “A treaty the invalidity of which is established under articles 43 to 50 and 61, and in accordance with the procedures laid down in article 62, is void.” That rewording was intended to make the text clearer without affecting the substance.

22. Mr. KOVALEV (Union of Soviet Socialist Republics) said that his delegation was not satisfied with article 65 as proposed by the Drafting Committee. At the meeting of the Drafting Committee, it had objected both to any mention of specific articles in the first sentence of paragraph 1, and to a decision of the Drafting Committee being taken by a majority vote.

23. In paragraph (4) of its commentary to article 39, the International Law Commission had explained clearly

the meaning of the reference to “the present articles”. It had pointed out that the expression “refers not merely to the article dealing with the ground of invalidity or termination relevant in the case but also to other articles governing the conditions for putting that article into effect”, and had then given examples of articles which had a bearing on the matter. The Committee should follow that principle and replace the first sentence by a sentence using the same terms as the second sentence of paragraph 1 of the International Law Commission's text of article 39.

24. Mr. OWUSU (Ghana) said that the Committee of the Whole had merely decided to transfer the second sentence of paragraph 1 of article 39 to article 65, but the Drafting Committee had now made a change in the text which would confine the section on invalidity to articles 43 to 50 and article 61. He saw no valid reason for that limitation.

25. He relied on the reasoning of the International Law Commission in paragraph (4) of its commentary to article 39, where it gave specific examples of articles, other than articles 43 to 50 and 61, which were relevant in the matter: “for example, article 4 (treaties which are constituent instruments of international organizations), article 41 (separability of treaty provisions), article 42 (loss of a right to invoke a ground for invalidating, etc.) and, notably, articles 62 (procedure to be followed) and 63 (instruments to be used)”. The question of invalidity could arise not only in regard to the conclusion of a treaty, but also in regard to its implementation or its consequences. The scope of the provision in the first sentence of paragraph 1 could not be limited in the manner proposed and he therefore requested a separate vote on that sentence.

26. Mr. ALCIVAR-CASTILLO (Ecuador) said he strongly supported the Ghanaian representative's proposal. Technical reasons had been adduced in support of the French oral amendment to transfer the second sentence of paragraph 1 of article 39 to article 65, but the transfer was now having unsatisfactory consequences from the technical point of view. In its original position in the opening article of the section, the sentence had reflected the general idea that a treaty was void if its invalidity was established under the provisions of the various articles which followed article 39; but it had now been moved to article 65, the purpose of which was quite different since it dealt with the consequences of invalidity. The original arrangement by the International Law Commission had been a logical one and had been consistent with the universally accepted principle that a void instrument could have no effect in law.

27. Mr. DE BRESSON (France) said he regretted the way his delegation's amendment to article 65 had been criticized. That amendment was different from the Peruvian amendment to article 39 (A/CONF.39/C.1/L.227) which was to introduce in the second sentence of article 39, paragraph 1, the phrase “as a result of the application of the procedure laid down in article 62”; the use of that phrase could have been construed as making a substantive condition of the procedural provisions of article 62. The purpose of the French written amendment (A/CONF.39/C.1/L.363) was to introduce a reference to article 62 into the sentence. It had not met

<sup>6</sup> For earlier discussion of article 64, see 74th meeting.

<sup>7</sup> For earlier discussion of article 65, see 74th meeting.

with any criticism in the Committee of the Whole and had been referred without opposition to the Drafting Committee. The sentence now appeared in a slightly different form only as a result of subsequent developments, including his delegation's proposal at the seventy-sixth meeting to transfer it from article 39 to article 65. That proposal had merely been intended to reflect more clearly the meaning given to the sentence by the International Law Commission itself, by the Expert Consultant, and in fact by all delegations; there had been no intention to affect in any way the scheme of nullities set forth in the draft articles.

28. The sole purpose of the various proposals made by France in regard to articles 39, 62 and 65 had been to express more clearly the scheme embodied in the draft articles. As far as substance was concerned, the question of invalidity—absolute or relative—depended on the provisions of the relevant substantive articles. As far as procedure was concerned, article 62 laid down the rules that must be followed to establish invalidity, whether absolute or relative. The French proposals did not prejudice in any way the decision with regard to the divergencies that had arisen on the concept of absolute and relative invalidity; they would, he hoped, be settled at the second session of the Conference.

29. It was not correct to say that the introduction of a reference to articles 43 to 50 and article 61 would exclude other articles of the draft. For example, articles 41 and 42, which had been mentioned in that connexion, contained express references to the substantive articles in question. No interpretation could therefore lead to the conclusion that there was any intention to exclude those provisions. He therefore urged the Committee to adopt article 65 as it had emerged from the Drafting Committee.

30. Mr. JAGOTA (India) said that article 65, as it had emerged from the Drafting Committee, did not tally with the decision of the Committee of the Whole at its eighty-first meeting, which was merely, in accordance with the oral amendment proposed by France at the seventy-sixth meeting, to transfer the second sentence of paragraph 1 of article 39 to article 65. That meant that the sentence was transferred with its wording unchanged. The Indian delegation could not therefore accept the changes which had now been made in the wording and supported the Ghanaian proposal that the first sentence of paragraph 1 be put to the vote separately.

31. Mr. FERNANDO (Philippines) said that many of the difficulties which had arisen could perhaps be removed by replacing the reference to articles by a reference to the "present Convention".

32. He supported the Ghanaian proposal for a separate vote on paragraph 1.

33. Mr. DE BRESSON (France) said he must point out that a specific reference to article 62 was contained in the French amendment (A/CONF.39/C.1/L.363) which had been submitted in writing. The purpose of the French amendment was clearly explained in paragraphs 66 and 67 of the summary record of the eighty-first meeting.

34. Mr. MWENDWA (Kenya) said that, like many other articles, article 65 had been referred to the Drafting

Committee without a vote. The Drafting Committee was of course not bound to incorporate all the amendments referred to it. He had attended the meeting of the Drafting Committee at which article 65 had been discussed and had asked whether the other members considered that the Commission's draft article covered the point of the French amendment; no one had suggested that the Commission's text did not cover that point. No cogent arguments had been advanced in favour of referring specifically to certain articles in Part V, and his delegation saw no need for such a reference.

35. Mr. HARRY (Australia) said that in his delegation's opinion what the Drafting Committee had done had been fully in accordance with the instructions of the Committee of the Whole. The transfer of the second sentence of article 39, paragraph 1, to another section of Part V made it necessary to specify the articles which related to invalidity, but not the other articles of Part V, which related to such matters as termination and suspension. The Drafting Committee had also been right to add a reference to the procedures laid down in article 62.

36. Mr. KOUTIKOV (Bulgaria) said that his delegation could not accept the limitations introduced in paragraph 1; it no longer corresponded to the second sentence of paragraph 1 of article 39, which had been much more general. The Committee of the Whole had merely instructed the Drafting Committee to transfer the provision from one article to another.

37. Mr. BINDSCHEDLER (Switzerland) said he supported the views expressed by the French and Australian representatives. He suggested that the second sentence of paragraph 1 be deleted as being entirely redundant.

38. Mr. SINCLAIR (United Kingdom) said it was quite clear, from the procedural point of view, that the Committee had decided to delete the second sentence of article 39, paragraph 1, on the understanding that the point would be covered in article 65, paragraph 1. The Drafting Committee had, however, been obliged to take into account the amendments referred to it in connexion with article 65, paragraph 1.

39. From the substantive point of view, his delegation considered that the Drafting Committee had considerably clarified article 65, paragraph 1. When the question whether the list of articles was exhaustive had been discussed in the Drafting Committee, no one had been able to indicate any other article relating to substantive grounds for invalidity. The reference to procedural safeguards was also useful.

40. Mr. IPSARIDES (Cyprus) said that, during the debate on article 39, his delegation had opposed the transfer of the second sentence of paragraph 1 to another section because the disappearance of the sentence made the introductory clause less comprehensive. The fact that the Drafting Committee had made that general provision unnecessarily specific only strengthened his delegation's opposition.

41. Mr. MYSLIL (Czechoslovakia) said that the proposal to transfer the second sentence of article 39, paragraph 1, had only been adopted by a very small majority. His delegation had opposed the proposal on the grounds that the balance of article 39 would thereby be disturbed; now that the Drafting Committee had introduced a

change which limited the scope of the principle itself, his delegation would be obliged to vote against the change. The Committee had obviously intended the Drafting Committee merely to transfer the relevant provision from article 39 to article 65. Moreover, the text of article 39, paragraph 1, as approved at the present meeting, referred both to the validity of a treaty and to the consent of a State to be bound by a treaty, whereas the Drafting Committee's text of article 65, paragraph 1, made no mention of consent.

42. Mr. WERSHOF (Canada) said that, as there were two separate points objected to in the first sentence, he wished to move that the vote on the first sentence be taken in two parts. The first would be as to whether the Committee wished to retain in that sentence a mention of the specific articles 43 to 50 and 61; if that vote were lost, then it would be understood that the Committee wished to say simply "the invalidity of which is established under the present articles". The second would be as to whether the Committee wished to retain the phrase "in accordance with the procedures laid down in article 62". If it was reasonable to grant the request of the representative of Ghana for a separate vote on the first sentence, then it was just as reasonable to divide that separate vote into two parts, because some delegations might not like to mention articles 43 to 50 and 61, but might think it proper and useful to mention the procedures laid down in article 62.

43. Mr. MARESCA (Italy) said that his delegation supported the Drafting Committee's text. It was an improvement on the International Law Commission's draft in that it clarified the underlying principles of Part V as a whole. The reference to the procedures laid down in article 62 was essential, since its omission might imply that invalidity could be declared unilaterally.

44. Mr. BARROS (Chile) said he supported the Canadian motion. To proceed otherwise would be tantamount to reopening the discussion on article 39 which the Committee had just adopted.

45. Mr. DE BRESSON (France) said that there were two points in the first sentence of paragraph 1; one was concerned with substance, the other with procedure. It would therefore be judicious to have two votes, one on the point of substance and the other on the point of procedure, as proposed by Canada.

46. Mr. OWUSU (Ghana) said that the simplest procedure would be to vote first on his delegation's proposal, which was to replace the Drafting Committee's text for the first sentence of article 65, paragraph 1, by the International Law Commission's text of the second sentence of article 39, paragraph 1.

47. Mr. BLIX (Sweden) said that three alternatives for the first sentence in paragraph 1 had been discussed in the Drafting Committee; they were, first, the Ghanaian proposal, secondly, the text proposed by the Drafting Committee, and thirdly, the text "A treaty the invalidity of which is established under the present convention and in accordance with the procedures laid down in article 62 is void". His delegation had voted for and now supported the Drafting Committee's text. The first part of the third alternative had not been discussed by the Committee of the Whole but the second part had, since

it was based on a French amendment (A/CONF.39/C.1/L.363) which had been submitted to the Committee of the Whole and considered by it and referred to the Drafting Committee without any opposition. While, therefore, there might be differences of opinion as to whether it was right for the Drafting Committee to mention articles 43 to 50 and 61, which was a point of substance, there could be no doubt that it was entirely proper for it to insist on including the phrase "in accordance with the procedures laid down in article 62", which was a point of procedure. In the opinion of the Swedish delegation, it would be reasonable to allow the Committee the option to delete the first part of the sentence and retain the second, which was what the Canadian proposal amounted to, but he would like to simplify that proposal by asking for a vote on the replacement of the words "under articles 43 to 50 and 61" by the words "by the present Convention". In that case, the Ghanaian proposal, being furthest removed from the existing text, would be voted on first and the Swedish proposal second.

48. The CHAIRMAN said that the applicable rule of procedure was rule 40—Division of proposals and amendments.

49. Mr. OWUSU (Ghana) said that he thought the relevant rule was rule 42—Voting on proposals.

50. Mr. JAGOTA (India) said that he supported the Ghanaian representative's view that the relevant rule was 42.

51. The CHAIRMAN said he had decided that the applicable rule was rule 41—Voting on amendments, and under that rule he now invited the Committee to vote on the Ghanaian proposal.

*The Ghanaian proposal was adopted by 48 votes to 31, with 8 abstentions.*

52. Mr. WERSHOF (Canada) said he agreed that it would not now be logical to vote on the Canadian proposal but he wished to call attention to the fact that, for the first time during the nine weeks of the Conference, a request for a separate vote had been opposed.

53. The CHAIRMAN said he would now put the Drafting Committee's text for article 65, as amended by Ghana, to the vote.

*Article 65, as thus amended, was approved by 63 votes to 2, with 20 abstentions.*

54. The CHAIRMAN said that the Committee had now concluded its consideration of the International Law Commission's draft. He would invite the representative of the Secretary-General to reply to a question which had been asked the previous day.

55. Mr. STAVROPOULOS (Representative of the Secretary-General) said that the representative of Canada had asked a question about the Secretary-General's practice as depositary in regard to the receipt of signatures and instruments of ratification, accession, etc., which were subject to reservations.

56. His answer to that question was that the Secretary-General had been instructed by the General Assembly not to attempt to decide whether a reservation was incompatible with the object and purpose of a treaty or

not. Such action would now be prohibited under article 16, paragraph (c). That was a matter which was left exclusively for the States concerned and on which the Secretary-General did not exercise any judgment. However, when a treaty expressly prohibited all reservations, or when it authorized specified reservations but not a particular reservation, it was the Secretary-General's practice not to receive the signature or the instrument which was subject to such a reservation. That duty was clearly imposed on the depositary by the treaty itself. The Secretary-General immediately brought the matter to the attention of the State in question and did his utmost to assist it in attaining its objective by means compatible with the treaty. The wording of article 72 as drafted by the Drafting Committee and adopted by the Committee of the Whole both permitted and required continuance of that practice.

57. The CHAIRMAN said that the Committee could hardly adopt the draft report in the absence of the Rapporteur, who had had to leave Vienna, so that it would be better to leave it over till the second session. He suggested that any comments be submitted to the Secretariat by 1 September 1968, and the Rapporteur could then decide whether and to what extent they should be incorporated.

*It was so agreed.*

#### **Arrangements for the second session of the Conference**

58. Mr. OGUNDERE (Nigeria), introducing his delegation's draft resolution (A/CONF.39/C.1/L.378) on arrangements for the second session of the Conference, said that under operative paragraph 2, concerning documentation for the second session, the Secretariat would be asked to prepare a draft of final clauses to be circulated before 31 December 1968.

59. Mr. BARROS (Chile) said he supported the draft resolution but questioned whether it was appropriate to

invite the attention of participating States to the desirability of sending as far as possible the same representatives to the second session as had attended the first.

60. Mr. ALCIVAR-CASTILLO (Ecuador) said he supported the draft resolution on the understanding that the date of the conference had been discussed with the committee on the co-ordination of conferences.

61. Mr. STAVROPOULOS (Representative of the Secretary-General) said that the date had been agreed with the appropriate authorities and with the Committee on Conferences.

*The Nigerian resolution was adopted.*

#### **Conclusion of the Committee's work**

62. Mr. DE BRESSON (France), speaking on behalf of the western European countries, Australia, New Zealand, Canada and the United States; Mr. CARMONA (Venezuela), on behalf of the Latin American States; Mr. JAGOTA (India), on behalf of the Asian States; Mr. HARASZTI (Hungary), on behalf of the socialist States; and Mr. OWUSU (Ghana), on behalf of the African States, paid tributes to the Chairman and officers of the Conference and to the Secretariat, and expressed their thanks to the Austrian Government.

63. Mr. VEROSTA (Austria) joined in the tributes paid to the Chairman, the officers and the Secretariat, and said that his Government was gratified that the third codification conference should have been held at Vienna.

64. The CHAIRMAN, thanking the representatives for their kind words and the Austrian Government for its hospitality, said that the Conference had laid a solid foundation for the work of the second session.

The meeting rose at 1.15 p.m.

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