

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

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Document:-  
**A/CONF.39/SR.2**

## **Second plenary meeting**

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)*

turn, had contributed valuable documentation. The Commission had prepared a draft which provided the Conference with a most suitable basis for its work.

58. The task of the Conference would be a difficult one. Success would be achieved only at the price of mutual concessions and reciprocal sacrifices; opposing but equally legitimate views would have to be reconciled in order to reach general agreement on the rules which would govern the conduct of States in their mutual relations. It was essential that the Conference should succeed and thereby introduce an element of security into a key sector of international law. If the Conference were to fail, a dangerous uncertainty would be created in a field that was vital to the satisfactory conduct of international affairs and indeed to the very existence of an orderly international society.

59. He relied on the co-operation of all participants in the performance of the Conference's constructive task and could assure them that, in the discharge of his duties, he would endeavour to assist the Conference to the best of his ability.

#### Adoption of the rules of procedure

[Item 4 of the provisional agenda]

60. The PRESIDENT invited the Conference to adopt its provisional rules of procedure.

*The provisional rules of procedure (A/CONF.39/2) were adopted.*

#### Adoption of the agenda

[Item 3 of the provisional agenda]

61. The PRESIDENT invited the Conference to adopt its provisional agenda.

*The provisional agenda (A/CONF.39/1) was adopted.*

The meeting rose at 7 p.m.

### SECOND PLENARY MEETING

*Wednesday, 27 March 1968, at 12 noon*

*President: Mr. AGO (Italy)*

#### Question of the representation of South Africa

1. Mr. SEATON (United Republic of Tanzania), speaking on a point of order on behalf of the African States, said that those States did not recognize the representatives sent by the South African régime. In the first place, that régime was not representative of the population of South Africa as a whole and, in the second place, the policy of discrimination it was pursuing with regard to Africans flagrantly violated the provisions of the United Nations Charter. The principle of universality on which the United Nations system was based applied only to the true representatives of those nations. The Africans of South Africa were not represented at the Conference. The African States asked the Conference to take note of that fact. When those nine million Africans had obtained their independence and freedom,

they would be entitled to consider that they were not bound by the Conference's decisions, since their representatives had not been invited to it and had not participated in it.

2. The PRESIDENT said that that statement would be reproduced in the record of the meeting.

#### Election of Vice-Presidents

[Agenda item 5]

3. The PRESIDENT reminded the Conference that under rule 6 of the rules of procedure (A/CONF.39/2) the Conference had to elect twenty-three Vice-Presidents. The delegations had discussed the election and had reached general agreement on nominations.

4. The rules of procedure of the United Nations General Assembly provided that one of the posts of Vice-President should go alternately for one year to a Latin American State and to a Western European or other State. He suggested that that post should go to Spain in 1968 and to Guatemala in 1969.

*It was so decided.*

5. The PRESIDENT read out the list of nominations upon which agreement had been reached: Afghanistan, Algeria, Austria, Chile, China, Ethiopia, Finland, France, Guinea, Hungary, India, Mexico, Peru, Philippines, Romania, Sierra Leone, Spain (for 1968), Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia. He proposed that the Conference should elect as Vice-Presidents the representatives of those twenty-three countries.

*That proposal was adopted.*

#### Election of the Chairman of the Committee of the Whole

[Agenda item 6]

6. Mr. EL-ERIAN (United Arab Republic) nominated Mr. Elias (Nigeria) for the office of Chairman of the Committee of the Whole.

7. Sir Francis VALLAT (United Kingdom), Mr. USTOR (Hungary), Mr. TABIBI (Afghanistan) and Mrs. ARBOLLEDA de URIBE (Colombia) supported that nomination.

*Mr. Elias (Nigeria) was elected Chairman of the Committee of the Whole by acclamation.*

#### Election of the Chairman of the Drafting Committee

[Agenda item 7]

8. Mr. KRISHNA RAO (India) nominated Mr. Yasseen (Iraq) for the office of Chairman of the Drafting Committee.

9. Mr. ALVARADO (Peru), Mr. PELE (Romania), Mr. TSURUOKA (Japan), Mr. EUSTATHIADES (Greece) and Mr. OSIECKI (Poland) supported that nomination.

*Mr. Yasseen (Iraq) was elected Chairman of the Drafting Committee by acclamation.*

**Appointment of the Credentials Committee**

[Agenda item 8]

10. The PRESIDENT reminded the Conference that under rule 4 of the rules of procedure the Credentials Committee had to consist of nine members appointed by the Conference on the proposal of the President. He understood it had been agreed that the Committee should have the same membership as the Credentials Committee of the General Assembly at its last session; he therefore proposed the following countries: Ceylon, Dominican Republic, Ireland, Japan, Madagascar, Mali, Mexico, Union of Soviet Socialist Republics and United States of America.

11. Mr. HAYES (Ireland) said he regretted that he was unable to serve on the Credentials Committee as he was the only representative of his country at the Conference and he would not be able to remain until the end of its proceedings.

12. The PRESIDENT suggested that the other eight members of the Credentials Committee should be appointed and that the ninth member should be nominated at a subsequent meeting, after consultation with the States participating in the Conference.

*It was so decided.*

The meeting rose at 1.10 p.m.

**THIRD PLENARY MEETING**

*Wednesday, 27 March 1968, at 5.45 p.m.*

*President: Mr. AGO (Italy)*

**Appointment of the Credentials Committee**

[Agenda item 8]

*(continued)*

1. The PRESIDENT said that eight of the nine members of the Credentials Committee had already been appointed at the previous meeting; he now suggested that the remaining vacancy be filled by Switzerland, whose representative had consented to serve. If there were no objection, he would therefore take it that the Conference agreed that the Credentials Committee consist of those nine delegations.

*It was so agreed.*

**Appointment of other members of the Drafting Committee**

[Agenda item 9]

2. The PRESIDENT said that the Conference was now called upon to appoint thirteen members of the Drafting Committee in addition to the Chairman of that Committee, who had already been elected by the Conference at its previous meeting, and the Rapporteur of the Committee of the Whole, who similarly had been elected by the Committee of the Whole at its first meeting.

3. The General Committee had decided to recommend that the following thirteen countries be appointed:

Argentina, China, Congo (Brazzaville), France, Ghana, Japan, Kenya, Netherlands, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America. If there were no objection, he would consider that the Conference agreed to adopt that recommendation.

*It was so agreed.*

**Organization of work**

[Agenda item 10]

4. The PRESIDENT said that the General Committee had decided to recommend that the Conference endorse the suggestions contained in the excellent Secretariat memorandum on "Methods of work and procedures of the first session of the Conference" (A/CONF.39/3), which was based on the experience of previous codification Conferences. The General Committee had nevertheless considered that the Conference and its organs should feel free at all times to adapt those methods and procedures to their needs.

5. Since the real success of the Conference would be measured not by the adoption of the various draft articles by the appropriate majorities, first by the Committee of the Whole and later by the Conference itself, but rather by the ratifications and accessions which the future instrument on the law of treaties would attract, he would urge all participants to co-operate in ensuring that the final outcome of the Conference was calculated to gain the broadest possible measure of support on the part of States.

6. If there were no comments, he would consider that the Conference agreed to endorse the Secretary-General's memorandum (A/CONF.39/3) on the understanding already indicated.

*It was so agreed.*

7. The PRESIDENT suggested that, in accordance with the satisfactory experience of the 1961 and 1963 Conferences, the Drafting Committee be entrusted with the task of preparing a draft preamble.

*It was so agreed.*

The meeting rose at 6 p.m.

**FOURTH PLENARY MEETING**

*Wednesday, 8 May 1968, at 12 noon*

*President: Mr. AGO (Italy)*

**Tributes to the memory of Mr. Antonio de Luna**

1. The PRESIDENT said that the meeting had been convened to pay a tribute to the late Mr. Antonio de Luna.

2. Mr. de CASTRO (Spain) said he was grateful to the President of the Conference for his initiative in convening a meeting for the purpose of paying a tribute to the late Mr. de Luna. The death of Mr. de Luna had left a gap in the international community. He personally had known him for very many years, since they had been colleagues at the universities of La Laguna, Salamanca