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SUMMARY RECORDS OF MEETINGS OF THE COMMITTEE OF THE WHOLE

EIGHTY-FOURTH MEETING

Thursday, 10 April 1969, at 10.45 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 *(resumed from the first session)*

Article 8 (Adoption of the text) [1]

1. The CHAIRMAN invited the Committee to consider the amendments and sub-amendments to article 8 submitted at the first session and still before it,[2] and the amendments submitted at the second session.[3]

2. Mr. HUBERT (France) reminded the Committee that the French delegation had submitted a number of amendments at the first session, dealing with the special class of treaties which had been tentatively called " restricted multilateral treaties ". Those treaties were referred to in draft article 17, paragraph 2, in which the International Law Commission had proposed that a reservation to such treaties required acceptance by all the parties. The French delegation had considered that provision justified because of the importance and the increasingly frequent use of restricted multilateral treaties in practice, but it believed that the reference to such treaties should not be confined to the reservations article. Accordingly, it had submitted several different amendments on the subject.

3. His delegation had reflected on the question in the interval, and though it considered that rules consonant with their special nature should govern such treaties, it had come to the conclusion that it was not essential that the amendments it had submitted should be included in the draft articles; it would be for the States concerned to include in their treaties provisions allowing for the special nature of restricted multilateral treaties. His delegation would not, therefore, press for a vote on the amendments it had submitted concerning that class of treaty. The amendments related to articles 8, 17, 26, 36, 37, 55 and 66. The Tunisian delegation, co-sponsor of the amendment to article 17 (A/CONF.39/C.1/L.113), had also consented to the withdrawal of that amendment. The French delegation was also withdrawing paragraph 3 of its amendment to article 2 (A/CONF.39/C.1/L.24) which no longer had any purpose since the term it mentioned was not used in the subsequent articles.

4. Mr. VEROSTA (Austria), introducing his delegation's amendment to article 8, paragraph 1 (A/CONF.39/C.1/L.379), said the expression " unanimous consent " was not satisfactory because it could not apply to bilateral treaties, where there could be no question of a majority. It would be better, therefore, to use the expression " consent of all the States ", which could apply to both bilateral and multilateral treaties.

5. Mr. KORCHAK (Ukrainian Soviet Socialist Republic) said that his delegation had stated at the previous session that it found article 8 acceptable, but that paragraph 2 of that article, referring to the adoption of a treaty by a two-thirds majority, was not precise enough and did not reflect current international practice. The delegation of the Ukrainian SSR had therefore submitted the amendment in document A/CONF.39/C.1/L.51/Rev.1. The purpose of that amendment was to confine the application of the provisions in paragraph 2 to general or other multilateral treaties, and to exclude restricted mutlilateral treaties. Practice over the past ten years had shown that general multilateral treaties were assuming increasing importance and their number was constantly growing. Treaties of that class were the more important inasmuch as they dealt with ever widening areas of human activity. They made it possible to establish the legal basis of relations between States and to develop co-operation in the most varied spheres. In the convention now being drafted by the Conference, every State should be accorded the right to participate in general multilateral treaties. The Ukrainian amendment indicated the special procedure to be applied in adopting the text of such treaties.

6. Mr. BRAZIL (Australia) said he regretted that the Australian amendment to paragraph 2 (A/CONF.39/C.1/L.380) had not yet been distributed. Its purpose, however, was simply to insert the word " general " before the phrase " international conference ". The idea on which that amendment was based had been discussed at the first session, and the representatives of Austria, Iraq and Argentina in particular had made

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[1] For earlier discussion of article 8, see 15th meeting, paras. 1-40, and 34th meeting, para. 2.

[2] The following amendments were still before the Committee: France, A/CONF.39/C.1/L.30; Ukrainian Soviet Socialist Republic, A/CONF.39/C.1/L.51/Rev.1. A sub-amendment to the French amendment had been submitted by Czechoslovakia (A/CONF.39/C.1/L.102). Amendments by Ceylon (A/CONF.39/C.1/L.43), Peru (A/CONF.39/C.1/L.101 and Corr. 1) and the United Republic of Tanzania (A/CONF.39/C.1./L.103) had been referred to the Drafting Committee at the first session.

[3] The following amendments had been submitted at the second session: Austria, A/CONF.39/C.1/L.379; Australia, A/CONF.39/C.1/L. 380.

statements to the same effect at the 15th meeting.[4] The expression " international conference " was not precise enough, since it could apply to a conference in which only a few States participated. In its commentary the International Law Commission had stated that paragraph 1 applied primarily to bilateral treaties and to treaties drawn up betwen only a few States and that paragraph 2 concerned treaties in which a larger number of States participated. But the text of paragraph 2 did not bring out that distinction plainly. The purpose of the Australian amendment was to repair that omission. The proposal differed in nature from certain other proposals relating to paragraph 2. Those proposals referred to " general multilateral treaties ", an imprecise concept involving an evaluation of the contents of a treaty. The Australian amendment concerned solely the number of States participating in the drafting of a treaty. It should, however, be noted that it would in part meet the Ukrainian representative's objections since it would make it plain that the two-thirds rule laid down in paragraph 2 applied to conferences in which the great majority of States participated.

7. Mr. KOULICHEV (Bulgaria) observed that, in drafting the article, the International Law Commission had taken into consideration the existence of various classes of treaty and had applied two different principles: the unanimity rule in the case of bilateral treaties and treaties concluded by only a few States, and the two-thirds majority rule for all other treaties, including general multilateral treaties. The text of article 8, however, did not bring out that distinction. The Bulgarian delegation therefore supported the Ukrainian amendment, which added an essential element of precision to paragraph 2. The Bulgarian delegation could accept the Austrian amendment as it was merely an amendment of form.

8. Mr. MENECEK (Czechoslovakia) said he was withdrawing his delegation's sub-amendment (A/CONF.39/C.1/L.102) to the French amendment (A/CONF.39/C.1/L.30).

9. Mr. USTOR (Hungary) said he supported the idea underlying the Ukrainian and Australian amendments, since the meaning of article 8, paragraph 2 needed to be made clearer. The expression " international conference " in that paragraph was not defined in article 2, and therefore had to be interpreted in a general sense. An international conference might, however, be a meeting of three, fifteen or twenty-five States, or more, depending on circumstances. The Australian amendment was an improvement, but it was essential to state precisely what conferences were intended. It was not enough to say that paragraph 2 applied to treaties concluded by " a large number of States ", since it was hard to see exactly what that meant. The best solution would be to modify paragraph 2 in the way indicated in the Ukrainian amendment introducing the notion of a " general multilateral treaty ".

10. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that the wording of article 8 was not clear, since it did not specify which kind of international treaty had to be adopted unanimously and which kind required a two-thirds majority. The word " treaty " appeared in both paragraphs of the article, but a different procedure for adoption was provided for in each paragraph. The fact that paragraph 2 provided for a two-thirds majority doubtless implied that the treaties concerned were at least tripartite treaties, but that should be stated explicitly in the text.

11. Again, multilateral treaties varied; there was a great difference between ordinary multilateral treaties and multilateral treaties which had an object and purpose of a general character related to the interests of the community of States as a whole and stated or codified rules with which every State, as a member of that community, had to comply.

12. General multilateral treaties were becoming increasingly important, as history showed. In the early days they had consisted merely of a few conventions or administrative unions, such as the Universal Postal Union, but there were now a very large number of general multilateral treaties dealing with a wide variety of aspects of international life.

13. After the Second World War historic development had brought about significant changes in the evolution of the institution of general multilateral treaties. In the early post-war years, a number of such treaties had been concluded, such as the Genocide Convention of 1948,[5] the four 1949 Geneva Conventions for the Protection of War Victims,[6] and the Convention on the Protection of Cultural Property in the Event of Armed Conflict.[7] A large number of those conventions had been concluded under the aegis of the United Nations or of other international organizations.

14. The very large increase in the variety of problems and questions for which from the point of view of international law, rules had to be made by means of general multilateral treaties, would undoubtedly continue. Apart from the growing number of conventions concluded within the framework of the United Nations specialized agencies and dealing with a relatively restricted range of specific questions of co-operation in specialized subjects such as meteorology, postal and telegraph matters and so forth, there were also conventions on important social questions of great contemporary significance such as the elimination of discrimination in education and of all forms of racial discrimination.

15. But the most striking and conclusive instances of the widening of the scope of such treaties and of the change in the kind of subject dealt with in general multilateral treaties were the Moscow Treaty banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water,[8] the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other

[4] See 15th meeting, paras. 12, 27 and 31.

[5] Convention on the Prevention and Punishment of the Crime of Genocide; United Nations, *Treaty Series*, vol. 78, p. 277.

[6] United Nations, *Treaty Series*, vol. 75.

[7] United Nations, *Treaty Series*, vol. 249, p. 215.

[8] United Nations, *Treaty Series*, vol. 480, p. 43.

Celestial Bodies,[9] and the Treaty on the Non-Proliferation of Nuclear Weapons.[10]

16. The profound change in the nature of the problems dealt with in general multilateral treaties had not come about by chance: it was the result of the development of international relations. New problems of interest to all the peoples of the world were constantly arising and it was essential that they should be settled. The united efforts of all States were required in order to solve a large number of important present-day problems. That was the reason and justification for the growing number of general multilateral treaties and for the increasingly important part they played, at a time when mankind was confronted with extremely urgent problems such as disarmament, the prohibition of nuclear weapons, the rational utilization of the resources of the sea, the use of the advances in science and technology in the interests of peace and progress and a number of problems of a humanitarian and social character. In such circumstances it was impossible to visualize international law without taking into account the increasing impact, scope and importance of general multilateral treaties. Their growing contribution to the formulation of new rules of contemporary international law had been emphasized by a number of writers in both Eastern and Western Europe.

17. The increasing importance of general multilateral treaties in contemporary international law and in international relations was an irreversible process which would continue whether people liked it or not, and it reflected in particular the active part played by a number of African, Asian and Latin American States which, from having been for long the helpless victims of colonialist exploitation, were now creators of international law.

18. It was unthinkable that the Conference should disregard that new development in treaty law, and his delegation therefore supported the amendment by the Ukrainian SSR (A/CONF.39/C.1/L.51/Rev.1) which not only made the language of article 8 perfectly clear but brought out the growing importance of the role of general multilateral treaties in contemporary international law.

19. Mr. MARESCA (Italy), referring to the Ukrainian amendment, said that it was difficult from the legal point of view to draw a distinction between general multilateral treaties and ordinary multilateral treaties. The notion of a general international conference was ambiguous: a conference was multilateral by definition, and there was no need to distinguish between general international conferences and international conferences in which a large number of States took part.

20. He was not sure that the French word " *rédaction* " in paragraph 1 was an exact translation of the English term " drawing up ", and he hoped that the Drafting Committee would consider that question.

21. Mr. WYZNER (Poland) said that, in his view, the rule laid down in paragraph 2 would facilitate and speed up the proceedings of international conferences. The reasons which had led the Commission to choose the two-thirds majority rule were well founded and corresponded to the prevailing practice in contemporary international relations, particularly as far as general multilateral treaties were concerned. The scope of application of that rule should be defined, however, and the Ukrainian amendment seemed to be most helpful in that respect. Furthermore, the Polish delegation considered that general multilateral treaties must be open for signature, ratification and accession by all States.

22. The Australian amendment was interesting and deserved careful consideration.

23. The Polish delegation had some doubt whether paragraphs 1 and 2 of article 8 were properly co-ordinated. According to the existing wording of paragraph 2, it would only be at an international conference that States might decide to apply a rule other than the unanimity rule in adopting a treaty. But, in order to promote treaty relations, States should also be free in other circumstances to choose the rule they considered to be the most appropriate. Since the term " international conference " had no precise meaning and had not been defined for the purposes of the present convention, the rule set out in paragraph 2 should be expressed in more flexible terms. Either the wording of paragraph 1 should be changed to indicate that multilateral treaties, especially general multilateral treaties, were adopted in accordance with the rules set out in paragraph 2 or it should be stated in paragraph 1 that States might decide by a two-thirds majority to apply a rule other than the unanimity rule.

24. Mr. JIMENEZ DE ARECHAGA (Uruguay) said that paragraph 2 laid down a rule which constituted progressive development of international law.

25. The wording proposed by the International Law Commission was obviously lacking in precision where the words " international conference " were concerned. There were different kinds of international conferences, and a meeting of three States might be regarded as an international conference.

26. Conferences held within an international organization caused no difficulty, since the procedure for adopting treaties was provided for in the rules of the organization. Nevertheless, certain regional conferences were organized independently of regional organizations. Paragraph 2 should include a reservation safeguarding the interests of States, especially of small States. That could be done either by defining the kind of international conferences referred to or by specifying the type of treaty concerned. His delegation was in favour of the former solution and supported the Australian amendment.

27. The Ukrainian amendment gave rise to serious problems. The expression " general or other multilateral treaty " did not make the text more precise; in fact, the form of words used by the Ukrainian delegation was intended to clarify the text by introducing the idea of

[9] For the text, see General Assembly resolution 2222 (XXI), annex.

[10] For the text, see General Assembly resolution 2373 (XXII), annex.

a " restricted multilateral treaty ", which the International Law Commission had considered, but had been unable to define. Indeed, it had been for that reason that the French delegation had withdrawn its amendments.

28. Mr. AMATAYAKUL (Thailand) said that paragraph 1 stated a rule which had traditionally been applied to multilateral and bilateral treaties. Recently, the tendency had been to adopt the two-thirds majority rule for general multilateral treaties; but that rule was not a well-defined one. The existing wording of paragraph 2 left States participating in a conference free not to apply the two-thirds majority rule.

29. To establish a classification of the various kinds of multilateral treaties would be premature. The choice of procedure for adopting the text of a treaty should be left to the States participating in the conference. The Thai delegation therefore favoured the International Law Commission's wording.

30. Mr. KUDRYAVTSEV (Byelorussian Soviet Socialist Republic) said that the amendment by the Ukrainian SSR was in keeping with the theory and practice of international law. The Australian amendment was interesting and deserved careful consideration. The International Law Commission's commentary emphasized the fact that paragraph 2 of article 8 referred to treaties in the drafting of which many States had participated. It was obvious that treaties drawn up by a large number of States were general multilateral treaties.

31. The Ukrainian amendment was useful because general and other multilateral treaties played an increasingly important part in solving world problems. Experience had shown that agreements such as the International Convention on the Elimination of All Forms of Racial Discrimination [11] and the Treaty banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water [12] and other agreements were drawn up in the interests of humanity as a whole.

32. The main task of the Conference was to contribute to the strengthening of world peace and security by drafting a convention on the law of treaties that would help to develop treaty relations among States on a basis of equality, sovereignty, co-operation and peace. The Ukrainian amendment was therefore fully consistent with the aims of the Conference.

33. Mr. NASCIMENTO E SILVA (Brazil) said that his delegation found the wording of article 8 as submitted by the International Law Commission satisfactory.

34. Paragraph 1 was perfectly clear: it concerned bilateral treaties or treaties involving very few States. The Austrian amendment (A/CONF.39/C.1/L.379) had the merit of emphasizing that point, but was more of a drafting change than a substantive amendment.

35. With regard to paragraph 2, the Ukrainian amendment (A/CONF.39/C.1/L.51/Rev.1) was based on an interesting idea, but particular attention should be paid to the observations made by the French representative, who had perceived that restricted multilateral treaties were fully covered by the provisions of paragraph 1 and the concluding provisions of paragraph 2, since the States participating in the conference in question were perfectly free to agree on a procedure for adoption involving a different voting rule from that normally required. Consequently, his delegation would have difficulty in accepting the Ukrainian amendment, even though it was undoubtedly evidence of a new tendency in international law to distinguish between general and restricted multilateral treaties. The difference, had proved too difficult to define, however, and the International Law Commission itself had refrained from including any definition in the text.

36. The Australian amendment (A/CONF.39/C.1/L.380) had the advantage of drawing a clear distinction between the provisions of paragraphs 1 and 2; his delegation therefore supported it unreservedly.

37. Nevertheless, the International Law Commission's text was still the clearest, and in view of its simplicity, the best.

38. Mr. BLIX (Sweden) said that the Committee had a choice between two alternatives, as the Uruguayan representative had pointed out: it could either specify the type of conference at which the adoption of the text of a treaty would take place by a two-thirds majority, or specify the type of treaty which should be adopted by that majority. Of the two main proposals before the Committee, the Australian amendment represented one of the two possible courses and the Ukrainian amendment the other. On the whole, his delegation shared the views of the Uruguayan delegation, and was sceptical about the second alternative. However, it was difficult to take a decision straight away. Out of respect for rule 30 of the rules of procedure, and in order to ensure an informed decision, no conclusion should be reached until the next meeting.

39. The Austrian amendment, on the other hand, raised no major difficulties.

40. Mr. RUEGGER (Switzerland) said he hoped that the texts prepared by the Conference would be clear and brief; in principle, therefore, he would prefer the International Law Commission's wording of article 8.

41. Consequently, his delegation appreciated the soundness of the French delegation's decision to withdraw its amendment (A/CONF.39/C.1/L.30). At the present stage, it would unnecessarily complicate the draft to talk of " general multilateral treaties " and " restricted multilateral treaties ", and for that reason his delegation could not accept the Ukrainian amendment (A/CONF.39/C.1/L.51/Rev.1).

42. On the other hand, the Swiss delegation agreed unreservedly with the Uruguayan representative's conclusions and accepted the Australian amendment (A/CONF.39/C.1/L.380), which proposed a suitable form of words. His delegation was also prepared to accept the Austrian amendment (A/CONF.30/C.1/L.379),

[11] For the text, see General Assembly resolution 2106 (XX), annex.

[12] See footnote 8.

which brought the wording of article 8 more into line with international practice.

43. Mr. STAVROPOULOS (Representative of the Secretary-General) drew the Committee's attention to the difficulties raised by paragraph 2 of article 8 as drafted by the International Law Commission. It laid down both a rule for the adoption of the text of a treaty and a rule for the adoption of the rules of procedure of the conference concerned on the question of voting, and appeared to depart from the practice of the United Nations and also from that of other international organizations. In United Nations practice, the rules of procedure of conferences were adopted by a simple majority because, under the United Nations Charter, decisions on procedural matters were normally adopted by a simple majority, and that rule had been automatically extended to United Nations conferences. That was why, for instance, the rules of procedure of the Conference on the Law of Treaties (A/CONF.39/10) [13] had been adopted by a simple majority; also, rule 61 of those rules provided that they could be amended by a decision of the Conference " taken by a majority of the representatives present and voting ".

44. It was also United Nations practice that decisions were taken by a majority of the representatives " present and voting ", abstentions and absences not being counted: decisions were not taken by a majority of " the States participating in the conference ", as provided in article 8, paragraph 2, which would normally be interpreted as meaning an absolute majority of all States present at the conference. Such absolute majorities were unknown in United Nations practice, except in the case of elections to the International Court of Justice.

45. There was no objection to the adoption of a residuary rule on the majority necessary for the adoption of the text of a treaty, since the conference concerned could always establish a different rule in any individual case. If paragraph 2 was adopted as it stood, the Secretariat would interpret the expression " States participating in the conference " as meaning " representatives present and voting ", in accordance with United Nations practice. In any event, the final phrase of paragraph 2 should be amended, either by deleting the words " by the same majority ", so that each conference could decide for itself by what majority it would adopt its voting rule, or by replacing the words " by the same majority " by the words " by a simple majority of the representatives present and voting ", which would be in keeping with United Nations practice.

46. The United Republic of Tanzania had already submitted an amendment in that sense (A/CONF.39/C.1/L.103), which had been referred to the Drafting Committee. He hoped that the Drafting Committee would consider his suggestions when it took up the Tanzanian amendment.

47. Mr. PHAM-HUY-TY (Republic of Viet-Nam) said he was glad to see that the two paragraphs of draft article 8 made an explicit distinction between international conferences open to all States — where, even if the purpose of the conference was restricted, the aim was to formulate norms of a general nature and of universal application and where the two-thirds majority or any other majority agreed upon by the conference could be interpreted as amounting to a " consensus " — and conferences open from the very beginning to a limited number of States only, where the unanimity rule was the only one by which the participating States could be firmly bound. He fully understood why the French delegation had withdrawn its amendment, but he thought it would nevertheless be advisable to make article 8 more explicit. Since it frequently took part in international conferences of a regional nature. the Republic of Viet-Nam was of the opinion that, for example, a distinction should be made between general international conferences and other international conferences. His delegation therefore supported the Australian amendment (A/CONF.39/C.1/L.380). It likewise supported the Austrian amendment (A/CONF.39/C.1/L.379).

48. Mr. EUSTATHIADES (Greece), referring to paragraph 1, said he supported the Austrian amendment (A/CONF.39/C.1/L.379), which made a useful point with respect to bilateral treaties.

49. With regard to paragraph 2, the debate had confirmed his feeling that it would be advisable not to alter the International Law Commission's text, in view of the difficulties which arose the moment an attempt was made to draw a distinction between general and restricted multilateral treaties. The French delegation had perceived those difficulties and had wisely withdrawn its amendment, but those of the Ukrainian SSR and Australia reopened the argument on that very point, namely, at what moment was it possible to say that an international conference was " general ", and at what moment could it be said that a multilateral treaty was " general ". It was clear that the purpose of a " general international conference " within the meaning of the Australian amendment (A/CONF.39/C.1/L.380) was necessarily to adopt a " non-restricted " multilateral treaty.

50. There was another reason in favour of the International Law Commission's text: once adopted, a text carried more weight than a text which was not adopted. Adoption was already a step towards authentication, the subject of article 9. It was advisable, therefore, to have a rule providing for adoption by a sufficient majority to give treaty its proper weight, and to that end it would be wise to support the two-thirds majority rule. Moreover, the provisions of paragraph 2 provided adequate flexibility, since it would always be possible to apply some other majority rule.

51. Mr. KHASHBAT (Mongolia) said he supported the Ukrainian amendment on the ground that it was essential to specify what treaty was meant in paragraph 2, in other words to specify what was the purpose of the " international conferences " referred to in the same paragraph. The discussion had not brought out any valid argument against making that point clear; the

[13] Printed in the *Official Records* of the first session, pp. XXVI-XXX.

opponents of the Ukrainian amendment merely said that it was not useful at the present stage, or that it would be rash, inasmuch as multilateral treaties as yet represented only a trend in international law. But multilateral treaties were already an established practice, as was confirmed, incidentally, by the *Treaty Series* regularly published by the Secretariat of the United Nations and comprising all agreements signed since the League of Nations. Thus the United Nations explicitly recognized the existence of such treaties.

52. The Austrian amendment (A/CONF.39/C.1/L.379) would appear to be purely of a drafting nature, and his delegation could support it. The Australian amendment (A/CONF.39/C.1/L.380) was interesting, but it called for more detailed study.

53. Mr. DADZIE (Ghana) said he would prefer to see the International Law Commission's text retained as a whole. It seemed to him useless to draw a distinction between different kinds of treaties and between different kinds of conferences, and he could not support the amendments which proposed to introduce such distinctions.

54. For the reasons stated by the representative of the Secretary-General, he accepted in principle the amendment submitted by the United Republic of Tanzania (A/CONF.39/C.1/L.103), subject to the necessary drafting changes; every conference should have sufficient latitude to decide for itself whether the question before it was one of procedure, calling for a decision by simple majority, or a question of substance which might call for a decision by a two-thirds majority.

55. The Austrian amendment (A/CONF.39/C.1/L.379) was a purely drafting matter and could be referred to the Drafting Committee.

56. Mr. JAGOTA (India) said that the question of the adoption of the text dealt with in article 8 was a purely procedural matter. The Australian and Ukrainian amendments, which had led the Committee to discuss the field of application of article 8 and, consequently, the type of conference referred to or the nature of the treaty concluded, were actually without relevance to article 8.

57. Paragraph 1 merely stated a rule which corresponded to general practice. It could be made more explicit along the lines of the Austrian amendment (A/CONF.39/C.1/L.379), which could be referred to the Drafting Committee.

58. With respect to paragraph 2, it was desirable, as the representative of the Secretary-General had observed, to interpret it as meaning a two-thirds majority of States " present and voting " at the time of the adoption of the treaty. In the light of that interpretation, it would no doubt be necessary either to adopt the amendment of the United Republic of Tanzania (A/CONF.39/C.1/L.103), referred to by the representative of the Secretary-General and supported by the representative of Ghana, or to say " unless a different rule is prescribed by the rules of procedure adopted at that conference ". The Committee might leave it to the Drafting Committee to amend paragraph 2 as necessary; but in any case it should be dealt with strictly as a procedural matter.

The meeting rose at 12.55 p.m.

EIGHTY-FIFTH MEETING

Thursday, 10 April 1969, at 3.10 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 8 (Adoption of the text) *(continued)* [1]

1. The CHAIRMAN invited the Committee to continue its consideration of article 8.

2. Mr. KORCHAK (Ukrainian Soviet Socialist Republic) said that his delegation wished to thank all those who had spoken in support of its amendment (A/CONF.39/C.1/L.51/Rev.1). He had not been convinced by the arguments advanced against that amendment, but in a sincere desire to facilitate general agreement his delegation was prepared to withdraw it. He reserved the right, however, to revert to the subject in plenary.

3. His delegation was prepared to support both the Austrian and the Australian amendments (A/CONF.39/C.1/L.379 and L.380).

4. Mr. SECARIN (Romania) said that, in general, his delegation approved of article 8, although it considered it possible that the drafting might be improved. The Austrian amendment (A/CONF.39/C.1/L.379), in particular, contained suggestions which he was inclined to consider favourably and he hoped that the Drafting Committee would take them into consideration.

5. His delegation had also been prepared to support the Ukrainian amendment (A/CONF.39/C.1/L.51/Rev.1); it would have greatly helped to clarify the position of general multilateral treaties, which were becoming increasingly important in the treaty relations of States.

6. His delegation also appreciated the efforts by the Australian delegation in its amendment (A/CONF.39/C.1/L.380) to clarify the text of paragraph 2. He hoped that on the basis of that text the Drafting Committee would reconsider the possibility of making drafting improvements in article 8 that would meet all the objections which had been raised.

7. Mr. YASSEEN (Iraq) said that at the first session his delegation had expressed the view that the text

[1] For the list of the amendments submitted, see 84th meeting, footnotes 2 and 3.