

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

Vienna, Austria  
Second session  
9 April – 22 May 1969

Document:-  
**A/CONF.39/SR.32**

## **Thirty-second plenary meeting**

Extract from the *Official Records of the United Nations Conference on the Law of Treaties, Second Session (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

(A/CONF.39/L.44) called for certain corrections by the Soviet Union delegation, which it would transmit in due course.

75. The Swiss amendment (A/CONF.39/L.45) called for no comment.

76. He noted that the United States representative had assured the Conference of his delegation's desire for compromise and conciliation. The Soviet Union delegation, like many other delegations, considered that a reference to the principle of universality in the preamble to the convention was essential. A mention of the principle in the preamble would cause the Soviet Union delegation to take a certain position on the convention as a whole. A refusal by the Conference to include a mention of the principle would cause the Soviet Union to take a different position on the Conference's work of codification.

77. In the circumstances, he had no objection to an immediate vote on the various amendments (A/CONF.39/L.42, L.43, L.44 and L.45), subject to the drafting suggestions he had made, if their sponsors so wished, but he would ask the Conference to postpone the vote on the Drafting Committee's draft preamble as a whole and on the paragraph inserting a reference to the principle of universality in the preamble.

78. Mr. ROMERO LOZA (Bolivia) said he supported the principle underlying the Swiss amendment (A/CONF.39/L.45), but thought it was too restricted, since it gave the impression that questions which had not been expressly regulated in the convention would continue to be governed by the rules of customary law alone. It should be couched in broader terms.

79. His delegation would vote for the amendment by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1), since Bolivia traditionally supported any proposal calculated to enhance the importance of fundamental freedoms.

80. It also very strongly supported the Ecuadorian amendment (A/CONF.39/L.44); the merits of the principle of freedom of consent were universally recognized. Since it had not been possible to state that principle expressly in article 2, it should be mentioned in the preamble.

81. His delegation would also vote for the Swedish amendment (A/CONF.39/L.43), the purpose of which was to secure closer co-ordination of the sources of international law.

82. Mr. SINHA (Nepal) observed that the conciseness and objectivity of the preamble submitted by the Drafting Committee harmonized perfectly with the convention itself. It was in conformity with the purposes of the United Nations Charter and gave due prominence to the rights and dignity of States, whether powerful or weak. It was well known that the preamble to a treaty contained the key to the interpretation of any obscure or ambiguous provisions. From that point of view the Drafting Committee's text of the preamble met all the conditions required for an introduction to the convention.

83. He wished to make a drafting suggestion for consid-

eration by the Drafting Committee, though he was not submitting it as a formal amendment; in the last line of the second paragraph the phrase "whatever their constitutional and social systems" should be replaced by the words "irrespective of their constitutional and social systems". The former phrase was not consistent with the dignity characterizing the remainder of the text and put the matter in a rather negative way, whereas the latter would be more suited to the context and was more positive.

84. All the amendments were useful. His delegation would vote for them, but, in any event, whether the amendments were adopted or rejected, it would vote for the text of the preamble submitted by the Drafting Committee. It would, however, have wished the principle of universality to be included in the preamble.

85. The PRESIDENT said that the Nepalese representative's suggestions would be referred to the Drafting Committee.

The meeting rose at 12.55 p.m.

### THIRTY-SECOND PLENARY MEETING

Tuesday, 20 May 1969, at 9 p.m.

President: Mr. AGO (Italy)

#### 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)

##### TEXT OF THE PREAMBLE SUBMITTED BY THE DRAFTING COMMITTEE (continued)

1. The PRESIDENT invited the Conference to continue its consideration of the preamble submitted by the Drafting Committee (A/CONF.39/18) together with the amendments by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1), Sweden (A/CONF.39/L.43), Ecuador (A/CONF.39/L.44) and Switzerland (A/CONF.39/L.45).

2. Mr. ALVAREZ TABIO (Cuba) said that the Drafting Committee's text provided a good working basis for the preparation of the final wording of the preamble, but he had reservations regarding the last paragraph. His delegation could not agree that the purposes of the Charter to which it referred would be promoted by excluding the principle of universality. On the contrary it was a retrograde step which took the Conference further away from the fundamental objective of developing friendly relations among nations and achieving international co-operation.

3. Nor was his delegation convinced that the great task of codification undertaken in the convention would be fulfilled, since the inclusion of article 77 removed from the convention as such the authority to state with immediate effect the *lex lata* rules it contained.

4. His delegation supported the amendment by Ecuador (A/CONF.39/L.44) to include in the third paragraph a reference to the principle of freedom of consent. That principle was of paramount importance; fair and just treaty relations were not possible without it. His delegation also supported the amendment by Sweden (A/CONF.39/L.43) which embodied the principle that peace must be built on the foundations of justice and international law.

5. With regard to the amendment by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1) he shared the views of other speakers that the reference to human rights and fundamental freedoms should be couched in the language of Article 1(3) of the Charter.

6. He was opposed to the Swiss amendment (A/CONF.39/L.45) since it would introduce an element of confusion. Paragraph 3 of article 27, which listed the sources to be used in interpretation, stated "there shall be taken into account, together with the context . . . any relevant rules of international law". Since, according to paragraph 2 of that article, the preamble formed part of the context, the Swiss amendment (A/CONF.39/L.45) would have the effect of placing customary law above the other sources of international law.

7. Mr. NEMECEK (Czechoslovakia) said that his delegation would vote in favour of the Netherlands and Costa Rican, the Swedish and the Ecuadorian amendments. It warmly supported the amendment by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1) to include a reference to the observance of human rights and fundamental freedoms. The precise wording should reflect the general agreement of the Conference, provided the essential idea was retained. His delegation also favoured the Swiss amendment (A/CONF.39/L.45), though it supported the suggestion put forward by the representative of Iraq at the previous meeting, that the adverb "expressly" should be dropped.

8. He hoped that the largest possible number of delegations would support the addition to the preamble of the suggested paragraph on the right of every State to enter into international treaty relations which had been advocated by some members of the Drafting Committee.<sup>1</sup> It would be lamentable if the Conference was unable to agree even on that modest formula, which reflected a generally accepted principle.

9. Sir Francis VALLAT (United Kingdom) said that his delegation would vote against the additional paragraph, if it were formally proposed, because it represented one more effort to raise, under the guise of "universality", a blatant political issue which had been spoiling the atmosphere of the Conference for the past two weeks. And his delegation, for one, was not prepared to go on having that political poker thrust down its throat.

10. With regard to the amendments which had been submitted to the preamble, he agreed with what the

United States representative had said at the previous meeting, except on one point: he personally considered that the Swiss amendment (A/CONF.39/L.45), affirming the rules of customary law, constituted a proper supplement to the preamble. At the same time, he agreed that the adverb "expressly" should be dropped.

11. Mr. NAHLIK (Poland) said that his delegation which, as a member of the Drafting Committee as well as of its sub-committee on the preamble, had participated in the formulation of the preamble, was among those in favour of the additional paragraph referred to by the Chairman of the Drafting Committee. The wording of the paragraph had been taken partly from the Australian suggestions concerning the preamble and partly from the proposal by Mongolia and Romania (A/CONF.39/L.4). So far as he could see, it contained nothing that could be regarded as unacceptable and he had accordingly been surprised to hear it referred to as a "political poker". It referred to a right already adopted by the Conference in article 5, and since that right was of the first importance, the preamble would be incomplete if it did not contain a reference to it.

12. His delegation had no objection in substance to the amendments by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1), Sweden (A/CONF.39/L.43) and Ecuador (A/CONF.39/L.44), although some of the elements they contained either stated the obvious or were less directly connected with the law of treaties than those mentioned in the Drafting Committee's text. They should perhaps be referred to the Drafting Committee so as to avoid repetitions and to ensure that the wording of the Charter was used when referring to the principles it embodied.

13. He had no objection to the Swiss amendment (A/CONF.39/L.45) restating the rule that customary rules were subsidiary to the treaty rules established in the convention. The proposed paragraph, if adopted, should, however, be amended so as to refer explicitly to customary "international" law, not just to "customary" law, and the adverb "expressly" should be dropped.

14. His delegation would be obliged to reserve its position on the seventh paragraph of the preamble; the belief that the codification and progressive development of the law of treaties had been "achieved in the present convention" could not be properly expressed until the whole of the convention had been adopted by the Conference. For that reason, he agreed with the USSR representative and the other speakers who had suggested that the vote on the preamble be deferred until all the substantive provisions of the convention and the final clauses had first been disposed of.

15. Mr. BINDSCHEDLER (Switzerland) said that he would agree to delete the adverb "expressly" from the text of his amendment (A/CONF.39/L.45), as suggested by the representative of Iraq at the previous meeting.

16. Mr. HOUBEN (Netherlands) said that he had understood the USSR representative to suggest that,

<sup>1</sup> See previous meeting, para. 9.

in the amendment submitted by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1), the language of Article 1(3) of the Charter should be used in preference to that of Article 55 c, on which it was in fact based.

17. There were several reasons for preferring the language of Article 55 c to that of Article 1(3) for the purposes of the amendment. Article 1 of the Charter set forth the purposes of the United Nations, and in paragraph 3 spoke of "promoting and encouraging" respect for human rights and for fundamental freedoms. The purpose of the amendment by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1) was to include a reference to human rights and fundamental freedoms in the sixth paragraph of the preamble, which dealt with "the principles of international law embodied in the Charter". In setting forth a principle of international law, it would be inappropriate to speak of "promoting and encouraging". The principle of international law in the matter could only be that of the "universal respect for, and observance of, human rights and fundamental freedoms", as set forth in Article 55 c of the Charter. In that context, his delegation attached much importance to the notion of "universal" respect and to the words "and observance of". The sixth paragraph of the preamble referred in general terms to the "principles of international law embodied in the Charter" as a whole, and not to the purposes of the United Nations set forth in Article 1, or the principles set forth in Article 2. It was worth noting that the sixth paragraph of the preamble mentioned among the "principles of international law embodied in the Charter" that of "non-interference in the domestic affairs of States" in language which departed from that used in Article 2(7) of the Charter, and which was not based on any other provision of the Charter.

18. Furthermore, the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States had agreed on a specific formulation of the Charter principle relating to the "duty of States to co-operate with one another in accordance with the Charter". In operative paragraph 2 (b) of that formulation, it was declared that "States shall co-operate in the promotion of universal respect for and observance of human rights and fundamental freedoms for all." That language had been taken from Article 55 c of the Charter and had been accepted by all the members of the Special Committee, including the USSR. The text of that formulation had been included in the Special Committee's report.<sup>2</sup>

19. He therefore appealed to the USSR representative to weigh carefully the reasons of the sponsors for using the language of Article 55 c of the Charter and to give that text his support.

20. Mr. KHLESTOV (Union of Soviet Socialist Republics) said he would not insist on his suggestion for a different wording and would be prepared to vote on

the language used in the amendment as it stood (A/CONF.39/L.42 and Add.1).

21. The PRESIDENT said he would now put the various amendments to the vote.

*The amendment by Ecuador (A/CONF.39/L.44) was adopted by 61 votes to 1, with 32 abstentions.*

*The amendment by Sweden (A/CONF.39/L.43) was adopted by 89 votes to none, with 3 abstentions.*

*The amendment by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1) was adopted by 93 votes to none, with 3 abstentions.*

*The amendment by Switzerland (A/CONF.39/L.45), as orally amended, was adopted by 77 votes to 6, with 11 abstentions.*

22. The PRESIDENT asked whether any delegation wished to make a formal proposal regarding the additional paragraph referred to by the Chairman of the Drafting Committee.

23. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that, at the previous meeting, he had understood the Romanian representative to have proposed the inclusion of the additional paragraph as an amendment to the preamble, and his delegation also wished to sponsor that amendment. However, since efforts were at present being made to reach a compromise solution on a number of important points, he moved that the vote on that amendment, and also on the preamble as a whole, be deferred. It would only make the whole situation more complex if the Conference were to vote forthwith on the amendment and the preamble as a whole.

24. Mr. KEARNEY (United States of America) said that the Conference should proceed to vote both on the amendment to the preamble and on the preamble itself. Further postponement would make it difficult for the Conference to finish its work in time.

25. Mr. SECARIN (Romania) said that the preamble was an essential part of the convention as a whole and should therefore include the principles on which the general philosophy of the convention was based. The amendment, which it had proposed to the Drafting Committee, related to one of those principles and merited careful study. He therefore supported the motion for postponement of the vote.

26. Mr. SEATON (United Republic of Tanzania) said that the motion for postponement was reasonable, since the Conference had not yet disposed of an important issue mentioned in the convention.

27. Sir Francis VALLAT (United Kingdom) said that the motion for postponement should be put to the vote without debate. His delegation strongly opposed the motion since it would further delay the work of the Conference.

28. Mr. BRODERICK (Liberia) said he saw no reason why the preamble should be divided into two parts. If

<sup>2</sup> See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 87, document A 6799, para. 161.

the proposed final paragraph was before the Conference, it should be voted on immediately.

29. The PRESIDENT invited the Conference to vote first on the motion to postpone the vote on the amendment to the preamble.

*The motion for postponement was rejected by 43 votes to 24, with 32 abstentions.*

30. The PRESIDENT invited the Conference to vote on the amendment to the preamble proposed by Romania and the Soviet Union.<sup>3</sup>

*The amendment to the preamble was rejected by 42 votes to 31, with 25 abstentions.*

31. The PRESIDENT invited the Conference to vote on the text of the preamble proposed by the Drafting Committee, as amended.

*The preamble, as amended, was adopted by 86 votes to none, with 11 abstentions.*

32. Mr. BLIX (Sweden) said that his delegation had abstained in the vote on the amendment by the Netherlands and Costa Rica (A/CONF.39/L.42 and Add.1), not because it was against the principle of universal respect for and observance of human rights and fundamental freedoms for all, but because it did not think that the principle of human rights was directly covered in the convention. The other principles enumerated in the sixth paragraph of the preamble were more closely related to some of the principles embodied in the convention.

33. His delegation had also abstained on the amendment by Romania and the Soviet Union because it referred to the "right" of any State to enter into international treaty relations. He could have supported the amendment had the word "capacity" been used instead.

34. Mr. DE LA GUARDIA (Argentina) said that he had abstained in the vote on the amendment by the Netherlands and Costa Rica for the reasons stated by the representative of Sweden.

35. Mr. BILOA TANG (Cameroon) said that his delegation had voted in favour of all the amendments to the preamble with the exception of the Swiss amendment (A/CONF.39/L.45), on which it had abstained because the amendment related to customary international law only.

36. With regard to the amendment by Romania and the USSR, he thought that the preamble was not the proper place for a reference to the principle of universality and his delegation had therefore abstained.

*Draft resolution relating to article 1*  
(resumed from the 30th plenary meeting)

37. The PRESIDENT invited the Conference to consider the draft resolution relating to article 1 which

had been submitted by the Committee of the Whole, and the amendment thereto proposed by Sweden (A/CONF.39/L.46).

38. The draft resolution was worded as follows:

*The United Nations Conference on the Law of Treaties,*

*Recalling* that the General Assembly of the United Nations, by its resolution 2166 (XXI) of 5 December 1966, referred to the Conference the draft articles contained in chapter II of the report of the International Law Commission on the work of its eighteenth session,

*Taking note* that the Commissions's draft articles deal only with treaties concluded between States,

*Recognizing* the importance of the question of treaties concluded between States and international organizations or between two or more international organizations,

*Recommends* to the General Assembly of the United Nations that it refer to the International Law Commission the study of the question of treaties concluded between States and international organizations or between two or more international organizations.

39. Mr. BLIX (Sweden) said that at the first session of the Conference his delegation had proposed the draft resolution relating to article 1 submitted by the Committee of the Whole.<sup>4</sup> The operative part of his delegation's present amendment provided that the proposed study by the International Law Commission of the question of treaties concluded between States and international organizations should be undertaken in consultation with the principal international organizations. He had consulted a number of delegations on that point and they had considered the amendment useful. He therefore hoped that it would commend itself to the Conference.

40. He wished to make two drafting changes in the text of the amendment; the word "assuring" in the second preambular paragraph should be replaced by the word "ensuring" and the word "close" in the operative paragraph should be deleted.

41. Mr. PINTO (Ceylon) said he supported the Swedish amendment because it provided for co-operation between the International Law Commission and the international organizations.

42. Mr. GONZALEZ GALVEZ (Mexico) said that adoption of the Swedish amendment would not affect the priorities already agreed to by the International Law Commission regarding the topics in its programme of work.

43. Mr. USENKO (Union of Soviet Socialist Republics) said that the operative part of the Swedish amendment was fraught with serious danger and he would therefore vote against it. Article 26 of the statute of the International Law Commission already provided that the Commission "may consult with any international or national organizations, official or non-official, on any subject entrusted to it if it believes that such a procedure might aid it in the performance of its functions." Under the Swedish amendment, the Commission would

<sup>3</sup> i. e. the proposed additional paragraph (see previous meeting, para. 9).

<sup>4</sup> See Committee of the Whole, 3rd meeting, paras. 5 and 75, and 11th meeting, para. 7.

be bound to consult the international organizations. Many international organizations were not universal in character but represented mainly the Western States. Those States would thus be in a position to exert pressure on the Commission and would, in fact, become consultant members.

44. In view of his delegation's position, he must ask for a separate vote on the operative paragraph in the Swedish amendment, which he would oppose. He had no objection to the two new preambular paragraphs it proposed.

45. Mr. YASSEEN (Iraq) said that he appreciated the Swedish delegation's desire for co-operation between the International Law Commission and the international organizations. However, that was already provided for in article 26 of the statute of the Commission, which had been drafted by the General Assembly itself.

46. Mr. WERSHOF (Canada) said that the representative of the USSR had perhaps exaggerated the position with regard to the Swedish amendment. In the first place, it was for the General Assembly to decide whether, and on what terms, to refer the topic to the International Law Commission. Secondly, while the Commission, under its own statute, would presumably consult the principal international organizations in one form or another when the Commission was engaged on a study that directly concerned the functioning of those organizations, the Swedish amendment could do no harm. Lastly, the suggestion that the Commission should consult the principal international organizations did not mean that it should invite them to take part in its work, as appeared to be suggested by the Soviet Union representative.

47. The Canadian delegation would therefore vote for the Swedish amendment; it had no objection to the request for a separate vote on the operative paragraph.

48. Mr. MARESCA (Italy) said that international organizations played an important part both in diplomatic law and in the law of treaties. Some international organizations were called upon, by their very nature, to contribute to the development of law — the Council of Europe was a case in point — and it would be wrong to ignore them. He hoped, therefore, that the Swedish amendment would be carefully considered by the Conference.

49. Mr. HUBERT (France) said that his delegation would abstain from voting on the draft resolution and the amendments thereto. The draft resolution formulated a recommendation to the General Assembly, which alone had competence to decide what topics should be submitted to the International Law Commission for study. The French delegation was not certain that the recommendation in the draft resolution ought to be made. The question of treaties concluded between States and international organizations or between two or more international organizations presented important and delicate problems. It might therefore be premature to refer the matter to the International Law Commission at the present stage.

50. The PRESIDENT said he would invite the Conference to vote first on the operative paragraph in the Swedish amendment (A/CONF.39/L.46), on which a separate vote had been requested.

*The operative paragraph in the Swedish amendment was adopted by 47 votes to 14, with 30 abstentions.*

51. The PRESIDENT invited the Conference to vote on the additional preambular paragraphs proposed in the Swedish amendment.

*The additional preambular paragraphs were adopted by 69 votes to none, with 24 abstentions.*

52. The PRESIDENT invited the Conference to vote on the Swedish amendment as a whole.

*The Swedish amendment as a whole was adopted by 64 votes to none, with 30 abstentions.*

*The draft resolution relating to article 1, as amended, was adopted by 85 votes to none, with 13 abstentions.*

*Proposal for the reconsideration of article 19  
(Legal effects of reservations)<sup>5</sup>*

53. The PRESIDENT invited the Netherlands representative to introduce his proposal for the reconsideration of article 19.

54. Mr. MAAS GEESTERANUS (Netherlands) said that his delegation, together with those of India, Japan and the USSR had submitted an amendment (A/CONF.39/L.49), to the text of article 19. Paragraphs 1 and 2 of article 19 described the legal effects of a reservation which had been accepted, whereas paragraph 3 stated the effects of a reservation to which an objection had been made; the factual situation in the two cases was therefore quite different. The article had been adopted at the 11th plenary meeting, and the Drafting Committee, of which the Netherlands delegation was a member, had reworded the article that very day, shortly before the plenary Conference had taken its decision. The rewording had followed the adoption by the Conference of an earlier amendment in connexion with another article, but he and the other sponsors of the amendment believed that the Drafting Committee had made a mistake in altering the wording of paragraph 3.

55. Paragraph 3 as adopted by the Conference stated that the legal effects were the same whether a reservation had been accepted or not. That might indeed be so in cases where a reservation declared that the reserving State excluded an article from a treaty, and that idea might lie at the root of the drafting error. What had been overlooked, however, was another category of reservations, where the reserving State declared that an article of a treaty was acceptable provided it was interpreted in a particular way; in such a case, a State which objected to that interpretation could not hold the opinion that the legal effects of its

<sup>5</sup> For earlier discussion of article 19, see 11th and 29th plenary meetings.

objection should be the same as they would be if it accepted the special interpretation.

56. The sponsors of the amendment took the view that the Conference should revert to the original text submitted by the International Law Commission and state that, when an objection was raised, the legal effects were that the treaty might be in force between a reserving State and the objecting State, but that the clause covered by the reservation and the objection would not apply as between the two States to the extent of the reservation.

57. The amendment was merely a correction of a drafting error, and contained no substance other than the considerations he had just put forward.

58. Mr. WERSHOF (Canada) said that his delegation did not necessarily object to the four-State amendment, but wanted to have some clarification of the kind of procedure the Conference was following. As the Netherlands representative had pointed out, the Conference had adopted article 19 in the form in which it had been submitted by the Drafting Committee. The Conference now had before it a document (A/CONF.39/22) in which all the articles definitively adopted were reproduced and renumbered. The Canadian delegation was afraid that the way in which the four-State amendment had been introduced might create the impression that any delegation wishing to reopen the discussion of any article could do so merely by submitting amendments to the new document. It was to be hoped that that was not the case and that the sponsors were really asking the Conference, as an exceptional measure, to reconsider a decision already taken, in order to allow them to propose an amendment. At first sight, his delegation had no objection to the amendment itself, but it wished to draw attention to the fact that the procedure of its submission was most unusual.

59. Mr. TALALAEV (Union of Soviet Socialist Republics) said that the error which now appeared in article 19 had probably occurred as the result of the adoption of a new principle concerning objections to reservations in connexion with article 17. The convention was now based on the presumption that a treaty entered into force between reserving and objecting States, except where an express declaration was made to the contrary. The Drafting Committee had therefore been quite right to alter the first part of paragraph 3 of article 19, which fully corresponded with the present situation of article 17 in view of the adoption of the USSR amendment (A/CONF.39/L.3) to the latter article. In doing so, however, the Drafting Committee had automatically changed the last part of paragraph 3 of article 19, with the result that the article now provided that the legal effects were the same whether or not an objection had been made to a reservation.

60. As the Netherlands representative had pointed out, the effects where a reservation was accepted and where an objection was made to a reservation might be the same, but there were other situations. In any case, the legal effects of an objection to a reservation would be that the provisions to which the reservation related

would not apply as between the two States concerned to the extent of the reservation. That principle, which had appeared in the International Law Commission's text and in the text approved by the Committee of the Whole at its 70th meeting, had not been disturbed by the adoption of the USSR amendment (A/CONF.39/L.3) to article 17. Accordingly, the Drafting Committee had erroneously changed the last part of paragraph 3 of article 19, and if that text were retained, the convention would lack a clear provision on the legal effects of objections to reservations, by implying that those effects would always be the same as the effects of reservations which had been accepted.

61. The sponsors of the amendment thought it advisable to revert to the International Law Commission's text, taking into account the new approach resulting from the adoption of the USSR amendment to article 17.

62. The PRESIDENT asked the Chairman of the Drafting Committee whether the change in question had been made before or after article 19 had been adopted by the Conference.

63. Mr. YASSEEN, Chairman of the Drafting Committee, said that the Drafting Committee had made the change before submitting the article to the Conference.

64. The PRESIDENT said that the question before the Conference was therefore one of reconsideration.

65. Sir Francis VALLAT (United Kingdom) said he did not wish to object to reconsideration if the proposal now before the Conference was indeed an improvement on the text which the Drafting Committee had submitted and which the Conference had adopted by 94 votes to none, with no abstentions. His delegation had realized that the four-State amendment was a reversion to an earlier text and had thought that the proposal would make very little difference; in the light of the explanations of the amendment, however, it had been disturbed by the introduction of a new category of reservations passing under the title of interpretative statements. If an interpretative statement was a reservation, article 19 should apply; if it was truly a statement of interpretation, it should not be caught by an article on reservations. That was his understanding of the position. If there was some particular problem, it should be dealt with expressly, not by means of a comparatively obscure amendment, introduced at that late stage. The Conference should adhere to a text which it had adopted virtually unanimously.

66. Mr. YASSEEN, Chairman of the Drafting Committee, suggested that the article be referred back to the Drafting Committee for possible rewording to dispel any doubts as to its meaning.

*It was so agreed.*

67. Mr. GONZALEZ GALVEZ (Mexico) moved the adjournment of the meeting under rule 27 of the rules of procedure.

*The motion for the adjournment was carried by 44 votes to 16, with 29 abstentions.*

The meeting rose at 11 p.m.