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31st meeting of the Committee of the Whole

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31st MEETING

Thursday, 28 April 1977, at 4.10 p.m.

Chairman: Mr. RIAD (Egypt)

In the absence of the Chairman, Mr. Ritter (Switzerland), Vice-Chairman, took the Chair.

Consideration of the question of succession of States in respect of treaties in accordance with resolutions 3496 (XXX) and 31/18 adopted by the General Assembly on 15 December 1975 and 24 November 1976 [Agenda item 11] (continued)

REPORT OF THE DRAFTING COMMITTEE ON THE TITLES AND TEXTS OF ARTICLES 1, 3 TO 5 AND 8 TO 10 ADOPTED BY THE DRAFTING COMMITTEE (A/CONF.80/C.1/1)

1. Mr. YASSEEN (Chairman of the Drafting Committee) said that the part of the report of the Drafting Committee under consideration (A/CONF.80/C.1/1) related to the titles and texts of articles 1, 3 to 5 and 8 to 10 adopted by that Committee; the Committee of the Whole had not yet formally referred the text of articles 2, 6 and 7 to the Drafting Committee. In considering the texts referred to it by the Committee of the Whole, the Drafting Committee had taken into account not only the drafting points which had been raised in connexion with proposed amendments and to which its attention had been formally drawn by the Committee of the Whole, but also; to the fullest possible extent, the suggestions made by particular delegations during the Committee's discussions. He would refrain from drawing attention in every instance to changes such as the replacement of the expression "the present articles" by the expression "the present Convention" wherever the former expression had been used in the titles and texts of the draft articles, or, as a general rule, to minor drafting changes such as questions of punctuation.

*Article 1 (Scope of the present Convention)*¹

2. Mr. YASSEEN (Chairman of the Drafting Committee) said that the Drafting Committee had adopted without change the title and text of article 1 prepared by the International Law Commission and referred to it by the Committee of the Whole.

3. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted on second reading the title and text of article 1 submitted by the Drafting Committee.

*It was so decided.*²

Mr. Riad (Egypt) took the Chair.

¹ For earlier discussion of article 1, see 2nd meeting, paras. 1-5.

² For the adoption of article 1 by the Conference, see 5th plenary meeting.

*Article 3 (Cases not within the scope of the present Convention)*³

*Article 5 (Obligations imposed by international law independently of a treaty)*⁴

4. Mr. YASSEEN (Chairman of the Drafting Committee) said that, taking into account the discussions in the Committee of the Whole and also the terms of reference expressly given to it by that Committee, the Drafting Committee had considered the question of the consistency as between the different language versions of the use of tenses in article 3, subparagraph (a), and article 5 in the expressions "*seraient [est] soumis*" (in French), "would be subject" (in English) and "*estuvieran sometidos [esté sometido]*" (in Spanish). The Drafting Committee had decided that, both in article 3 and in article 5, the present tense, which already appeared in the French and Spanish versions of article 5, should be used for all language versions: the Drafting Committee's decision on that point had been prompted solely by a concern for grammatical logic and marked no departure from the approach to similar questions taken by the Vienna Conference on the Law of Treaties. Consequently, the words "are [is]" would replace the words "would be" in article 3, subparagraph (a) and article 5, respectively, of the English version; the word "*sont*" would replace "*seraient*" in article 3, subparagraph (a) of the French version; and the word "*estén*" would replace the word "*estuvieran*" in article 3, subparagraph (a) of the Spanish version.

5. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted on second reading the titles and texts of articles 3 and 5 submitted by the Drafting Committee.

*It was so decided.*⁵

*Article 4 (Treaties constituting international organizations and treaties adopted within an organization)*⁶

6. Mr. YASSEEN (Chairman of the Drafting Committee) said that the Drafting Committee had adopted without change the title and text of article 4, as referred to it by the Committee of the Whole.

7. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted on second reading the title and text of article 4 submitted by the Drafting Committee.

*It was so decided.*⁷

³ For earlier discussion of article 3, see 4th meeting, paras. 1-11.

⁴ For earlier discussion of article 5, see 4th meeting, paras. 36-55; 5th meeting, paras. 59-74; 6th meeting, paras. 1-16, and 8th meeting, paras. 1-18.

⁵ For the adoption of articles 3 and 5 by the Conference, see 5th plenary meeting.

⁶ For earlier discussion of article 4, see 4th meeting, paras. 12-35.

⁷ For the adoption of article 4 by the Conference, see 5th plenary meeting.

*Article 8 (Agreements for the devolution of treaty obligations or rights from a predecessor State to a successor State)*⁸

8. Mr. YASSEEN (Chairman of the Drafting Committee) said that the Drafting Committee had adopted the title and text of article 8 as referred to it by the Committee of the Whole, subject to a few minor drafting changes in two language versions. In paragraph 1 of the English version, the term "successor States" had been put into the singular ("successor State"), in view of the fact that the singular was used in related expressions in the same paragraph and that the term appeared in the singular in the other language versions. The word "*estén*" in paragraph 2 of the Spanish version had been replaced by "*estuvieran*", since the sentence was expressed in the past tense and that tense was used in the other language versions.

9. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted on second reading the title and text of article 8 submitted by the Drafting Committee.

*It was so decided.*⁹

*Article 9 (Unilateral declaration by a successor State regarding treaties of the predecessor State)*¹⁰

10. Mr. YASSEEN (Chairman of the Drafting Committee) said that the words "of a predecessor State" in the opening phrase of paragraph 1 had been deleted in all the language versions. In addition, the definite article appearing at the very start of the paragraph had been deleted from the English version, although, for purely linguistic reasons, it had been retained in the French and Spanish versions. The deletion of the words "of a predecessor State" had been prompted by a desire to bring out the underlying intention of the International Law Commission in adopting article 9, particularly where "other States parties" were concerned; the amended text of article 9 brought out more clearly the difference of emphasis which the Commission had sought to establish between that provision and the corresponding provision of article 8, a difference which reflected the distinction between unilateral declaration and devolution agreements. That change helped to dispel the mistaken impression, which might have been formed from a hasty reading of the previous wording, that the obligations or rights of a predecessor State could become obligations or rights of the "other States parties".

11. Also in paragraph 1, in the English version only, the expression "successor States" had been put

into the singular ("successor State"), for the reason which he had already indicated in connexion with article 8. The Drafting Committee had made no other changes to the text of article 9.

12. Mr. MBACKÉ (Senegal) said he considered the expression "in force in respect of a territory" to be inappropriate and would prefer the expression "applicable in a territory". Furthermore, he believed that a unilateral declaration "affirmed" rather than "provided for" the continuance in force of treaties.

13. Mr. YASSEEN (Chairman of the Drafting Committee) said that the Drafting Committee had not considered it necessary to replace the expression "in force in respect of a territory" used by the International Law Commission. That expression existed in legal parlance, and it was quite possible to conceive of a treaty being in force "in respect of" a territory.

14. Similarly, the Drafting Committee had seen no need to change the term "providing for" used by the International Law Commission, since that term could be applied either to a unilateral declaration or to a treaty agreement.

15. Mr. RANJEVA (Madagascar) said that, in his opinion, the observation made by the representative of Senegal was not of a purely linguistic nature; there was perhaps a slight difference in meaning between the expression "in respect of a territory" and the expression "in the territory". A distinction could be made between two types of treaties: valid treaties which were actually applicable to the territory and treaties whose validity was not questioned but which did not necessarily apply to the territory. The expression "in the territory" had the virtue of simplicity: it covered treaties in force which were actually applicable in the territory, whereas the expression "in respect of the territory" covered not only treaties in force which were applicable in the territory but also other treaties which might not be applicable in the territory but by which the successor State had agreed to consider itself bound, with the possibility of extending them to the territory.

16. Mr. MIRCEA (Romania) agreed with the representative of Senegal that the term "providing for" could not appropriately be applied to a unilateral declaration. There was also a discrepancy between the title and the text of article 9: the Drafting Committee had decided to delete the expression "of the predecessor State" in the text of the article, whereas it had retained it in the title. He wondered whether the unilateral declaration dealt with in article 9 could be held to have no effects for the predecessor State, since, in the existing text, the predecessor State was treated on the same footing as other States parties.

17. Mr. YASSEEN (Chairman of the Drafting Committee) said that the text of article 9 made it clear that what was involved was a unilateral declaration by a successor State regarding treaties of the prede-

⁸ For earlier discussion of article 8, see 13th and 14th meetings

⁹ For the adoption of article 8 by the Conference, see 5th plenary meeting

¹⁰ For earlier discussion of article 9, see 15th meeting, paras. 3-15.

cessor State. However, such a declaration had effects not only for the predecessor State but also for the other States parties; since a treaty of the predecessor State was concerned, the successor State could have relations with the other States parties only by the instrumentality of the predecessor State.

18. Mr. SETTE CÂMARA (Brazil) said he believed that the comment by the representative of Senegal applied only to the French text. In his opinion, the English text did not pose any problems. The Committee might therefore adopt article 9, on the understanding that the French version would be brought into line with the English version.

19. Mr. USHAKOV (Union of Soviet Socialist Republics) thought that the comment by the representative of Senegal was based on a misunderstanding. The article dealt with treaties applicable *in respect of* a territory and not *in* a territory — which was quite a different thing. The point raised by the representative of Senegal was a matter not merely of drafting but of substance, for the change that he was proposing would alter the very meaning of the article. Hence, the answer to the problem lay not with the Drafting Committee but with the Expert Consultant.

20. Sir Francis VALLAT (Expert Consultant) considered that the expression “treaties in force in respect of a territory” was perfectly clear.

21. Mr. YASSEEN (Chairman of the Drafting Committee) said that, in view of the statement by the Expert Consultant, there was no point in referring article 9 back to the Drafting Committee, which had already expressed its opinion. He therefore proposed that the Committee should vote on the Senegalese proposal.

22. Mr. MARESCA (Italy) said that he, too, thought it pointless to refer article 9 back to the Drafting Committee. In his opinion, the expression “in respect of a territory” covered all eventualities and could be applied to all cases. The expression “in a territory” would completely alter the meaning of the article, for the treaties in question did not strictly attach to a territory but related to that territory. Therefore, a general and neutral form of words should be used.

23. Mr. MBACKÉ (Senegal) said that he would not press for his proposal to be put to the vote.

24. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted on second reading the title and the text of article 9 submitted by the Drafting Committee.

*It was so decided.*¹¹

Article 10 (*Treaties providing for the participation of a successor State*)¹²

25. Mr. YASSEEN (Chairman of the Drafting Committee) said that the title and the text for article 10 adopted by the Drafting Committee followed those referred to it by the Committee of the Whole, with a few changes. In the Spanish version of the title, the word “*los*”, had been inserted between “*en*” and “*que*”, for reasons of style.

26. In paragraph 2, the words “as such” (“*en tant que telle*” in French and “*como tal*” in Spanish) had been inserted after the words “takes effect” (“*ne prend effet*” in French and “*surtirá efecto*” in Spanish). That change had been made in all versions for the sake of clarity. Consequently, the words “such a” and the Spanish word “*tal*” had been replaced by “the” and “*esta*”, respectively. In each language version the indefinite article had been substituted for the definite article preceding the words “successor State” where those words appeared for the first time in paragraph 2; however, the definite article preceding the words “successor State”, where they appeared for the second time in that paragraph, had been retained.

27. Lastly, in paragraph 3, in each language versions the words “of States” (“*d’Etats*” in French and “*de Estados*” in Spanish) had been inserted after the word “succession”, since the expression “succession of States” had the merit of conforming to the definition contained in article 2, subparagraph (b) of the basic text before the Conference.

28. Mr. SEPÚLVEDA (Mexico) drew the attention of the members of the Committee to an error in paragraph 2 of the Spanish version of the text adopted by the Drafting Committee, where the word “*disponga*” should be replaced by “*dispone*”.

29. Mr. TORRES-BERNARDEZ (Secretary of the Committee) said that that was a typing error which would be corrected forthwith.

30. Mr. MBACKÉ (Senegal) observed that, in French, the present indicative was normally used in drafting treaties. While the use of the future might be justified in the present instance, it would be better to use the present indicative, which would in no way alter the meaning of the article and would be more in keeping with the practice followed for drafting treaties in French.

31. Again, the wording of the phrase “it may notify its succession in respect of the treaty”, in paragraph 1, left room for improvement. The words “in respect of” (“*à l’égard de*”) should be replaced by “with regard to” (“*en ce qui concerne*”).

¹¹ For the adoption of article 9 by the conference, see 5th plenary meeting.

¹² For earlier discussion of article 10, see 16th meeting, paras. 7-67.

32. Mr. KRISHNADASAN (Swaziland) asked the Chairman of the Drafting Committee to provide some further explanation as to why the Drafting Committee had decided to insert the words "as such" after the words "takes effect", in paragraph 2. He hoped that the expression did not in that instance have the same meaning as in articles 11 and 12, where, in his opinion, the phrase "A succession of States does not as such affect" meant "a succession of States does not affect in virtue of this fact". If, in the article now under consideration, the expression was to be interpreted as meaning "in fact", his delegation would be able to approve the wording of the provision.

33. Mr. YASSEEN (Chairman of the Drafting Committee) said that, in the opinion of the Drafting Committee, the addition of the words "as such" did not in any way alter the meaning of article 10; the Drafting Committee had simply sought to emphasize and clarify the idea underlying article 10.

34. Mr. KEARNEY (United States of America), supported by Mr. KRISHNADASAN (Swaziland), considered that the original text of paragraph 2 had been clearer than the revised version submitted by the Drafting Committee. In his view, there was a real difference between the expression "such a provision takes effect" and the expression "the provision takes effect as such", which implied that other provisions might be involved, something that ought not to be the case. For that reason, he was in favour of retaining the original wording.

35. Mr. SATAR (Pakistan) drew the attention of the members of the Committee to another change to paragraph 2 mentioned by the Chairman of the Drafting Committee, namely, the replacement of the definite article by the indefinite article before the words "successor State" in the second line. That change did not make for a clearer text, and he was inclined to agree with the representative of the United States that it would be better to retain the text prepared by the International Law Commission.

36. Sir Francis VALLAT (Expert Consultant), referring to the comments by the representatives of the United States of America and Swaziland, pointed out that the question of the relationship between article 10 and other provisions of the draft regarding the continuance in force of treaties in certain cases, together with the problem of inconsistency as between those provisions, of their parallel implementation or of the primacy of one over the other, had already been discussed by the Committee. Article 10 dealt with the provisions of a treaty, regardless of whether or not that treaty was maintained in force. He believed that paragraph 2, in its previous wording, had been sufficiently clear on that point. If the expression "as such" continued to raise doubts, it might be better to revert to the original text.

37. As to the replacement of the definite article by the indefinite article, he considered that the definite

article might not cover every eventuality and that the indefinite article had been used for the sake of greater accuracy.

38. Mr. NAKAGAWA (Japan) endorsed the new wording of article 10. The addition of the words "as such" in no way altered the substance of the provision under consideration; it simply gave greater emphasis to the idea embodied in the article.

39. Mr. MIRCEA (Romania) welcomed the fact that the representative of Swaziland had raised the question of the insertion in paragraph 2 of the words "as such", which altered somewhat the meaning of the original text.

40. Mr. YIMER (Ethiopia) moved the closure of the debate in accordance with rule 24 of the rules of procedure (A/CONF.80/8).

41. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to close the debate on article 10.

It was so decided.

42. The CHAIRMAN invited the Committee to vote on the text of article 10, as submitted by the Drafting Committee.

The text of article 10 was adopted on second reading by 17 votes to 13, with 36 abstentions.¹³

PROPOSED NEW ARTICLE 22 *bis* (Notification by a depositary)¹⁴ (resumed from the 29th meeting)

43. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic), introducing the revised proposal for a new article 22 *bis* (A/CONF.80/C.1/L.28/Rev.1) on behalf of his own delegation and those of Czechoslovakia, Poland and Singapore, said that, as a result of consultations among interested delegations, it had proved possible to arrive at a text which should command very wide support. The text originally proposed (A/CONF.80/C.1/L.28) had raised difficulties for some delegations, including the delegation of Singapore, which was now one of the sponsors of the revised draft. The sponsors of the new text had replaced the word "notify" in paragraph 1 of the earlier text by the words "by writing inform" and had inserted the word "previously" before the word "extended". The new version did not purport to be perfect and, naturally, it would be for the Drafting Committee to work out a final text. He wished to thank the delegations which had taken part in the consultations on the draft article.

¹³ For the adoption of article 10 by the Conference, see 5th plenary meeting.

¹⁴ For the amendments submitted to the proposed new article 22 *bis*, see 29th meeting, foot-note 3.

44. Mr. STUTTERHEIM (Netherlands) said that, as he had already pointed out when the Committee had commenced its consideration of draft article 22 *bis*, his delegation had certain doubts regarding the words "all other relevant particulars relating to the treaty", at the end of the revised proposal. As a depositary, his Government already notified newly independent States, as far as possible, of treaties which had been extended to the territory to which the succession of States related, but exercised that function in accordance with the provisions of article 77 of the Vienna Convention on the Law of Treaties. He therefore proposed that the words "referred to in article 77, paragraph 1, subparagraphs (e) and (f) of the 1969 Vienna Convention on the Law of Treaties" should be inserted at the end of the revised text. Moreover, since such an article could be binding only on States parties to the future convention, it might be preferable to include such a proposal in the Final Act of the Conference. However, it was for the Drafting Committee to consider how the principle embodied in that provision could best be expressed—whether in an article or in the Final Act. Delegations would then be able to take a decision on the final proposal submitted by the Drafting Committee.

45. Mr. MUSEUX (France) said that, as pointed out by the representative of the Ukrainian SSR, the new version of article 22 *bis*, which was an improvement on the earlier text, had commanded wide support during the consultations among delegations. Nevertheless, it had not been possible to reach agreement on the suggestion made by his own delegation during the earlier debate on the new article to the effect that the obligations laid down in the provision should be confined, firstly, to *States*, since direct obligations could not be imposed on international organizations, and secondly, to *States parties* to the future convention. He therefore proposed that the words "The depositary" in the first line of the revised text should be replaced by the words "A State party to the present Convention which is a depositary" and that the words "if any", also in the first line, should be deleted. He supported the oral sub-amendment to the end of the text of the article proposed by the Netherlands representative, which helped to define more precisely the role of the depositary.

46. Mr. SATTAR (Pakistan) said that, judging from the debate, the majority of the members of the Committee were favourable to the proposed new article 22 *bis*. However, as other delegations had already pointed out, the only aim of the proposed article was to assist a newly independent State in deciding whether or not to become a party to a multilateral treaty, without any implication that the treaty continued in force in respect of the territory concerned. Consequently, his delegation proposed that, in the revised text, the words "the said treaty has been previously extended" should be replaced by the words "the said treaty was previously applicable", precisely in order to avoid giving such an impression of con-

tinuity. It would also be preferable to replace the words "the newly independent State" by the words "the successor State", in as much as the provision in question would apply to successor States in general, whether or not they were newly independent. The Drafting Committee could take account of those suggestions in preparing a final text.

47. Mr. BRECKENRIDGE (Sri Lanka) recalled that his delegation had already said that it appreciated the motives of the sponsors of the proposed article and recognized the need for a provision which would assist newly independent and successor States. None the less, it wondered if it would not be preferable to include such a provision in a declaration or resolution of the Conference, rather than in the convention itself. It was clear from the oral amendments proposed by the representatives of the Netherlands and France that, if the provision was incorporated in an article, it would not constitute an element in the progressive development of international law. Furthermore, the representative of Pakistan had emphasized the ambiguity of the proposed new article. For those reasons, his delegation, for one, would be unable to support the text of the proposed new article either as revised by its sponsors or with the addition of the amendments proposed by the representatives of France and the Netherlands.

48. Mr. ARIEF (Malaysia) considered that there could be no objection to the substance of the article: if it was intended that the depositary must, sooner or later, inform the newly independent State the phrase "as far as may be practicable" could lead to abuses by depositaries. If it was deemed absolutely necessary to qualify the duty of the depositary, it would be better to replace those words by the phrase "as soon as possible".

49. Referring to the English version of the revised proposal he remarked that the expression "in writing" would be preferable to the expression "by writing".

50. Mr. HASSAN (Egypt) endorsed the proposal by the representative of Pakistan to replace the words "the said treaty has been previously extended" by the phrase "the said treaty was previously applicable". Like the representative of Malaysia, he considered that the phrase "as far as may be practicable" made the duty of the depositary unclear. Such a limitation was desirable.

51. The sponsors of the proposed new article 22 *bis* should, perhaps, reconsider its wording in the light of the comments made during the debate.

52. Mr. MBACKÉ (Senegal) said he wished merely to point out that the addition proposed by the Netherlands delegation raised a problem of drafting. The insertion of the end of the revised proposal of a reference to article 77, paragraph 1, subparagraphs (e)

and (f) of the Vienna Convention on the Law of Treaties would have a restrictive effect, for depositaries might be willing to provide information other than that which was mentioned in those provisions of the Vienna Convention. Accordingly, he suggested that the words "including those" should be inserted at the beginning of the phrase which the Netherlands delegation proposed should be added to the end of the text under consideration.

53. Mr. EUSTATHIADES (Greece) recalled that he had already declared himself sympathetic towards the proposed article 22 *bis* and welcomed the fact that his concern over the scope of the duties of the depositary had led one delegation to propose that the words "the newly independent State" should be replaced by the words "the successor State". It would indeed seem that the depositary's duty to provide information should extend not merely to a newly independent State, but to any successor State, irrespective of the type of succession. Nevertheless, the original intention of the sponsors of the proposed article had been to specify the functions of the depositary with regard to newly independent States. That was clear not only from the wording of the proposal, but also from the position which they wished to give it in the draft. It went without saying that if the proposed article was designed to apply to all types of succession, it would have to be inserted at some other point in the draft convention. Like the representative of France, he thought it should be made clear that the proposed article was intended to apply to States parties to the future convention. It could be expected that, as depositaries of multilateral treaties, international organizations—and particularly the United Nations—could continue to discharge the duties mentioned in the proposed article. Any new organization acting as a depositary of multilateral treaties would undoubtedly follow their practice. In the final analysis, the proposed article should be addressed to States, especially those which had long been depositaries of multilateral treaties.

54. He favoured the deletion of the words "if any", which served no useful purpose. The final phrase of the proposed text was in contradiction with the expression "as far as may be practicable". It was obvious that the depositary would have to provide the newly independent State only with the relevant particulars it had at its disposal. In order to avoid misinterpretation of the provision, it might be advisable to delete the word "all" which now appeared before the words "other relevant particulars".

The meeting rose at 6.05 p.m.

32nd MEETING

Friday, 29 April 1977, at 11 a.m.

Chairman: Mr. RIAD (Egypt)

Consideration of the question of succession of States in respect of treaties in accordance with resolutions 3496 (XXX) and 31/18 adopted by the General Assembly on 15 December 1975 and 24 November 1976 [Agenda item 11] (continued)

PROPOSED NEW ARTICLE 22 *bis* (Notification by a depositary)¹ (continued)

1. Mr. HERNANDEZ ARMAS (Cuba) said that when the United Republic of Tanzania had submitted an oral amendment to article 19 (Reservations), which would fully restore the "clean slate" principle,² his own delegation had refrained from comment because its position was well known and would be shown by its vote in favour of that important amendment. In the present instance, however, he wished to place on record his full support for the important proposal to insert a new article 22 *bis*, which provided for the necessary co-operation with newly independent States. He could not endorse the oral amendments proposed by France³ and the Netherlands,⁴ which ran counter to the intrinsic purpose of the proposed new article.

2. Mr. MEDJAD (Algeria) said he supported the substance of the proposed new article 22 *bis*. But the phrase "as far as may be practicable" implied that it might not, in fact, be entirely practicable to provide the necessary written information to the newly independent State, and it was difficult to see why not. That phrase should be replaced by wording which imposed an obligation on the depositary to inform the successor State in writing.

3. Mr. MARESCA (Italy) said that the discussion on the proposed new article might be described as the revenge of diplomatic law, in other words, of a system which governed not only the organs, but also the forms and the procedures of international relations. That system was also based on rules of international courtesy, to disregard which would be highly detrimental to diplomacy at the multilateral level.

4. With regard to substance, he was grateful that the sponsors of the amendment had been kind enough to consider his suggestions, namely, that the word "notify" should be replaced by the word "inform", and that the information provided to the

¹ For the amendments submitted to the proposed new article 22 *bis*, see 29th meeting, foot-note 3

² See above, 27th meeting, para. 79.

³ See above, 31st meeting, para. 45.

⁴ See above, 31st meeting, para. 44.