

United Nations Conference on the Law of Treaties

Vienna, Austria
First and Second sessions
26 March – 24 May 1968 and 9 April – 22 May 1969

Document:-
A/CONF.39/26

Final Act of the United Nations Conference on the Law of Treaties

Extract from the *Official Records of the United Nations Conference on the Law of Treaties, First and Second Sessions (Documents of the Conference)*

**FINAL ACT
OF THE UNITED NATIONS CONFERENCE
ON THE LAW OF TREATIES**

(Document A/CONF.39/26)

1. The General Assembly of the United Nations, having considered chapter II of the report of the International Law Commission on the work of its eighteenth session (A/6309/Rev.1,¹ Part II), which contained final draft articles and commentaries on the law of treaties,² decided, by its resolution 2166 (XXI) of 5 December 1966, to convene an international conference of plenipotentiaries to consider the law of treaties and to embody the results of its work in an international convention and such other instruments as it might deem appropriate. By the same resolution, the General Assembly requested the Secretary-General to convoke the first session of the conference early in 1968 and the second session early in 1969. Subsequently, the General Assembly, noting that an invitation had been extended by the Austrian Government to hold both sessions of the conference at Vienna, decided, by resolution 2287 (XXII) of 6 December 1967, that the first session should be convened at Vienna in March 1968. At its fifth meeting, held on 24 May 1968, at the conclusion of the first session, the Conference adopted a resolution³ requesting the Secretary-General to make all the necessary arrangements for the Conference to hold its second session at Vienna from 9 April to 21 May 1969.

2. The first session of the United Nations Conference on the Law of Treaties was held at the Neue Hofburg, Vienna, from 26 March to 24 May 1968. The second session of the Conference was also held at the Neue Hofburg, from 9 April to 22 May 1969.

3. One hundred and three States were represented at the first session of the Conference, and one hundred and ten States at the second session, as follows: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados (second session only), Belgium, Bolivia, Brazil, Bulgaria, Burma (second session only), Byelorussian Soviet Socialist Republic, Cambodia, Cameroon (second session only), Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador (second session only), Ethiopia, Federal Republic of Germany, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea (first session only), Guyana, Holy See, Honduras, Hungary, Iceland (second session only), India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lesotho (second session only), Liberia, Libya (second session only), Liechtenstein, Luxembourg (second session only), Madagascar, Malaysia, Mali (first session only),

Malta (second session only), Mauritania (first session only), Mauritius, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama (second session only), Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Viet-Nam, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia (first session only), South Africa, Spain, Sudan (second session only), Sweden, Switzerland, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda (second session only), Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen (first session only), Yugoslavia and Zambia.

4. The General Assembly invited the specialized agencies and interested intergovernmental organizations to send observers to the Conference. The following specialized agencies and interested intergovernmental organizations accepted this invitation:

Specialized and related agencies

International Labour Organisation
Food and Agriculture Organization of the United Nations
United Nations Educational, Scientific and Cultural Organization
International Civil Aviation Organization
International Bank for Reconstruction and Development and International Development Association
International Monetary Fund
World Health Organization
Universal Postal Union
Inter-Governmental Maritime Consultative Organization
International Atomic Energy Agency

Intergovernmental organizations

Asian-African Legal Consultative Committee
United International Bureaux for the Protection of Intellectual Property
Council of Europe
General Agreement on Tariffs and Trade
League of Arab States

5. The Conference elected Mr. Roberto Ago (Italy) as President.

6. The Conference elected as Vice-Presidents the representatives of the following States: Afghanistan, Algeria, Austria, Chile, China, Ethiopia, Finland, France, Guatemala (for 1969), Guinea, Hungary, India, Mexico, Peru, Philippines, Romania, Sierra Leone, Spain (for 1968), Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

NOTE. — Document A/CONF.39/26 incorporates A/CONF.39/26/Corr.2.

¹ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 9.*

² See sect. B above, p. 7.

³ See A/CONF.39/14, chap. III, sect. B, draft resolution 3.

7. The following committees were set up by the Conference:

General Committee

Chairman: The President of the Conference

Members: The President and Vice-Presidents of the Conference, the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee.

Committee of the Whole

Chairman: Mr. Taslim Olawale Elias (Nigeria)

Vice-Chairman: Mr. Josef Šmejkal (Czechoslovakia)

Rapporteur: Mr. Eduardo Jiménez de Aréchaga (Uruguay)

Drafting Committee

Chairman: Mr. Mustafa Kamil Yasseen (Iraq)

Members: Argentina, China, Congo (Brazzaville), France, Ghana, Japan, Kenya, Netherlands, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and, *ex-officio* in accordance with rule 48 of the Rules of Procedure, Mr. Eduardo Jiménez de Aréchaga (Uruguay), Rapporteur of the Committee of the Whole.

Credentials Committee

Chairman: Mr. Eduardo Suárez (Mexico)

Members: Ceylon, Dominican Republic, Japan, Madagascar, Mali (first session), Mexico, Switzerland, Union of Soviet Socialist Republics, United Republic of Tanzania (second session) and United States of America.

8. Sir Humphrey Waldock, Special Rapporteur of the International Law Commission on the law of treaties, acted as Expert Consultant.

9. The Secretary-General of the United Nations was represented by Mr. C. A. Stavropoulos, Under-Secretary-General, The Legal Counsel. Mr. A. P. Movchan, Director of the Codification Division of the Office of Legal Affairs of the United Nations, acted as Executive Secretary.

10. The General Assembly, by its resolution 2166 (XXI) convening the Conference, referred to the Conference, as the basis for its consideration of the law of treaties, chapter II of the report of the International Law Commission on the work of its eighteenth session (A/6309/Rev.1, Part II), containing the text of the final draft articles and commentaries on the law of treaties adopted by the Commission at that session.⁴

11. The Conference also had before it the following documentation:

- (a) the relevant records of the General Assembly and of the International Law Commission relating to the law of treaties;
- (b) comments and amendments relating to the final draft articles on the law of treaties submitted by Governments in 1968 in advance of the Conference in accordance with General Assembly resolution 2287 (XXII) (A/CONF.39/6 and Add.1-2);

(c) written statements submitted by specialized agencies and intergovernmental bodies invited to send observers to the Conference (A/CONF.39/7 and Add.1-2 and Add.1/Corr.1);

(d) a selected bibliography on the law of treaties (A/CONF.39/4), an analytical compilation of comments and observations made in 1966 and 1967 on the final draft articles on the law of treaties (A/CONF.39/5, Vols. I and II), standard final clauses (A/CONF.39/L.1), a guide to the draft articles on the law of treaties (A/C.6/376) and other pertinent documentation prepared by the Secretariat of the United Nations.

12. The Conference assigned to the Committee of the Whole the consideration of the final draft articles on the law of treaties adopted by the International Law Commission and the preparation of the final provisions and of any other instruments it might consider necessary. The Drafting Committee, in addition to its responsibilities for drafting, and for co-ordinating and reviewing all the texts adopted, was entrusted by the Conference with the preparation of the preamble and the Final Act.

13. On the basis of the deliberations recorded in the records of the Conference (A/CONF.39/SR.1 to SR.36) and the records (A/CONF.39/C.1/SR.1 to SR.105) and reports (A/CONF.39/14, Vols. I and II and A/CONF.39/15 and Corr.1 (Spanish only) and Corr.2) of the Committee of the Whole, the Conference drew up the following Convention:

Vienna Convention on the Law of Treaties

14. The foregoing Convention was adopted by the Conference on 22 May 1969 and opened for signature on 23 May 1969, in accordance with its provisions, until 30 November 1969 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 30 April 1970 at United Nations Headquarters in New York. The same instrument was also opened for accession in accordance with its provisions.

15. After 30 November 1969, the closing date for signature at the Federal Ministry for Foreign Affairs of the Republic of Austria, the Convention will be deposited with the Secretary-General of the United Nations.

16. The Conference also adopted the following declarations and resolutions, which are annexed to this Final Act:

Declaration on the prohibition of military, political or economic coercion in the conclusion of treaties

Declaration on universal participation in the Vienna Convention on the Law of Treaties

Resolution relating to article 1 of the Vienna Convention on the Law of Treaties

Resolution relating to the Declaration on the prohibition of military, political or economic coercion in the conclusion of treaties

Resolution relating to article 66 of the Vienna Convention on the Law of Treaties and the Annex thereto

Tribute to the International Law Commission

⁴ See sect. B above, p. 7.

Tribute to the Federal Government and people of the Republic of Austria

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Vienna this twenty-third day of May, one thousand nine hundred and sixty-nine, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. By unanimous decision of the Conference, the original of this Final Act shall be deposited in the archives of the Federal Ministry for Foreign Affairs of the Republic of Austria.

ANNEX

Declarations and resolutions adopted by the United Nations Conference on the Law of Treaties

DECLARATION ON THE PROHIBITION OF MILITARY, POLITICAL OR ECONOMIC COERCION IN THE CONCLUSION OF TREATIES

The United Nations Conference on the Law of Treaties,

Upholding the principle that every treaty in force is binding upon the parties to it and must be performed by them in good faith,

Reaffirming the principle of the sovereign equality of States,

Convinced that States must have complete freedom in performing any act relating to the conclusion of a treaty,

Deploing the fact that in the past States have sometimes been forced to conclude treaties under pressure exerted in various forms by other States,

Desiring to ensure that in the future no such pressure will be exerted in any form by any State in connexion with the conclusion of a treaty,

1. *Solemnly condemns* the threat or use of pressure in any form, whether military, political, or economic, by any State in order to coerce another State to perform any act relating to the conclusion of a treaty in violation of the principles of the sovereign equality of States and freedom of consent,

2. *Decides* that the present Declaration shall form part of the Final Act of the Conference on the Law of Treaties.

DECLARATION ON UNIVERSAL PARTICIPATION IN THE VIENNA CONVENTION ON THE LAW OF TREATIES

The United Nations Conference on the Law of Treaties,

Convinced that multilateral treaties which deal with the codification and progressive development of international law, or the object and purpose of which are of interest to the international community as a whole, should be open to universal participation,

Noting that articles 81 and 83 of the Vienna Convention on the Law of Treaties enable the General Assembly to issue special invitations to States which are not Members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency, or parties to the Statute of the International Court of Justice, to become parties to the Convention,

1. *Invites* the General Assembly to give consideration, at its twenty-fourth session, to the matter of issuing invitations in order to ensure the widest possible participation in the Vienna Convention on the Law of Treaties;

2. *Expresses the hope* that the States Members of the United Nations will endeavour to achieve the object of this Declaration;

3. *Requests* the Secretary-General of the United Nations to bring this Declaration to the notice of the General Assembly;

4. *Decides* that the present Declaration shall form part of the Final Act of the United Nations Conference on the Law of Treaties.

RESOLUTION RELATING TO ARTICLE 1 OF THE VIENNA CONVENTION ON THE LAW OF TREATIES

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,^a

Taking note that the Commission'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,

Cognizant of the varied practices of international organizations in this respect, and

Desirous of ensuring that the extensive experience of international organizations in this field be utilized to the best advantage,

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

RESOLUTION RELATING TO THE DECLARATION ON THE PROHIBITION OF MILITARY, POLITICAL OR ECONOMIC COERCION IN THE CONCLUSION OF TREATIES

The United Nations Conference on the Law of Treaties,

Having adopted the Declaration on the prohibition of military, political or economic coercion in the conclusion of treaties as part of the Final Act of the Conference,

1. *Requests* the Secretary-General of the United Nations to bring the Declaration to the attention of all Member States and other States participating in the Conference, and of the principal organs of the United Nations;

2. *Requests* Member States to give the Declaration the widest possible publicity and dissemination.

RESOLUTION RELATING TO ARTICLE 66 OF THE VIENNA CONVENTION ON THE LAW OF TREATIES AND THE ANNEX THERETO

The United Nations Conference on the Law of Treaties,

Considering that under the terms of paragraph 7 of the Annex to the Vienna Convention on the Law of Treaties, the expenses of any conciliation commission that may be set up under article 66 of the Convention shall be borne by the United Nations,

Requests the General Assembly of the United Nations to take note of and approve the provisions of paragraph 7 of this Annex.

TRIBUTE TO THE INTERNATIONAL LAW COMMISSION

The United Nations Conference on the Law of Treaties,

Having adopted the Vienna Convention on the Law of Treaties on the basis of the draft articles prepared by the International Law Commission,

Resolves to express its deep gratitude to the International Law Commission for its outstanding contribution to the codification and progressive development of the Law of treaties.

TRIBUTE TO THE FEDERAL GOVERNMENT AND PEOPLE OF THE REPUBLIC OF AUSTRIA

The United Nations Conference on the Law of Treaties,

Having adopted the Vienna Convention on the Law of Treaties, *Expresses its deep appreciation* to the Federal Government and people of the Republic of Austria for making possible the holding of the Conference in Vienna and for their generous hospitality and great contribution to the successful completion of the work of the Conference.

^a Official Records of the General Assembly, Twenty-first session, Supplement No. 9 (A/6309/Rev.1), Part II.