United Nations Conference on the Law of Treaties

Vienna, Austria
First session
26 March – 24 May 1968

Document:-
A/CONF.39/C.1/SR.12

12th meeting of the Committee of the Whole

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

that it was self-evident could apply to a number of other articles, and its omission would only lead to a gap in a work of codification.

75. He was in favour of retaining paragraph 2, but in view of the difficulty of providing for all present and future federal arrangements and of the borderline between national and international law, he was willing to consider amendments aiming at the improvement of the wording.

76. Mr. TARAZI (Syria) said that article 5 should be retained. It formulated a rule analogous to the municipal rules of contract law concerning the capacity of individuals to enter into contracts. Now that the concept of dependent States had given way to full sovereign equality between States which were subjects of international law, an article on capacity was fully justified.

77. Paragraph 2 dealt with a practical problem that was perfectly relevant to the draft and should be retained with the clear separation between internal and international law established by the Commission, so that no conflict on that score could arise. The Austrian amendment did not quite fill the bill and the other amendments could be referred to the Drafting Committee.

The meeting rose at 6 p.m.

TWELFTH MEETING

Thursday, 4 April 1968, at 11 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 1866 *(continued)*

Article 5 (Capacity of States to conclude treaties) *(continued)*[1]

1. Mr. KUDRYAVTSEV (Byelorussian Soviet Socialist Republic) said he unreservedly supported the text of article 5 as drafted by the International Law Commission. In connexion with paragraph 1, he stressed that the basis of the capacity of States to conclude treaties was sovereignty. Sovereignty was an inalienable attribute of the independent State; it was also the basis of the universal participation of States in international affairs. In addition, at the root of international law lay the problem of maintaining peace and it was beyond question that in order to ensure lasting peace the fundamental rights of all members of the international community, including the right to conclude treaties, must be safeguarded.

2. The importance of paragraph 1 could not be overestimated, but paragraph 2 was also very important. The Byelorussian people had gained its freedom and independence as a result of the October revolution, and the Byelorussian SSR had been a sovereign State since 1919. It had concluded a large number of bilateral and multilateral agreements and was a founder member of the United Nations. It was a member of many specialized agencies and of the International Atomic Energy Agency, and it participated in the work of numerous bodies in the United Nations system. The status of the Byelorussian SSR as a subject of international law was affirmed in its Constitution and recognized in the Constitution of the USSR. The Byelorussian SSR was thus fully qualified to establish and maintain direct relations with foreign States. Paragraph 2 was, accordingly, consonant with the legislation and practice of the Byelorussian SSR. The text was the result of a compromise reached after long and patient work by the International Law Commission, and as it stood, it was entirely acceptable to the other participants in the Conference. Although in some federal States only the federal government had the capacity to conclude treaties, in others the component members of the union enjoyed that capacity. Paragraph 2 reflected that situation and was in conformity with international practice. He would, however, be prepared to accept the Austrian amendment (A/CONF.39/C.1/L.2), provided that the following phrase was added to it: "if it is provided for in the constitutional law of a federation, or of States members of a federation".[2] He asked that that addition be treated as a formal sub-amendment to the Austrian amendment.

3. Mr. MARESCA (Italy) said he thought it unnecessary to state rules which merely repeated what had already been said. The use of the words "concluded between States" in articles 1 and 2 implied the capacity of States to conclude international treaties. The old principle *pacta sunt servanda inter gentes* itself confirmed that capacity.

4. The 1961 and 1963 Vienna Conferences provided a useful precedent in that connexion. It had been proposed that the notion of *jus legationis* should be introduced into the 1961 and 1963 Conventions. It had been concluded, however, that that was unnecessary, as the point was so self-evident. Article 5, paragraph 1 was not essential, therefore, and could be deleted without impairing the clarity of the convention.

5. Paragraph 2 dealt with the more limited problem of federal States. To refer to the constitution of a State in connexion with international relations raised great difficulties. The paragraph therefore appeared to present more dangers than advantages. As it was not essential, it could also be deleted; or at least it should be modified on the lines of the Austrian amendment, which was calculated to reduce the uncertainty created by the reference to the internal law of a State.

6. Mr. KEARNEY (United States of America) also thought that article 5, paragraph 1 merely repeated what was implicit in articles 1 and 2. If, however, some representatives were very anxious to retain the paragraph, the United States delegation would not object.

7. Paragraph 2 raised a different problem. A number of federal States represented at the Conference believed that the retention of paragraph 2 would cause them difficulties, whereas it had not been shown that its deletion would cause difficulties for the other federal States. Paragraph 2 left too many questions unanswered, owing to the wide constitutional differences between one federal State and another. Failure to answer those questions would sooner or later cause difficulties for federal States.

[1] For the list of the amendments submitted, see 11th meeting, footnote 3.

[2] This sub-amendment was circulated as document A/CONF. 39/C.1/L.92.

8. The United States delegation was therefore in favour of deleting paragraph 2.

9. Mr. VOICU (Romania) said that a convention whose object was to codify the law of treaties should be in harmony with the fundamental principles of contemporary international law, in particular the principle of equality of the rights of States. The express affirmation of the capacity of any State to conclude treaties, which was a concrete and essential attribute of its international personality, should be prominent in the legal instrument being prepared.

10. That capacity concerned both States, as parties to treaties, and the international community as a whole. It was inherent in the very concept for the State of the purposes of contemporary international law. The question of capacity was not purely theoretical; it went to the root of the law of treaties. The Conference should therefore state the *jus tractatuum* explicitly. Article 5 was not tautological. If the convention was to meet the practical requirements of international relations, it must state the rule regarding capacity as it stood at present. The controversy aroused by the article clearly showed that it was far from being just a pleonasm.

11. The Romanian delegation was accordingly in favour of retaining article 5 as drafted by the International Law Commission.

12. All the amendments which would delete or alter the wording of paragraph 2 deserved consideration, but the Drafting Committee should nevertheless be asked to work out a better formulation of paragraph 2 if necessary, without in any way altering the substance of the article, which had already suffered a series of cuts in the International Law Commission and was regarded by the Romanian delegation as being perfectly satisfactory as it stood.

13. Mr. DE LA GUARDIA (Argentina) said that his country was a federal State and that under its constitution the members of the federation were not entitled to conclude treaties. Hence article 5 raised no difficulties for Argentina.

14. He had nevertheless appreciated the arguments advanced for deleting the article. Basically, paragraph 1 dealt with only one aspect of international capacity. As to paragraph 2, the text was not sufficiently clear: the meaning of the word "State", for example, differed from its meaning in paragraph 1. Furthermore, the matter dealt with was solely one of internal constitutional law, which had no place in the convention. In any case, the deletion of paragraph 2 would not impair the treaty-making capacity of the member states of certain federations.

15. In the first place, therefore, he supported the amendments deleting article 5. If they were not adopted, he would support the Australian amendment (A/CONF.39/C.1/L.62), which would delete paragraph 2. Lastly, if that amendment was not adopted either, he would support the amendments of Finland (A/CONF.39/C.1/L.54/Rev.1 and Corr.1) and the Congo (Brazzaville) (A/CONF.39/C.1/L.80), which would improve the wording by making it clearer.

16. Mr. LUKASHUK (Ukrainian Soviet Socialist Republic) said he would confine himself to answering the questions raised by various speakers, in particular the representative of Ceylon.

17. By creating the Soviet Union, the member republics had not surrendered their sovereignty, which was guaranteed in the constitution of the Union and affirmed in the constitutions of the republics. Moreover, the constitution of a member republic could not be altered without its agreement.

18. The republics enjoyed all the attributes of sovereignty. By virtue of its constitution, the Ukrainian Soviet Socialist Republic, for example, could maintain direct relations with other States, conclude treaties with them and exchange diplomatic and consular missions. The right to maintain foreign relations was thus widely recognized. The Ukraine was a party to over a hundred multilateral agreements and a member of many international organizations. The agreements concluded by a member republic of the Soviet Union were applicable solely within its territory and involved its own responsibility only. If necessary, however, the other republics or the Union could help a member republic to discharge its international obligations. The point dealt with in article 5, paragraph 2, concerned not only the republics of the Soviet Union but also the members of other federations. Article 5, paragraph 2, should reflect the general practice, not the practice of a particular federation. Consequently, the Ukrainian Soviet Socialist Republic could not support the Austrian amendment.

19. Mr. OGUNDERE (Nigeria) said that his country, being a federation, attached great importance to the retention of article 5. The Nigerian delegation would therefore vote against any proposal to delete it. Paragraph 1 was satisfactory. With regard to paragraph 2, he appreciated the force of the arguments advanced by the New Zealand representative in support of his delegation's amendment (A/CONF.39/C.1/L.59), but he could not agree to the words "States members" being replaced by the words "Political sub-divisions", which lacked precision. The Austrian amendment (A/CONF.39/C.1/L.2) was difficult for Nigeria to accept because it expressed only imperfectly what happened, for example, when a constituent unit of the Nigerian Federal Republic had dealings with bodies such as the World Bank or the International Monetary Fund. Before one of the units was granted a loan, the Federal Government usually had to provide, in addition to its guarantee, an attestation regarding the constitutional and legal position of the unit concerned. It was true that such arrangements were not in force in all federations. The important point was that the federal authority should be able to certify that, under the constitution, the constituent unit in question possessed the capacity to conclude an international treaty. The New Zealand and Austrian amendments should be referred to the Drafting Committee.

20. Mr. ALVAREZ TABIO (Cuba) said that the discussion had produced no convincing argument for deleting either the whole or part of article 5. On the contrary, everything seemed to militate in favour of retaining the article. At first sight, since a State was sovereign, it seemed unnecessary to include an article on its treaty-making capacity in international law. Internationally, a State was independent and could bind itself without interference from outside. Internally, its authority could not be equalled by any other power. Those principles could not, however, apply to States

with special structures, such as federal States, which in any case were not all organized alike. Their sovereignty was shared by the organs of the federal power and the member states, in accordance with their constitutions. In some cases the member states had treaty-making capacity and in others they did not. It was therefore necessary to state the general rule, without forgetting the exception. Paragraph 2 involved no interference in the internal affairs of a State, since it specified that the constitution determined the rights of member states.

21. The Austrian amendment (A/CONF.39/C.1/L.2), on the other hand, did not fully safeguard the internal law of the federal State, since it provided for confirmation. It would therefore be preferable to retain the existing text.

22. Mr. JIMENEZ DE ARECHAGA (Uruguay) pointed out that article 5, paragraph 2, had been adopted by the International Law Commission by a small majority. In the opinion of the Uruguayan delegation, the reason for deleting it was not that it involved interference in the internal affairs of a State. On the contrary, the paragraph postulated that international law would abdicate in favour of internal constitutional law—and that in the fundamental role of establishing what subjects of law were empowered to act. In fact, the capacity of a component State to act was determined not only by the constitution of the federal State, but also by the fact that other States agreed to conclude treaties with the component state. That point had arisen in connexion with the admission of the Ukrainian and Byelorussian Soviet Socialist Republics to membership of the United Nations. Not only the provisions of the Soviet Constitution, but also the agreement of other founder Member States had been necessary for the applications of those two States to be accepted.

23. In short, it would be dangerous to adopt paragraph 2, because international law would then no longer take precedence—everything would depend on the provisions of the constitution of the federal State. That State would then have a considerable advantage over a unitary State, for under cover of such a provision it could introduce into conferences and multilateral treaties a large number of subjects of law in the form of political sub-divisions which it decided to create. Federal States could thus cause serious imbalance by altering the number of parties and votes. That might have particularly serious consequences if an article 5 *bis* relating to general multilateral treaties were added, as proposed in document A/CONF.39/C.1/L.74. The Uruguayan delegation would therefore vote in favour of the Australian proposal to delete paragraph 2 (A/CONF.39/C.1/L.62). If that proposal was not adopted, it would ask for a separate vote on each paragraph of article 5 so that it could vote against paragraph 2.

24. Mr. EL DESSOUKI (United Arab Republic) said he was in favour of retaining article 5, which introduced into the convention an important principle relating to the capacity of a State to conclude treaties. That was a natural corollary of the principle of State sovereignty, which was basic to international law. The amendments concerning points of terminology could be referred to the Drafting Committee.

25. Mr. SUPHAMONGKHON (Thailand) said he did not agree with those representatives who had maintained that article 5 was unnecessary on the pretext that it was obvious that every State had the capacity to conclude treaties, which was a corollary of the principle of State sovereignty. Since the object of the Conference was to codify contemporary international law, which meant to present in written form the rules of international law at present applied, it seemed essential to mention that fundamental principle.

26. It had also been said that article 5 merely repeated what was already included in article 1 and article 2, paragraph 1 *(a)*. That was not so. Article 1 defined the scope of treaty law; article 2, paragraph 1 (*a*), defined the term " treaty "; article 5 proclaimed the right of all States, without exception, to conclude treaties.

27. With regard to article 5, paragraph 2, the right of states members of a federal union to conclude treaties depended on the constitution of the union, which explained the use of the words " may possess a capacity ". The phrase " states members of a federal union " was, perhaps, not felicitous and might lead to misunderstanding, for the constituent units of a federation were not always called " states "; sometimes they were " cantons " or " provinces." The Drafting Committee could examine that point.

28. Mr. VIRALLY (France) said it was open to question whether an article on the capacity of States to conclude treaties was appropriately placed in a part of the convention devoted solely to procedural questions. In view of the difficulty of finding a more suitable position, however, the French delegation was not proposing that the article be moved elsewhere.

29. It might also be asked whether the article was really useful in a convention relating, not to the rights and duties of States, but to the law of treaties. On that point, the French delegation shared the doubts expressed by the representative of the Federal Republic of Germany. It was always preferable to express clearly even things that seemed obvious. Article 5 made the draft somewhat clearer, and the French delegation would therefore support it.

30. If the article was to be retained, however, the wording adopted should be that of the International Law Commission, which seemed perfectly balanced. Consequently, the French delegation would not support any of the proposed amendments. Paragraph 1 was ambiguous, because the Commission had decided not to include a definition of the term " State " in the draft. As a result, the word " State " in that paragraph could mean either a sovereign State, which was too restrictive, since every member state of a federal group would then be denied treaty-making capacity; or every State, whether sovereign or not, which was too extensive, since every member state of a federal union did not have that capacity. A second paragraph was therefore required. In the opinion of the French delegation, the International Law Commission had worded that paragraph extremely aptly by leaving it to the constitutional law of each federal State to attribute treaty-making capacity to the member states and to determine its limits. That was the only formula that reflected established practice, which was, of course, extremely varied. Any attempt to go further

would involve the Conference in the internal law of States and lead to making the practice of some States prevail over that of others. That would obviously be unacceptable to the latter States and would create considerable difficulties in application.

31. Mr. KEBRETH (Ethiopia) said he was in favour of retaining paragraph 1. The capacity to conclude treaties was a fundamental principle which the law of treaties could not afford to ignore. Some speakers had said it was so self-evident that there was no need to mention it, but the Ethiopian delegation did not share that opinion. Experience had shown that certain powerful States had imposed restrictions on weaker States which might have been subjects of international law. Protectorate treaties, for instance, had opened the way to colonialism. The capacity of States to conclude treaties should be stated in a new context and take account of the requirements of the present-day world. It had to be borne in mind that the International Law Commission had touched on certain *jus cogens* aspects of the principle.

32. The Ethiopian delegation was in favour of deleting paragraph 2 for the reasons which had already been stated by many delegations; even if the treaty-making capacity of some constituent units of a federal State was recognized, there would still be too many difficulties in any attempt to apply the provisions of the draft articles. Moreover, the inchoate state of the laws governing many aspects of the treaty-making capacity of those constituent units might give rise to difficult and delicate questions that might involve probing too indiscreetly into the internal affairs of States.

33. Mr. ZEMANEK (Austria) explained that the Austrian delegation's amendment (A/CONF.39/C.1/L.2) was not intended to authorize any interference in the internal affairs of a federal State. Its purpose was to enable any State which was about to conclude a treaty with a state member of a federal union to obtain an assurance from an authority of the union that that state was in fact competent to conclude treaties.

34. If the word " confirmed " caused any difficulty, the Drafting Committee should be asked to substitute an analogous term, taking due account of the ideas expressed in the amendment.

35. He was opposed to the Byelorussian sub-amendment (A/CONF.39/C.1/L.92) to the Austrian amendment, as it involved an interpretation of the constitution of a federal State.

36. Mr. JACOVIDES (Cyprus) said that his delegation supported the amendments by Nepal (A/CONF.39/C.1/L.77/Rev.1) and Australia (A/CONF.39/C.1/L.62) deleting paragraph 2. If the Committee decided to retain that paragraph, however, the wording should be improved, and the amendments by Finland (A/CONF.39/C.1/L.54/Rev.1 and Corr.1) and Austria (A/CONF.39/C.1/L.2) might serve as a basis for drafting a new text.

37. Lastly, he thought that paragraph 1 should be retained, as it brought out a very important principle of international law: that of the sovereign equality of States.

38. Mr. SAMAD (Pakistan) said he was in favour of retaining paragraph 1, even if it was only a repetition of an important principle of international law. As to paragraph 2, he pointed out that the International Law Commission had stated in its commentary that " there is no rule of international law which precludes the component States from being invested with the power to conclude treaties with third States". Moreover, it was well known that the members of certain federal unions—the Swiss cantons, for example—had the capacity to conclude treaties by virtue of the federal constitution. Consequently, the delegation of Pakistan was in favour of retaining paragraph 2, subject to slight drafting changes.

39. Mr. YAPOBI (Ivory Coast) said he was in favour of retaining the whole of the text of article 5 as drafted by the International Law Commission, which had shown a keen sense of realism. In his opinion, article 5 was the inescapable corollary of article 1. Article 5, paragraph 1 stated the general principle that every State had the capacity to conclude treaties. That general rule was subject to a derogation which was stated in paragraph 2 of the article. Paragraphs 1 and 2 were not contradictory; they were complementary.

40. The present wording might call for some improvement: the Drafting Committee would be able to find satisfactory wording, taking account of the ideas expressed in the Committee.

41. Mr. YASSEEN (Iraq) said that his delegation was in favour of retaining article 5 as it stood.

42. Paragraph 1 was necessary because it specified that all States—and that excluded even implied recognition of the existence of dependent States—had the capacity to conclude treaties. Paragraph 2 was equally necessary because States now existed which were members of a federal union and had the capacity to conclude treaties, a capacity which was recognized within the limits of the federal constitution. The paragraph laid down the international rule that the matter was one for the federal constitution to decide.

43. Mr. MIRAS (Turkey) said that paragraph 1 was not absolutely necessary and should be deleted. Paragraph 2 might be of some use and should be referred to the Drafting Committee, so that its wording could be brought into harmony with the terminology used in the various constitutions of federal unions.

44. Mr. KHLESTOV (Union of Soviet Socialist Republics) proposed that article 5 should be put to the vote paragraph by paragraph.

45. Mr KEARNEY (United States of America) supported that proposal.

It was so decided.

46. The CHAIRMAN put to the vote the amendments to delete paragraph 1.

Those amendments were rejected by 70 votes to 19, with 7 abstentions.

47. The CHAIRMAN put to the vote the amendments to delete paragraph 2.

At the request of the representative of Australia, the vote was taken by roll-call.

Saudi Arabia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Singapore, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Ceylon, China, Cyprus, Dominican Republic, Ethiopia, Federal Republic of Germany, Greece, Guatemala, India, Ireland, Israel, Italy, Japan, Malaysia, Mexico, Nepal, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Republic of Viet-Nam, San Marino.

Against: Saudi Arabia, Senegal, Somalia, Switzerland, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Dahomey, Finland, France, Gabon, Guinea, Honduras, Hungary, Indonesia, Iran, Iraq, Ivory Coast, Kenya, Kuwait, Liberia, Madagascar, Mali, Mongolia, Nigeria, Pakistan, Poland, Romania.

Abstaining: Sierra Leone, Spain, Chile, Czechoslovakia, Denmark, Ecuador, Ghana, Holy See, Jamaica, Lebanon.

Those amendments were rejected by 45 votes to 38, with 10 abstentions.

48. The CHAIRMAN said that as a result of those two votes, the amendments by Australia (A/CONF.39/C.1/L.62), Mexico and Malaysia (A/CONF.33/C.1/L.66 and Add.1) and the Republic of Viet-Nam (A/CONF.39/C.1/L.82) and the second part of the amendment by Nepal (A/CONF.39/C.1/L.77/Rev.1) had been rejected.

49. He then put to the vote the sub-amendment by the Byelorussian Soviet Socialist Republic (A/CONF.39/C.1/L.92) to the Austrian amendment.

The sub-amendment was rejected by 42 votes to 17, with 28 abstentions.

50. The CHAIRMAN asked the Committee to vote on the Austrian amendment (A/CONF.39/C.1/L.2).

The amendment was rejected by 35 votes to 29, with 21 abstentions.

51. The CHAIRMAN said that the amendments submitted by Finland (A/CONF.39/C.1/L.54/Rev.1 and Corr.1) and New Zealand (A/CONF.39/C.1/L.59), the first part of the amendment by Nepal (A/CONF.39/C.1/L.77/Rev.1) and the amendment submitted by the Congo (Brazzaville) (A/CONF.39/C.1/L.80) would be referred to the Drafting Committee.[3]

52. Mr. CHAO (Singapore) said that his delegation had voted for the deletion of paragraph 2, the text of which might give rise to difficulties.

The meeting rose at 1.5 p.m.

[3] For resumption of the discussion on article 5, see 28th meeting.

THIRTEENTH MEETING

Thursday, 4 April 1968, at 3.15 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)*

Proposed new article 5 bis
(The right of participation in treaties)

1. The CHAIRMAN said that the joint authors of the proposal to insert a new article 5 *bis* (A/CONF.39/C.1/L.74) had asked that discussion of it be postponed.

2. Mr. KHLESTOV (Union of Soviet Socialist Republics) said the reason was that it had not yet been decided where the new article should be placed.[1]

Article 6 (Full powers to represent the State in the conclusion of treaties) [2]

3. Mr. DE CASTRO (Spain) said he supported the content of article 6 as drawn up by the Commission but considered that its wording could be made clearer and that was the reason for the Spanish amendment (A/CONF.39/C.1/L.36). Presentation of full powers was a general rule of customary law but in State practice it was not required of persons who performed certain functions. There seemed to be no need to refer to the negotiating stage in that article. His delegation had accordingly added a new paragraph 3 to the effect that failure to produce full powers did not affect the validity of the treaty when it appeared from the circumstances that such production was not considered necessary by the States concerned.

4. Mr. FLEISCHHAUER (Federal Republic of Germany) said that a rule concerning full powers must take account of a wide variety of national constitutional rules and practices and so should be drafted in flexible terms. The Commission's draft of paragraph 2 (*b*) might go beyond the practice of certain States but not be broad enough to cover that of others. A similar situation might arise under paragraph 2 (*a*).

5. There was a close relationship between the rules governing full powers and the rules of internal law on competence to conclude treaties, which was the subject of article 43. But the relationship between article 6 and article 43 was not quite clear. The wording of article 6, paragraph 2, would suggest an incontestable presumption that the persons mentioned there possessed the capacity to conclude treaties; the wording of article 43, however, led to the conclusion that that capacity might be challenged.

[1] At its 80th meeting, the Committee of the Whole decided to defer to the second session of the Conference consideration of all proposals, such as article 5*bis*, to add to the draft convention references to the term " general multilateral treaty ".

[2] The following amendments had been submitted: Spain, A/CONF.39/C.1/L.36; Federal Republic of Germany, A/CONF.39/C.1/L.50; Iran and Mali, A/CONF.39/C.1/L.64 and Add.1; Venezuela, A/CONF.39/C.1/L.68; Hungary and Poland, A/CONF.39/C.1/L.78 and Add.1; Italy, A/CONF.39/C.1/L.83; United States of America, A/CONF.39/C.1/L.90. The Venezuelan amendment was replaced by a joint amendment by Sweden and Venezuela (A/CONF.39/C.1/L.68/Rev.1).