

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/L.13

Draft alternative texts of the preamble and final clauses prepared by the Secretary-General

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume VI (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Fifth Session)*

DOCUMENT A/CONF.62/L.13*

Draft alternative texts of the preamble and final clauses prepared by the Secretary-General

[Original: English]
[26 July 1976]

CONTENTS

	Page
INTRODUCTION	125
I. PREAMBLE	125
II. FINAL CLAUSES	125
1. Participation in the convention; signature	125
2. Ratification	126
3. Accession	126
4. Entry into force	126
5. Provisional application	126
6. Relation to other conventions	126
7. Reservations	126
8. Territorial application	126
9. Denunciation	126
10. Revision or amendment	126
11. Termination	126
12. Notifications by the depositary	126
13. Authentic texts	127
14. Testimonium clause, place and date	127

Introduction

1. The President of the Third United Nations Conference on the Law of the Sea has informed the Secretary-General that, at the closing meeting of the fourth session, held on 7 May 1976, the Conference decided to request the Secretary-General to prepare draft alternative texts of the preamble and final clauses, collating historical precedents without giving the draft any political substance. The present document is submitted in accordance with that request.

I. Preamble

2. In United Nations practice, the preambles of treaties which progressively develop and codify international law are often short, sometimes with a reference to the decision to convene the conference that adopted the treaty, often with a statement that the treaty both codifies and progressively develops the law, and usually with an indication of the customary rules in regard to matters not expressly regulated by the treaty. The following draft text includes such provisions. It may be recalled here that part IV of the informal single negotiating text includes a separate preambular text.^{4**}

"The States Parties to the present Convention,

"Considering that the General Assembly of the United Nations, by its resolution 2749 (XXV) of 17 December 1970, adopted the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, and, by its resolution 2750 (XXV) of the same date, on Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea, decided to convene the Third United Nations Conference on the Law of the Sea,

"Recalling that the Conference has borne in mind resolution 3067 (XXVIII) of the General Assembly, declaring that the problems of ocean space are closely interrelated and

need to be considered as a whole, and has also borne in mind the desirability of adopting a convention on the law of the sea which will secure the widest possible acceptance,⁵

"Believing that the codification and progressive development of the law of the sea achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of co-operation among nations,⁶

"Affirming that the rules of customary international law continue to govern matters not expressly regulated by the provisions of the present Convention,⁷

"Have agreed as follows:"

II. Final clauses

3. The final clauses of United Nations multilateral treaties have not infrequently been the subject of debate among delegations. The inclusion of a draft text herein indicates merely that similar texts have in the past appeared in certain conventions concluded under the auspices of the United Nations and does not necessarily imply any opinion of the Secretary-General that such a text ought to be included in the convention on the law of the sea. When the revised single negotiating text⁸ already contains a provision on a particular subject, reference is made to that provision and no other texts are submitted. Where several different ways of handling a problem have been followed in different conventions, alternative examples are given on the basis of the main types of clauses that have been used. No attempt, however, has been made to list exhaustively all the variations that have appeared in the approximately 260 conventions deposited with the Secretary-General,⁹ since to do so would have greatly increased the length of this paper without any proportionate increase in its usefulness. The decision whether to include a text on any particular subject, and the choice between following one of the precedents or dealing with the problem in a novel manner, is left entirely to the Conference.

4. Foot-notes are appended to the various headings below to assist in understanding the various problems, and to indicate the models on which the texts are based. References are made in the foot-notes to various provisions of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969. That Convention is not yet in force (having received 26 out of the necessary 35 ratifications or accessions), but on many points it represents the views of States as to the existing law.

1. PARTICIPATION IN THE CONVENTION; SIGNATURE

(a) *By States*¹⁰

"The present Convention shall be open for signature by all States until ... at the Ministry of Foreign Affairs of the Republic of Venezuela and subsequently, until ... , at the United Nations Headquarters in New York."¹¹

(b) *By intergovernmental organizations*¹²

*Incorporating document A/CONF.62/L.13/Corr.1 of 30 July 1976.

**Foot-notes 4 to 43 can be found at the end of this document.

2. RATIFICATION¹³

“The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.”¹⁴

3. ACCESSION¹⁵

“The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.”¹⁶

4. ENTRY INTO FORCE¹⁷

“1. The present Convention shall enter into force on the ... day following the date of deposit of the ... instrument of ratification or accession.

“2. For each State ratifying or acceding to the Convention after the deposit of the ... instrument of ratification or accession, the Convention shall enter into force on the ... day after the deposit by such State of its instrument of ratification or accession.”¹⁸

5. PROVISIONAL APPLICATION¹⁹6. RELATION TO OTHER CONVENTIONS²⁰7. RESERVATIONS²¹

Formula A: No reservations permitted

“Reservations may not be made with respect to any of the provisions of the present Convention.”²²

Formula B: Certain reservations permitted

“Any State may, at the time of signature, ratification or accession, make reservations in respect of the following provisions of the present Convention: ...”²³

Formula C: Certain reservations not permitted²⁴

“At the time of signature, ratification or accession, any State may make reservations to any article of the present Convention other than articles ...”²⁵

Specification of a procedure for acceptance or rejection of reservations²⁶

“A reservation incompatible with the object and purpose of the present Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by the present Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States parties to the present Convention object to it.”²⁷

Withdrawal of reservations²⁸

“Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.”²⁹

Formula D: No clause on reservations³⁰

8. TERRITORIAL APPLICATION³¹

9. DENUNCIATION

Formula A: No clause on denunciation³²

Formula B: Free right of denunciation

“A State party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect ... after the date of receipt of the notification by the Secretary-General.”³³

Formula C: Right of denunciation after a fixed period

“1. After the expiry of ... from the date of the coming into force of the present Convention, any Party may denounce the present Convention by an instrument in writing deposited with the Secretary-General.

“2. The denunciation, if received by the Secretary-General on or before the ... day of [July] of any year, shall take effect on the ... day of [January] of the succeeding year, and if received after the ... day of [July] it shall take effect as if it had been received on or before the ... day of [July] in the succeeding year.”³⁴

10. REVISION OR AMENDMENT

Formula A: No clause on revision or amendment³⁵

Formula B: Request for revision

“1. After the expiration of a period of ... years from the date on which the present Convention shall enter into force, a request for the revision of this Convention may be made at any time by any contracting party by means of a notification in writing addressed to the Secretary-General of the United Nations.

“2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such requests.”³⁶

Formula C: Simplified procedure for amending technical annexes or appendices³⁷

11. TERMINATION

Formula A: No clause on termination³⁸

Formula B: Termination as the result of denunciations

“The Convention shall be terminated if, as a result of denunciations made in accordance with [the clause on denunciation], the conditions for its coming into force as laid down in [the provision on entry into force] cease to exist.”³⁹

12. NOTIFICATIONS BY THE DEPOSITARY

Formula A: No clause on notification⁴⁰

Formula B: Notification clause in general terms

“1. As depositary of the present Convention, the Secretary-General of the United Nations shall inform all States:

“(a) Of signatures to the Convention and of the deposit of instruments of ratification or accession;

“(b) Of the date on which the Convention will enter into force.

“2. The Secretary-General of the United Nations shall also inform all States, as necessary, of other acts, notifications or communications relating to the present Convention.”⁴¹

13. AUTHENTIC TEXTS

"The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send copies thereof to all States."⁴²

⁴ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8), document A/CONF.62/WP.9/Rev.1.

⁵ Closely follows the preambular paragraph of the declaration incorporating the "gentleman's agreement" made by the President and endorsed by the Conference at its 19th meeting on 27 June 1974.

⁶ Closely follows the penultimate paragraph of the preamble of the Vienna Convention on the Law of Treaties.

⁷ Closely follows the preambular paragraphs in several codification conventions, e.g., the Vienna Convention on the Law of Treaties. See also part II.6 of this document on relation to other conventions.

⁸ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8), document A/CONF.62/WP.8/Rev.1.

⁹ A compilation of the final clauses of these conventions appears in ST/LEG/SER.D/1, annex and supplements thereto.

¹⁰ The general practice of United Nations organs and conferences in drafting treaties is now to provide that the treaty shall be open to participation by "all States". There is a general understanding about the meaning of this expression, and that understanding was recorded as follows in a foot-note to article 48 of the Convention on a Code of Conduct for Liner Conferences, concluded at Geneva on 6 April 1974:

"It is the understanding of the Conference that the Secretary-General, in discharging his functions as depositary of a convention or other multilateral legally binding instrument with an "all States" clause, will follow the practice of the General Assembly of the United Nations in implementing such a clause and, whenever advisable, will request the opinion of the General Assembly before receiving a signature or an instrument of ratification, acceptance, approval or accession."

Various United Nations agreements provide a possibility for separate participation by dependent territories. For example, the General Agreement on Tariffs and Trade, signed at Geneva on 30 October 1947, provides in article XXVI that "if any of the customs territories on behalf of which a contracting party has accepted this Agreement possesses or acquires full autonomy in the conduct of its external commercial relations and of other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party". The Havana Charter for an International Trade Organization, done at Havana on 24 March 1948, contains similar provisions in article 71, allowing for separate membership of customs territories which are autonomous in the conduct of their external commercial relations and of other matters provided for in the Charter. Most United Nations commodity agreements make provisions for separate membership, if the responsible State so desires, of territories that export the commodity in question, if the metropolitan country is an importer. The Agreement establishing the Asian Development Bank, done at Manila on 4 December 1965, and the Agreement establishing the Caribbean Development Bank, done at Kingston, Jamaica, on 18 October 1969, contain provisions allowing certain dependent territories to become parties.

It will be recalled that dependent territories are the subject of the "transitional provision" that now appears at the end of part II of the revised single negotiating text.

¹¹ At its 49th plenary meeting held on 27 August 1974, the Conference decided that its final session should be held at Caracas for the purpose of signature of the final act and other instruments of the Conference.

When the conference has been invited by a host country, it is frequently provided that the treaty adopted shall be open for signature for a certain period at the Ministry of Foreign Affairs of the host country, and thereafter at United Nations Headquarters in New York.

Modelled on, e.g., article 86 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, done at Vienna on 14 March 1975.

14. TESTIMONIUM CLAUSE, PLACE AND DATE

"IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

"DONE AT CARACAS, this ... day of ... , one thousand nine hundred and seventy- ... "⁴³

¹² Several conventions concluded under the auspices of the United Nations are open to signature, ratification, etc., by certain intergovernmental organizations. In view, however, of the wide diversity among such organizations, the absence of any indication of how the eligibility of such organizations is to be established, and the very wide scope of the convention on the law of the sea, none of the precedents appears to be fully appropriate in the event that the Conference decides to open the convention to participation by organizations. As the Secretary-General has been requested to collate historical precedents in drafting these clauses, and none appears to be available in this case, no draft text is submitted on this point.

Recent commodity agreements (the International Cocoa Agreements, 1972 and 1975, the International Tin Agreement, 1975, and the International Coffee Agreement, 1976, the last of which specifically provides for participation by the European Economic Community) contain similar provisions to the effect that "Any reference in this Agreement to a 'Government' shall be construed as including a reference to any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements", and accordingly all provisions on signature, ratification, etc., apply to such organizations. The most recent of those agreements also contain provisions on when the organizations cast the votes of their members, and when the members vote for themselves. The Convention for the Protection of the Mediterranean Sea against Pollution, done at Barcelona on 16 February 1976, provides in article 24:

"[The Convention and Protocols] shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competences in fields covered by this Convention, as well as by any protocol affecting them."

It may also be recalled that the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character provides in article 90 that after entry into force of the Convention, the competent organ of an international organization of a universal character may adopt a decision to implement the relevant provisions of the Convention.

It may be recalled that at the fourth session, the Conference requested the Secretariat to prepare, in co-operation with the specialized agencies and other United Nations bodies, an annotated directory of global and regional organizations with competence in ocean affairs. This directory is issued as document A/CONF.62/L.14.

¹³ Some United Nations treaties allow for the deposit of instruments of "acceptance" or "approval", as well as instruments of ratification.

¹⁴ Identical with, e.g., article 87 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.

¹⁵ If the Conference decides that the convention will be open to accession by intergovernmental organizations or dependent territories, it would be desirable to specify that such accession is subject to the same conditions and procedures as apply to signature by such entities.

¹⁶ Identical with, e.g., article 88 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.

¹⁷ It may be noted that the revised single negotiating text, in part I, article 27 (which has not yet been fully dealt with by the First Committee), sets certain requirements for the composition of the Council. Under the present formulation of article 27, the Council cannot be constituted unless the required number of States in each of the listed categories have ratified or acceded to the convention.

Most United Nations treaties provide for entry into force when a fixed number of States have, by ratifying, acceding, etc., expressed their consent to be bound by the treaty. Some agreements, however, set additional requirements in order to ensure that a treaty, when it enters into force, will have substantial control of its subject-matter; thus, certain

treaties relating to shipping (the Convention on the Inter-Governmental Maritime Consultative Organization, signed at Geneva on 6 March 1948, and the Convention on a Code of Conduct for Liner Conferences, concluded at Geneva on 6 April 1974) set requirements not only in terms of a fixed number of States but also of the amounts of shipping tonnage they must possess. Likewise, all commodity agreements set requirements in terms of aggregate figures based on proportions of the world trade in the commodity in question. Comparable conditions, requiring certain numbers of States in specified categories as well as the attainment of a specified minimum of contributions, are set in section 3 (a) of article 13 of the Agreement establishing the International Fund for Agricultural Development, adopted at Rome on 13 June 1976.

¹⁸Modelled on, e.g., article 89 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.

¹⁹The revised single negotiating text contains, in part I, article 63, a text on provisional entry into force which in general follows similar provisions in United Nations commodity agreements. Article 25 of the Vienna Convention on the Law of Treaties contains rules on the provisional application of treaties. The report of the Secretary-General on examples of precedents of provisional application, pending their entry into force, of multilateral treaties, especially treaties which have established international organizations and/or régimes (A/AC.138/88), was prepared in response to the request of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (consequent upon the decision reached at its 93rd meeting on 6 April 1973).

²⁰The revised single negotiating text contains provisions on the relation of the convention to other conventions.

Article 30 of the Vienna Convention on the Law of Treaties states that:

"2. When a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.

"3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59 [on termination or suspension of the operation of a treaty implied by conclusion of a later treaty], the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty.

"4. When the parties to the later treaty do not include all the parties to the earlier one:

"(a) as between States parties to both treaties, the same rule applies as in paragraph 3;

"(b) as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations."

United Nations conventions sometimes expressly provide that they will "supersede in relations between the parties" (e.g., article 28 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature at Lake Success, N.Y., on 21 March 1950), or "terminate and replace, in relations between the contracting parties" (e.g., Customs Convention on the International Transport of Goods under Cover of TIR Carnets, done at Geneva on 14 November 1975) one or several earlier conventions. The Single Convention on Narcotic Drugs, 1961, in article 44, paragraph 2, provides an option to its parties to continue in force an article of a previous convention. On the other hand, other United Nations conventions are declared to be "without prejudice to" other conventions in force, or provide that they "shall not affect" other conventions (e.g., article 73 of the Vienna Convention on Consular Relations, done at Vienna on 24 April 1963).

²¹The General Assembly, in resolution 598 (VI) of 12 January 1952, recommended that "organs of the United Nations, specialized agencies and States should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them". Many of the conventions adopted by the General Assembly itself, however, do not contain a reservations clause.

The Vienna Convention on the Law of Treaties, in paragraph 1 (d) of article 2, states that a "reservation" means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in

their application to that State. Article 19 of that Convention provides that a State may formulate a reservation except in cases where the reservation is prohibited by the treaty itself expressly, or impliedly where the treaty provides that only specified reservations, which do not include the reservation in question, may be made. When there is no clause on the subject, a State may formulate a reservation unless the reservation is incompatible with the object and purpose of the treaty.

Paragraph 4 of article 20 of the same Convention states that, in such a case, acceptance by another contracting State of a reservation constitutes the reserving State a party to the treaty in relation to that other State if or when the treaty is in force for those States; an objection by another contracting State to a reservation does not preclude the entry into force of the treaty between the objecting and reserving States unless a contrary intention is definitely expressed by the objecting State; and an act expressing a State's consent to be bound by a treaty and containing a reservation is effective as soon as at least one other contracting State has accepted the reservation.

²²Modelled on, e.g., article 70 of the International Cocoa Agreement, 1975, and article 60 of the International Coffee Agreement, 1976. It may be added that the agreements allow the respective councils to relieve a member of any obligation—with a few stated exceptions—on account of exceptional or emergency circumstances.

²³Closely follows, e.g., article 50, paragraph 2, of the Single Convention on Narcotic Drugs, 1961.

²⁴If certain reservations are expressly not permitted, it follows that other reservations may be made.

²⁵Identical with article 8 of the Convention on the Nationality of Married Women, done at New York on 20 February 1957; closely similar to paragraph 1 of article 19 of the Convention on Fishing and the Conservation of the Living Resources of the High Seas and paragraph 1 of article 12 of the Convention on the Continental Shelf, both done at Geneva on 29 April 1958.

²⁶If the treaty is the constitution of an international organization, the Vienna Convention on the Law of Treaties provides, in article 20, paragraph 3, that

"When a treaty is constituent instrument of an international organization and unless it otherwise provides, a reservation requires the acceptance of the competent organ of that organization."

In case of such a reservation, the Secretary-General as depositary also communicates its text to the organization concerned, if its constituent instrument is already in force and its organs are already in being. It must be observed that it is possible to consult the competent organ of the organization only after the constitution comes into force (though before entry into force of the convention on the law of the sea it would of course be possible to consult a preparatory commission or some organ of the United Nations).

²⁷Closely follows paragraph 2 of article 20 of the International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature at New York on 7 March 1966.

²⁸Treaties which expressly permit the making of reservations usually also contain a provision on their withdrawal.

²⁹Modelled on paragraph 3 of article 20 of the International Convention on the Elimination of All Forms of Racial Discrimination.

³⁰The effect of not providing a reservations clause and the procedure followed in such a case are set out in foot-note 21 *supra*.

³¹Four alternatives to the treatment of clauses on territorial application in conventions may be cited:

(a) In many cases United Nations conventions do not contain a territorial application clause. The rule stated in article 29 of the Vienna Convention on the Law of Treaties is that "Unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory."

(b) Some conventions contain a territorial application clause indicating that the convention in question is applicable to the entire territory of a contracting metropolitan State, as in article IX of the Convention on the International Right of Correction, opened for signature at New York on 31 March 1953.

(c) A variation of the second alternative above is evidenced by conventions which contain the territorial application clause applicable to the entire territory of a contracting metropolitan State, except where the previous consent of a dependent territory is required, as in article 27 of

the Convention on Psychotropic Substances, done at Vienna on 21 February 1971.

(d) Certain conventions allow contracting States to make a declaration on the application of the Convention to dependent territories by notification, as in paragraphs 3 and 4 of article 11 of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, done at Geneva on 29 October 1971.

This matter is closely related to that of separate participation of dependent territories, referred to in foot-note 10 *supra*.

³²Article 56 of the Vienna Convention on the Law of Treaties provides:

"1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

"(a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or

"(b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

"2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1."

³³Closely follows article 21 of the International Convention on the Elimination of All Forms of Racial Discrimination.

³⁴Modelled on paragraphs 1 and 2 of article 29 of the Convention on Psychotropic Substances. The second paragraph is linked with the annual cycle of administration and application of the convention, and ensures that the international organs concerned will have at least six months' notice before a denunciation takes effect.

³⁵Articles 39 and 40 of the Vienna Convention on the Law of Treaties set out the rules regarding amendment of multilateral treaties which contain no provisions on amendment. A treaty may be amended by agreement between the parties; an amending agreement does not bind any State already party which does not become a party to the amending agreement.

³⁶Modelled on the relevant articles of the conventions on the law of the sea, done at Geneva on 29 April 1958. Other conventions provide for the convening by the Secretary-General of a review conference after a proposal to that effect from a contracting party which has been concurred in by a stated proportion of the contracting parties (article 13 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (with annexes and Protocol of Signature), done at Geneva on 30 September 1957).

³⁷A considerable number of conventions concluded under the auspices of the United Nations provide procedures, which are simpler than the usual process for the amendment of treaties, for the adoption and amendment of technical annexes, schedules, regulations, etc. It is not clear that any of the precedents would be fully appropriate to the convention on the law of the sea, and consequently no draft text is submitted. Article 20 of the Constitution of the World Health Organization gives the Health Assembly authority to adopt regulations in the fields of sanitary and quarantine requirements and medical nomenclature, and article 21 provides that such regulations shall come into force for all members after due notice of their adoption by the Health Assembly except for such members as may notify the Director-General of the Organization of rejection or reservations within the period stated in the

notice. The Single Convention on Narcotic Drugs has schedules of substances under the control of the Convention, and of preparations of such substances which are subject to less severe control measures than the substances they contain; a party or the World Health Organization may transmit information which, in its opinion, may require an amendment of a schedule, and the Commission on Narcotic Drugs then decides whether to amend (subject to the possibility of review by the Economic and Social Council upon the request of a party). The provisions of article 2 of the Convention on Psychotropic Substances are similar but more complex. Article 60 of the Customs Convention on the International Transport of Goods under Cover TIR Carnets provides that amendments to specified annexes proposed by any party should be considered by an administrative committee composed of all the parties, and may be adopted by a two-thirds majority of the members present and voting. Such amendments enter into force on a specified date unless, by a prior specified date, they have been objected to by one fifth or five of the parties (whichever number is less); both dates are specified by the Administrative Committee by a two-thirds majority of the members present and voting. Other United Nations conventions have other variations.

³⁸Termination clauses are often included in United Nations conventions that have provisions allowing denunciation or withdrawal. Article 54 of the Vienna Convention on the Law of Treaties provides that the termination of a treaty may take place in conformity with the provisions of the treaty, or at any time by consent of all the parties after consultation with the other contracting States. Article 56, on denunciation of or withdrawal from a treaty containing no provision regarding termination, has been quoted in foot-note 32 *supra*.

³⁹Modelled on, e.g., paragraph 3 of article 29 of the Convention on Psychotropic Substances. Article 55 of the Vienna Convention on the Law of Treaties states that a multilateral treaty, unless it otherwise provides, does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entry into force. The minimum number of parties for remaining in force is not necessarily the same as for entry into force; the Convention on the Prevention and Punishment of the Crime of Genocide, of 9 December 1948, required 20 ratifications or accessions for entry into force, but under article XV will cease to be in force only if the number of parties falls below 16.

⁴⁰Many United Nations conventions purport to list the various notifications to be made by the depositary, but hardly any do so in an exhaustive manner. The practice of the Secretary-General in regard to notifications has evolved over 30 years, and is followed despite any omissions and oversights in the final clauses. The functions of depositaries are also set out in article 77 of the Vienna Convention on the Law of Treaties (which itself contains no notification clause). A notification clause is therefore not a necessary part of the final clauses of a United Nations treaty.

⁴¹Modelled on article 91 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.

⁴²Based on article 92 of the Vienna Convention referred to in the preceding foot-note. Most United Nations conventions have authentic texts in the five languages of the United Nations Charter. Some recent ones also have authentic texts in Arabic. A few have authentic or official texts in other languages.

⁴³Modelled on the corresponding portions of the Vienna Convention referred to in the two preceding foot-notes.