

**United Nations Conference on the Law of Treaties between States
and International Organizations or between International Organizations**

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13th meeting of the Committee of the Whole

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shared by other organizations of the United Nations system. Accordingly, he favoured the flexible time-limit proposed by Australia in its amendment.

73. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic) said his delegation supported the German Democratic Republic's amendment, which developed the reasonable concept set out in that country's amendment to article 19 (A/CONF.129/C.1/L.40). Those amendments did not discriminate against international organizations and in no way restricted their freedom to formulate and accept reservations and to object to them. They only stated on a general plane the existing situation, in which each international organization could formulate and accept reservations and object to them only to the extent that they were in accordance with the aims and functions established in its constituent instrument.

74. Equalizing, or creating a balance in, the competence of international organizations and States with regard to reservations, as representatives of several countries and international organizations had called for, would lead to an artificial and unwarranted leveling of the status of the subjects of international law, so different in their nature. Such an approach would contradict the declarations already made by delegations on the inadmissibility of equalizing the international personality of States and international organizations.

75. Under that approach, international organizations would be granted abnormally wide competence. Any international organization could participate in the

elaboration of any international treaty, formulate reservations to it and accept or object to reservations. Thus international organizations, the number of which far exceeded the number of States, could block the efforts of States in the process of the creation of international norms.

76. The concept of equalizing the competence of States and international organizations with regard to reservations contradicted the provision generally acknowledged by general international law that a specific international organization was competent to participate only in those treaties necessary for its own aims and functions as defined in its constituent instrument, while a State possessed, on the strength of its sovereignty, a legally unrestricted treaty-making capacity and decided independently questions as to when, how and with which subjects of international law, and on which issues, to conclude international treaties.

77. In the light of all this and in view of the efforts already made in the Conference to equalize the status of international organizations and States with regard to reservations, which was fraught with very dangerous practical consequences, the German Democratic Republic's amendment to article 20 was especially valuable and timely. It fixed in a particularly economical, precise and clear way the existing general norm, reflecting the specific right of international organizations on acceptance of and objections to reservations.

The meeting rose at 6.05 p.m.

13th meeting

Friday, 28 February 1986, at 11.20 a.m.

Chairman: Mr. SHASH (Egypt)

In the absence of the Chairman, Mr. Nascimento e Silva (Brazil), Vice-Chairman, took the Chair.

Consideration of the question of the law of treaties between States and international organizations or between international organizations, in accordance with General Assembly resolutions 37/112 of 16 December 1982, 38/139 of 19 December 1983, 39/86 of 13 December 1984 and 40/76 of 11 December 1985 (A/CONF.129/4)

[Agenda item 11] (*continued*)

Article 20 (Acceptance of and objection to reservations) (continued)

1. Mr. BARRETO (Portugal) said that a firm belief in the principles of equality, non-discrimination and reciprocity prompted his delegation to view with sympathy any attempt to secure identical treatment for States and international organizations in regard to the acceptance of reservations. That being said, he recalled that certain international organizations had stated that for structural reasons they might have dif-

ficulty in taking a position on a reservation even within the reasonable time-limits proposed in the amendments of China (A/CONF.129/C.1/L.18) and Austria (A/CONF.129/C.1/L.33) to paragraph 5 of the article. The more flexible proposal by Australia on that point (A/CONF.129/C.1/L.32) seemed to leave a number of problems unsolved and might make the régime too rigid, and thus impracticable to apply. His delegation therefore tended to favour the International Law Commission's draft of paragraph 5.

2. The other part of the Austrian proposal sought to introduce into paragraph 2 of the article, and in keeping with the 1969 Vienna Convention on the Law of Treaties,¹ a reference to a limited number of negotiating parties. The Austrian representative had made an interesting statement on the matter at the previous meeting, whereas the Commission's position was confined to a gloss on paragraph (2) of its commentary to the article

¹ *Official Records of the United Nations Conference on the Law of Treaties* (United Nations publication, Sales No. E.70.V.5), p. 287.

(see A/CONF.129/4, footnote 88), which the Portuguese delegation considered insufficient. The Expert Consultant's observations on the question would be welcome.

3. Mr. ZIMMERLI (International Maritime Organization) said, with regard to paragraph 5, that his organization tended to favour the Australian proposal, which would permit its Secretary General to seek the advice of the Assembly as and when necessary. On the other hand, it saw merit in the flexibility of interpretation allowed for in the International Law Commission's draft.

4. It had been argued that States and international organizations should be treated uniformly. If that principle were adopted it would appear desirable, for the purposes of legal certainty and clarity, to make the time-limits for acceptance or objection reasonably short. His organization was fortunate that its executive body, the Council, was empowered to take virtually all decisions between sessions of the Assembly, and would have no difficulty with either a 12-month or an 18-month period.

5. Mr. SANG HOON CHO (Republic of Korea) said that the omission of a reference to international organizations from paragraph 5 would have the effect of treating them more favourably than States as far as determining their position on a specific reservation was concerned. Moreover, a number of major international organizations had commented in writing or verbally that a 12-month time-limit neither posed serious difficulties for them nor seemed inappropriate. It should be possible to develop practice that would take account of the problems faced by particular organizations. His delegation therefore favoured the inclusion of the words "or an international organization" in paragraph 5, as proposed by Austria and Cape Verde (A/CONF.129/C.1/L.35). It preferred the International Law Commission's draft for the remainder of the text.

6. Mr. HARDY (European Economic Community) said that the Community would find the International Law Commission's draft generally acceptable if a reference to international organizations was inserted in paragraph 5, as proposed. Of the various proposals on the time-limit and procedure involved, the Australian amendment went into the greatest amount of detail, but on balance it might be preferable to establish an identical pattern for States and international organizations. The Community would agree to whichever of the proposals to that effect commanded the greatest support.

7. The amendment proposed by the German Democratic Republic (A/CONF.129/C.1/L.41) referred not only to the rules of international organizations, an issue already discussed in connection with article 19, but also to their competence. The Community believed that such matters should be handled in the context of the definitions clause; whether or not they should be reflected in other articles was a matter of substance requiring examination on its own merits.

8. Mr. KALANDA NGUAYILA (Zaire) said that the inclusion of a reference to international organizations in paragraph 5, as proposed by Austria and Cape Verde, would make the International Law Commission's draft

comprehensive, balanced and equitable. Since the other proposals tended to complicate rather than improve the article, especially by sharpening the distinction between States and international organizations, with regard to the time-limit for formulating reservations, his delegation would have difficulty in accepting them.

9. Mrs. THAKORE (India), noting the Austrian proposal for the inclusion of a reference to a limited number of negotiating parties in paragraph 2, said she found it difficult to understand why the International Law Commission had considered such a reference unnecessary. The Expert Consultant's views on that would be helpful.

10. The Commission had also refrained from addressing in paragraph 5, to quote its commentary to the article (see A/CONF.129/4, para. (6)), "the problems raised by the protracted absence of any objection by an international organization to a reservation formulated by one of its partners"; it had added that "practice would have no great difficulty in producing remedies for the prolongation of a situation whose drawbacks should not be exaggerated". That did, nevertheless, leave a lacuna in the text, which various proposals before the Committee sought to fill.

11. Her delegation had noted with interest the view expressed by international organizations in their written observations (see A/CONF.129/5) that there was no reason to assume that organizations would not normally be in a position to act as promptly as States; in their view, a rule of tacit acceptance of a reservation upon the expiry of a specific period should be equally valid for international organizations. Some, however, considered that in certain cases the period of 12 months accorded to States to object would be too short for organizations. With those considerations in mind, her delegation was inclined to favour the Australian amendment, which would allow a flexible approach to the matter.

12. Mr. REIMANN (Switzerland) observed that article 20 lay at the very heart of the legal régime of reservations. Although the text before the Committee was not altogether satisfactory—especially, as the representative of France had pointed out at the previous meeting, with regard to the legal consequences of objections—its kinship with the 1969 Vienna Convention on the Law of Treaties seemed to preclude its being modified at the present Conference. His delegation's concern would therefore be to assist the Committee in arriving at the least unsatisfactory draft under the circumstances. Like those delegations which had tabled formal amendments, it believed that paragraph 5 should establish a time-limit within which an international organization might formulate objections to reservations; to establish such a limit would be to provide a useful legal safeguard.

13. On the basis of the 1969 Vienna Convention, the limit might be set at 12 months; however, since such a short period might encourage organizations to lodge precautionary objections, it might be wise to extend it, perhaps to 18 months, as China proposed in its amendment. He would have no objection to the provision

being more detailed, as suggested in the Australian amendment. The proposed subparagraph (b) (ii) might, however, lead to the creation of a separate régime.

14. Concerning paragraph 2 of the article, his delegation warmly welcomed the Austrian amendment.

15. Turning to the amendment proposed by the German Democratic Republic, he said that its adoption could lead to situations where an organization would be unable to object to a reservation or, worse still, to accept one, despite its being a party to the treaty in question. The explanations offered at the previous meeting by the representative of the Ukrainian Soviet Socialist Republic, though comprehensible in themselves, hardly seemed applicable in the case under discussion. The Conference was an exercise in codification and quite distinct from any future negotiations between States and international organizations, or between international organizations, that might lead to a treaty. That being so, his delegation did not take the view that an amendment to article 19 necessarily entailed an amendment to article 20.

16. Mr. WANG Houli (China) said that all the proposals to paragraph 5 of the article set a time-limit for international organizations to raise objections to reservations. Given the special characteristics of international organizations, his own delegation had proposed a time-limit of 18 months. If, however, a majority of delegations considered that 12 months would suffice, it would not object.

17. With regard to the Australian amendment, his delegation considered, first, that the time-limit should not be too long, and secondly, that it should be definite. The proposal, which provided a flexible approach to the subject, would therefore be improved if it set a definite time-limit, say, of 18 months.

18. It would assist the Committee in arriving at a decision on article 20 if the Expert Consultant could give his views on paragraph 2 of the article and on the corresponding provision of the 1969 Vienna Convention.

19. Mr. ECONOMIDES (Greece) said that his delegation favoured the Commission's draft, which best suited the needs of international organizations. The only amendment it could support was the one submitted by Austria to paragraph 2, which concerned the will of the parties to apply treaties in their entirety. It agreed that the corresponding provision of the 1969 Vienna Convention should be followed in that respect, and that it would be a mistake to treat international organizations as though they corresponded to the sum of their States; each one was a separate legal entity and a separate subject of international law. Although his delegation could not support the other amendments, its position on article 20 was flexible.

20. The amendment submitted by the German Democratic Republic was very similar to the amendments which it had submitted to articles 11 and 19 and also to certain amendments submitted by the Soviet Union. They all emphasized the special nature of international organizations and, in particular, the functional character of their capacity to enter into contracts, and stressed the need for each international organization to conform

to its constituent instruments and other rules. Perhaps that general idea could be incorporated in the preamble to the future convention, thus providing a key, as it were, to the construction of its provisions.

21. Mr. DENG (Sudan) said that, while he supported the Commission's draft, he would not object to the amendments submitted by Austria and Cape Verde, which served to clarify the wording of the article. He would like to hear the views of international organizations regarding the time-limits to be accorded to them for raising an objection to a reservation. His delegation would then take a definite position on the matter.

22. Mr. GÜNEY (Turkey) observed that the purpose of the right to raise an objection to a reservation was to protect the fundamental right of an entity that was to become a party to a treaty; that right was closely linked to its status as a contracting party. An objection to a reservation in no way affected the relations between a State which was the author of the reservation and a State which accepted it.

23. All the amendments before the Committee expressed the rule that a certain period of silence amounted to tacit acceptance. That rule had arisen out of the wish to preserve the integrity of multilateral treaties and to prevent them from being reduced to a series of bilateral agreements.

24. In the light of those remarks, his delegation was in favour of a 12-month time-limit being specified in paragraph 5, which was a residual provision, and it supported the amendments to that effect. It had difficulty, however, in approving subparagraph (b) (ii) of the wording proposed by Australia in its amendment, since it, as orally sub-amended by its sponsor at the previous meeting, spoke of the "next meeting" of the competent organ of the international organization in question and could give rise to confusion in practice.

25. Mr. DE CEGLIE (Food and Agriculture Organization of the United Nations) said that many delegations had alluded to the principle of reciprocity, or non-discrimination between States and international organizations; it was certainly of paramount importance in a convention that dealt with agreements between various subjects of international law. However, it would be unrealistic to apply it mechanically, without due attention to the very real differences that existed in the nature and functioning of States and international organizations and without seeking to evaluate the various aspects of intercourse between the different subjects of modern international law, with a view to establishing a treaty-making régime that accorded with reality.

26. While a 12-month period would generally be sufficient to enable States to decide whether to lodge an objection to a reservation, that was not so in the case of certain international organizations. The Conference of the Food and Agriculture Organization of the United Nations, for example, met once every two years; consequently, the inclusion in article 20, paragraph 5, of a provision embodying a shorter time-limit might therefore be inappropriate.

27. The Commission's draft was acceptable to his delegation; but if an amendment to the article was to be

adopted in regard to paragraph 5, certainly the Australian one best suited its needs. However, his delegation kept an open mind and trusted that a suitable compromise solution could be found, perhaps along the lines of the Chinese amendment.

28. Mr. PASZKOWSKI (United Nations Educational, Scientific and Cultural Organization) said that his delegation could accept both the original text of paragraph 5, with its intentional lacuna, and also the 12-month or 18-month period proposed in some of the amendments. The Executive Board of his organization, which was competent in the matter, met twice a year, so that either period would allow ample time for it to consider a matter falling under paragraph 5. The statement of the representative of the International Atomic Energy Agency at the previous meeting nevertheless showed that some other organizations were in a more difficult position because their competent organs did not meet so frequently. The Australian amendment catered for the situations of individual organizations in that respect.

29. Mr. HALTTUNEN (Finland) said that the legal institution of reservations had been codified as a rule of general international law in the 1969 Vienna Convention. The capacity of international organizations to enter reservations to treaties was to be codified at the present Conference. The International Law Commission had given several examples of the practice of reservations by intergovernmental organizations. It was in fact their practice which justified the view that international organizations possessed the capacity to make reservations. However, the draft convention, by laying down the rules which were to apply to their reservations, might create practical difficulties, because international organizations were composed of States. On occasion a State might, with regard to a particular treaty, have a reservation or objection differing from that of an international organization of which it was a member, in which case two or more concurring reservations might exist for the same parties to a treaty; also, the member States of an organization could hardly be seen as third parties to a treaty which involved both the States and the organization. The same considerations applied to all the draft articles dealing with reservations.

30. His delegation supported the amendments proposed by Austria and Cape Verde, since they aimed at bringing the future convention into line with the 1969 Vienna Convention.

31. Mr. NEMOTO (Asian-African Legal Consultative Committee) said that, as far as the period for raising objections was concerned, the amendment proposed by Australia favoured international organizations, but that formulation might lead to delays and uncertainty in the legal effect of treaties. The Asian-African Legal Consultative Committee could accept a period of either 12 or 18 months, since its ruling body met every year. The statements made by the representatives of other international organizations suggested that a period of 18 months, as proposed by China, would be preferable.

32. Mr. RASOOL (Pakistan) said that his delegation could support the proposals by Austria and Cape Verde regarding paragraph 5 of article 20 for the reasons which

had been given by previous speakers. Concerning the amendment proposed by Austria to paragraph 2, his delegation preferred the simple formula employed in the International Law Commission's draft to the Austrian wording, whose primary aim seemed to be to repeat the language of the 1969 Vienna Convention. It reserved its position on the wording for paragraph 2 of the article proposed by the German Democratic Republic in paragraph 1 of its amendment, which it considered to be largely a corollary to the similar proposal for article 19. His delegation did not favour the wording proposed in paragraph 2 of that amendment, to which it preferred the Commission's draft.

33. Mr. NORDENFELT (Sweden) said that his delegation was in favour of putting States and international organizations on an equal footing in the matter of drawing up and adopting treaties. It took the same view when it came to the question of reservations and objections. However, the time-limit of 18 months proposed by China in its amendment in regard to objections seemed to create a doubt as to whether the rules of the 1969 Vienna Convention or those of the future convention would apply to States which were parties to both instruments. He therefore supported the 12-month period proposed by Austria and Cape Verde.

34. Mr. MAJDI (Morocco) said that his delegation found it difficult to understand why the International Law Commission had been silent on the matter of objections raised by international organizations to reservations. He could not accept a régime which created uncertainty between contracting parties. While in certain instances international organizations might have difficulty in taking a decision on a reservation within a given period of time, it was inappropriate to generalize from that. Moreover, international organizations were legal persons and subjects of international law and, as such, must be obliged to establish their position under the same conditions as States.

35. Mr. KANDIE (Kenya) said that his delegation agreed with the International Law Commission with respect to paragraphs 1 to 4 of the article. Paragraph 5 expressed a limitation which should apply only to States. Since several speakers had mentioned the need for legal equality between States and international organizations as parties to a treaty, his delegation expected support to be forthcoming for the idea embodied in the amendments proposed by China, Austria and Cape Verde, all of which sought to set a deadline for a tacit acceptance of reservations that was the same for international organizations as for States.

36. His delegation commended the proposal by Australia for its flexibility, but could not support it because it did not contain the same limitation period for States as for international organizations. His delegation would prefer the limitation period to be 12 months, as provided in the 1969 Vienna Convention. It preferred the Commission's draft to the amendment proposed by Austria, but would like an explanation from the Expert Consultant before commenting on paragraph 2 of the article.

37. In response to the argument that some international organizations would not be able to meet the 12-month time-limit, it was the view of his delegation

that the limit would have the salutary effect of encouraging international organizations to adapt their practices to the rule, the advantage of which would be more certainty for the future.

38. Mr. MBAYE (Senegal) said that the amendment proposed by Austria to paragraph 2 complemented the International Law Commission's draft, and his delegation could approve it if the drafting was improved. It was not persuaded by the Commission's argument that the case of there being a limited number of parties could not arise in regard to treaties to which one or more organizations were parties. As subjects of international law, international organizations had a personality distinct from that of their member States, even if that personality was derivative and thus limited. They participated in all aspects of the preparation and adoption of treaties with the same status as States, and that applied to the entering of reservations or objections as well.

39. His delegation approved the amendments to paragraph 5 proposed by China, Australia and Cape Verde, which seemed to offer convergent solutions to the problem of the time-limit for tacit acceptance of reservations. The amendment proposed by Australia seemed to take account of the difficulties best, but contained a weakness in its failure to fix a time-limit. If the wording proposed by Australia was amended to provide that the time-limit could not exceed a specified period, for example 18 months, his delegation could accept it. The text could then be sent to the Drafting Committee.

40. Mr. SANYAOLU (Nigeria) said that some changes were needed in paragraph 5. His delegation recognized the administrative difficulties that international organizations might face regarding tacit acceptance of reservations if the time-limit was 12 months for them, as for States. On the other hand, it considered it paramount not to overlook the problems which might arise if international organizations were permitted to prolong a situation of uncertainty concerning the substance of treaty obligations. Paragraph 5 therefore concerned a case where States and international organizations must be placed on the same footing.

41. His delegation supported the amendment proposed by Australia, which appeared to provide an acceptable solution to the problem. Subparagraph (b) (ii) of the Australian wording dealt with the fear expressed by the International Law Commission that international organizations might face administrative difficulties if their bodies competent to accept reservations did not hold annual sessions. However, the wording would need some drafting amendments in order to make the conditions listed in subparagraph (b) apply as alternatives.

42. Mr. KOECK (Holy See) said that he associated himself with those representatives, in particular that of Portugal, who had urged that there should be no discrimination between States and international organizations. His delegation accordingly supported the amendment submitted by Cape Verde and the proposal in paragraph 2 of the amendment submitted by Austria, which expressed that idea in regard to the acceptance

and rejection of reservations to a treaty to which States as well as organizations were parties.

43. His delegation had no strong feelings with regard to the Chinese proposal to extend from 12 to 18 months the time-limit on the expiry of which a reservation was deemed to have been accepted, although, as a general rule, it preferred the draft convention not to depart from the provisions of the 1969 Vienna Convention.

44. The amendment submitted by the German Democratic Republic might bring restrictions to bear on international organizations which were to become parties to a treaty and which were considering raising an objection to a reservation made by another party. If that was the case, his delegation would oppose that amendment.

45. The Australian amendment would be acceptable to his delegation, although it believed that the new element which subparagraph (b) (ii) introduced would further complicate the task of future depositaries in keeping their records correctly up to date.

46. Mr. KOLOMA (Mozambique) said that his delegation felt some sympathy for the concern expressed by certain international organizations that a 12-month time-limit for the tacit acceptance of reservations might, for practical reasons, prove too short for them. However, equally for practical reasons and especially for the purpose of the early entry into force of the treaty, it was essential to lay down a time-limit. No persuasive evidence had been put forward to show that an international organization would not be able to react as promptly as a State in the face of a reservation. For those reasons, his delegation supported the Cape Verde amendment.

47. Mr. RAMADAN (Egypt) supported the Australian proposal as orally amended by its sponsor. It had the merit of taking due account of the differences between States and international organizations with regard to both their legal nature and their functions.

48. His delegation also supported the Austrian amendment to paragraph 2, which had the merit of introducing the notion of a limited number of negotiating parties which was present in the corresponding provision of the 1969 Vienna Convention. His delegation failed to see why the International Law Commission had omitted that useful element from article 20.

49. Mr. AL-HADDAD (Bahrain) said that his delegation found the Commission's text of article 20 acceptable, since it covered the subject adequately. It therefore did not oppose the Cape Verde amendment to paragraph 5 or the Austrian amendment to paragraph 2.

50. Mr. CAMINOS (Organization of American States) said that his organization had no difficulty with article 20 as proposed by the International Law Commission. His organization steadfastly believed in the principle of legal equality of the parties to a treaty, and therefore urged that the time-limit set in paragraph 5 should be the same for States as for international organizations. The period chosen should be such as to obviate the very real difficulties which certain international organizations would face because of the provisions of their constituent instruments.

51. Mr. RODRÍGUEZ CEDEÑO (Venezuela) supported the International Law Commission's text for article 20, which was based on the corresponding provision of the 1969 Vienna Convention. As for the time-limit set in paragraph 5, it should be the same for States as for international organizations. The internal difficulties faced by certain organizations should not be a reason for establishing a different time-limit for organizations. His delegation favoured a time-limit of 12 months, which was to be found in the corresponding provision of the 1969 Vienna Convention. It supported

the Australian amendment and the second part of the Austrian amendment, which improved the text of the article.

52. Mr. DROUSHIOTIS (Cyprus) said that his delegation was quite satisfied with the Commission's text for draft article 20, but it could accept the amendments by Australia, Cape Verde and China if the majority considered them as improvements.

The meeting rose at 12.55 p.m.

14th meeting

Friday, 28 February 1986, at 3.25 p.m.

Chairman: Mr. SHASH (Egypt)

In the absence of the Chairman, Mr. Nascimento e Silva (Brazil), Vice-Chairman, took the Chair.

Consideration of the question of the law of treaties between States and international organizations or between international organizations, in accordance with General Assembly resolutions 37/112 of 16 December 1982, 38/139 of 19 December 1983, 39/86 of 13 December 1984 and 40/76 of 11 December 1985 A/CONF.129/4

[Agenda item 11] (*continued*)

Article 20 (Acceptance of and objection to reservations) (continued)

1. Mr. TEPAVICHAROV (Bulgaria) said that in the discussion of article 20 a number of speakers had stressed the need for equal treatment of States and international organizations. However, equality of capacity could apply only in certain specific areas, since, as subjects of international law, States and international organizations differed both in status and *raison d'être*. The applicable rules did not refer to any context other than international conferences on multilateral treaties.

2. The issue raised by paragraph 5 was procedural. If guidelines were required, the time-limits suggested by Australia (A/CONF.129/C.1/L.32) were appropriate, as they applied to both States and international organizations. The provisions of the paragraph proposed had the merit of being short, clear and comprehensive.

3. The Austrian amendment to paragraph 2 (A/CONF.129/C.1/L.33) had the effect of adding a further criterion to those proposed by the International Law Commission and of restricting the application of the rule requiring acceptance of the reservation by all the parties to the treaty. His delegation approved that amendment.

4. It also supported the amendment submitted by the German Democratic Republic (A/CONF.129/C.1/L.41). Whether or not the wording proposed for paragraph 2 would prove acceptable in other articles, it was

undoubtedly quite satisfactory in the context of articles 19 and 20. The new wording proposed for paragraph 4 clarified the text and made it more comprehensive. In addition, paragraph 4 (*b bis*) would ensure greater stability in the contractual relations between States and international organizations parties to the same treaty, thus closely reflecting existing legal realities.

5. Mr. MORALES (Cuba) stressed the importance of article 20 and outlined the differences between States and international organizations under international law. He said that his delegation approved the Chinese amendment (A/CONF.129/C.1/L.18), the Australian amendment and the proposal by Cape Verde (A/CONF.129/C.1/L.35).

6. His delegation was also in favour of the amendments proposed by the German Democratic Republic and approved the inclusion of the words "pursuant to the rules of . . .".

7. Mr. TALALAEV (Union of Soviet Socialist Republics) said that the final version of article 20 proposed by the International Law Commission presented a number of important shortcomings when compared with the corresponding provisions adopted by the Commission in first reading. States and international organizations were now placed on an equal footing with regard to objections to reservations, an approach with which his delegation could not agree. For a State, the formulation of objections to reservations was a matter of sovereign right. He took the statement made by the representative of the United States at the 12th meeting of the Committee to mean that, if the amendment of the German Democratic Republic were accepted, that would imply that States should also be subject to certain limitations in the matter of objection to reservations; i.e., they could object only to reservations which concerned them. That implication was incorrect: all reservations were of relevance to States, since they possessed sovereignty and not mere capacity. International organizations, on the other hand, were secondary subjects of international law, and therefore enjoyed only the limited capacity of objecting to reservations on matters