

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

Vienna, Austria
18 February – 21 March 1986

Document:-
A/CONF.129/SR.6

6th plenary meeting

Extract from Volume I of the *Official Records of the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

Article 58 (Suspension of the operation of a multilateral treaty by agreement between certain of the parties only)

Article 59 (Termination or suspension of the operation of a treaty implied by conclusion of a later treaty)

Article 60 (Termination or suspension of the operation of a treaty as a consequence of its breach)

101. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that articles 57 to 60 had been referred directly to the Drafting Committee by the Conference.

102. Article 57 had been lightened without loss of meaning by the replacement of the phrase in subpara-

graph (b) of the basic proposal reading "with the other contracting States and the other contracting organizations or, as the case may be, with the other contracting organizations" by "with the contracting States and contracting organizations".

103. In the Spanish version of the three subparagraphs of paragraph 2 of article 60, the word "autor" following "el estado" had been deleted and the word "autora", following "organización internacional" had been replaced by "autor", in line with the text of article 20, subparagraphs 4 (a) and (b).

Articles 57 to 60 were adopted without a vote.

The meeting rose at 5.10 p.m.

6th plenary meeting

Wednesday, 19 March 1986, at 4.25 p.m.

President: Mr. ZEMANEK (Austria)

Consideration of the question of the law of treaties between States and international organizations or between international organizations, in accordance with General Assembly resolutions 37/122 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*)

Adoption of a convention and other instruments deemed appropriate and of the Final Act of the Conference
[Agenda item 12] (*continued*)

TEXTS PROPOSED BY THE DRAFTING COMMITTEE
(*continued*)

1. The PRESIDENT invited the Chairman of the Drafting Committee to continue his presentation of that Committee's report (A/CONF.129/11 and Add.1) and the Conference to consider it.

Article 61 (Supervening impossibility of performance)

2. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, referring to document A/CONF.129/11, said that the Committee of the Whole had considered article 61 substantively. It had adopted the text proposed by the International Law Commission (A/CONF.129/4) and had referred it to the Drafting Committee. The latter had made no change in the draft article.

Article 61 was adopted without a vote.

Article 63 (Severance of diplomatic or consular relations)

Article 64 (Emergence of a new peremptory norm of general international law (*jus cogens*))

3. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that articles 63 and 64 had been referred directly by the Conference to the Drafting Committee, which had recommended no changes in those draft articles. However, reservations previously made in connection with the concept of *jus cogens* had been reiterated with regard to article 64 by two members of the Drafting Committee.

4. Mr. DELON (France) said that his delegation wished to reiterate the reservation it had expressed in respect of article 53 in connection with the concept of *jus cogens* (5th plenary meeting). Although his delegation would not oppose the adoption of article 64 by consensus, it did not wish to be associated with that consensus.

5. Mr. GÜNEY (Turkey) said that his delegation wished to reiterate in respect of article 64 the reservation it had expressed previously in respect of article 53 in connection with the concept of *jus cogens* (*ibid.*), as the reservation applied to both articles. While his delegation would not oppose agreement in the Conference to adopt article 64 without a vote, it disassociated itself from such agreement.

Articles 63 and 64 were adopted without a vote.

Article 67 (Instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty)

Article 68 (Revocation of notifications and instruments provided for in articles 65 and 67)

Article 69 (Consequences of the invalidity of a treaty)

Article 70 (Consequences of the termination of a treaty)

Article 71 (Consequences of the invalidity of a treaty which conflicts with a peremptory norm of general international law)

Article 72 (Consequences of the suspension of the operation of a treaty)

6. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that articles 67 to 72 had been referred to the Drafting Committee by the Conference.

7. In article 67, the final word of paragraph 2, "powers", had been replaced by "full powers", and a punctuation error in the English version of paragraph 2 had been corrected by the removal of the comma after "paragraph 2".

8. No change had been made to article 68.

9. In article 69, subparagraph 2 (a), the French version had been aligned with the French text of the 1969 Vienna Convention on the Law of Treaties¹ by adding the word "pour" after "d'établir".

10. In article 70, in the French version of subparagraph 1 (b) a comma had been inserted after "des parties" to align the text with that of the 1969 Vienna Convention.

11. No changes had been introduced in article 71. However, reservations had been expressed because of the references in that text to articles 53 and 64 dealing with the concept of *jus cogens*, and also in connection with the use of the word "terminación" in the Spanish version.

12. No change had been made in article 72, with the exception of the insertion in subparagraph 1 (a) of the English version of the definite article "the" before "suspension", in order to align the wording with that in the 1969 Vienna Convention.

13. Mr. DELON (France) said that, as article 71 was linked with articles 53 and 64, his delegation wished to reiterate with respect to article 71 the reservation which it had expressed at the previous meeting and this meeting in respect of articles 53 and 64. While his delegation would not oppose the adoption of article 71 by consensus, it could not join in such a consensus, for the reasons it had already given.

Articles 67 to 72 were adopted without a vote.

Article 74 (Questions not prejudged by the present Convention)

14. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that the present article 74 had been referred to the Committee of the Whole for substantive consideration. The Committee of the Whole had amended paragraph 1 of the text of the basic proposal and had then adopted the article, as amended, and had referred it to the Drafting Committee. Subsequently, after the Committee of the Whole had agreed at its 28th meeting to delete article 36 *bis*, that Committee had agreed to include in former article 73, now

article 74, a paragraph 3 along the lines proposed in an amendment (A/CONF.129/C.1/L.65) submitted to that Committee, it being understood that the Drafting Committee would review the wording of the new paragraph 3, as well as the title of article 74.

15. The Drafting Committee had not altered the first two paragraphs of the article. However, as a result of oral suggestions made in the framework of the informal consultations held under the chairmanship of the President of the Conference, the Drafting Committee had modified the new paragraph 3 to make it read "... any question that may arise in regard to the establishment of obligations and rights for States members of an international organization under a treaty to which that organization is a party".

16. Finally, the Drafting Committee had decided, in the light of the addition of paragraph 3, to avoid making an already long title even longer. It therefore recommended that the title of article 74 should read simply "Questions not prejudged by the present Convention".

17. Mr. PAWLAK (Poland) said that, in his delegation's view, paragraph 3 of article 74, which had been introduced into the article as a result of the amendment submitted by some international organizations as a form of substitute for the former draft article 36 *bis* proposed by the International Law Commission, which had now been deleted, should not be understood as allowing any possibility of a treaty concluded by an international organization producing any legal effects for States members of the organization which were not parties to the treaty, unless those States members expressly consented to accept the relevant provisions of the treaty.

Article 74 was adopted without a vote.

Article 75 (Diplomatic and consular relations and the conclusion of treaties)

18. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that article 75 had been referred directly to the Drafting Committee by the Conference. It had not been modified except for a change in the Spanish version where, at the beginning of the second sentence, "*La celebración de un tal tratado*" had been replaced by "*Tal celebración*".

Article 75 was adopted without a vote.

Article 76 (Case of an aggressor State)

19. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that article 76, the former article 75, had been the subject of substantive consideration by the Committee of the Whole, which had adopted the text proposed by the International Law Commission for that article and had referred it to the Drafting Committee. The Drafting Committee had made no changes in the text.

20. Mr. BOESEN (Federal Republic of Germany) said that his delegation had made a statement expressing its understanding of article 76 at the time of its consideration in the Committee of the Whole (23rd meeting). He did not propose to repeat that statement but, in drawing the attention of the Con-

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

ference to it, reaffirmed his delegation's understanding of the article.

Article 76 was adopted without a vote.

Article 77 (Depositaries of treaties)

21. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that article 77 had been referred directly to the Drafting Committee by the Conference. No changes had been made by the Committee, except for the correction of a typographical error in the Russian version.

Article 77 was adopted without a vote.

Article 78 (Functions of depositaries)

22. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that this article had been the subject of substantive consideration by the Committee of the Whole, which had adopted the International Law Commission's text for the article and had referred it to the Drafting Committee.

23. In subparagraph 1 (a), the reference to "powers" had been deleted and the phrase adjusted along the lines of the 1969 Vienna Convention. In subparagraphs 1 (b), 1 (e) and 1 (f), some simplification had been achieved by omitting the phrase "or, as the case may be, the organizations".

24. Finally, in subparagraph 2 (b) the adjective "international" had been inserted before "organizations" to make it clearer that the international organization concerned was the depositary, not the organization referred to in the opening words of the paragraph or in subparagraph 2 (a).

Article 78 was adopted without a vote.

Article 79 (Notifications and communications)

Article 80 (Correction of errors in texts or in certified copies of treaties)

Article 81 (Registration and publication of treaties)

25. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that articles 79, 80 and 81 had been referred directly to the Drafting Committee by the Conference.

26. Article 79 had been somewhat lightened in subparagraph (a) by replacing the phrase "to the States and organizations or, as the case may be, to the organizations" by the phrase "to the States and organizations". Some grammatical corrections had also been made in various language versions.

27. The only adjustment to article 80 was in the English version where, near the end of the introductory part of paragraph 1, the phrase "unless the said States and organizations" had been replaced by "unless those States and organizations". One member had expressed a reservation with respect to paragraph 5 of article 80.

28. No changes had been made in article 81. One member had expressed a reservation in respect of the contents of the article.

Articles 79, 80 and 81 were adopted without a vote.

Titles of parts II to VII and sections thereof

29. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that the Drafting Committee recommended the adoption of the titles to parts II to VII and the sections thereof as contained in the basic proposal by the International Law Commission.

The titles of parts II to VII and the sections thereof were adopted without a vote.

30. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, drew attention to the further recommendations of the Committee contained in document A/CONF.129/11/Add.1.

Preamble

31. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, recalled that the Committee of the Whole had been entrusted with the task of considering the preamble. It had adopted a text worked out in the framework of consultations held (A/CONF.129/C.1/L.77) and had referred that text to the Drafting Committee, requesting it to examine carefully the various paragraphs and the interrelationships between them and to consider the most appropriate ordering of the paragraphs.

32. The Committee had examined the draft referred to it with care, and had decided on a new ordering of the paragraphs in an attempt to set out in a logical and coherent fashion the various elements of the preamble. The order of the third and fourth paragraphs of the text as referred to the Committee had been reversed; what had previously been the fifteenth paragraph had been moved up to become the new sixth paragraph; the former eighth paragraph had been moved to its customary position as the last preambular paragraph; and the order of the former thirteenth and fourteenth paragraphs had been reversed.

33. As far as the drafting of the paragraphs was concerned, some changes had been made in order to align the texts with corresponding paragraphs of the 1969 Vienna Convention, while other changes had been made in order to align the various language versions. In some places the language had been made more precise, and minor grammatical corrections had also been introduced.

34. In order to save the time of the Conference, he would allude to only some of those changes. In the second preambular paragraph, in order to bring out more clearly the intended meaning, the phrase originally worded "Recognizing the ever increasing importance of treaties as a source of international law and their consensual nature" had been changed to "Recognizing the consensual nature of treaties and their ever-increasing importance as a source of international law".

35. In the fifth preambular paragraph, the opening phrase "Bearing in mind" had been replaced by "Believing that", to match a similar preambular paragraph in the 1969 Vienna Convention. The final phrase of that paragraph had also been modified. The original text, beginning "as a means of ensuring . . .", had been simplified and adjusted to give it a slightly wider ambit,

so that it read “are means of enhancing legal order in international relations and of serving the purposes of the United Nations”.

36. In the Spanish version of the eleventh preambular paragraph, the word “*juridica*” had been deleted in order to align the text with other language versions. Other minor grammatical adjustments had been made in various paragraphs of the Spanish version.

37. The eleventh preambular paragraph now referred, in all language versions except the Russian, to “international organizations”, i.e., in the plural.

38. In the fourteenth preambular paragraph, the French and Spanish versions had been brought into line with the other language versions by the use of the words “*devraient*” and “*deberían*” respectively.

39. Mr. NETCHAEV (Union of Soviet Socialist Republics) asked whether the word “nations”, as employed in the ninth preambular paragraph, was intended to signify States or peoples.

40. The PRESIDENT said it was his understanding that the word was used in the paragraph in the same sense as in the Charter of the United Nations.

41. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, concurred with that understanding.

42. Mr. NETCHAEV (Union of Soviet Socialist Republics) said that notwithstanding that explanation, and his own delegation’s understanding that for the purposes of the Charter the United Nations consisted of States, the word “nation” could be interpreted differently in English and in Russian. Provided, however, that other delegations agreed that in the present context the word was also synonymous with “States”, he would not dwell further on the matter.

43. The PRESIDENT said he understood the wording adopted by the Drafting Committee to have originated in a proposal submitted in English by Czechoslovakia, the German Democratic Republic and the Ukrainian Soviet Socialist Republic (A/CONF.129/C.1/L.72), which had contained the phrase “peaceful co-operation among nations, whatever their constitutional and social systems”.

44. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic) said that in the eleventh preambular paragraph, in all language versions except the Russian, the text referred to “international organizations”, i.e., in the plural, with a collective connotation. It was his recollection, however, that the discussion had brought out—in conformity with what was indeed the case—the distinctive, individualized nature of the capacity of international organizations to conclude treaties; the singular form used in the Russian version was intended to reflect that reality.

45. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that he did not understand the reference to international organizations in the plural as implying that their capacity to conclude treaties did not vary from one organization to another.

The preamble was adopted without a vote.

Article 3 (International agreements not within the scope of the present Convention)

46. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that article 3 had been considered substantively by the Committee of the Whole, which had adopted a text worked out in the framework of consultations held under the chairmanship of the President of the Conference (A/CONF.129/C.1/L.75) and had referred that text to the Drafting Committee.

47. Only minor changes had been made by the Drafting Committee. The standard change from “present articles” to “present Convention” or simply “Convention”, depending upon the 1969 Vienna Convention model, had been introduced. Also, in the English version, the word “or” had been omitted from the conclusion of subparagraphs (i) and (ii) but inserted at the end of subparagraph (iii).

Article 3 was adopted without a vote.

Article 35 (Treaties providing for obligations for third States or third organizations)

Article 36 (Treaties providing for rights for third States or third organizations)

Article 37 (Revocation or modification of obligations or rights of third States or third organizations)

Article 39 (General rule regarding the amendment of treaties)

48. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that articles 35, 36, 37 and 39 had been referred directly to the Drafting Committee by the Conference. The drafting of two of those articles had been simplified. Article 35, initially composed of two paragraphs, had been made a single paragraph by the Drafting Committee, so that it now dealt, in a single provision, with obligations arising both for a third State and for a third organization. Similarly, in article 37, paragraphs 1 and 2 of the basic proposal had been combined in a single paragraph 1, and paragraphs 3 and 4 of the basic proposal in a single paragraph 2. Former paragraph 5 had been re-numbered paragraph 3 accordingly.

49. In the International Law Commission’s basic proposal for all four articles the adjective “relevant” had qualified the expression “rules of the [or that] organization”. The Committee of the Whole had decided, however, to delete the word “relevant” in those articles, leaving it open for the Drafting Committee to recommend the re-insertion of that word should it see an imperative necessity for doing so. Although some members of the Drafting Committee had thought it preferable to maintain the word “relevant”, it had eventually been agreed that there existed no absolute need for its conclusion. Thus, in articles 35, 36, 37 and 39, the word “relevant” did not appear as qualifying “rules of the organization”.

50. Mr. NETCHAEV (Union of Soviet Socialist Republics) said that in the opinion of his delegation, arti-

cle 36 did not in any way affect the rights of States benefiting from a most-favoured-nation regime.

Articles 35, 36, 37 and 39 were adopted without a vote.

Article 45 (Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty)

51. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that article 45 had been substantively considered by the Committee of the Whole, which had adopted the text proposed by the International Law Commission and had referred it to the Drafting Committee together with two amendments (A/CONF.129/C.1/L.46 and L.47).

52. The Drafting Committee had discussed the article and the proposed amendments exhaustively. Great efforts had been made to arrive at generally acceptable versions of the amendments, but it had unfortunately not been possible to reach any agreement on incorporation of the amendments in the draft article. The Committee had therefore considered that the wisest course was to adopt the text of the article as proposed by the International Law Commission. It was that text which was now before the Conference.

53. Mr. ALMODÓVAR (Cuba) said that, in view of the essential need for certainty in the expression of State consent, his delegation considered that a State could only be deemed to have acquiesced in the validity of a treaty or in its maintenance in force or in operation, as the case might be, if that State had expressly so agreed as provided in subparagraph 1 (a) of article 45. His delegation considered, moreover, that, in the context of the progressive development of international law, the practice set forth in subparagraph 1 (b) had not been sufficiently established to be included as a legal rule in that article.

Article 45 was adopted without a vote.

Article 62 (Fundamental change of circumstances)

54. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that article 62 had been considered substantively by the Committee of the Whole. That Committee had adopted the text of the basic proposal for the article and had referred it to the Drafting Committee, together with two drafting amendments (A/CONF.129/C.1/L.57 and L.59).

55. The Drafting Committee had examined the article and the two amendments in depth, and great efforts had been made to achieve a generally acceptable version of the amendments. Unfortunately, it had not proved possible to reach agreement on the question of incorporating the amendments in the text.

56. The Committee had therefore deemed it wisest to adopt the International Law Commission's text for article 62. The only change the Drafting Committee had made in the text was the deletion of a comma in paragraph 2. Two members of the Drafting Committee had expressed reservations concerning the article as adopted.

57. Mrs. OLIVEROS (Argentina) said that her delegation was not satisfied with the wording of article 62. It would have wished the stability of treaties to have been guaranteed only for those cases in which it was the States themselves which determined their boundaries. The language used in the draft convention was not clear, and the earlier commentaries by the International Law Commission favoured confusion in that connection. Her delegation had been surprised at the determined opposition encountered by its amendment, an opposition which defended anachronistic colonialist positions. Those out-of-date ideas and that absence of legal and political realism were incomprehensible.

58. Nevertheless, her delegation was glad to have had an opportunity to provoke an interesting debate and to hear statements at the present Conference to the effect that a boundary could exist only between States and could be established only by States. She wished the record to show that her delegation construed article 62 as referring exclusively to the boundaries of States determined by States.

59. Mr. AL JARMAN (United Arab Emirates) confirmed his delegation's previous statement concerning article 62 in the Committee of the Whole (22nd meeting), and placed on record his delegation's understanding that the treaties referred to in the article were those establishing boundaries between at least two States and that, if any international organizations were parties to them, that would of course not be as organizations establishing those boundaries.

60. Mr. CRUZ FABRES (Chile) said that his delegation would not oppose the adoption of article 62 by consensus. It wished to state, however, that it could not associate itself with such a consensus, because to do so would be incompatible with the reservation formulated by Chile concerning article 62 of the 1969 Vienna Convention on the Law of Treaties.²

61. Mr. MORELLI (Peru) said that his delegation would join the consensus on article 62 on the clear understanding that the reference to boundaries in that article was to boundaries between States and to boundaries determined by States.

62. Mr. NETCHAEV (Union of Soviet Socialist Republics) declared his delegation's understanding that article 62 referred to boundaries between States established by States alone; international organizations had no role to play in that regard.

Article 62 was adopted without a vote.

Article 65 (Procedure to be followed with respect to invalidity, termination, withdrawal from or suspension of the operation of a treaty)

63. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that paragraphs 1 and 2, and 4 to 6 of article 65 had been referred directly to the Drafting Committee. Paragraph 3, however, had been the subject of substantive consideration by the Committee of the Whole, which had adopted the International Law

² *Ibid.* (United Nations publication, Sales No. E.70.V.6), 96th meeting, paras. 23 to 32.

Commission's text with an amendment and had referred it to the Drafting Committee.

64. The only change made by the Drafting Committee to paragraph 3 had been the alignment of the various language versions with the corresponding provisions of the 1969 Vienna Convention. Thus, in Spanish "*no obstante*" had been replaced by "*por el contrario*".

65. As for the five paragraphs referred directly to the Drafting Committee, the only change made in them was in paragraph 4, where the word "relevant" had been deleted in accordance with the decision taken on that question by the Committee of the Whole.

66. Mr. HERRON (Australia) recalled his delegation's statement in the Committee of the Whole during the latter's consideration of draft article 65 (*ibid.*) and the fact that his delegation had favoured adoption of the International Law Commission's draft without amendment.

67. In accepting article 65 as now recommended by the Drafting Committee, his delegation wished to place on record its understanding regarding the meaning of paragraph 3, namely that any other party could at any time object to the invocation by a party of a defect in its consent to be bound by a treaty or a ground for impeaching the validity of a treaty, terminating it, withdrawing from it or suspending its operation. Such other party was not limited, as to the time for making objection, to the period referred to in paragraph 2. In consequence, the means indicated in Article 33 of the Charter of the United Nations for peaceful settlement of disputes could be triggered at any time, consistently with the priority of obligations contained in the Charter. Furthermore, the liberty of action of the Security Council under Article 33, paragraph 2, of the Charter remained unaffected by any provision of article 65 of the present convention.

68. Mr. NETCHAEV (Union of Soviet Socialist Republics) drew attention to a typing error in the Russian version of article 65, an error which he assumed would be corrected by the Secretariat.

69. The PRESIDENT thanked the Soviet Union representative and assured him that the necessary correction would be made by the Secretariat.

Article 65 was adopted without a vote.

Article 73 (Relationship to the Vienna Convention on the Law of Treaties)

70. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that the Committee of the Whole had referred to the Drafting Committee two proposals for the inclusion in the draft convention of a new article concerning the relationship between the Convention and the 1969 Vienna Convention, with a view to the preparation by the Drafting Committee of a consolidated text. That text was now before the Conference. The Drafting Committee considered that the most appropriate place for the new article would be as the first article in part VI, "Miscellaneous Provisions", which would entail only a minimal departure from the numbering of the articles in the 1969 Vienna Convention. As a consequential amendment, articles 73 to 80 should be

renumbered 74 to 81, with the cross-reference in former article 78 being modified accordingly.

71. Mr. ALMODÓVAR (Cuba) said that, in accepting the reference to the 1969 Vienna Convention in article 73 and elsewhere in the new convention, his delegation wished to reiterate in their entirety—with appropriate adjustment of article numbers to refer to those of that convention—the statements made by the delegation of Cuba at the 30th plenary meeting of the United Nations Conference on the Law of Treaties, held on 19 May 1969, regarding article 77 (later article 4) and at the 13th plenary meeting of the same Conference, held on 6 May 1969, regarding article 24 (later article 28) of the 1969 Convention, statements which it had reiterated at the present Conference during the consideration of draft articles 4 and 28 (5th meeting).

Article 73 was adopted without a vote.

Title of the Convention

72. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, said that the Drafting Committee recommended that the title of the Convention should be: "Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations".

That recommendation was adopted without a vote.

73. Mr. AL JARMAN (United Arab Emirates) observed that certain expressions used in the Arabic version of document A/CONF.129/11/Add.1 did not accord with the wording adopted in the English version. He proposed to submit his comments in that regard to the Secretariat with a view to the necessary changes being made.

74. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, assured the Conference that the necessary changes would be made.

Report of the Credentials Committee

75. The PRESIDENT invited the Chairman of the Credentials Committee to introduce the report of the Credentials Committee (A/CONF.129/10 and Corr.1).

76. Mr. HUBERT, Chairman of the Credentials Committee, said that the report of the Credentials Committee required no explanation. However, certain changes needed to be made in it in order to bring it up to date, changes which were found in document A/CONF.129/10/Corr.1.

77. Paragraph 10 of the report contained a draft resolution which the Credentials Committee recommended for adoption by the Conference.

78. Mr. JOMARD (Iraq) said that he wished to enter a reservation on behalf of the States members of the Arab League represented at the Conference regarding the credentials submitted by Israel. Those States did not recognize the so-called State of Israel, and the credentials of Israel, moreover, had been issued in the City of Jerusalem, which was under military occupation by the Israeli entity. The United Nations had condemned Israel's efforts to transform occupied Jerusalem into its own capital in violation of the Charter of the United

Nations and the rules of international law. Accordingly, any act issued and signed by Israel in Jerusalem, including the credentials it had submitted to the Conference, was to be regarded as unlawful.

79. MR. SHASH (Egypt) said that Egypt regarded the Israeli occupation of Arab territories in the West Bank, East Jerusalem, the Gaza Strip, the Golan Heights and the Lebanese territories as unlawful and a breach of the norms of international law and of the Charter and resolutions of the United Nations. It did not recognize the annexation of those occupied Arab territories.

80. Mrs. GOLAN (Israel) said that the credentials of Israel had been duly examined by the Credentials Committee in accordance with the rules of procedure of the Conference and had been accepted by that Committee. Her delegation had been invited to attend the Con-

ference by the Secretary-General of the United Nations in the same way as the delegation of any other State, and its credentials, having been approved by the Credentials Committee, could not now be questioned by other delegations. As to the other remarks which had been made, they were in the nature of political inuendo and had no place at the Conference.

81. The PRESIDENT said that, in the absence of a further comment, he would take it that the plenary wished to adopt the report of the Credentials Committee (A/CONF.129/10 and Corr.1), together with the resolution submitted in paragraph 10 thereof.

It was so decided.

The meeting rose at 5.40 p.m.

7th plenary meeting

Thursday, 20 March 1986, at 11.05 a.m.

President: Mr. ZEMANEK (Austria)

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 and A/CONF.129/9)

[Agenda item 11] (*continued*)

Adoption of a convention and other instruments deemed appropriate and of the Final Act of the Conference

[Agenda item 12] (*continued*)

TEXTS PROPOSED BY THE DRAFTING COMMITTEE
(*continued*)

1. The PRESIDENT invited the Chairman of the Drafting Committee to introduce the final parts of that Committee's report (A/CONF.129/11/Add.2 and Add.3) and the Conference to consider them.

Final provisions

2. Mr. AL-KHASAWNEH, Chairman of the Drafting Committee, recalled that the Committee of the Whole had adopted the text of the final provisions appearing in document A/CONF.129/C.1/L.79, as orally revised, and had referred them to the Drafting Committee.

3. As a result of the decision taken by the Conference at its 6th meeting to include a new article 73 in the convention, the articles following it had been renumbered. The blank spaces in the former article 81—which was numbered 82 in the document before the Conference—had been filled in the customary manner. The convention would thus be open for signature until 31 December 1986 at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 June 1987, at United Nations Headquarters.

4. Article 85—formally article 84—had been amended by the Drafting Committee in order to bring out more clearly the intended meaning. The wording of the final phrase of paragraph 3 had been changed to read "or at the date the Convention enters into force pursuant to paragraph 1, whichever is later."

5. With regard to the final testamentary paragraph, the indication of the date of signature of the convention would be completed once the Conference had taken a decision on that matter.

6. In conclusion, he said that the Drafting Committee had decided that the heading "Part VIII" and the title "Final provisions" should precede article 82, following the model of the 1969 Vienna Convention on the Law of Treaties.¹

7. Mr. TEPAVICHAROV (Bulgaria), speaking on behalf of the Eastern European group of countries, said that their delegations took the view that international organizations participating in the Conference, as secondary subjects of international law did not have the right to sign the convention. However, they could accede to the convention if their competent organs so decided. The question was important, in that the text before the Conference altered well-established international practice. His own delegation could not participate in any consensus on draft articles 82 to 86, and would make its views on the matter clear at meetings of the competent organs of the international organizations of which Bulgaria was a member.

8. Mr. NETCHAEV (Union of Soviet Socialist Republics) said that his delegation agreed with the representative of Bulgaria that delegations with observer status did not have the right to sign the convention.

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