Law of Treaties - Comments by Governments on parts I and II of the draft articles on the law of treaties drawn up by the Commission at its fourteenth and fifteenth session: Addendum

Topic:
Law of Treaties
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Addendum

COMMENTS

SECTION I - WRITTEN COMMENTS BY GOVERNMENTS

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SIXION I

WRITTEN COMMENTS BY GOVERNMENTS

25. Union of Soviet Socialist Republics

Transmitted by a note of 15 June 1965 from the Permanent Mission to the United Nations

Original: Russian

Part 1

The competent authorities of the Union of Soviet Socialist Republics have the following comments on the draft articles on the law of treaties, prepared by the United Nations International Law Commission at its fourteenth to sixteenth sessions:

Participation in multilateral treaties (articles 8 and 9)

The competent Soviet authorities consider that, in codifying the law of treaties, it is necessary to proceed from the assumption that general international agreements should be open to participation by all States. This is required by the principle of the equality of States. Moreover, as such treaties usually regulate matters of interest to each and every State and are intended to establish or develop universally recognized principles and rules of contemporary international law which are binding on all States, to deny certain States the possibility of becoming parties to such treaties is contrary to their very spirit and purpose and is harmful to international co-operation.

Ratification (article 12)

Since the expression "treaty" in draft article 1 means any agreement (treaty, convention, exchange of notes or letters, etc.) concluded between two or more States and since the majority of such agreements are not at present subject to ratification, article 12 must be based on the assumption that an international treaty is subject to ratification if the treaty itself so stipulates or if the representative of a State has signed it "subject to ratification".

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The above comments on the draft articles on the law of treaties are not exhaustive or final. The competent authorities of the Soviet Union reserve the right to present further comments and observations on the draft articles at the appropriate time.

1/ Comments on article 59, transmitted by the same note, will be published with the comments of other governments on part III of the draft articles.