

Document:-
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Report of the Sub-Committee on Treaties concluded between States and International Organizations or between two or more International Organizations

Topic:
Treaties concluded between States and international organizations or between two or more international organizations

Extract from the Yearbook of the International Law Commission:-
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D. THE QUESTION OF TREATIES CONCLUDED BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN TWO OR MORE INTERNATIONAL ORGANIZATIONS

88. By operative paragraph 5 of resolution 2501 (XXIV) of 12 November 1969, the General Assembly, following the recommendation contained in the resolution relating to article 1 of the Vienna Convention on the Law of Treaties adopted by the United Nations Conference on the Law of Treaties, recommended:

that the International Law Commission should study, in consultation with the principal international organizations, as it may consider appropriate in accordance with its practice, the question of treaties concluded between States and international organizations or between two or more international organizations, as an important question.

89. The Commission decided to include the question recommended by the General Assembly in its general programme of work and, at its 1069th meeting, set up a Sub-Committee composed of the following thirteen members: Mr. Reuter (Chairman), Mr. Alcívar, Mr. Casttrén, Mr. El-Erian, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Rosenne, Mr. Sette Câmara, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ustor and Sir Humphrey Waldock. The Commission entrusted the Sub-Committee on treaties concluded between States and international organizations or between two or more international organizations with the task of considering preliminary problems involved in the study of this new topic. The Sub-Committee met during the Commission's session and submitted a report (A/CN.4/L.155) to the Commission. At its 1078th meeting, the Commission considered the Sub-Committee's report and adopted it with minor drafting changes. The Sub-Committee's report as adopted by the Commission reads as follows:

The Sub-Committee took note of the two decisions of the International Law Commission: the first to include in its general programme of work the question of treaties concluded between States and international organizations or between two or more international organizations, and the second to set up a Sub-Committee to prepare the work on that subject immediately.

After a discussion, the Sub-Committee decided to submit the following proposals to the Commission:

1. That the Secretary-General be requested to prepare a number of documents for the use of members of the Commission, viz.:

(i) As soon as possible (preferably by 1 January 1971) a working paper on the subject containing: a short bibliography, a historical survey of the question, and a preliminary list of the relevant treaties published in the United Nations *Treaty Series*.

(ii) Later, in one or more parts, a document containing; as full a bibliography as possible, an account of the practice of the United Nations and the principal international organizations (treaties between the United Nations and States, between the United Nations and other international organizations, problems encountered by the United Nations when contemplating becoming a party to a treaty, statistics, and particularly a complete list of the treaties in question published in the United Nations *Treaty Series*, etc.). For the time being, the Secretary-General might consider as the principal international organizations for the purposes of the present topic those which were invited to send observers to the Vienna Conference on the Law of Treaties.

2. That, by 1 November 1970, the Chairman submit to members of the Sub-Committee a questionnaire regarding the method of treating the topic and its scope, accompanied by an introduction. Members would be asked to send their replies to this questionnaire together with any other comments they might wish to make, to the Sub-Committee, if possible by 1 February 1971. All replies, prefaced by an introduction by the Chairman, would be circulated as a working paper at the Commission's next session.

E. MOST-FAVOURED-NATION CLAUSE

90. At the present session of the Commission, Mr. Endre Ustor, Special Rapporteur, submitted his second report (A/CN.4/228 and Add.1) on the most-favoured-nation clause. Owing to the lack of time, the Commission postponed the consideration of the topic until its next session.

F. PREPARATION OF A NEW EDITION OF THE "SUMMARY OF THE PRACTICE OF THE SECRETARY-GENERAL AS DEPOSITARY OF MULTILATERAL AGREEMENTS"

91. In view of its extreme usefulness for Special Rapporteurs and for its own future work on several topics of its programme, the Commission decided to ask the Secretary-General to prepare a new edition, brought up to date, of the document entitled "Summary of the practice of the Secretary-General as depositary of multilateral agreements" (ST/LEG/7), published in 1959.

G. RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

92. At its 1068th meeting, the Commission heard a statement by Mr. André Gros, Judge of the International Court of Justice. He addressed himself to the question of the present state of international justice, after expressing his understanding that the principle of contacts between the Court and the Commission, which had been unanimously accepted by the Court three years previously, concerned mainly those legal problems which were of common interest to the judges of the Court and the members of the Commission.

H. CO-OPERATION WITH OTHER BODIES

1. Asian-African Legal Consultative Committee

93. Mr. Nikolai Ushakov submitted a report (A/CN.4/234) on the eleventh session of the Asian-African Legal Consultative Committee, held at Accra from 19 to 29 January 1970, which he had attended as an observer for the Commission.

94. The Asian-African Legal Consultative Committee was represented before the Commission by Mr. N. Y. B. Adade, President of the eleventh session of that Committee, who addressed the Commission at the 1074th meeting. He commented that, in anticipation of the Commission's discussion of the topic of State succession, the Committee had placed that same topic on its agenda for preliminary