

Document:-  
**A/CN.4/L.327/Add.2**

**Texts proposed by the Drafting Committee: article 2, para. 1, subpara. (d), and articles 5 and 19 to 26 - reproduced in A/CN.4/SR.1692, paras. 10 et seq**

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

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Reuter, Mr. Riphagen, Mr. Šahović, Mr. Sucharitkul, Mr. Tabibi, Mr. Ushakov, Mr. Verosta, Mr. Yankov.

**Question of treaties concluded between States and international organizations or between two or more international organizations (concluded)\* (A/CN.4/339 and Add.1-7, A/CN.4/341 and Add.1, A/CN.4/327/Add.1 and 2)**

[Item 3 of the agenda]

**DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (concluded)**

**ARTICLE 2, SUBPARA. 1(c), AND ARTICLES 7, 9 AND 17 (concluded)**

1. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that, in response to the request made by the Commission at its 1682nd meeting, the Drafting Committee had considered a number of drafting suggestions made by a member of the Commission.

2. On the basis of those suggestions, the Committee had made a number of drafting changes (see A/CN.4/L.327/Add.1) to the four articles under consideration. In addition to ensuring greater conformity with the wording of articles adopted subsequently, the changes brought the texts concerned closer to the text of the corresponding articles of the Vienna Convention.<sup>1</sup>

3. In article 2, subparagraph 1 (c),<sup>2</sup> the words “between one or more States and one or more international organizations” had been deleted, as had the word “such” before the words “a treaty” in the latter part of the subparagraph.

4. In article 7, subparagraph 2 (b),<sup>3</sup> the expression “international conference” had been qualified by the addition of the words “of States in which international organizations participate”, as in article 9. In addition, the words “one or more” before the words “States” and “international organizations” had been deleted.

5. In subparagraph 2 (c) of the same article, the words “between one or more States and” had been replaced by “within”, in view of the adoption of the new article 5.

6. Finally, in subparagraphs 2 (d) and (e) of article 7, the words “one or more” before “States” had been replaced by “the accrediting”.

7. In article 9, paragraph 2,<sup>4</sup> the words “one or more” had been deleted.

8. In article 17, paragraph 1,<sup>5</sup> the words “or, as the case may be, the other contracting organizations and the contracting States” had been inserted before the words “so agree”.

*Article 2, subpara. 1 (c), and articles 7, 9 and 17, as amended, were adopted.*

**ARTICLE 2, SUBPARA. 1 (d), ARTICLE 5, AND ARTICLES 19 TO 26 (A/CN.4/L.327/Add.2)**

9. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the general considerations he had explained at the beginning of the discussion of the articles proposed by the Committee (see 1681st meeting, paras. 1-4) were also of relevance to the articles under consideration.

**ARTICLE 5<sup>6</sup> (Treaties constituting international organizations and treaties adopted within an international organization)**

10. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 5:

*Article 5. Treaties constituting international organizations and treaties adopted within an international organization*

*The present articles apply to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization, without prejudice to any relevant rules of the organization.*

11. The title and text of the draft article reproduced those of article 5 of the Vienna Convention, with the exception of the words “Convention applies”, which had been replaced by the words “articles apply”.

12. During the first reading of the draft, the Commission had not considered the inclusion of such a provision to be necessary in regard to treaties to which international organizations were parties. However, at the present stage in the Commission’s work, and for the sake of completeness, the Committee had concluded that it might be useful to insert such a provision, even though the eventualities to which the article referred might not, in practice, occur with any great frequency. The possibility should not be altogether excluded of an international organization being a party to a treaty which was the constituent instrument of another international organization, or the possibility of an international organization being a party to a treaty adopted within an international organization.

*Article 5 was adopted.*

**ARTICLE 2 (Use of terms), subpara. 1 (d) (“reservation”)**

\* Resumed from the 1682nd meeting.

<sup>1</sup> See 1644th meeting, footnote 3.

<sup>2</sup> For text, see 1681st meeting, para. 6.

<sup>3</sup> *Idem*, para. 21.

<sup>4</sup> *Idem*, para. 24.

<sup>5</sup> *Idem*, para. 54.

<sup>6</sup> See 1646th meeting, paras. 41-44.

13. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 2, subparagraph 1 (d):

*Article 2. Use of terms*

1. For the purposes of the present articles:

...

(d) "reservation" means a unilateral statement, however phrased or named, made by a State or by an international organization when signing, ratifying, formally confirming, 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 or to that organization.

14. The Drafting Committee had decided to revert to the corresponding text of the Vienna Convention in connection with the meaning of the term "reservation" and had simply added, by means of the words "formally confirming", a reference to the act by which an international organization expressed its consent to be bound by a treaty.

15. The definition of the term "reservation" in subparagraph 1 (d) had been adopted by the Commission in 1974, before its examination of draft articles 11 and 19. The Commission had decided to adopt provisionally the wording found in the first draft, which had included the phrase "or consenting [by any agreed means] to be bound by a treaty". In doing so, it had seen the two-fold advantage of a text simpler than the corresponding text of the Vienna Convention and of leaving in abeyance the question whether the terms "ratification", "acceptance", "approval" and "accession" could also be used in connection with acts whereby an organization expressed its consent to be bound by a treaty. Nevertheless, the Commission had stressed that the wording so adopted had been provisional, and had put the words "by any agreed means" in square brackets so as to indicate its intention to review the adequacy of such an expression at a later stage.<sup>7</sup>

16. The Commission had adopted article 11 and article 2, subparagraph 1 (b bis), which established that an "act of formal confirmation", in the case of international organizations, was the equivalent of ratification in the case of States. Hence, the Committee had seen no reason for retaining the text adopted on first reading and had thought it preferable to return to a text which followed more closely that of the corresponding definition in the Vienna Convention.

*Article 2, subparagraph 1 (d), was adopted.*

17. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said the Drafting Committee proposed that the title of Section 2 of Part II should remain unchanged, namely: "Section 2. Reservations".

*The title of Section 2 was adopted.*

18. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that Section 2 had been reduced from nine articles to five.

19. The original content of Section 2 had resulted from the Commission's desire to find a compromise solution to the opposing viewpoints of those who wished to extend to international organizations the same freedom to formulate reservations as was recognized for States in article 19 of the Vienna Convention and those who held that the rule should be to deny such freedom to international organizations. Nevertheless, according to both of those viewpoints, exceptions would be allowed so as to introduce the necessary flexibility.

20. The solution adopted by the Commission had been to establish a dual regime: a regime of freedom of reservations, not only in respect of States but also in respect of international organizations, in the case of treaties concluded between international organizations themselves, and a "mixed" regime of freedom and restraint in the case of reservations formulated by international organizations to treaties concluded between States and international organizations. That solution had, in the Commission's view, required the provisional adoption of articles 19 and 19 bis. Furthermore, the Commission had deemed it appropriate to include on first reading article 19 ter, concerning the formulation of objections to reservations, which had no equivalent in the Vienna Convention but justified the dual system for the formulation of reservations adopted in articles 19 and 19 bis.

21. In drafting articles 19, 19 bis and 19 ter, the Commission, by the very description of the treaties involved, had also appeared to intend to restrict the application of those treaties to multilateral treaties only, a question which was not dealt with in clear-cut terms in the Vienna Convention. On the second reading of the draft articles, the prevailing view within the Commission had been that the system regarding the formulation of reservations by international organizations should be assimilated to that relating to States, as contained in the Vienna Convention. That position of principle made it unnecessary to distinguish between treaties to which both States and international organizations were parties and treaties concluded exclusively between international organizations. The texts adopted by the Drafting Committee therefore marked a return to the corresponding texts of the Vienna Convention, which were more straightforward. As a result, the formulation of reservations by States and international organizations was dealt with in one article, instead of the original two. As a further consequence of that position, article 19 ter appeared to be unnecessary and had therefore been deleted. That position had also made it easier to merge former articles 20 and 20 bis and

<sup>7</sup> See *Yearbook* . . . 1974, vol. II (Part One), p. 295, document A/9610/Rev.1, chap. IV, sect. B, art. 2, para. 1, paras. (3) and (4) of the commentary.

former articles 23 and 23 *bis* in a single article in each case.

#### ARTICLE 19<sup>8</sup> (Formulation of reservations)

22. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text for article 19:

##### *Article 19. Formulation of reservations*

1. A State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless:

(a) the reservation is prohibited by the treaty or it is otherwise established that the negotiating States and negotiating organizations were agreed that the reservation is prohibited;

(b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

(c) in cases not falling under subparagraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

2. An international organization may, when signing, formally confirming, accepting, approving or acceding to a treaty, formulate a reservation unless:

(a) the reservation is prohibited by the treaty or it is otherwise established that the negotiating organizations or, as the case may be, the negotiating States and negotiating organizations were agreed that the reservation is prohibited;

(b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

(c) in cases not falling under subparagraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

23. The article set forth for States and international organizations, respectively, the rules laid down in article 19 of the Vienna Convention. The division into two paragraphs had been deemed necessary because of the reference to the act of formally confirming, which was applicable only to international organizations. In addition, the wording of subparagraphs 1 (a) and 2 (a) had been adjusted to reflect the type of treaty involved.

24. Mr. CALLE Y CALLE proposed that the word “o” between the words “*aceptar*” and “*aprobar*” in paragraphs 1 and 2 of the Spanish text of the draft article should be deleted, since it suggested that the two terms were alternatives, which was not the case. (The same observation also applied to article 2, subparagraph 1 (d).)

*The proposal was adopted.*

*Article 19, as amended in regard to the Spanish text, was adopted.*

#### ARTICLE 20<sup>9</sup> (Acceptance of and objection to reservations).

<sup>8</sup> For initial consideration of the text at the current session, see 1648th meeting, paras. 24 *et seq.*, 1649th meeting, 1650th meeting, paras. 1–37, and 1651st meeting, paras. 2–46.

<sup>9</sup> *Idem*, 1651st meeting, paras. 47 *et seq.*, and 1652nd meeting, paras. 1–26.

25. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 20:

##### *Article 20. Acceptance of and objection to reservations*

1. A reservation expressly authorized by a treaty does not require any subsequent acceptance by the contracting organizations or, as the case may be, by the contracting organizations and contracting States unless the treaty so provides.

2. When it appears from the object and the purpose of a treaty that the application of the treaty in its entirety between all the parties is an essential condition of the consent of each one to be bound by the treaty, a reservation requires acceptance by all the parties.

3. In cases not falling under the preceding paragraphs and unless the treaty otherwise provides:

(a) acceptance of a reservation by a contracting State or by a contracting organization constitutes the reserving State or organization a party to the treaty in relation to the accepting State or organization if or when the treaty is in force for the author of the reservation and for the State or organization which has accepted it;

(b) an objection by a contracting organization or by a contracting State to a reservation does not preclude the entry into force of the treaty as between the objecting State or organization and the reserving State or organization unless a contrary intention is definitely expressed by the objecting State or organization;

(c) an act of a State or of an international organization expressing the consent of a State or of an organization to be bound by the treaty and containing a reservation is effective as soon as at least one other contracting State or one contracting organization or, as the case may be, one other contracting organization or one contracting State has accepted the reservation.

4. For the purposes of paragraphs 2 and 3 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later.

26. On the basis of the position of principle to which he had referred earlier, the Drafting Committee had found it possible to combine articles 20 and 20 *bis* in a single article modelled on the corresponding text of the Vienna Convention. The only differences in wording between the new text and that of article 20 of the Vienna Convention arose from the need to extend the rule to international organizations.

27. It would be noted that in paragraph 2 of the draft, unlike the corresponding paragraph of the Vienna Convention, no reference was made to “the limited number of the negotiating” entities. In omitting that reference, however, the Committee had simply followed a decision that had been taken by the Commission on first reading and was reflected in paragraph 2 of articles 20 and 20 *bis* of the original draft.

28. It would also be noted that, as in the case of the original articles 20 and 20 *bis*, the new text contained no paragraph corresponding to article 20, paragraph 3, of the Vienna Convention. However, it should be borne in mind that the Drafting Committee had proposed the inclusion of article 5 in the draft.

29. Paragraph 4 of the text was virtually identical to article 20, paragraph 5, of the Vienna Convention, in that it provided for acceptance of a reservation, when no objection to that reservation had been raised, only in the case of States, and no similar rule was established for international organizations. It would be recalled, however, that such a rule had been set forth in the text of articles 20 and 20 *bis* adopted on first reading. In proposing a new text that was silent on the point, the Drafting Committee had considered that it was faithfully interpreting the prevailing view within the Commission to the effect that inclusion of such a rule would create greater difficulties of application and interpretation than it would solve. The Committee had also taken the view that the absence of such an express rule would have no adverse effect on the development of a suitable practice for international organizations.

30. Mr. RIPHAGEN said that he was not convinced by the arguments of the Drafting Committee concerning the omission from article 20 of a paragraph corresponding to article 20, paragraph 3, of the Vienna Convention. The Commission had adopted article 5, and it would therefore be logical to include such a paragraph in article 20.

31. Again, he was not convinced by the explanations as to why paragraph 4 did not deal with the question of tacit acceptance of a reservation by an international organization. While he understood the difficulties involved, he believed that the paragraph should deal with that point.

32. Mr. REUTER (Special Rapporteur) said that the report of the Commission would reflect the matters taken into consideration by the Drafting Committee, as well as Mr. Riphagen's objection regarding the case in which the organization would necessarily have knowledge of reservations that had already been expressed at the time when it formulated its acceptance.

33. Reverting to article 5, he said that with its adoption the Drafting Committee, and indeed the Commission, had decided to reflect further on two remaining problems: that of the definition of an international organization—which the Commission would probably retain on final reading, since the intergovernmental nature of the organization was still the main element—and the problem which arose from the fact that there was no provision in the draft similar to article 20, paragraph 3, of the Vienna Convention, something which could only be dealt with on final reading, after any comments had been made by the Sixth Committee. The Drafting Committee had entered a reservation to that effect by adopting article 5, and a reference to it should be included in the Commission's report.

34. Mr. USHAKOV said that he withdrew his earlier proposals regarding articles 19 and 20 (see 1648th meeting, para. 40). He noted that the Drafting Committee and the Commission had decided to leave

open the question of reservations to bilateral agreements and had not taken a final decision on the question of the machinery for the acceptance of reservations by international organizations.

35. Mr. REUTER (Special Rapporteur) reminded the Commission that when it came to adopt its report it would have to decide whether to indicate that articles 19 and 20 as proposed by the Drafting Committee had been adopted by the majority of the Commission or by the Commission as a whole. The draft report that had already been prepared (A/CN.4/L.331/Add.3) spoke of "the majority of the Commission", but if Mr. Ushakov accepted articles 19 and 20, it would be possible, and more accurate, to state that the Commission had adopted those articles.

*Article 20 was adopted.*

ARTICLE 21<sup>10</sup> (Legal effects of reservations and of objections to reservations)

36. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 21:

*Article 21. Legal effects of reservations and of objections to reservations*

1. A reservation established with regard to another party in accordance with articles 19, 20 and 23:

(a) modifies for the reserving State or international organization in its relations with that other party the provisions of the treaty to which the reservation relates to the extent of the reservation; and

(b) modifies those provisions to the same extent for that other party in its relations with the reserving State or organization.

2. The reservation does not modify the provisions of the treaty for the other parties to the treaty *inter se*.

3. When a State or international organization objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State or organization, the provisions to which the reservation relates do not apply as between the author of the reservation and the objecting State or organization to the extent of the reservation.

37. Article 21, in its new form, represented a return to the text of article 21 of the Vienna Convention, the only drafting changes being those necessitated by the inclusion of references to international organizations.

*Article 21 was adopted.*

ARTICLE 22<sup>11</sup> (Withdrawal of reservations and of objections to reservations)

38. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 22:

<sup>10</sup> *Idem*, 1652nd meeting, paras. 27–29.

<sup>11</sup> *Idem*.

*Article 22. Withdrawal of reservations and of objections to reservations*

1. Unless the treaty otherwise provides, a reservation may be withdrawn at any time and the consent of a State or of an international organization which has accepted the reservation is not required for its withdrawal.

2. Unless the treaty otherwise provides, an objection to a reservation may be withdrawn at any time.

3. Unless the treaty otherwise provides, or it is otherwise agreed:

(a) the withdrawal of a reservation becomes operative in relation to another contracting State or a contracting organization or, as the case may be, another contracting organization or a contracting State only when notice of it has been received by that State or that organization;

(b) the withdrawal of an objection to a reservation becomes operative only when notice of it has been received by the State or international organization which formulated the reservation.

39. The text of the article had been considerably simplified by the use of drafting techniques employed in previous articles. As a result, paragraphs 3 and 4 had been combined and the wording simplified throughout, thus achieving greater conformity with the text of article 22 of the Vienna Convention.

*Article 22 was adopted.*

ARTICLE 23<sup>12</sup> (Procedure regarding reservations)

40. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 23:

*Article 23. Procedure regarding reservations*

1. A reservation, an express acceptance of a reservation and an objection to a reservation must be formulated in writing and communicated to the contracting States and contracting organizations and other States and organizations entitled to become parties to the treaty.

2. If formulated when signing the treaty subject to ratification, an act of formal confirmation, acceptance or approval, a reservation must be formally confirmed by the reserving State or international organization when expressing its consent to be bound by a treaty. In such a case the reservation shall be considered as having been made on the date of its confirmation.

3. An express acceptance of, or an objection to, a reservation made previously to confirmation of the reservation does not itself require confirmation.

4. The withdrawal of a reservation or of an objection to a reservation must be formulated in writing.

41. Article 23 embodied in a single text the rules originally contained in articles 23 and 23 *bis*. The text differed from article 23 of the Vienna Convention only in its references to international organizations and their act of formal confirmation.

*Article 23 was adopted.*

42. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed that the title of section 3 of Part II remain

unchanged, namely: "Section 3. Entry into force and provisional application of treaties".

*The title of Part II, Section 3, was adopted.*

ARTICLE 24<sup>13</sup> (Entry into force) and

ARTICLE 25<sup>14</sup> (Provisional application)

43. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following texts for articles 24 and 25:

*Article 24. Entry into force*

1. A treaty enters into force in such manner and upon such date as it may provide or as the negotiating organizations or, as the case may be, the negotiating States and negotiating organizations may agree.

2. Failing any such provision or agreement, a treaty enters into force as soon as consent to be bound by the treaty has been established for all the negotiating organizations or, as the case may be, all the negotiating States and negotiating organizations.

3. When the consent of a State or of an international organization to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State or that organization on that date, unless the treaty otherwise provides.

4. The provisions of a treaty regulating the authentication of its text, the establishment of the consent to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text.

*Article 25. Provisional application*

1. A treaty or a part of a treaty is applied provisionally pending its entry into force if:

(a) the treaty itself so provides; or

(b) the negotiating organizations or, as the case may be, the negotiating States and negotiating organizations have in some other manner so agreed.

2. Unless the treaty otherwise provides or the negotiating organizations or, as the case may be, the negotiating States and negotiating organizations have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State or organization shall be terminated if that State or that organization notifies the other States and the organizations or, as the case may be, the other organizations and the States between which the treaty is being applied provisionally of its intention not to become a party to the treaty.

44. The text of the two articles had been prepared following the pattern, explained earlier, of aligning the regime of international organizations on that of States. Accordingly, article 24 replaced articles 24 and 24 *bis* of the original draft, and article 25 replaced articles 25 and 25 *bis*. Both texts corresponded more closely to articles 24 and 25 of the Vienna Convention, with the necessary drafting adjustments.

*Articles 24 and 25 were adopted.*

<sup>12</sup> *Idem.*

<sup>13</sup> *Idem*, paras. 30–31.

<sup>14</sup> *Idem.*

45. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that no changes had been made in the titles of Part III or of Section 1 thereof, which remained identical to the corresponding titles appearing in the Vienna Convention, namely: "Part III. Observance, application and interpretation of treaties", and "Section 1. Observance of treaties".

*The titles of Part III and of Part III, Section 1 were adopted.*

ARTICLE 26<sup>15</sup> (*Pacta sunt servanda*)

46. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed no change to article 26, which read:

*Article 26. Pacta sunt servanda*

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

*Article 26 was adopted.*

**Succession of States in respect of matters other than treaties (*continued*)\* (A/CN.4/338 and Add.1-4, A/CN.4/345 and Add.1-3, A/CN.4/L.328)**

[Item 2 of the agenda]

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE<sup>16</sup>

TITLE AND STRUCTURE OF THE DRAFT ARTICLES;  
TITLES OF PARTS AND SECTIONS

47. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said the Drafting Committee proposed that the title of the draft articles should read (A/CN.4/L.328):

*Draft articles on succession of States  
in respect of State property, archives and debts*

The Committee had adopted the Special Rapporteur's proposal that the title of the draft should be made more specific by an express reference to the three matters with which it dealt.

48. For reasons of style, the word "State" appeared only once in the title, but it covered all three matters—property, archives and debts.

*The title of the draft articles was adopted.*

49. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that, in keeping with the wishes of the Commission, the articles on State archives formed a separate part, entitled "State

archives", which now became Part III of the draft, following the part relating to "State property". The original Part III therefore became Part IV of the draft and was entitled "State debts". Part I of the draft, adopted on first reading with the title "Introduction", had been entitled "General Provisions", and Section 1 of Parts II, III and IV had been entitled "Introduction", while Section 2 had been given the title "Provisions concerning specific categories of succession of States".

*The structure of the draft articles and the titles of the Parts and sections were adopted.*

ARTICLE 1<sup>17</sup> (Scope of the present articles)

50. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee proposed the following text for article 1 (A/CN.4/L.328):

*Article 1. Scope of the present articles*

The present articles apply to the effects of a succession of States in respect of State property, archives and debts

51. As a consequence of the change in the title of the draft, the expression "in respect of matters other than treaties", which appeared in the original text of the article, had been replaced by "in respect of State property, archives and debts".

*Article 1 was adopted.*

ARTICLE 2<sup>18</sup> (Use of terms)

52. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee had made no change to article 2 as adopted on first reading.<sup>19</sup>

*Article 2 was adopted.*

ARTICLE 3<sup>20</sup> (Cases of succession of States covered by the present articles)

53. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee had made no change to article 3 as adopted on first reading.<sup>21</sup>

*Article 3 was adopted.*

ARTICLE 3 *bis* (Temporal application of the present articles)

54. Mr. DÍAZ GONZÁLEZ (Chairman of the Drafting Committee) said that the Committee pro-

\* Resumed from the 1690th meeting.

<sup>15</sup> *Idem*, 1673rd meeting, paras. 1-3.

<sup>16</sup> For initial consideration of the draft articles at the current session, see 1658th to 1662nd, 1671st, 1672nd, 1675th and 1688th to 1690th meetings.

<sup>17</sup> For initial consideration of the text at the current session, see 1658th meeting, paras. 5 *et seq.*, and 1659th meeting, paras. 1-24.

<sup>18</sup> *Idem*, 1659th meeting, paras. 25-46.

<sup>19</sup> For text, see 1659th meeting, para. 25.

<sup>20</sup> For initial consideration of the text at the current session, see 1659th meeting, paras. 47 *et seq.*, and 1660th meeting, paras. 1-15.

<sup>21</sup> For text, see 1659th meeting, para. 47.