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Topic:
Law of Treaties

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124. Mr. CORDOVA proposed that the text run on as follows: "by which a State which has not signed or ratified the treaty accepts . . .".

125. Mr. BRIERLY accepted that amendment.

Mr. Córdova's amendment was adopted.

126. Mr. SPIROPOULOS thought the words "duly executed" were unnecessary and should be deleted.

127. Mr. BRIERLY agreed.

Mr. Spiropoulos's amendment was adopted.

Paragraph (1) was adopted as amended.

Paragraphs (2) and (3) were adopted.

Mr. Hsu relinquished the chair to Mr. Brierly.

Programme of work

128. The CHAIRMAN proposed that at the next meeting the Commission begin discussion of the report by Mr. Spiropoulos CA/CN.4/44 on a draft code of offences against the peace and security of mankind (item 2 (a) of the agenda).

129. He enquired whether any member of the Commission was opposed to discussing a text which had so far appeared in English only.

130. Mr. CORDOVA doubted whether the text adopted on the question of treaties was substantial enough to be sent to governments or to the General Assembly. He thought it would be a good thing to continue discussion of Mr. Brierly's first report on the law of treaties in order to advance the study of a subject which was of immediate interest and concern to all. 15

131. Mr. YEPES thought that the discussion on the draft relating to the law of treaties could not be closed. He had proposed a new article at the second session, which, it had been promised, would be included in the agenda for the third session and in the report. He asked that that article be discussed at the next meeting. It ran as follows:

"In order to be valid, a treaty, as understood in this Convention, must have a lawful purpose according to international law. In case of any dispute regarding the lawfulness of a treaty, the International Court of Justice shall state its opinion on the matter at the request of any State directly or indirectly interested, or of the United Nations."

A treaty with an unlawful object may not be registered with the Secretariat of the United Nations. Whenever the lawfulness of a treaty submitted for registration is in doubt, the Secretary-General of the United Nations shall ask the International Court of Justice for an advisory opinion."