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Summary record of the 1484th meeting

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tween States and supranational organizations such as EEC, since he did not see how it was possible, from the standpoint of the Convention on the Law of Treaties, to place a supranational entity on the same footing as States. It was a question that went for beyond the scope of the draft articles, since it arose in all areas of international law, and particularly in connexion with the responsibility of supranational organizations. The question was whether rules that had been framed for States could be applied to supranational organizations. That was a very broad question, which it was impossible to answer in the context of the draft articles. He therefore suggested that the existing text of article 1 should be left unchanged and that the scope of the draft articles should continue to be limited to most-favoured-nation clauses contained in treaties between States. It should be realized that, if the definition which EEC proposed to add to article 2 were adopted, it would mean having to define the expression "State"—an impossible task—and to amend the definitions set forth in paragraphs (*b*), (*c*), and (*d*) of article 2.

14. Finally, he pointed out that the saving clause contained in article 3, paragraph (*c*), broadened the scope of the draft article by extending it to "the relations of States as between themselves under clauses by which States undertake to accord most-favoured-nation treatment to other States, when such clauses are contained in international agreements in written form to which other subjects of international law are also parties".

15. Mr. REUTER said that if the Commission excluded treaties concluded with international entities such as EEC, it would seriously limit the scope of the draft and might impair its efficacy. It seemed to him dangerous to categorize EEC as a supranational organization simply because it could conclude treaties in fields which lay within the competence of States, since, in concluding headquarters agreements, the United Nations and the specialized agencies had also concluded agreements with States in areas that were normally within the competence of States. In nuclear matters, for instance, it was essential for certain international organizations to be able to conclude agreements with States in areas that had previously lain exclusively within the competence of States. To adopt too rigid an approach to the question would prevent the conclusion of agreements that were necessary for world peace.

The meeting rose at 6.05 p.m.

1484th MEETING

Tuesday, 23 May 1978, at 10.05 a.m.

Chairman: Mr. José SETTE CÂMARA

Members present: Mr. Calle y Calle, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Jagota, Mr. Njenga, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.

Visit of the President of the International Court of Justice

1. The CHAIRMAN said it was a great honour to welcome, on behalf of all the members of the Commission, Mr. Jímenez de Aréchaga, President of the International Court of Justice. As a member of the Commission from 1960 to 1969, Mr. Jiménez de Aréchaga had made a notable contribution to its work; his presence at the discussion of the draft articles on the most-favoured-nation clause was particularly timely, since he had been the first to suggest that the topic should be considered by the Commission.

2. Mr. JÍMENEZ DE ARÉCHAGA (President of the International Court of Justice) said he was much gratified by the opportunity to renew the close association that had always existed between the Commission and the International Court of Justice. The Court continued to follow the Commission's work with keen interest, and was confident that that work would help to resolve the crisis that currently beset international justice.

The most-favoured-nation clause (*continued*) (A/CN.4/308 and Add.1 and Add.1/Corr.1, A/CN.4/309 and Add.1 and 2)

[Item 1 of the agenda]

DRAFT ARTICLES ADOPTED BY THE COMMISSION: SECOND READING (*continued*)

ARTICLE 1 (Scope of the present articles)[1] (*continued*).

3. Mr. SUCHARITKUL said that article 1 raised the question of the limits of the scope of the draft articles. He agreed with the Special Rapporteur that there was no need to specify that the scope of the articles should be limited to treaties concluded "in written form", as had been suggested (A/CN.4/309 and Add.1 and 2, para. 60). There were two reasons for that: first, most-favoured-nation clauses were to be found only in treaties concluded in writing, and, secondly, as the Special Rapporteur had pointed out, the term "treaty" was defined in article 2, paragraph (*a*),[2] of the draft as an "international agreement concluded... in written form".

4. With regard to the proposal to extend the scope of the draft articles to treaties concluded between States and other subjects of international law, he thought there was no need for controversy concerning the question whether an international organiza-

[1] For text, see 1483rd meeting, para. 8.

[2] See 1483rd meeting, foot-note 1.

tion could have supranational personality. It was sufficient to accept that, as sovereign States, the States members of an international organization could, without having to attribute to the organization any supranational personality, delegate to it the power to conduct negotiations and conclude treaties in certain specific areas. For example, in the case of the technical assistance agreement concluded in 1968 between ECAFE and ASEAN, the capacity of ECAFE to conclude international agreements had been recognized by the internal law of Thailand and by the headquarters agreement concluded between Thailand and the United Nations, while the competence of ASEAN in the matter had been recognized in the Bangkok Declaration of 8 August 1967.[3] But, like the Special Rapporteur, he thought the time might not be ripe to extend the scope of the draft articles to treaties concluded between subjects of international law other than States, a question the Commission was currently studying in connexion with the topic of treaties concluded between States and international organizations or between two or more international organizations.

5. In its comments (A/CN.4/308 and Add.1 and Add.1/Corr.1, sect. C, 1), UNESCO had implicity suggested, by its reference to a "most-favoured-organization clause", another way in which the scope of the draft articles might be extended. In his own view, the expression "most-favoured-nation clause" was satisfactory, inasmuch as it was the expression traditionally used. It might, admittedly, be asked what was the precise meaning of the term "most-favoured-nation" and why the word "nation" was used instead of the word "State". But by defining "most-favoured-nation treatment" as "treatment accorded by the granting State to the beneficiary State", article 5 showed that the concept of a nation coincided with that of a State. It would therefore be impossible to replace the word "nation" by the word "organization", and to speak of a "most-favoured-organization clause".

6. That being so, he thought that the Commission must respect the limits set by the existing text of article 1.

7. Mr. EL-ERIAN said that article 1 should remain unchanged, for the reasons advanced by the Special Rapporteur. It must always be borne in mind that, in view of the circumstances that had led to its inclusion in the agenda of the Commission, the topic under discussion was very closely bound up with the law of treaties.

8. In his admirably lucid introduction of article 1, the Special Rapporteur had referred to the difficulty of arriving at a definition of the term "State". In that connexion, it should be remembered that, in its report on its very first session, the Commission had stated that no useful purpose would be served by an effort to define that term, although such a course had been suggested by some governments.[4] It had used the term in the sense commonly accepted in international practice and had not considered itself called upon to set forth in the draft declaration on the rights and duties of States the qualifications to be possessed by a community in order that it might become a State. In other words, when dealing with the rights and duties of States—surely the most obvious occasion on which to succumb to the temptation of defining the concept of a State—the Commission had decided not to undertake such a task. Moreover, the Commission had followed that practice not only in respect of the law of treaties but also in dealing with the topic of representation of States and with that of treaties concluded between States and international organizations.

9. Mr. CALLE y CALLE noted that Czechoslovakia and the Netherlands had commented (A/CN.4/308 and Add.1 and Add.1/Corr.1, sect. A) that article 1 greatly limited the scope of the draft because it excluded clauses contained in treaties involving international organizations or entities to which the member States had delegated their powers, a view that had also been very clearly expressed by EEC and, in some degree, by the Board of the Cartagena Agreement (*ibid.*, sect. C).

10. From the outset, it had been decided that a special study should be made of the most-favoured-nation clause, not simply in terms of its application to trade and commerce, but also as a legal institution, and to formulate a draft that would in some way act as a complement to the Vienna Convention on the Law of Treaties.[5] Consequently, there was a dividing line between the problem of treaties between States and the new problem, which was on the agenda of treaties between States and international organizations or between two or more international organizations. Article 1 rightly limited the application of the draft to treaties between States, a limitation that was further underscored by the definition of "treaty" contained in article 2, paragraph (*a*).

11. To define the basic concept of a State would be a long-term task, and one that would undoubtedly take even longer than that of defining "aggression". No definition of the concept of "State" had been given in other conventions, where such a definition would have been more appropriate than in the draft under consideration. The Commission should continue to use the term "State" in accordance with common sense and common practice, and avoid assimilating certain entities to States, which would in effect be the result of adopting EEC's suggestion for the inclusion of a further definition in article 2 (A/CN.4/308 and Add.1 and Add.1/Corr.1, sect. C, 6, para. 7). He was fully aware of the importance of international organizations and of treaties

[3] American Society of International Law, *International Legal Materials* (Washington, D.C.), vol. XI, No. 6, November 1967, p. 1233.

[4] *Official Records of the General Assembly, Fourth Session, Supplement No. 10* (A/925), para. 49.

[5] See 1483rd meeting, foot-note 2.

containing most-favoured-nation clauses concluded between such organizations and States, but considered that at that juncture the matter lay largely outside the scope of the draft articles.

12. Article 3, paragraph (*c*), specified that the restrictions on the application of the articles would not affect the application of their provisions to the relations among States under clauses by which States undertook to accord most-favoured-nation treatment to other States, when such clauses were contained in international agreements in written form to which other subjects of international law were also parties. Such should be the case in respect of international agreements containing most-favoured-nation clauses concluded by EEC and other organizations of the same type. At some future date, another set of articles might well have to be drafted to cover situations in which other subjects of international law were involved, but for the moment article 1, which defined the scope of the draft, should remain as it stood.

13. Sir Francis VALLAT wished to pay a tribute to the care and balance with which the Special Rapporteur had dealt with the difficult question of the case of EEC as an entity exercising sovereign powers on behalf of its member States in an area governed by international law. He agreed that it would be wrong, at that stage, to change the general scope of the draft articles. The proper course was to move ahead and, in accordance with the usual practice, to consider the articles relating to definitions later, after the Commission had had an opportunity, in the light of the discussion, to assess the impact of the draft on situations such as that of EEC; otherwise, the Commission would run the risk of taking a sudden and premature decision, before it had considered all the relevant factors.

14. At the same time, it was essential to place the problem into proper focus. EEC in fact existed, and was now the largest trading entity in the world. The problem was therefore a substantial one and could not be ignored, for it would be pointless to elaborate a set of articles that bore no relation to reality. In the customs sphere, sovereign powers were actually exercised by EEC itself; they were no longer exercised or, in effect, possessed by the member States. For example, EEC negotiated as one of the contracting parties to the General Agreement on Tariffs and Trade, an area in which the most-favoured-nation clause was a matter of great importance. Was the Commission to adopt a negative attitude and produce a set of articles on most-favoured-nation treatment which, as far as trade and commerce were concerned, excluded EEC and similar entities?

15. The treaties negotiated and concluded with States by EEC were certainly governed by international law. The Commission, as a body concerned with the codification and progressive development of international law, could not afford to ignore new problems that arose in the sphere of international law. Moreover, the treaties concluded by EEC were binding on its member States. Indeed, EEC legislation on trade and customs matters was directly applicable not to the governments but to the peoples of the member States. EEC's regulations, which were in effect laws, contained a formula specifying that they were binding in their entirety and directly applicable in all member States. Consequently, the courts of the member States were legally bound to apply those regulations as legislation of EEC. International, legislative and executive functions were exercised directly by the EEC Commission as such, and it was irrelevant to assert that they were exercised on behalf of the member States. That was the factual and the legal reality. If the International Law Commission chose to place EEC and similar organizations outside the scope of the draft, it would deprive the future instrument on the most-favoured-nation clause of much of its impact in matters of trade.

16. He saw some merit in the EEC suggestion concerning article 2, since it did not attempt to define a State, but simply suggested that the expression "State" also included an entity like EEC. That was not the same thing as attempting a comprehensive abstract definition of the concept of "State". Equally, members would agree that EEC was not in fact a State; it was, perhaps, on the way to becoming a federation, which might be described as a federation with limited powers conferred on the central government. Again, it would not be helpful to classify it as a supranational organization, for it would be more difficult to define the concept of a supranational organization than to define the concept of a State.

17. History never stood still. It was always possible to find examples of cases where general theory had to be adapted to the needs of a particular situation. Plainly, the question as to how to make the draft articles applicable to organizations like EEC called for serious study and deep reflection.

18. Mr. JAGOTA said that the draft articles under study concerned a branch of the law of treaties that had been left aside at the time of the adoption of the Vienna Convention on the Law of Treaties because it required further consideration by the Commission. The most-favoured-nation clause was usually included in trade agreements or treaties and was thus an integral part of what was popularly known as the law of international economic relations. However, the Commission had wisely taken the view that, since most-favoured-nation treatment could be applied in many areas other than trade and commerce, the draft articles should be given broad scope. It was for that reason that article 4 specified that the most-favoured-nation clause meant a treaty provision whereby a State undertook to accord most-favoured-nation treatment to another State "in an agreed sphere of relations". Clearly, it was open to the States concerned to determine the particular sphere of relations. Consequently, although most examples of the application of the clause might relate to trade and commerce, the Commission should ensure that the rules enunciated in the draft remained broad in content and scope.

19. It might also be said that the draft articles under study were perhaps not of the same consequence

as other drafts prepared by the Commission, since they laid down only residual rules in other words, rules that would apply where the parties did not agree, either in the treaty containing the clause or otherwise, on different provisions concerning the application of the clause, as provided by article 26 of the draft, irrespective of whether the future instrument took the form of an additional protocol to the Convention on the Law of Treaties, or of a separate convention. It was thus recognized that, if any problem arose which called for special treatment or consideration, the parties were free, in formulating the clause in a bilateral or multilateral treaty, to deal with the problem as they saw fit. The draft articles therefore had their place, but they could not be viewed as being of the same fundamental importance as rules for general application from which derogations would be permitted only within certain limits.

20. The question had also arisen whether the draft, which was now concerned with most-favoured-nation clauses contained in treaties between States, should be extended to cover similar clauses in treaties between States and other subjects of international law. In fact, the Commission had already decided to deal separately with the topic of treaties concluded between States and international organizations or between two or more international organizations, for the very good reason that it could then be handled in a thorough and systematic fashion. If two topics were dealt with in a single text, there would be a far greater number of problems of interpretation.

21. The inclusion of most-favoured-nation clauses in treaties other than treaties concluded between States alone was already contemplated in article 3, which provided that, for such treaties, the legal régime governing the application of the clause would be independent of the régime set out in the draft. Thus, in a treaty between, say EEC and a State or between EEC and another international organization, there was nothing to prevent the parties from specifying a comprehensive legal régime to cover the application of the most-favoured-nation clause contained in the treaty in question. Nevertheless, he fully appreciated that the problem could not be eluded simply by dealing separately with States on the one hand and international organizations on the other. Inevitably, the question would arise as to how to make a distinction between a State and another subject of international law, more particularly when that subject was an international intergovernmental organization. Obviously, in the context of the topic under consideration, the problem required further consideration. One way to approach it would be to consider whether the relationship between the constituent States and the organization concerned was regulated by international law or by constitutional law. If the relationship was such that both the constituent members and the organization itself were subjects of international law and had treaty-making capacity, then they did not form a State for the purposes of the draft. If, on the other hand, the relatonship came under constitutional law, the union of States was a State *per se* for the purposes of the draft articles. New organizations of a *sui generis* character were emerging, organizations that were able to establish rules and regulations directly applicable to the peoples of the constituent States of the organizations, and that did not require enabling legislation on the part of the government of those States.

22. At the current stage, the best course would be to seek to understand the problem, to confine the scope of the draft to treaties concluded in written form between States, and then to reflect on the possibility, either in a separate text or by means of a stipulation concerning the application of the draft, of setting out guidelines as to what kind of union or community might be covered by the term "State". Should the draft eventually take the form of a convention, difficulties would arise if not only an organization like EEC but also its member States were able to become parties to the convention. It was enough to think of problems of international responsibility or of possible reservations by EEC, by its members or perhaps by only some of its members. Another difficulty would be the practical problem of application, in other words, determination of the sphere of competence actually conferred on the organization by its constituent units and, for example, determination of the jurisdictional question as to whether the action taken or the remedies sought under a treaty fell within the competence of the organization, and thus represented a liability of the organization or only a liability of the State in which the treaty rights and obligations were being exercised and fulfilled. It was plain that the whole question required very careful consideration, for it stretched beyond most-favoured-nation clauses to the law of treaties in general.

23. Mr. SCHWEBEL said that the immediate issue concerned the scope of the draft articles on the most-favoured-nation clause and, by extension, the status of EEC. In his view, EEC was an international organization, albeit one with very broad powers. The fact that it could bind its members, or act on their behalf, was not, however, exceptional either in principle or even, to some extent, in practice. The United Nations, for example, had such powers under Chapter VII of the Charter, and other international organizations had similar powers in their own more limited spheres.

24. He saw no objection in principle to extending the draft articles to cover most-favoured-nation clauses in agreements to which international organizations were parties. Indeed, for the reasons stated by Sir Francis Vallat, there was merit in such an approach. The question was how to give expression to it.

25. The suggestion made by EEC in its comment (A/CN.4/308 and Add.1 and Add.1/Corr.1, sect. C, 6, para. 7), which related to the definition of "State", might not be the best way of dealing with the matter, but it deserved consideration. It might be preferable to extend the scope of the draft articles to encompass international organizations or, alternatively,

to deal with the question by amplifying article 3 (Clauses not within the scope of the present articles). The Commission might also consider applying the convention not only to treaties between States but also to treaties between States and groups of States. Another possible formula would be to apply it to treaties between States and any entity exercising powers in spheres that fell within the scope of the articles by virtue of a transfer of power made in favour of that entity by the sovereign States of which it was composed—in other words, to use the EEC formula but without introducing a definition of "State". Again, the draft might deal not only with treaties between States but also with treaties between States and international organizations or even with treaties between States and other subjects of international law. All those possibilities were worthy of consideration. He was entirely open-minded as to the manner in which the problem should be dealt with, provided it was in a realistic and progressive manner.

26. Attention had rightly been drawn to the residual character of the draft articles. That was an important point which, in his view, should temper any objections to extending the draft articles to cover international organizations, for it meant that a State, when concluding a treaty that provided for most-favoured-nation treatment, would have full scope in dealing with any problem that might arise concerning the relationship of an international organization.

27. The fact that those residual articles dealt only with agreements between States, and that the Commission was dealing separately with draft articles on treaties betwen States and international organizations or between two or more international organizations, did not mean that most-favoured-nation agreements between States and international organizations should be omitted from the scope of the draft, on the assumption that they too could be dealt with in a separate instrument at some late stage. Rather, those who had substantive objections to extending the scope of the draft articles on the most-favoured-nation clause should explain how they proposed to deal with the real problems of contemporary international life in that sphere.

28. In reply to a question by Mr. FRANCIS, Mr. ROMANOV (Secretary to the Commission) said that, as instructed by the Commission pursuant to the General Assembly's recommendation, the Secretariat had requested a number of United Nations organs, including UNCTAD, to submit their comments on the draft articles on the most-favoured-nation clause. UNCTAD had acknowledged the letter which the Legal Counsel had addressed to it in that regard but was not among the organizations from which substantive replies had been received (see A/CN.4/308 and Add.1 and Add.1/Corr.1, para. 2).

29. Mr. FRANCIS said that following the adoption by the Sixth Committee of the General Assembly of the draft resolution recommending that the Commission continue its study of the most-favoured-nation clause, he had moved an amendment in plenary[6] that the question be referred not to the Commission but to UNCITRAL, which, having specialized in such matters, was better fitted, in his view, to deal with the question.

30. There remained an element of doubt in his mind as far as article 1 was concerned, particularly in view of the position of his own region and of the Caribbean Community, which was in many respects similar to that of EEC. His difficulty was compounded by the fact that UNCTAD had still to submit its comments on the draft articles, and in those circumstances he would have to defer the rest of his own comments until it had done so. Since that might not be possible before the Commission concluded its consideration of the item, he would suggest that UNCTAD be invited to submit its comments in time for them to be appended to the Commission's report on the work of its current session.

31. With regard to procedure, he would suggest that, in order to expedite its work, the Commission might wish to consider the draft articles by groups of related articles rather than article by article.

32. Mr. ŠAHOVIĆ considered that, for practical reasons as well as for reasons of principle, no change should be made in the text of article 1. The Commission had been right to limit the scope of the draft articles to most-favoured-nation clauses contained in treaties concluded between States. Since the entire draft had been prepared with that limitation in mind, any extension of its scope would entail the amendment of several articles.

33. However, although he recognized the existence of the problem of supranational organizations and appreciated the concern expressed by certain members of the Commission in that respect, he thought that the Commission should adopt a pragmatic approach, in other words, deal with the question each time it came up during its examination of an article. From the outset, the Commission had taken the view that its work on the most-favoured-nation clause should be based on the Vienna Convention on the Law of Treaties, since what was at issue was the application of the clause from the standpoint of the law of treaties. As could be seen from article 3, concerning clauses not within the scope of the articles, the Commission had duly emphasized that, throughout the draft articles, primary rules must remain in the background. From the point of view of legal technique, it would in any event be possible, under article 3, to apply the draft to most-favoured-nation clauses contained in treaties between States and other subjects of international law. Consequently, the Commission should not exaggerate the importance of the question of the scope of the articles.

34. Mr. THIAM said that, by restricting itself to most-favoured-nation clauses contained in treaties between States, the Commission was clearly following accepted practice. It was, however, desirable that it should assist the progressive development of inter-

[6] See *Official Records of the General Assembly, Twenty-sixth Session, Plenary Meetings,* 1999th meeting, paras. 17 and 18.

national law by reflecting new trends whenever they became apparent. After examining the case of States, of international organizations and of supranational organizations, the Special Rapporteur had come to the conclusion that the draft should be confined to clauses contained in treaties concluded by States. In fact, the distinction between international organizations and supranational organizations was a matter of degree rather than of kind: some organizations appeared to be more supranational than others. Where integration was taken to its extreme, the result was a form of federal State, a situation that implied a transition from the realm of international organizations to that of States. In such circumstances, it became difficult to distinguish international organizations from supranational organizations. If the trend towards supranationality was to be taken into account, international organizations should be judged according to the powers that had actually been conferred upon them. It would be difficult to exclude from the scope of the draft an organization that had been empowered to conclude treaties containing a most-favoured-nation clause.

35. Consequently, he considered that it would be desirable if, without thereby changing the substance of the text of the draft, some means could be found of reflecting the current trend in favour of permitting international organizations to bind by treaty not only States but also entire peoples. An example of that trend was the progress towards an ever greater degree of integration within the Economic Community of West African States. The Commission should give expression to that general trend, if not in one or more articles, at least in the commentary.

36. Mr. QUENTIN-BAXTER agreed that the Commission was in no position at that stage to abandon distinctions that had been carefully drawn, or to confuse matters of drafting and substance by amending the opening, and governing, clauses of the draft articles. At the same time, the Commission would be ill-advised to give the impression that it was ignoring the presence of EEC, and organizations of like character, on the world scene. If it did so, it might be thought to be losing touch with the realities of international life.

37. EEC seemed to him to form a kind of infrastructure: it was neither above nor below the States which constituted its membership, but it provided a substitute for them in certain questions falling within its competence.

38. The substance of the question before the Commission was not, in his view, the distinction between treaties between States, on the one hand, and treaties to which international organizations were parties, on the other. One test that had rightly been stressed was whether the relationships in question were governed by international law or by constitutional law. Another question that he would stress as relevant to the issue was whether the entity concerned was acting in respect of territory, or merely in the general capacity of an international organization. The powers vested in the Security Council under Chapter VII of the United Nations Charter, as well as the many other real powers bestowed on international organizations by their members, were clearly to be distinguished from cases in which an international organization acted in respect of territory—in other words, in a role typically associated with a State. Possibly, in analysing the problem, the Commission had something to learn from the role of the United Nations Council for Namibia.

39. He did not think the Commission could ignore the possibility that States might—or might have to—choose an international organization as a mechanism for concluding agreements and conducting dealings at the international level regarding the territory of States. That kind of analysis did not, of course, resolve all the questions, for there remained the fundamental problem of the vast difference in the tests of competence applicable to States and to international organizations respectively. One aspect of that problem was that the EEC members held themselves bound in respect of their territory by the decisions made by EEC within its competence and on their behalf. To that extent, EEC performed a role analogous to that normally performed by the competent organs of the government of a State.

40. He concurred in the general view that the subject was so vast that the Commission could not hope to resolve it in the course of the second reading of the draft articles. He trusted, however, that the Commission would express its view, in its commentaries to the draft articles, as to the relationship of those articles to an organization such as EEC, which acted under powers conferred by States in regard to their territory.

The meeting rose at 1 p.m.

1485th MEETING

Wednesday, 24 May 1978, at 10.05 a.m.

Chairman: Mr. José SETTE CÂMARA

Members present: Mr. Calle y Calle, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Jagota, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.

The most-favoured-nation clause (*continued*) (A/CN.4/308 and Add.1 and Add.1/Corr.1, A/CN.4/309 and Add.1 and 2)

[Item 1 of the agenda]

DRAFT ARTICLES ADOPTED BY THE COMMISSION: SECOND READING (*continued*)

ARTICLE 1 (Scope of the present articles)[1] (*concluded*)

1. Mr. EL-ERIAN wished to enlarge on his previ-

[1] For text, see 1483rd meeting, para. 8.