Document:-
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Summary record of the 1650th meeting

Topic:
<multiple topics>

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involved the relations between the States that were parties to it. As in the case covered by paragraph 1, no problem of acceptance of the reservation or objection to the reservation would arise, because the reservation was authorized.

40. Paragraph 4 applied to those treaties between States and one or more international organizations in which the participation of the organization was essential to the object and purpose of the treaty. The situation of the States parties was then assimilated to that of the organization: they could formulate a reservation if the reservation was expressly authorized by the treaty or if it was otherwise agreed that the reservation was authorized. The rules whose implementation the organization was responsible for supervising did not directly concern the organization but were none the less of great importance to it, because reservations formulated by States could, by amending those rules, affect the organization's supervisory functions. Yet, when it concluded the treaty, the international organization undertook to carry out a particular type of supervision.

41. In paragraph 5, relating to treaties concluded by international organizations with the participation of one or more States, the situation of the State was assimilated to that of the organization. That solution also settled the problem of objections.

42. The first alternative for draft article 19 proposed by the Special Rapporteur (A/CN.4/341 and Add.1, para. 69) called for one final comment of a drafting nature. Paragraph 2 of that draft article, which concerned the capacity of an international organization to formulate reservations, used the words "a treaty" and stated that the organization could not formulate reservations to the treaty "with regard to the application of the latter by States". However, the term "a treaty" could apply to both multilateral and bilateral treaties. Obviously, a bilateral treaty between a State and an organization could be applied only by one State and not by States. Again, a treaty concluded between international organizations and a State could not be applied by States, in the plural, nor could a bilateral treaty between two organizations. Hence, it was not possible to refer to "a treaty" in that provision.

43. Mr. QUENTIN-BAXTER said he subscribed to the view of Sir Francis Vallat (1648th meeting) and other speakers that it would not be expedient to attempt to limit the power to enter reservations to treaties. He was, therefore, wholly sympathetic to the aim of achieving general equality between the parties to such instruments.

44. On the other hand, he also tended to share the doubts expressed by, for example, Mr. Riphagen, concerning the advisability of maintaining the substance of article 19 *bis*, paragraph 2, either as it had been adopted on first reading or as it was now proposed by the Special Rapporteur in paragraphs 69 and 70 of his report.

45. A provision of that kind did have some value, inasmuch as it sought to focus attention on the particular situation in which the participation of an international organization was essential to a treaty; but, as Canada had pointed out in its comments (A/CN.4/339), it was difficult to relate the phrase "essential to the object and purpose of a treaty" to the phrase "incompatible with the object and purpose of the treaty", which appeared in the present version of article 19 *bis*, subpara. 3 (*c*). The difficulty arose less from the exacting requirement of defining the "object and purpose" (or in other words, the "essence") of a treaty than from a confusion of thought, an attempt to align in the article two different prohibitions, namely, a ban on reservations by a party whose participation in a treaty was essential and a ban on reservations that touched the essentials of a treaty.

46. Still greater difficulty would be caused by replacing the text of article 19 *bis*, paragraph 2 and subparagraph 3 (*c*), by the version proposed by the Special Rapporteur in paragraph 70 of his report. In that respect, he very much agreed with the views of the ILO—which was to be commended for having responded, and responded to such constructive effect, to the Commission's appeal for comments—as recorded in paragraphs 12 to 14 of its comments (A/CN.4/339). If a treaty was built around the functions of a particular international organization, reservations by the organization that related to those functions would automatically be precluded as being incompatible with the object and purpose of the instrument. There did not, however, seem to be any real reason for precluding reservations by the organization that were incidental to the object and purpose of the treaty and that had no connection with the organization's special role.

47. The Special Rapporteur's proposal to delete article 19 *ter* (A/CN.4/341 and Add.1, para. 74) was all the more welcome because the difficulties to which he himself had alluded would be compounded if that provision was maintained in anything like its present form.

The meeting rose at 1 p.m.

1650th MEETING

Wednesday, 13 May 1981, at 11.05 a.m.

Chairman: Mr. Doudou THIAM

Present: Mr. Barboza, Mr. Calle y Calle, Mr. Dadzie, Mr. Díaz González, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.

Question of treaties concluded between States and international organizations or between two or more international organizations (*continued*) (A/CN.4/339 and Add.1–5, A/CN.4/341 and Add.1)

[Item 3 of the agenda]

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

ARTICLE 19 (Formulation of reservations in the case of treaties between several international organizations) *and*

ARTICLE 19 *bis* (Formulation of reservations by States and international organizations in the case of treaties between States and one or more international organizations or between international organizations and one or more States)[1] (*concluded*)

1. Mr. FRANCIS, referring to the ILO's comments on reservations (A/CN.4/339), said the ILO appeared to believe that, under the terms of article 19 *bis*, express authorization was required for the formulation by an international organization of reservations to non-essential elements of a treaty in which that organization's participation was itself essential. In his own view that was a fallacy, for paragraph 2 of the article permitted reservations both by express authorization and by agreement in some other form; he was sure that, in practice, it would readily be "otherwise agreed", both by States and by international organizations, that an organization in such a situation might enter reservations to the elements of a treaty that were not essential to its object and purpose.

2. Again, the Commission should always take care, on its second reading of draft articles, to preserve the compromises it had reached on first reading. Originally he had thought that international organizations should be granted the same rights as States in all aspects of treaty-making, but now believed that, in the case in point, the kind of compromise mentioned by the Special Rapporteur in paragraph 54 of his tenth report (A/CN.4/341 and Add.1) was necessary. He was encouraged in that belief by the comment from the Government of Canada (A/CN.4/339) that:

> The Commission appears to be on the right track in proposing a rather more restrictive rule for reservations and objections by international organizations in these cases. It is to be hoped, however, that the Commission will be able to formulate some alternative wording to express this approach, in order to avoid possible controversy where the participation of an international organization is not essential to the object and purpose of the treaty.

3. Sir Francis VALLAT said that the discussion had brought him to a different conclusion from that reached by Mr. Francis on the subject of reservations by international organizations. The Commission must, as a general rule, be very careful about incorporating compromise formulas in its proposals. Its task was one of codification, and it must be guided less by a concern to resolve passing political problems, to which a compromise might be the best solution, than by the objective of drafting rules of lasting value.

4. More specifically, since article 19 *bis*, paragraph 2, envisaged a situation in which it was necessary for a particular international organization to be a party to a treaty, the principal objective of that paragraph must surely be to create conditions in which such participation was possible. In practice, it was not States but, by reason of their relevant rules or their purposes or constitutions, international organizations that were the most likely to experience difficulties with the provisions of a draft treaty. The easiest way of overcoming such difficulties, and thus promoting participation by organizations in treaties, was to authorize reservations—provided, of course, that no reservation went to the root of the functions which a treaty conferred upon the reserving organization. As currently drafted, article 19 *bis*, paragraph 2, had, so to speak, got the wrong end of the stick and had no place in a work of codification.

5. He had given further careful study to article 19 as proposed by Mr. Ushakov at the Commission's twenty-ninth session,[2] and, by comparison with the corresponding provisions of the Commission's draft, found it unduly restrictive. The article, although simply worded, would in fact complicate the situation, since it would entail the elaboration of express provisions concerning reservations and, as the members of the Commission knew from experience, it was always very difficult to secure the adoption of such provisions at an international conference. He therefore urged that the Commission should base its further work in the field of reservations on the articles 19 and 19 *bis* that it had adopted on first reading.

6. Mr. REUTER (Special Rapporteur), said that, before summing up the discussion, he would like to reply to two comments made by Mr. Ushakov.

7. At the previous meeting, Mr. Ushakov had pointed out that the words "by the treaty with regard to the application of the latter by States" contained in paragraph 2 of the first alternative text of article 19 proposed by the Special Rapporteur (A/CN.4/341 and Add.1, para. 69) were not satisfactory because that paragraph spoke of "a treaty", something which implied that it could also be applied by international organizations. Mr. Ushakov had been altogether correct in making that comment, which also applied to the alternative proposed in paragraph 70 of the report. The Commission could solve that drafting problem either by reverting to the original detailed wording or deleting the words "by States", and in that way refrain from specifying the entity by which the treaty was being applied.

8. Mr. Ushakov had also pointed out at the 1649th meeting that, in the form adopted on first reading,

[1] For the texts, see 1648th meeting, para. 24.

[2] See 1649th meeting, footnote 12.

articles 19 and 19 *bis* conveyed a shade of meaning that was missing from the two variants for the new article 19 which he (the Special Rapporteur) had proposed. In their detailed versions, those two articles related exclusively to multilateral treaties. It was quite true that that shade of meaning had been lost: over-simplification of the wording necessarily led to simplification of the substance. During the first reading, the Commission had adopted wording clearly indicating that the articles on reservations applied to multilateral treaties alone, and had done so precisely on Mr. Ushakov's initiative. He was sorry that none of the members of the Commission had expressed views on the second comment by Mr. Ushakov. If the Commission wanted to introduce the clarification sought by Mr. Ushakov, it would have to revert to the wording adopted on first reading, a course that would prevent it from simplifying the wording of articles 19 and 19 *bis*.

9. When he had proposed merging the two articles into a single provision, he had been fully aware that the shade of meaning pointed out by Mr. Ushakov would be lost. He had opted for such a solution because he was not sure that the Commission was convinced of the need for the draft articles on reservations to apply exclusively to multilateral treaties; the fact that it had not followed up Mr. Ushakov's suggestions regarding substance might explain why it had not had anything to say about such a change in form. In any case, it would be useful for the Drafting Committee to know exactly what the Commission's view was on that point. To argue on the basis of article 20 of the Vienna Convention,[3] as Mr. Ushakov had done in support of his position, was not persuasive. The use of the words "the other contracting States" in article 20, paragraph 1, of the Vienna Convention did not make it possible to say with any certainty that the articles of that instrument on reservations applied only to treaties concluded by not less than three States.

10. In that connection, he would like to offer an example suggested to him by the last comment made by Sir Francis Vallat. If a bilateral treaty was concluded between a State and an international organization, one of the organization's intergovernmental organs might find that, in terms of the organization's constitutional procedure, the text adopted was not acceptable for constitutional reasons. The easiest way out for the organization would be to approve that text and formulate a reservation. Usually, international organizations could formulate reservations only to multilateral treaties, but if, in the case in question, the organization formulated a reservation and the State concerned accepted it, a delicate problem of law would arise. Again, a State party to a multilateral treaty might formulate a reservation which was not authorized and another State party might accept it. The agreement concluded was, in the final analysis, a partial agreement to which special provisions applied. All in all, bilateral agreements were the ones which seemed to give rise to the fewest difficulties in cases of that kind. The Commission could either reopen the discussion of the question raised by Mr. Ushakov or leave it to be settled by the Drafting Committee.

11. The text of article 19 proposed by Mr. Ushakov did not call for any further comments. It reflected a very straightforward position that could be described in the following way: international organizations could only formulate reservations that were expressly authorized, either by the treaty or otherwise. Nevertheless, it had to be emphasized that, if the Commission or any future international conference was one day inclined to adopt such a solution, it would probably be extremely difficult to explain the concept of a treaty that was concluded chiefly between States but in which an international organization was allowed to participate, and the concept of a treaty that was concluded chiefly between international organizations but in which a State participated in an accessory manner. Those concepts were ingenious, but difficult to apply. Admittedly, a trilateral treaty for the supply by one State to another State of fissionable material, with the participation of an international organization that was entrusted with the task of ensuring that the beneficiary State respected certain conditions, was an example of a treaty concluded between States with the participation of an international organization; but not all treaties concluded between States and an international organization necessarily came within that category. Similarly, treaties concluded between international organizations and a State were not always treaties concluded chiefly between international organizations with the participation of a State. In the important field of international assistance, several international organizations might, for example, conclude a treaty with a State for the execution of a large drainage project. He would be reluctant to say that such a treaty was a treaty concluded mainly between international organizations. Hence, the two concepts proposed by Mr. Ushakov did not seem easy to use, but the same criticism could also obviously be made of the alternatives under consideration.

12. No matter how the exceptions were worded, in the final analysis it would be difficult not to generalize, and that might give rise to problems of application. In the absence of very straightforward provisions indicating what was authorized and what was prohibited, some flexibility in the application of treaties was to be expected—but that was not necessarily a bad thing.

13. The views expressed by the members of the Commission on the articles under consideration could be divided into three categories. Mr. Ushakov (1648th and 1649th meetings) had stated that he was opposed to a liberal solution, other members had stated that they were in favour of such a solution, and others, such as Mr. Pinto (1649th meeting) and Mr. Verosta (*ibid.*),

[3] See 1644th meeting, footnote 3.

had said that they were not in a position to make a final judgement. Those in favour of a liberal solution had expressed divergent views on article 19 *bis*, paragraph 2. Mr. Barboza (*ibid.*), Mr. Šahović (*ibid.*) and Mr. Francis were clearly in favour of retaining the restriction contained in that provision but considered that the wording was not satisfactory and, quite possibly, the idea expressed therein should not even be adopted in the end. Mr. Quentin-Baxter (*ibid.*), Mr. Riphagen (*ibid.*) and Sir Francis Vallat were opposed to that paragraph; in their view, the wording was unsatisfactory and other wording ought to be found. Mr. Sucharitkul (*ibid.*) seemed to be in favour of retaining the restriction enunciated in article 19 *bis*, paragraph 2, but in a different form. Mr. Calle y Calle (1648th meeting) had stated that he was in favour of a liberal solution.

14. If the articles under consideration were referred to the Drafting Committee, it would have to consider not only matters of a purely drafting nature but also the problem of article 19 *bis*, paragraph 2, on the understanding that it accepted the guidelines contained in articles 19 and 19 *bis*. There could be no question of carrying on the same substantive discussion indefinitely in the Drafting Committee.

15. Sir Francis VALLAT said, with reference to the Special Rapporteur's comments on the possibility of reservations to bilateral treaties, that his own instinctive belief had always been that such reservations were a nonsense and were impossible. However, in recent years he had had experience of two cases in which the possibility of such reservations had been admitted: in the first case, the party concerned had ultimately decided against formulating a reservation, but in the second case, a reservation had been made at the time of deposit of an instrument of ratification. The reason why the possibility of such reservations might be admitted was, in the final analysis, relatively simple: bilateral treaties were often negotiated in such a climate of political strain and public interest in the countries concerned that, once agreement had been reached on a text, practical considerations made it impossible to reopen the negotiations. In such circumstances, a party having second thoughts about any provisions of the text had little opportunity to make its opinions known other than at the time of ratification. It was simpler to view such notifications not as invitations to renegotiate the treaty but as reservations within the meaning of the Vienna Convention, with all that that entailed in the way of objections and so on.

16. In view of his slight, and hence inconclusive, practical experience of such situations, he did not wish to suggest that the Commission's draft should deal with bilateral treaties. The best solution would seem to be to adopt a text which, like that approved on first reading, implied that it concerned only multilateral treaties, and to leave the question of reservations to bilateral instruments open until some future date.

17. Mr. USHAKOV, referring to a comment by the Special Rapporteur, said he was not sure it had been on his initiative that the Commission had decided to deal exclusively with multilateral treaties in the articles on reservations. However, he was certain that the Commission had been unanimous in recognizing the need to confine itself to treaties of that kind.

18. Mr. ŠAHOVIĆ said that he shared the views expressed by Sir Francis Vallat on the problem of reservations to bilateral and multilateral treaties. Indeed, he seemed to recall that, when the Commission had elaborated its draft articles on the law of treaties, it had not clearly indicated in the commentary what course should be followed. Perhaps it would be wiser not to take a final decision at the present time either. On the one hand, practice should not be prevented from developing, and on the other, the Commission did not seem to be entirely clear whether States should be able to formulate reservations to bilateral treaties.

19. With regard to article 19 *bis*, paragraph 2, his position had been based on the fact that the situation governed by that provision could have adverse effects on the freedom of international organizations to formulate reservations. The Commission might well be attaching too much importance to that situation if it referred to it expressly. The Drafting Committee should examine the matter in the light of the over-all solution to the problem of reservations. If the Drafting Committee considered that article 19 *bis*, paragraph 2, was necessary, arguments should be put forward in support of it.

20. Mr. RIPHAGEN said that, to his mind, there could not, *a priori* be any limit on reservations to bilateral treaties. After all, the principal objective in undertaking the negotiation of a treaty was to bring the instrument into force. In the case of a bilateral treaty, that objective would automatically be frustrated if reservations were not permitted. A party which decided that the text required amendment and was deprived, by reason of a prohibition on reservations, of the possibility of reopening the negotiations would have no choice but to withdraw from the treaty altogether. The Treaty concerning the Permanent Neutrality and Operation of the Panama Canal (1977) was an example of a bilateral instrument which it had been possible to conclude by reopening the negotiations.

21. Reservations created a problem only with regard to multilateral treaties, upon which, as the Special Rapporteur had remarked, they had the effect of splitting into a series of "partial agreements". The United Nations Conference on the Law of Treaties had endorsed the current system of reservations despite that defect, because of the obvious difficulty of reconvening a conference each time any of the provisions of a treaty was called into question. The system remained the best solution available.

22. Mr. CALLE Y CALLE said he did not think that the possibility of formulating reservations to bilateral treaties should completely be ruled out, nor did he consider that there should be any *a priori* prohibition on such a possibility. It seemed to him that there had been a tendency at the United Nations Conference on the Law of Treaties not to consider that possibility, since the expression "the other contracting States", in the plural, appeared in article 20, paragraph 1 of the Vienna Convention, and the expression "the other parties", also in the plural, was contained in article 21 of that convention.

23. The whole of article 21, which dealt with the legal effects of reservations, was based on the idea that a plurality of legal regimes, deriving from the effect of the reservations, should co-exist within the framework of the treaty. In the case of a bilateral treaty, if one of the parties wished to reduce the extent of its obligations, it could make a proposal to that effect at the time of the negotiations; if it wished to do so after signature, it would have to make a fresh proposal, something which would be tantamount to reopening the negotiations. The parties might well decide to refer to the temporary or permanent suspension of a particular clause as a "reservation", but so far as he was concerned, it signified further agreement to suspend or reduce the obligation.

24. In that connection, he noted that article 20, paragraph 3, of the Convention provided that, when a treaty was a constituent instrument of an international organization, a reservation had to be accepted by the organization through its competent organ. Hence there was added reason to admit the possibility of reservations when organizations were parties to the treaty itself, for they would then have a greater right to accept and object to reservations.

25. Lastly, with reference to Mr. Ushakov's 1977 proposal, he was grateful for the effort made to find some clearer wording for article 19. He considered, however, that paragraphs 3 and 5 of the proposal did not bring out the subtle distinction between treaties concluded chiefly between organizations but involving the participation of one or more States and treaties concluded chiefly between States but involving the participation of one or more organizations.

26. Mr. TABIBI said that he endorsed the compromise solution discussed by the Special Rapporteur in paragraph 54 of his report (A/CN.4/341 and Add.1).

27. With regard to reservations to bilateral treaties, he did not think the Commission should take a position on the question of a complete prohibition on reservations, since much could happen between the time a treaty was negotiated and the time it was signed and ratified. There might well be good reasons to reopen the negotiations and, in the event of any new developments, both States and international organizations should have the opportunity to make known their wishes.

28. Lastly, he agreed that the matter should be left open to allow Member States and organizations more time to reflect and to submit their views.

29. Mr. NJENGA said that reservations to bilateral treaties were normally made in the course of the negotiations when one party had not managed to provide for certain of its interests. If the matter was not resolved at the time, there was no treaty: it was as simple as that. And if one of the parties, after signing the treaty, subsequently sought to introduce a reservation, the other side would be entitled to regard such conduct as an act of bad faith. That was not the way things were done in bilateral treaties, at least not in his experience. The proper course to follow, if a new situation arose, was for the party seeking an amendment to request a revision of the agreed terms. If the other side accepted that request, there was no problem; otherwise, the negotiations were reopened.

30. In the light of those considerations, he thought it better for the Commission to confine itself to the question of multilateral treaties, for it would merely create innumerable problems if it entered into the matter of bilateral treaties.

31. With regard to draft article 19, he agreed in general with the compromise formulation but experienced the same difficulties as Sir Francis Vallat. Specifically, article 19 *bis*, paragraph 2, dealt with a situation in which an international organization was required, because of the functions entrusted to it, to be a party to a treaty. To prevent an organization from making reservations to the treaty would simply mean placing obstacles in its way to becoming a party to the treaty, and he failed to see what was to be gained by a restrictive regime in that instance. After all, a reservation by the international organization might be entirely unconnected with the functions entrusted to it; it could, for instance, be connected with its own internal rules.

32. In the circumstances, he considered that, when the Drafting Committee came to consider article 19 *bis*, it should not rule out the possibility of omitting paragraph 2.

33. Mr. USHAKOV said that a decision at the present time was obviously out of the question. He nevertheless noted that the wording already adopted, which provided for the possibility of reservations to a treaty between States and one or more organizations, left the question of reservations to bilateral treaties open. However, if the Commission altered the wording of the provision and used the formula "treaty between international organizations", it would then be referring both to multilateral treaties and to bilateral treaties concluded between two international organizations. Such a course would mean not a change in the text, but a change in the meaning of the draft articles, so as to allow for the possibility of formulating reservations to multilateral treaties.

34. In his opinion, the Commission was confronted not with a theoretical problem, but simply with the adoption of a specific decision on the wording of the article under consideration.

35. Mr. REUTER (Special Rapporteur) said that the situation was quite simple: first, the Commission wished to retain the wording of the text on reservations adopted on first reading; and second, it should explain in the commentary that the wording was being retained because the subsequent articles related to multilateral treaties, and the question of bilateral treaties remained open.

36. He thought that the Commission could refer articles 19 and 19 *bis* to the Drafting Committee.

37. The CHAIRMAN said that, if there were no objections, he would take it that the Commission decided to refer articles 19 and 19 *bis* to the Drafting Committee.

It was so decided.[4]

Organization of work (*continued*)*

38. The CHAIRMAN informed the Commission of the conclusions adopted by the Enlarged Bureau at the meeting it had held on 13 May 1981.

39. With regard to the organization of the work of the thirty-third session, the Enlarged Bureau had tentatively adopted the following programme:

1.	Jurisdictional immunities of States and their property (item 7)	18–22 May
2.	Succession of States in respect of matters other than treaties (item 2)	25 May–12 June
3.	Question of treaties concluded between States and international organizations or between two or more international organizations (item 3)	15–19 June
4.	State responsibility (item 4)	22 June–3 July
5.	International liability for injurious consequences arising out of acts not prohibited by international law (item 5)	6–10 July
6.	Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier (item 8)	13–17 July
7.	Adoption of the Commission's report	20–24 July

That programme was open to changes.

40. The Enlarged Bureau had also decided to establish a Planning Group composed of the following members: Mr. Quentin-Baxter (Chairman), Mr. Barboza, Mr. Bedjaoui, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Riphagen, Mr. Šahović, Mr. Tabibi, Mr. Ushakov and Sir Francis Vallat.

41. In addition, he (the Chairman) had considered the matter referred to him by the Secretariat concerning the request for information made by the secretariat of UNCITRAL and had decided to refer it to the Planning Group and authorize the Secretariat to send a tentative reply indicating that the matter was under consideration.

42. Lastly, the Enlarged Bureau had proposed that the Commission should meet on Ascension Day, Thursday, 28 May, but no meeting should be held on Whit Monday.

43. If there were no objections, he would take it that the Commission adopted the proposals by the Enlarged Bureau.

It was so decided.

The meeting rose at 12.30 p.m.

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[4] For consideration of the texts proposed by the Drafting Committee, see 1692nd meeting, paras. 19–24.

* Resumed from the 1643rd meeting.

1651st MEETING

Thursday, 14 May 1981, at 10.10 a.m.

Chairman: Mr. Doudou THIAM

Present: Mr. Barboza, Mr. Calle y Calle, Mr. Dadzie, Mr. Diaz González, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.

Statement by the Chairman

1. The CHAIRMAN expressed his horror at the acts perpetrated against His Holiness Pope John Paul II, to whom he extended his own and the Commission's best wishes for a quick recovery.

Question of treaties concluded between States and international organizations or between two or more international organizations (*continued*) (A/CN.4/339 and Add.1–5, A/CN.4/341 and Add.1)

[Item 3 of the agenda]

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

ARTICLE 19 *ter* (Objection to reservations)

2. The CHAIRMAN invited the Special Rapporteur to present draft article 19 *ter*, which read:

Article 19 ter. *Objection to reservations*

1. In the case of a treaty between several international organizations, an international organization may object to a reservation.