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Summary record of the 1679th meeting

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

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determine the desired degree of flexibility, taking account of the fact that article 36 *bis* had been drafted to serve the Commission and not to defend in any way the EEC—which, moreover, had no need of such defence.

48. Mr. USHAKOV said that, although he too was in favour of referring article 36 *bis* to the Drafting Committee, he reserved the right to comment on it beforehand.

The meeting rose at 1.05 p.m.

1679th MEETING

Thursday, 25 June 1981, at 10.05 a.m.

Chairman: Mr. Robert Q. QUENTIN-BAXTER

Present: Mr. Aldrich, Mr. Barboza, Mr. Calle y Calle, Mr. Dadzie, Mr. Díaz González, Mr. Francis, Mr. Jagota, Mr. Pinto, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Sucharitkul, 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.1–7, A/CN.4/341 and Add.1)

[Item 3 of the agenda]

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

ARTICLE 36 *bis* (Effects of a treaty to which an international organization is party with respect to third States members of that organization)[1] (*concluded*).

1. Mr. USHAKOV said that he was neither for nor against the EEC as such; it was a reality whose existence had to be recognized. However, the Community was not an ordinary international organization; it was also a supranational organization, and in the present circumstances, the only real interest of article 36 *bis* of the draft was that it applied to the case of the Community. In his opinion, the other examples given by the Special Rapporteur at the previous meeting were not valid.

2. A headquarters agreement, for example, provided for obligations for the host country and for rights for member States and international organizations. Furthermore, any obligations that might arise from a headquarters agreement such as that between the United Nations and the United States of America did not arise by virtue of the rules of the organization or the participation of member States in the negotiation, for participation could not suffice to bind States. It should be noted also that the headquarters agreements referred to by the Special Rapporteur had all been concluded before the Vienna Convention,[2] under which obligations did not arise for a third State unless the State expressly accepted the obligations in writing. It would certainly be better for the host country if obligations arising from a headquarters agreement were expressly confirmed in writing by States which recognized them as binding. Acceptance would then be perfectly clear. Headquarters agreements were not a relevant example.

3. The example of a hypothetical fisheries organization was equally unconvincing. The EEC was, he believed, the only international organization to which member States had transferred the power to conclude fisheries agreements on their behalf. An organization of that kind could accept treaty obligations only for itself. If the organization was empowered by its constituent instrument to conclude treaties on behalf of its member States, the example was pointless.

4. The same was true of commodity marketing organizations. There was no example in contemporary practice of such an organization empowered to create obligations for its members in respect of the sale of commodities, and it was unlikely that commodity organizations with supranational powers would come into being in the foreseeable future. Apart from the EEC, therefore, the examples mentioned by the Special Rapporteur to justify the inclusion of the situation covered by article 36 *bis* were artificial.

5. The Special Rapporteur had said that he wished to make the procedure for the acceptance of treaties more flexible. In contrast, States at the United Nations Conference on the Law of Treaties had been anxious to strengthen the formalities for the acceptance by a third State of obligations arising for it from a treaty. He himself believed that the rules for the acceptance of obligations by a third State should be sufficiently rigid, and that view was as legitimate as the opposite. It might be noted in passing that if the object was to make the rules for acceptance more flexible, article 35[3] would have to be amended, in addition to dealing with the case of member States of international organizations. He did not question the good faith of the Special Rapporteur, but considered that the views he had expressed were no less valid than those of the Special Rapporteur.

6. Nor did he question the good faith of the Special Rapporteur's argument that adoption of article 36 *bis* would help to protect the interests of the third world. For his own part, he believed he was legitimately defending the interests of the developing countries by opposing the article. In the first place, article 36 *bis* concerned the obligations rather than the rights of

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[1] For text, see 1675th meeting, para. 1.

[2] See 1644th meeting, footnote 3.

[3] For text, see 1675th meeting, para. 1.

developing countries, and it was hard to see how a greater flexibility in the procedures whereby countries could be bound by obligations contracted for them by an international organization under a treaty to which they were not parties could help to protect the interests of the third world. The Special Rapporteur seemed to believe that the future of the countries of the third world lay in the constitution of supranational organizations, whereas for his part he believed that countries which had recently gained full independence and sovereignty were not necessarily anxious to transfer those attributes to supranational organizations yet to be created. The two conflicting views pursued the same goal and were equally valid.

7. Mr. SUCHARITKUL suggested that the Commission should take account of international practice. In his view article 36 *bis* served a useful purpose, quite apart from the particular situation of the EEC.

8. The Community was in a special position, as it had the capacity to conclude treaties that could create obligations and rights for its members, but headquarters agreements were a good illustration of treaties concluded by an international organization that could be binding on member States. International practice in that matter was well established, in the case both of universal and of regional international organizations. Article 36 *bis* should perhaps confirm that practice.

9. A degree of relativity was observed in treaty rights. The headquarters agreement between France and UNESCO, for example, contained what might be termed a "most-favoured-international-organization clause" for the privileges and immunities of officials of the organization and of representatives of States. Finally, practice had evolved in the direction of graduations in the treatment of international organizations. Thus, the headquarters agreement of the EEC provided for less favourable treatment than that accorded by the Belgian Government to the NATO secretariat, since for example, the property of the Community was not systematically exempt from distraint.

10. The CHAIRMAN proposed that the Commission should refer article 36 *bis* to the Drafting Committee.

It was so decided.

ARTICLE 37 (Revocation or modification of obligations or rights of third States or third international organizations)

11. The CHAIRMAN invited the Special Rapporteur to introduce article 37, which read:

Article 37. Revocation or modification of obligations or rights of third States or third international organizations

1. When an obligation has arisen for a third State in conformity with paragraph 1 of article 35, the obligation may be revoked or modified only with the consent of the parties to the treaty and of the third State, unless it is established that they had otherwise agreed.

2. When an obligation has arisen for a third international organization in conformity with paragraph 2 of article 35, the obligation may be revoked or modified only with the consent of the parties to the treaty and of the third organization, unless it is established that they had otherwise agreed.

3. When a right has arisen for a third State in conformity with paragraph 1 of article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third State.

4. When a right has arisen for a third international organization in conformity with paragraph 2 of article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third organization.

[5. When an obligation or a right has arisen for third States which are members of an international organization under the conditions provided for in subparagraph (*a*) of article 36 *bis*, the obligation or the right may be revoked or modified only with the consent of the parties to the treaty, unless the relevant rules of the organization applicable at the moment of the conclusion of the treaty otherwise provide or unless it is established that the parties to the treaty had otherwise agreed.]

[6. When an obligation or a right has arisen for third States which are members of an international organization under the conditions provided for in subparagraph (*b*) of article 36 *bis*, the obligation or the right may be revoked or modified only with the consent of the parties to the treaty and of the States members of the organization, unless it is established that they had otherwise agreed.]

7. The consent of an international organization party to the treaty or of a third international organization, as provided for in the foregoing paragraphs, shall be governed by the relevant rules of that organization.

12. Mr. REUTER (Special Rapporteur) said that article 37 had not been the subject of comment by Governments or international organizations.

13. The article raised major drafting problems, however, and even some substantive problems. The wording adopted on first reading included four initial paragraphs which were based on the corresponding text of the Vienna Convention, although the Commission had in the interests of clarity separated the case of States from that of international organizations. The Drafting Committee had discussed at some length whether to retain the four initial paragraphs or reduce them to two.

14. With regard to substance, paragraphs 5 and 6—which were placed in square brackets in the text adopted on first reading and should remain so at the present stage—dealt with a specific situation which might arise out of article 36 *bis*, which was itself placed in square brackets on first reading. Although it might be premature to consider paragraphs 5 and 6 of article 37 before the Drafting Committee had reached a decision on article 36 *bis*, he wished to draw the Commission's attention to two difficulties.

15. In the first place, paragraphs 5 and 6 took into account article 36 *bis* as adopted on first reading and therefore related to both the creation of an obligation

and the creation of a right. That point had been discussed at length by the Commission, and if the Drafting Committee restricted article 36 *bis* to the creation of an obligation, or adopted a new text for the provision, paragraphs 5 and 6 would have to be amended accordingly. Furthermore, paragraphs 5 and 6 dealt separately with the cases referred to in article 36 *bis*, paragraphs (*a*) and (*b*), and the solutions adopted for article 36 *bis* were not wholly consistent with the general solutions proposed in paragraphs 1 to 4 of article 37.

16. The fundamental choice depended on whether article 36 *bis* related to both rights and obligations or only to obligations. It was also linked with a more general matter, as the Commission's discussion of article 36 *bis* on second reading seemed to have shown more clearly that the purpose of the article was to make the formalities of consent more flexible without affecting the principle of consent. A number of members of the Commission who had spoken appeared to favour that view of article 36 *bis*. If that interpretation was correct, the Commission would have to settle the substantive question whether article 36 *bis* should set out the same solutions as the initial paragraphs of article 37.

17. Mr. ALDRICH said that most of the doubts he had had with regard to article 36 *bis* had been created by paragraphs 5 and 6 of article 37. Although some of the doubts had been removed as a result of the discussion in the Commission, his reaction to paragraphs 5 and 6 was that they should be deleted.

18. It was certainly arguable that there were good reasons for making it possible for the member States of an international organization to become bound by the treaty obligations of the organization with less formality than was required for other third States, but it stretched the limits of tolerance and raised serious questions about the integrity of the system being created if, at the same time, the member States of an international organization could also ask that the rights and obligations they obtained under a treaty concluded by that organization should be substantially different from those of other third States. That was particularly true in the context of article 37, paragraph 5, in which the revocation or modification of the obligations of the member States of an international organization depended on the internal rules of the organization, whereas the revocation or modification of the obligations of all other third States depended on paragraphs 1 to 4 of article 37. In the absence of convincing proof to the contrary, he would continue to be of the opinion that the prospects for article 36 *bis* would be better if those paragraphs were deleted.

19. Mr. CALLE Y CALLE observed that the inclusion in the draft of article 36 *bis*, containing particular rules governing consent to be bound by obligations, would also require the inclusion in the draft of the provisions of article 37, paragraphs 5 and 6, relating to the revocation or modification of such obligations.

20. In his view, article 36 *bis* was a necessary, useful and practical provision relating to the expression by the member States of an international organization of their consent to be bound by the obligations resulting from a treaty concluded by that organization. In that connection, he drew attention to article 11 of the Vienna Convention, which provided that States could express consent to be bound by a treaty "by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed". One such means was to express consent through international organizations, whose internal rules could provide that the treaties they concluded were binding on their members. The member States thus consented in advance to be bound by the treaties concluded by international organizations.

21. In conclusion, he considered that article 36 *bis* must form part of the Commission's draft and that paragraph 37 must include provisions relating to means of revoking or modifying the obligations referred to in article 36 *bis*.

22. Mr. RIPHAGEN, noting that, in his statement on article 36 *bis* (1676th meeting), he had drawn a distinction between the modalities and the effects of consent, said it seemed to him that paragraphs 5 and 6 of article 37 dealt more with the effects of consent than with the modalities. Indeed, he found the paragraphs went too far, because they appeared to give the consent of the member States of an international organization the effect of creating vested rights and interests that were, for all intents and purposes, not subject to change.

23. During the discussion at the United Nations Conference on the Law of Treaties of the text which became article 37 of the Vienna Convention, he had had the definite impression that that article was influenced by specific multilateral treaties establishing a particular regime for certain parts of territory and creating rights for third States. It was, however, unlikely that treaties of that kind would, in the near future, be concluded by international organizations. It was also doubtful whether the provisions of article 37 of the Vienna Convention could be said to apply, without modification, to the particular situation of third States which were members of an international organization, because the rights and obligations of an international organization relating to a treaty concluded by it were, presumably, not always automatically transferable to the member States of that organization. In view of those problems, he agreed with Mr. Aldrich that paragraphs 5 and 6 of article 37 should be deleted.

24. Mr. USHAKOV said that he was against paragraphs 5 and 6 of article 37. Once an obligation had been accepted, its revocation could not depend on the will of a single party, whatever the form in which the consent had been given.

25. What was more, the new draft of article 36 *bis* submitted by the Special Rapporteur (1675th meeting, para. 27), referring to "the relevant rules of the organization applicable at the moment of the conclusion of the treaty", would raise the question of the duration of the obligations of a member State of the organization bound by virtue of those rules if that member State left the organization. On that point, the Special Rapporteur had involved the existence of a safeguard clause concerning the composition of the organization. However, that clause only applied to the organization itself and not to the member States who would, in such a case, be forever bound by the treaty. Draft article 73[4] said nothing with regard to the position of member States of an organization and their obligations arising from article 36 *bis*. However, the relevant rules of the organization could obviously not release member States from any obligations they might have, because the member State had accepted obligations by virtue of a treaty that was governed not by the internal rules of the organization but by international law.

26. The Commission should attempt to solve the concrete problem which was thus raised. Practice had, of course, always been more flexible than legal rules, but it seemed risky to leave such an important matter to be settled by practice, which was always skilful at bypassing the rules.

27. Mr. JAGOTA agreed with Mr Calle y Calle's view that if the Commission decided to include article 36 *bis* in its draft it would also have to include paragraphs 5 and 6 of article 37, since they could be regarded as an explanation or extension of the provisions of article 36 *bis*. Thus, article 36 *bis* stated that the obligations of the member States of an international organization which had concluded a treaty derived only from the relevant rules of the organization applicable at the moment of the conclusion of the treaty—and the time factor was a crucial one—while article 37 explained how long those obligations would continue and whether they could subsequently be revoked or modified.

28. Since article 36 *bis* contained no reference to the revocation or modification of the obligations of third States members of international organizations, that concept must be mentioned either in article 37, paragraphs 5 and 6, or somewhere else in the draft. Otherwise, it would be a matter that was open to interpretation.

29. The inclusion of paragraphs 5 and 6 of article 37 would, moreover, be helpful to the States parties to a treaty concluded with an international organization, to the international organization itself and to the member States of that organization. It would be clear that the intention of the parties at the time of the conclusion of that treaty had been that the relevant rules of the organization should be applicable not only at the moment when the treaty was concluded but also if and when obligations arising from the treaty were revoked or modified.

30. Mr. ALDRICH said that, in his earlier statement, he had failed to make it clear that paragraphs 5 and 6 of article 37 should be deleted only if paragraphs 1 to 4 of that article were amended to include a reference to the revocation or modification of any of the third party rights and obligations acquired under articles 35, 36 or 36 *bis*. Paragraphs 1 to 4, which should, of course, show that all third party rights and obligations, however acquired, should be treated in the same way, might ultimately be reduced to two paragraphs.

31. Mr. VEROSTA said that he was in favour of retaining paragraphs 5 and 6. The Commission might ask the Special Rapporteur to redraft paragraphs 1 to 4.

32. Mr. REUTER (Special Rapporteur) said that a drafting question had been raised: leaving aside paragraphs 5 and 6, could paragraphs 1 to 4 of the text adopted on first reading be reduced to two? Mr. Aldrich had spoken in favour of that solution. The matter would have to be decided by the Drafting Committee.

33. Various opinions had been expressed with regard to the substantive issues raised by paragraphs 5 and 6. Mr. Aldrich and Mr. Riphagen considered that the rules for the modification and revocation of rights and obligations in the cases envisaged by article 37 should be reviewed so as to assimilate them to the general regime. On the other hand, other members, such as Mr. Calle y Calle and Mr. Jagota, thought that such a substantive modification of paragraphs 5 and 6 was not desirable, or that the provisions should be retained in their present form.

34. Clearly, the Commission should first settle the content of a possible article 36 *bis* and decide whether to retain the reference to rights in the article, in conformity with the text adopted on first reading, but contrary to the opinion expressed at the end of the discussion of the first reading.

35. Mr. Aldrich had widened the substantive problem by saying that he was in favour not only of telescoping paragraphs 1 to 4 in two paragraphs, but also of introducing into the new text a number of elements referring to the question dealt with in paragraphs 5 and 6 of the text adopted on first reading. That position clearly showed to what extent substance and form were linked. In the circumstances, the best course was to refer the matter to the Drafting Committee.

36. With regard to Mr. Ushakov's observations, he noted that he had already said that the modification of the composition of an international organization was a difficult problem, but that draft article 73 contained a provision in which it was explained that it was not intended to cover that question. Mr. Ushakov con-

[4] See 1647th meeting, footnote 1.

sidered that that reservation was not enough, in view of the fact that if draft article 36 *bis* was retained, the result in the case of a treaty concluded by an international organization with a State and providing for obligations for member States would be a collateral agreement between member States of the organization and the organizations or States parties to the original treaty. Such a treaty, however, concerning the obligations of member States, was not covered by the reservation set forth in article 73. A consideration of that type had serious consequences, especially bearing in mind the possibility that article 36 *bis* might not be retained and that only draft articles 35 and 36 would be included.

37. In the case of a headquarters agreement such as that between the United Nations and the United States of America, even if the view was accepted that a State which left the organization remained bound by the obligations arising from the treaty, it must be recognized that the object of the treaty disappeared once the State left the organization. On the other hand, a more complex solution was called for where a member State of a customs union left the organization. In practice, however, tariff agreements negotiated by a customs union on behalf of its members generally provided for reciprocal advantages, and it could reasonably be assumed that the State which had concluded the agreement with the union could consent to retaining the treaty regime in its relations with the former member State of the union, on the basis of reciprocity.

38. In theory, Mr. Ushakov's comments were entirely justified. The Commission would no doubt take note of them when considering draft article 73, which should perhaps be modified in such a way as to expressly exclude the question of the survival of obligations from the scope of the draft articles. It was none the less true that an agreement related to a main agreement was, from the standpoint of causality, closely linked with that agreement. The Vienna Convention had never considered the problem of the legal regime of interrelated treaties. They should, he thought, be left aside. He had no objection to referring article 37 to the Drafting Committee.

39. Mr. USHAKOV pointed out that the concrete problem he had raised concerned the case in which an international organization had concluded a treaty with a State. There were then two possibilities. The third member State could accept the obligations created for it, in writing and on its own account, in which case the first four paragraphs of article 37 applied. Alternatively, a member State of an organization might have undertaken to respect the obligations arising for it by virtue of the constituent instrument of the organization. In that case, two questions had to be answered: was the State bound by that instrument after it left the organization? and, if so, how long was it bound by an agreement whose obligations it had accepted through consent given in conformity with a constituent instrument which remained in force in absolute terms?

40. Mr. REUTER (Special Rapporteur) said that Mr. Ushakov had, in a sense, answered the question he had raised, having regard to the point made by Mr. Aldrich when he had suggested that article 36 *bis* should refer to the information made available to entities dealing with an international organization. The crucial issue was the intention of the parties, and it could reasonably be assumed that the partner of the international organization in the initial treaty must have known whether the organization's constituent instrument provided that member States were bound by treaties concluded by the organization only for the duration of their membership, or beyond. The Drafting Committee should study these problems in connection with article 36 *bis*.

41. The CHAIRMAN proposed that the Commission should refer article 37 to the Drafting Committee.

It was so decided.

ARTICLE 38 (Rules in a treaty becoming binding on third States or third international organizations through international custom)

42. The CHAIRMAN invited the Commission to consider article 38, which read:

Article 38. Rules in a treaty becoming binding on third States or third international organizations through international custom

Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State or a third international organization as a customary rule of international law, recognized as such.

43. Mr. REUTER (Special Rapporteur) said the article, which was almost identical with the corresponding article in the Vienna Convention, had elicited no comment.

44. The CHAIRMAN said that, if there were no objection, he would take it that the Commission decided to refer article 38 to the Drafting Committee.

It was so decided.

ARTICLE 39 (General rule regarding the amendment of treaties),

ARTICLE 40 (Amendment of multilateral treaties), *and*

ARTICLE 41 (Agreements to modify multilateral treaties between certain of the parties only)

45. The CHAIRMAN invited the members of the Commission to consider articles 39, 40 and 41, which constituted Part IV of the draft articles, entitled "Amendment and modification of treaties". The texts read as follows:

Article 39. General rule regarding the amendment of treaties

1. A treaty may be amended by the conclusion of an agreement between the parties. The rules laid down in Part II apply to such an agreement.

2. The consent of an international organization to an agreement provided for in paragraph 1 shall be governed by the relevant rules of that organization.

Article 40. Amendment of multilateral treaties

1. Unless the treaty otherwise provides, the amendment of multilateral treaties shall be governed by the following paragraphs.

2. Any proposal to amend a multilateral treaty as between all the parties must be notified to all the contracting States and organizations or, as the case may be, to all the contracting organizations, each one of which shall have the right to take part in:

(*a*) the decision as to the action to be taken in regard to such proposal;

(*b*) the negotiation and conclusion of any agreement for the amendment of the treaty.

3. Every State or international organization entitled to become a party to the treaty shall also be entitled to become a party to the treaty as amended.

4. The amending agreement does not bind any party to the treaty which does not become a party to the amending agreement; article 30, paragraph 4 (*b*), applies in relation to such a party.

5. Any State or international organization which becomes a party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State or organization:

(*a*) be considered as a party to the treaty as amended; and

(*b*) be considered as a party to the unamended treaty in relation to any party to the treaty not bound by the amending agreement.

Article 41. Agreements to modify multilateral treaties between certain of the parties only

1. Two or more of the parties to a multilateral treaty may conclude an agreement to modify the treaty as between themselves alone if:

(*a*) the possibility of such a modification is provided for by the treaty; or

(*b*) the modification in question is not prohibited by the treaty and:

(i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;

(ii) does not relate to a provision derogation from which is incompatible with the effective execution of the object and purpose of the treaty as a whole.

2. Unless, in a case falling under paragraph 1 (*a*), the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of the modification to the treaty for which it provides.

46. Mr. REUTER (Special Rapporteur) said that no comments had been made on articles 39 to 41.

47. As a result of the introduction of the term "the contracting entities" into the language of the draft articles, the first part of paragraph 2 of article 40 could be simplified; the words "to all the contracting States and organizations or, as the case may be, to all the contracting organizations" could be replaced by "to all the contracting entities".

48. The CHAIRMAN said that, in the absence of any comment, he would take it that the Commission wished to refer articles 39 to 41 to the Drafting Committee.

It was so decided.

The meeting rose at 12.30 p.m.

1680th MEETING

Monday, 29 June 1981, at 3.20 p.m.

Chairman: Mr. Doudou THIAM

Present: Mr. Aldrich, Mr. Barboza, Mr. Calle y Calle, Mr. Dadzie, Mr. Díaz González, Mr. Francis, Mr. Jagota, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Sucharitkul, Mr. Ushakov, Sir Francis Vallat, Mr. Yankov.

Tribute to Mr. Pierre Raton

1. The CHAIRMAN recalled that at the opening meeting of the current session the Acting Chairman of the Commission had indicated that Mr. Pierre Raton, Chief of the Legal Liaison Office at the United Nations Office at Geneva, was about to retire. On 30 June 1981, Mr. Raton would end a career of more than thirty years with the United Nations Secretariat. During that long and brilliant career, first with the Legal Service in New York, then with the Directors-General in Geneva, he had rendered invaluable service and given precious advice.

2. Mr. Raton's departure was a loss not only for the Secretariat, which would be deprived of a devoted jurist, but also for the Commission, which would lose a friend and advocate of the codification and progressive development of international law. At the beginning of his career as a jurist, Mr. Raton had attended the Commission's second session, held at Geneva in 1950. Since then, he had taken part in the Commission's work in various capacities. Of all those present at the current meeting, he was certainly the one who had attended the greatest number of sessions and taken part in the preparation and publication of the largest number of Commission documents. His most remarkable contribution was no doubt the creation of the International Law Seminar. After having set it up almost singlehandedly in 1965, he had continued to organize it with so much care, devotion and success that the Seminar had become intimately connected with the sessions of the Commission.

3. On behalf of the members of the Commission, past and present, he wished to express to Mr. Raton the