Document:-
A/CN.4/SR.504

Summary record of the 504th meeting

Topic:
Law of Treaties

Extract from the Yearbook of the International Law Commission:-
1959 , **vol. I**

political considerations, which the Commission, as a body of jurists, should eschew.

52. The principle that every State, whether or not it had been recognized, was entitled to take part in negotiations concerning multilateral treaties of a universal nature flowed from the principle of the sovereign equality of States and from the special nature of international law, which was a law as *between States*, based on their collective will. That principle must be considered as a part of the law of nations; it was therefore out of the question that any one category of States should be excluded from its application, so far as universal treaties were concerned. In the case of bilateral and regional treaties, the question of participation was far simpler, as Mr. Padilla Nervo had pointed out.

53. He could therefore accept Mr. Padilla Nervo's suggestion (see para. 36 above) that the three types of situation should be dealt with separately, as well as Mr. Tunkin's views with regard to treaties of a universal character.

54. Mr. TUNKIN entirely agreed with Mr. Zourek. Mr. Ago's attempt to solve the difficulty pointed out by Mr. Yokota had been inconclusive. His remarks concerning the link between recognition and participation in universal treaties were not consistent with established practice, as Mr. Zourek had shown. Even in the case of the admission of new Members to the United Nations, it had frequently happened that States had voted for the admission of new States although they had not yet recognized those new States at the time of the vote.

55. There could be no doubt that States were subjects of international law, regardless of their recognition, and were equals under that law. How, therefore, could any State be precluded from participating in a multilateral treaty of a universal character?

56. A treaty could be universal in character, either because its object was one of universal interest, or because it created rules intended to be universally accepted. In modern times, many rules of international law were created by treaty, no longer solely by custom. Hence, it was not only illogical, but also illegal, to exclude any State from participating in treaties which dealt with matters of general interest and concerned the rights of all States.

57. He therefore proposed that the following new paragraph be added to article 24:

> "Each State has a capacity to participate in a multilateral treaty which by its nature is of a universal character."

58. With regard to the practice observed in the admission of States to the conferences convened under the auspices of the United Nations referred to by the Secretary, he agreed with Mr. Zourek that any discrimination in that respect was due to purely political reasons. It might even be said that the non-admission of the People's Republic of China to participation in many multilateral treaties—contrary to what was chiefly intended by that practice—was the direct result of the so-called Cold War. If the Commission countenanced and consecrated that practice, it would be failing in its duty as a body of jurists desirous of making a contribution to the maintenance of international peace.

59. Mr. GARCIA AMADOR said that in Mr. Tunkin's amendment the word "capacity" was technically inappropriate, since it was generally used to denote the contractual capacity of political entities, some of which were not necessarily States. The phrase "has the right" or "is entitled" might be preferable.

60. Mr. Tunkin and other members had argued that the participation of all States in universal treaties was a more important question than that of recognition, which was eminently political and therefore unsuited to discussion by the Commission. From the legal point of view, however, there was an even more important question: If the right of all States to participate in universal treaties was admitted, was it not implied that all States were bound by universal treaties, even by those in which they had not participated?

61. The question was very complex, because although some members would argue that all States had the right to participate in universal treaties, not all would be equally ready to accept the implicit idea that all States were bound by them. It was true that the word "universal" was relative in the context, since some regional treaties had certain universal aspects, but those aspects would not confer on all States the right to participate. The formulation suggested by Mr. Tunkin was hardly acceptable.

62. The CHAIRMAN said that he wished to make some comments as Special Rapporteur at the next meeting and suggested that the discussion be continued and that a vote might possibly be taken on certain issues.

It was so agreed.

The meeting rose at 12.55 p.m.

504th MEETING

Friday, 29 May 1959, at 9.50 a.m.

Chairman: Sir Gerald FITZMAURICE

Law of treaties (A/CN.4/101) (*continued*)

[Agenda item 3]

ARTICLE 24 (*continued*)

1. The CHAIRMAN, speaking as Special Rapporteur, thought that Mr. Padilla Nervo's suggestion (503rd meeting, para. 36) for dividing article 24 into sections dealing respectively with bilateral treaties, treaties restricted to certain classes of States, and general multilateral treaties was generally acceptable. There was no problem in the case of bilateral treaties, and no real problem in that of regional treaties or treaties restricted to a particular group or class of States, since participation in a regional or "restricted" treaty by a State outside the region or group required the consent of the parties.

2. The main problem arose in the case of general multilateral treaties. The Secretary to the Commission had explained the practice of United Nations conferences and the practice in the General Assembly (see 503rd meeting, paras. 38 ff.) There was no essential difference, so far as participation was concerned, between a general multilateral treaty negotiated under the auspices of an international organization and a multilateral treaty not so negotiated. Either the treaty regulated participition—in which case no problem arose—or it was silent on the matter, and then the question did arise. It was, however, very unusual in modern times to find a treaty which did not regulate the participation of States which had not attended the conference. Thus, the problem was confined mainly to older treaties. Nevertheless, some general rule would have to be provided in a code, since

modern practice could not be wholly relied on and it was conceivable that even a modern treaty might lack an accession clause.

3. It was generally agreed that a State which attended a conference and participated in the negotiations had an undoubted right—and it was a right rather than a faculty—to participate in the treaty. In addition, as Mr. Ago had said (503rd meeting, para. 12), States which had been invited to a conference and had failed for some reason to attend had a similar right, though it should be noted that the right was subject to compliance with the formalities laid down by those which had participated in the negotiation.

4. Referring to the argument that every State had a right to participate in general treaties and to Mr. Tunkin's proposed paragraph expressing that view (see 503rd meeting, para. 57), he said that in practice the paragraph would have little scope. Most multilateral instruments contained an accession clause prescribing the conditions to be fulfilled by additional participants, and such a clause would naturally prevail. In theory, Mr. Tunkin's proposal was attractive, but in reality the conditions governing participation in multilateral treaties were based on political considerations—which could hardly be set aside by a provision in the code.

5. A few treaties contained no provision regulating participation but contained a general accession clause; a good example was the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War, which the Secretary had cited (503rd meeting, para. 41). No problem arose in that case, since any country was entitled to sign. Lastly, in the case of the very few multilateral treaties which contained neither a provision regulating participation nor a general accession clause, it could not be inferred from the absence of such a provision or clause that additional States could claim to participate as of right. The best way of regulating participation by additional States in those treaties would probably be to provide in the code that the consent of a majority of the parties was required, if the treaty was in force, or of a majority of the signatories, if it was not.

6. It was in those cases that the question of recognition became relevant. On the one hand, it would be difficult to make a rule under which a State not recognized by the great majority of the participants could be admitted to participation; on the other hand, it would be wrong to require the unanimous consent of all the parties, for then any one of them would have a veto. What was needed, therefore, was a majority rule.

7. It might be argued that an obligation to enter into treaty relations should not be imposed on a minority which did not recognize a certain State. In modern practice, no recognition was involved by the mere fact that a State was a party, along with others, to the same multilateral treaty. Besides, most of the conventions in connexion with which the question arose were not contractual in nature, but rather established norms of conduct and could hardly be said to impose any form of relationship between the participants.

8. Mr. TUNKIN said that the Commission should be guided only by the generally accepted rules of international law. The problem of the participation of additional States arose not only when no provision was made for accession or participation in a general treaty but even when such provision was made; for some provisions concerning accession might be incompatible with international law.

9. Mr. García Amador had stated (503rd meeting, para. 60) that his (Mr. Tunkin's) proposed paragraph might imply that all States would be bound by a universal treaty even if they had not participated in the negotiation. That was not the intention of the proposed paragraph, and if it was open to such an interpretation he would be prepared to amend the wording. Mr. Garcia had added (*ibid.*, para. 61) that some regional treaties had a universal aspect. But the proposed paragraph was not intended to refer to regional treaties; it spoke of treaties of "a universal character". It was generally agreed that it was desirable that all States should participate in such treaties, regardless of political considerations. His proposal corresponded to a trend in the development of international law and would promote that development.

10. Mr. EDMONDS said that he had agreed with the Special Rapporteur's original draft as it stated the accepted rule, and he now also agreed with the amendments accepted by the Special Rapporteur, especially the suggestion that paragraph 2 should be redrafted to take account of different possible situations (see 502nd meeting, para. 57).

11. In most cases, the question of the participation of additional States would be settled by provisions in the particular treaty, especially if concluded under the auspices of an international organization. In other cases, the rule should be as the Special Rapporteur had stated it. In the matter of participation in multilateral treaties already in force which made no provision for accession, the code should not contain any rule which might cast doubt on existing practice. The practice of the Netherlands Government as described by Mr. François (502nd meeting, para. 29) would seem to be the best solution.

12. The debate had strayed from the real issue to political questions. Article 24 related to the narrow legal and essentially simple and procedural question of signature. A great deal of the discussion would have been more appropriate in connexion with article 34 (*Accession (legal character and modalities)*).

13. Under the existing rules of international law, the States which negotiated the treaty determined what other States might accede. The Commission should adhere to that rule without limitation or qualification. There was no good reason why the discussion should become involved with the question of the recognition of States, either *de jure* or *de facto;* the real problems did not turn on the legal attributes which flowed from recognition. The Commission's task was to codify the existing practice as concisely and correctly as possible.

14. He could not support Mr. Tunkin's proposal. The principle was unacceptable, the use of the word "capacity" was not readily intelligible, and the phrase "treaty . . . of a universal character" was extremely vague. If any such provision was included in the code, it would be a questionable departure from the existing rules.

15. Mr. YOKOTA said that he did not grasp the purport of the phrase "a capacity to participate" in Mr. Tunkin's proposed paragraph. At the 502nd meeting Mr. Tunkin had raised the question of the right to participate in treaties (502nd meeting, para. 40) and he (Mr. Yokota) had argued that the right to participate should be distinguished from the faculty to participate (*ibid.*, para. 49). Every State had the capacity to participate in every multilateral treaty, but not necessarily a right, because if it had that right, it could

oblige other States to accept its participation. If Mr. Tunkin used the term "capacity" in the sense of a faculty—as distinct from a right—the proposed paragraph would be self-defeating, inasmuch as a State having a mere faculty to participate could not oblige other States to accept its participation. He drew an analogy with the establishment of diplomatic relations: every State had the capacity to establish such relations but in fact they were established by mutual consent. A similar question arose in connexion with participation in negotiations or in a conference for the conclusion of a multilateral treaty. If there were a right or capacity to participate in a treaty, the Commission would also have to discuss the right or capacity to participate in a negotiation.

16. As a matter *de lege ferenda* he agreed with the Special Rapporteur's proposal that new States should be admitted to participation in existing treaties by a majority decision of the parties.

17. Mr. TUNKIN said that the word "capacity" in his proposed paragraph should be changed to "right", since it had been shown that "capacity" was not the proper term.

18. He did not think that the analogy between the right to participate in a treaty and the right to establish diplomatic relations was sound. For example, if a group of States called a conference to draft a treaty concerning the régime of the high seas, other States could hardly be debarred from participating, for the high seas were *res communis omnium*. By contrast, the establishment of diplomatic relations was a matter between two States.

19. Mr. HSU considered that the problem of participation in general treaties exceeded the scope of article 24 and, if any provision relating thereto were adopted, it should be inserted elsewhere in the code. He thought that Mr. Tunkin's idea of changing the word "capacity" into "right" was a happy one, since the amended text implied the noble idea that the society of nations was a real family, whose members all had obligations towards each other and, if their interests did not happen to be identical, would be prepared to discuss their differences amicably. That had been the trend of international law for two or three decades and, although the ultimate goal might not yet have been reached, the Commission should promote that trend.

20. However, he considered Mr. Tunkin's text incomplete. If each State had a right to participate in a multilateral treaty, it also had the duty to observe the conditions of that treaty. He therefore suggested that the words "as well as the duty to observe" should be added before the words "a multilateral treaty". The text, if so amended, would automatically dispose of the problem of recognition, for any State which failed to comply with universal treaties would be, so to speak, placed beyond the pale of civilization and, consequently, would have no chance of recognition.

21. Mr. AGO said that, while he sympathized with the moral considerations expressed by Mr. Hsu, the Commission's task was to codify existing international law and to take modern realities into account. From the strictly juridical point of view, if Mr. Tunkin's text were accepted, every State would have the legal right to become a party to a treaty of a universal character. It was doubtful, however, whether such a provision corresponded to existing realities. In the case of treaty-making conferences convened by international organizations, the competent organ decided by a vote to invite some States and not others. If an international organization could by a majority vote debar certain States from participating in a conference, how could it be said that those same States could become parties to the resulting treaty by signing it?

22. Furthermore, the most universal of existing agreements—the United Nations Charter—provided a complicated procedure for the accession of a State to the Charter. The basic instruments of the various specialized agencies had similar provisions. If Mr. Tunkin's view were correct, however, any State could become a party to those instruments by mere signature—which was patently not the case.

23. Mr. ZOUREK said the question was whether the code should contain a general rule governing participation to be applied in the absence of a contrary provision in a treaty. Some members might say that such a rule was not necessary inasmuch as in most cases the matter was governed by practice, particularly that followed by the United Nations. Actually, however, the practice was by no means uniform; indeed, sometimes it was governed by the political background of the treaty-making conference concerned. Moreover, a perusal of the Handbook of Final Clauses (ST/LEG/6) prepared by the United Nations Secretariat showed that many different procedures were used. Even if the question was governed by practice, it was still necessary to know whether a given practice was in conformity with general international law.

24. In his opinion, where treaties of universal scope were concerned, international law did not contain a rule whereby States forming part of the international community could be excluded from participation. The phrase "treaty . . . of a universal character" had been criticized as vague. Possibly the term should be defined in the commentary, but it clearly meant a treaty containing rules applicable to relations among all States, such as a treaty concerning the régime of the high seas, as Mr. Tunkin had indicated.

25. The principle laid down in the paragraph which Mr. Tunkin proposed to add to article 24 (see 503rd meeting, para. 57) manifestly did not apply to instruments establishing international organizations, since in those instruments the admission of new members was regulated by special provisions.

26. It had been said that if a new State wished to participate in a treaty some of the parties to which did not recognize the new State, those non-recognizing States would be in an awkward position. Such an argument could not be sustained, for the appearance of States as co-signatories or contracting parties to the same multilateral treaty did not in any way constitute mutual recognition. To argue that participation in a treaty by a State which had not been recognized involved new obligations which the States not recognizing that State were unprepared to accept was tantamount to asking for the right to exclude States not recognized by all members of the international community from the application of *general* law and even to making it impossible for multilateral conventions of a universal nature to apply as between the States concerned and those States which had recognized them. Such a claim was wholly inconsistent with the fundamental principles governing international law. Besides, any party to the treaty was free to formulate reservations concerning its relations with other parties.

27. Mr. LIANG, Secretary to the Commission, said that the Handbook of Final Clauses to which Mr. Zourek had referred, was a collection of possible forms for final clauses and did not contain exclusively provisions supported by citations of actual texts. He believed that his statement at the previous meeting was an accurate description of United Nations practice. He agreed that political considerations entered into decisions of the General Assembly whether or not to invite specific States to participate in treaties. However, such decisions were, of course, taken by a majority vote and the sources of the General Assembly's power to decide which States to invite were provided for in the treaty itself. That aspect of the question was covered by the words "if it so provides" in article 24, paragraph 2. Without entering into the question of the political desirability of that procedure, he pointed out that the relevant clauses in treaties on the participation of new parties were as integral a part of the treaties as other provisions.

28. Mr. TUNKIN though that Mr. Ago's interpretation of his (Mr. Tunkin's) proposed paragraph was based on a *reductio ad absurdum*. It was obvious that the proposition that each State had the right to participate in any multilateral treaty whatsoever did not correspond with reality. He pointed out that the proposed paragraph made no such sweeping assertion.

29. Mr. Hsu's brief amendment (see para. 20 above) might have extremely far-reaching results. If that wording were adopted, a group of States concluding a multilateral treaty would automatically make that treaty binding on all other States. That dream of a world State, however, was utopian and unrealistic in the present-day situation.

30. Some members had expressed the view that the principle stated in his proposed paragraph was too general to be inserted in section B, relating to the negotiation, drawing up and establishment of the text. Since the matter was such a complex one, he thought it might be better to postpone its discussion to a later stage of the consideration of the law of treaties.

31. Mr. SCELLE thought that the question raised by Mr. Hsu's amendment was *de lege ferenda* since it could not as yet be said that all States had the right to participate in universal treaties. However, the situation referred to by Mr. Hsu seemed to be envisaged to a certain extent in Article 2, paragraph 6, of the United Nations Charter. Since the maintenance of international peace and security was the principal purpose of the United Nations, that provision implied, in effect, that States not Members of the United Nations should act in accordance with the principles of the Organization. Accordingly, Mr. Hsu was right in saying that, when a State considered that a multilateral treaty contained general rules applicable to all States, it had a "moral" obligation to observe such a treaty. But on the other hand, Mr. Ago had rightly pointed out that a moral obligation was not a legal duty.

32. Mr. Tunkin's proposed paragraph also raised a question *de lege ferenda*. When once a State had become a member of the community of nations by participation in a treaty of universal character, it would be bound by that treaty and, hence, by the clauses relating to its duration. That was a principle of international law; a State was not obliged to accede to a treaty, but, having acceded, it must comply with the provisions of the instrument.

33. In a sense, Mr. Tunkin's proposal might be held to be too narrow, since universal principles were not stated only in multilateral treaties. Certain principles of universal international law (apart from custom) might be stated in unilateral declarations, bilateral treaties or multilateral treaties concluded by a small number of States. Accordingly, the phrase "treaty . . . of a universal character" in Mr. Tunkin's text was too vague. It seemed to imply a majority of the international community, but did not specify what that majority should be. The practice in the matter in international law was quite different from that of domestic law. If a national parliament enacted a law, and particularly one involving universal principles, the minority which voted against the bill was still bound by the law; in international law the dissenting minority was not bound by a multilateral treaty. Mr. Tunkin's text would perhaps become pertiment when the international legislative system evolved to the point reached by municipal systems. It was to be hoped that that state of affairs would eventually materialize, but for the moment one had to recognize that even the provision of Article 2, paragraph 6, of the Charter was neutralized, if not contradicted, by Article 27, paragraph 3, which provided for the unanimity rule in the Security Council.

34. Mr. PADILLA NERVO considered that the Commission should decide whether it wished to confine article 24 to the right to sign or to extend it to the right of participation. In the latter case, provision would have to be made for ratification and accession.

35. It had been argued that participation in certain "general" treaties was linked with the right of all States to participate in conferences convened by the United Nations. With regard to the words "of a universal character", he thought that the Charter contained a clue to their meaning. For example, all Members of the United Nations were bound by the Charter to take the necessary measures to achieve the purposes enumerated in Article 55, on international economic and social cooperation. The obligations flowing from those provisions clearly implied a right to participate in negotiating treaties having the object of promoting the purposes of Article 55. If it were possible to make it absolutely clear what treaties were of a universal character and to decide that the obligations mentioned implied the right to participate in international conferences on those subjects, the Commission might indicate in the code that it was possible for any State to sign such treaties, on the conditions laid down in them. That would apply, of course, to treaties made at conferences convened by the United Nations or the specialized agencies; different rules would govern treaties concluded by regional groups.

36. The CHAIRMAN agreed with Mr. Padillo Nervo that it was difficult to continue the debate without deciding whether the code should contain a general article on participation or separate articles on the right to sign, ratify and accede.

37. He noted that Mr. Tunkin, without withdrawing his proposed paragraph, had suggested that discussion thereon should be postponed until the question of accession was considered. He called upon the Commission to decide on Mr. Tunkin's suggestion. If the Commission adopted it, that would mean giving up the idea of a general article on participation and dealing separately with the right to sign, ratify and accede.

Mr. Tunkin's suggestion was agreed to.

38. The CHAIRMAN, speaking as Special Rapporteur, said that article 24 would accordingly be dealt

with on its original basis, namely that of the right to sign.

39. In paragraph 1 he was prepared to accept the suggestion to omit the final phrase "in all cases where signature is the method of authentication adopted" so that paragraph 1 would read: "Every State invited to participate in the negotiation of a treaty has the right to sign it". That was a statement of the general principle but it had been pointed out that the right to sign was not an absolute right since the treaty might no longer be open for signature. It might be necessary to add a phrase such as "in those cases where the treaty remains open for signature".

40. Mr. ALFARO thought that preferably the general rule should be stated without qualification. He preferred as a statement of the general rule the Special Rapporteur's original wording without the final phrase "in all cases where . . . adopted". That could be followed by a statement of the exceptions to the rule, in other words, a description of the cases in which States which had not participated in the negotiation of a treaty could sign it. Such exceptions would be: first, the case in which the text of the treaty contained a provision to that effect; secondly, the case in which the negotiating States agreed that a non-negotiating State could sign; thirdly, the case suggested by Mr. Ago, namely, that in which a State had been invited to participate in the negotiation but had not in fact participated; and finally, a fourth exception might be added to cover the case of Members of the United Nations or members of other international organizations, which should have the right to sign a treaty negotiated at a conference convened by the General Assembly of the United Nations or by the other international organization concerned.

41. The CHAIRMAN, speaking as Special Rapporteur, said that he could accept Mr. Alfaro's suggestion. However, he was a little uncertain about Mr. Alfaro's fourth exception: it might be trespassing on the rights and functions of international organizations. It was conceivable that an international organization might convene a conference for the purpose of negotiating a treaty of interest to some of its members only.

42. Mr. ALFARO said that he had included the fourth exception because it had been mentioned by Mr. Ago. He agreed with the Special Rapporteur that it could be omitted.

43. Mr. TUNKIN observed that it would be difficult to enumerate all the exceptions and suggested that it might be enough to say that other States might sign in accordance with the provisions of the treaty.

44. The CHAIRMAN, speaking as Special Rapporteur, thought that, in view of the decision not to include a general article on participation, it would be necessary to deal fully with the rights to sign, ratify and accede. Provision had to be made for the way in which a State which had not participated in the negotiation could sign a treaty which contained no provision for such signature.

45. The only point in connexion with article 24 that remained to be decided was whether the consent of the States concerned had to be unanimous or not. He drew attention to the various possibilities: (1) if the treaty had entered into force, the States concerned would be the parties to the treaty; (2) if the treaty had been signed and there was no provision for a period during which it was open for signature, in his view the States concerned would be the signatories; and (3) if the treaty was still open for signature, the States concerned would be the negotiating States. His own view would be that consent should be at least by a two-thirds, and perhaps by a three-fourths, majority.

46. Mr. LIANG, Secretary to the Commission, said with reference to the first possibility mentioned by the Special Rapporteur, that it was difficult to envisage any problem of signature in connexion with old treaties such as the two Hague Conventions of 1899 and 1907. New States became parties to old conventions by acceeding to them and there was no way in which they could sign them, signature being over and done with. In the case of the Charter of the United Nations, new States were admitted to membership in the United Nations, thereby becoming parties to the Charter as a treaty but they could not any longer sign the Charter. He suggested that the question of participation in such treaties might be dealt with in connexion with the articles on accession.

47. The CHAIRMAN, speaking as Special Rapporteur, agreed that the Secretary's suggestion was sound. On reflection, it was equally difficult to see how a non-negotiating State could sign a treaty which had already been signed and was not, or was no longer, open for signature even by negotiating States. There again, the non-negotiating State would have to become a party by some other means, such as accession.

48. It was plain, therefore, that article 24 would have to be limited to the case in which a treaty was still open for signature.

49. Mr. SANDSTRÖM pointed out that article 24 could scarcely apply to bilateral treaties.

50. The CHAIRMAN, speaking as Special Rapporteur, said that as Mr. Padilla Nervo had pointed out, a problem would arise only in the case of general multilateral conventions. In the case of bilateral treaties and of treaties negotiated in a small group of States, it was clearly the negotiating States concerned which decided, either by the inclusion of a provision in the treaty itself or by a separate agreement, whether to permit a State which had not participated in the negotiation to sign the treaty.

51. He took it that there was no objection to a clause providing for consent by not less than two-thirds of the negotiating States, although possibly such a rule was not desirable in the case of, for example, economic conventions. The best solution might be to include the two-thirds majority rule in article 24, point out to Governments that the rule was not final and invite their comments concerning the desirability of applying it to all categories of general multilateral conventions.

52. He suggested that article 24 should be referred to the Drafting Committee on that basis, namely, that it would be limited to the case of general multilateral conventions still open for signature, and that with the consent of two-thirds of the negatiating States such conventions could be signed by a State which had not participated in the negotiation.

It was so agreed.

ARTICLE 25

53. The CHAIRMAN, speaking as Special Rapporteur, introduced article 25 (*Time and place of signature*). He pointed out that in substance the first sentence of paragraph 1 was repeated in paragraph 2. The second sentence of paragraph 1 dealt with a practice that had become very common. He suggested that article 25 should be referred to the Drafting Committee.

It was so agreed.

The meeting rose at 12.55 p.m.