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Summary record of the 621st meeting

Topic:
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the 605th meeting that the report would be discussed if the Commission so desired.

The meeting rose at 1.5 p.m.

621st MEETING

Thursday, 29 June 1961, at 10 a.m.

Chairman: Mr. Grigory I. TUNKIN

Law of treaties

(continued)

[Agenda item 4]

1. The CHAIRMAN invited the Commission to continue its debate on item 4 of the agenda.

2. Mr. HSU said that he was able to support the view that the draft articles on the law of treaties should be so framed as to form part of a draft convention, particularly as the Special Rapporteur was of the same opinion. Sir Humphrey Waldock should be given all possible latitude for the accomplishment of his task.

3. Fundamentally there was little difference between a draft convention and a model code of rules, since the Commission seemed generally to have agreed that academic theories should have no place in either text.

4. Two schools of thought had emerged in the Committee established by General Assembly resolution 94 (1). One, starting with the idea that all rules of international law must receive the consent of States, held that they had to be embodied in international conventions. The second, starting with another idea, held that codification being a process of systematising customary rules of international law, it did not have to take the form of a draft convention and could rest on the authority of a piece of work emanating from the Commission. He did not entirely agree with either view. Referring to the second view, he said that codification was not always a mere restatement of existing rules; it might include the formulation of certain new rules in order to fill gaps, and then there might be a need for an international instrument.

5. It was recognized in article 23 of the Commission's Statute that not all its drafts would have to take the form of a convention. It had to be admitted, however, that at a time when so many new States were coming into existence there would be a greater need for the preparation of draft conventions than of model codes.

6. Mr. BARTOŠ, reiterating his support for Mr. Ago's view, said that he also wished to associate himself with the opinion voiced by several members of the Commission that a convention adopted by a large number of States, whether ratified or not, constituted evidence of the existing international law. If learned authors were able to state what were customary rules of law, *a fortiori* a decision by a large number of States had even greater authority. The world had moved beyond the nineteenth-century ideal of codification by scientific bodies; in modern times the process was taking place in the name of the international community, and even when States did not assume treaty obligations, as members of that community they were bound to respect the rules confirmed by it. Such was his interpretation of the meaning of the General Assembly's resolution 95 (1) affirming the principles of international law recognized by the Charter and Judgment of the Nürnberg International Military Tribunal. Those principles reflected the conscience of mankind and created obligations even for States which had not subscribed to the resolution.

7. He considered that a convention which had been adopted by a conference but which had not entered into force because not ratified by a sufficient number of States had greater validity than a General Assembly recommendation that States should use as a guide certain model rules codified by the Commission and approved by the Assembly.

8. Mr. ERIM, referring to the list of the successive reports on the law of treaties (A/CN.4/L.96), asked for an explanation of the apparent change in the approach to the subject adopted by the Commission. As far as he could judge from the list, at the outset the Commission had discussed draft articles of a draft convention prepared by Mr. Brierly and later draft articles prepared by Mr. Lauterpacht, but at its eighth session Sir Gerald Fitzmaurice had submitted draft articles for a code on the law of treaties.

9. Personally, he favoured the former approach because a convention possessed all the advantages of a model code together with far greater authority, even if at first ratified by relatively few States. The Special Rapporteur should be given very precise instructions so as to ensure that the Commission had a definite text to work on at the next session.

10. Mr. LIANG, Secretary to the Commission, replying to Mr. Erim, confirmed that the reports submitted by Mr. Brierly had contained draft articles. That method had been followed by Mr. Scelle in the case of arbitral procedure. That was in conformity with the requirement laid down in article 20 of the Statute according to which the Commission had to prepare its drafts in the form of articles. Mr. Lauterpacht's reports on the law of treaties had also contained draft articles.

11. On the election of Professor Lauterpacht to the International Court of Justice, Sir Gerald Fitzmaurice had been appointed Special Rapporteur, but, like Mr. Lauterpacht, had not been given specific instruction concerning the form of his report, though there had been some discussion on the matter. Afterwards, Sir Gerald Fitzmaurice had been firmly of the opinion that the draft articles should in substance be suitable for a model code. It was stated in paragraph 18 of the Commission's report on its eleventh session (A/4169) that on the recommendation of the Special Rapporteur and of course without prejudice to any eventual decision to be taken by the Commission or by the General Assembly, the Commission had not envisaged its work on the law of treaties as taking the form of a treaty but rather as a

code of a general character. It was pointed out later in the same paragraph that if the code or any part of it were ever to be cast in the form of an international convention considerable drafting changes would be required.

12. The Commission had indeed left considerable discretion to Sir Gerald in not prescribing the form which his draft articles were to take, but its final decision had not been thereby prejudged.

13. Mr. TSURUOKA said that he would be brief as the essential points had been covered by previous speakers. He considered that the draft on the law of treaties should be in the form of a convention, which both from the theoretical and practical point of view would carry greater weight than a model code of rules. He was confident that the Special Rapporteur would draft the articles in a clear and lapidary style and thus lay a solid foundation for the work to be done.

14. Mr. YASSEEN said that the law of treaties was of the greatest importance for the development of international law, for as one of the formal sources of international law the treaty was becoming increasingly prominent. It was therefore very desirable to bring together the rules on that topic in a draft convention and he believed it would be possible to find common ground that would meet with the approval of States. Such a procedure had the added advantage of providing an opportunity for new States to take part in the elaboration of a convention so important for the progressive development of international law. Even if it were not ratified the draft would still provide a firm basis for general and uniform rules of customary law in that particular domain.

15. Mr. SANDSTRÖM shared the view expressed by Mr. Ago and other members of the Commission and emphasized that it would take less time to prepare a draft convention than a model code for which more ground would have to be covered.

16. It was no criticism of the valuable work done by Sir Gerald Fitzmaurice that the Commission should decide to tackle the topic from a different angle. Clearly it must be considerably influenced by the view of the new Special Rapporteur for the law of treaties.

17. The CHAIRMAN, speaking as a member of the Commission, said that at least a provisional timetable should be established for the work on the law of treaties, in order to forestall any possible criticism of dilatoriness.

18. He wished to make two observations of a theoretical nature in order to obviate any possible misunderstanding. Firstly, although a convention which had not received enough ratifications to enter into force had a certain importance and marked a stage in the process of creating rules of international law, it could not impose binding obligations on States. However, if to some degree such a document was declaratory of existing law it could be cited as an auxiliary source of law.

19. Secondly, he repudiated the entirely unfounded assertion that a convention ratified by a majority of States enunciated existing law and was binding on all States. Such an instrument was only binding universally if it formulated general rules of customary law, and in that case its binding nature was not based on the fact that the rules had been incorporated in a convention. In other words, a majority of States was not in a position to dictate to the minority.

20. Mr. ERIM, thanking the Secretary for his explanation, observed that he had not indicated what procedure was to be followed with regard to the draft articles on the law of treaties already adopted, however tentatively, by the Commission. Some specific decision on that point would have to be taken since the Commission was a permanent body even though its membership changed.

21. Mr. PAL pointed out that the Commission's Statute drew a sharp distinction between " progressive development " and " codification " of international law, as also between the procedure to be followed in the case of drafts concerned with the progressive development of international law and that to be followed for the purpose of codification. Article 15 of the Statute defined the expressions and section A, comprising articles 16 and 17, gave the procedure to be followed for progressive development, while section B, comprising articles 18 to 24, gave the procedure to be followed in cases of codification. By the very definition given in article 15 " progressive development " would require the draft to be intended for a convention. Therefore article 16, which was the only relevant article if the present were a case of progressive development, in its clause (j) did not give different forms of recommendation as in article 23 of section B governing only the cases of codification. The present case, it might be pointed out, did not strictly come under article 16 as it had not been referred to the Commission by the General Assembly. The Statute did not specify any special procedure for drafts which were intended both to codify and to develop the international law. The Commission, however, in such mixed cases had always followed the procedure given in section B. According to the provisions contained in that section, the question of the form in which the draft would be presented would arise only when the stage of article 23 was reached. The recommendation to be made to the General Assembly under article 23 could surely not be decided upon until the draft articles had been drawn up. As far as he could see, it would be somewhat premature for the Commission to take a decision at the outset about the ultimate form of the draft on the law of treaties which at the outset was eminently a fit subject for codification though in the form of a convention in view of the recently developed constitution of the international community.

22. The CHAIRMAN said that although it was true that the Commission in the past had considered the recommendation to be made to the General Assembly towards the end of its works on a particular topic, experience had demonstrated how desirable it was to decide at an early stage what form the draft articles should take. As far as one could judge from the reports on the law of treaties it would be safe to assume that the future draft would contain some elements *de lege ferenda.* The final decision, however, could be taken later.

23. Mr. GARCÍA AMADOR thought that the Commission was over-emphasizing the importance of the

form of the draft on the law of treaties. Until the Commission actually had some draft articles before it, it would be premature to decide whether a draft convention would be preferable to a codification. It was true, as the Chairman had correctly stated, that the Commission's general intention seemed to be to draft a convention, but he (Mr. García Amador) doubted whether the text would differ in any essential respect, so far as drafting was concerned, from a code, unless there was some specific definition of the term "code." In his view, a code did not differ essentially from a constitution or from ordinary laws in municipal law. The same held good in international law in the view of most publicists, especially Rousseau, who held that whatever their form, all those international instruments were in effect of a contractual character. For example, the Pan-American Sanitary Code was, in fact, a treaty, although it was called a code.

24. He had noted a tendency to give the Special Rapporteur unduly precise instructions. He had found from his own experience that when a special rapporteur was appointed, he was given a subject, but was left almost completely free to present his own views, and it was only after he had submitted his first report that he received instructions on presentation. That had been true in the particular case of the law of treaties. Professor Lauterpacht's approach had been wholly different from Professor Brierly's; the Commission had not objected. Sir Gerald Fitzmaurice in turn had handled the subject in an entirely different way. Why, therefore, should the new Special Rapporteur be denied the latitude accorded to his predecessors? He should rather present his own views, probably many of them would coincide with those held by the former Special Rapporteurs, but he might well have new ideas.

25. One problem had not been touched on during the discussion. In the past, when considering Professor Brierly's reports, the Commission had debated whether his drafts were applicable, *mutatis mutandis*, to agreements made between international organizations and to those made between international organizations and States. A decision had been deferred, but the new Special Rapporteur might well submit his own views on the subject, and also on the subject of international instruments concluded between States and private persons. He was using the term "international" advisedly. It was a controversial question whether a person could be a subject of international law, but if a treaty or agreement provided that his relations with a State would be governed by international law, it would be interesting to know whether those relations were still also governed by municipal law, as they had been in the past. Such situations existed and some international jurisprudence had grown up around them.

26. The theoretical point had been raised whether treaties could bind States which were not parties to them. Some treaties were valid *erga omnes*. One obvious case was the United Nations Charter, which contained provisions declaratory of international law, in particular Article 2, paragraph 6, which certainly affected States not Members of the United Nations. In addition, some treaties which gave certain rights to non-parties (which consequently became subject to the corresponding duties) had been upheld in practice.

27. Mr. AMADO could not agree with Mr. García Amador's suggestion that the Special Rapporteur should not be given precise instructions. If the Commission told the Special Rapporteur exactly what it wanted, it would not be making his task more complicated but would, in fact, simplify it.

28. In reply to Mr. Pal, he drew attention to article 15 of the Statute which stated that the expressions "progressive development of international law" and "codification of international law" were used for convenience. The Committee which had prepared the Statute, though composed of qualified lawyers, had found it almost impossible to draw a clear distinction. Under articles 16 and 17 the General Assembly referred to the Commission proposal for the progressive development of international law, whereas under article 18 the Commission took the initiative in codifying the law. It was for the Commission to survey the whole field of international law with a view to selecting topics for codification and to submit its recommendations to the General Assembly when it considered that the codification of a particular topic was necessary or desirable. That was an important recognition of the Commission's standing as a body of experts in international law.

29. Mr. PADILLA NERVO said it seemed to have been generally agreed that the Special Rapporteur should begin his work by preparing articles for a draft convention on the conclusion of treaties. The final decision whether the form should be that of a draft convention or of a code should, however, be taken after the draft articles had been submitted to the General Assembly, which could not make a decision until it had considered the draft and the government comments on it. The only specific decision called for at the moment was that the Special Rapporteur's task for the next year would be to study the conclusion of treaties. The decision on form would be provisional and subject to confirmation, and would not be binding for all aspects of the law of treaties. The Commission itself might find that other aspects of the law of treaties, where the element of progressive development might be more prominent, were more suited to codification.

30. Under article 18, paragraph 3, of its Statute, the Commission was bound to give priority to any specific request from the General Assembly. The Assembly might think it more useful to governments that the Commission should study other aspects of the law of treaties, such as their validity, interpretation and effect on third States, and might not wish to wait for several years before the Commission tackled those aspects. The Commission itself might find that those aspects would be better handled in some other way. Equally, the Assembly might take the view that the subject of State responsibility was of more immediate importance than the law of treaties.

31. A draft convention might not always be the best method of exerting the Commission's moral and political influence. The very broad Universal Declaration of Human Rights had had a great impact on the General

Assembly and even on national policies, but the much more specific draft Covenant on Human Rights had been much less successful because it appeared to be restricting the scope of the Declaration.

32. The distinction between a draft convention and a code was not always entirely clear-cut. It was probable that the new Special Rapporteur would come to conclusions not differing greatly from those reached by Sir Gerald Fitzmaurice. The instructions given to the Special Rapporteur should not be unduly precise and he should be allowed to decide for himself what subjects were more suitable for a draft convention or for a code. It would be sufficient if he were permitted to interpret the opinions expressed during the discussion, and the Commission should preferably defer its final decision on the form until it had seen his texts.

33. Mr. ŽOUREK maintained that a draft convention was the only form appropriate for the treatment of the law of treaties. Its considerable advantages had been mentioned during the discussion. The prospects of success were appreciable, since many practices had already gained general acceptance and there was a real need for an instrument setting out the essential principles governing the law of treaties. The Special Rapporteur should begin work on the conclusion of treaties. As the topic had been on the Commission's agenda since its establishment, the form of a draft convention would enable it to submit a first part to the General Assembly in the near future.

34. With regard to the instructions to be given to the Special Rapporteur, he supported the members who had said that precise instructions would not fetter his freedom of action, but would actually help him. He (Mr. Žourek) knew from his own experience that it was useful for a special rapporteur to know in advance the purpose for which his work was intended, for that determined the form of the draft. A special rapporteur who prepared his draft in a form unacceptable to the majority of the Commission would be unable to alter it during the session in which the draft was discussed. In the particular case of the law of treaties, and no less in the future, the Commission should decide the form in advance. Besides, in that respect the Commission was bound by its Statute. The Special Rapporteur would not be bound with regard to the substance, unless certain decisions by the Commission already existed. Subject to that qualification, he would be entirely free to express his opinions as to substance and as to the method of submitting his work to the Commission.

35. It had been said in debate that in certain circumstances a treaty could bind non-party States. Under the fundamental principles of international law, such a proposition was untenable, for a State could not be bound without its consent. In so far as an international instrument codified customary law, the binding effect of those rules for non-party States was based not on the instrument but on the fact that it enunciated customary law. Many treaties made provision for accession. With regard to the United Nations Charter, several States which were not yet Members of the United Nations had declared their readiness to accept the obligations flowing from the Charter when requesting admission to the Organization. Accordingly, the Charter should be regarded as forming part of general international law.

36. Sir Humphrey WALDOCK thanked the members for their helpful statements. He had carefully noted all the valuable comments made, although, owing to pressure of time, he would be unable to refer to them in detail.

37. He noted that the Commission wished him to work on the understanding that the draft on the law of treaties would be intended to serve as a basis for a convention. He also noted that the Commission expected him to deal first with the conclusion of treaties and then to proceed as far as he could with the remainder of the topic of the law of treaties.

38. He was grateful to the many colleagues who had expressed the wish that he should not be unduly restricted in his approach to the new draft but he felt there would be no difficulty in the matter. He would have to begin the work again on a new basis but would, of course, take into account the work done by previous special rapporteurs. He would especially have to note those points on which there had been clear-cut expressions of opinion on the part of the Commission itself. That approach still left him a certain freedom in the formulation of the draft articles in the light of the previous work.

39. It would be his aim to prepare a text likely to meet as broad a measure of general approval as possible. In doing so, he would avoid entering into theoretical questions or into issues of detail and reduce the draft articles to those points which could be submitted to States with the expectation of their approval.

40. Since his appointment as Special Rapporteur, several colleagues had indicated to him their preference for a draft convention; he had had occasion to discuss the question with Sir Gerald Fitzmaurice, who had intimated no dissent from that new approach which reflected the general feeling of the Commission.

41. The time factor was not an easy question in regard to the law of treaties. In that respect, he agreed with the Chairman that the Commission should give the General Assembly a clear indication that it was determined to proceed expeditiously with its work on treaties, with a view to completing it in the lifetime of the next Commission. For his part, he would do his utmost to prepare a full draft on the whole subject of the law of treaties within two years. At the same time he pointed out that, owing to the preliminary spade work he would have to do in the first year, probably a larger part of his draft would be produced in the second year than in the first.

42. Mr. BARTOŠ emphasized that custom was a living source of international law. The emergence of sovereign States did not mean that custom had dried up as a source of international law. He could not accept the view that States were only bound by those rules which they had accepted by treaty or which went back to centuries-old international custom.

43. It was true that a convention which had not been ratified did not commit States as such, but it could nevertheless contribute to the formation of a new international custom. Quasi-unanimous approval by States in con-

nexion with the formulation of the text of such a treaty could constitute a process whereby an international custom was established.

44. He had mentioned before the principle, accepted by both the Nürnberg and the Tokyo International Military Tribunals, that certain rules embodied in humanitarian conventions were binding on States which had not ratified those conventions. They were binding as an expression of the legal conscience of mankind.

45. He could mention another way in which treaties could contribute to create rules of customary international law binding on non-party States: certain rules embodied in bilateral treaties had, by reason of their repetition in many similar treaties, come to be regarded as the expression of rules of customary international law.

46. The CHAIRMAN, speaking as a member of the Commission, stressed that neither he nor any other members of the Commission had asserted that there were no rules of international law binding on all States. He had himself spoken of *jus cogens* rules and in his writings had mentioned the fact that the principles of the United Nations Charter were binding on non-member States as an expression of customary international law.

47. Speaking as Chairman, he suggested that, on the basis of the opinions expressed by members, the Commission should take the following decisions:

(i) That the draft articles on the law of treaties would be intended to serve as a basis for a draft convention; that decision was not, of course, a final one;

(ii) To ask the Special Rapporteur to re-examine the articles on the same topic previously discussed by the International Law Commission;

(iii) To ask the Special Rapporteur to begin with the question of the conclusion of treaties and then to proceed with the remainder of the subject of the law of treaties with a view to covering the whole subject in two years if possible.

It was so agreed.

Co-operation with other bodies
(A/CN.4/139)

(Resumed from the 605th meeting, and concluded)

[Agenda item 5]

48. The CHAIRMAN referred to his statement at the end of the previous meeting and invited the Commission to resume its discussion on co-operation with other bodies.

49. Mr. GARCÍA AMADOR introduced his report on the fourth session of the Asian-African Legal Consultative Committee held at Tokyo in February 1961 (A/CN.4/139) and expressed his gratitude to the Commission for having appointed him as its observer to that session.

50. The majority of the topics discussed at the Tokyo session had not been dealt with in the past by the International Law Commission nor did they appear on the Commission's programme of future work. There were, however, a few subjects which had come before both bodies.

51. The Asian-African Legal Consultative Committee had included in its agenda of the fifth session, to be held at Rangoon in February 1962, the subject of the law of treaties and the Committee would probably work on that subject concurrently with the International Law Commission. It had requested its Secretariat to collect background material in order that the subject might be included in the agenda for the fifth or sixth session. So far as the subject of consular immunities and privileges was concerned, the intention was to prepare material for submission to the conference of plenipotentiaries which would examine the International Law Commission's draft on the subject.

52. On the question of State responsibility, the Committee had decided that the subject should be considered within the context of the topic of the status of aliens. In doing so, the Committee had adopted a wise course, because the subject of State responsibility could not be divorced from the circumstances in which the international responsibility of States arose; the examination of the acts or omissions which gave rise to that responsibility necessarily involved questions relating to the substantive law in the matter, in other words questions relating to the status of aliens. It was for that reason that all past codifications had treated State responsibility and the status of aliens as inseparable and even as two aspects of one and the same question.

53. The question of the status of aliens had now come to be identified with that of the essential human rights. It was on the basis of those rights that the concepts of the international standard of justice and that of the equality of treatment of nationals and aliens could possibly be reconciled.

54. The Committee had adopted eighteen articles on the principles concerning the admission and treatment of aliens (*ibid.*, annex 1). Most of those articles dealt explicitly with the status of aliens, but some touched on other aspects of State responsibility as well. For example, article 12 dealt with the question of the compensation payable to aliens in respect of the expropriation or nationalization of their property.

55. Another subject which the Committee had discussed at the Tokyo session and which was connected with the international responsibility of States was that of the legality of nuclear texts. Although no formal decision had been taken apart from that giving the topic priority at the next session, the Committee was manifestly in favour of condemning those tests as illegal in all cases where they were liable to harm health or property.

56. As to its methods of work, the Committee had followed the same practice as the International Law Commission of not limiting its work to the study of purely official or government sources. That approach had produced good results in the past and the Committee had adhered to it, in particular, in regard to the subject of State responsibility; it had decided that the Harvard Draft of 1960 on that subject would be referred to the Committee at its next session for consideration together with any draft articles adopted by the International Law Commission and his own draft.

57. Lastly, he drew attention to that part of his report which explained the importance of the Asian-African Committee, a body called upon to make a valuable contribution to the codification and development of international law. That contribution would be similar in character to that made by the American republics and it would be of special value inasmuch as it constituted the free contribution of the countries of the region concerned and the expression of their own regional system, without outside interference.

58. In view of the importance of the Committee, he urged the Commission to reconsider its decision (597th meeting, para. 10) not to send an observer to the Committee's next session, to be held at Rangoon in February 1962. He had suggested in his report a formula which he believed would permit the Commission to be represented by an observer, notwithstanding the difficulties created by the impending renewal of the Commission's membership. He was not, however, wedded to that formula and would be glad to support any other proposal which would make it possible for the Commission to be represented by an observer at the Rangoon session and would so avoid breaking the continuity of the co-operative relationship established between the two bodies. In that connexion, he recalled that delegations in the Sixth Committee of the General Assembly had urged that co-operation with the Asian-African Committee be maintained in the same manner as with the inter-American bodies, to whose sessions the Commission had always sent observers.

59. The CHAIRMAN read out a letter from Mr. Sabeq, observer for the Asian-African Legal Consultative Committee (AC/N.4/140).

60. Mr. MATINE-DAFTARY thanked Mr. García Amador for his report and for his statement.

61. He agreed that the Commission should reconsider its decision not to send an observer to the Rangoon sessions.

62. The problem raised by the impending change in the Commission's membership could probably be solved by empowering the Chairman to appoint an observer from among the members who would be elected at the General Assembly or to designate the Commission's Secretary as observer, a capacity in which he had acted in the past on several occasions.

63. The CHAIRMAN, speaking as a member of the Commission, said that in view of the letters which he had received from the Secretary of the Asian-African Legal Consultative Committee and from that Committee's observer, he was in favour of the reconsideration of the Commission's decision not to send an observer to the Rangoon session. The Commission should take into consideration the warm invitations addressed to it by the Committee and find some way of being represented by an observer at the Rangoon session.

64. Mr. JIMÉNEZ de ARÉCHAGA also expressed appreciation for the report and statement by Mr. García Amador and agreed that it was important to maintain the continuity of co-operation with regional bodies engaged in similar work.

65. He recalled the suggestion by Mr. Edmonds (597th meeting, para. 9) that the Commission should authorize the Chairman to designate an observer after the elections of members of the Commission had been held. Since the Chairman was a permanent organ of the Commission, it would be wise to adopt that suggestion but he proposed a slight modification, the purpose of which was: (1) not to exclude the Chairman himself from representing the Commission; and (2) not to restrict the choice of an observer, in the event of the Chairman's inability to attend himself, to members from Asian and African countries: the experience of the Tokyo session had shown how valuable it could be for the Commission to be represented by an observer drawn from another region.

66. He therefore proposed that the Commission should ask the Chairman to act as its representative at the Rangoon session, with the indication that, if the Chairman was unable to attend himself, he should ask another member of the Commission or its Secretary to act as observer.

67. Mr. MATINE-DAFTARY supported that proposal, which coincided with his own.

68. Mr. GARCÍA AMADOR referred to the passages in the letter from the observer for the Asian-African Legal Consultative Committee which dealt with the question of the status of aliens.

69. He wished to clarify that it was not his role to interpret the Committee's decisions, nor had he attempted in any way to do so. He had merely reproduced in his report the actual decisions adopted by that Committee, and the text of the articles approved by it. The interpretation of those decisions and of those articles was a matter for the Committee itself; the views by one of its members would represent an interpretation by that member.

70. Mr. BARTOŠ supported the proposal of Mr. Jiménez de Aréchaga.

71. The CHAIRMAN said that since it seemed that the Commission was unanimous in supporting the proposal of Mr. Jiménez de Aréchaga, there was no need for a formal decision on the reconsideration of the earlier decision on the subject of the Rangoon meeting. He would therefore take it that the Commission agreed to that proposal.

It was so agreed.

The meeting rose at 1.15 p.m.