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Summary record of the 749th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1964, vol. I

78. The first sentence would be clearer and more correct if it read: "Every treaty is binding upon the parties among which it is in force". The second sentence seemed to be a source of misunderstanding. Its original purpose had been to strengthen the statement of the principle, but most members had expressed the opinion that it was more inclined to weaken it. That being so, it would probably be better to delete it.

79. Mr. VERDROSS endorsed the Chairman's remarks.

80. Mr. EL-ERIAN said he was in favour of retaining the title *pacta sunt servanda*, which was useful because of its universality.

81. The Drafting Committee had perhaps over-simplified article 55, but he supported the proposed text, particularly the reference to good faith. The Commission had already introduced that concept in article 17 and, by cross-reference, in a number of other articles which referred back to article 17.[6]

82. The second sentence of article 55 elaborated on the obligation to perform the treaty in good faith. Its purpose was to state that the application of the treaty was not confined to performance of the letter of its provisions. He supported the inclusion of that sentence and the insertion of the words "In particular", proposed by Mr. Tunkin, which would strengthen it by showing that the case mentioned was only one example of the obligations arising from the duty to perform the treaty in good faith.

83. Mr. ROSENNE pointed out that the titles used in the Commission's drafts in the past had not always disappeared; the codification conventions ultimately signed had sometimes retained the titles of the articles.

84. Of course, the principle *pacta sunt servanda* existed in all legal systems; but he could not accept the idea that universality must be equated with the use of Latin and he had therefore expressed reservations regarding the use of a Latin formula to express a universal idea. However, in view of the Chairman's appeal associating the *pacta sunt servanda* rule with the founders of international law and in particular with Grotius, he was prepared to withdraw his reservation.

85. Mr. BRIGGS said he was in favour of retaining the title of article 55, which embodied a universal maxim.

86. With regard to the Chairman's second remark, he pointed out that it was only in the French text that the difficulty arose; in the English text the words "to it" after the words "the parties" made the meaning clear.

87. He supported the reference to good faith and was in favour of retaining the second sentence, as he was not at all convinced that it in any way weakened the rule stated in the first. The concept it embodied was perhaps implicit in the first sentence, but would be even clearer if stated explicitly.

88. Sir Humphrey WALDOCK, Special Rapporteur, said he agreed with Mr. Briggs that the second sentence did not in any way weaken the first. The first sentence expressed in absolute terms the obligation to perform the treaty in good faith; its formulation could perhaps be strengthened by replacing the words "is binding" by the words "shall be binding". It was true that the contents of the second sentence were included in the concept of good faith contained in the first sentence. However, he could not agree with Mr. Amado that the matter should be left to judicial interpretation; the very purpose of the second sentence was to facilitate the interpretation of the requirements of good faith in the present context, by the States which would have to apply the treaty. It seemed to him desirable to state the fact that the treaty relationship implied certain negative obligations.

89. Mr. AMADO said he still thought that some latitude should be left for interpretation. In any case, he thought it inadvisable to provide an interpretative instance immediately after the statement of a principle.

The meeting rose at 1 p.m.

749th MEETING

Monday, 22 June 1964, at 4.30 p.m.

Chairman: Mr. Roberto AGO

Organization of Future Sessions

[Item 6 of the agenda]

1. The CHAIRMAN announced that the Commission had considered item 6 of its agenda at a private meeting and reached the following decisions.

2. In 1965 and 1966, the Commission intended to complete its drafts on the law of treaties and on special missions, and to continue its work on relations between States and inter-governmental organizations and on succession of States in respect of treaties.

3. The Secretariat would try to obtain from governments as early as possible their comments on the two drafts to be completed, namely, those on the law of treaties and special missions.

4. In 1965, the Commission intended to complete Part I of its draft on the law of treaties and as many articles as possible of Part II, depending on the proposals submitted to it by the Special Rapporteur. It also intended to work on its draft on special missions.

5. In 1966, the Commission hoped to complete the whole of the draft on the law of treaties and the whole of the draft on special missions, and would

[6] *Yearbook of the International Law Commission, 1962*, Vol. II, p. 175.

also deal with the topics of relations between States and inter-governmental organizations and of succession of States in respect of treaties.

6. The Commission would propose to the General Assembly that a session of four weeks be held during the winter of 1966, in addition to the summer session, which would last ten weeks. If necessary it would also propose, at the appropriate time, a winter session in 1967.

Law of Treaties

(resumed from the previous meeting)

[Item 3 of the agenda]

Articles submitted by the Drafting Committee

7. The CHAIRMAN invited the Commission to continue consideration of the text of article 55 proposed by the Drafting Committee.[1]

ARTICLE 55 (*Pacta sunt servanda*) *(continued)*

8. Sir Humphrey WALDOCK, Special Rapporteur, said he understood that the majority of the Commission was in favour of deleting the second sentence of the text proposed by the Drafting Committee; he would agree to that course.

9. The CHAIRMAN said he had suggested at the previous meeting that article 55 would be clearer and more correct if it read: "Every treaty is binding upon the parties among which it is in force". Another difficulty of the text proposed was the use of the words "must be performed"; perhaps it would be more correct to say that the treaty "must be observed" by the parties in good faith. What the article was intended to convey was obviously that a treaty must be observed in good faith by the parties for which it was in force.

10. Mr. TUNKIN said that article 55 expressed a very important principle and it was extremely desirable to retain the short text prepared by the Drafting Committee. As the article stood, it was clear that the expression "the parties to it" meant those parties for which the treaty was in force.

11. The CHAIRMAN said that, in view of Mr. Tunkin's explanation, he was prepared to accept article 55 as it stood.

12. In reply to a question by the Chairman, Sir Humphrey WALDOCK, Special Rapporteur, said he was not in favour of dividing the first sentence into two separate sentences. That suggestion had been made by Mr. Reuter, who thought the second part of the first sentence should be combined with the second sentence, but now that the second sentence was to be dropped, his suggestion no longer applied.

13. The CHAIRMAN said that as there were no further comments he took it that the Commission agreed to adopt, as article 55, the first sentence proposed by the Drafting Committee; the second sentence would be deleted.

It was so agreed.

14. Mr. BARTOŠ, Mr. EL-ERIAN, Mr. CASTRÉN and Mr. BRIGGS explained that, for the reasons given at the previous meeting, they were opposed to the deletion of the second sentence.

15. Mr. PAREDES and Mr. REUTER explained that for the reasons given at the previous meeting they did not support article 55.

ARTICLE 57 (Application of treaties in point of time)

16. Mr. BRIGGS, Chairman of the Drafting Committee, said that the Drafting Committee proposed the following title and text for article 57:

"*Application of treaties in point of time*

"A treaty applies to a party only in relation to facts or situations existing while the treaty is in force with respect to that party, unless a contrary intention appears from the treaty or the circumstances of its conclusion."

17. The CHAIRMAN speaking as a member of the Commission, said that the meaning of the text proposed was not very clear. The source of the difficulty was that there were two kinds of treaty: those which related to facts and situations — and it was in connexion with them that the problem arose — and those regarding which that problem did not arise.

18. Mr. REUTER agreed that the proposed text did not mean very much; that was precisely what the Drafting Committee had intended.

19. Mr. BRIGGS, speaking as a member of the Commission, said he had misgivings about the language used in article 57, particularly the words "facts or situations". Language of that kind could lead to considerable difficulty especially with regard to treaties containing jurisdictional clauses. The article was designed to be applicable to all treaties, but it was with respect to treaties containing jurisdictional clauses that the proposed wording was likely to cause most damage. For example, a denial of justice could arise and the fact might not be clearly established at the time when the treaty with a jurisdictional clause was concluded. The text submitted might go too far in excluding prior facts.

20. Mr. de LUNA said that the Drafting Committee had merely carried out the instructions it had received from the Commission. The purpose of article 57 was simply to state that, unless a contrary intention appeared from a treaty or from the circumstances of its conclusion, the treaty did not have retroactive effect.

21. Mr. JIMÉNEZ de ARÉCHAGA suggested that article 57 should be referred back to the Drafting Committee, with instructions to reformulate it in a negative form, along the following lines:

[1] Previous meeting, para. 52.

"A treaty does not apply to a party in relation to facts or situations which had ceased to exist before the entry into force of the treaty with respect to that party, unless a contrary intention appears from the treaty or the circumstances of its conclusion."

22. Mr. YASSEEN said that the idea underlying the article was clear; the object was to affirm that conventional rules were not retroactive. But the text proposed did not appear to say what it should.

23. He had approved, in principle, of the text originally submitted by the Special Rapporteur, which had dealt with the different periods in respect of which a conventional rule was applicable. A concise way of wording the article might be: "The provisions of a treaty do not have retroactive effect unless the treaty provides otherwise".

24. Sir Humphrey WALDOCK, Special Rapporteur, said it would probably be necessary to draft article 57 in greater detail in order to deal with the difficult point raised by Mr. Briggs. In that connexion, he drew attention to the commentary on article 57 in his third report (A/CN.4/167), paragraphs (4 and (5) of which referred to the difficulties that had arisen with regard to the application of the European Convention on Human Rights.[2]

25. Article 57 was intended to express the idea that a treaty applied to a party with respect to matters that arose, existed or continued to exist while the treaty was in force.

26. He agreed with the suggestion that the article should be referred back to the Drafting Committee.

27. The CHAIRMAN, speaking as a member of the Commission, said that article 57 was one of the most difficult to draft.

28. Perhaps the words "which refers to facts and situations" should be added after the words "A treaty" at the beginning of the article.

29. The wording suggested by Mr. Yasseen might not be consistent with State practice; for many treaties contained jurisdictional clauses, and if a treaty did not specify that it applied only to disputes concerning facts subsequent to its entry into force, such clauses were normally interpreted as having retroactive effect.

30. Mr. AMADO thought that the confusion came from the words "facts" and "situations", which were intended to be explicit, but were not clear. It would be better to use a formula such as that in the second sentence of paragraph (2) of the Special Rapporteur's commentary on the original article 57: "There is nothing to prevent the parties from giving a treaty or some of its provisions retroactive effects".

31. Mr. JIMÉNEZ de ARÉCHAGA said it would not be adequate merely to state in article 57 that treaties did not have retroactive effect. An elliptical formula of that kind did not mean very much, for it gave no indication of what was meant by "retroactive effect".

32. He urged that the Drafting Committee should consider the negative formulation he had suggested, which had been prompted by the problems raised by the application of the European Convention on Human Rights explained by the Special Rapporteur in his commentary.

33. Mr. BRIGGS said his objection to article 57 was that it might be inconsistent with the finding of the Permanent Court in the *Mavrommatis Palestine Concessions* case[3] and might appear to endorse the double exclusion clause formulated in the Belgian Government's declaration accepting the compulsory jurisdiction of the Permanent Court of International Justice, according to which not only past disputes, but also past facts and situations leading to disputes arising subsequent to that declaration were excluded. The original article submitted by the Special Rapporteur had not been specifically directed to treaties containing jurisdictional clauses, but to all treaties. The Drafting Committee's formulation might be more damaging than it appeared to treaties containing jurisdictional clauses, because of its emphasis on the exclusion of past facts as well as situations existing prior to the entry into force of the treaty.

34. The CHAIRMAN, speaking as a member of the Commission, said that the Drafting Committee had a choice of two solutions. It might wish to retain the words "facts or situations", in which case Mr. Jiménez de Aréchaga's proposal would definitely improve the text. It would also be better to speak of "the provisions of a treaty" than "a treaty". Personally, he preferred the other solution, suggested by Mr. Yasseen, which was clearer, simpler and more complete and would amount to stating that "the provisions of a treaty do not have a retroactive effect unless...", for the effect might not be linked with facts or situations.

35. Mr. REUTER thought it doubtful whether the Commission could settle the text of article 57 without knowing what was to be done with article 56, which was also to be reconsidered.

36. Sir Humphrey WALDOCK, Special Rapporteur, said that the real problem in regard to article 57 was whether an obligation under a treaty was only applicable to facts arising after it had come into force. Perhaps the problem would have been simpler but for the fact that treaty provisions concerning disputes were open to alternative interpretations, particularly where treaties contained jurisdictional clauses, because the disputes might relate to matters that had been in existence before the treaty had come into force. Possibly a complication had been caused by the rather vague phrase "unless a contrary intention appears from the treaty" and by insufficient stress on the question whether the treaty contained provisions giving it retroactive effect without explicitly subjecting it to the retroactivity principle, like the treaty which had given rise

[2] United Nations *Treaty Series*, Vol. 213, p. 222.

[3] *P.C.I.J.*, 1924, Series A, No. 2.

to the *Mavrommatis Palestine Concessions* dispute. To forestall that kind of problem, an express clause would be necessary to prevent the application of the treaty to disputes concerning facts or matters arising before the treaty had entered into force.

37. Nothing much would be gained by framing the article as a statement of the principle of non-retroactivity, for the meaning of such a statement was unclear.

38. Mr. CASTRÉN said that, in his opinion, a negative formulation would be preferable for article 57. It was necessary to think not only of the past, but also of the future, when the treaty would no longer be in force.

39. Mr. LACHS said he agreed with Mr. Reuter that articles 56 and 57 should be considered together.

40. The CHAIRMAN said that if, as seemed likely, article 57 was referred back to the Drafting Committee, the Committee would certainly bear in mind the point raised by Mr. Reuter and Mr. Lachs.

41. Sir Humphrey WALDOCK, Special Rapporteur, said that articles 56 and 57 dealt with two entirely separate issues, as article 56 was concerned with the interpretation of a treaty by reference to the law in force at a particular time.

42. Mr. ROSENNE thought that some of the difficulties that had arisen over article 57 were partly due to the Commission's decision to reserve paragraph 2 of the Special Rapporteur's original article 57 for consideration on second reading in connexion with article 53 (legal consequences of the termination of a treaty).[4] If the Drafting Committee's text of article 57 was to be referred back to the Committee, it should be asked to consider the original paragraph 2, which dealt with the application of a treaty after it had ceased to be in force.

43. The Commission should not complicate its task by allowing itself to be unduly influenced by considerations connected with the interpretation of particular disputes, or provisions concerning disputes, by the International Court. For the most part, it was the disputes that were interpreted rather than treaties themselves, in other words the question to be decided was whether the disputes came within the application of the treaty.

Article 57 was referred back to the Drafting Committee for reconsideration in the light of the discussion.

ARTICLE 58 (The territorial application of a treaty)

44. Mr. BRIGGS, Chairman of the Drafting Committee, proposed the following title and text for article 58:

"*The territorial application of a treaty*

"A treaty applies to each party with respect to its entire territory unless a contrary intention appears from the treaty or the circumstances of its conclusion."

45. Mr. TABIBI said that the new text of article 58 met all the objections to the Special Rapporteur's original draft and was entirely acceptable, except for the final phrase "or the circumstances of its conclusion", which might be open to conflicting interpretations by the parties. Reference to the circumstances of a treaty's conclusion was certainly liable to introduce an element of confusion, and reliance should be placed solely on the intentions of the parties as clearly manifested in the treaty itself. He proposed that the final phrase should be deleted.

46. Mr. TUNKIN supported Mr. Tabibi's proposal, and added that the Commission should perhaps be more cautious in referring to the circumstances of the conclusion of treaties in other articles of the draft.

47. The CHAIRMAN, speaking as a member of the Commission, said he was not satisfied with the drafting of the article. Since all treaties were not susceptible of territorial application, the Commission should not generalise. If a State undertook in a treaty to make certain money payments, what would be the meaning of the provision that the treaty applied "with respect to its entire territory"? Perhaps a negative formulation should also be used for article 58.

48. Sir Humphrey WALDOCK, Special Rapporteur, said that the meaning of the text as it stood was that the treaty was binding on each party with respect to its entire territory.

49. Mr. TUNKIN agreed with the Chairman. As he had said before, a treaty applied to the parties as subjects of law and not directly to their territory.

50. Mr. YASSEEN observed that the French Text of the article did not exactly correspond to the English. He agreed with the Chairman that there were treaties which had no direct connexion with the territories of the contracting States.

51. Mr. de LUNA supported the Chairman's remarks. Some treaties, such as those dealing with customs matters, clearly had a territorial application. All other treaties created an obligation for the State as a subject of international law, irrespective of its territory. It might be advisable to adopt a negative form of words for article 58.

52. As to the "circumstances" referred to in the final phrase of the article, they would no doubt be significant when it came to interpreting the treaty; but for the time being it would be better to delete that ambigous expression and draft an article that was as clear as possible.

53. Mr. REUTER suggested that certain misgivings would be allayed by some such wording as "the rules laid down in a treaty apply to the whole of the territory of each of the parties".

54. Sir Humphrey WALDOCK, Special Rapporteur, said that a formula on the lines proposed by the Chair-

[4] See 730th meeting, paras. 66 *et seq.*

man was hardly likely to meet with acceptance, as the discussion had clearly shown that the majority of the Commission was firmly of the opinion that a treaty was applicable to the entire territory of each of the parties. The Chairman's point was purely one of logic and did not affect the substance of the article.

55. Mr. BRIGGS said that article 58 should be expressed in positive form as its purpose was to lay down that a State becoming a party to a treaty must apply it throughout its whole territory unless the treaty provided otherwise.

56. Mr. TUNKIN pointed out that some treaties had no application to State territories at all; for example, those concerned with the high seas or outer space. The text should probably be drafted in more explicit terms and should state that it referred only to provisions capable of being applied territorially.

57. Mr. PAL said that article 58 would be acceptable to him in positive form if the last phrase was omitted. He would have thought that Mr. Tunkin's point was covered by implication, but even if it had to be expressly stated that the provision dealt with treaties having territorial application, the article would still be better formulated in positive terms.

58. Sir Humphrey WALDOCK, Special Rapporteur, said he would have thought it obvious that the article could not apply to a treaty that had no territorial application: the particular examples mentioned by Mr. Tunkin were not altogether appropriate, for ships bound for the high seas might sail from ports in the territory of a party and rockets could be launched from its territory into outer space.

59. He still thought the Chairman's criticism was unfounded, because the article, as redrafted, began with the words "A treaty applies to each party".

60. The CHAIRMAN, speaking as a member of the Commission, said he would not press for the adoption of a negative formulation, but the present text, particularly the French version which began with the words "Tout traité", was not acceptable.

61. Mr. TUNKIN said that the French text of article 57 did not exactly correspond to the English and should be brought into line with it.

62. Mr. LACHS supported Mr. Tabibi's proposal that the last phrase should be deleted.

63. On the main point of disagreement, he said that perhaps the difficulty arose from the use of the word "applies", which might be replaced by some such expression as "has binding force on". The Chairman was correct in maintaining that, for material reasons, a treaty might be applicable to only part of the territory of a party.

64. He was dissatisfied with the word "contrary" and suggested that it be replaced by the word "different". With those changes, the Drafting Committee should be in a position to work out an acceptable text.

65. Mr. BARTOŠ said that he could not accept the new text of article 58. In the first place, as Mr. Tunkin and the Special Rapporteur had pointed out, treaties concluded by States could apply elsewhere than in their territory: as examples, he need only refer to treaties dealing with the high seas or with outer space and the treaty by which Poland had agreed to take part in a mission to Laos. Secondly, while it was true that the developing countries preferred to avoid such expressions as "territories for which the parties are internationally responsible" (used in the Special Rapporteur's original draft), the phrase "with respect to its entire territory", proposed by the Drafting Committee, might, in his opinion, have still more undesirable consequences, for a State might claim that a treaty did not apply to territories for which it was responsible on the ground that they were not part of "its territory". It was difficult for the Commission to escape from that dilemma, and it would be better to refer article 58 back to the Drafting Committee.

66. Mr. TABIBI fully agreed with Mr. Lachs. He thought that most of the points made during the discussion could be adequately covered by explanations in the commentary showing the meaning and purposes of the article.

67. The CHAIRMAN, speaking as a member of the Commission, said he did not consider it sound practice to draft articles that were not clear and then explain them in commentaries which would eventually disappear.

68. Sir Humphrey WALDOCK, Special Rapporteur, said that some of the objections made to article 58 might be met by substituting the words "is binding on" for the words "applies to". The substitution of the word "different" for the word "contrary" was acceptable.

69. He was somewhat perturbed to note that the Commission seemed inclined to drop the reference to the circumstances of the conclusion of the treaty in some articles and not in others. The purpose of that reference was to cover cases in which certain matters were mentioned in the *travaux préparatoires*, but not in the treaty itself; perhaps the point could be dealt with in the articles on the interpretation of treaties.

70. The CHAIRMAN, speaking as a member of the Commission, asked the Special Rapporteur whether, if the United Kingdom concluded a treaty that did not mention the Channel Islands — which were normally excluded from treaties concluded by the United Kingdom — the treaty would apply to those Islands.

71. Sir Humphrey WALDOCK, Special Rapporteur, said that article 58, as drafted would be consistent with United Kingdom practice in respect of the Channel Islands, Northern Ireland and the Isle of Man. If the intention was to exclude those territories from the application of a particular treaty, it was the invariable practice to state that intention expressly.

72. Mr. TUNKIN said it would be preferable to replace the words "unless a contrary intention appears

from the treaty " by the words " unless the treaty provides otherwise ", which were used elsewhere in the draft. The reference to the intention of the parties was too vague and might give rise to difficulties of interpretation.

73. Sir Humphrey WALDOCK, Special Rapporteur, said that that change would be acceptable.

Article 58 was referred back to the Drafting Committee for revision in the light of the discussion.

The meeting rose at 5.45 p.m.

750th MEETING

Tuesday, 23 June 1964, at 10 a.m.

Chairman: Mr. Roberto AGO

Law of Treaties

(continued)

[Item 3 of the agenda]

ARTICLES SUBMITTED BY THE DRAFTING COMMITTEE

1. The CHAIRMAN invited the Commission to continue consideration of the articles submitted by the Drafting Committee.

ADDITIONAL ARTICLE FOR PART I (FORMER ARTICLE 60) (Authorization to act on behalf of another State in the conclusion of a treaty)

2. Sir Humphrey WALDOCK, Special Rapporteur, said it would be remembered that after discussing his drafts of article 59 (Extension of a treaty to the territory of a State with its authorization) and article 60 (Application of a treaty concluded by one State on behalf of another),[1] the Commission had decided to omit article 59 and to invite the Drafting Committee to examine article 60 and consider whether the right context for its subject-matter was Part I of the draft on the law of treaties (Conclusion, entry into force and registration of treaties). The Drafting Committee had reached the conclusion that the subject matter of article 60 belonged in Part I and had prepared the following tentative draft of an article.

" *Authorization to act on behalf of another State in the conclusion of a treaty*

" A State may authorize another State to perform on its behalf any act necessary for the conclusion of a treaty provided that the other States participating in the adoption of the text of the treaty agree thereto."

3. Although the intention was to introduce that provision in Part I, it would nevertheless be included in the report on the current session, in order to bring it to the notice of governments and to invite their comments.

4. Mr. VERDROSS proposed that the last part of the text, beginning with the words " provided that " be deleted, as such a proviso was not consistent with existing law; other States could not refuse to recognize that Switzerland, for example, was authorized to conclude international treaties on behalf of Liechtenstein. The case in which one State authorized another State to act on its behalf was quite different from that in which a State designated a diplomatic agent to represent it permanently in the territory of another State; in the latter case the consent of the receiving State was necessary.

5. Mr. PESSOU said he supported Mr. Verdross's proposal. Furthermore, the word " empower " (*donner pouvoir à*) would be better than " authorize ", for it showed more clearly that every State was sovereign.

6. Mr. CASTRÉN also supported Mr. Verdross's proposal, for the reasons given by Mr. Verdross.

7. Mr. BARTOŠ said he approved of the text proposed by the Drafting Committee, on the understanding that the authorization could be revoked at any time by the State which had given it. He was not opposed to the practice of delegation of power, even on a long-term basis, but he considered that if it was not specified that the arrangement was revocable, the provision would jeopardize the principle of independence of States laid down in the Charter and condone situations that might be tantamount to a disguised protectorate.

8. Mr. JIMÉNEZ de ARÉCHAGA, referring to the proposal to delete the concluding proviso, said that there might appear to be some reason for the deletion, since the authorization in question did not require consent or recognition by the other States in order to be granted. However, the article embodied two ideas: first, that one State could authorize another to perform on its behalf any act necessary for the conclusion of a treaty; and second, that such an authorization could only be exercised with the consent of the other States concerned. The best manner of dealing with the problem was to make clear that the consent of the other parties was required not for the granting, but for the exercise of the authorization.

9. Mr. ROSENNE agreed with those remarks. The question raised was not one of recognition, but of knowing with whom one was contracting.

10. Mr. YASSEEN said that the validity of the authorization referred to in the article was not conditional on the agreement of the other parties, and he therefore supported Mr. Verdross's proposal. Nevertheless, the other parties must know whom they were dealing with when a State negotiated or concluded a treaty on behalf

[1] 732nd and 733rd meetings.