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Summary record of the 773rd meeting

Topic:
Other topics

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82. Mr. TSURUOKA thought that in the penultimate sentence, the words "In practice the guiding principle has been" should be amended to read "Certain members of the Commission held that".

It was so agreed.

83. Mr. TUNKIN said that it seemed to him to be an exaggeration to refer in the last sentence to the importance of the point for the safeguarding of juridical relations between States. It would be better to say simply "The Commission decided to draw the attention of Governments to this point and to ask them...".

84. Mr. BARTOS, Special Rapporteur, said that, although he accepted Mr. Tunkin's suggestion, he did so with reluctance, for in practice the question was one of the greatest importance.

Paragraph 5) was adopted as amended and subject to drafting changes.

Paragraph 6)

Paragraph 6) was adopted subject to drafting changes.

85. Mr. TUNKIN said that he would have preferred the paragraph to be omitted altogether, in order to avoid placing too much emphasis on the disputes that might arise between the two missions.

Communication from the International Law Association

86. The CHAIRMAN read to the Commission a letter he had just received from the President of the International Law Association inviting the Commission to send a representative to its session to be held at Tokyo in August.

87. The letter raised a question of principle: should the Commission send an official representative to meetings of bodies such as the International Law Association? The Commission had never done so in the past.

88. In any event, for various reasons, and in particular for financial reasons, it did not seem possible to send a representative.

89. Mr. BARTOS said that Mr. Liang had attended the Brussels meeting of the International Law Association, not as a representative of the Commission but as a member of the Secretariat. It would be advisable to keep in contact with such bodies, but it would probably be enough to send a message.

90. The CHAIRMAN suggested that Mr. Bartos should be asked to convey orally the Commission's best wishes for the success of the meeting of the International Law Association.

It was so agreed.

The meeting rose at 1.10 p.m.

773rd MEETING

Thursday, 23 July 1964, at 10 a.m.

Chairman: Mr. Roberto AGO

Draft Report of the Commission on the Work of its Sixteenth Session

(A/CN.4/L.106 and addenda)

(continued)

CHAPTER II: Law of Treaties (A/CN.4/L.106/Add. 7 and 10)

1. The CHAIRMAN invited the Commission to continue consideration of chapter II of the draft of its report. He suggested that the Commission should concentrate on substance and should empower the Secretariat to make any necessary drafting and linguistic corrections, in particular in the chapter concerning special missions.

It was so agreed.

Commentary to article 62 B (Revocation or amendment of provisions regarding obligations or rights of States not parties)

The commentary to article 62 B was approved without comment

Title of article 64 (Rules in a treaty becoming binding through international custom)

2. The CHAIRMAN proposed that the title of article 64 should be amended so as to make it clear that it referred to the rules in a treaty that became binding for third States in consequence of the formation of international custom; the omission of all reference to third States from the title would make it difficult to understand the meaning.

3. Mr. ROSENNE said that it would not be appropriate to introduce the words "for third States" after "binding". Article 64 dealt with the case where a treaty created or reflected international custom binding for all States and not just for third States.

4. Mr. de LUNA pointed out that the matter was explained in paragraph 2) of the commentary.

5. Mr. BRIGGS proposed that the question should be dealt with by introducing the word "generally" before "binding".

The title of article 64 was adopted with that amendment.

Commentary to article 64

Paragraph 1)

6. Mr. ROSENNE said that the language of the second sentence of paragraph 1) would have to be adjusted: it was not correct to say that a treaty could "for-

mulate" a territorial, fluvial or maritime régime. He therefore proposed that after the word "or" and before the words "a territorial, fluvial or maritime régime" the words "may establish" should be inserted.

Paragraph 1) was adopted with that amendment.

Paragraph 2)

7. The CHAIRMAN suggested that, in the concluding portion of the second sentence, the words "other States accept rules..." should be replaced by "other States recognize rules".

Paragraph 2) was adopted with that amendment.

Paragraph 3)

8. The CHAIRMAN suggested that in the penultimate sentence the passage "together with the process mentioned in the present article of the expansion of the ambit of treaties through custom" should be omitted.

Paragraph 3) was adopted with that amendment.

The commentary to article 64 was adopted as a whole as amended.

Title of article 65 (Application of incompatible treaty provisions)

9. The CHAIRMAN suggested that the title of article 65 should be amended to read: "Application of treaties having incompatible provisions".

It was so agreed.

Commentary to article 65

Paragraphs 1) and 2)

Paragraphs 1) and 2) were adopted without comment.

Paragraph 3)

10. The CHAIRMAN suggested that the first sentence should be amended, in line with the new title, so as to refer to "treaties having incompatible provisions" instead of to incompatible treaties. In addition, in that same sentence, he suggested that the word "revision" should be replaced by "modification".

Paragraph 3) was adopted with those amendments.

Paragraphs 4) and 5)

Paragraphs 4) and 5) were adopted without comment.

Paragraph 6)

11. Mr. ROSENNE suggested that the words "Many former treaties" used at the beginning of the sixth sentence should be replaced by "Many older treaties".

Paragraph 6) was adopted without comment.

Paragraph 7)

Paragraph 7) was adopted without comment.

Paragraphs 8) and 9)

12. The CHAIRMAN suggested that in the French text the verb "to override" used in the first sentence of each of the two paragraphs should be rendered by "l'emporte sur".

Paragraphs 8) and 9) were adopted with that amendment.

Paragraph 10)

13. Mr. de LUNA said that he could not accept the concluding portion of the last sentence, reading "and that their relevance is that, by specifying that the prior treaty does not permit contracting out, they conclude the question whether the later agreement is or is not compatible with the prior treaty."

14. That passage could be misconstrued to mean that the article disposed of the question of the compatibility of the two treaties.

15. Sir Humphrey WALDOCK, Special Rapporteur, suggested that the passage in question should be omitted.

Paragraph 10) was adopted with that amendment.

Paragraph 11)

16. Mr. ROSENNE proposed that the reference to paragraphs 5) to 9) should be replaced by a reference to paragraphs 5) to 10).

17. Sir Humphrey WALDOCK, Special Rapporteur, said that the concluding passage of paragraph 11) had been taken from the report of the previous Special Rapporteur; he proposed to include a footnote to clarify the matter.

18. The CHAIRMAN said that, if there was no objection, he would consider that the Commission agreed to adopt paragraph 11) with the changes proposed by Mr. Rosenne and the Special Rapporteur.

It was so agreed.

Paragraph 12)

19. Mr. ROSENNE suggested that in the first sentence the words "from a different angle" should be added after the words "covers the same ground".

Paragraph 12) was adopted with that amendment.

Paragraph 13)

20. The CHAIRMAN pointed out that, in the penultimate sentence, the expression "in principle" had been mistranslated in the French version.

Subject to the correction of the French text, paragraph 13) was adopted.

Paragraph 14)

21. Mr. ROSENNE said that, in the last sentence of paragraph 14), the word "consideration" should be replaced by "considerations".

Paragraph 14) was adopted with that amendment.

Paragraphs 15) to 20)

22. Sir Humphrey WALDOCK, Special Rapporteur, pointed out that paragraphs 15) to 20) were quoted from his second report (A/CN.4/156 and Add.1-3) included in the Commission's report for purposes of information as indicated in paragraph 14).

Paragraphs 15) to 20) were adopted without comment.

Paragraph 21)

23. Mr. BARTOS suggested that the title of the Hague Conventions mentioned in the penultimate sentence of paragraph 21) should be given in full.

Paragraph 21) was adopted with that amendment.

Paragraph 22)

24. The CHAIRMAN criticized, from the point of view of substance, the opening sentence of paragraph 22) reading "To attach the sanction of nullity to an agreement is to deny that the parties possessed any competence under international law to conclude it". The sanction of nullity could arise from causes other than the lack of competence to conclude the treaty.

25. He suggested that the sentence in question should be reworded along the following lines: "The nullity of an agreement may result from the lack of competence of the parties to conclude it".

26. Mr. ROSENNE suggested that, in the eighth sentence, the word "revision" should be replaced by "modification".

27. The CHAIRMAN criticized the expression "legal responsibility" used in the last sentence of paragraph 22). It would be sufficient to refer to "responsibility".

28. Mr. BARTOŠ pointed out that the Security Council of the United Nations had drawn a distinction between the political responsibility of States, their legal responsibility and their moral responsibility.

29. The CHAIRMAN suggested that the expression "legal responsibility" should be replaced by "State responsibility".

30. He said that, if there was no objection, he would consider that the Commission agreed to adopt paragraph 22) with the two changes proposed by him and the change proposed by Mr. Rosenne.

It was so agreed.

Paragraph 23)

31. Mr. ROSENNE said that it was not altogether accurate to say, as did the first sentence of paragraph 23), that "the article does not provide for any exceptions to the rules stated in paragraph 4), other than the general exceptions...". Article 65 did not deal with the two general exceptions mentioned in the concluding part of that first sentence; those exceptions were provided for in other articles of the draft.

32. The CHAIRMAN suggested that the first sentence should be amended to read "Accordingly, no other exceptions to the rules stated in paragraph 4) are provided for, other than the general exceptions...".

Paragraph 23) was adopted with that amendment.

The commentary to article 65 was adopted as a whole as amended.

Commentary on article 67 (Procedure for amending treaties) and on article 68 (Amendment of multilateral treaties) (A/CN.4/L.106/Add.10)

33. In reply to a question by the Chairman, Sir Humphrey WALDOCK, Special Rapporteur, confirmed that the words "amending" and "amendment" were being used in the titles of articles 67 and 68 but the word "modification" was used in the text of the articles

in the commentary. An explanation of the terminology chosen was given in paragraph 5) of the commentary.

Paragraphs 1) and 2)

Paragraphs 1) and 2) were adopted without comment.

Paragraph 3)

34. Mr. YASSEEN suggested that the word "almost" should be added before the word "dead letter" in the penultimate sentence; in the opinion of some authors Article 19 of the Covenant of the League of Nations had provided the grounds for the revision of the Treaty of Lausanne of 24 July 1923. Indeed, Turkey's request for revision had been based on that article.

35. Sir Humphrey WALDOCK, Special Rapporteur, said that the provisions of Article 19 had never been applied successfully, but he was prepared to change the passage in question to read "Article 19 was practically a 'dead-letter'".

It was agreed that the passage should be so amended.

36. Mr. ROSENNE said that during the discussion on the modification of treaties Mr. Lachs had suggested, and he had supported the suggestion, that the Commission should in its report draw the attention of the General Assembly to the need for a general review of the older multilateral treaties.

37. Sir Humphrey WALDOCK, Special Rapporteur, said that, although he entirely agreed with the proposition, the defects in the procedure for the amendment of treaties might well have the consequence that amending instruments would be ratified by fewer parties than had ratified the original treaties. No real progress would be achieved unless there was a real will on the part of States to extend participation in existing conventions; perhaps the matter should be left to them.

38. Mr. BARTOŠ said that the Commission's view on the subject had been set forth in chapter III of its report on its 15th session.¹ He suggested that a footnote reference would suffice in the present context.

It was so agreed.

Paragraph 3) was adopted as amended.

Paragraph 4)

Paragraph 4) was adopted without comment.

Paragraph 5)

39. Mr. de LUNA said that he doubted transactions varying or supplementing a treaty were in fact covered by the term "modification", as was implied in the last sentence of the paragraph.

It was agreed to delete from the last sentence the words "or supplement" and the words "without amending the treaty as such".

Paragraph 5) was adopted as amended.

¹ Official Records of the General Assembly, Eighteenth Session, Supplement No. 9.

Paragraphs 6) to 9)

Paragraphs 6) to 9) were adopted without comment.

Paragraph 10)

At Mr. Rosenne's suggestion it was agreed to delete the second sentence ("This is a matter upon which it seems important that the Commission should take a clear position").

Paragraph 10) was adopted as amended.

Paragraphs 11) and 12)

Paragraphs 11) and 12) were adopted without comment.

Paragraph 13)

It was agreed to replace the words "the principle of 'preclusion'" by the words "the general principle 'nemo potest venire contra factum proprium'".

Paragraph 13) was adopted as amended.

Commentary on article 69 (Agreements to modify multilateral treaties between certain of the parties only)

Paragraph 1)

At the Chairman's suggestion it was agreed to delete the words "modifications of a treaty by an" in the fourth sentence.

Paragraph 1) was adopted as amended.

Paragraphs 2) and 3)

Paragraphs 2) and 3) were adopted without comment.

CHAPTER III: Special missions
(A/CN.4/L.106/Add. 8 & 9)

40. The CHAIRMAN invited the Commission to resume consideration of the chapter of the draft report containing the commentary on the draft articles concerning special missions.²

Commentary on article 3 (Appointment of the head and members of the special mission)

Paragraph 1)

41. Mr. ROSENNE suggested that the French text should be amended so as to convey the idea that prior agreement was necessary for the head of a permanent mission.

It was so agreed.

Paragraph 1) was adopted as amended.

Paragraph 2)

42. Mr. YASSEEN suggested that the phrase "acceptance of its head members or staff" should be substituted for "consent to...".

43. Mr. BARTOŠ, Special Rapporteur, said that he could not accept that amendment for it affected substance. Consent was granted once and for all. According to Mr. Sandström, such consent applied to the head of the mission too.

Paragraph 2) was adopted subject to drafting changes.

Paragraph 3)

44. In response to a suggestion by Mr. Yasseen, Mr. BARTOŠ, Special Rapporteur, proposed that the words "or the interests" be inserted after "sovereign rights" in the first sentence.

It was so agreed.

Paragraph 3) was adopted as amended.

Paragraph 4)

45. Mr. YASSEEN asked the Special Rapporteur whether the concept of prior agreement dominated the whole paragraph.

46. Mr. BARTOŠ, Special Rapporteur, said that it did, for prior agreement constituted an indirect curb on the freedom of appointment, which was the general principle.

Paragraph 4) was adopted subject to drafting changes.

Paragraph 5)

47. Mr. BRIGGS said that the word "politicians" at the end of paragraph 5) was not particularly appropriate in the English text.

Paragraph 5) was adopted subject to drafting changes.

Paragraph 6)

Paragraph 6) was adopted subject to drafting changes.

Paragraph 7)

48. Mr. ROSENNE suggested that the phrase "or other official persons" be substituted for "or heads of other departments".

It was so agreed.

49. In reply to Mr. de Luna and Mr. Briggs, who had remarked on the terminology employed, the CHAIRMAN said that the appropriate services of the Secretariat would check the terminology and quotations and make any necessary editorial changes throughout the draft report.

Subject to such changes, paragraph 7) was adopted as amended.

Paragraph 8)

Paragraph 8) was adopted without comment.

Commentary on article 4 (Persons declared persona non grata or not acceptable)

Paragraphs 1), 2), 3) and 4)

Paragraphs 1) to 4) were adopted, subject to drafting changes.

² Discussion begun at the previous meeting.

Paragraph 5)

50. Replying to a suggestion by the Chairman, Mr. BARTOS, Special Rapporteur, said that in French "qualification" would be wrong in the context, for not only personal competence but also rank and function were involved.

51. The CHAIRMAN suggested that the word *qualités* should be changed to the singular *qualité*.

It was so agreed.

Paragraph 5) was adopted as amended.

Commentary on article 5 (Appointment of a special mission to more than one State)

Paragraphs 1) and 2)

Paragraphs 1) and 2) were adopted without comment.

Paragraph 3)

At Mr. Rosenne's suggestion it was agreed to delete the words "rightly, in the view of the Commission" in paragraph 3 (b).

As so amended paragraph 3) was adopted subject to drafting changes.

Paragraph 4)

Paragraph 4) was adopted without comment.

Paragraph 5)

52. The CHAIRMAN suggested that the third sentence should be reworded to read "... to decide in advance whether they are prepared to receive the proposed special mission". In the next sentence, the words "receivability of the special mission" should be replaced by the word "question".

Paragraph 5) was adopted as amended.

Commentary on article 6 (Composition of the special mission)

Paragraph 1)

Paragraph 1) was adopted without comment.

Paragraph 2)

At the Chairman's suggestion it was agreed to delete the words "and if both are members of the special mission (and not of its staff)" in the third sentence.

It was so agreed.

Paragraph 2) was adopted as amended.

Paragraph 3)

53. The CHAIRMAN asked for an explanation concerning the meaning of the second sentence, relating to the order of precedence among delegates within the sending State, the language of which seemed to him far from clear.

54. Mr. de LUNA suggested that the reference should be to the order of precedence established under the regulations of the State sending the delegation.

55. Mr. BARTOS, Special Rapporteur, said that he accepted that suggestion in principle. The sentence would then read "Neither the rank of the delegates under the internal regulations of the sending State nor the title or function...".

Paragraph 3) was adopted as amended.

Paragraph 4)

Paragraph 4) was adopted without comment.

Paragraph 5)

At Mr. de Luna's suggestion it was agreed to insert the words "of the Vienna Convention" after the words "set out in article 1 (c)" in the second sentence of paragraph 5).

Paragraph 5) was adopted as amended.

Paragraphs 6) and 7)

Paragraphs 6) and 7) were adopted without comment.

Commentary on article 8 (Notification)

Paragraphs 1) and 2)

Paragraphs 1) and 2) were adopted without comment.

Paragraph 3)

It was agreed that the reference to notification "in two stages" should be replaced by a reference to "two kinds of notification".

Paragraph 3) was adopted as amended and subject to consequential drafting changes.

Paragraph 4)

56. Mr. ROSENNE said that the last sentence of paragraph 4) should be toned down so as to remove the criticism of the Commission implied in the passage "The Commission failed to take this fact into account...".

Paragraph 4) was adopted subject to a drafting change on the lines suggested by Mr. Rosenne.

Paragraphs 5) and 6)

Paragraphs 5) and 6) were adopted subject to drafting changes.

Paragraph 7)

57. Mr. ROSENNE said that there was a *non sequitur* in the third sentence of paragraph 7); the words "did not discuss this problem but" should be deleted.

It was so agreed.

Paragraph 7) was adopted as amended.

Paragraph 8)

Paragraph 8) was adopted without comment.

Commentary on article 9 (General rules on precedence)

Paragraph 1)

58. The CHAIRMAN suggested that the order of the first two sentences should be reversed and that the

beginning of the second sentence should read "The question of the rank of heads of special missions arises etc." In addition, he suggested that the words "or on arrival" should be added in the last sentence.

Paragraph 1) was adopted as so amended.

Paragraph 2)

At Mr. Rosenne's suggestion it was agreed to delete the word "special" qualifying the words "rules of courtesy".

Paragraph 2) was adopted as so amended.

59. The CHAIRMAN said that the last sentence implied that the Vienna Convention on Diplomatic Relations was inconsistent with the principle of the sovereign equality of States. Accordingly, he suggested that the sentence in question be deleted.

It was so agreed.

Paragraph 3)

Paragraph 3) was adopted as amended.

Paragraphs 4) and 5)

Paragraphs 4) and 5) were adopted without comment.

Paragraph 6)

60. Mr. ROSENNE said that the last sentence in paragraph 6) ("Except in matters of personal courtesy, the diplomatic title of the head of a special mission is of no official significance") was misleading and should be dropped.

It was so agreed.

Paragraph 6) was adopted as amended.

Paragraph 7)

61. The CHAIRMAN suggested that the words "at all" in the first sentence should be omitted.

It was so agreed.

Paragraph 7) was adopted as amended.

Paragraphs 8) and 9)

Paragraphs 8) and 9) were adopted without comment.

Paragraph 10)

At Mr. de Luna's suggestion the date "1815" was inserted after the words "the Vienna Regulations".

Paragraph 10) was adopted as amended.

Paragraphs 11) to 15)

Paragraphs 11) to 15) were adopted, subject to the deletion of the word "diplomatic" in the penultimate sentence of paragraph 12).

Paragraph 16)

At Mr. Rosenne's suggestion it was agreed to substitute the words "of the opinion" for the word "convinced" in the first sentence and to substitute the word "applicable" for the words "in force" in the second sentence.

Paragraph 16) was adopted as so amended.

Paragraph 17)

62. The CHAIRMAN said that the penultimate sentence seemed far from clear: notifications relating to a special mission were not always made by the permanent diplomatic mission. He suggested that the words "which notifies arrivals and subsequent changes" should be deleted.

It was so agreed.

Paragraph 17) was adopted as amended.

Paragraphs 18) to 21)

Paragraphs 18) to 21) were adopted without comment.

Commentary on article 10 (Precedence among special ceremonial and formal missions)

63. Mr. de LUNA suggested that in paragraph 3(e) the word "status" should be replaced by "function".

The commentary was adopted subject to that change and to drafting changes.

Commentary on article 7 (Authority to act on behalf of the special mission)

Paragraphs 1) and 2)

Paragraphs 1) and 2) were adopted without comment.

Paragraph 3)

64. Mr. ROSENNE said that the implied criticism of the Commission in the fourth sentence should be attenuated by substituting the words "did not deal" for the words "failed to deal".

It was so agreed.

Paragraph 3) was adopted as amended.

Paragraph 4)

65. Mr. de LUNA said that in the French text the word *tantum* in the first sentence should read *juris tantum*.

66. The CHAIRMAN pointed out that part of the text seemed to repeat paragraph 3(h) of the commentary on article 10 (Precedence among special ceremonial and formal missions). He suggested that the passage beginning with the words "Some States hold" and ending "is a manifestation of the common outlook and the equal standing of the members of the delegation" should be deleted.

67. Mr. BARTOŠ, Special Rapporteur, accepted that suggestion.

68. The CHAIRMAN suggested that the words "see sub-paragraph (h) of the commentary on article 10" should be added, in brackets, at the end of paragraph 4).

It was so agreed.

Paragraph 4) was adopted as amended.

Paragraph 5)

69. The CHAIRMAN said that it was inappropriate to use the expression "collective authority" when speaking of members of the special mission.

70. Mr. BARTOŠ, Special Rapporteur, suggested that the word "authority" should be replaced by the words "full powers".

It was so agreed.

Paragraph 5) was adopted as amended.

Paragraph 6)

71. The CHAIRMAN suggested that, for the sake of consistency, the expression "extent of the authority" should be substituted for "limits of the authority".

Paragraph 6) was adopted as so amended.

Paragraph 7)

72. The CHAIRMAN thought it inaccurate to speak of the *substitut* of a head of a special mission.

73. Mr. BARTOŠ, Special Rapporteur, said that *suppléant* would be preferable.

Paragraph 7) was adopted as amended.

Paragraph 8)

74. The CHAIRMAN suggested that the passage in the last sentence dealing with the status of alternate and deputy head should be replaced by some such words as "the Commission placed the two kinds of deputy on the same footing".

It was so agreed.

Paragraph 8) was adopted as amended.

Paragraph 9)

Paragraph 9) was adopted without comment.

Paragraph 10)

75. The CHAIRMAN suggested that the words "acting deputy" in the last sentence should be replaced by the words "deputy administrator".

Paragraph 10) was adopted as so amended.

Paragraphs 11) and 12)

Paragraphs 11) and 12) were adopted without comment.

The meeting rose at 1 p.m.

774th MEETING

Friday, 24 July 1964, at 10 a.m.

Chairman: Mr. Roberto AGO

Draft Report of the Commission on the Work of its Sixteenth Session (A/CN.4/L.106 and addenda) (continued)

CHAPTER III: Special missions (A/CN.4/L.106/Add.11)

1. The CHAIRMAN invited the Commission to continue its consideration of the commentary on the draft articles concerning special missions.

Commentary on article 11 (Commencement of the functions of the special mission)

Paragraphs 1) and 2)

2. The CHAIRMAN said it had been agreed during earlier discussion that the word *fonction* should be replaced by *fonctions* throughout the text of the draft articles and commentary.

With that amendment, paragraphs 1) and 2) were adopted.

Paragraph 3)

3. Mr. de LUNA said he doubted that there were special customary rules having the force of law on the subject. He suggested that the words "usage" should be substituted for "customary rules" in the first sentence.

It was so agreed.

4. The CHAIRMAN suggested that wherever possible the words "the functions of the special mission begin" should be replaced by the words "the mission enters upon its functions".

It was so agreed.

Paragraph 3) was adopted as amended and subject to drafting changes.

Paragraph 4)

5. The CHAIRMAN suggested that the second sentence should read: "There are even fewer rules regarding audiences by Heads of States for the presentation of letters of credence". In the third sentence, the words "and the functions commence immediately" should be replaced by the words "and the mission enters upon its functions immediately". In the fourth sentence, the word "custom" should be replaced by the word "usage".

It was so agreed.

Paragraph 4) was adopted as amended.

Paragraph 5)

Paragraph 5) was adopted without comment.

Paragraph 6)

6. The CHAIRMAN suggested that the words *les parties* should be substituted for *les partenaires* in the second sentence of the French text. The expression "his opposite number" in the third sentence should be replaced by "the person".

Paragraph 6) was adopted as so amended.

Paragraph 7)

7. The CHAIRMAN suggested that the word "necessarily" in the penultimate sentence should be replaced by the word "always".

It was so agreed.

Paragraph 7) was adopted as amended.

Paragraph 8)

Paragraph 8) was adopted subject to the replacement of the word "subsidiaries" by the word "supplétifs".

Paragraphs 9) to 11)

Paragraphs 9) to 11) were adopted without comment.